



PĀUA INDUSTRY COUNCIL

Submission on Review of recreational daily bag limits for finfish

Introduction

1. This submission relates to the review by Fisheries New Zealand (FNZ) of recreational daily bag limits for finfish.
2. While FNZ's proposals have no direct implications for the pāua industry, the Pāua Industry Council (PIC) has a strong interest in the effective management of recreational fishing and our submission is provided on that basis. In this submission we:
 - Generally support (with some exceptions and caveats) FNZ's proposals for the recreational daily bag limit; but
 - Make recommendations in relation to:
 - the disappointingly narrow scope of the review;
 - the failure to collect adequate information on the impact of recreational fishing on stocks included in the bag limit; and
 - the apparent lack of integration between the current proposals and the Minister's decision that recreational management measures will in future be implemented using Gazette Notices.

Including all finfish species in the combined daily bag limit

3. PIC **supports**, with one exception, the inclusion of all finfish species, including those with individual species limits, in the combined daily bag limit (i.e., option 3 in the consultation document). Continuing to allow unlimited quantities of certain species to be taken creates potential sustainability risks for those species, as well as risks of localised depletion. It also fails to reflect the fact that recreational fishing in New Zealand is not, and never should be, an unconstrained right.
4. The current approach of including some species which have individual bag limits within the combined bag limit but keeping other species with individual limits separate is unnecessarily confusing. Including all individual limits within the combined limit is far simpler for enforcement and communication purposes. It also sends a stronger signal that 20 or 30 fish per person per day is a reasonable amount.
5. However, PIC questions the proposed inclusion of eels (which have a separate daily bag limit of 6) within the combined daily bag limit. Freshwater eels are unlikely to be caught on the same fishing trip as the marine species that are subject to the combined daily bag limit and the

rationale for including eels within the combined bag limit is not clear. We **recommend** that eels should remain separate from the combined daily bag limit.

Different daily bag limits in the north and south

6. PIC **supports** retaining the current distinction between combined bag limits in northern and southern recreational fishing areas. We agree that the original rationale for differential limits remains valid. The southern areas are subject to significantly lower recreational fishing pressure and therefore fish stock sustainability is less threatened by recreational overfishing. In the pāua industry's experience, southern areas offer more limited fishing opportunities because of bad weather and sea conditions, meaning that recreational fishers have fewer available fishing days.
7. Although PIC supports differential daily bag limits in the north and south, we note that no information has been provided by FNZ to justify the current daily bag limits of 20 or 30 fish per person per day (see further discussion below).

Separate bag limit for baitfish

8. PIC **supports** a separate bag limit for baitfish because including baitfish within the combined daily bag limit may unnecessarily inhibit the utilisation by recreational fishers of target species.
9. However, as with the combined daily bag limit, FNZ has provided no justification (in relation to either recreational utilisation or the sustainability of stocks commonly used for bait) for setting this limit at 50 fish per person per day. We are particularly concerned that some of the identified bait species are equally likely to be targeted by recreational fishers for food (e.g., mackerels), potentially increasing the sustainability risks to those species. It is not rational to have some target species covered by the daily bag limit and others by a much higher limit which is *additional* to the daily bag limit.
10. PIC **recommends** that further consideration should be given to the size of the bag limit for baitfish, the species included within the baitfish limit, and how the baitfish limit is defined. For example, identified baitfish species could be subject to the baitfish limit if they are used for bait during the fishing trip on which they are taken, but would be subject to the combined daily bag limit if they are not used as bait on that trip (i.e., if they are landed).

Regulating the southern bluefin tuna bag limit

11. PIC agrees that the southern bluefin bag limit should be implemented in the same way that other bag limit decisions are implemented. However, we note that the proposal to shift the bluefin bag limit to regulation is contrary to the Government's proposed new approach of using Gazette Notices rather than regulation to implement all decisions on bag limits and other recreational management controls. We **recommend** that the bluefin proposal should be aligned with the wider reforms signalled in recent Cabinet papers (see further discussion below).

Narrow scope of review

12. PIC is disappointed in the exceedingly narrow scope of the review and considers it to be a missed opportunity to potentially re-set recreational fishing controls based on comprehensive information on the sustainability and recreational utilisation of finfish species. Calling this consultation process a “review of recreational daily bag limits for finfish” is a misnomer, as the review only covers the inclusion of currently excluded species in the bag limit with no attempt to assess the appropriateness of the daily bag limits for finfish (either combined or individual).
13. At a minimum, PIC would have expected that a review of recreational daily bag limits for finfish would have included consideration of:
 - The effectiveness of the current daily bag limits (individual and combined) in constraining recreational catch within the recreational allowances for the affected stocks (or at least, for the most popular stocks). The daily bag limit is the primary mechanism for constraining recreational catch within recreational allowance. Failure to ensure that recreational catch is constrained within recreational allowances means that the TAC for those stocks will be exceeded, creating potential sustainability risks and resulting in a reallocation of catch from other sectors (customary and commercial) to recreational fishers. These outcomes undermine the effective operation of the QMS and are in breach of the Crown’s Treaty obligations – so the omission of the effectiveness of the bag limits from the review is hard to fathom; and
 - Additional controls that could support the effective operation of daily bag limits for sustainability or compliance purposes – for example, accumulation limits have proven to be useful tools for helping to manage recreational pāua harvesting, and other supporting measures such as vessel and/or vehicle limits are commonly used in overseas jurisdictions with more sophisticated management systems for recreational fishing.
14. PIC **recommends** that urgent consideration should be given to a more comprehensive review of the management of recreational fishing. Nearly all of the many reviews and updates to fisheries legislation and regulation that have taken place since 1996 have been in relation to either commercial fishing (e.g., various enhancements of the QMS) – or customary fishing (giving effect to the Crown’s Treaty obligations). Only recreational fishing is managed almost exactly the same way it was in 1996. As a consequence, New Zealand’s regime for managing recreational fishing is out of date and lagging behind other equivalent countries in terms of adequate information on recreational fishing, definition of recreational harvest rights and responsibilities, and effective representation of recreational fishing interests. The narrow scope of the current review is simply another example of the Government leaving recreational fishing reform in the “too hard” basket.

Inadequate information on recreational fishing

15. As noted above, FNZ’s proposals are presented with almost no supporting information, apart from brief reference to the recreational panel survey which has known limitations. PIC considers that this is illustrative of FNZ’s ongoing failure to gather appropriate information on recreational fishing that is useful for management purposes. The consultation document contains statements such as *more frequent collection of daily bag limits is unlikely to create a*

*sustainability concern*¹ which, in the absence of any relevant science, is simply an unjustified assertion.

16. FNZ also states that *ongoing monitoring of all finfish species will be important to ensure recreational take remains appropriate to the status of the individual fisheries*² – but the consultation document provides no evidence that recreational take is currently ‘appropriate to the status of individual species’ and proposes no new monitoring initiatives. PIC **recommends** that the review of daily bag limits for finfish should:
- Identify the information that needs to be collected in order to set appropriate recreational daily bag limits for finfish; and
 - Include clear proposals about how the Government intends to obtain comprehensive, reliable, management-appropriate information on recreational fishing and the impacts of recreational fishing on the sustainability of fish stocks to inform the setting of appropriate recreational daily bag limits and associated controls in future.

Use of Gazette Notices for recreational bag limits

17. PIC notes that the Minister has proposed, and Cabinet has agreed, that recreational management controls such as bag limits and legal sizes will in future be implemented using Gazette Notices rather than regulations.³ PIC strongly supports this decision as it will enable more responsive management by aligning the timing of measures to manage recreational fishing with associated changes to TACs and allowances.
18. PIC is surprised that the intended use of Gazette Notices for recreational bag limits is not mentioned in the current consultation document. It seems redundant to consult on changes to the Amateur Fishing Regulations when Cabinet has already decided that bag limit controls will be removed from the Amateur Regulations.
19. One of the reasons for using Gazette Notices is that recreational fishing regulations typically take two years to amend. The timing of any regulatory changes relating to the combined daily bag limit may therefore be superseded by the anticipated changes to the Fisheries Act to enable bag limits to be set by Gazette Notice. PIC therefore **recommends** that these two reform proposals should be better co-ordinated and aligned.
20. We also note that the rationale for shifting the southern bluefin bag limit to regulation is based on a compliance concern that infringement notices cannot be issued for offences against Gazette Notices. We **recommend** that the regime for offences and penalties for recreational fishing should be considered and amended at the time that amendments are made to the Fisheries Act to enable recreational controls to be set by Gazette Notice.

¹ FNZ consultation document page 8.

² FNZ consultation document page 8.

³ Fisheries Amendment Bill: Strengthening fishing rules and policies: offences and penalties and agile decision-making [Cabinet Paper] [here](#)