

PAUA INDUSTRY COUNCIL Ltd

NEWSLETTER SIX – October 2005

Introduction

Another season upon us and all PauaMacs have implemented their Commercial Stakeholder Organisation levies for another year which means they (and therefore PICL) have the funding to advance the cause and fight the battles. Last year was a learning curve for all but this year brings a whole new raft of issues that will test the industry's resolve.

To try and keep everyone informed on current issues, PICL will make a concerted effort to be at all important meetings in each of the regions so that up to date reports can be given.

The environment PICL is operating in is extremely fluid and we are having to prioritise and ensure the "squeakiest door gets oiled first". Already, this season is shaping up to be a test as new problems that weren't on the radar screen

a year ago come to the fore and demand all the resources that we can muster. However – don't rely on hearsay – get involved and participate in your PauaMac forums so that you can have your say and consensus can dictate the way forward.

Remember a famous quote from Thomas Edison – "Failure is a matter of self-conceit. Men don't work hard because, in their self-conceit, they think they are so clever that they'll succeed without working hard. Most men believe that they'll wake up some day and find themselves rich and famous and eventually they do 'wake up'."

Increased Compliance

This is a heads up for all divers. MFish Compliance has enhanced their capabilities which include an 18 member covert tactics team. It will be very important this season that everyone operates to the letter of the law.

Any sloppy practices that may have evolved need to go. In particular you will need to ensure your PCERL is filled out **as soon as possible** on landing. PICL is about to start work on a project with MFish to accurately define "Landing".

You should land your catch to the LFR **as soon as possible** and ensure containers are labelled with your name, date, FIN, and vessel name and registration number.

You will need to accurately record the number of containers and make a good estimate of weight. (There was an incident in PAU7 where a PCELR was filled in but MFish boarded the vessel at sea and found too many bins – the intent was to amalgamate a few half full bins when the vessel got to the jetty, but MFish didn't see it that way – very messy – very costly).

If you take any crays or other amateur catch using a vessel you must have a Section 111 Approval and fill out a separate CELR form and have the catch in a separate container labelled as amateur with the name of the fisher and the date.

So remember – ignorance is no defence. Observe the rules and have a good season. Don't forget the 0800 4 POACHER (0800 4 76224) number if you see anything untoward.

Press Release

Copy of the **full** version of the Press Release by New Zealand Government at 9:38 AM, 14 Sep 2005 re the joint working group (PICL, MFish and Industry's) key recommendations

Minister Signals Increased Focus on Paua Poachers

An increased focus on paua poachers has been signalled by Fisheries Minister David Benson-Pope, who announced today a decision to progress key recommendations of a joint working group.

"As Minister of Fisheries I take the threat of poaching very seriously," says Mr Benson-Pope. "Last year I asked key players from the commercial paua industry to work with the Fisheries Ministry, and come up with actions that would help us manage compliance risks in New Zealand's paua fisheries.

"The work was a collaborative effort, and has approached the problem of poaching from many different directions. The recommendations fall broadly into two categories, those we can implement relatively quickly, for example, by way of regulation changes, and those that will require a longer-term approach as we identify technologies or law changes that will need to be introduced.

"I have asked the Ministry to begin consultation with the community about those changes we can introduce quickly." These include:

1. Removing the accumulation defence for paua in the amateur fishing regulations – effectively taking away a poachers ability to claim large hauls of illegally taken paua were caught legitimately over many different days.
2. Setting a limit on the number of paua that people can take out of the country.
3. A targeted review of the commercial reporting regulations to build greater clarity about when and where commercial paua fishers need to fill in their catch landing forms.
4. Improving the use of international intelligence gathered by the commercial paua sector.
5. Increasing collaboration between fishing industry sectors in New Zealand.
6. A public awareness campaign to improve voluntary compliance.
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“I have asked the Ministry to begin consulting with recreational fishers and other groups about removing the accumulation defence, and about restricting how much paua an individual can legitimately take out of the country,” said Mr Benson-Pope. “I see these as two key changes we can make as we turn up the heat on poachers.”

In addition, Mr Benson-Pope has asked the Ministry and industry to do further work on ways to identify legitimate commercial fishing activity on the water. Industry have supported the idea of exploring a ‘real time’ reporting regime that will make it easy for Ministry of Fisheries compliance staff to isolate legitimate commercial activity from other activity, especially poaching.

Other initiatives to be explored over the longer term are some type of labelling and tracking system that would identify legitimate paua from its ocean source and allow it to be tracked through to its destination on the domestic market, and investigating whether it is necessary to extend fishery officers’ powers.

“This year the Government committed \$11.6 million over four years to develop targeted compliance capability in the poaching and black market area. This includes \$2.9m of operational funding in the coming year to create a Special Tactics team for covert operations.

“We cannot afford to take our foot off the enforcement pedal,” said Mr Benson-Pope.

Background to the Working Group’s recommendations

Black market and poaching activity is the greatest risk to New Zealand’s paua fisheries.

In August 2004, Fisheries Minister David Benson-Pope convened the joint Paua Fishery Working Group, and asked them to look at how to constrain paua poaching and black market activity.

They recently reported to the Minister that any programme to effectively manage the risk of paua poaching and black market activity must integrate components of the following four strategies:

1. Improving the collection and analysis of information on these activities.
2. Increasing the Ministry’s capability to detect poaching in the paua fishery.
3. Increasing the deterrent capability through effective intervention and prosecution.
4. Improving voluntary compliance with fisheries rules by educating and informing people.

As paua poaching and black market activity can take place on the beach, as well as at the processing, export and market stages, any strategy needs to focus on detecting paua criminals anywhere in the supply chain. The working group recommended nine initiatives:

1. Remove the amateur accumulation limit defence – fishers possessing in excess of the daily bag limit are legally entitled to claim paua was collected over multiple days. Poachers use this defence to accumulate large quantities of fish for sale.
2. Limit personal export allowances – There is currently no restriction on the quantity of paua a person can remove from New Zealand for personal use. Poachers use this avenue to dispose of illegal paua into overseas markets.
3. Confirm the legitimacy of commercial fishers – On the water, the Ministry can have difficulty distinguishing legitimate operators from poachers. Industry and MFish need to continue investigating a ‘real time information system’ to deliver remote information on fishing activity.
4. Clarify when paua fishers should complete their returns – Flexibility over the definition of ‘landing’ in the Fisheries (Reporting) Regulations 2001, means fishers can offload illegally caught paua prior to declaring the catch on a Paua Catch Effort Landing Return.
5. Establish a framework to utilise New Zealand Paua Industry intelligence – The working group proposes developing mechanisms to facilitate paua industry sources reporting on possible movement of illegal paua in black market hotspots, such as China.
6. Increase the ability of fishery officers to apprehend suspected offenders. The working group recommends a review of the Fisheries Act 1996 so that legislation reflects the impact poaching and black market activity has on the paua fishery.
7. Identify commercial catch on the domestic market – Identifying legitimate product on the domestic market is difficult. The working group recommends that legitimate paua on the domestic market be differentiated from illegal product by a labelling or a tagging system.
8. Increased collaboration between industry sectors – Industry shares information that might help detect and prosecute people involved in illegal fishing activity. Industry management groups actively encourage their members to report suspicious activity either direct to MFish or to the local Paua Management Advisory Committees.
9. Increased public awareness – Voluntary compliance plays a significant role in any compliance strategy. The working group believes that a strategic “public awareness campaign” that supports the role of incentives and public goodwill will contribute to increased voluntary compliance.
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Customary Reserves

Applications for the establishment of maitaitai reserves are on the increase and while PICL (and we are sure the majority of commercial stakeholders) support maitaitai reserves that are “small and discrete”, things seem to have got out of hand and commercial (including the new customary quota owners) stand to lose out big time as more and more of the coastline is ruled out to commercial harvesting.

PICL, NZRLIC, Inshore Finfish and SeaFIC are working together to moderate the maitaitai roll out and to establish policy and guidelines for compensation. Establishment of maitaitai forms part of the Crown Treaty Settlement to Maori and commercial quota and ACE holders can not be expected to pay for this.

Where establishment of maitaitai prevents access to previously fished commercial stocks that are “fully subscribed” (i.e. paua and rock lobster) the TACC must be reduced to ensure continued sustainability. We will be seeking compensation for this reduction of TACC as well as compensation for displaced ACE holders.

It is extremely disappointing that MFish have unleashed 12 Iwi Liaison Officers (Pou Hononga) to promote the establishment of maitaitai, taiapure and Section 186a closures throughout New Zealand with scant regard to the effect on the quota management system. The Pou Hononga seem to have completely missed the point that the establishment of mana whenua, the appointment of Kaitiaki and customary fishing can occur without maitaitai or taiapure reserves or the negative effect maitaitai will have on Maori's commercial fisheries settlement.

The establishment of a maitaitai reserve automatically excludes commercial fishing and this applies equally to Maori and non-Maori. The maitaitai regulations allow for reinstatement of commercial fishing in certain instances with conditions (species, quantity and time limited) but this severely weakens your property right as your right of access for ever after is reliant on the good will of the Kaitiaki (the applicant) and his successors. PICL rejects the reinstatement of commercial fishing by regulation as inadequate and inappropriate.

PICL is of the opinion that the maitaitai regulations are flawed, the MFish policy is wrong and that the MFish process standards (constructed from flawed regulations and policy) are also wrong. PICL, NZRLIC and SeaFIC have met once with the MFish Spatial Allocations Unit to discuss these issues but the MFish position was that they were right and we were wrong. Ed Arron and Tom MacClurg then met with the Minister of Fisheries and followed this up with a letter detailing our concerns. The reply was obviously supplied via the Spatial Allocations Unit so there was little progress made and the Minister received poor advice. It is likely this matter will have to be resolved in court and to do that we will have to wait until a maitaitai is established that has a detrimental effect on us. The obvious one is Tory Channel should that application succeed.

Seabed and Foreshore

Two applications have been made for customary rights orders under the Foreshore and Seabed Act. One is in the Catlins in Otago and the other in the Bay of Plenty. The Foreshore and Seabed Act excludes fishing but one of the applications includes references to kai moana and the other customary aquaculture practices. We are worried that the intent of the Foreshore and Seabed Act will be subverted if these inclusions are unchallenged. Again, we are working with RLIC on this and have requested that the Board of SeaFIC give this issue priority.

Numbers in the industry – July 2005

PICL needs to compile industry statistics for various projects. The latest statistics showed that there were 222 quota owners, and 159 ACE holders. 74 quota owners also own ACE under the same FishServe number so effectively we have 306 entities that either own paua ACE or Quota shares in the industry.

Data Logger Project

Nothing could be truer than the saying “information is the currency of democracy”. If you want to do things a better way and can come up with the data to support it – chances are you will be heard. With this in mind the potential for the paua industry to take some giant strides forward using technology is real. Better managed paua fisheries resulting in increased productivity and utilisation is the measure of success for all of us (catches up, costs down and increased sustainability of the resource etc).

However achieving this under the current system is near impossible because the data we use to make decisions on is not at the same scale as the fishing effort. Imagine a dairy farmer using the district average to try and manage each of his paddocks – each paddock is different and requires different management so that he can maximise productivity and utilisation (different fertiliser, different grazing pressure, different spells between grazing etc).

Collecting data on a fine scale will allow us to manage paua fisheries on a fine scale – by paua bed if necessary but more likely by similar stratum (ie: parts of the coast which are similar).

PICL have been spending time investigating the use of data loggers to record information gathered by the harvesting sector. PICL directors have approved the purchase of two “catch per unit effort and location” units and two “shell length and location” units which will allow us (plus science providers and MFish) to build up knowledge and confidence that this approach is the way of the future.

The “catch per unit effort and location” units are now in the country and will be trialled in various locations over the next few months. The two “shell length and location” units are in their final stages of design (in

conjunction with the Victorian Abalone industry and the University of Tasmania) and should be manufactured within the next six weeks. We are looking to give the shell length data loggers a good trial before the end of this year so that PICL can compete in the MFish "Shed Sampling" contract (which could fund the purchase of enough units for the entire NZ industry).

As Samuel Johnson once stated "*The future belongs to those who see possibilities before they become obvious*".

A further vitally important use for the enhanced data will be the precise determination of loss of access to paua stocks due to mataitai and marine reserve establishment. This data will greatly strengthen our hand during compensation demands.

SITO Paua harvesters certification course

PauaMAC7 have run three one-day courses which were attended by 56 people.

The response has been excellent and all attendees have left the course with a better understanding of how the compliance laws work, what their rights and obligations are within the Fisheries Act and how important the protection of undersized paua that are returned to the reef is.

A number of other PauaMac's are now looking to roll out similar courses once the fishing season is nearing completion.

Other Stuff...

Website

We now have a PICL website up and running and you can visit it at www.paua.org.nz. This has been produced by third year degree students at Victoria University (at no cost to PICL). The idea of it at this stage is to help promote the Paua Industry and what we are doing. Each week PICL gets enquires from the public about various issues / activities etc. We can now direct people to the site which should lessen the need for us to keep explaining the same things.

Want to lower your toll calls while on PauaMac business?

Then have a look at Skype where phone calls (anywhere in the world) are free.

For anyone looking to cut their phone bills we suggest you have a look at Skype (www.Skype.com). We have been using this broad band technology for a while now, and with rare exceptions find it works very well.

The free software is downloaded from the web, and is used with a headset/microphone (purchased from Dick Smith or a similar outlet) on your laptop or PC. The software is very intuitive and easy to use. You can talk to anyone else who is running Skype on their computer – apparently Skype is particularly useful for conference calls.

The development of Skype is intriguing. London-based Skype debuted in August 2003, quickly gaining more than 11 million users, and is currently growing at a rate of about 70,000 users per day.

According to the CEO, nearly half of its customers use the service for business purposes.

This newsletter was produced by the Paua Industry Council Ltd for the Paua Industry

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