



Trial Quality Assurance Review

On behalf of the Commission for the Conservation of Southern Bluefin Tuna



Undertaken by Global Trust Certification Ltd.

Member Report: New Zealand

Report Version: Final Report

Date of Report: 27th August 2013

Report Ref: QAR1.2 Final Report – New Zealand - 2013

Commission for the Conservation of Southern
Bluefin Tuna (CCSBT)
81A Denison Street
Deakin
ACT
Australia
Tel: 612 6282 8396
Fax 612 6282 8407

Global Trust Certification
SAI Global Assurances
Marine Office
Quayside Business Park
Dundalk
Ireland
Tel: 00 353 42 9320912
Fax: 00 353 42 9386864

Executive Summary

The Quality Assurance Review has provided an evidence based review of New Zealand's Southern Bluefin tuna (SBT) fishery and associated fisheries management with CCSBT's Compliance Policy 1, "Minimum performance requirements to meet CCSBT Obligations". The QAR was conducted between April- August 2013 (one of four Member reviews undertaken), with a consultation meeting held with key personnel within the Ministry of Primary Industries via phone conference on the 11th June GMT (Table 1).

MPI monitor the SBT fishery in line with CCSBT's MPRs and have been shown to be compliant with an established fisheries regulatory management system in place. New Zealand's SBT fishery is managed under New Zealand's quota management system (QMS) in line with its primary fisheries legislation (*the Fisheries Act 1996*). The Ministry for Primary Industries is the government authority responsible for the management of the SBT fishery. New Zealand's SBT fishery is caught by predominantly domestic vessels and four foreign charter vessels (FCV), with all catches within NZ's Exclusive Economic Zone (EEZ). NZ's SBT fishery is predominantly a fresh export fishery to Japan, although fish caught by the FCVs are shipped back to Japan for unload.

New Zealand's national allocated catch is allocated on an annual calendar year basis, with the fishery from 1st October – 30th September each year. New Zealand's SBT AC is set as a national Total Allowable Catch (TAC) under the Quota Management System (QMS), with the national TAC SBT allocation the total quantity of SBT that can be taken by all fishing sectors (commercial, recreational, customary Maori and other sources of fishing-related mortality). Once the recreational, customary and sources of other fishing mortality quotas have been allocated the commercial TACC (total allowable commercial catch) is defined. FishServe is contracted by MPI to undertake the administration required to allocate quota for stocks covered by the QMS. Quota ownership of the TACC does not entitle the owner to catch fish but it entitles them to receive an Annual Catch Entitlement (ACE) which is commensurate with their quota shares. ACE represents the amount of a particular species that can physically be catch in a particular fishing year and is determined before the start of the fishing year (1st October – 30th September). Quota shares are a transferable property right representing the quota owner's share of the fishery.

New Zealand vessels in the SBT fishery are required to submit set by set tuna longlining catch and effort returns (or other method returns when caught as bycatch) whilst monthly catch reporting is also in place for permit holders (monthly harvest returns and landing return) and licensed fish receivers (licensed fish returns). All reporting is submitted by the 15th of the following month. New Zealand does not have any large scale tuna Longlining vessels (LSTLVs). Fisheries monitoring is conducted through at sea observer coverage and in port inspections by fishery officials. There was no at sea inspections reported in the 2011-2012 season, however there is the capability to conduct at sea inspections in future seasons.

New Zealand's SBT fisheries management systems have been shown to be effective in terms of the CCSBT minimum performance requirements with well-established fisheries legislation, a strong fisheries management regulatory system and established fisheries reporting and sanctions. The QAR has identified some weaknesses associated with the New Zealand management system. Given the level of at sea observer coverage and at sea inspections of domestic and recreational vessels potential risks have been identified associated with high grading/discards from vessels, although the Member noted that a provision is made for this within the TAC, so any such high-grading is unlikely to result in NZ exceeding its country allocation under present conditions. MPI have also recognised the risk of the misidentification of exports and catches within the charter fleet, with genetic testing

of exports currently being considered. The QAR review team has provided recommendations based on this QAR of which one of the key ones is the introduction of genetic testing within the fishery.

Table 1. Summary of Quality Assurance Review Implementation Information: New Zealand

Date QAR Contract Undertaken	<i>April – August 2013</i>
Reviewers	<i>Oliver Wilson - Lead reviewer; Dave Garforth - Project Manager/ Reviewer; Sam Peacock - Support Reviewer.</i>
Allocation Period covered	<i>2010 – 2013</i>
Date of consultation meeting(s)	<i>11th June 2013</i>
Length of consultation	<i>3½ hour conference call</i>
List of Member Agencies consulted with.	Ministry for Primary Industries Highly Migratory Species/Pelagic Group (Dominic Vallieres and Stephanie Hill)
Report Draft for Member Review	<i>July 18th 2013</i>
Receipt of Member Review Template / Comments	<i>August 19th 2013</i>
Final Report	<i>August 30th 2013</i>

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ABBREVIATIONS

AC	Allocated Catch (Individual Member quota)
ACE	Annual Catch Entitlement
ACV-ACR	Amateur Charter Vessel Activity and Catch returns
ASBTC	Attributable Southern Bluefin Tuna Catch
BIG	Bigeye tuna (New Zealand's species code)
CAS	Amateur-fishing catch activity system
CDS	Catch Documentation Scheme
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
DQZZ	Data quality standards and specifications
EDT	Electronic Data Transfer
EEZ	Exclusive Economic Zone
FAWG	Fisheries Assessment Working Group
FCV	Foreign Charter Vessel
FMA	Fishery Management Area
HSS	Harvest Strategy Standard
HMS	Highly Migratory Species
LFR	Licensed Fish Receiver
LSMS	Large Scale Multi Species
MCS	Monitoring, control and surveillance
MHR	Monthly Harvest Returns
MPI	Ministry for Primary Industries
MPR	Minimum Performance Requirement
MSY	Maximum Sustainable Yield
NRB	National Research Bureau
NZQA	New Zealand Qualifications Authority
QAR	Quality Assurance Review
QMS	Quota Management System
QWE	Quota Weight Entitlement
SBT	Southern Bluefin Tuna
SITO	Seafood Industry Training Organisation
STN	Southern Bluefin Tuna (New Zealand's species code)
SWO	Swordfish
TAC	Total Allowable Catch
TACC	Total Allowable Commercial Catch
VMS	Vessel Monitoring System

1 Quality Assurance Review

This is an evidence based review that forms the basis for the assessment of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) members against specific obligations from CCSBT's Compliance Policy 1, "Minimum performance requirements to meet CCSBT Obligations". Members were requested to demonstrate, by providing supporting documentation, that they meet the obligation from CCSBT's Compliance Policy. The scope of the assessment was limited to the obligations and associated Minimum Performance Requirements in section 1.1 of this policy, which are aimed at ensuring Members and Co-operating Non-Members, have implemented adequate measures to ensure they do not exceed their Allocation of the global Southern Bluefin Tuna (SBT) catch. The obligations in this policy are derived from CCSBT Resolutions and Decisions, in particular:

- The "Resolution on the Allocation of the Global Total Allowable Catch"; and
- The "Resolution on Limited Carry-forward of Unfished Annual Total Allowable Catch of Southern Bluefin Tuna within Three Year Quota Blocks".

The main body of this report provides an overview of the management of fisheries of the Member under assessment; a step-by-step description of the approach taken by the Member to meet each Minimum Performance Requirement (MPR); a discussion of any areas where fishery management falls short of an MPR, and potential improvements; and a detailed flow diagram illustrating the relationships between the different components of the management process.

1.1 Methodology

- The QAR is an independent desk top review with remote consultation stages with Member authorities to gain further evidence, seek clarification and verification of performance against the Minimum Performance Requirements of Section 1.1 of the CCSBT Compliance Policy.
- A lead reviewer is assigned to each Member Review from a team of reviewers.
- The review method was undertaken in 4 steps.
 - i. Management System Review – the overall framework for management of SBT to ensure compliance with allocations
 - ii. Process and implementation review – the implementation of the fishery management system (description, features, specific measures, actions, rules/regulations that allow for implementation, catch recording, and catch reporting and compliance). Evidence of implementation such as specimen records, reporting and recording documents will be requested to allow verification of the system's effectiveness to be assessed.
 - iii. Management System Effectiveness - the outcome of the analysis documented using a SWOT analysis with regard to the extent that the management system implementation effectively demonstrates compliance to each of the Min. performance criteria.
 - iv. Recommendations for Improvement- areas identified through the review that may result in improved Member compliance (or improved reporting effectiveness for purposes of subsequent QAR activities). This is presented using the Opportunities component of the SWOT analysis.

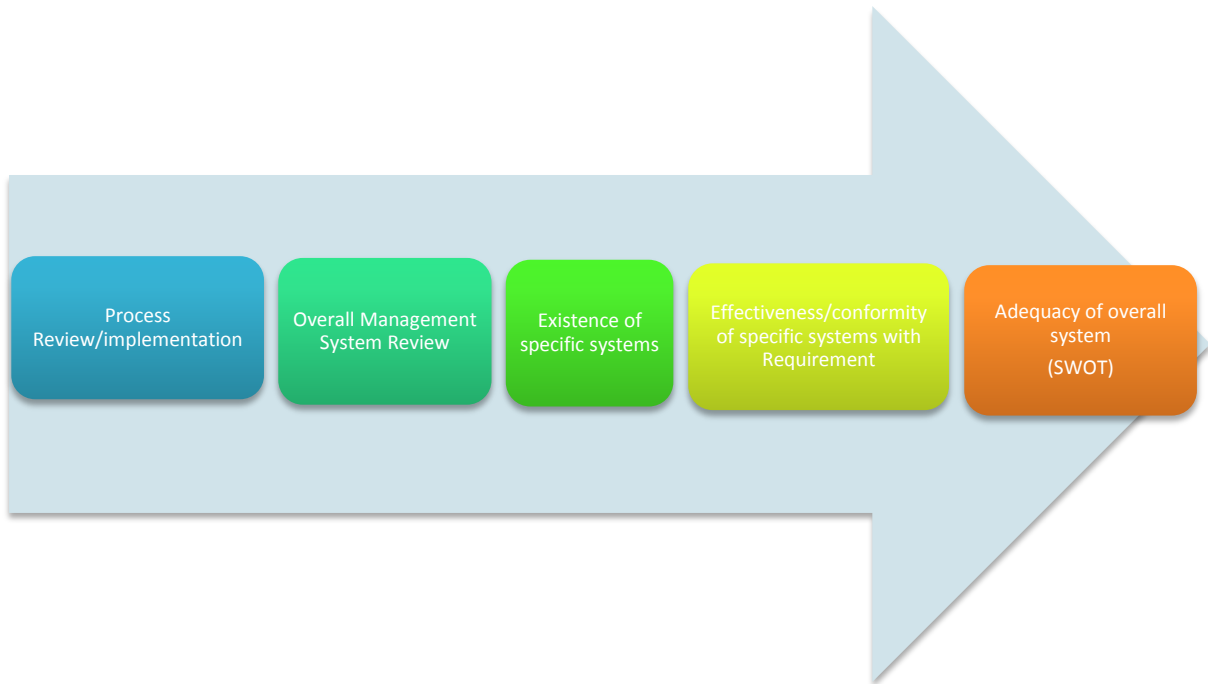


Figure 1 Methodology process for the CCSBT quality assurance review

A detailed process flow map of each Member was developed to provide a ‘visual’ description of allocation and catch accounting systems. The process flow maps were documented initially from the desk based review and then finalized during the final reporting stage (Section 4).

The report is presented in 7 Sections.

Section 1: This section, providing a short description of the process.

Section 2: A background section that describes the fishery and the overall management system. This is supported with an organizational chart and table of identified agency roles specific to each MPR (where applicable).

Section 3: Detailed description of the evidence that demonstrates conformity to the specific MPR requirement with a summary of outcome and key points.

Section 4: A detailed flow chart has also been prepared to support the evaluation and provides specific details of the SBT Allocation, CDS and MCS in place.

Section 5 & 6: A strengths, weaknesses, opportunities and threats (SWOT) analysis conducted on the Member. The SWOT has been conducted to provide information on the strengths, weaknesses and risks (threats) associated with New Zealand’s SBT fishery with the recommendations (opportunities) of the SWOT displayed in Section 6.

Section 7: This section provides an area for the Member to record comments on the final report.

Note: A further report on the overall outcome and feasibility of the approach, method and conclusions has also been undertaken as part of the QAR work.

2 Southern Bluefin fishery

2.1 Introduction

Southern Bluefin tuna (SBT) is a highly migratory species that is seasonally present in New Zealand waters, with New Zealand's Exclusive Economic Zone (EEZ) catches representing the eastern most extent of the stock (Figure 2)¹. SBT is a valuable species caught by commercial and non-commercial fishers¹. Traditionally SBT has been fished in New Zealand using handlines, trolling and longlining². Since 1991 the dominant gear type for SBT within the domestic fishery has been surface longlines representing 96 % of domestic fishing days and only 4 % using hand line (< 1 % used trolling)². Within New Zealand there are two distinct fishing areas the west coast of the South Island which predominantly targets SBT and the east coast of the North Island which targets a range of species including SBT². SBT catches caught along the east coast of the North Island historically has accounted for a small proportion of the total SBT catch, however in recent years catches have increased and now account for approximately the same as the SBT caught of the south west coast of the South Island. The change in spatial distribution of catches is attributed to the increase in domestic longline effort off the coast of the North Island².



Figure 2 Distribution of Southern Bluefin tuna within New Zealand waters¹

2.2 Commercial fishery

Figure 3 shows the distribution of SBT catches within New Zealand waters, separated between domestic and charter vessels. Whilst Figure 4 shows commercial catches of SBT from 1985-86 to 2010-11 and highlights that a Total Allowable Commercial catch (TACC) was introduced in 2004. The SBT fishing season runs from October – September with the majority of catches caught in June and July as shown by Figure 5 which shows the overlap of highly migratory species (HMS) fisheries for the domestic fleet, foreign charter vessels are not included in the data displayed³.

¹ Ministry for Primary Industries. (2012) *Southern Bluefin tuna Annual Catch Entitlement carry-forward provisions; Regulatory Impact statement*. ISBN No: 978-0-478-40494-4, November 2012

² CCSBT. (2012) *Annual Review of National SBT Fisheries – New Zealand*. CCSBR-CC/1209/SBT Fisheries-New Zealand

³ Vallieres, Dominic, Ministry of Primary Industries. (Personal communication, 17th June 2013).

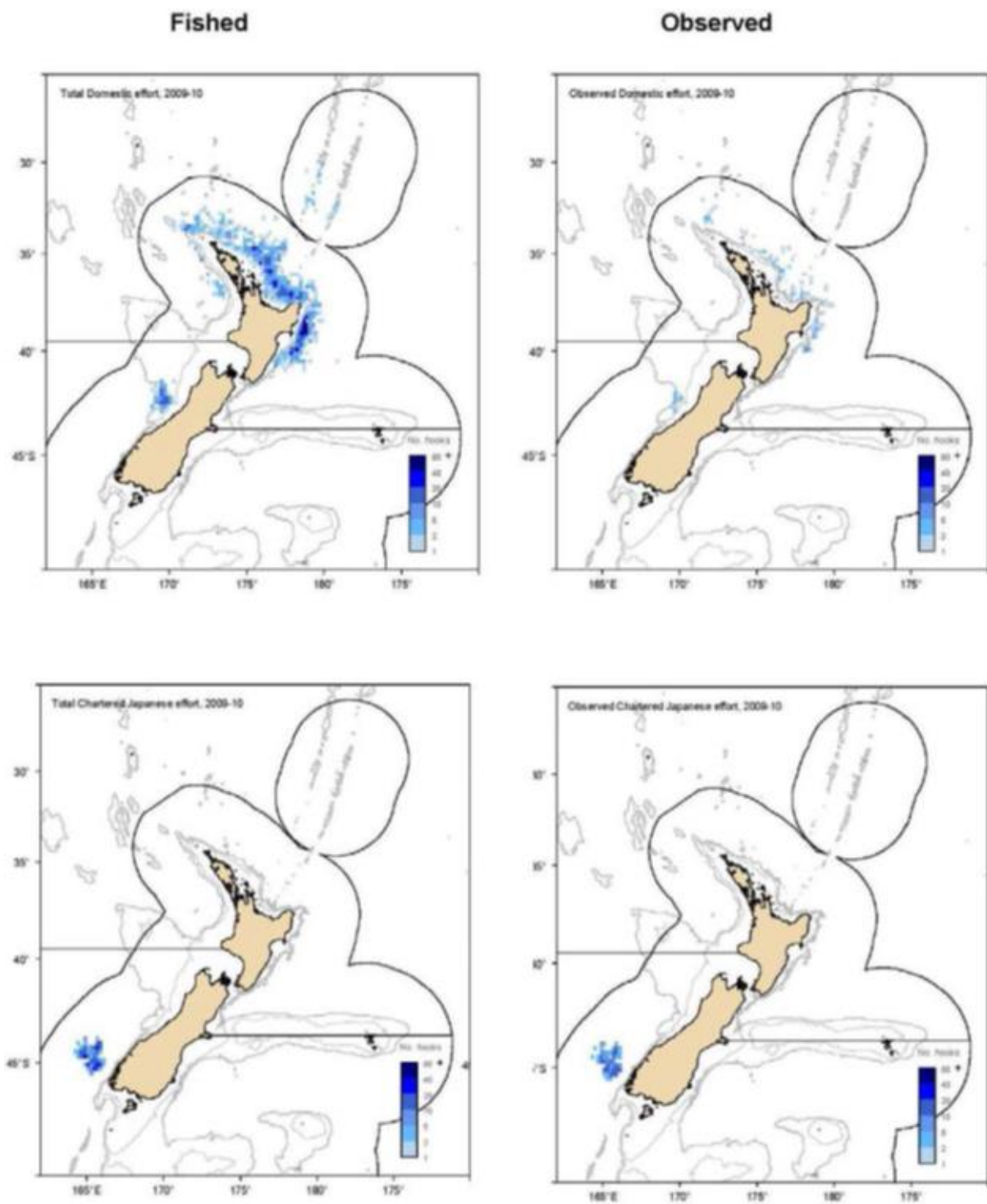


Figure 3 Distribution of Southern Bluefin tuna catches within New Zealand waters⁵

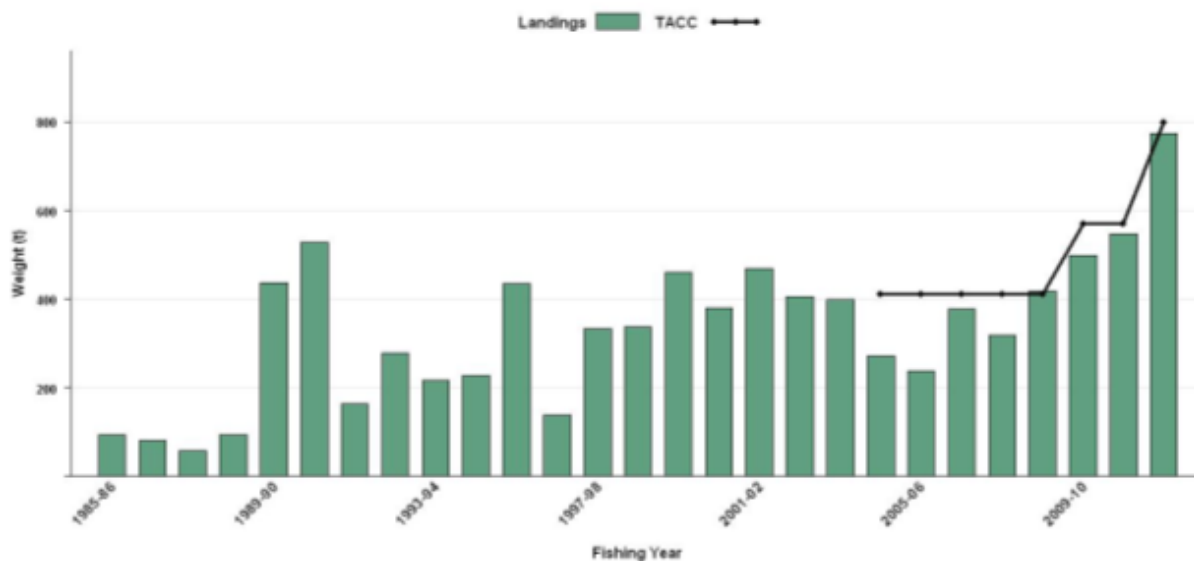


Figure 4 Commercial catch of Southern Bluefin tuna from 1985-86 to 2010-11 within NZ fishery waters (STN1)⁵

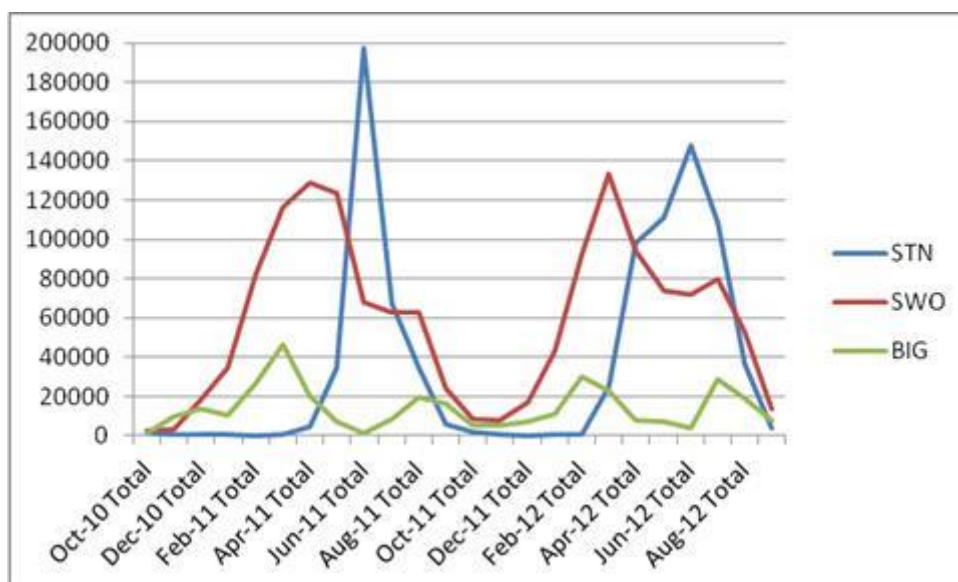


Figure 5 Seasonal overlap of highly migratory species (HMS) fisheries for the domestic New Zealand fleet from October 2010 to September 2012 (STN – Southern Bluefin tuna, SWO – swordfish & BIG – Bigeye tuna)³

2.3 Recreational fishery

Historically a targeted recreational SBT fishery has operated in Milford Sound. There is also now a newly developed gamefish charter fishery targeting Pacific Bluefin tuna off the west coast of the South Island, based out of Greymouth and Westport that takes SBT as bycatch^{16&13}. Catch estimates from this fishery based on voluntary reporting in 2007 and 2008 indicate that 35 fish (4,025 kg) and 3 (400 kg) were caught respectively¹³. 20 fish (2,171 kg) were also recorded to have been released alive, which has been attributed to tagging. In 2010 the catch estimate of non-commercial SBT bycatch from the Pacific Bluefin tuna game fishery was less than a tonne¹³.

2.4 Management Authorities

New Zealand has three levels of government: central, regional and local. Fisheries management is the responsibility of central government (the Ministry for Primary Industries (MPI)) who annually determine the objectives and strategies for fisheries management⁷. Fisheries management measures are consulted upon with a range of stakeholders including commercial, customary Maori, recreational and environmental groups, who are all actively engaged in the process⁷. The overall objective of New Zealand's fisheries management is to: *"maximise the value New Zealanders obtain through the sustainable use of fisheries resources and the protection of the aquatic environment"*. The *Fisheries Act 1996* (New Zealand's overarching fisheries legislation) states its purpose is *"to provide for the utilisation of fisheries resources while ensuring sustainability"*. As per the *Fisheries Act 1996* "Utilisation" is defined as *"conserving, using, enhancing and developing fisheries resources to enable people to provide for their social, economic and cultural well-being"*, whilst "ensuring sustainability" is defined as *"maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations"* and *"avoiding, remedying or mitigating the adverse effects of fishing on the aquatic environment."*⁷. The *Fisheries Act 1996* overall objective is achieved through;

- a) Protecting the health of the aquatic environment
- b) Enabling people to get best value from the sustainable and efficient use of fisheries
- c) Ensuring that obligations to Maori (New Zealand's indigenous people) are met⁷

The Ministry achieves its objectives outlined in the operational guidelines, which are based on fisheries legislation, both through work conducted internally by MPI staff and through the use of contractors for certain services such as FishServe who maintain vessel registries and public registries of quota owners.

MPI is responsible for the overall management of SBT caught by NZ vessels both within NZ waters and on the high seas. MPI has outsourced some of the management tasks associated with SBT to contractors but maintains overall responsibility and has a performance-monitoring role⁷. MPI has also devolved some of its work completely to FishServe who are now responsible for these tasks. The delineation of responsibilities associated with the SBT fishery is shown in Table 2, whilst a high level organisational structure detailing the authorities responsible for the management of the SBT fishery is shown in Figure 6, including government departments and external contractors. Within MPI several other sections are involved with SBT including the compliance team conduct inspections of the fishery, whilst the observer team provide observers who cover the SBT fishery as part of the wider observer coverage of NZ fisheries.

Table 2 Management Authority responsibilities for Minimum Performance requirement (MPR)

Management Authority	Department/Subsidiary	Responsibilities	CCSBT MPR
Ministry for Primary Industries (MPI)	International Fisheries Management Group	<ul style="list-style-type: none"> Develop and provide policy and advice to ensure the effective management of New Zealand's international fisheries 	1.1 (1)
	Stock Assessment Group	<ul style="list-style-type: none"> Provides scientific advice 	1.1 (3)
	Highly Migratory Species/Pelagic Group (Fisheries Management Directorate)	<ul style="list-style-type: none"> Conducts statutory and regulatory functions for the management of New Zealand's fisheries resources Implementation of fisheries operational plans Involvement in developing operational policy framework 	1.1 (1) 1.1 (2a) 1.1 (2b)
	Observer Services Unit	<ul style="list-style-type: none"> Manage the daily service delivery of observer operations Maintains efficient systems and processes to deliver observer services 	1.1 (2c) 1.1 (3)
	Compliance Directorate (Compliance and response branch)	<ul style="list-style-type: none"> Operational delivery of compliance services, investigation services, and compliance inspections including voluntary compliance 	1.1 (2c)
	Maori Partnership Implementation	<ul style="list-style-type: none"> Delivery of fisheries related obligations to Maori 	1.1 (1)
	Assurance and Evaluation	<ul style="list-style-type: none"> Audit and risk 	
Commercial Fisheries Services (CFS)	FishServe	<ul style="list-style-type: none"> Administration of allocation of new species into the QMS (administrative functions only. Decisions including, but not limited to, the introduction of new species and quota setting are made by the Minister for Primary Industries (with advice from MPI). Collection of Revenue on behalf of the Crown Fishing Permit issue, vessel registrations and the associated management these registries Management of ACE & Quota Share Registers, including registration of ACE and Quota Share Transfers and the registration of Caveats & Mortgages over Quota Shares Processing of Fishing returns 	1.1 (2a)
	FINNZ	<ul style="list-style-type: none"> Processing of recreational returns 	1.1 (2) 1.1 (4)

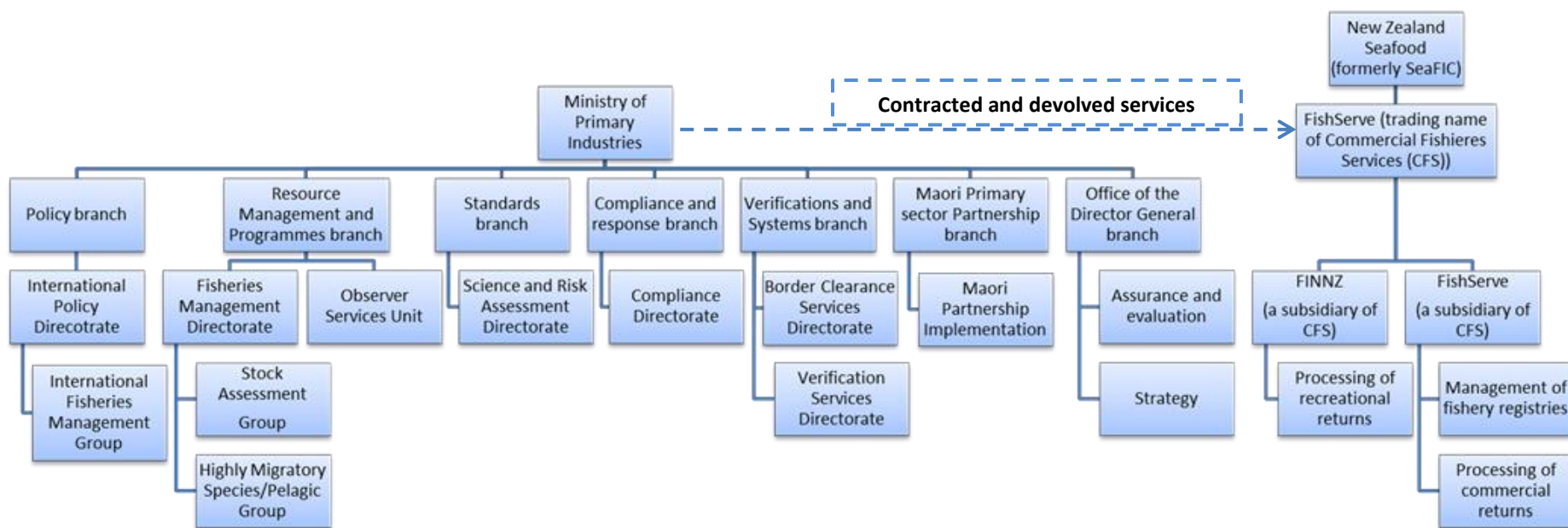


Figure 6 Organisational structure of New Zealand fisheries management

2.5 Management System

New Zealand fisheries waters are divided into Fisheries Management Areas (FMAs) with fisheries management occurring at stock level, which can be across a number of FMAs. Figure 7 shows the FMA for SBT. Each stock has a Total Allowable Catch (TAC) determined by an assessment of the sustainable total amount of catch that can be taken from a stock in any one year. TACs are set by MPI and generally referenced to a maximum sustainable yield (MSY), except in cases where it is not possible to calculate MSY⁷. For example for SBT there is no MSY set for the New Zealand portion of the stock due to the highly migratory nature of the species and the fact that ‘a national allocation for New Zealand has been determined as part of an international agreement’ as covered by Section 14 of the *Fisheries Act 1996*. Given an international agreement is in place, SBT is classified under Schedule 3 of the *Fisheries Act 1996*, as a stock managed with an alternative total allowable catch. Management of SBT is unique in that all catch taken by New Zealand nationals is counted against the TACC regardless of whether the catch occurs within its EEZ or not⁴.



Figure 7 New Zealand's Southern Bluefin Tuna (SBT) Fisheries Management Area (FMA) (STN1 – is the code for the SBT FMA)⁵

New Zealand's fisheries, including SBT, are managed under the Harvest Strategy Standard (HSS) which establishes a consistent and transparent decision making framework to enable utilisation of New Zealand's QMS species whilst ensuring sustainability⁶. The HSS is a technical standard outlining the core standards for New Zealand's fisheries management that are not envisaged to change substantively in the short term⁶, with reviews at least every 5 years to account for changes in international and national fisheries management and to take into account current best practice⁶. The HSS is a statement of how the Ministry intends to fulfil its obligations outlined in the *Fisheries Act 1996* in the context of the practical fisheries management⁹. It details the best practice for setting fishery and stock targets for fisheries managed under New Zealand's Quota Management System (QMS)⁶. The QMS was introduced in 1986 with SBT managed under the QMS since 2004⁶. The QMS now manages over 90 % of the commercial fishery harvest providing quota owners with strong, exclusive tradable property rights represented as quota⁶.

⁴ Vallieres, Dominic. Ministry for Primary Industries [Personal Communication, 19th August 2013]

⁵ Ministry for Primary Industries. (2012) *Fisheries Assessment Plenary – Stock Assessment and Yield Estimates*. Compiled by the Fisheries Science Group

⁶ CCSBT. (2012) *Compliance Action Plan – New Zealand*. CCSBT-CC/1209

The Harvest Strategy Standard (HSS) specifies evaluation measures used to assess the status of New Zealand's fish stocks and fisheries:

- *the soft limit – a biomass level below which a stock is deemed to be “overfished” or depleted and needs to be actively rebuilt;*
- *the hard limit – a biomass level below which a stock is deemed to be “collapsed” where fishery closures should be considered in order to rebuild a stock at the fastest possible rate;*
- *the overfishing threshold – a rate of extraction that, if exceeded, will lead to the stock biomass declining below management targets and/or limits; and*
- *the management target – usually a biomass level,¹ but sometimes a fishing mortality rate,² that stocks are expected to fluctuate around, with at least a 50 % probability of achieving the target.⁷*

Operational Guidelines detail the interpretation, technical and implementation aspects for fisheries management based on the high level standards of the Harvest Strategy Standard. The Operational Guidelines are fluid documents which continually evolve to take into account new data and analysis⁸.

For HMS managed under international agreements MPI rely on the international organisations to determine the stock status of the species. MPI advocate for adoption of harvest strategies and rebuilding plans that meet or exceed the minimum harvest strategy standards⁸. Where required Ministry representatives will propose rebuilding strategies in circumstances where an international organisation does not have a formal plan to rebuild depleted stocks⁸. Corrective management actions are put into place for stocks that are below the soft or hard limit, with New Zealand contributing to the management procedure adopted by the CCSBT to rebuild the stock to interim and long-term target levels⁷.

2.6 Economic value

New Zealand's SBT fishery is predominantly an export fishery with limited domestic demand, in addition to which the industry receives better unit prices for exported fish. From January 2012 – December 2012 New Zealand exported 440,858 kg of SBT, worth \$16,691,556 NZD⁹. New Zealand's SBT exports are dominated by chilled and frozen whole fish which are primarily export to Japan, with Australia the second largest market (Table 3).

Table 3 New Zealand Southern Bluefin tuna exports (SBT) in 2012 (amended from ⁹)

Product	Export market	Weight (kg)	FOB*Value (\$NZ)	Unit value (\$NZ)
Chilled other	Japan	26,135	788,525	30.17
Chilled whole	Australia	3,592	57,840	16.10
	China, Peoples Republic	46	920	20.00
	Hong Kong	40	909	22.73
	Japan	200,789	7,780,176	38.75
	United States	2,111	22,047	10.44
Frozen other	Japan	208,145	8,041,139	38.63
	Total	440,858	16,691,556	

*Free on board -the value of export goods, including raw material, processing, packaging, storage and transportation up to the point where the goods are about to leave the country as exports. FOB does not include storage, export transport or insurance cost to get the goods to the export market.

⁷ Ministry of Fisheries. (2012) *The Status of New Zealand Fisheries 2012*.

⁸ Ministry of Fisheries. (2008) *Harvest Strategy Standard for New Zealand Fisheries*.

⁹ Seafood New Zealand. (2012) *New Zealand Seafood Exports - Report 7 Seafood exports by product type Calendar year to December 2012*.

3 Member Management System Implementation of CCSBT Minimum Performance Requirements

This section is based on historical Member Compliance Action Plans against the 2012 quota allocation; data that demonstrates performance of compliance to date against the 2013 quota and including reference to 2014 allocation.

3.1 Obligation 1.1 (i)

3.1.1 MPR 1 – “Rules in place to ensure that the total ‘Attributable SBT Catch’ of each Member does not exceed the Member’s Allocated Catch for the relevant period.”

Summary - Effort in the New Zealand SBT fishery is limited by the application of a national Total Annual Catch (TAC), which is set in line with the CCSBT Allocated Catch (AC). During the time period under scrutiny in this review (2010 – 2013), the total Attributable SBT Catch (ASBTC) reported by New Zealand has been below both the national TAC and the CCSBT AC for that period.

Key points

- New Zealand fishing year is October 1st – 30th September;
- Historically New Zealand has used in season TAC adjustments following the CCSBT meeting in October;
- New Zealand did not enact the CCSBT carry-forward procedure in the 2012/13 fishing season;
- New Zealand has amended its legislation to enable of the carry-forward procedure in the 2013/14 fishing season (Section 3.2.1).

New Zealand fisheries management ensures that the total Attributable SBT Catch (ASBTC) does not exceed New Zealand’s allocated catch through the existence of a national quota. New Zealand’s CCSBT Allocated catches (AC) are allocated on an annual calendar year basis, following the CCSBT Annual Commission meeting, which is held in October each year. The New Zealand fishing year is October 1st – 30th September so given the timing of the CCSBT meeting the New Zealand quota is set based on the provisional quotas. Following the finalisation of the CCSBT ACs, New Zealand provide an in season change to the originally issued quotas, as required.

Table 4 details New Zealand’s AC from 2011 to 2014, showing that the AC has increased from 754 kg in 2010 to 833 t for the current year. In the 2011/2012 fishing year New Zealand caught within its allocated catch and was not required to pay back any quota. Catches for the current fishing year have not yet been finalised and as such no determination can be made on whether this will result in an over or under catch to be carries forward to the next fishing year (2013 – 2014). New Zealand did not enact the new CCSBT carry-forward procedure into their fisheries legislation for the 2012 – 2013 fishing year (Section 3.2.1).

Table 4 New Zealand's Allocated Catch, National Total Allowable Catch (TAC) and total Attributable SBT Catch (ASBTC) for each SBT fishing season since 2010

CCSBT Year	New Zealand SBT Season	Allocated Catch (t)	National TAC ^{5&2} (t)	ASBTC ² (t)
2010	Oct 2009 – Sept 2010	754 ¹⁰	532	417.3
2011	2010/11	754 ^{10,11}	570	499.5
2012	2011/12	800	570	547.2
2013	2012/13	833	800	-

¹⁰ CCSBT. (2009) *Report of the Sixteenth Annual Meeting of the Commission*. 20-23 October 2009, Jeju Island, Republic of Korea

¹¹ CCSBT. (2009) *Report of the Seventeenth Annual Meeting of the Commission*. 15 October 2010, Narita, Japan

3.1.2 MPR 2a (i): [Operating systems and processes established to implement annual catching arrangements, including] Specification of allocations by company, quota holder or vessel

Summary - Each year the New Zealand national TAC is divided between Customary, recreational, other sources of mortality and commercial catches. Commercial quota holders are issued an Annual Catch Entitlement (ACE) based on the proportion of quota they hold. The amount of ACE owned determines how much a fisher can catch within the season. ACE can be traded at any time during the fishing season, or up to 15 days after the season ends.

Key points

- Allocation is by quota holder;
- FishServe maintain the vessel and fishing permit registries;
- FishServe are contracted by MPI to maintain registries of commercial quota and ACE owners;
- FishServe perform the administrative tasks for quota and ACE transfers.

MPI contracts FishServe to allocate SBT quota to individual quota holders and deal with the administrative aspects of SBT quota allocations and ACE. FishServe is contracted by MPI to undertake the administration required to allocate quota for stocks covered by the Quota Management System (QMS)¹⁶. FishServe is a long standing contractor to MPI and it was noted that no alternative suppliers have been identified so there is limited competition for this role. Information held by FishServe is subject to standard Ministry guidelines and protocols to protect the confidentiality of commercially sensitive information¹².

New Zealand's SBT allocation, as defined by CCSBT, forms the basis by which the Total Allowable Catch (TAC) is determined under the QMS⁶. MPI set the national quotas annually for the fishing season which is 1st October – 30th September. National quotas are set taking into account New Zealand's AC, with the national TAC SBT allocation the total quantity of SBT that can be taken by all fishing sectors⁶. The fishing sectors are split into four groups; commercial, recreational, customary Maori and other sources of fishing-related mortality⁶. The recreational allowance is set based on historical catch figures, with an additional amount provided to customary fisheries. Sources of other fishing mortality can include research mortality if required, but bycatch is covered in the TACC¹². An allowance of 3 t in the TAC has been made for other sources of SBT mortality including discards, although there is no size data available to verify the weight estimates for discards¹³. Once the recreational, customary and sources of other fishing mortality allowances have been allocated the commercial TACC (total allowable commercial catch) is defined.

The TACC is set by the Minister of Fisheries after first taking into account the allowance for recreational, Maori customary fishing and all other sources of fishing mortality². Quota shares are a transferable property right representing the quota owner's share of the fishery¹⁶. As per the *Treaty of Waitangi (Fisheries Settlement) Act 1992* and the *Fisheries Act 1996* Maori are entitled to 20 % of the commercial quota which is allocated to a central body (Te Ohu Kai Moana Trustee Limited), which further allocates it to Maori in accordance with the 16 signed fisheries protocols signed fisheries protocols that have been signed between the government and recognised iwi, under the

¹² Ministry for Primary Industries. (2013) *Fisheries Policy* [Online] Available from: <http://www.fish.govt.nz/en/info/aboutus/Organisation/policy/Adding+value+to+fisheries+sectors.htm#dvr> [Accessed 04/06/13]

¹³ Ministry for Primary Industries. (2009) *In-Season Review for Southern Bluefin tuna (STN 1)*. ¹⁴ http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM395969.html?search=sw_096be8ed80b457eb_Te+O+hu+Kai+Moana+Trustee+Limited_25_se&p=1 [Accessed 28/06/2013]

*Maori Fisheries Act 2004*¹⁴. '44 Te Ohu Kai Moana Trustee Limited entitled to 20 % of total new quota

*(1)The chief executive shall allocate to Te Ohu Kai Moana Trustee Limited 20 000 000 shares of the individual transferable quota for each stock declared by notice in the Gazette under section 18 to be subject to the quota management system.*¹⁴

Quota ownership does not entitle the owner to catch fish but it entitles them to receive an Annual Catch Entitlement (ACE). Quota owners receive an ACE commensurate with their quota shares of the TACC. ACE is determined by multiplying the quota shares by the TACC to determine a Quota Weight Equivalent (QWE) (each TACC has a 100 million quota shares) to give the quantity of ACE each quota owner may use or sell¹⁶ (

Figure 8). ACE owned by a quota owner cannot be less than 1 kilogramme. ACE represents the amount of a particular species that can physically be caught in a particular fishing year and is determined before the start of the fishing year (1st October – 30th September)⁷.

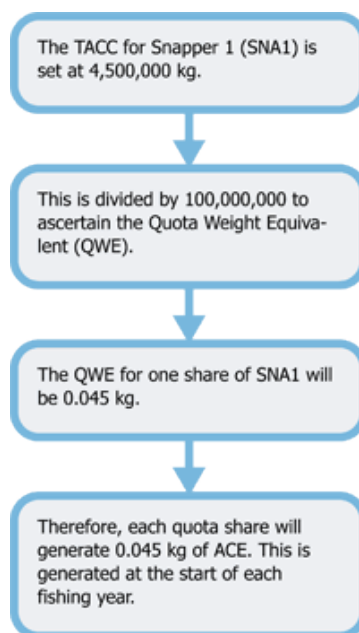


Figure 8 Determination of Annual Catch Entitlement for quota holders within New Zealand¹⁶

New Zealand's QMS is considered to have resulted in a high level of quota and ACE transferability. Quota shares are freely bought and sold with ownership records¹⁶, whilst quota shares can also be transferred between individuals using an approved quota transfer form as supplied by FishServe (Appendix **Error! Reference source not found.**)¹⁶. All quota transfers must be registered with FishServe maintaining a public registry of quota share ownership, which details the number of shares an individual, has¹⁶. Restrictions are imposed on ownership of quota shares and the number of shares owned by one individual, entity or its associates are outlined in *Section 59 of the Fisheries Act 1996* which states;

'Aggregation limits - (1) Notwithstanding the provisions of this Act relating to the transfer of quota, no person shall be entitled to own— (e) in any other case, a number of quota shares for any one

¹⁴ http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM395969.html?search=sw_096be8ed80b457eb_Te+Ohu+Kai+Moana+Trustee+Limited_25_se&p=1 [Accessed 28/06/2013]

*species the total quota weight equivalent of which is more than 35 % of the combined total allowable commercial catches for every stock of that species.*¹⁵

Restrictions on quota ownership include overseas ownership which requires specific consent from MPI for quota ownership and ACE, with quota transferring not allowed to foreign persons¹⁶. With the exception of these restrictions there is no restriction on the activity of quota trading. Quota share transfers are also restricted if there is a caveat over the shares¹⁶. There are three forms of caveats that relate to quota shares and are defined as;

- *'A consensual caveat that can be registered by any person with the consent of the owner of the shares.*
- *A court may order a caveat be lodged upon application to the court.*
- *A Crown caveat can be registered over quota shares by the Ministry for Primary Industries for either:*
 - *an alleged breach of foreign ownership provisions;*
 - *an alleged breach of aggregation limit provisions;*
 - *failure to pay cost recovery levies; or*
 - *an alleged commission of an offence for which one of the penalties is forfeiture of quota.*¹⁶

The transfer of quota shares does not entitle the purchaser to any catch rights until the beginning of the next fishing year when the ACE is generated. ACE can be obtained through separate ACE transfers¹⁶.

Limits in place for the level of aggregation of quota shares can be exceeded if consent is obtained from the Minister under *section 60 of the Fisheries Act 1996*. ACE transfers are not subject to these aggregation limits with no restrictions in place apart from the owner being required to have sufficient ACE to transfer¹⁸.

There are no restrictions on vessel numbers and any person can commercially fish as long as they hold a commercial fishing permit and use a registered fishing vessel as registered under the *Fisheries Act 1996*. All New Zealand-flagged vessels registered in New Zealand are technically authorised to take SBT, although only a small proportion do so². All fishers operating within New Zealand's SBT fishery or on the high seas must hold the relevant domestic or high seas fishing permit and operate from registered fishing vessels.

Foreign flagged charter vessels chartered by New Zealand commercial fishers are required to be registered under the *Fisheries Act 1996* and are only allowed to fish in New Zealand with prior approval from MPI¹⁷. Permissions are not granted to vessels flagged to non-member countries⁴. Maintenance of the vessel registry is a devolved service which is maintained on FishServe's FMS database with data exchanges to MPI's CORPORAT database overnight²¹. FishServe conduct automated systems validation on the fishing permits and vessel registries, although given the registries do not change much this primarily involves ensuring that the entity doesn't already have a permit in that name¹⁸.

¹⁵http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM396334.html?search=sw_096be8ed809ee433_ownersh ip_25_se&p=1&sr=6 [Accessed 28/06/2013]

¹⁶<https://www.fishserve.co.nz/information/quota-shares> [Accessed 28/05/2013]

¹⁷<http://www.fish.govt.nz/en-nz/Publications/Annual+Reports/Annual+Report+2008/Leading+New+Zealands+Sustainable+Fisheries+Management/Achie ving+Outcomes+Management+of+Foreign+Charter+Vessels.htm> [Accessed 04/06/13]

A list of the current quota shares owned is publicly available from FishServe who maintain the public registries for both the quota shares owned and the ownership of ACE. During the 2011 – 2012 fishing year New Zealand reported 56 vessels that had reported SBT catch, including four Japanese foreign charter vessels⁶. Table 5 details the current quota shares associated with the southern Bluefin tuna fishery for 2012 – 2013 for all those quota holders whose SBT quota equates to more than 1 % of SBT ACE for the 2012 – 2013 fishing year. The allocation of quota shares and the subsequent level of ACE do not vary greatly between years, with MPI expecting allocations for the 2013 – 2014 fishing season to be comparable to the current year⁶. Table 5 shows the allocation of quota in line with *section 59 of the Fisheries Act 1996* with the largest % share of ACE 21.03 %.

On the last day of the current fishing year FishServe run the ACE administrative process to determine allocations for the following fishing year. Following the legislative mandate of SBT allocation, FishServe conduct validation checks to ensure there are no changes to the TACC and update their database accordingly. Following reconciliation of the FishServe database with the latest TACC FishServe run the ACE allocation process in line with the process described above. The outputs of this process are checked to ensure that the total allocation equals the TACC¹⁸. The 2013 – 2014 quota allocation will not be available until the last day of the current fishing year after FishServe have determined the allocations for the following fishing year. Once this process has been completed the latest quota shares and their associated ACE will be available from FishServe.

¹⁸ Vallieres, Dominic. Ministry for Primary Industries. (Personal Communication, 20th June 2013)

Table 5 2012 – 2013 SBT quota allocation to New Zealand quota holders, showing only those quota holders with over 1 % of the SBT Annual Catch Entitlement (ACE)

Legal Name	Total Shares	Restricted Shares	Restriction Type	Rounded ACE Equivalent (kg)	% of ACE
New Zealand Japan Tuna Company Limited	21,027,925	-		171,798	21.03
Talley's Group Limited, Solander Maritime Limited	8,987,845	-		73,431	8.99
Duart Quota Holdings Limited	6,037,381	6,031,998	Mortgage	49,325	6.04
Sravanthi Limited	4,192,608	-		34,254	4.19
Benjamin Newsome Turner, Neil Finlay McNab	3,200,096	-		26,145	3.20
Ngapuhi Asset Holding Company Limited	3,158,106	-		25,802	3.16
Gisborne Fisheries 1955 Limited	2,924,458	-		23,893	2.92
Tuna Fishing Company Limited	2,073,921	1,217,694	Mortgage	16,944	2.07
Leigh Fisheries Limited	2,069,855	-		16,911	2.07
Altair Fishing Limited	2,049,180	-		16,742	2.05
Pupuri Taonga Limited	1,889,392	1,889,392	Mortgage	15,436	1.89
Ngati Porou Seafoods Limited	1,873,301	-		15,305	1.87
Petromont Export Limited	1,730,349	-		14,137	1.73
Gallagher Fishing Company Limited	1,585,314	-		12,952	1.59
Kahungunu Asset Holding Company Limited	1,574,842	-		12,866	1.57
Mark Ronald Aislabie, Lorraine Florence Aislabie	1,457,136	-		11,905	1.46
Tainui Group Holdings Limited	1,370,115	-		11,194	1.37
Ngai Tahu Fisheries Settlement Limited	1,221,991	-		9,984	1.22
Te Arawa Fisheries Holding Company Limited	1,193,632	-		9,752	1.19
Robert Wayne Kusabs	1,101,563	-		9,000	1.10
Ngati Tuwharetoa Fisheries Holdings Ltd	1,007,901	-		8,235	1.01

3.1.3 MPR 2a (ii): [Operating systems and processes established to implement annual catching arrangements, including] Arrangements for daily recording of all catches;

Summary - All New Zealand longline vessels fishing for SBT, or which might catch SBT as bycatch, are required by law to complete a tuna longline catch effort return detailing the date, time, location of each set and an estimate of weight caught.

Key points

- Tuna longlining catch and effort returns include fish bycatch information for both retained and released or discarded catches;
- FishServe currently promoting an electronic reporting process, but to date there is limited uptake;
- Recreational charter vessel operators are required to record SBT catches in Amateur Charter Vessel Activity and Catch returns (ACV-ACR).
- For the non-charter sector of the recreational fishery there is no mandatory reporting.

Catches of SBT are monitored by New Zealand through the analysis of catch data which commercial fishers are required to submit on a monthly basis (in addition to daily logbook reporting). Catch reporting of SBT commercial catch is defined by the *Fisheries Commercial Fishing Regulations 2001*, *Fisheries Recordkeeping Regulations 1990*, *Fisheries (Reporting) Regulations 2001* and *Section 190 of the Fisheries Act 1996*.

Tuna longlining catch and effort returns are completed by the fishers, with the submission of these mandatory for all tuna longlining vessels that catch SBT (Appendix **Error! Reference source not found.**) under *section 13 of the Fisheries (Reporting) Regulations 2001*¹⁹. Vessel tuna longline catch effort returns record information on individual sets including fish bycatch information for both retained and released or discarded catches, and must be;

- *'Completed for every set made from the vessel on a fishing trip immediately after the set is completed; and*
- *Provided at the return for a fishing trip that ends on any day in a calendar month not later than 15 days after the last day of that calendar month.'*^{19&6}

Fishers that catch SBT as bycatch are required to record SBT in the relevant catch effort returns used for their type of fishing method, for example mid-water trawl or trolling²⁰.

All catch effort returns are currently submitted physically to FishServe, who are under contract to process the data and enter it directly into MPI's catch effort database, either through a direct login or web service²¹. A computerised validation process is in place for the catch effort returns, with an automated validation error generated following data entry. FishServe validation staff will contact the permit holder to correct the return in the event of validation errors being identified¹⁸.

There is currently a move to promote an electronic process for reporting with FishServe now providing their Catch Effort Electronic Data Transfer (EDT)²². EDT is an electronic tool that fishers register with and can then submit their catch effort returns electronically whilst also providing users

¹⁹http://www.legislation.govt.nz/regulation/public/2001/0188/latest/DLM61856.html?search=sw_096be8ed809ee519_section+13_200_se&p=1&sr=10 [Accessed 28/06/2013]

²⁰ Hill, Stephanie. Ministry for Primary Industries [Personal Communication 19th August 2013]

²¹ Vallieres, Dominic. Ministry for Primary Industries [Personal Communication 5th July 2013]

²² <https://www.fishserve.co.nz/information/catch-effort-edt-cedric> [accessed 27/05/13]

with the ability to generate reports on their catch effort data²². Currently there has been limited uptake of the electronic system by New Zealand vessels in general and none within the tuna fleet²⁶.

In addition to the tuna longline catch effort returns fishers are required to complete Non-fish and Protected Species Returns (Appendix **Error! Reference source not found.**) for each trip where a non-fish/protected species is caught. The information captured on these returns includes; date and time of incident, species involved, and health of the animal (i.e. uninjured, injured or dead)⁶. These returns must be submitted no later than the catch effort report it's associated with as per the *Fisheries (Reporting) Regulations 2001*²³.

All amateur-fishing charter vessel operators must register their operations with MPI before they run any trips. The registration process is managed by FINNZ (a subsidiary of FishServe) on behalf of MPI²⁴. In addition to registering their operations, recreational charter vessel are also required to submit SBT catch reports. Mandatory recreational reporting, as per the *Fisheries (Amateur Fishing) Regulations 1986 (s26A, 26B)* and the *Fisheries (Amateur Charter Fishing Reporting) Notice 2010*, has been in place since 1st November 2010 for selected regions and has been in place nationally since the 1st October 2012. This is in line with the *Fisheries (Amateur Fishing) Regulations 1986 (s26A, 26B)* and the *Fisheries (Amateur Charter Fishing Reporting) Notice 2010*. All recreational charter operators need to complete an Amateur Charter Vessel Activity and Catch return (ACV-ACR) form for each charter vessel trip to record the following information; their target species, fishing method, number of people actively fishing, location and fishing time for each fishing trip (Appendix **Error! Reference source not found.**). The number of SBT caught, retained and a best weight estimate for each fish caught also has to be recorded. Vessel operators are required to physically submit the ACV-ACR forms by the 15th of the following month to FINNZ, who are contracted by MPI to enter the paper based returns into a web form user interface which incorporates the data into MPI's amateur-fishing catch activity system (CAS)²⁵. MPI are responsible for reporting and hosting the CAS, with automatic cross-checking built into the database with FINNZ required to adhere to the data quality standards and specifications (DQZZ) set out in their contract with MPI²⁵. The new mandatory reporting replaces existing voluntary reporting of SBT catches by recreational charter vessels, although voluntary reporting on recreational tagging activities will continue (e.g. provision of tag release information)⁶.

As per the *Fisheries Act 1996*, both FishServe and FINNZ are required to provide information and reports relating to their responsibilities as per their specific DQZZs set out in their contract with MPI. As per MPI guidelines monthly performance reports are required with annual reports submitted within 3 months of the financial year (April – March). In addition third party audits are conducted annually for both financial and internal quality assurance programmes and made available to MPI within one month of the completion of the audit²¹.

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http://www.legislation.govt.nz/regulation/public/2001/0188/latest/DLM1650342.html?search=sw_096be8ed809ee519_Non-fish+and+Protected+Species+Returns_200_se&p=1&sr=15 [Accessed 28/06/13]

²⁴ <http://www.fish.govt.nz/en-nz/Recreational/Amateur+Charter+Vessel+Reporting/default.htm> [Accessed 04/06/13]

²⁵ Vallieres, Dominic. Ministry for Primary Industries [Personal Communication 16th July 2013]

3.1.4 MPR 2a (iii): [Operating systems and processes established to implement annual catching arrangements, including] Weekly reporting of catches by large scale tuna longliners and monthly reporting of catches by coastal fishing vessels

Summary – New Zealand does not have any domestically owned large scale tuna longlining freezer vessels. Monthly reporting of catches is submitted by vessels, permit holders and licensed fish receivers. All reports have to be submitted to FishServe no later than 15 days after the last day of that calendar month.

Key points

- Tuna longlining catch and effort returns are submitted by vessels;
- Catch landing returns are submitted by permit holders;
- Monthly harvest returns are submitted by permit holders;
- Monthly licensed fish receiver returns submitted by licensed fish receivers;
- Recreational charter vessel operators required to submit Amateur Charter Vessel Activity and Catch returns (ACV-ACR) forms by the 15th of the following month to FINNZ.

New Zealand does not have any domestically owned large scale tuna longlining freezer vessels targeting SBT¹⁸. New Zealand's reporting requirements in line with MPR 2a (iii) are for monthly reporting by coastal fishing vessels and the reporting requirements encompasses both the New Zealand flagged vessels and the Japanese charter vessels.

To fulfil the reporting requirements of MPR 2a (iii) New Zealand fishers must complete the CCSBT's Catch Documentation Scheme (CDS) requirements with domestic sales greater than 10 kg required to go through Licensed Dealers of Fish (Licensed Fish Receivers may also be Dealers in Fish)⁶. CCSBT catch monitoring forms are completed by Licensed Fish Receivers (LFRs) and are validated by authorised third parties which are often associated with the LFRs. MPI authorised third parties receive training established through the New Zealand Government Qualifications Authority (NZQA) and subsequently work under the direction of MPI6. The use of authorised third parties who are delegated authority by MPI is the preferred method for validating documentation given the nature of the NZ fishery. MPI consider this the best approach and believe it would be difficult to validate the documents any other way given the sporadic nature and timing of SBT landings²⁶. Authorised third parties are trained through the Seafood Industry Training organisation (SITO) (Unit Standard 17573 – Complete the documentation requirements for the Ministry of Fisheries Trade Information and Catch Documentation Scheme) which requires candidates to be assessed against company procedures and industry guidelines²⁷. Appendices **Error! Reference source not found.** and **Error! Reference source not found.** detail the assessment forms used during training to assess nominated authorised third parties. The list of authorised third parties is maintained by the CCSBT Secretariat with MPI providing updates regarding any changes to the list, as required²⁸. A member for the Highly Migratory Species/Pelagic species team authorises any requests received from the training provider for additional training and receive the documentation associated with the training. Upon successful completion validators provide MPI with an example of their signature and receive an "intro pack" provided by MPI detailing their obligations along with their individual validator number and stamp²⁸. When a validator is removed from the list, a fishery officer retrieves the individuals stamp and MPI subsequently inform the Secretariat²⁸.

²⁶ Vallieres, Dominic. Ministry for Primary Industries. [Personal Communication, 11th June 2013]

²⁷ Seafood ITO Assessment Guide: Unit Standard 17573 - *Complete the documentation requirements for the Ministry of Fisheries Trade Information and catch Documentation Scheme*

²⁸ Vallieres, Dominic. Ministry for Primary Industries. [Personal Communication 14th July 2013]

Completed CCSBT Catch Monitoring Forms are returned by the 15th of the following month, in line with other domestic reporting requirements⁶. The domestic reporting obligations require commercial fishers and receivers to complete four mandatory reporting forms; the tuna longlining catch and effort return, catch landing return, monthly harvest return and licensed fish receiver return². These returns are balanced against quota on a monthly basis for the management of catch reporting incorporating information on fish numbers, weight, processed state, licensed fish receiver and fisher details^{2&6}.

There are no specified landing ports for SBT, although all commercial landings must be made to a licensed fish receiver who in their monthly reporting is required to report the landing to MPI. For each landing event a catch landing return must be submitted by the permit holder to MPI and are required to be completed and submitted by the 15th of the following month⁶. An example of a catch landing return form is shown in Appendix **Error! Reference source not found.**

Monthly harvest returns (MHRs) (Appendix **Error! Reference source not found.**) are completed by the permit holders detailing all the fish that have been taken during one calendar month and submitted to FishServe. These are required to be completed and submitted by the 15th of the following month². MHRs are the only forms that are allowed to be sent in by fax, with all other returns submitted physically by mail or electronically through EDT. Submissions of hardcopy MHR's are scanned and entered in FishServe's database and then validated line by line to ensure there are no discrepancies, whilst electronic submissions have an auto validation when the electronic form is completed¹⁸.

Licensed fish receivers are required to submit licensed fish receiver returns (Appendix **Error! Reference source not found.**) which detail all the fish that has been received during the calendar month². These returns are required by the 15th of the following month and have to be sent as physical copies to FishServe.

All amateur-fishing charter vessel operators must report their SBT catches monthly as per the ACV-ACR form for each charter vessel trip as outlined in Section 3.1.3. SBT bycatch caught in the Pacific Bluefin tuna (*Thunnus orientalis*) off the west coast of the South Island has been monitored since the 2007 season to provide a more accurate estimate of the levels of SBT recreational catch². Voluntary reporting estimated SBT catch to be 4,025 kg (35 fish) in 2007 and 400 kg (3 fish) in 2008, with 20 fish (2,171 kg) recorded to have been released alive, probably after tagging¹³. Since November 2010 compulsory charter boat reporting has been in place providing detailed monitoring of the fishery, with the 2010 fishery estimating only 2 fish were landed (250 kg) and in 2011 only one fish was reported². In addition to the mandatory reporting of charter boats, the Government funded the National research Bureau (NRB) to conduct a Large Scale Multi Species (LSMS) panel survey³⁰. This was undertaken in the 2011/12 fishing year and is expected to provide more accurate information than earlier surveys on catch in the recreational sector; while it is not yet finalised and publicly available, preliminary results are available. No southern (or Pacific) bluefin were reported caught in the national diary survey.³⁰

3.1.5 MPR 2b: [Operating systems and processes established to], in accordance with the CCSBT timeline, monitor all fishing-related mortality of SBT

Summary – New Zealand has established operating systems and processes for commercial and recreational catches to be estimated in mandatory daily logbooks and submitted on a monthly basis. Commercially landed fish weights are accurately recorded at landing.

Key points

- Commercial discard mortality is estimated and recorded on the tuna longline catch effort returns;
- SBT bycatch in other fisheries, e.g. in mid-trawl fisheries SBT is recorded as non-target catch;
- Chartered recreational fishery catches are recorded in the ACV-ACR form;
- No estimates for SBT fishing-related mortality for the sport and customary fisheries.

MPR 2b states that New Zealand should monitor all fishing-related SBT mortality. All fishing related mortality associated with commercial catch is estimated and recorded on the vessel tuna longline catch effort return which records information on individual sets including fish bycatch information for both retained and released or discarded catches⁶. In addition to fishers recording discards on the tuna longline catch effort return; discards are estimated from scaled observer data². Observer data estimates the overall incidental mortality rate to be 0.54 % of the catch with an average discard rate of 0.86 % of which 50 % are discarded dead, based on observer data. Fish lost at the surface is estimated to be 1.47 % of the total catch with 95 % thought to have escaped alive².

SBT bycatch is monitored across all fisheries that have small levels of bycatch. Commercial SBT bycatch is recorded as non-target catch in the hoki (*Macruronus novaezelandiae*) mid water trawl fishery and occasional small catches by trolling². Recreational bycatch of SBT in the Pacific bluefin fishery is recorded in the ACV-ACR form for each charter vessel trip as outlined in Section 3.1.3².

A Non-fish and Protected Species Returns for each trip a non-fish/protected species is caught and are submitted no later than the catch effort report it's associated with as per the *Fisheries (Reporting) Regulations 2001* (see Section 3.1.3)²³.

There have been no recent estimates for releases of SBT within the sport fishery and SBT catches by Maori non-commercial fishing (customary fishing), although customary catches is believed to be negligible².

3.1.6 MPR 2c: Ensure accuracy of the “Attributable SBT Catch”, including (for fishing Members) a physical inspection regime of SBT caught by the Member’s fishing vessel, and (for farming Members) monitoring the accuracy of the stereo video monitoring and adjusting/ re-calibrating where necessary.

Summary - New Zealand allows for recreational and customary catch, other sources of fishing mortality and sets a total allowable commercial catch limit. Efforts to ensure the accuracy of commercial catch estimates include data validation through reporting, an at-sea observer scheme, vessel inspections, and a risk based management approach to fisheries monitoring, control and surveillance (MCS).

Key points

- An established catch monitoring and catch balancing system;
- 10 % of fishing effort covered by the national observer programme for domestic vessels;
- 100 % observer coverage on foreign charter vessels;
- No at sea inspections conducted in 2011/2012;
- MPI have a compliance strategy which identifies and prioritises key compliance risk areas associated with highly migratory species (HMS) fisheries.

As previously described in the report there are established data analysis and validation processes in place that monitor the data submitted through mandatory catch effort returns as outlined in Section 3.1.3 and 3.1.4. Mandatory catch effort returns are matched against the individual quota entitlements as part of an established catch monitoring and catch balancing system to ensure accuracy with the “Attributable SBT Catch”², with data analysed across different catch effort returns to identify any discrepancies for example *‘information submitted by fishers is compared with that from fish receivers’*⁶. The Member notes that the catch monitoring and balancing system provides cross-validation and analysis of forms throughout the supply chain. The cross-validation in place is supported by an at-sea observer scheme, vessel inspections and a risk based management approach as detailed below.

3.1.6.1 Observer Program

The New Zealand observer programme complies with the CCSBT Scientific Observer Programme Standards in terms of coverage levels (Table 6 and

Table 7) and related to training standards with all observers deployed on vessels targeting SBT have deployment briefings that will include information on SBT issues so they are aware of this before a deployment². Experienced observers who have worked on vessels catching SBT are redeployed within the SBT fishery, where possible². Observers collect biological data on SBT and bycatch as required by the CCSBT Scientific Observer Programme with length, weight (both processed and whole weights) and sex regularly recorded. In addition as many otoliths as possible are collected by observers deployed onboard charter vessels, with 258 otoliths aged in 2010². Currently otoliths are not collected on domestic vessels as it is not currently feasible due to the smaller size of the vessels². The effort and catch information collected complies with that specified in the “Characterisation of the SBT Catch” section of the CCSBT Scientific Research Plan noting that length, sex, otoliths and other biological information is primarily collected by Ministry for Primary Industries observers⁶. The observer programme within New Zealand is representative of the New Zealand fishery, with Figure 9 showing the length distribution of SBT reported on CDS forms in 2011 whilst Figure 10 shows length distribution of SBT sampled by Observers during the same period².

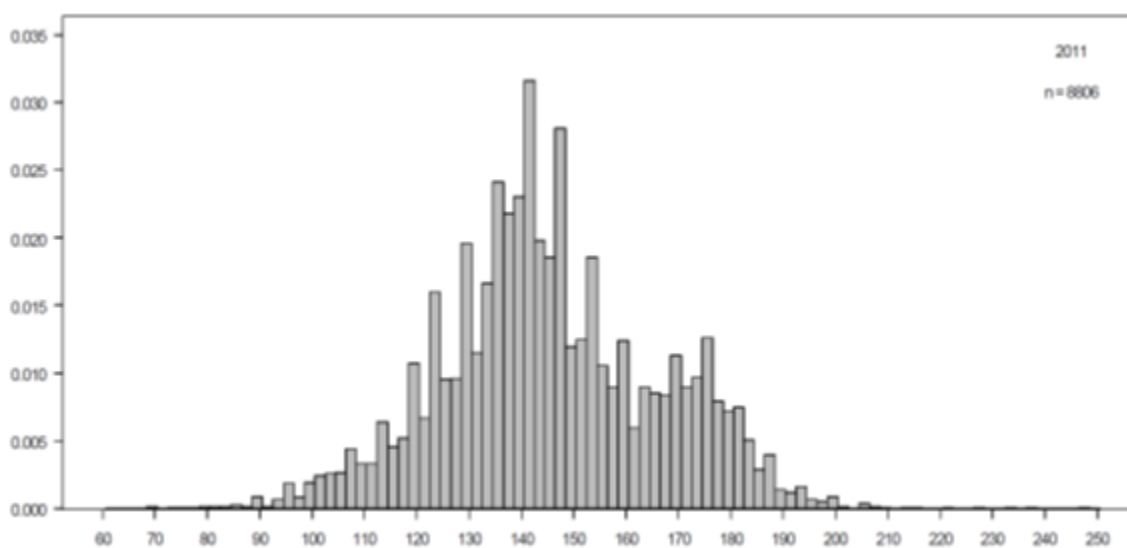


Figure 9 Proportion at length for the SBT catches from 2011 reported on CDS forms²

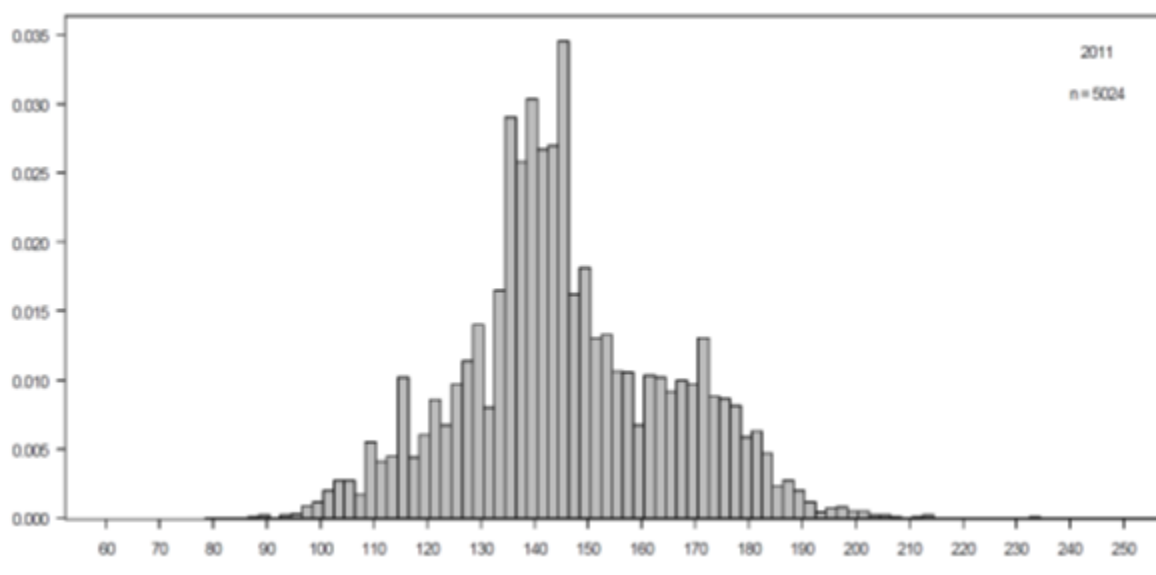


Figure 10 Proportion at length for the SBT catches from 2011 measured by Observers²

At sea monitoring of the SBT fishery to ensure accuracy of the catches being reported is achieved through observer coverage of the New Zealand SBT fishery. Observer coverage of the SBT fishery is designed as part of the wider New Zealand observer programme, with there being no specific SBT observers². MPI fishery officers conduct briefings and debriefings outlining the requirements and priorities for each observer deployment and when required this will involve additional information being provided on SBT programme requirements⁶. On completion of the observer deployment a report is submitted to MPI and a trip summary provided to the respective operator. The biological data associated with the observer deployment is then processed by a contractor and incorporated into MPI's centralised observer database within 40 days of receipt⁶.

A range of criteria including perceived risk and international obligations (e.g. CCSBT observer programme standards) are taken into consideration when MPI sets its target observer coverage levels in their annual observer plans². Observer coverage of the SBT fishery covers both the domestic and foreign charter vessels with the domestic observer coverage target level 10 % of effort². There is 100 % observer coverage onboard the foreign charter vessels². MPI's compliance strategy for HMS fisheries in 2012 recorded that there were 355 days observed in the tuna domestic fisheries and 201 in the tuna charter fishery³⁰. The observer coverage achieved was below that planned for the fishing season, reflecting 78 % and 57 % of the planned coverage for the tuna domestic and tuna charter vessels. This was attributed in part to the high CPUE in the charter fleet meaning fewer days were fished than planned for²⁰ (Table 6). Table 6 shows that the observer coverage in the 2011/12 fishing year has higher degree of observer effort associated with SBT which has been attributed to high levels of coverage for the charter fleet targeting SBT off the west coast of the South Island³⁰. This is in line with information provided in the New Zealand Compliance Action Plan to CCSBT (CCSBT-C/1209) which stated that New Zealand aims to achieve high coverage for its SBT fisheries⁶. In 2011 approximately 82 % of the charter fleet catch was observed and measured with 74 % of hooks observed⁶. In contrast only 9 % of the catch and 8% of the hooks were observed in 2011 for the domestic fleet⁶.

Table 7 details the planned observer days, including the Department of Conservation observer days, for the 2012-2013 fishing year showing that the planned coverage on the domestic tuna vessels is 388, which is comparable to that achieved (355) in 2011/2012 and that SBT coverage accounts for 49 % of the observer days. There has been a 23 % increase in the number of planned observer days onboard tuna charter vessels.

Table 6 Observer coverage (in days) – planned versus achieved 2011/12²⁹

	Planned	Achieved	%
Tuna Domestic	457	355	78
Tuna Charter	350	201	57

Table 7 Planned observer days for the 2012/2013 fishing year, including the Department of Conservation days²⁹

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Domestic tuna longline - EC STN	78	14										65	156
Domestic tuna longline - WC STN										15	12	9	36
Domestic tuna longline - EC BIG/SWO		42	12	10	10	12	12	16	36	25			175
Domestic tuna longline - WC BIG/SWO									7	4			11
Domestic tuna longline - ET/WCPFC										10			10
Tuna Charter (STN)	66									120	124	120	430
Albacore troll						0	14	28	11	0			53
(no of vessels)						0	2	4	2	0			
Domestic purse seine - SKJ							20	20	16				56
Domestic purse seine - SKJ Super Seiner									24				24

3.1.6.2 At-sea and portside inspections

At sea monitoring of the SBT fishery is primarily conducted through the established observer programmes with at-sea fishery inspections not common in the SBT fishery⁶. Fishery inspections, including both at-sea and port inspections are based on risk assessments conducted by MPI⁶, with the exception of all SBT foreign charter vessels which are subject to a mandatory port inspection upon arrival into and exit from New Zealand waters⁶. Currently foreign charter vessels only use two ports but if required MPI have the facility to limit the vessels to a single port. In 2011 there was no at-sea inspections with inspections primarily conducted at the point of landing by MPI fishery officers⁶. New Zealand reportedly conducts regular aerial surveillance to monitor the activity of fishing vessels in its national jurisdiction⁶.

Fishery officers conduct in port inspections of LFRs engaged in the SBT fishery and as part of routine inspections the weighing equipment is tested to ensure it is correctly calibrated in line with the *Weights and Measures Act 1987*²¹. Checking the calibration of LFR weighing equipment ensures the accuracy of reported SBT weights is maintained.

Whilst there are no transshipments of SBT at sea management systems are in place should this become a requirement. Transshipments involving New Zealand flagged vessels subject to prior approval from MPI with all transshipments monitored by an observer or Fishery Officer to ensure verification of the quantities transhipped²⁶.

3.1.6.3 Risk based fisheries monitoring, control and surveillance (MCS)

MPI have a compliance strategy which identifies and prioritises key compliance risk areas associated with HMS fisheries, including SBT, both within and outside New Zealand fisheries waters³⁰. MPI's

²⁹ Ministry for Primary Industries. (2012) *Annual Operational Plan for Highly Migratory Species Fisheries 2012/13*. MPI Technical Paper No. 2012/1.7 July 2012.

³⁰ Ministry for Primary Industries. (2012) *Compliance Strategy for HMS Fisheries*. May 2012.

compliance strategy aims to coordinate compliance and fisheries management to effectively target high risk areas and develop long term strategies to address lower priority risks³⁰.

MPI use their compliance strategy's to provide input into the annual operational plans for SBT which reflects the operational implementation of the National Fisheries Plan for Highly Migratory Species³⁰. The compliance strategy was finalised in March and includes a number of performance indicators targeting key risks in the HMS fisheries. Vessel risk assessments are also conducted as Compliance Assessments under *Section 113H (2) of the Fisheries Act 1996*. Appendix **Error! Reference source not found.** shows an example of a vessel compliance assessment using a high seas fishing permit application, with the assessment largely remaining the same irrespective of the reason for conducting the assessment³³**Error! Bookmark not defined.**. Whilst Appendix **Error! Reference source not found.** details the performance review of the HMS related to the risks identified with all HMS fisheries, and not specifically SBT. Appendix **Error! Reference source not found.** identifies that MPI are monitoring risks and have identified the following as potential risk associated with the SBT fishery;

- Seasonal influx of vessels to the high seas around New Zealand could result in SBT bycatch, which may potentially impact on New Zealand's SBT fishery;
- Inaccurate and/or incomplete catch reporting;
- It is particularly important for the SBT fishery to avoid discarded catches that are not accounted for as part of the TAC;
- Species misidentification³⁰.

3.1.7 MPR 3: All fishing-related SBT mortality is reported annually to the Extended Scientific Committee, for incorporation into stock assessment analysis, and to the Commission.

Summary - New Zealand complies with the requirement to submit annual reports to CCSBT's Extended Scientific Committee detailing all fishing-related SBT mortality.

New Zealand provides SBT mortality data to CCSBT as required and remains an active member of the CCSBT Scientific Committee³¹. New Zealand reports annually on its SBT fishery detailing all fishing-related mortality, including TACC catch records and estimates for the recreational and customary catches. The mandatory reporting of the recreational charter vessels will result in more detailed information being obtained from the recreational fishing in terms of catch and effort information.

Scientific data collected by the national observer programme is submitted to CCSBT, with the information primarily coming from observers onboard the foreign charter vessels as observers on domestic vessels are less able to collect scientific data such as otoliths due to the constraint of the vessel.

There have been no incidences identified where the NZ authorities did not provide this information to the CCSBT Secretariat within the required timeframe.

³¹ Ministry for Primary Industries. (2012) *Annual Review Report (ARR) 2012 – Highly Migratory Species*. MPI Technical Paper 2012/51

3.1.8 MPR 4: Operating systems and processes applied to monitor compliance with annual catching arrangements, and impose sanctions or remedies where necessary.

Summary - Compliance is monitored using scientific observers, portside inspections, and analysis such as discrepancy checking. Sanctions are applied under the *Fisheries Act 1996* with the penalty imposed commensurate with the level of infringement. Sanctions range from fines through to imprisonment. MPI also conduct compliance risk assessments to identify potential areas under which compliance may be at risk.

Key points

- Fisheries compliance is the responsibility of the compliance team within MPI;
- All domestic vessels have a target of one monitored unload per year; foreign charter vessels are inspected on entry and exit of NZ waters.
- Routine inspections of imports and their associated CDS documentation have not been implemented by MPI.
- A Customs Import Prohibition on SBT without CDS documentation is being implemented and will come into force on the 1st October 2013.
- One infringement during the 2011-2012 fishing season that was attributable to the SBT fishery. This was related to a recordkeeping breach.

Monitoring fisheries compliance within the SBT fishery is the responsibility of the compliance team within MPI. As outlined in Section 3.1.6 New Zealand has a well-established national observer programme which encompasses the SBT fishery which combined with domestic catch reporting (Section 3.1.3) provides information to MPI's compliance team to monitor compliance with annual catching arrangements. Discrepancies between observer data and catch reporting are monitored with analysis conducted on a case by case basis as required⁶. Observers returning from a SBT trip are debriefed and raise any compliance concerns identified during the deployment. This information is provided to the Observer services team and then the information disseminated to the relevant teams such as the HMS fisheries management team when further action is required. Fleet analysis is also undertaken to compare observer data with the CDS information reported, the results of which have been submitted to the CCSBT scientific committee³³. In addition, the compliance team conduct fisheries monitoring, control and surveillance (MCS) across all New Zealand fisheries including the SBT fishery, utilising a range of MCS tools such as regular aerial surveillance and port inspections⁶.

3.1.8.1 At-sea and portside inspections

Port inspections are conducted for the SBT fishery. MPI set a target that all domestic vessels have one unload monitored per year³⁰. All foreign vessels are inspected upon arrival and departure from New Zealand waters (*Regulation 17 of the Fisheries (Commercial Fishing) Regulations 2001*). In port inspections cover inspection of the CCSBT-CDS documents with all exports required to have accompanying CDS documentation⁶. Inspections of SBT exports are not mandatory but are included as part of regular enforcement activities, with the exception of foreign charter vessels⁶. SBT exports are monitored by the New Zealand Customs Service and summarized by the Department of Statistics with the New Zealand Seafood Industry Council responsible for maintaining economic evaluations of New Zealand's SBT fishery⁶. There are no overseas landings of SBT by domestic vessels. In the event that a vessel wished to land overseas then the vessel requires approval from the Chief Executive as per *section 110 of the Fisheries Act*²¹.

Given the negligible amounts of SBT imports (<5 t) New Zealand has not implemented routine inspection of imports and their associated CDS documentation, although all foreign vessels entering New Zealand are subject to inspection upon arrival and require prior approval to enter New Zealand

with fish onboard (*section 113(1)(a)(ii) of the Fisheries Act 1996*)⁶. New Zealand is also implementing a Customs Import Prohibition Order under the *Customs and Excise Act 1996* prohibiting the importation of any SBT that is not accompanied by the appropriate CDS documentation. This will come into force on the 1st October 2013⁴.

3.1.8.2 Sanctions

In the event of identified non-compliances associated with the SBT fishery MPI impose sanctions depending on the offence⁶. The *Fisheries Act 1996* outlines a range of offences which are detailed in *section 252 of the Fisheries Act 1996* with Government policy the basis for setting penalties⁶. The *Fisheries Act 1996* deals with the most serious offences with the severity of the penalties based on the seriousness of the offence for example; '(3) Every person convicted of an offence against any of the following provisions of this Act is liable to a fine not exceeding \$250,000: (he) section 190(2) (failure to comply with specification of chief executive in relation to records, returns, etc.):³², whilst offences related to individuals obtaining a benefit through knowingly making false or misleading statements (including in submitted returns) can lead to imprisonment (not exceeding 5 years) and/or a fine not exceeding \$250,000 NZD. This offence can also result in the forfeiture of quota and their vessel. Foreign nationals operating within the SBT fishery cannot be imprisoned under international law but can still be liable for a fine of not exceeding \$500,000 NZD⁶. The NZ Company that has chartered the FCV can still be held liable and be prosecuted for any breaches associated with that vessel²⁰.

The *Fisheries Act 1996* also outlines infringement offences which relate to reporting and the late submission of fishery returns and are covered at an administrative level by the *Fisheries (Infringement Offences) Regulations 2001*⁶. The *Fisheries (Infringement Offences) Regulations 2001* which specified that infringement notices are issued for late fishery return submissions with the severity of the infringement fee dependent on the lateness of the reporting⁶. For infringements related to a return not being provided within one month of its due date or incomplete reporting at the end of each set on the tuna longlining catch return form a fine not exceeding \$100,000NZD is in place⁶. Details of the CCSBT CDS and fishers obligations under the scheme have been outlined to permit holders and licensed fish receivers by the Chief Executive of MPI, with instructions issued under *section 190 of the Fisheries Act 1996* (Appendix **Error! Reference source not found.**). Sanctions under *section 190 of the Fisheries Act 1996* can lead to fines not exceeding \$250,000 NZD⁶.

In addition to sanctions associated with fishery offences *section 75 of the Fisheries Act 1996* outlines the use of deemed values (penalties) associated with fishers failing to cover their catches with sufficient ACE⁶. Deemed values are in place to ensure catches are kept within their ACE, with all catches and landings required to be recorded and reported for all QMS stocks, regardless of whether ACE for that stock is owned by the fisher⁶. The commercial fisher must for all QMS stocks balance their catch with ACE or pay a "deemed value" for the fish⁶. Commercial fishers receive deemed values on a monthly basis for exceeding their ACE; non-payment of deemed values or the fisher failing to obtain additional ACE can possibly result in fishing permit suspensions⁶.

Deemed values are penalty fees set at a level designed to encourage fishers to acquire ACE to cover their catch with deemed values set at a high level for SBT in particular, in order to ensure catches remain within the catch limit (which is a national allocation set by the CCSBT)³⁰. Whilst over catches of SBT are rare the deemed values for SBT are still kept at a high level with the current annual deemed value set at \$46.92/kg, with the average ACE transfer price/tonne for SBT in the 2011/12 fishing season \$1769.55 (Table 8)^{18&30}.

³²http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM398820.html?search=sw_096be8ed809ee433_penalties_25_se&p=1 [Accessed 28/06/2013]

Table 8 Differential deemed values set for the SBT fishery¹⁸

Basic annual deemed value rate where catch is ≤ 120 % of ACE	Annual Deemed Value (\$/kg) where catch is > 120 % but ≤ 140 % of ACE	Annual Deemed Value (\$/kg) where catch is > 140 % but ≤ 160 % of ACE	Annual Deemed Value (\$/kg) where catch is > 160 % but ≤ 180 % of ACE	Annual Deemed Value (\$/kg) where catch is > 180 % but ≤ 200 % of ACE	Annual Deemed Value (\$/kg) where catch is > 200 % of ACE
46.9200	56.3040	65.6880	75.0720	84.4560	93.8400

3.1.8.3 Vessel Monitoring Systems (VMS)

The *Fisheries (Satellite Vessel Monitoring) Regulations 1993* also outlines offences with offenders liable for a fine not exceeding \$100,000 NZD and, if the offence is a continuing one, to a further fine not exceeding \$1,000 NZD for each continuing day⁶. These regulations apply to the Japanese foreign charter vessels which are required to have VMS onboard but not the domestic longliners because they are below the total vessel length required to have a VMS on board (28m)⁶. There have been four reported incidences of non-compliance associated with the *Fisheries (Satellite Vessel Monitoring) Regulations 1993* which have been attributed to the VMS unit becoming locked and/or requiring resetting⁶. Information provided by MPI indicates that these non-compliances were not considered serious and were rectified in conjunction with the vessels.

3.1.8.4 Recent infringements and sanctions

There is no reported illegal catch of SBT by New Zealand vessels in the EEZ or from the high seas, in addition to which there have been few reported instances of transgressions in recent years, with a significant reduction in the amount of deemed value payments received for SBT³⁰.

In the 2011 – 2012 fishing season there were no deemed value charges associated with the SBT stock³⁰. The reduction in SBT deemed value payments reflects MPI information that shows that deemed value payments across HMS stocks were generally lower in the 2011/12 fishing year than in 2010/11³⁰. In the last five fishing years, no annual deemed value payments have been required except for one payment in 2010/11 (a payment of \$4,832.76)²⁰. Information provided indicates that there was one breach in the 2011-2012 that was attributable for the SBT fishery, related to a recordkeeping breach. The offender pleaded guilty and was subsequently fined³³.

3.1.8.5 Compliance risk assessment

Whilst there have been no reported transgressions in recent years MPI has developed its compliance strategy in line with perceived risks based on risk assessments and is currently evaluating potential improvements for monitoring compliance⁶. SBT is covered under the HMS compliance strategy within which the 2012 compliance strategy identifies management objectives that may prevent transgressions in the future. Risks associated with the SBT fishery identified in the 2012 HMS compliance strategy include; IUU activity, breach of RFMO measures, meeting catch documentation requirements and high-grading/discarding³⁰.

MPI are assessing potential development such as the use of genetic testing to lower the risk of species misidentification of SBT exports and are reviewing the management and fisheries monitoring associated with SBT imports⁶. MPI are also currently consulting on changes to their observer programmes which could potentially impact on SBT fisheries MCS. In addition to which MPI are currently consulting with stakeholders on the potential to use electronic monitoring on inshore vessels. This hasn't been specifically trialled on longline vessels targeting SBT. The development of these consultations will be important for the SBT fishery as they will impact the level of fisheries monitoring in place and the ability to prevent transgressions in the future.

³³ Vallieres, Dominic. Ministry for Primary Industries [Personal Communication, 9th July 2013]

3.2 Obligation 1.1(iii)

The aim of this obligation is to ensure that Members have processes in place to effectively and accurately manage the carry-forward of quota from one year to the next, within the restrictions agreed by the CCSBT.

3.2.1 MPR 1a: An accurate, verified and robust figure for the final Attributable Catch is available before the notification to the Secretariat of the carry-forward, and a report on the adoption and use of the carry-forward procedure is included in each annual report to the Extended Commission.

Summary – New Zealand did not utilise the CCSBT carry-forward provision from the 2011 – 2012 fishing season to the 2012-13 year and as such was not required to notify the Secretariat. New Zealand has amended its fisheries legislation to allow the carry-forward to be used for the 2012/2013 fishing season onwards.

Key points

- Carry-forward provisions came into force at the start of the 2012/13 fishing year;
- MPI believe the carry-forward will enable New Zealand to gain the maximum value from their AC;
- MPI envisage the increased flexibility resulting from these carry-forward provisions will further reduce the risk of individuals exceeding their annual catch entitlements;
- Proposed changes in line with FishServe current responsibilities and practices.

During the 2012 – 2013 New Zealand fishing year New Zealand chose not to utilise the CCSBT provision to allow a limited carry forward of AC from under fishing from the previous fishing year (2011 – 2012). The 2012/13 fishing year is the first year when under fishing for SBT will be carried forward²¹. The carry-forward of ACE under *the Fisheries Act 1996 (s. 67A)* is done for a number of other fisheries species and is part of the routine administration of ACE by FishServe, of which SBT will become incorporated²¹.

The carry forward provisions have been assessed by MPI, who recognise that this voluntary provision can be implemented based on the dynamics of the New Zealand SBT fishery. Whilst New Zealand's fisheries legislation allows for a carry forward of quota under the *Fisheries Act 1996*, historically SBT has been listed under *Schedule 5A of the Fisheries Act 1996*. SBT's inclusion under Schedule 5A was due to MPI mitigating the potential risk that any carry forward may have resulted in New Zealand exceeded its national AC within any given year. The introduction of CCSBT's carry forward provision has mitigated against any over catch being required to be paid back in subsequent years³⁴.

Subsequently, MPI have reconsidered the inclusion of SBT under *Schedule 5A of the Fisheries Act 1996* and have since removed it from this Schedule, allowing the SBT fishery to utilise under fishing provisions outlined in *section 67A of the Act*³⁴;

'67A Allocation of additional annual catch entitlement in case of underfishing

(2) If the amount of annual catch entitlement is greater than the reported catch the chief executive must—

- *(a) calculate the difference between that annual catch entitlement and that reported catch; and*

³⁴ Ministry for Primary Industries. (2012) *Southern Bluefin tuna Annual Catch Entitlement carry forward provisions – Regulatory Impact Statement*.

- (b)..... allocate to the person an amount of annual catch entitlement for the stock for the fishing year after the first fishing year (**the second fishing year**) that is the lesser of the following:
 - (i) the amount calculated under paragraph (a):
 - (ii) 10% of the amount of annual catch entitlement.....³⁵

The rationale behind the change is that the former domestic legislation limited New Zealand's potential to fully exploit its AC due to a lack of transferability that would reflect the stock's seasonal variability and the fleet's vulnerability to limited access based on inclement weather in a given year. The HMS team within MPI have provided advice to the Minister and have currently progressed with the necessary regulatory amendments required to enable the 10 % carry-forward of unused SBT ACE in the 2013-2014 fishing season³¹;

*'This order amends Schedules 5A and 6 of the Fisheries Act 1996 (the **Act**) Clause 3, which comes into force on 1 October 2013, deletes a reference to southern bluefin tuna stock from Schedule 5A of the Act. This has the effect of allowing a person who holds an annual catch entitlement (**ACE**) to carry forward up to 10% of their unused ACE for southern bluefin tuna for the first fishing year to the second fishing year as provided for in section 67A(2) of the Act.'*³⁶

MPI envisage that increased flexibility resulting from these carry-forward provisions may result in reduced incidences of individuals exceeding their ACE.

³⁵ <http://www.legislation.govt.nz/act/public/1996/0088/latest/DLM396396.html> (accessed 27th June 2013)

³⁶ Fisheries (Schedules 5A and 6) Order 2012 – 2012/353
(<http://www.legislation.govt.nz/regulation/public/2012/0353/latest/DLM4896357.html>) (accessed 27th June 2013)

3.2.2 MPR 1b: The Executive Secretary is formally notified of the catch for the concluded quota year together with the available catch limit (Catch Allocation + carry-forward) for the new quota year within 60 days of the start of the new quota year.

Summary – New Zealand did not utilise the CCSBT carry-forward provision in 2012 – 2013 fishing season but has amended its fisheries legislation to allow the carry-forward to be used for the 2012/2013 fishing season.

New Zealand did not utilise the CCSBT carry-forward provision in 2012 – 2013 fishing season and as such was not required to notify the Secretariat as per MPR 1a. Given there was no carry-forward in the current year New Zealand has not previously been required to provide information on the available catch limit including carry-forward. The carry-forward is to be used for the 2012/2013 fishing season and New Zealand will be required to adhere to MPR 1b within 60 days of the start of the 2013/2014 fishing year (i.e. by the 1st December 2013). New Zealand's reporting system as outlined in Section 3.2.1 will incorporate carry-forward into the reporting protocols to CCSBT.

4 Member Process Flow Map

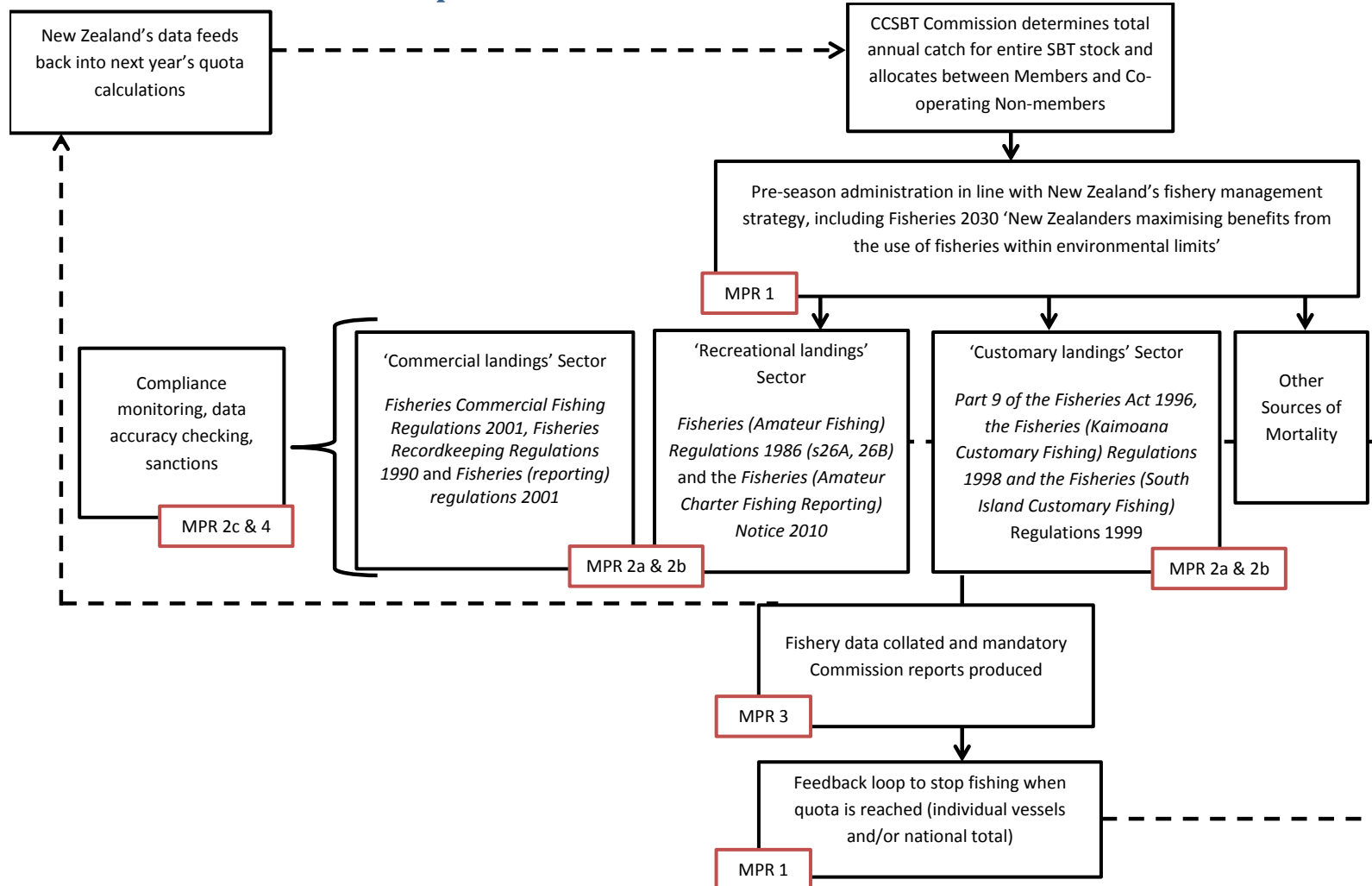


Figure 11 Overview

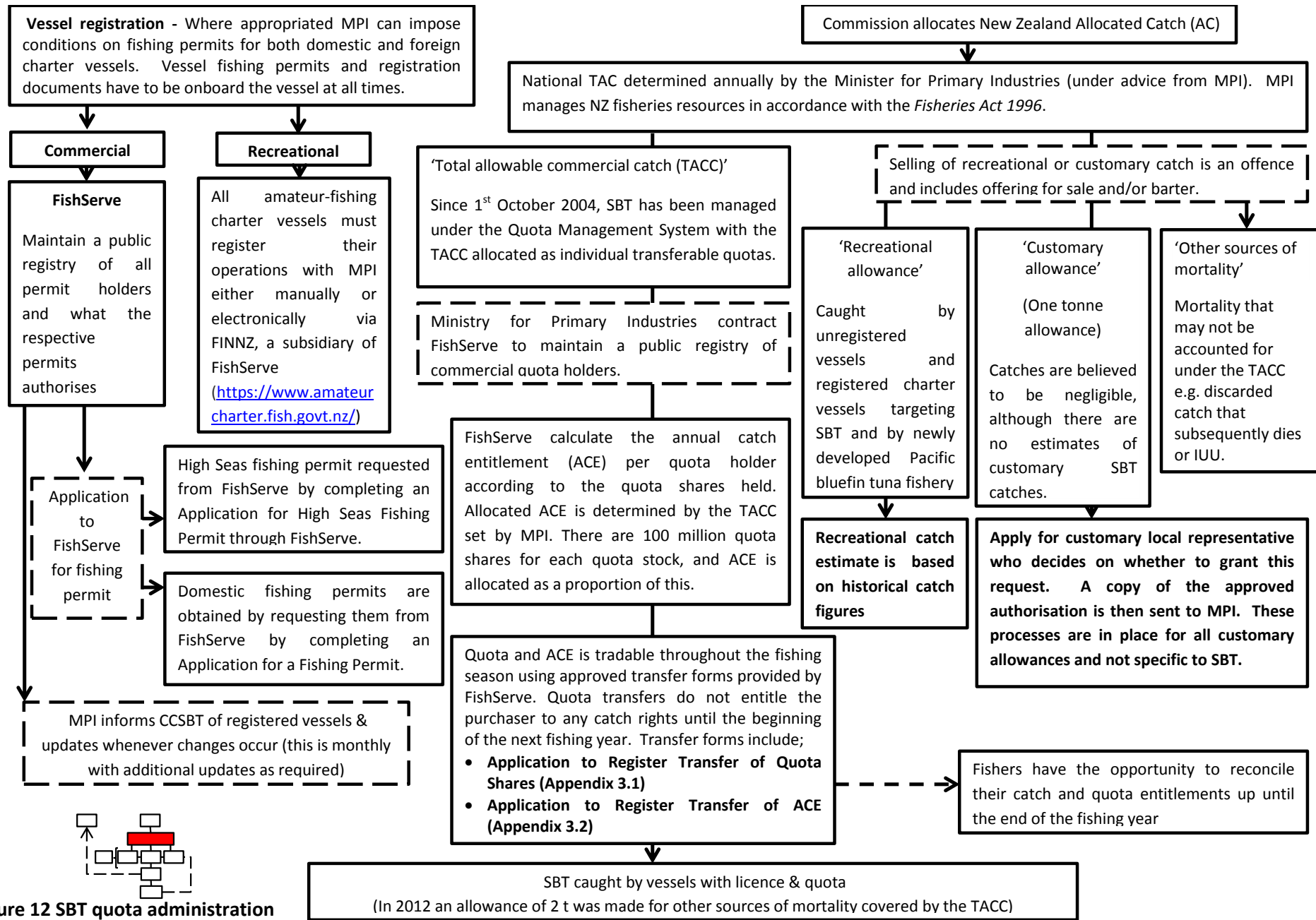


Figure 12 SBT quota administration
MPR 1

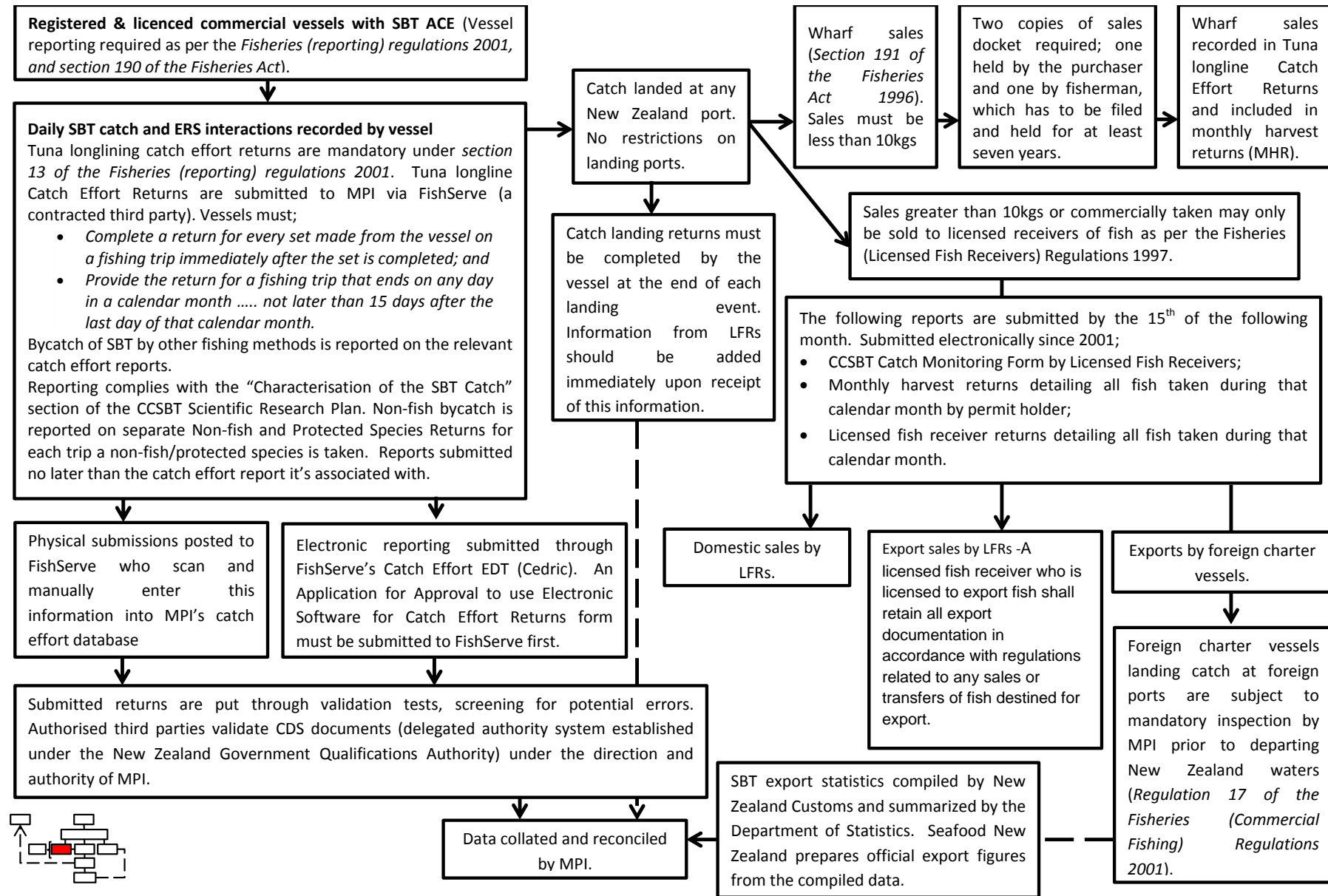


Figure 13 Commercial Landings
MPR 2a(ii); 2a(iii); 2b

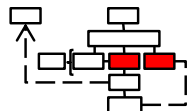
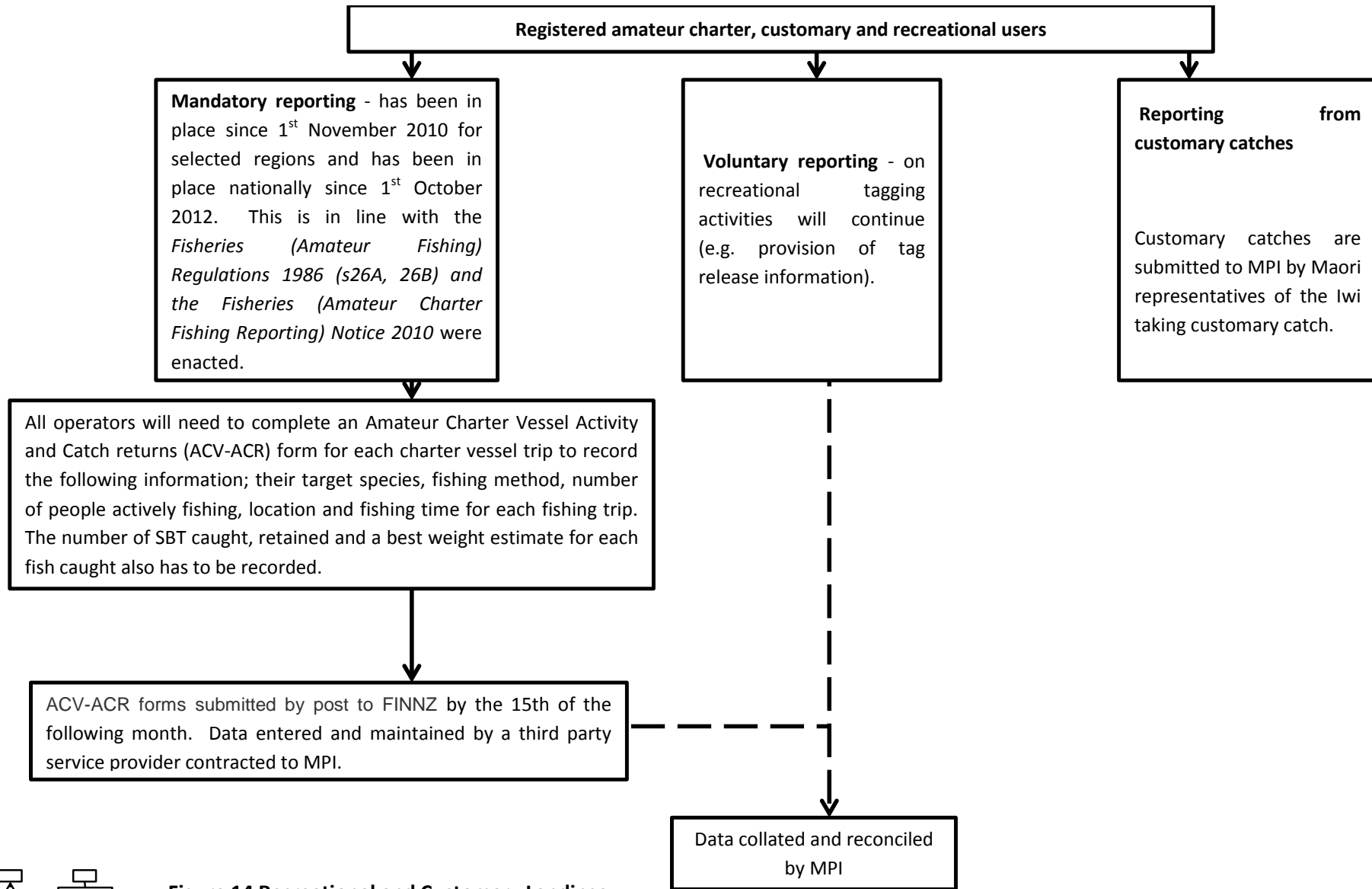


Figure 14 Recreational and Customary Landings
MPR 2a(ii); 2a(iii); 2b

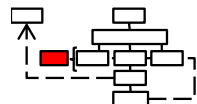
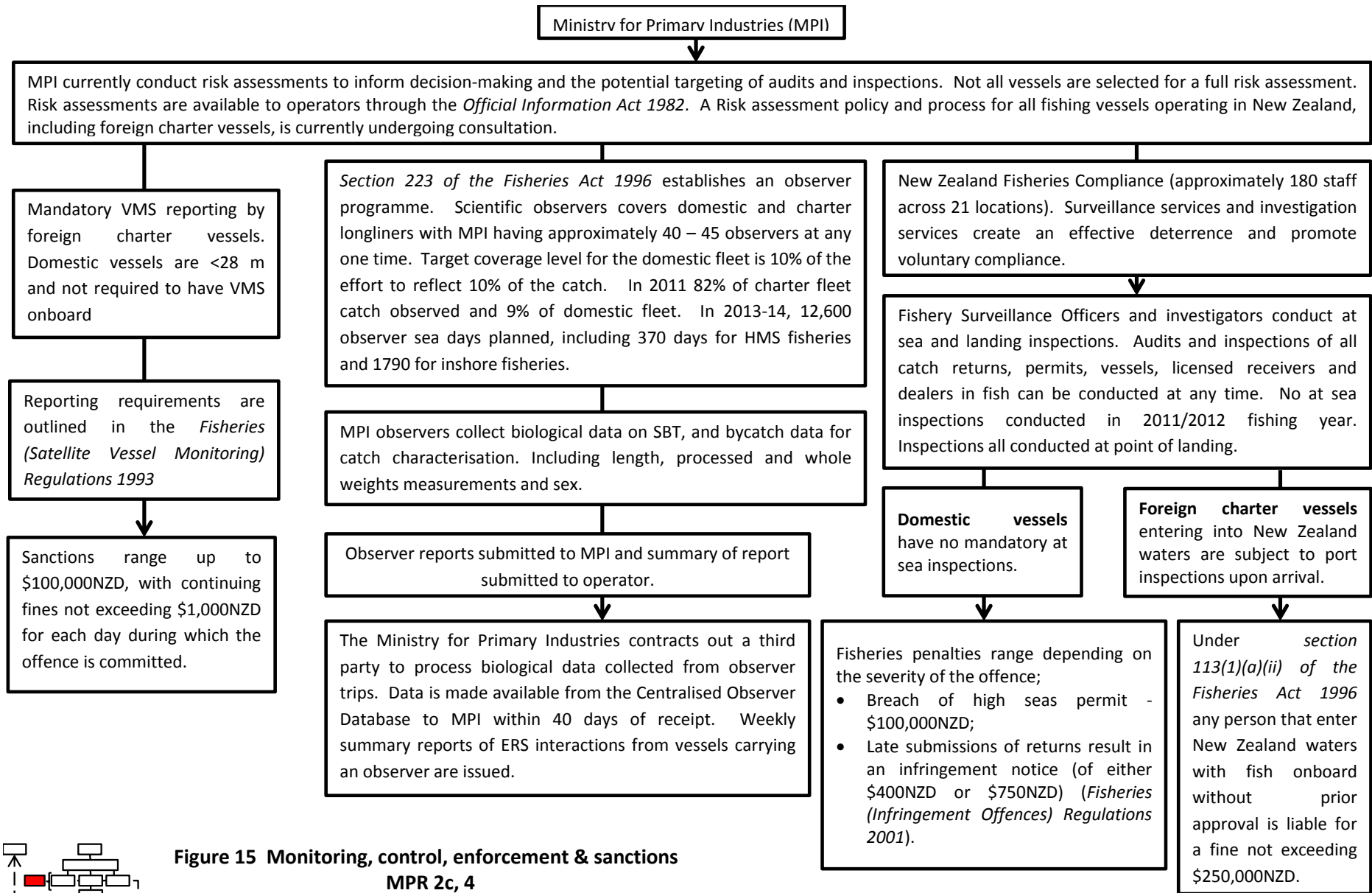


Figure 15 Monitoring, control, enforcement & sanctions
MPR 2c, 4

5 Management System Effectiveness

New Zealand's SBT fisheries management systems have been shown to be effective in terms of the CCSBT minimum performance requirements outlined in Section 3. Utilising information provided by the member state during consultation as well as information provided by a review of the available documentation, strengths, weaknesses, opportunities and threats (SWOT) analysis has been conducted. The SWOT has been conducted to provide information on the strengths, weaknesses and risks (threats) associated with New Zealand's SBT fishery in Table 9, whilst the recommendations (opportunities) of the SWOT are displayed in Section 6. Table 9a lists New Zealand's strengths as identified by the QAR. The key strengths identified by the QAR are;

- **Well established fisheries legislation;** New Zealand's SBT fishery is managed in accordance with the overarching fisheries legislation of the *Fisheries Act 1996*. In addition to the primary legislation New Zealand has clearly defined legislation associated with reporting requirements which include *Fisheries Commercial Fishing Regulations 2001*, *Fisheries Recordkeeping Regulations 1990* and *Fisheries (Reporting) Regulations 2001*.
- **Strong fisheries management regulatory system;** MPI have a well-established fisheries management system that operates in accordance with New Zealand's fisheries legislation. The allocation of quota and ACE has clearly defined processes as does the subsequent transfer of these. FishServe are an established service provider that undergoes annual audits to ensure standards are maintained.
- **Established mandatory reporting;** Mandatory catch reporting is in place in accordance with CCSBT MPR requirements. New Zealand's reporting system is well established, with validation processes utilised in the process to ensure the accuracy of data.
- **Fisheries MCS of foreign charter vessels;** There is a high level of monitoring of foreign charter vessels with 100% observer coverage. The presence of foreign charter vessels has recently been reviewed.
- **Fishery sanctions;** An effective regulatory system is established within New Zealand's SBT fishery which provide an effective deterrent for misreporting, as deemed values and penalties are set significantly higher than the market price for ACE.

Table 9 shows that New Zealand's SBT fishery and associated management systems complied with CCSBT's MPRs, although the QAR has identified some weaknesses associated with the New Zealand management system. The key weaknesses identified by the QAR in Table 9b are;

- **Catch estimates for the SBT sport and customary fisheries;** Related to this is the absence of catch estimates for the SBT sport and customary fisheries. It is recognised that these catches are negligible, however improved estimates of these would increase confidence overall.
- **Lack of at sea inspections;** there were no at sea inspections during the 2011-2012 fishing season, and no out of zone patrols conducted.
- **Monitoring of discards;** Whilst New Zealand's observer coverage exceeds the 10% required by CCSBT the level of coverage onboard the domestic vessels combined with the fact there were no at seas inspections means there cannot be certainty related to the frequency of high grading/discards occurring onboard the vessels when an observer is not present.

The weaknesses identified by the QAR have been used to determine potential risks associated with the New Zealand SBT fishery. Although, given the low level of weaknesses identified in Table 9b these risks are considered small. The key risks identified by the QAR are;

- **Misidentification of SBT catches within the recreational fishery;** in the recreational fishery both for the registered charter vessels and unregistered fishers. Given the negligible amounts caught by the recreational charter fleet this is considered to be a low risk.
- **Misidentification of exports;** MPI have recognised this as a potential risk for the SBT fishery and as such are currently assessing the cost-benefit for implementing genetic testing for the SBT fishery. It is noted that whilst this will reduce misidentification its implementation could potentially be difficult given the nature of the fishery and its fresh exports.
- **High grading / discarding;** given the high value of the species and the fact that recreational fishers cannot sell their catch this is considered a negligible risk in the recreational fishery. Within the commercial fishery there is the potential for high grading/discarding, especially given that ACE for SBT is not always readily accessible.
- **Inaccurate catch reporting by foreign charter vessels not unloading in New Zealand;** This is a potential risk given foreign charter vessels are not required to unload prior to leaving NZ waters. However, this risk is mitigated against through 100% observer coverage on these vessels. Permit conditions state observers are required to monitor all transfers to the vessel's hold³⁷. In addition MPI have the legal means to require a full monitored unload if this is deemed appropriate, however this is a last resort given it would seriously compromise the quality/value of the fish³⁷. Given the measures in place this is considered to be a very low risk.

³⁷ Vallieres, Dominic. Ministry for Primary Industries [Personal Communication 15th July 2013]

Table 9 Strengths, weaknesses, opportunities and risks (threats) (SWOT) analysis conducted for New Zealand's systems determining compliancy to CCSBT Minimum Performance requirements (MPR's)

a) Strengths associated with New Zealand's SBT fishery and associated management in relation to CCSBT's MPRs

Obligation	MPR	Strengths
1.1 (i)	1	<ul style="list-style-type: none"> Legal requirement that TAC be set in line with CCSBT AC; Reported landings have been below CCSBT AC in the years examined by this review (2010-2013).
	2a (i)	<ul style="list-style-type: none"> Well established regulatory system that regulates the allocation of quota, ACE; Transfer and sale between quota holders of quota and ACE well regulated, with official documentation used; Restricted ability for additional capacity to enter the fishery with vessels required to obtain SBT ACE to cover catches.
	2a (ii)	<ul style="list-style-type: none"> Mandatory logbooks record catch and effort on a set by set basis.
	2a (iii)	<ul style="list-style-type: none"> New Zealand has no LSTLVs; Mandatory monthly reporting by all parts of the supply chain within New Zealand, i.e. permit holders, licensed fish receivers and dealers in fish; Mandatory monthly reporting for recreational charter vessels.
	2b	<ul style="list-style-type: none"> Commercial retained and discarded catch mandatorily recorded in daily logbooks; Recreational charter vessels are required to report all fishing mortality in vessel logbooks.
	2c (i)	<ul style="list-style-type: none"> Observer coverage for foreign charter vessels is 100 %; Observer coverage was above 8 % of fishing effort in the 2011/12 fishery with the observer programme's scientific data was representative of fishery.
	2c (ii)	<ul style="list-style-type: none"> N/A – New Zealand does not farm SBT.
	3	<ul style="list-style-type: none"> New Zealand is compliant with the requirements of this MPR.
	4	<ul style="list-style-type: none"> Strong sanctions in place with high deterrents through deemed values and penalty system; Strong risk based management system appears to be in place; VMS onboard all foreign charter vessels; Mandatory inspections of all foreign charter vessels entering and exiting NZ waters; Target of inspecting all domestic commercial vessels at least once a year.
1.1 (iii)	1a	<ul style="list-style-type: none"> Carry forward has been established in fisheries legislation.
	1b	<ul style="list-style-type: none"> N/A this situation has not yet been required as New Zealand has not used the carry-forward procedure in the current fishing year.

b) Weaknesses associated with New Zealand's SBT fishery and associated management in relation to CCSBT's MPRs

Obligation	MPR	Weaknesses
1.1 (i)	1	<ul style="list-style-type: none"> None specific to this MPR. Reported catch has been below New Zealand's CCSBT AC.
	2a (i)	<ul style="list-style-type: none"> None specific to the requirement for allocations to quota holders.
	2a (ii)	<ul style="list-style-type: none"> Observer coverage was 8 % of the domestic fishery effort, meaning catch and discard estimates are predominantly recorded by crew alone. It is noted that the foreign charter vessels have 100 % observer coverage.
	2a (iii)	<ul style="list-style-type: none"> None specific to this MPR.
	2b	<ul style="list-style-type: none"> No recent release estimates within sport fishery and SBT catches of customary fishing not recorded (Member commented that there were no catches by customary fishing); Discard weights and sizes measures are recorded by crew in most incidences.
	2c (i)	<ul style="list-style-type: none"> No at sea inspections from fishery authorities during 2011/12.
	2c (ii)	<ul style="list-style-type: none"> N/A – New Zealand does not farm SBT.
	3	<ul style="list-style-type: none"> None specific to the requirement for reporting SBT mortalities to the CCSBT Scientific Committee.
	4	<ul style="list-style-type: none"> No at sea inspections from fishery authorities during 2011/12; Domestic vessel export inspections not mandatory; No routine inspections of imports – although level of imports is negligible.
1.1 (iii)	1a	<ul style="list-style-type: none"> None identified, as the system has not been fully implemented.
	1b	<ul style="list-style-type: none"> N/A this situation has not yet been required as New Zealand has not used the carry-forward procedure in the current fishing year.

c) Risks associated with New Zealand's SBT fishery and associated management in relation to CCSBT's MPRs

Obligation	MPR	Risks (Threats)
1.1 (i)	1	<ul style="list-style-type: none"> The New Zealand fishing season does not match the accounting period used by CCSBT; however this does not appear to cause any difficulties. In season quota adjustments are applied where required.
	2a (i)	<ul style="list-style-type: none"> None specific to this MPR.
	2a (ii)	<ul style="list-style-type: none"> Potential for under-reporting of discards by commercial vessels without observers onboard. This is exacerbated by the lack of at-sea inspections. This risk is considered low.
	2a (iii)	<ul style="list-style-type: none"> There is a low risk of non-approved validators being involved, however this is negated by industry training and the deterrent for falsifying documents given the high penalties associated with this.
	2b	<ul style="list-style-type: none"> Potential for under-reporting of discards by vessels without an observer onboard. This is exacerbated by the lack of at-sea inspections, although the Member noted that a provision is made with the TAC for any such discards so risk of exceeding country allocation remains low.
	2c (i)	<ul style="list-style-type: none"> Inaccurate and/or incomplete catch reporting; Inaccurate catch reporting for vessels that fish in New Zealand waters but do not unload here, although this is mitigated through the presence of observers and fishery officers inspections. This is considered to be a very low risk; Potential for high grading/discarding by vessels when observers are not onboard. The level of risk is exacerbated by the lack of at-sea inspections.
	2c (ii)	<ul style="list-style-type: none"> N/A New Zealand does not farm SBT
	3	<ul style="list-style-type: none"> None specific to the requirement for reporting SBT mortalities to the CCSBT Scientific Committee.
	4	<ul style="list-style-type: none"> Misidentification of exports; Misidentification from the charter fleet – resulting in inaccurate reporting; Potential for non-compliance as a result of a lack of at-sea inspections; Domestic vessels not operating on the high seas are not required to have VMS as they are <28m, although there is no CCSBT requirement for the domestic vessels to have VMS.
1.1 (iii)	1a	<ul style="list-style-type: none"> None identified, as the system has not been fully implemented yet.
	1b	<ul style="list-style-type: none"> None identified, as New Zealand has not used the carry-forward procedure in the current fishing year.

6 Recommendations for Improvement

Based on the SWOT analysis and review of the effectiveness of management systems against the CCSBT minimum performance requirements in Section 0, the review team has provided recommendations for improvement of New Zealand's fishery management systems (Table 10). The key recommendations proposed by the QAR are;

- **Implementation of genetic testing of exports to reduce misidentification**
- **Increased observer coverage and at-sea inspections of all vessels to reduce the potential risk of high grading/discarding**

Table 10 Recommendations (opportunities) identified by the strengths, weaknesses, opportunities and threats (SWOT) analysis conducted for New Zealand's systems determining compliancy to CCSBT Minimum Performance requirements (MPR's)

Obligation	MPR	Recommendations
1.1 (i)	1	<ul style="list-style-type: none"> • None specific to this MPR.
	2a (i)	<ul style="list-style-type: none"> • None specific to this MPR.
	2a (ii)	<ul style="list-style-type: none"> • Move to electronic reporting system to increase efficiency and remove potential delays of data submissions that are posted; • Increased observer coverage and at-sea inspections of domestic vessels would reduce the risk of high grading/discarding.
	2a (iii)	<ul style="list-style-type: none"> • The standard of third party validators should be reviewed to ensure consistency across the stakeholders involved. This should include a review of the current training procedures and site visits. This could potentially involve the use of audits of the third party validation process.
	2b	<ul style="list-style-type: none"> • Increased observer coverage of commercial vessels. MPI's observer coverage plan for 2013/14 shows that there is to be an increase in the observer coverage onboard tuna vessels.
	2c (i)	<ul style="list-style-type: none"> • Increased observer coverage and at seas inspections to reduce the potential risk of high grading/discarding of SBT at sea.
	2c(ii)	<ul style="list-style-type: none"> • N/A New Zealand does not farm SBT.
	3	<ul style="list-style-type: none"> • None specific to the requirement for reporting SBT mortalities to the CCSBT Scientific Committee.
	4	<ul style="list-style-type: none"> • Increase the coverage of VMS to incorporate all SBT vessels. However, it is recognised that this would require substantial changes to fishery legislation and may not be feasible at the current time; • Genetic testing to reduce misidentification of exports. This is currently being assessed by MPI to determine if it is a viable option; • Increased engagement with the recreational charter fleet to provide training on species identification to ensure accurate catch reports.
1.1 (iii)	1a	<ul style="list-style-type: none"> • None identified, as the system has not been fully implemented yet.
	1b	<ul style="list-style-type: none"> • None identified, as New Zealand has not used the carry-forward procedure in the current fishing year.

8 Post Final Report Member Comments

9 Appendices

Appendix 1: Consultation Process

Organisation	Person	Action	Date
SAI Global	Dave Garforth	Introduction and Overview of the QAR	22/04/2013
Ministry for Primary Industries (MPI)	Dominic Vallieres,	Consultation arrangements	24/05/2013 – 11/06/2013
SAI Global	Dave Garforth and Oliver Wilson		
Ministry for Primary Industries (MPI)	Dominic Vallieres	Providing documentation prior to consultation	07/06/2013 – 11/06/2013
Ministry for Primary Industries (MPI)	Dominic Vallieres and Stephanie Hill	Consultation	12/06/2013 (10pm 11/06/2013 - BST)
SAI Global	Dave Garforth, Oliver Wilson and Sam Peacock		
Ministry for Primary Industries (MPI)	Dominic Vallieres	Providing additional documentation	12/06/2013 – 16/07/2013
SAI Global	Oliver Wilson	Additional information request	02/07/2013
SAI Global	Oliver Wilson	Additional information request	15/07/2013

Appendix 2: Overview of Obligations and Associated CCSBT Minimum Performance Requirements

Obligation 1.1(i):

For 2012, 2013 and 2014, each Member shall be bound to the Allocated Catch for the respective year as specified below:

	Allocated Catch (t)		
	2012	2013	2014*
Japan	2519	2689	3366*
Australia	4528	4698	5147
New Zealand	800	830	909
Korea	911	945	1036
Taiwan	911	945	1036
Indonesia	685	707	750

* The allocations shown for 2014 and the proportional allocation shown for Japan are dependent on the TAC for 2014 (these figures assume a TAC of 12,449t) and a compliance review at CCSBT 20 (2013) as described in the Resolution on the Allocation of the Global Total Allowable Catch.

Minimum Performance Requirements for Obligation 1.1(i):

1. Rules in place to ensure that the total “Attributable SBT Catch” (see the note below concerning the Attributable SBT Catch) of each Member does not exceed the Member’s Allocated Catch for the relevant period.

Note on “Attributable SBT Catch”

Until the CCSBT agrees on a single definition, each Member and Cooperating Non-Member must clearly and unambiguously state the definition of its Attributable SBT Catch and these definitions are repeated below. As a minimum, the attributable catch must include all commercial catch landings:

- **Australia: All commercial catch, except catch that is released in a live and vigorous state.**
- **Indonesia: The amount of commercial catch/landing of tagged SBT within its national allocation.**
- **Fishing Entity of Taiwan: Retained commercial catch.**
- **Japan: The amount of SBT put into fish hold of the vessel.**
- **Korea: Commercial landing of SBT.**
- **New Zealand: Within its national allocation New Zealand allows for recreational and customary catch, other sources of fishing mortality and sets a total allowable commercial catch limit.**
- **European Union: Catches landed by commercial vessels**
- **Philippines: The entire catch of SBT including any discards (alive or dead) counted is against its allocation.**
- **South Africa: Any SBT catch that is landed, independently verified by the Department, and counted against the individual right holding company in the tuna and swordfish longline sectors. This does not include SBT that has been released alive, discarded, depredated or confiscated.**

2. Operating systems and processes established to:
- a) Implement annual catching arrangements, including:
 - i. specification of allocations by company, quota holder or vessel,
 - ii. arrangements for daily recording of all catches,
 - iii. weekly reporting of catches by large scale tuna longliners and monthly reporting of catches by coastal fishing vessels.
 - b) In accordance with the timeline in the table in the Compliance Policy Guideline document, monitor all **fishing-related mortality of SBT**.

Starting Year for Monitoring of SBT Mortality

MEMBER	Sources of SBT Mortality					
	Commercial Retained Catch (t)	Commercial Discard Mortality (numbers and/or estimated weight)	Commercial Towing Mortality (t)	Non-Commercial Retained Catch (t)	Other Discard Mortality (numbers and/or estimated weight)	Other Sources of Mortality (numbers and/or estimated weight)
Australia	now	now	now	now	now	now
Indonesia	now	now	N/A	now	now	now
Japan	now 2	now	N/A	N/A	now	now
Republic of Korea	now	now	N/A	N/A	now	now
New Zealand	now	now	N/A	now	now	now
Taiwan	now	now	N/A	N/A	now	now
European Union	now	now	N/A	N/A	now	now
Philippines	now	now	N/A	N/A	now	now
South Africa	now	now	N/A	now	now	now

Any of the sources of the mortality listed in the table above may or may not contribute to 'Attributable Catch'

- c) Ensure accuracy of the "Attributable SBT Catch", including:
 - i. For fishing Members, a physical inspection regime of SBT caught by the Member's fishing vessel
 - ii. For farming Members, monitoring the accuracy of the stereo video monitoring and adjusting/ re-calibrating where necessary.
3. All fishing-related SBT mortality is reported annually to the Extended Scientific Committee, for incorporation into stock assessment analysis, and to the Commission.
4. Operating systems and processes applied to:
- a. monitor compliance with annual catching arrangements; and
 - b. impose sanctions or remedies where necessary.

Obligation 1.1(ii) applies only to Co-operating Non-Members

Obligation 1.1(iii):

Unless the Extended Commission reduces the TAC or a Member's allocation of the TAC, Members may carry forward up to 20% of their unfished quota to the next quota year within the same three year quota block, but quota that is carried forward may not in turn generate further under-fishing to be carried forward to the following year. Members that decide to adopt the carry-forward procedure for their fishery shall:

- a. Report on their use of the procedure in their annual reports to the Extended Commission, regardless of whether the procedure was in fact used by the Member during that quota year;
- b. If at the beginning of a new quota year, the Member decides to carry forward unfished quota from a previous year, it shall within 60 days of the new quota year, notify the Secretariat of this carry-forward and provide a revised annual available catch limit (i.e. Catch Allocation + carry-forward) for the new quota year

Minimum Performance Requirements for Obligation 1.1(iii):

1. For Members that decide to adopt the carry-forward procedure (regardless of whether carry-forward was used in the particular year):
 - a) Operating systems and processes must be in place to ensure that
 - i. an accurate, verified and robust figure for the final Attributable Catch is available before the notification to the Secretariat of the carry-forward,
 - ii. a report on the adoption and use of the carry-forward procedure, together with documentation on quantification and verification of the total catch is included in each annual report to the Extended Commission;
 - b) The Executive Secretary is formally notified of the catch for the concluded quota year together with the available catch limit (Catch Allocation + carry-forward) for the new quota year within 60 days of the start of the new quota year.

Appendix 3 – Copies of fishery logbooks & other paperwork

Appendix	Form	Source
3.1	Application to Register Transfer of quota shares	FishServe (https://www.fishserve.co.nz/forms)
3.2	Application to Register Transfer of ACE	FishServe (https://www.fishserve.co.nz/forms)
3.3	Sample Tuna Longlining Catch, Effort Return	MPI – <i>pers comm</i> Dominic Vallieres
3.4	Non-fish and Protected Species Return	Fisheries (Reporting) Regulations 2011
3.5	Observation Record for Third Party Authorised Validator training	MPI – <i>pers comm</i> Dominic Vallieres
3.6	Evidence Collection Sheet for Third Party Authorised Validator training	MPI – <i>pers comm</i> Dominic Vallieres
3.7	Sample Catch Landing Return	MPI – <i>pers comm</i> Dominic Vallieres
3.8	Monthly harvest return	Fisheries (Reporting) Regulations 2011
3.9	Licensed fish receiver returns	Fisheries (Reporting) Regulations 2011
3.10	Amateur Charter vessel Activity Catch Return	Fisheries (Reporting) Regulations 2011
3.11	MPI letter of instructions to permit holders targeting southern bluefin tuna in 2013	MPI – <i>pers comm</i> Dominic Vallieres
3.12	Example Vessel Risk Assessment	MPI – <i>pers comm</i> Dominic Vallieres
3.13	HMS Compliance Performance Indicators	MPI. (2012) Annual Review Report (ARR) 2012 – Highly Migratory Species.