

# Passage of the Fisheries Amendment Bill

## New Zealand Sport Fishing Council summary



December 2022

The Fisheries Amendment Bill's passage through Parliament during 2022 was highly unorthodox and left many of the people involved dissatisfied.

In November the Fisheries Amendment Act 2022 took effect. This change comes seven years after the 2015 review of commercial fishing, a major scandal in 2016 exposing gross under reporting of commercial catches, and nine years after a Ministerial decision to install onboard monitoring cameras to better protect vulnerable species and reduce wastage of juvenile fish.

Recreational fishing and environmental organisations submitted a comprehensive response to the Bill in June. These groups are grateful to the current Minister for Oceans and Fisheries, David Parker, for having the courage in late September 2022 to remove pre-set decision rule provisions from the Bill before it was passed.

Pre-set decision rules favour maximum catches while failing to protect vulnerable or dynamic fish species, because the predetermined process limits public input and Ministerial oversight. The Minister has a statutory responsibility to ensure sustainability by considering new and best available information, the impacts of any decision on other species and the marine environment, and input from public and Māori interests.

During the September parliamentary debate opposition fisheries spokespeople were adamant that removing pre-set decision rules from the Bill was contrary to earlier negotiations with commercial fishing interests. The Green Party supported the Labour Party in removing the offending parts of the Bill before it was passed into law, effective 1 November 2022.

### **Fraught process delivers positive outcome**

In November 2021 fisheries officials advised that Cabinet had approved the reforms discussed in 2016 and 2019. The [Fisheries Amendment Bill](#) was introduced into Parliament in April 2022 and referred to the Primary Production Select Committee in May. Initially, officials promoted the Bill to achieve the following outcomes -

1. Amend rules for commercial landing or discarding fish.
2. Create a new penalties regime for illegal discarding of commercially caught fish.
3. Enable faster decisions to change recreational bag and minimum legal size limits.
4. Enable monitoring cameras onboard commercial fishing vessels.

While the focus was primarily on commercial fishing, officials sought fundamental changes to the management of recreational fishing. They promoted gazette notices so maximum bag limits and minimum legal size limits could be changed much quicker than amending regulations.

Officials also promoted pre-set decision rules as a means of enabling faster responses to changes in fish population levels. A form of decision rule had been used to alter rock lobster commercial catch limits since the 1990s. Most stocks have not rebuilt to desired levels because the formula relies on self-reported commercial catch data to increase catch limits or maintain existing catch limits, even if the stock is failing. This predetermined approach also ignores the impacts of fishing on other species and the marine environment, so it needed to be rebutted.

During May and June 2022 the New Zealand Sport Fishing Council worked with LegaSea, the New Zealand Angling & Casting Association and New Zealand Underwater to develop a submission in response to the proposals. Three days before the 17 June deadline LegaSea launched a [public awareness campaign](#) encouraging the public to make submissions to the Primary Production Select Committee considering the Bill.

On 17 June the [joint submission](#) from New Zealand's three largest recreational fishing and underwater representative organisations was submitted to the Select Committee. LegaSea submitted copies of the [5501 online campaign submissions](#). Another 900 submissions were received after the official deadline. The Committee held [oral hearings](#) with recreational and commercial fishing, environmental and legal representatives over three days in late June and early July.

After several months the Select Committee reported back to Parliament in September suggesting [some minor changes](#) and recommending the Bill be passed, including pre-set decision rules. LegaSea ramped up media attention, [highlighting flaws in the Bill](#) and the risks that the proposed changes would weaken sustainability by enabling low quality advice to go to the Minister without any public scrutiny.

On 28 September Minister Parker introduced [Supplementary Order Paper 257](#) to Parliament to delete all references to pre-set decision rules. After much debate (and a school holiday recess) the Bill passed its third and final reading on 25 October. LegaSea issued a [media statement](#) celebrating the Minister's decision to remove pre-set decision rules from the Bill. Royal assent was granted on 31 October. The Fisheries Amendment Act 2022 took effect from 1 November 2022 and LegaSea published a [celebratory article](#).

### **Relevant High Court crayfish decision**

Pre-set decision rules can be set for 5 years before they are reviewed. Their application limits the Minister's responsibility to consider new information and peoples' views prior to making a management decision. On 11 November 2022 the High Court delivered a relevant decision.

The Minister has been directed to reconsider catch settings for the Northland rock lobster stock (CRA 1). Minister Parker must make a new decision because the information provided to him when making his original decision was not up to date, nor was he provided with the 'best available information' on the ecological effects of managing crayfish stocks at low levels, as required by law. The review of CRA 1 starts in January with a new decision expected by March 2023.