

CCSBT- SFMWG/1004/06

NEW ZEALAND ACTION PLAN**01 APRIL 2010**

The New Zealand Action Plan is developed in accordance with the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) resolution adopted at the Sixteenth Annual Meeting of the Commission, calling on Members to develop action plans to ensure compliance with conservation and management measures.

This action plan describes how New Zealand complies with the conservation and management measures and ERS recommendations adopted by the CCSBT, including systematically verifying catch data of SBT and ecologically related species reported by fishers.

CCSBT conservation and management measures and recommendations

The primary measure decided on by the Commission is the Total Allowable Catch that is set each year and allocated amongst the Members of the Commission. Further measures include the authorisation of vessels; Vessel Monitoring System obligations; transshipment verification; and Catch Documentation Scheme. The Commission has also agreed a recommendation relating to Ecologically Related Species, and a Scientific Observer Programme.

Description of the New Zealand System

In New Zealand, southern bluefin tuna (SBT) is managed as part of a comprehensive fisheries management regime, the component parts of which ensure a very high degree of confidence in the amount of SBT caught and traded each year. Elements of the system further ensure that the harvesting of SBT is conducted in a manner that does not adversely impact on the aquatic ecosystem, including ecologically related species, and is consistent with New Zealand's international obligations.

New Zealand's CCSBT allocation is implemented by an overarching catch limit and allocation framework. A comprehensive authorisation regime manages access to the New Zealand SBT fishery and sets in place the various controls on the activity of fishers and supporting functions. From the point of capture through to the final destination, New Zealand has in place detailed statutory

reporting requirements for fishing operations, which together with the broader range of rules, are subject to extensive verification by various means. This system and the various verification mechanisms are described in detail in Annex 1 to this Action Plan.

Compliance with CCSBT conservation and management measures

The New Zealand system described in Annex 1 has been analysed to identify if there are any potential gaps that may have implications for ensuring the validity of SBT catch data or compliance with other conservation and management measures of the CCSBT. That analysis showed that the comprehensive nature of the New Zealand system and the scope of the verification measures that are employed along the entire chain from capture to export from New Zealand or domestic sale enable New Zealand to comply with the CCSBT conservation and management measures. In particular, New Zealand's SBT management regime provides for a robust scheme to systematically verify catch data of SBT and ecologically related species reported by fishers. Notwithstanding, New Zealand has identified some areas for improvement that could be made. Addressing those areas identified for potential improvement forms the basis of this action plan.

Actions

At-sea inspections – Inspections of fishing vessels and carriers at sea by fishery officers is an important activity to check fishers' compliance with a range of rules and requirements that are not easily verified when a vessel is in port. In general, the broader management regime mitigates risks to the veracity of the SBT catch data but at sea inspections are important for checking compliance with ERS requirements and provide another source of information for the critical role of discrepancy analysis. New Zealand has historically had limited capability to conduct at-sea inspections primarily due to a lack of appropriate patrol vessels.

Action: In 2010, four new purpose-built inshore patrol vessels and two offshore patrol vessels are expected to enter service with the Royal New Zealand Navy. These vessels will be employed on fisheries patrols in and around New Zealand fisheries waters and will conduct inspections of vessels catching SBT (amongst other species).

Species Identification – Vessels seeking to land SBT outside New Zealand are subject to a mandatory in-port inspection. Despite this, it can be difficult to accurately identify SBT as a component of mixed-species catches. This is particularly the case if the SBT catch is part of a much larger mixed catch in the hold of a vessel that is not unloading its catch in New Zealand (where it could be

accurately verified). This situation has potential implications for accurately verifying the SBT catch data for these vessels.

Action: In general, vessels where this situation applies are subject to special arrangements for observer coverage. Given the difficulty in species identification and subsequent accurate quantification of SBT through inspections for vessels landing SBT outside of New Zealand, it will be imperative that 100% observer coverage of such vessels is maintained. In addition, a new condition of registration will be to only transfer catch to the blast freezer at times when the observer is present to verify the transfer (the observer shall place a seal on the freezer at other times).

Discarding – Fishers may sometimes have an incentive for discarding some species that they catch, while retaining others. Potential risks arise both in relation to discards of SBT, and of other species for which a quota applies (for New Zealand, this includes the main bycatch species, blue shark, mako shark, porbeagle shark, moonfish and Ray's bream). In relation to SBT, incentives may arise if the fisher has already fished his or her full catch entitlement and does not wish to pay a penalty value for catch in excess of quota; or to maximise value from the quota by discarding a lower-value fish in favour of a higher value one. Various measures are in place to limit incentives for discarding. A provision in the legislation allows fishers to release fish from specified fishstocks (including SBT and the HMS sharks identified above) as long as the fish is alive and likely to survive. Other measures include a 'grace period' of up to one month in which to obtain annual catch entitlements to cover catches (i.e. precise allocation does not need to be held at the time of catching). Further, an allowance has been made within the total allowable catch (based on observer data), so any fish that are discarded dead are unlikely to result in New Zealand exceeding its country allocation.

Action: Maintain observer coverage to monitor discards in the fishery; consider review of allowance in the TAC for other sources of fishing-related mortality if evidence suggests any increase in discarding.

The use of Tori lines and turtle mitigation equipment – In line with both its membership of WCPFC and with CCSBT's Recommendation to Mitigate the Impact on Ecological Related Species of Fishing for Southern Bluefin Tuna, New Zealand applies seabird and turtle mitigation measures for its vessels that fish for tuna using surface longline vessels. Vessels must use tori lines, as well as either fishing at night, or using an approved line weighting regime; vessels have also been issued with turtle dehooking equipment and dip nets. The Ministry of Fisheries engages regularly with surface longline

fishers on bycatch mitigation. Notwithstanding, to some extent it can be difficult to verify through port inspections whether or not mitigation equipment is in use at sea.

Action: the use of aerial surveillance and the increase in surface surveillance will supplement observer coverage, providing the means to verify correct use of tori lines. Another important element is to ensure fisher commitment to the need for mitigation measures. This is achieved through regular workshops with fishers, and attempts to develop a responsive, standards-based system for regulating bycatch. A new system of non-fish bycatch reporting has been introduced. Over time this will allow comparison of observed and reported information to review the effectiveness of measures.

Vessel Monitoring System Coverage – At present the New Zealand VMS does not specifically cover all vessels catching SBT in New Zealand fisheries waters. Domestic vessels below 28 metres in length are not generally required to use VMS, although provisions in legislation do allow for the Chief Executive to require specific vessels or groups of vessels to use VMS if necessary. New Zealand's system of vessel registration does not provide for species-specific registrations (the ability to catch specific species is determined by obtaining an annual catch entitlement for that species, rather than through permit conditions). Further, New Zealand is relatively unique in CCSBT in that it has a coastal fishery where SBT can potentially be caught by a range of vessels that do not target the species. This has resulted in almost all registered New Zealand commercial fishing vessels being entered on the CCSBT Authorised Vessel list.

New Zealand's current VMS coverage is deemed appropriate for mitigating key risks to adequately verifying SBT catch data. The potential risks presented by smaller vessels in the New Zealand context are addressed through other measures and it is not considered that VMS would add additional benefits at this stage. While VMS is a useful tool to verify where a vessel is, it has limited value in determining what a vessel is actually doing and can certainly not be used to verify what a vessel is catching. VMS is of most value when it is used in conjunction with other tools such as observers, inspections, aerial and surface surveillance and catch reporting.

Action: Whilst VMS coverage of smaller New Zealand vessels may not contribute significantly to catch verification of SBT, it may allow more targeted at sea inspection and New Zealand is therefore evaluating extending VMS coverage on the basis of the costs and potential benefits.

ANNEX 1

Description and analysis of the New Zealand system for managing the CCSBT allocation and compliance with measures

Intervention	Description	MCS actions and verification	Areas for improvement
New Zealand catch limit and allocation framework			
Total Allowable Catch (TAC)	New Zealand's CCSBT SBT allocation is used as the basis for setting the TAC under the quota management system (QMS) in New Zealand. The TAC is the total quantity of SBT that can be taken by commercial, customary Maori interests, recreational fishery interests and other sources of fishing-related mortality.		
Total Allowable Commercial Catch (TACC)	After making allowances for customary Maori interests, recreational fishery interests and other sources of fishing-related mortality, the remainder of the catch limit is available for commercial exploitation with the setting of an annual TACC	The TACC is the basis for verification through statutory reporting and record keeping.	
Quota Management System (QMS)	The commercial fishing of SBT is managed under the New Zealand QMS in which fishers have a tradable property right in the stock, represented as quota. The value of a quota share is a proportion of the TACC.	Ownership of quota is restricted to New Zealand nationals and there is a maximum foreign ownership for companies of 25% without specific approval of the Overseas Investment Commission. The Quota Management Area for SBT includes New Zealand fisheries waters, the high seas and other jurisdictions. Catch by New Zealand nationals using New Zealand ships must be reported and counted against New Zealand quota	

Intervention	Description	MCS actions and verification	Areas for improvement
Annual Catch Entitlement	Quota generates an Annual Catch Entitlement each year that can be traded amongst fishers without any concern for aggregation limits that exist with quota ownership. ACE effectively 'operationalises' quota to allow for SBT quota to be taken by the industry in an efficient manner.	Fishers' catches are checked against the Annual Catch Entitlements they hold on a monthly basis as well as at the end of the year. Fishers with catch in excess of their holding pay a tax or 'deemed value'; for southern bluefin tuna this is set at a very high level to ensure appropriate incentives to cover all catches with fishing entitlements.	New Zealand fisheries legislation generally allows for up to 10% of unfished Annual Catch Entitlements to be carried forward from one fishing year to the next. The provision is intended to allow some flexibility for fishers, and in biological terms has a neutral outcome for most species. There is a risk that the carry forward of underfishing from one year to the following would result in an over catch of the national allocation of SBT in that year. For this reason it is proposed that this provision will be removed for SBT until such time as the CCSBT adopts an underfishing scheme.
Fishing authorisations and requirements			
Fishing Permit	No person is permitted to take SBT in New Zealand fisheries waters without the authority of a current fishing permit. The exceptions to this are for Maori customary fishing, which is subject to a separate authorisation, and recreational fishing. By law, recreational and customary catches cannot be sold or traded.		
Fishing Vessel Registration	All vessels fishing commercially for SBT and carrier vessels must be registered on the Fishing Vessel Register and comply with any conditions of that registration	The Ministry of Fisheries vets applications to ensure minimum requirements are met, in particular, that vessels are either New Zealand-flagged or operating under a	

Intervention	Description	MCS actions and verification	Areas for improvement
Fishing Vessel Registration	Subsequent to this registration, New Zealand flagged vessels are entered on the CCSBT Authorised Vessel List	charter arrangement to a New Zealand company	
High Seas Fishing Permit	No person can use a New Zealand-flagged vessel to take or transport SBT on the high seas without the authority of a current high seas fishing permit. Such vessels must also be registered as fishing vessels in New Zealand as described above. High Seas Fishing Permits contain a range of conditions to control the activities of such persons and vessels. These conditions include VMS, transshipment monitoring, catch reporting and any specific RFMO measures (e.g. ERS measures)	The Ministry of Fisheries vets applications to ensure minimum requirements are met and that sufficient flag state control can be maintained over the fishing vessel.	
Transshipment	Transshipment of SBT by any vessel within New Zealand fisheries waters and New Zealand-flagged vessels on the high seas may only occur with prior approval from the Ministry of Fisheries. Such approval is subject to a range of conditions including observer monitoring, notification requirements and reporting. Any specific RFMO requirements also form part of the conditioning of a transshipment approval issued by the Ministry of Fisheries.	The Ministry of Fisheries vets applications to ensure minimum requirements are met and potential risks are identified and addressed.	
Vessel Monitoring System	The following categories of vessels must report to the New Zealand VMS: <ul style="list-style-type: none"> • All foreign charter vessels • All vessels over 28 metres in length • All New Zealand-flagged vessels that 	The Ministry of Fisheries monitors daily the NZ VMS, FFA VMS and WCPFC VMS to verify vessel VMS reporting requirements are being adhered to.	<ul style="list-style-type: none"> • Domestic vessels less than 28 metres that target/catch SBT are not monitored by VMS.

Intervention	Description	MCS actions and verification	Areas for improvement
Vessel Monitoring System	<p>take or transport fish on the high seas</p> <p>New Zealand-flagged vessels operating on the high seas or in other jurisdictions must also report to other national or regional VMS as required (e.g. WCPFC VMS, FFA VMS and in accordance with the CCSBT measure on VMS)</p>		
Fishing activity			
<p>Catching</p> <p>- Reporting and record keeping</p>	<p>Vessels catching SBT in New Zealand fisheries waters or on the high seas must complete statutory catch reports that identify the vessel, operator, location, species and quantity of fish caught, as well as other details that vary depending on the fishing method used. Such reports must be available for inspection at any time by fishery officers and must be furnished to the New Zealand government within certain timeframes</p>	<ul style="list-style-type: none"> • Inspections – New Zealand fishery officers conduct some inspections at sea within New Zealand fisheries waters and will soon extend this to the high seas. The inspections are comprehensive and include verification of authorisations, catch, records and activity. Inspection reports are completed for each inspection. • Aerial and surface surveillance – New Zealand conducts routine aerial and surface fisheries surveillance patrols over its jurisdiction and on the high seas. Such patrols verify vessel identity, location and fishing activity that is later cross-checked with other MCS data such as VMS and Observer information. • Observers – Ministry of Fisheries has 100% Observer coverage of foreign charter vessels that target SBT in New Zealand waters. Domestic vessels have had between 11 and 15% coverage in terms of effort in the 2007 and 2008 	<ul style="list-style-type: none"> • Limited capability at present for at-sea inspections. This situation is expected to improve from 2010 onward with the introduction of new patrol vessels • Because domestic observer coverage is less than 100%, it is used in conjunction with other information sources for compliance purposes.

Intervention	Description	MCS actions and verification	Areas for improvement
Reporting and record keeping		<p>calendar years.</p> <ul style="list-style-type: none"> • VMS monitoring – this includes cross checking with other information sources such as aerial and surface surveillance and catch records • Discrepancy analysis – Ministry of Fisheries analysts cross-check information from VMS, aerial and surface surveillance, observer records, inspection reports and statutory returns to detect any discrepancies for further investigation and possible punitive action. 	
Non-commercial catches	<p>As noted above, allowances for non-commercial catches are deducted from the TAC before setting the total allowable commercial catch. The recreational fishery operates largely as a charter fishery (i.e. fishers hire vessels to take them fishing for Pacific and southern bluefin tuna). No catch limit is in place, but the fishery is closely monitored to ensure catches do not exceed the allocation. Reporting measures have been put in place (currently voluntary but regulations to make reporting compulsory are currently being developed).</p>		<ul style="list-style-type: none"> • Recreational catches appear stable at present; if there was evidence of an increase in catches, it might be necessary to consider further controls e.g. boat limits or further encouragement of a tag-and-release style fishery

Intervention	Description	MCS actions and verification	Areas for improvement
<p>Ecologically Related Species</p>	<p>New Zealand has implemented a range of regulations and measures to give effect to the NPOA— Sharks, NPOA —Seabirds and WCPFC measures associated with ecologically related species as recommended by CCSBT.</p> <p>Fishers are also required to record any such captures on statutory forms which are available for inspection at any time by fishery officers and must be furnished to the New Zealand government within certain timeframes</p>	<ul style="list-style-type: none"> • Inspections – When conducting at sea inspections, New Zealand fishery officers verify compliance with ERS requirements such as record keeping and the carriage of sea bird mitigation measures • Aerial and surface surveillance – conducted to provide another means to verify activity, particularly the use of sea bird mitigation measures • Observers – Observers play a key role in monitoring compliance with ERS measures and it is a high priority task on vessels targeting SBT. • Education regarding measures and the avoidance of catching ERS – conducted both by the Ministry of Fisheries and NGOs 	<ul style="list-style-type: none"> • Limited at-sea inspection capability (expected to be remedied in 2010). • Verification of correct use of tori lines and line weighting is an issue that relies on observers or aerial surveillance (tori lines only) • Observer coverage (even while achieving the required 10% target) in domestic fleet may not always be sufficient to be representative of the fishery (e.g. by area, by target species).
<p>Transshipment</p>	<p>Vessels granted approval to tranship SBT must complete notifications, transshipment declarations and adhere to any other conditions stipulated</p>	<ul style="list-style-type: none"> • Observers – authorised transshipments must be monitored by Ministry of Fisheries observers or observers accredited through regional arrangements. • VMS monitoring – all vessels involved in transshipments are monitored by VMS • Inspections – New Zealand fishery officers may conduct at-sea inspections at the time of transshipments • Aerial and surface surveillance – surveillance patrols are available to monitor any transshipment activity 	<p>No transshipments of SBT currently occur</p>

<p>Transshipment</p>		<p>specifically to verify the activity, confirm vessel identities and location.</p> <ul style="list-style-type: none"> • Discrepancy analysis –Ministry of Fisheries analysts cross-check information from VMS, aerial and surface surveillance, observer records, inspection reports and statutory returns to detect any discrepancies for further investigation and possible punitive action. 	
<p>Landing</p>	<p>All vessels that have caught SBT must complete statutory landing records for that fish</p> <p>All SBT caught in New Zealand fisheries waters must be landed to a Licensed Fish Receiver (LFR). LFRs must meet certain requirements before being licensed and are required to complete statutory returns for the SBT they receive.</p> <p>Any fisher not landing to an LFR must have prior approval to do so. This approval is subject to a range of conditions including inspections and possible observer coverage.</p>	<ul style="list-style-type: none"> • Monitored unloading – all vessels unloading SBT catch in New Zealand from the high seas are subject to monitored unloading by an observer or fishery officer. Monitored unloading from vessels operating domestically happens on occasion • LFR Audits - LFRs are subject to random audits to ensure compliance with reporting and record keeping regulation and to verify the quantity and origin of any fish on the premises. • Inspections – New Zealand fishery officers conduct in-port inspections of any vessel with approval to land fish outside New Zealand • Discrepancy analysis –Ministry of Fisheries analysts cross-check landing information with all other information available, particularly catch and landing data, to detect any discrepancies for further investigation and possible punitive action. 	<ul style="list-style-type: none"> • While not all vessels with SBT have their unloading monitored by a fishery officer or observer (with the exception of high seas vessels), verification occurs at different points beyond the landing made possible in part by the minimal size of the domestic market. • Inspections of vessels landing SBT outside New Zealand present difficulties in accurately identifying and quantifying the SBT catch in holds where it is mixed with other species.

Domestic Market	Any SBT on the domestic market may only be sold through Dealers In Fish (DIF) who are required to keep records of all transactions of purchases and sales.	DIF Inspections – fishery officers randomly inspect DIFs and audit documentation and verify the quantities and origin of any SBT on the premises to ensure it corresponds to LFR and vessel catch and landing records.	
Export	Exports of SBT are covered by the provisions of the CCSBT CDS.	Customs officials check exports to ensure documentation is in place as required.	As for all longline fisheries, there will be a need to ensure correct species identification. In time, it may be useful to introduce randomised genetic testing of exports to ensure correct identification.