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27 July 2018

Submission: We support FNZ's Option 3 for KIN 3.

Recommendations

1. The Minister extend the East Coast South Island trawl survey to include kingfish.
2. Fisheries New Zealand (FNZ) monitors and reports on any change to the targeting of kingfish due to the increased Total Allowable Commercial Catch (TACC) or other reasons.
3. The Minister regulate against the use of unselective harvest methods in inshore waters to protect valuable fish stocks and provide for the foreseeable needs of future generations.

The submitters

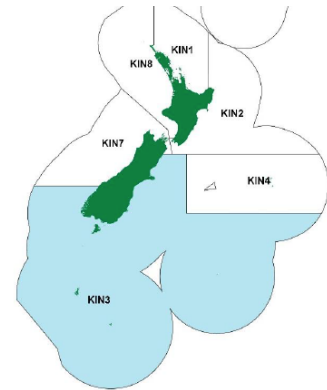
4. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the proposals for the future management of Kingfish 3 (KIN 3). Fisheries New Zealand (FNZ) advice of consultation was received on 4 July, with submissions due by 27 July 2018.
5. The New Zealand Sport Fishing Council is a recognised national sports organisation with over 34,000 affiliated members from 56 clubs nationwide. The Council has initiated LegaSea to generate widespread awareness and support for the need to restore abundance in our inshore marine environment. Also, to broaden NZSFC involvement in marine management advocacy, research, education and alignment on behalf of our members and LegaSea supporters. www.legasea.co.nz. Together we are *'the submitters'*.
6. The submitters are committed to ensuring that sustainability measures and environmental management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996, including "maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations..." [s8(2)(a) Fisheries Act 1996].
7. The submitter's continue to object to FNZ's truncated consultation timetables. It has been impossible for us to consult with our constituents on the 17 various proposal papers issued by FNZ, and respond within 18 working days. In our view this timeframe does not allow for adequate consultation. It is particularly offensive for non-commercial organisations such as ours that need

to consult with a range of interests and volunteers nationwide. This is unacceptable consultation and, in our opinion, most likely unlawful as per ss12 & 13 of the Fisheries Act 1996 and as judged by the Court of Appeal¹.

8. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from these reviews and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

9. Kingfish 3 (KIN 3) is a large area spanning the east, south and southwest of the South Island. Kingfish are largely a warm water fish found predominantly around the upper North Island. There is increasing evidence that kingfish are more prevalent now in southern waters.
10. Kingfish were introduced into the Quota Management System in 2003 with the Total Allowable Catch (TAC) and Total Allowable Commercial Catch (TACC) initially set to discourage commercial fishers targeting kingfish. The KIN 3 TAC is set at 3 tonnes. Over the past 5 years the average commercial catch in KIN 3 has been around 190% of the 1 tonne TACC. In the most recent fishing year commercial catch was 353% of the TACC. FNZ advise there is no evidence of any increased targeting of kingfish by commercial fishers. Commercial catch landing records is used to monitor the stock. There are no accepted reference points to determine the status of kingfish stocks in relation to management targets, and a level of biomass that would support Maximum Sustainable Yield is unknown.
11. Minimum Legal Size (MLS) limits apply to kingfish catch, commercial MLS is 65cm, recreational is 75cm. Kingfish are a Schedule 6 species meaning they can be returned to the water only if they are likely to survive on return. Schedule 6 does not apply to kingfish caught in set nets.



FNZ proposals

12. Fisheries New Zealand has proposed two options for an increase to the Total Allowable Catch (TAC), Total Allowable Commercial Catch (TACC), recreational allowance and the allowance for all other mortality to the stock caused by fishing.

Table 1: Proposed management settings in tonnes for KIN 3 from 1 October 2018, with the percentage change relative to the *status quo* in brackets.

Option	Total Allowable Catch (TAC)	Total Allowable Commercial Catch (TACC)	Allowances		
			Customary Māori	Recreational	All other mortality to the stock caused by fishing
Option 1 (<i>Status quo</i>)	3	1	1	1	0
Option 2	9 ↑ (200%)	3 ↑ (200%)	2 ↑ (100%)	3 ↑ (200%)	1 ↑
Option 3	17 ↑ (467%)	6 ↑ (500%)	4 ↑ (300%)	6 ↑ (500%)	1 ↑

¹ International Airport Ltd and Air New Zealand (CA 23/92, 73/92[1993] 1 NZLR 671).

Submission

13. The submitters **support FNZ Option 3.**
14. The submitters support Option 3 even though kingfish is an important non-commercial, recreational and customary, species. However, given the relatively low commercial catches, FNZ's Option 3 seems a reasonable response to the increased availability of kingfish in this area.
15. The submitters support the Minister extending the East Coast South Island trawl survey to include kingfish as a surveyed species, particularly given the apparent increase in abundance of kingfish in KIN 3.
16. The submitters do not want the increase in TACC to become an incentive for commercial fishers to target kingfish, and we recommend that commercial catch is monitored and reported on in the following years.
17. The inability of commercial fishers to avoid kingfish which has led to exceeding the TACC is, in part, a symptom of the unselective harvest methods that are allowed to operate in our marine environment.
18. The use of these unselective harvest methods must be removed from our inshore zone if we are to protect these valuable fish stocks and provide for the foreseeable needs of future generations.