

Dear Fisheries NZ

17 July 2019

Submission - Reporting requirements for Amateur-fishing charter vessel operators.

I write on behalf of the NZRFC, NZMTA (charter boats) and Professional Skipper magazine representing the thoughts and concerns being voiced by the charter boat community. While many will hopefully respond individually, there is clearly a disquiet about voicing opposition to the proposals for fear of raising MPI Fishery Officers focus of attention for the reasons I will outline.

I would also point out that I have had over 35years experience on several vessels operating recreational line fishing and dive charter vessels in our northern waters. Most of the time as a single operator and skipper.

Support in principle with reservations

While the NZRFC and NZMTA encourage the gaining of better information on recreational catches for research purposes, we recognise that the charter boat fleet nationally is fishing under the Amateur Fisheries Regulations where the catch belongs to the angler. The national fleet is very small and would number only some 200 active vessels reporting at best. The number of fishers carried collectively would number less than 3% of recreational fishers or with the exception of deep water species even the percentage of catch caught and as such borders on the margin of error for any survey or data collection.

With such a small sample it would be fair to suggest that the information gained would only be able to give an indication of trends rather than definitive numbers on the total amateur catch by species. This being the case it is important to remember this when applying enforcement on this small but supportive fleet and their operators.

We have received concerns from Skippers that when MPI FO's are inspecting the catch of clients in the car park and then arriving at the charter boat to check log books, the officers have got quite stroppy when the log book is inconsistent with their car park tallies. Likewise when patrons in the final divvy up, take less than their bag caught, giving the excess of fish caught to a friend who has a greater need.

While the boat tally is correct, fishers are made to look like thieves with excess when checked in the car park and then the Skipper cops a warning for letting them give away fish on the boat. We should remind the MPI Officers that to date the skippers are the operator, and in doing their best to ensure compliance, do not hold pseudo HFO warrants.

We would note the four additional species proposed in the discussion paper are all prime recreational species covered by both individual bag limits and minimum legal sizes.

We would also note that in the cases of blue cod, scallops and snapper the recreational MLS in a number of areas is different to what commercial can and are taking. At this point we

remain concerned and it is important to note that any catch saving for sustainability by recreational fishers is available to be mopped up at a lower MLS by commercial fishers.

We would add that the decline in terakihi nationally has been brought about by over fishing by the commercial sector and cannot be attributable to the charter boat or recreational fishing community in any way.

Reporting and client conflicts.

We would note that most skippers and crew try their very best to ensure that the information they are recording and reporting is valid and the best they can collect.

However when the fishing gets busy and there are many anglers on board - all fishing into their own bags or chilly bins, it is easy for the crew to lose count or be distracted. We note that some vessels use a common boat ice box to try and control the catch recording, but this only works with charter groups where the catch is shared. Where you have a party boat load of casual anglers all fishing for themselves, into their own bins or bags, maintaining an accurate count when the fishing is hot frequently becomes problematic.

It's at this point when things can get a bit touchy, if for whatever reason a fisher might take excess or undersize and conceal these fish in his bag or chilly bin. Knowing he is offending changes people's attitudes, when if on being approached by the skipper to check his bag and he gets stroppy, all the skipper or crew member can do is retreat to the wheel house. They have no powers under the Act to force the issue and neither they should.

At this point we must remember that all recreational fishing anglers carry knives for the legitimate purpose of fishing. These knives also make for a handy weapon when challenged, threatened or even feeling guilty. The unknown use of drugs or alcohol by the angler can add to the escalating of the situation. These are known risks and threats the skippers must deal with in the course of their normal duties without being purposefully put into a potential conflict situations by added data collecting.

Conflict of various Acts.

At this point it is worthy to record that neither the skipper or crew member have any rights to conduct a private search of a person or his property at any place be it on board or on the landing under the Search and Surveillance Act... Period.!

Like I said MPI has no authority to delegate or create pseudo HFO's out of charter boats skippers or crew under the powers of the Fisheries Act.

Therefore MPI must rely on the goodwill of operators and skippers to assist in catch data collecting and in doing so must ensure the process is not onerous or at risk to the skipper, crew and other patrons in any way.

Then we have the Health Safety in Work Act (HSWA) administered at sea by Maritime NZ. As is very clear by most prosecutions carried out by Maritime NZ on maritime operators that most are now under the HSWA.

By expecting Skippers or Crew to carry out illegal searches of Anglers private property in pursuit of catch data further puts the crew of a vessel at risk under HSWA.

I make these observations in an effort that MPI might be able to understand the concerns and risks facing operators plus the added over zealous actions from Fisheries Officers when they get it wrong.

Reporting catch weights

We have some significant concerns with Skippers or crew being expected to estimate catch weight.

While some Skippers may have a very good eye for fish size and estimated weight to record this while busy on top of fish numbers is adding a further burden to a skipper who might be solo on board. In doing so, he must also ensure that he is not distracted from his maritime duties of safe navigation of the vessel at all times. For bottom bouncing fishing vessels are frequently drifting over fish and as such the vessel is deemed to be underway and as such the skipper must keep an active and alert look out at all times.

This being the case, all too often the skipper must rely on the individual anglers honesty when doing a tally at the end of the day. To further ask an estimated weight of catch is a burden rout with problems. (We all know fishermen lie about the size of their fish) it's just what anglers do. To further enforce a physical check is at risk of breaching the terms of the Search and Surveillance Act.

Further comments from the NZMTA

Given the current track history of Maritime NZ in penalising small operators for any misdemeaner under both the Maritime Transport Act and the Health Safety in Work Act, the Association's members hold strong concerns that if an accident were to occur and attributable to the skipper being distracted from his maritime duties under the MTA, Maritime NZ will prosecute the operator - no questions asked.

It is the NZMTA's view that if charter boats are required to report as stated in discussion paper, then a better approach by MPI would be to incentivise these operators who have registered for reporting, rather than treating them in a negative manner similar to commercial fishers.

The NZMTA would argue that while they, the operators gain a charter or passage fee, that maybe seen as reward, there is no allowance or consideration gained from the fish successfully landed by anglers. Unlike some other international jurisdictions, here in New Zealand, the fish belong to the angler and cannot be sold for reward. Meaning they cannot be construed as being commercial fishers within the terms of the Act.

Rather than taking an aggressive compliance approach, why not consider a more accommodating and rewarding approach that incentivises operators to go that extra mile to ensure that the data they are reporting is as accurate and robust as possible.

- Like: By removing the annual reporting registration fee.
 - Introducing monthly draws for filing returns
 - Offer an annual consideration by way of a bonus or honorarium for filing active returns.
 - Or just pay them a research fee the same as you pay any other research or data collecting agency.

In Closing

Finally in closing if this submission has raised a smile in bureau-ocracy, then I am pleased that you note our submission and the concerns of potential conflicts with the various Acts. And please don't think we are over dramatizing or it won't happen. I would remind you that the issues raised hold serious concerns for many skippers and operators and are not a laughing matter.

Thank you for reading this submission

Yours

Keith Ingram JP

4 Prince Regent Drive
Half Moon Bay
Auckland 2012

Phone: 09 533 4336

Fax: 09 533 4337

Mob: 0274 584747

Email: keith@skipper.co.nz