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22 November 2021

Submission: Review of recreational daily bag limits for finfish. Support FNZ Option 2 with amendments.

The joint submitters consider the two initiatives to protect vulnerable reef species as inseparable - A tightening of restrictions on non-commercial harvest coupled with a prohibition on the sale of these species is the right thing to do in the current situation. Restricting non-commercial catch alone is insufficient and inequitable.

Recommendations

1. The Minister applies Fisheries New Zealand's Option 2 with the following additions:

Option 2: Include all finfish species, not currently subject to a daily bag limit, in the combined daily bag limit and within that the Minister -

- a. Sets a maximum limit of 3 of any reef species, per person, for pink maomao, blue maomao, granddaddy hāpuku (Northern scorpionfish), pigfish and wrasses; and
 - b. Includes the maximum of 3 of any reef species within the existing, combined daily bag limit.
- 2. The Minister addresses the illegal commercial trade** of reef by making regulations to prevent the sale of pink maomao, blue maomao and granddaddy hāpuku (red scorpionfish), red pigfish and wrasses.
- 3. The Minister retains the combined recreational daily bag** limit caps that currently apply across the five recreational fishing areas around the country, 20 (north) and 30 (south), until a comprehensive review and broader public consultation is completed.
- 4. The Minister notes** that one-size-fits-all approach in the Fisheries New Zealand's Option 3 would result in significant reductions in existing bag limits for some key recreational species. The analysis of the National Panel Survey used to justify these reductions is flawed. The detail of

which species with individual bag limits should remain outside the combined bag limit will vary by region and fishery.

5. **The Minister ensures** that Fisheries New Zealand uses and presents data in a much more transparent manner.
6. **The Minister ensures** that Fisheries New Zealand avoid acting only as a Ministry for commercial fishing interests.
7. **Fisheries New Zealand ensures** the Minister is made well aware of the concerns of recreational fishers of the 'one way valve' threat when considering plans to conserve fish to rebuild fisheries – as per paragraphs 55, 56 and 57.
8. **The Minister confirms** the bag limit of 1 per person, per day, for southern bluefin tuna under the Fisheries (Amateur Fishing) Regulations 2013.

The submitters

9. The New Zealand Sport Fishing Council (NZSFC) appreciates the opportunity to submit on the review of recreational daily bag limits for finfish. Fisheries New Zealand's (FNZ) Discussion paper 2021/21 was received on 6 October 2021, with submissions due by 18 November 2021. The submitters appreciate the extra time to submit on 22 November.
10. The NZ Sport Fishing Council is a recognised national sports organisation of 55 affiliated clubs with over 36,200 members 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. legasea.co.nz.
11. The New Zealand Angling and Casting Association (NZACA) is the representative body for its 35 member clubs throughout the country. The Association promotes recreational fishing and the camaraderie of enjoying the activity with fellow fishers. The NZACA is committed to protecting fish stocks and representing its members' right to fish.
12. The New Zealand Underwater Association comprises three distinct user groups including Spearfishing NZ, affiliated scuba clubs throughout the country and Underwater Hockey NZ. Through our membership we are acutely aware that the depletion of inshore fish stocks has impacted on the marine environment and the wellbeing of many of our members.
13. Collectively we are '*the submitters*'. The joint 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].
14. Our representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Helen Pastor, secretary@nzsportfishing.org.nz.

Background

15. In June 2021 serious conflict arose in Tairua, Coromandel, when amateur fishers were spotted landing [hundreds of pink maomao](#). The regular appearance of boatloads of people landing full

bins of reef fish created an online sensation and widespread consternation. Questions were raised in the media as to why pink maomao and other vulnerable reef species were not included in the amateur daily bag limit.

16. MPI Fisheries Officers were unable to prosecute the fishers involved as none of the species landed are subject to the amateur fishing regulations.
17. In the absence of any official response, local iwi Ngāti Hei stepped in and placed a rāhui, a voluntary ban, on any fishing for pink maomao within their rohe. Their rohe extends along the eastern Coromandel from Whangapoua down to Whangamatā, including Cuvier, the Mercury Islands, Alderman Islands and Slipper Island. This is a stop-gap measure until the regulations can catch up with current behaviour.
18. The Hon. David Parker, Minister for Oceans and Fisheries, has requested FNZ to conduct a review of recreational daily bag limits for finfish.
19. On 6 October FNZ issued a discussion paper proposing three options for amateur daily bag limits. Submissions are due by 18 November 2021.

FNZ Proposals

The submitters support Fisheries New Zealand's Option 2 with amendments as described in this submission.

Daily bag limits for finfish

20. FNZ propose the following options for amending the recreational daily bag limits set under the Fisheries (Amateur Fishing) Regulations 2013:
 - **Option 1:** Status quo, retain the current daily bag limit settings
 - **Option 2:** Include all finfish species, not currently subject to a daily bag limit, in the combined daily bag limit
 - **Option 3:** Include all finfish species, including those with additional individual species limits, in the combined daily bag limit

The Government has an initial preference for Option 3 but is interested to hear the views of tangata whenua, recreational fishers and other stakeholders prior to making decisions.

Additionally, stakeholder views are sought on two secondary proposals regarding whether to:

- retain the existing combined daily bag limit caps across the five recreational fishing areas or standardise the limit across the country; and
- exclude a subset of small fish species generally taken as bait and set a new combined daily bag limit of 50 for these baitfish species.

Southern bluefin tuna

21. Fisheries New Zealand has requested submissions on the proposal to formalise the current daily bag limit of one southern bluefin tuna per person in the amateur fishing regulations.

Discussion

Purpose of amateur daily bag limits

22. The primary purpose of daily bag limits is to ensure that non-commercial catch limits do not comprise commercial quantities.
23. The secondary purpose is to ensure that amateur fishing occurs within a sustainable Total Allowable Catch (TAC).
24. Thirdly, is to make amateur fishing opportunities as widely available as practicable and share available resources with other non-commercial fishers.

Terminology

25. In this submission we mainly refer to recreational fishing as amateur or non-commercial fishing to distinguish this activity from commercial fishing. Also because the rules applying to amateur fishing and daily bag limits are set under the Fisheries (Amateur Fishing) Regulations 2013.
26. In recent years 'recreational' fishing has been used in some instances to downplay the importance and cultural significance of people fishing for food while sharing time with family and friends. Make no mistake, whichever way it is viewed, recreational, amateur or non-commercial fishing is part of our culture and contributes to the fabric of our way of life.
27. For those fortunate enough to go fishing, the pleasure is then to share that catch amongst the whanau, friends and neighbours. It is one activity that is undertaken by around 700,000 people in New Zealand every year yet the benefits are spread throughout the community. Fishing is in our blood, it is part of who we are as a people and a Pacific nation.

Reef species

28. The submitters acknowledge the recent conflict caused by a small number of [fishers exploiting loopholes](#) in the amateur regulations to take large quantities of pink maomao from the eastern Coromandel. It is unacceptable that the community has to tolerate this behaviour.
29. It is also not acceptable that MPI Fisheries Officers are powerless to respond because the regulations have not kept pace with changing fishing patterns.
30. There are already 19 species named in the 'Sale of Reef' schedule. Being in this list means they are protected against sale or possession for sale under section 20E of the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986.
31. **We submit that additional protection for these vulnerable reef species is essential** and the Minister adds pink maomao, blue maomao, granddaddy hāpuku (red scorpionfish) to section 20E, and makes a regulation preventing the sale of these species in the remaining management areas around the country.

Amateur daily bag limits

32. **The submitters support FNZ Option 2 with amendments. We do not support FNZ's proposed options 1 or 3** on the basis that a wider review and well informed public discussion is required.

33. Recreational fishers have been given 30 working days to read and respond to the FNZ proposals. The NZSFC was offered an extra 2 days. This truncated timeframe does not allow us time to properly read, consider, discuss and respond in an informed manner to the matrix of proposals and the potential to mix and match the options on offer, or develop alternative proposals.
34. If the 30-day timeframe is insufficient for the submitters to fully respond we do not believe it is enough time for the public to fully understand and respond to the proposals.
35. Amateur bag limits are the fundamental control that impacts on fishing behaviour and take-home harvest.
36. Amateur bag limits often determine when, where and how people go fishing. This fishing culture is ingrained in many peoples' lives. A broad discussion must be facilitated across the country with a wide range of fishers and communities, including local hapū and coastal communities who rely on the sea to supplement their weekly food intake.
37. The current process must also be viewed in context of the Fisheries Change Review for commercial fishing which has been underway since 2015, and still there is no end in sight. Fisheries New Zealand must be reasonable and act in a lawful manner by giving recreational fishing interests ample time to consider the fundamental issues associated with managing amateur catches. Moreover, the dedicated or specialist fishers are not well represented in national amateur catch statistics. These fishers are most likely to publicly object to new rules for the Hauraki Gulf and Bay of Plenty which will have an impact on what they can do in the places where they live and fish. At a minimum, these people need a reasonable opportunity to be heard and it would be in the interests of Fisheries New Zealand and the Minister that these people are given ample opportunity to be heard.
38. **We submit that the current process is inadequate** to meet the requirements of lawful or reasonable consultation as per the Court of Appeal¹.
39. If the Minister requires a full review of non-commercial catch limits the submitters support the Minister directing Fisheries New Zealand to undertake **a comprehensive review of recreational fishing controls**, taking into account a range of species and regional differences, allowing sufficient time and resources for well-informed public debate.

Species bag limits

40. **The submitters support the Minister** setting a maximum daily bag limit for amateur fishers of 3 per person of any of these species: pink maomao, blue maomao, granddaddy hāpuku (Northern scorpionfish), pigfish and wrasses within the 20 combined daily bag limit applying in the Auckland/Kermadec recreational fishing areas, and within the combined daily bag limit applying in other management areas.
41. **The submitters support the Minister to retain the existing combined recreational daily bag limit caps** that currently apply across the five recreational fishing areas around the country, 20 (north) and 30 (south), until a comprehensive review and broader public consultation is completed.
42. A combined daily bag limit of 30 finfish applies in the southern regions of Southeast and

¹ Wellington International Airport Limited and others v Air New Zealand [1993] 1 NZLR 671, at p. 675.

Fiordland, with variations applying in regional areas around the South Island for a range of species including blue cod.

43. We have recently had to deal with the blowback from a poorly executed process to impose a traffic light system that limits amateur blue cod harvest on the east coast of the South Island. Much of that angst and ongoing resentment could have been avoided if FNZ had carried out further consultation with the Blue Cod Technical Working Group. This did not occur in 2020 and what emerged from the FNZ internal process is unsatisfactory. The outcomes do not align with earlier agreements made with the Group in 2019-20. South Island fishers' views have not been respected by Fisheries New Zealand.
44. Fishing in southern areas is not for the faint-hearted. Weather windows to go fishing are short and can change dramatically. Any process to reduce bag limits must provide for adequate consultation and comprehensive information sharing before changes are made.
45. One man's bait fish is another man's dinner, so until comprehensive consultation is undertaken with a broad range of fishers to better understand its uses we reject FNZ's secondary proposal to include 'bait fish' in a daily bag limit of 50 per person.
46. There are regional differences to consider as well. What is considered bait fish on the northeast coast may well be a take-home target species for fishers further south.

FNZ justification for change

47. Fisheries New Zealand justify their proposals on the basis that "these changes are unlikely to impact most recreational fishers given that, on average, only 2.5 percent of fishing trips result in fishers taking 18 or more finfish". **The submitters refute this statement.**
48. This statement by FNZ takes no account of the real impact of any reductions on the take-home catch of amateur fishers.
49. The submitters strongly object to the ongoing misrepresentation of the National Panel Survey (NPS) data. In this instance, FNZ divide the total number of fish landed by the total number of trips, including zero catch trips, from summaries in the final NPS report. FNZ fail to distinguish that the NPS report includes trips targeting shellfish, kina and crayfish.
50. The submitters are also concerned that this ongoing misrepresentation of the NPS data by FNZ raises questions about the validity of the remaining data in the proposal document. This highlights the need for a more comprehensive review and adequate time to consider any proposals that fundamentally change amateur fishing controls.
51. Also, if FNZ were to dig deeper and explain the historical nature of amateur bag limits the current discussion may be different. There is no mention that it wasn't until industrial fishing and bulk harvesting techniques were deployed in coastal waters and affecting local fish populations that there was any pressure at all to limit amateur harvest.
52. Until the 1980s the public had unlimited access to fishing to feed their family and it was only in 1985 that a limit of 50 was applied to snapper catch from the Hauraki Gulf.
53. It was the advent of industrial scale fishing, the deployment of indiscriminate bulk harvesting method inshore and unconstrained catch limits that severely depleted inshore fish stocks which had a serious impact on amateur and traditional fishers. Fish that were once abundant were now not available in traditional fishing spots. The Quota Management System was

introduced to address the depletion issues and other matters arising from overfishing.

54. It was the introduction of the Quota Management System in 1986 that ushered in a minimum size limit and a 30-mixed bag for amateur fishers on the northeast coast of the North Island. Until then people were free to fish to put food on the table as required, when required.

One way valve

55. Fisheries New Zealand justification for reducing bag limits on the grounds that few maximum bags are taken also ignores the conservation efforts of amateur fishers. Many fishers conserve fish, by taking fewer fish home, in the hope that their efforts will contribute to the overall rebuild of a fish stock.
56. As we have witnessed in the kingfish fishery, the conservation efforts of amateur fishers has contributed to the rebuild of this iconic fishery. When the fish stock is reviewed these efforts are ignored and increases to the Total Allowable Commercial Catch (TACC) are granted on the basis that there is extra yield available, ignoring the fact that recreational fishers have saved fish to grow the fishery not have those fish allocated to commercial interests. **This highly offensive practice by FNZ undermines the willingness of recreational fishers to conserve fish** and makes it hard for organisations such as our submitter groups to encourage members to continue to fish responsibly.
57. The inequality doesn't end there. In 2019 when FNZ released the National Panel Survey results they confidently trumpeted that *"the average recreational snapper catch has almost tripled in the last 30 years, and the average kahawai catch has more than quadrupled in the Hauraki Gulf"*. Thirty years ago, snapper and kahawai stocks (especially in SNA 1 and KAH 1) were at historic lows according to the stock assessment models, due to excessive inshore industrial fishing. Survey estimates of recreational catch were mostly ad hoc and incomplete. **To headline a substantial increase based on a poor understanding of the data highlights a bias in FNZ** and misses the important comparison between their two NPS surveys that used the same survey methods in 2011/12 and 2017/18.
58. Moreover, snapper catch in the Hauraki Gulf decreased by 27% between these two NPS surveys, and kahawai and kingfish harvest has changed little since 2012, while the total number of recreational fishers decreased. Facts not included in the misleading media release by Fisheries New Zealand.
59. FNZ also failed to mention in that statement that the overall number of snapper landed between 2012 and 2018 had reduced by 23 percent nationwide, from an estimated 4.6 million to 3.5 million. This selective presentation of the facts makes is difficult to trust other data and comments emanating from Fisheries New Zealand. When the public doubt the integrity of the rules and regulatory authority this makes it harder for compliance staff and undermines trust in the Government.
60. The Minister must ensure that Fisheries New Zealand uses and presents data in a much more transparent manner. **The Minister must also ensure Fisheries New Zealand avoid acting only as a Ministry for commercial fishing.**

Southern bluefin tuna

61. Since 2019 the daily bag limit for amateur fishers fishing for southern bluefin tuna has been

one per person, per day. This change was introduced by Gazette notice. For consistency, Fisheries NZ has now proposed to include the daily bag limit of one per person within the amateur regulations.

62. **The submitters support** the inclusion of the southern bluefin tuna bag limit within the amateur fishing regulations.

Appendix One

Reef species needing specific amateur bag limits

Pink maomao *Caprodon longimanus* Mātā, Mātātā

Blue maomao *Scorpius violacea* Kiwa, Maomao

Sweep *Scorpius lineolate* Hui, Maomao

Granddaddy hāpuku (Red scorpionfish), *Scorpaena papillosa*

Red pigfish *Bodianus unimaculatus* Pāurakura

Wrasses: Scarlet wrasse *Pseudolabrus miles*; Banded wrasse *Notolabrus fucicola* Tāngahanga, Tāngāngā; Green wrasse *Notolabrus inscriptus*.

Appendix Two

Sale of reef species

Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986. Section 20E

No person shall sell or possess for sale any species of fish taken from the Auckland fishery management area that is specified in the following table:

Banded wrasse	Red moki
Black angelfish	Red mullet (goatfish)
Butterfly perch	Red pigfish
Giant boarfish	Rock cod
Green wrasse	Sandager's wrasse
Kelpfish (hiwihiwi)	Scarlet wrasse
Long-finned boarfish	Silver drummer
Marblefish	Splendid perch
Notch-headed marblefish	Toadstool groper
Painted moki	