



Friday update



Captain's Blog

March 24, 2016

Overriding customary and property rights in Kermadecs not acceptable
The Government can hardly claim it was not given due warning by Maori and the wider seafood industry over concerns about the sudden declaration of a Kermadecs Ocean Sanctuary.

A letter to Prime Minister John Key on Nov 30 set out the industry's objections and proposed a workable compromise.

The respectful, carefully couched letter on behalf of Seafood NZ and Te Ohu Kaimoana, prepared by Chapman Tripp's Bruce Scott, requested the Government work collaboratively.

It stressed support for the Kermadecs sanctuary in principle. It is the proposed complete "no take" that is at issue and the consequent undermining of the Quota Management System.

The fishing industry, along with iwi and most New Zealanders, supports marine protection.

What it does not support is overriding of customary and property rights.

As a result the Government this week found itself facing a legal challenge brought by Te Ohu that could impact on the Kermadecs legislation currently before Parliament.

That confrontation between the Crown

In the Media



Sanford's San Kawhia is one of the trawlers fitted with video monitoring technology.

More transparency with cameras on all SNA1 trawlers

Stuff (March 22) reported on 100 per cent camera coverage of the Snapper 1 trawling fleet being achieved.

Minister for Primary Industries Nathan Guy said that all 15 trawlers fishing for snapper off the east coast of the upper North Island had been fitted with cameras that monitor the vessels' movements and catch. "This is live time tracking," Mr Guy said. [Read more](#)

Also read:

[Radio New Zealand](#)

[Sanford Ltd's media release](#)

and Maori in particular could so easily have been avoided if the legislative requirement to properly consult was taken seriously.

TOKM chairman Jamie Tuuta said the Crown's 1992 Sealord fisheries settlement provided Maori with customary fishing rights and guaranteed full consultation "on matters relating to the management of fisheries and ecosystems".

That had not occurred, Mr Tuuta said.

The Cabinet paper on the proposal recognised that Te Ohu would need to be consulted "to ensure there is no perceived or actual undermining of the Fisheries Settlement and to ensure that no additional administrative anomalies are inadvertently created".

But Mr Key went ahead and announced the proposal to world leaders at the United Nations.

The advice to Cabinet characterised the quota allocated for stocks in the Kermadecs zone, known as Fisheries Management Area 10, as "nominal quota", the allocation of which was an "administrative quirk" and which has "no value".

The paper proposed no compensation be paid for the taking of industry quota rights, because it could be justified on the grounds of "sustainability".

That is despite their being no evidence the limited stocks being fished are under threat.

A similar sustainability argument, equally facile, has been used to justify establishment of recreational fishing parks in the Hauraki Gulf and Marlborough Sounds, also announced without consultation.

The purpose of those parks is two-fold – to encourage recreational fishers to catch more fish and to garner votes in Auckland.

Dressing it up as a sustainability measure fools no one.

A reasonable Kermadecs compromise would be to pay compensation for lost quota, or allow the limited surface long lining of migratory species, which poses no risk to the ecosystem and the benthos, to continue.

"The seafood industry has long recognised the intrinsic values of the Kermadec region," the industry said in its letter. "To that end it voluntarily closed the whole area to any form of fishing that involved a material impact on the seabed anywhere within FMA10. The industry's Benthic Protected Area was subsequently regulated. This should amply demonstrate the seafood industry's commitment to the conservation and protection of marine ecosystems even over very large areas."

The approach by the Government on the Kermadecs and the related Marine Protected Areas Bill show all the hallmarks of a third-term administration relatively untroubled by a weak Opposition becoming cynical, careless



Sir Tipene O'Regan on Kermadecs Waatea News (March 22) reported on former Maori Fisheries Commission chairman Sir Tipene O'Regan saying the creation of a Kermadec Ocean Sanctuary has nothing to do with sustainability. The small amount of fishing done around the Kermadecs doesn't justify closing it off, Sir Tipene said. [Read more](#)
Also read: [Interview with Labour Party Fisheries spokesperson Rino Tirikatene](#)



[Click to play video of the Greenshell™ mussel opening record.](#)

Mussel opener breaks own record at Havelock Mussel & Seafood Festival Stuff (March 21) reported on Kono NZ mussel opener Angela Fredericks beating her own world record for opening 100 Greenshell™ mussels at the Havelock Mussel and Seafood Festival on Saturday. Fredericks took one minute and 56 seconds to beat her previous record set

Opposition becoming cynical, careless and arrogant.

The Prime Minister as good as confirmed that when he said Parliament is “supreme” and can “pass whatever laws it wants”.

To a point Prime Minister, to a point. There are important constitutional, parliamentary and societal norms that moderate and inform the use of those sovereign powers, as pesky as those may be.

It is spurious to claim, as Mr Key and Minister Smith have done, that Maori were not catching fish in the Kermadec zone, therefore their rights lapsed.

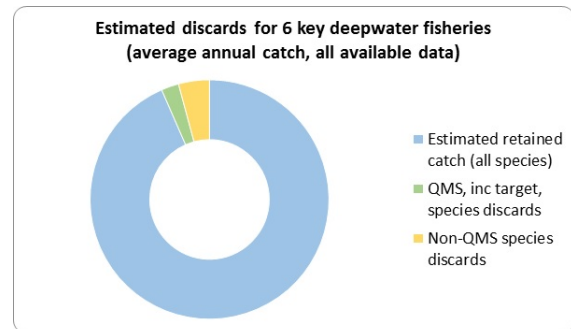
In that case, any undeveloped land in Auckland could be taken by the Crown to relieve the housing shortage. Why not? It's not being used. That is the absurdity of the Government's reasoning.

But there is a precedent. In the 1860s the Government seized Maori land because it was not being farmed.

– Tim Pankhurst

seconds to beat her previous record set last year by one second. [Read more](#)

Note: Fredericks is also setting a social media popularity record of sorts on the Seafood New Zealand Facebook page. Our post about her record is among the most popular posts on the page yet, having reached over 11,861 people, with 26 shares and 35 likes in just three days!



Deepwater discard rate less than 7 percent

Seafood New Zealand (March 22) NIWA reports show that less than 7 percent of New Zealand's total deepwater catch was discarded, Seafood New Zealand Chief Executive Tim Pankhurst said. This figure, based on thorough analyses of independent Government observer records, discredits claims elsewhere that the annual total catches could be more than double what are being officially reported, he said. [Read more](#)
[Click here for NIWA's report](#)

Event Reminder

March 24

Environmental changes in Picton and Queen Charlotte Sound

Dr Emma Newcombe of the Cawthron Institute will talk about her research on the environmental state of the Picton bays and Queen Charlotte Sound. Dr Sean Handley of NIWA will also discuss his recent exploration of how seabed ecosystems have changed since human settlement in Totaranui/Queen Charlotte Sound. Tea and coffee provided. For more information or to RSVP please contact Dr Steve Ulrich, Coastal Scientist, Marlborough District Council at

Marlborough District Council at
steve.urlich@marlborough.govt.nz or 03
520 7560. Today at the Picton Yacht
Club Hotel at 7pm.



August 10–11

Wild Places – EDS Conference 2016

The Environmental Defence Society's 2016 conference will explore New Zealand's Wild Places and assess both emerging threats and exciting new opportunities. It will draw on insights from international and local experience, case studies and workshops. It will look creatively at the development of powerful new synergies between conservation and tourism and will explore novel management and funding initiatives.

August 10–11 2016.

Viaduct Events Centre, Auckland.
Click this [conference website](http://www.edskonference.com) link for more information.
