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12 July 2023

RE: Commercial landing exception review for red cod

Submission: Do not support excluding red cod from land-all catch provisions

Recommendations

1. **The Minister agrees with Fisheries New Zealand's analysis** that the current exception for red cod does not meet the new exception provisions in the Fisheries Act, and ought to be revoked.
2. **The Minister takes a precautionary approach** and does not grant an exception to exclude red cod from the land-all catch provisions.

The Submitters

3. The New Zealand Sport Fishing Council (**NZSFC**) appreciates the opportunity to submit on the Commercial Landing Exception Review for red cod. Fisheries New Zealand Discussion Paper No: 2023/15. Fisheries New Zealand (**FNZ**) released their proposal on 31 May 2023, with submissions due by 12 July 2023.
4. The NZ Sport Fishing Council is a recognised national sports organisation of 50 affiliated clubs with over 36,700 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.

5. The New Zealand Angling and Casting Association (**NZACA**) is the representative body for its 24 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.
6. 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].
7. 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

8. In 2022, the NZSFC, NZACA and NZ Underwater jointly submitted a [comprehensive response](#) to the Fisheries Amendment Bill. In our submission we reiterated our concerns that the Quota Management System (**QMS**) enables commercial fishers to catch too many fish and discard what they cannot sell. We highlighted that the QMS rules and regulations have not sufficiently incentivised fishers to reduce unwanted or undersize catch by improving fishing practices.
9. We submitted in support of land-all catch, in conjunction with the widespread rollout of cameras on all commercial fishing vessels over 8 metres in length, to reduce discarding and waste of fish that must be legally retained.
10. We supported exemptions from the land-all catch provisions for high value recreational species including kingfish, southern bluefin tuna, Pacific bluefin tuna, striped marlin, blue marlin, black marlin and shortbill spearfish.

Discussion

11. FNZ is reviewing the mandatory return of all red cod smaller than the 25 cm minimum legal size (**MLS**) to the sea. Amendments to the Fisheries Act in 2022 now require all QMS species caught by commercial fishers to be landed unless exempted by the Minister for Oceans and Fisheries. There is provision for exceptions to this rule, 20 species are already exempted and will be reviewed by September 2026. The first exempted stock to be reviewed is red cod.
12. FNZ is seeking feedback on the survivability of red cod and whether red cod under 25 cm ought to be exempted from the FNZ land-all catch policy. A Ministerial decision is expected this year.
13. **We agree with FNZ's analysis** that the current MLS exception does not meet the new exception provision under the new Act, and it should be revoked. Based, in part, on the low survival rate of red cod returned to the sea, and the trauma caused during the capture

process from bulk harvesting, trawling, set netting and Danish seining methods that represent over 90% of the commercial harvest of red cod.

14. **We also agree with FNZ's analysis** that an exception should not be provided for the mandatory return of red cod under 25 cm in the Fisheries (Landing and Discard Exceptions) Notice.
15. A key consideration for the Minister is how to apply the Environmental and Information Principles in sections 9 and 10 of the Fisheries Act 1996. There is unlikely to be sufficient data to form a scientific method to measure the effects of discarding on a stock, or ecosystem, with sufficient certainty to reach a robust decision.
16. As per s10 of the Act, when information is incomplete, uncertain, or unreliable **the decision maker must be cautious.**
17. The precautionary principle must apply. The Minister must require all red cod catch to be landed and counted against Annual Catch Entitlement (ACE).
18. After all, the land-all catch policy was introduced in response to widespread claims of dumping, and to determine the real level of commercial catch. It should also provide an incentive for fishers to avoid catching undersize fish in the first place.
19. If land-all catch is to deliver potential benefits it needs to apply to all commercial catch with very few specific exceptions, otherwise the investment is wasted.
20. Given the very low likelihood that red cod survive commercial catch and release, **the default starting point of land-all catch ought to apply to red cod.**