



19 April 2013

REVIEW OF COMMERCIAL ACCESS RESTRICTIONS IN THE PAU5D FISHERY

SEAFOOD NEW ZEALAND SUBMISSION

1. Seafood New Zealand appreciates the opportunity to comment on the Ministry for the Primary Industries' discussion paper No 2013/06 *"Review of Commercial Access Restrictions in the PAU5D Fishery"*.
2. Seafood New Zealand ("SNZ") is a professional organisation delivering industry good services for the wider benefit of the seafood industry as currently represented by the aquaculture, deepwater, inshore finfish, paua and rock lobster sectors. SNZ adds value to those industry sectors by advising and assisting them to:
 - a. Protect and promote the New Zealand seafood industry and its reputation;
 - b. Protect and promote the opportunity and right to produce seafood; and
 - c. Retain and advance cost-effective access to our international and domestic seafood markets.
3. The discussion paper proposes that parts of the PAU5D fishery currently closed to commercial fishing be made available to the commercial fishing sector. The areas in question were closed for shellfish harvesting in 1986 due to, inter alia, food safety concerns. The areas were not closed to recreational fishing for shellfish and other forms of commercial fishing, such as rock lobster, oysters and crab, were not closed. Approximately 165 kilometres of coastline are closed under the existing regulations.
4. We note that there are, in addition to the regulated closure in question, a number of closures in the PAU5D fishery that restrict the commercial catch and place pressure on the remaining space accessible by industry. The industry voluntarily closed four areas along the Catlins Coast and there are three mataitai in place. In contrast, there are no spatial restrictions on non-commercial paua fishing activity in PAU5D.

Industry Proposal Balancing Interests

5. MPI has, on the request of industry, proposed removing the closure for paua fishing on approximately 25 kilometres of the 165 kms currently closed, leaving 140kms closed to commercial paua fishing. The areas sought by the commercial fishers for opening to commercial fishing are not excessive. We understand that, while the paua industry considered

seeking a wider total removal of the regulations on the basis that they were no longer relevant, it considered the proposed areas were appropriate, reflecting:

- a. The absence of a food safety reason for continued closure;
- b. The availability of a economically viable commercial resource; and
- c. Not creating an undue impact on non-commercial harvesting opportunities.

Changed Food Safety Risk Management Regime

6. At the time of the 1986 closures, fisheries regulations were the only means to control food safety risks. Since then, the Animal Products Act has introduced new processes for the management of food safety risks, a number of the potential pollutant sources have been eliminated and research has shown that paua do not present the same food safety hazard as filter feeding bivalve molluscan shellfish.
7. There is no reason for the areas in question to remain closed by fisheries regulations for food safety reasons. If there are food safety reasons for continued closures, the provisions of the Animal Products Act 1999 should be used for that purpose.

Inconsistent with the Fisheries Act

8. The only outcome being achieved by not opening the areas to commercial fishing is the creation, or more correctly the continuation, of a de facto recreation only fishing zone. The intent of the proposal is to identify areas historically closed due to water quality concerns but which can now be opened for commercial harvesting, "without negatively impacting on non-commercial paua fishers" (our emphasis).
9. We cannot agree with that proposition. As a consequence of closures for water quality concerns, non-commercial paua fishers received an undue enrichment from the regulations by being able to have exclusive access to the fishery. The intent of the proposal, as highlighted above, is to maintain that undue enrichment. The purpose of the Fisheries Act is to provide for the utilisation of fisheries resources while ensuring sustainability. The Act does not contain any specific provision that provides for the creation of recreation only fishing zones. Nor should it be used to provide or protect undue enrichment of the non-commercial sector. We consider that the existing regulation and the intent to not impact on non-commercial paua fishers is inconsistent with the purpose of the Act.
10. The regulations giving rise to these closures are a historic relic from a previous food safety management regime. They are now redundant in view of that change of regime and should be deleted from the statute book. This is but one example of redundant regulations that have lost their relevance but for the lack of a rigorous review of the regulatory framework remain in place. We have previously urged the Ministry to establish a joint Ministry/industry process to review the existing suite of regulations and remove or amend those regulations which have ceased to be needed.

Wider Utilisation Opportunities not being provided

11. We note that the proposal involves opening only 25kms of the 165kms currently closed and only for the taking of paua as against all shellfish.
12. Given the rationale for the initial closure and the new food safety legislative framework now in effect, we consider that there is no justification for not revoking the regulations in full, opening

the full area for all shellfish. The regulations if amended as proposed can only have the effect of constraining utilisation of the fish stocks in the closed areas.

13. That MPI is not aware of significant concentrations of shellfish elsewhere in the wider closed areas is not sufficient rationale in itself to maintain the current level of closures. New Zealand's fisheries management is not based on providing utilisation opportunities only where such opportunities are currently known to exist. Rather the approach is to enable access and utilisation of all areas unless there is good reason not to do so. We submit the regulations should be removed and all the closed areas should be opened to commercial fishing.
14. Please contact Tom Clark Seafood New Zealand if you have any queries in respect of this submission.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT