



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

NEW ZEALAND - COUNTRY REPORT

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SUMMARY

This evaluation of Fisheries Monitoring Control and Surveillance report for New Zealand is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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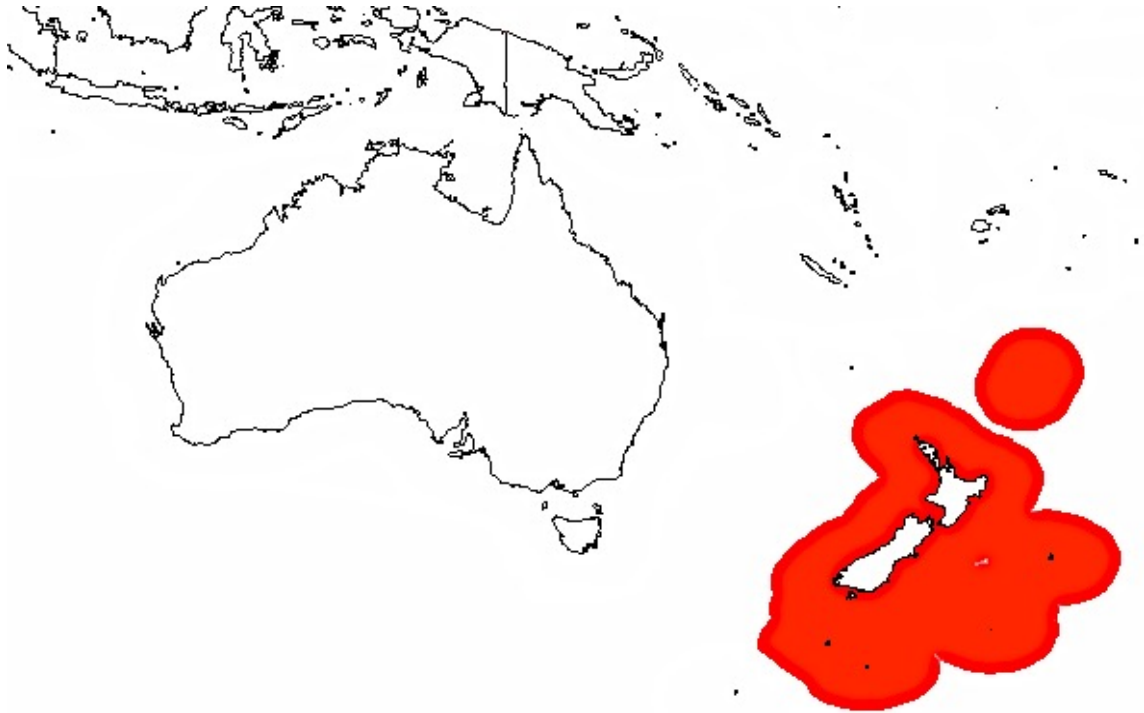
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NEW ZEALAND – COUNTRY REPORT



FAO landings (2013): 440,478 tonnes

Fisheries contribution to GDP (2010): 0.7%

Law of the Sea (Ratification /accession): 19th July 1996

Coastline: 15,134 km

RFMO Membership: CCAMLR, CCSBT, SPRFMO, WCPFC

Patrolling agencies: New Zealand Navy, New Zealand Customs Service

Rank	Priority for maritime security tasks
1.	Security of sea lanes
2.	Human Trafficking & Transnational Crimes
3.	Illegal Fishing

SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (patrol aircraft, sea based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?

Score: 7.5

Score Range: 7-8

Yes, to a large extent, but not used effectively for fisheries surveillance (Jane 2012; IISS 2013; NZDF 2016; Paget 2016). Royal New Zealand Navy has four inshore patrol vessels *HMNZS Rotoiti*, *HMNZS Hawea*, *HMNZS Pukaki*, and *HMNZS Taupo* (Anon 2010d). New Zealand also has two offshore patrol vessels “*Wellington*” and “*Otago*” to boost its patrolling capabilities (Anon 2010c). See Q.6; Mfish (2001); OECD (2012) documents for more information. The Royal New Zealand Navy has one multirole vessel *HMNZS Canterbury* for advanced offshore operations. NZDF has six P-3K2 Orion aircraft for maritime patrols in the EEZ (NZDF 2016).

We also have access to other naval vessels as well as those operated by other Government agencies such as Police, Customs and the Department of Conservation (Gary Orr, *pers. comm.*, 2012).

Yes, the country has sufficient patrolling assets, but seldom used for compliance - normally only one operation each year (Glen Simmons, *pers. comm.*, 2013).

2. Does the country have adequate trained officers to conduct MCS operations?

Score: 7

Score Range: 5-7

Yes, largely in the recreational sector but several gaps exist in terms of manpower capacity for monitoring commercial fisheries. See Mfish (2001); Anon (2010a); Anon (2009a) documents for more information. Regular surveillance missions and tracking of organized poaching by Ministry of Fisheries (in abalone and lobster fisheries) has reduced infractions in many jurisdictions. In addition, there are 60 honorary fishery officers to monitor snapper and shellfish (Cockles and Scallops) fisheries in coastal waters (Smith 2016).

The manpower issue for recreational fisheries will always be an issue but it is important to note that the numbers of Honorary Fishery Officers has been increased in the last couple of years (Gary Orr, *pers. comm.*, 2012).

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 7

Score Range: 5-7

New Zealand has a target of up to 10 fishery patrols per annum, beyond the EEZ, using RNZAF Orion aircraft. New Zealand has also conducted three high seas boarding and inspection operations of both New Zealand and foreign flagged vessels in the last 12 months with more planned for the future (Gary Orr, *pers. comm.*, 2012).

Although the number of patrols has increased from 12 days in 2001 to 49 days in 2014 (Anon 2015a) current enforcement is not enough for southern Antarctic territories of New Zealand. New Zealand is a signatory to FAO Compliance Agreement. Part 6A of the Fisheries Act 1996 requires New Zealand fishing vessels intending to fish in high seas and Regional fishery management areas to have a high seas fishing permit (Mfish 2013; Massop 2010). In 2010-2011, financial year three fishery patrols were conducted on the high seas using Orion P-3 aircraft.

4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?

Score: 5

Score Range: 3-5

Less than 7% of the commercial fishing fleet larger than 28 m in OAL carry VMS tracking equipment (MPI 2016). 129 fishing vessels (New Zealand: 83; Foreign: 46) are equipped with vessel monitoring system in New Zealand. All New Zealand vessels above 28 metres in length, including foreign licensed and foreign owned New Zealand fishing vessels are tracked using VMS signals (FAO 2016). In addition, 70 fishing trawlers from Aotearoa, Sanford and Leigh Fish targeting snappers have voluntarily installed vessel monitoring system on vessels operating off the east coast of North Island (Anon 2015d) and 15 trawlers have been fitted with cameras (Anon 2016).

The Fisheries (Satellite Vessel Monitoring) Regulations of 1993 require an Automatic Location Communicator (ALC) to be fitted and continuously transmit data on: a) all foreign licensed and chartered foreign fishing vessels

including fish carriers and support vessels b) all domestic vessels above 28 metres OAL, and c) all fishing vessels in the orange roughy and scampi fishery.

5. What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?

Score: 5

Score Range: 3-5

10,000 observer days were recorded in 2016 (Guy 2016). New Zealand¹ has 105 observers to monitor commercial fishing trawlers (Anon 2016a). There are more than 1300 commercial fishing vessels in New Zealand. The total number of observer coverage dates was 7,491 days during the year 2008-2009 (Anon 2009b). Observers were placed for 193 days on New Zealand bottom trawlers in the South Pacific Regional Fishery Management Organization and 573 days for longliners operating in CCAMLR area during the year 2008-2009 (Anon 2009b). Number of observers is expected to decline from 105 to 50 after the replacement of the existing paper-based system with “integrated electronic monitoring and reporting system”, or IEMRS, which combines reporting with vessel positioning system and cameras (Sharpe 2015). In the CCSBT convention area, New Zealand vessels had 4% observer coverage for the year 2013 (CCSBT 2014). In 2014, New Zealand vessels had 10% observer coverage for purse seiners and 27% of the total longline effort was covered through observers (WCPFC 2015a).

New Zealand has changed its policy with regard to foreign-chartered vessels operating in NZ fisheries waters whereby such vessels must have 100% observer coverage. We have also increased (and continue to do so) the number of observers employed to achieve a greater coverage of vessels in all fisheries (Gary Orr, *pers. comm.*, 2012).

No, Mfish observer programme is understaffed and very poorly managed. Very little coverage on inshore vessels as many vessel operators are refusing to take observers. Less than 20% coverage on deep-sea vessels (see Bremner *et al.*, 2009) article, which reports that many landed catch returns are ‘fiction’).

¹ “approximately 8.4 percent of the commercial fishing activity is monitored annually by Observers in New Zealand. Around 60 percent of Observer days are allocated to monitoring offshore (deepwater) fisheries in the 2016/17 coverage plan, to achieve coverage rates of 8 to 100 percent of fishing effort depending on the fishery. In contrast, Observer coverage in inshore fisheries in 2016/17 amounts to about 20 percent of Observer sea days, monitoring < 5 percent of fishing effort. (The remaining 20 percent of observer coverage is allocated to highly migratory species observation, compliance purposes and other activities)” (MPI 2016).



Observers are not permitted to work on some Korean charter vessels due to safety concerns. Independent observers are corrupt, drunk or too scared to venture out of their cabins. Most enforcement relates to recreational fishers and retailers by a very dedicated group of compliance officers – NOT commercial vessels. However, compliance grossly understaffed and under-resourced. In addition, extreme levels of dumping observed in the deep-sea fisheries. Overall, 4th largest EEZ, but with a total surveillance budget of less than NZ \$29.73 million, which does scant justice to surveillance of the EEZ (Glen Simmons, *pers. comm.*, 2013).

The total collective number of observer trips on NZ vessels under 46 meters in 2011 was 82 trips. Observer trips on vessels over 46 meters in 2011 were 94. Comparing this numbers with the total number of fishing vessels shows that observer coverage is very low. The reason for the shortage of observers for FCVs (Foreign Chartered Vessels) is because of the mismanaged programme (according to investigating consultants), the vessels are too dangerous to place observers on or observers refuse to go on them. However, CCAMLR observer coverage is excellent (Glen Simmons, *pers. comm.*, 2013).

SECTION 2: INSPECTIONS

6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?

Score: 4.5

Score Range: 3-5

More recent data on patrol days at sea reveals that only 33 days of fisheries duties were logged by the six naval patrol vessels in 2015 while 75 days at sea were logged in 2014 (Anon 2016b; NZP 2016a; NZP 2016b).

	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Wellington				39	58	73	8	10		188
Otago				63	10	25	45			143
Rotoiti		21	15	20		31	19			106
Taupo			48	32	67	52				199
Pukaki			42	33	36					111
Hawea		11	41	31		4	3	23	9	122
Resolution		20								20
Kahu	11	4								15
Manawanui		10								10
TOTAL	11	66	146	218	171	185	75	33	9	

Table 1: Number of days at sea for domestic and regional fisheries patrols by Royal New Zealand naval ships from 2008-2016 (Source: NZP 2016a).

In the 2011 calendar year, 802 vessels were boarded and inspected at sea with 1220 boarded in the 2012 calendar year. The 2012 boarding's were achieved on the back of 146 sea days (Gary Orr, *pers. comm.*, 2012).

Navy estimates suggest that naval vessels must spend at least 950 days each year to exert control over its territorial waters. Last year, two of the four inshore patrol vessels were not operational due to crew shortages and patrol vessels were expected to spend only 290 days at sea in 2013 (Anon 2013b). Customs lacks resources to patrol nearly half the high risk maritime zones for illegal fishing and other maritime threats (Anon 2015c; NZCS 2015).

No! not by a country mile. High levels of high-grading and dumping on foreign charter vessels, NZ vessels and catches Russian vessels dump through their fish-meal plants, inshore dump because of a flawed QMS system, which requires them to pay punitive 'deemed value' rates if they land bycatch or catch not covered by quota. Confidentially, Brenner's study was repeated last year in our so-called world-class hoki fishery - MSC certified. The study revealed high levels of dumping were continuing. In other words, landed catch records continue to be 'fiction' (Glen Simmons, *pers.comm.*, 2013).

Recent changes in the Fisheries (Foreign Charter Vessels and Other Matters) Amendment Act 2014 which came into effect from May 1, 2014 requires Foreign Charter Vessels (FCVs) to carry New Zealand flag from 1 May 2016 (MPI 2015). See Anon (2011b) for more information on unreported discards, high-grading and discarding of quotas species and by-catch overboard by New Zealand's Chartered fishing vessels before the advent of the new system.

Year	Patrol ships	Sea days in patrols for surveillance	Source
2014-2015	<i>Wellington</i>	262	Anon (2015b)
2011-2012	<i>Otago, Wellington, Pukaki, Taupo, Rotoiti</i>	149	Anon (2013c)
2010-2011	<i>Wellington, Hawea, Taupo, Pukaki, Rotoiti</i>	146	Anon (2011a)
2009-2010	<i>Hawea, Pukai, Rotoiti, Taupo</i>	101	Anon (2010f)
2008-2009	<i>Te Kaha, Resolution</i>	25	Anon (2009a)
2007-2008	<i>Canterbury, Endeavour, Kahu, Kiwi, Resolution, Te Mana and Wakakura</i>	85	Anon (2008)
2006-2007	<i>Kaha, Endeavour, Hinau, Kiwi, Manawanui, Moa, Wakakura and Kahu</i>	129	Anon (2007)
2005-2006	<i>Hinau, Kiwi and Moa</i>	12	Anon (2006)
2004-2005	<i>Resolution and Manawanui</i>	8	Anon (2005)

Table 2: showing the EEZ fisheries patrols provided by New Zealand Navy to the Ministry of Fisheries.

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 7

Score Range: 7-8

During the years 2009 and 2010, the No 5 Squadron RNZAF (P-3K Orion aircraft) of maritime patrol force flew 2110 and 1979 hours for aerial surveillance of the New Zealand EEZ (Anon 2010f, 2011a; NZDF 2010). New Zealand has six P3-K2 Orion aircraft with sophisticated infrared sensors and radar for tracking even distant targets (Anon 2013a).

Year	Aircraft	Number of hours of aerial patrolling delivered to Ministry of Fisheries by RNZAF	Source
2014-15	P-3K	394	Anon (2015b)
2011-12	P-3K	139	Anon (2013c)
2010-11	P-3K	96.1	Anon (2011a)
2009-10	P-3K	144.6	Anon (2010f)
2008-09	P-3K	281	Anon (2009a)
2007-08	P-3K	176	Anon (2008)
2006-07	P-3K	171	Anon (2007)
2005-06	P-3K	96	Anon (2006)
2004-05	P-3K	31.8	Anon (2005)
1999-2000	-	25	NZDF
1998-99	-	23	NZDF
1997-98	-	32	NZDF
1996-97	-	21	NZDF
1995-96	-	22	NZDF
1994-95	-	26	NZDF
1993-94	-	32	NZDF
1992-93	-	30	NZDF
1991-92	-	61	NZDF
1990-91	-	56	NZDF

Table 3: showing aerial surveillance provided by New Zealand Air Force to the Ministry of Fisheries for fisheries patrols in the EEZ.

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 5.5

Score Range: 5-7

During 2014/15, the compliance rate was 94% with 26,085 recreational fishing inspections and 1708 fisheries patrols (MPI 2015). In 2008, the New Zealand Ministry of Fisheries carried out 27,000 inspections (*These are mostly in the recreational sector according to industry sources*), which resulted in confiscation of several fishing vessels, equipment and gear (Anon 2010a). During the year 2008-09, Ministry of Fisheries conducted 375 licensed fish receiver inspections and breach of Fisheries Act resulted in 1571 infringement notices and 179 prosecutions (Anon 2009b). In addition, inspections of vessels, vehicles and persons resulted in 26,250 inspections, and 1402 fish dealer inspections (Anon 2009b). MoF also undertook 693 black market patrols to control poaching of high value species (Anon 2009b). See Q.6 for more information.

Seldom. This data (27,000 inspections) almost entirely relates to recreational fishers ONLY. The high number of inspections will relate to roadblocks that recreational fishers pass through travelling home. Where illegal fish are found it may lead to the confiscation of the boat and the car towing it. However, a rather muted effort when it comes to commercial fisheries (Glen Simmons, *pers. comm.*, 2013).

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?

Score: 7

Score Range: 5-7

The Ministry of Fisheries carried out 27,500 inspections in recreational fisheries sector in 2009, compared to 26,500 in the previous year and achieved a compliance rate of 95% in this sector (Anon 2010b). See Q.6 and Q.8 for more information. In 2014, Ministry of Fisheries conducted 1708 fisheries patrols and achieved 94% compliance rate with 26,085 inspections in recreational fisheries. Recent estimates suggest that upto 70% of recreational fishers in some locations fished illicitly by taking either more fish than their legal limits or retained undersized fish (Rainger 2016). See McElderry *et al.*,

(2011) document for more information. See Mace *et al.*, (2013) for more information on illegal discards in commercial fisheries.

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 7.5

Score Range: 7-8

New Zealand is signatory to the UN Fish Stocks Agreement. Transshipments taking place in New Zealand waters (mostly skipjack tuna) are subjected to prior approval of the Ministry of Fisheries (Anon 2010e). See WCPFC (2015a) for more information.

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 7

Score Range: 5-7

Random inspections are reported on a regular basis at fishing ports and sea. See Q.8 for more information. Gaps in monitoring commercial and subsistence fisheries sectors pose a persistent problem in New Zealand's fisheries. However, New Zealand deserves credit for having 90% compliance rate during inspections with as much as 27,000 inspections in recreational fisheries every year (Anon 2010b). Commercial fishing trawlers have noticeable gaps in monitoring of discards, high grading and use of illegal gear at sea.

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 5.5

Score Range: 5-7

Fisheries Act of 1996 (No. 88 of 1996) of 13 August 1996 is the main national legislation for fisheries management in New Zealand waters. The country adopted a NPOA on IUU Fishing to fight and eliminate illegal fishing. New Zealand ratified the UN Port State Measures Agreement on 21 February 2014, FAO Compliance agreement on 14 July 2005 and the UN Fish Stocks Agreement on 18 April 2001.

Although MPI's decision not to prosecute vessels involved in illegal dumping of quota fish was flawed (see Heron 2016 report), it is a recognized fact that

for a vast majority of compliance cases illegal fishing is taken seriously with heavy penalties incurred for such activities. New Zealand has reinforced its surveillance through adoption of new electronic technologies (VMS, Cameras, Electronic documentation) and amendments to its Fisheries Act to reflag foreign charter vessels to New Zealand flag towards addressing threats identified in its commercial fishing sector, which deserve commendation. MPI is also planning to overhaul the fisheries management system to gather “*better fisheries information and agile and responsive decision making*” under the Future of our Fisheries work programme (MPI 2017).

See Anon (2016b); Marchal *et al.*, (2016); Anon (2015c); NZP (2016a); NZP (2016b); Mace *et al.*, (2013); Massop (2010); MPI (2016); NZDF (2016); NZDF (2010) documents for more information.

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	No

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
CCAMLR	2013	Yes			CCAMLR (2014)
CCSBT	2013	Yes			CCSBT (2014)
SPRFMO	2014	Yes			SPRFMO (2015)
WCPFC	2013		Yes		WCPFC (2015b)

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at pramod.raju@gmail.com to provide any feedback).

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