



3rd February 2021

Mr. D Bolger
Fisheries New Zealand
Ministry for Primary Industries
PO Box 10420
Wellington

cc E Taylor
Fisheries New Zealand
Ministry for Primary Industries
PO Box 10420
Wellington

Dear Mr. Bolger

PROPOSED AMENDMENTS TO ELECTRONIC REPORTING CIRCULARS – Discussion Paper 2020/34

1. These comments are provided by Fisheries Inshore New Zealand Limited (FINZ) and the Deepwater Group Limited (DWG) in respect of the proposed changes to the electronic reporting circulars as set out in the Fisheries New Zealand Discussion Paper No 2020/34.

PURPOSE STATEMENT

2. **This submission promotes that the proposed electronic reporting (ER) circular amendments advance fisheries management in a manner that is realistic, practicable but does not place additional unnecessary burdens on fishers.**

WHO WE ARE & MANDATE

Fisheries Inshore New Zealand Limited

3. FINZ represents 80% by value and volume of the inshore finfish, pelagic, and tuna fisheries of New Zealand. Its role is to deal with national issues on behalf of the sector and to work directly with and on behalf of its quota owners, fishers, committees and affiliated Commercial Stakeholder Organisations (CSOs). As part of that work, it also works collaboratively with other industry organisations and Sector Representative Entities, Seafood New Zealand, Te Ohu Kaimoana, Fisheries New Zealand (FNZ) and the Department of Conservation (DOC).
4. Its key outputs are the development of, and agreement to appropriate policy frameworks, processes, and tools to assist the sector to more effectively manage inshore, pelagic, and tuna fish stocks, to minimise their interactions with the associated ecosystems and work positively with other fishers and users of marine space where we carry out our harvesting activities.

5. FINZ works closely with its committees (that include fishers) and affiliated CSOs (including Southern Inshore Fisheries Management Company) that focus on regional and operational issues, and DWG where there is an overlap in issues.

Deepwater Group Limited

6. DWG consists of 45 individual entities, all of which are quota-owners whose businesses and enterprises reflect a large number of people dependent on their enterprise. Shareholders of DWG collectively own over 90% of the quota for deepwater fish stocks including those for hake, hoki, ling, orange roughy, oreo, scampi, southern blue whiting, squid and jack mackerel.
7. DWG is a non-profit organisation working in partnership with the Ministry for Primary Industries (MPI) with the vision to ensure New Zealand's deepwater fisheries are trusted as the best-managed deepwater fisheries in the world. To this end, 63% of the catch from deepwater fisheries has been independently assessed and certified under the Marine Stewardship Council's programme as meeting the world's highest standard for sustainability. This programme includes assessments of our fisheries' interactions with all endangered, threatened and protected species.
8. DWG has a 15-year track record of successful, responsible, collaborative, and active participation in improving the science-based knowledge and performance of our fisheries.
9. Since its formation in 2005, DWG has worked assiduously with the relevant government agencies, science institutes, fishing companies, and others to better enable improved science and monitoring, and to use this improved understanding to better manage deepwater fishing.
10. Both FINZ and DWG have earlier been active in engaging in technical workshops and groups developed and operate to develop and deliver the ERS into the commercial fishing fleet.

Te Ohu Kaimoana

11. We have consulted and shared the development of this submission with Te Ohu Kaimoana as and where relevant to our mandate and views.

SUMMARY

12. We support the general intent of the proposed amendments. We have a basic understanding of what these data can be used for but note that the rationale and that the processes the information may support need clarification and in some instances have yet to be initiated by FNZ, e.g. mitigation efficacy reviews.
13. We support the push for more efficient data collection for enabling agile management and on this basis outline our support to the proposals where possible.
14. We have serious concerns as to the transformation of what is essentially operational and discretionary information into statutory information by virtue of being required to report that information. There is an increasing prevalence of this approach and it requires specific further engagement for these concerns to be discussed in detail.
15. Fisheries management in New Zealand is focused on the achievement of outcomes – it is not an input-based management framework. We do not generally support any moves to manage fisheries by the imposition of input controls. We can support the monitoring and reporting of inputs by fishers for fisheries management. However, this must be done with some care because, as has been seen in the regulation of seabird mitigation measures to date, through poor engagement and impracticality, input controls can be ineffective in achieving desired outcomes.
16. We want to meet our legislative obligation to address seabird mortalities as set out in the Fisheries Act 1996 (the Act) and support the National Plan of Action – Seabirds (NPOA) principles and continue to seek a reduction in our impact on seabirds. **BUT** it should be noted that the Act and the NPOA are two different frameworks having different roles – the Act underpins our legislated sustainability obligation, while the NPOA is an aspirational policy document that enables pathways to further reduce impacts beyond the provisions of the Act.
17. Mandatory reporting should not be additionally justified as a “memory jogger” for mitigation use (as suggested in para 7 of the consultation document). That may be a beneficial incidental outcome but is not an acceptable reason for the imposition of statutory reporting.
18. We are concerned that the proposals appear to have progressed to this stage of specificity without greater engagement of logbook providers and fishers. Our concerns relate to both how ER providers will amend their ER systems to meet these new requirements and then how this will impact fishers. In the current environment, increasing regulations that add further demands on fishers need to take account of the impacts on those required to input the data. It is imperative that any changes are both beneficial to management and are workable for fishers.
19. We expect that there will be additional costs that will be passed onto fishers. The fact that fishers will be the end user and funder for the changes increases the frustration from the lack of prior direct engagement on these changes and the drivers for them.
20. Fishers, as the end user will also incur any difficulties with the feasibility of the new input requirements. Without an analysis of the benefit of the new data for management, it is unclear if the trade-off has merit.
21. There is a responsibility to conduct detailed analysis of costs associated with proposed amendments and outline who the data is being used by and for what purpose.
22. It is also important that if changes are to be made to reporting platforms, that this be done in a manner that is disciplined and coordinated. We would expect that if these changes proceed, they would occur alongside any other adjustments being made to improve the effectiveness of reporting arising from feedback from the current regime.

Proposed Next Steps

23. We understand the need for enhancement and evolution of reporting systems but consider that practical and effective measures can only arise from in-depth engagement (prior to formal public consultation) with fishers and logbook system providers. In those instances where proposals have fisheries management implications, engagement with industry stakeholders is highly appropriate and has a benefit in attaining early indications of support or otherwise for proposed measures.

24. Our recommendation is that FNZ recognise these concerns and initiate a process to develop a workable pathway forward to improve these proposals. We propose FNZ initiate the following process:

1. Host a management meeting where managers and stakeholders discuss the cost / benefit of the propose changes.
2. Host a technical meeting with representative operators and logbook providers to discuss the practicalities of implementation.
3. Assess the issues raised and where appropriate, amend the proposals to achieve effective, pragmatic reporting.
4. Hold a follow up management meeting to outline the next steps and the realities of how any proposed changes will impact stakeholders.
5. Develop training information sheets, in collaboration with industry, to:
 - i. prevent misunderstanding of what the changes are
 - ii. why they have been made.
 - iii. Outline how this will change the current reporting requirements and any impacts on daily processes
 - iv. Work with ER providers to support the roll out of any changes

RESPONDING TO AMENDMENTS RELATED TO NPOA SEABIRDS 2020

25. The rationale for the measures proposed is to reflect the initiatives contained in the NPOA Seabirds¹ and its accompanying documents (Mitigation Standards).² We noted earlier that the NPOA has no regulatory standing per se – it is a policy document that states the aspirations of the Government with respect to reducing the impact of fishing on seabirds. It guides activities but does not provide the regulatory basis for the management of fisheries. Notwithstanding that, industry does not oppose NPOA initiated developments where it is beneficial to fisheries management.
26. The mitigation standards have been established to guide operators in their choice of mitigation measures to be implemented to mitigate seabird risk on their vessels. They are not an absolute imperative and operators retain the choice of measures they consider to be appropriate. This decision-making at the vessel is imperative – as we noted in our bottom longline (BLL) regulation response, there is no one set of measures that fits all situations for all vessels - or even vessels in a fleet.
27. We disagree with the assertion in paragraph 9 that the Mitigation Standards have been agreed. Industry members at the SAG were strongly of the view that the terminology was inappropriate, the documents should highlight the “desired outcomes” as being the objectives to be sought to be achieved and operators be provided a range of measures that could assist in achieving the outcomes. As per our response to the BLL consultation:
 - we do not accept that the Mitigations Standards for the BLL fishery prepared through the SAG process constitute current “best practice” in the New Zealand context.
 - we contend that they should be a toolbox of measures providing guidance to support and enable fishers to choose the most appropriate mix to achieve desired outcomes.

Incorporation of Protected Species Risk Management Plans (PSRMPs) into the Trip Start Report (Proposal 3.1)

28. All ER users will be required to complete the field irrespective of gear type. This includes rock lobster fishers or paua divers, most of whom will not understand what a PSRMP is and many set-netters who do not have a PSRMP as yet. PSRMPs should ultimately be developed so as to include all gear types that pose a risk to protected species. That a PSRMP exists on a vessel should then become a standard default field that once entered would only need to be changed where the vessel is operating with a gear type not covered in the PSRMP.
29. We note that information on whether a vessel already has a PSRMP is available from DOC sources to inform the NPOA performance measure. That information can be linked to the vessel if a subsequent analysis is sought. We see no reason why fishers should need to report this information on a trip basis when the information is already held by DOC in its provision of LO services. FNZ should either establish with the ER platforms that this information be pulled through to the trip reports or FNZ should enable the transfer of that information rather than impose additional reporting burdens on fishers to duplicate information.

¹ Fisheries New Zealand, “National Plan of Action - Seabirds 2020 Reducing the Incidental Mortality of Seabirds in Fisheries,” 2020, www.fisheries.govt.nz.

² Fisheries New Zealand, “Mitigation Standards to Reduce the Incidental Captures of Seabirds in New Zealand Commercial Fisheries Bottom Longline (Hand Baiting),” no. June (2019): 1–13.

Mandatory reporting of mitigation equipment / operational practices (Proposals 3.2, 3.3, 3.4)

30. We support more information being obtained on the use of mitigation measures by operators. However, we have concerns with the transformation of that information to statutory information by virtue of being reported.
31. We support a practical and sensible expansion of the mitigation device codes provided it will improve self-reported data on mitigation use and will provide information to assess the validity of mitigation measures and the scale of their use. The use of such an expanded range of codes will assist with management analyses as to the effectiveness of measures and allow for cross referencing with observer reports and in the future with electronic monitoring data. This information will support the annual technical review process required for the Mitigation Standards to ensure they are fit for purpose³.
32. The cost and practicality of enabling the range is problematic and needs reviewing. We support the idea the fishers do not have to scroll through codes that are irrelevant to them. However, ER providers have highlighted to us that the current systems do not know what size (length) a vessel is. Therefore, splitting this requirement into > 28m or < 28m, while logical, may require significant changes to platforms making it impractical and requiring unnecessary additional changes from ER providers and additional fields for fishers to complete.
33. We request that as part of next steps the practical implementation of this range and the user interface is discussed and an appropriate, practical measure is put in place to achieve this objective.
34. Some mitigation measures are regulated, others are not, and operators retain the discretion to adapt their non-regulated mitigation measures in response to the conditions they experience while fishing, even during a fishing event. Reporting the details of the mitigation used then becomes problematic, complicated further by the information provided attaining a statutory status by virtue of being reported..
35. We note the proposal suggests that secondary mitigation measures should be entered as notes rather than as primary measures. Vessels often operate a range of measures to achieve their overall desired level of mitigation e.g., a vessel may simultaneously operate waste management processes that result in some minced and some non-minced waste. All processes and options need to be reported. There are no primary or secondary measures – there are only appropriate mitigation measures.
36. While operators are anxious to report correctly to comply with regulations, they are concerned that there is doubt as to how their practices should be reported. As examples, operators have raised comments with us relating to definitions and assumptions that would probably be made:
 - It is impracticable to remove all biological material from the net and it is unclear when sufficient has been done to allow the vessel to legally report the process as undertaken. Thus, it is likely that while best endeavours will be undertaken to remove items for the net that attract seabirds, depending on interpretation (e.g., by an observer) the vessel could be deemed to be reporting inaccurately by reporting that stickers have been cleared.
 - Reporting hooks and weighting regimes is more complex than as presented in the proposal. There is a presumption of symmetry in terms of weights all being equal and all spacings the same. This is the intent but is generally not true. What are the

³ Fisheries New Zealand, "National Plan of Action - Seabirds 2020 Reducing the Incidental Mortality of Seabirds in Fisheries," 2020, www.fisheries.govt.nz

fisher's options to report when gear set-up does not neatly meet the reporting framework?

- What happens if weights vary – for example, a 10kg weight is used then 40 hooks and then a 7kg weight and then another 40 hooks?
 - What happens if the number of hooks varies between weights vary – for example 40 hooks before the weight but 35 hooks between the next set of weights.
37. In our previous submission on long-lining mitigation measures, we indicated the degree of variability that exists between vessel operators in setting their lines and in the mitigation used. Variability also exists in the trawl and seining fleet. This proposal will be impacted by those degrees of variability, both in the reporting of the measures used and the interpretation of the reporting. For the above reasons, we cannot support the proposal and consider that it would be more appropriate for FNZ to engage with operators and logbook providers to discuss its intended outcomes, to understand the problems that will be encountered so that we can jointly work to achieve a pragmatic output.
38. The above issues highlight concerns at the technical detail level: when has the activity been adhered to sufficiently to allow the fisher to report it as undertaken without being open to prosecution for mis-reporting; how will they “choose” when the answer is variable; and how will the data be used when the answers are not always binary? We consider that some discussion with operators is necessary to ensure clarity of purpose and reporting.

Non-fish catch (NFPS) Reports (Proposal 3.5.1 and 3.5.2)

39. FNZ wishes to ensure that the seabird capture codes are appropriate to the form of fishing. The consultation provides two options – one user entry and the other a drop-down option. FNZ should not be determining what technical option should be adopted by logbook providers – FNZ should be concerned that the codes used are appropriate and leave the provider to determine the better option to provide the facility.
40. Attaching the Fish catch event id to the Non-Fish bycatch event would appear to be a logical development and we consider that it should be attached. We would be surprised if that link is not already effective or cannot be automatically generated. We see the omission to attach the fish catch event id to the NFPS catch report as a failure in the current system by FNZ.

FISHERIES MANAGEMENT DRIVEN PROPOSED AMENDMENTS

Reduced ring-netting position end reports (Proposal 4.2)

41. We support this proposal.

Reporting at a higher taxonomic resolution for the purpose of SPRFMO (Proposal 4.3)

42. DWG and FINZ do not have a specific mandate for matters involving High Seas fishing and RFMOs etc. However, the proposals could affect some of our members and if poorly implemented could create additional, unnecessary complexity and hence confusion in operating systems for reporting incidental benthic catch inside the EEZ.
43. We recognise that vessels operating in SPRFMO are required by their permit to carry a scientific observer who can assist in species ID and that paragraph 44 acknowledges that fishers will use the observer's species ID for reporting purposes.

44. Discussions with ER providers have highlighted that the proposal is not practical or workable as it is currently proposed as the ER logbook does not know whether the fisher is in SPRFMO region or not. Paragraph 44 states that 'the ability to use additional codes would be limited to only those fishers operating in the SPRFMO convention area'. The proposal pre-supposes that the ER logbook will know the vessel location in relation to SPRFMO and its operations. Our understanding of current capabilities is that this is not the case.
45. Our concern is that this will require significant levels of ER development time to achieve this or place an additional onus on fishers to complete additional fields to confirm their location in relation to SPRFMO. Associated with this concern is what the cost/benefit to end users is? What analysis has been done on this.
46. We believe that the proposed change as it is currently stated means either:
 - A significant change to the delivery model for ER providers which can be anticipated to have substantial costs to the end user and a significant development and testing period for the system software, or
 - An increased demand on users of the logbook to make a declaration of whether they are in SPRFMO or not and complete an additional declaration to make sure they are providing with the correct list of codes to complete.
47. We understand the intent for FNZ to have NZ fishers comply with SPRFMO requirements but feel that more comprehensive technical engagement is required for this to be done in an efficient, practical, reasonable manner.

Species reporting of Hapuku / Bass and Flatfish (Proposal 4.4.1 & 4.4.2)

48. We support these proposals as they are aligned to our aspiration to improve our species knowledge and understanding of species performance.
49. While fishers may seek to retain a generic code for the species, such an opportunity would undermine the value of obtaining separate species codes on returns. We do not support the continuation of generic codes for these species.
50. We recommend that, when introduced, FNZ provide additional material to fishers to ensure correct identification of the species being reported.

Diving Fish Catch Report (Proposal 4.5)

51. We support the Paua Industry Council's response to this proposal and request that their concerns be addressed as part of the proposed pathway forward.

CONCLUSION

52. We support the general intent of the proposed amendments. However, we consider that there should be a lot more joint work between FNZ, fishers, logbook providers, DWG and FINZ to ensure that the changes are fit for purpose and able to be implemented in an efficient, practical and reasonable manner.
53. We propose that FNZ initiate a process to develop a workable pathway forward to improve these proposals. We propose the following pathway:
 1. Host a management meeting where managers and stakeholders discuss the cost / benefit of the propose changes,

2. Host a technical meeting with representative operators and logbook providers to discuss the practicalities of implementation,
3. Assess the issues raised and where appropriate, amend the proposals to achieve effective, pragmatic reporting,
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 - v. prevent misunderstanding of what the changes are,
 - vi. why they have been made,
 - vii. Outline how this will change the current reporting requirements and any impacts on daily processes,
 - viii. Work with ER providers to support the roll out of any changes.

54. If there are any queries, please contact:

- Oliver Wilson at Fisheries Inshore New Zealand email oliver@inshore.co.nz

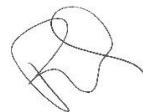
or

- Richard Wells at Deepwater Group Ltd email richard@resourcewise.co.nz.

Yours



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