

In Confidence

Office of the Minister of Fisheries
Chair, Cabinet Economic Development Committee

PROPOSED AMENDMENTS TO FISHERIES REGULATIONS: PĀUA BAG LIMITS

Proposal

1. I seek approval to amend the Fisheries (Amateur Fishing) Regulations 2013 to reduce the recreational daily bag limit and accumulation limit for pāua in both the PAU 3 and PAU 7 quota management areas (Marlborough and Canterbury), from 21 November 2019.

Background

2. The November 2016 Kaikōura earthquakes caused major uplift along the coast (up to six metres) and resulted in considerable mortality of near shore marine life, including large quantities of pāua.
3. Following the earthquakes, the most affected area¹ (between Marfell's Beach and the Conway River) has been closed to all seaweed and shellfish gathering (except rock lobster, scampi and the commercial by-catch of octopus from rock lobster fishing).
4. Fisheries New Zealand, tangata whenua, and stakeholders are concerned that recreational fishing effort for pāua is being displaced to areas in Canterbury and Marlborough that are adjacent to the closure. Information from customary, recreational, commercial fishers, as well as Fishery Compliance Officers, suggests that populations of pāua in these areas are showing signs of localised depletion as a result of increased recreational fishing effort.
5. Since 1 October 2017 commercial catch limits in these areas have been reduced (by 50% for PAU 3 and 40% for PAU 7), to ensure commercial harvesting remains sustainable. These reductions will remain in place until pāua stocks recover. For recreational fishing, the recreational allowances for PAU 3 and PAU 7 were reduced in 2017. Changes to bag limits are now required to constrain recreational catch within these allowances.
6. To address the risk of depletion in PAU 3 and PAU 7, I propose the Fisheries (Amateur Fishing) Regulations 2013 be amended to:
 - a. decrease the daily recreational limit from 10 pāua to five;
 - b. reduce the accumulation limit from 20 pāua or 2.5 kg of minced meat, to 10 pāua or 1.25 kg of minced meat.

The accumulation limit is the maximum amount of pāua any one person can have in their possession at any time, even if they have been fishing on multiple days.

¹ See the map in Appendix One.

Consultation

7. Public fisheries information sessions immediately following the earthquake, as well as input from tangata whenua and the Kaikōura Marine Guardians², all indicated the need to reduce the recreational take of pāua.
8. The Cabinet Economic and Development Committee agreed to consultation on this matter on 15 August 2018 (DEV-18-MIN 0167). Fisheries New Zealand consulted publicly on daily recreational limit options for six weeks between August and October 2018. This included release of a discussion paper and public information sessions.
9. While there is no specific requirement to consult on Orders in Council, the Fisheries Act 1996 provides guidance in section 12, being to consult people who have an interest in the stock or the effects of fishing on the aquatic environment in the area concerned, including, but not limited to, Māori, environmental, commercial and recreational interests; and provide for the input and participation of tangata whenua, having particular regard to kaitiakitanga.
10. Seventy submissions were received in response to the discussion paper, with the majority of submissions supporting a reduction to the daily bag and accumulation limits. The majority of those that supported a decrease supported Option 1.

Table 1: Summary of submissions showing support for options (in headings) from the consultation paper and/or other suggestions received in submissions.

Stock	Number of submissions in support		Other suggestions
	Option 1 5 pāua per person per day	Option 2 3 pāua per person per day	
PAU 3	17	9	8 6 submitters requested <i>status quo</i> , 1 supported either Option 1 or 2, and 1 supported a daily bag limit of 6.
PAU 7	17	9	3 2 submitters requested the <i>status quo</i> , and 1 submitter supported either Option 1 or 2.
Did not specify fishery	10	9	12 No clear preference towards one option or another.

11. Most submitters considered that five was a reasonable bag limit for fishers that would also reduce pāua harvest by a substantial amount to support the rebuild of the fishery. They considered that Option 2 was too restrictive, would lead to increased non-compliance, and would not allow them to fish for their family.

² The Kaikōura Marine Guardians are established under s 6 of the Kaikōura (Te Tai o Marokura) Marine Management Act 2014. Section 7 of that Act says the Guardians may provide advice on fisheries matters relating to the marine and coastal environment within Te Whata Kai o Rākihouia i Te Tai o Marokura (Kaikōura Marine Area). If the matter relates exclusively to the Kaikōura Marine Area, the person receiving the advice must take the advice into account. If the matter also relates to any area outside of the Kaikōura Marine Area, the person receiving the advice may, but is not required to, take the advice into account.

12. Submitters gave implicit support for the accumulation limit proposal by indicating their support of the options, both of which proposed an accumulation limit of two days' catch.
13. Having considered the points made on the submissions, I consider that Option 1 will materially assist the fishery to rebuild, while still providing for a reasonable level of recreational catch.

Communications/ Media

14. It is expected that there will be a moderate level of stakeholder, public and media interest on the proposed changes.

Financial Implications

15. There are no financial implications from this proposal. All costs of administering the reduced daily bag limits and accumulation limits will continue to be met from existing budgets.

Human Rights

16. The proposals in this paper do not raise any issues in relation to the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Legislative Implications

17. The amendments will be imposed by means of regulations made pursuant to the Fisheries Act 1996. I propose to take the amendments to Cabinet Legislation Committee during September 2019.
18. Should you agree to change the daily limit and accumulation limit for pāua in these fisheries, amendments to the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations) will be required. The Amateur Regulations will also need to be amended to specify offences and infringement offences for the new provisions. It is proposed that penalties for offences be consistent with those currently applying at the national level under regulation 12.

Regulatory Impact Analysis

19. Regulatory impact analysis requirements apply to both the PAU 3 and PAU 7 amendments.
20. A Regulatory Impact Statement (RIS) has been prepared for both the PAU 3 and PAU 7 amendments and is attached to this paper as Appendix 2.

Quality of the Impact Analysis

21. A Quality Assurance Panel with representatives from the Ministry for Primary Industries has reviewed the Regulatory Impact Assessment 'Review of Recreational Regulations in PAU 3 and PAU 7'. The Quality Assurance Panel considers that this meets the Quality Assurance criteria.

Publicity

23. The decision relating to both the PAU 3 and PAU 7 amendments will be publicly notified via *Gazette* notice. The intention is for these changes to take effect in November 2019, before the start of the recreational fishing summer season.
24. Stakeholders and submitters will be advised through a ministerial decision letter informing them of the new rules and the reasons for my decision. This will be published on Fisheries New Zealand's website, and communicated via a dedicated email and letter to submitters, tangata whenua and stakeholders. The New Zealand Fishing Rules App, which has had 150,300 downloads as at 25 July 2019, will also be updated.
25. In order to notify recreational fishers locally of these new rules, Fisheries New Zealand will also:
 - a. publish and circulate new brochures including updated daily bag limit and accumulation limit information;
 - b. educate recreational fishers about the new rules directly through communication channels used by Fishery Officers in these regions, including targeted media releases.
26. Fishery Officers will be responsible for ongoing enforcement of the new arrangements, which is expected to fall under their current day-to-day work without requiring additional capacity.

Proactive Release

27. Following Cabinet consideration, I intend to consider the release of this paper in full.

Recommendations

1. **Note** the 2016 Kaikōura earthquake had a significant impact on pāua in the northern part of the PAU 3 (Canterbury) and the southern part of the PAU 7 (Marlborough) quota management areas.
2. **Note** the commercial Total Allowable Commercial Catch for PAU 3 and PAU 7 was reduced from 1 October 2017.
3. **Agree** to decrease the daily recreational limit for pāua in PAU 3 and PAU 7 from 10 pāua to five, and reduce the accumulation limit from 20 pāua or 2.5 kg of minced meat to 10 pāua or 1.25 kg of minced meat in PAU 3 and PAU 7.
4. **Invite** the Minister of Fisheries to issue drafting instructions to the Parliamentary Counsel Office to implement these changes through amendments to the Fisheries (Amateur Fishing) Regulations 2013.

Authorised for Lodgement

Hon Stuart Nash
Minister of Fisheries