United Nations General Assembly "Sustainable Fisheries" Resolution 66/68:

Implementation Report for New Zealand

Introduction to New Zealand's fisheries management

This report provides information relevant to New Zealand's implementation of the United Nations General Assembly "Sustainable Fisheries" Resolution 66/68, as per Operative Paragraph 162 of that resolution. This report intends to provide an update on information provided to the Secretary-General in 2008 titled 'New Zealand Response Questionnaire" (New Zealand's 2008 report). As such this report will focus on developments in New Zealand's implementation of the Sustainable Fisheries Resolution since 2008. For a comprehensive understanding of New Zealand's implementation of the sustainable fisheries resolution it is recommended that this report be read in conjunction with the 2008 report, which can be accessed at www.fish.govt.nz

New Zealand's Ministry for Primary Industries, in conjunction with other domestic agencies notably the Department of Conservation, works to ensure theconservation and sustainable use of our fisheries and that we have a healthy aquatic ecosystem. We do this by researching fisheries, managing the process for access and allocation of fisheries,protecting sensitive species and areas, and ensuring that everyone who uses New Zealand's fisheries complies with the rules and regulations that govern and protect them.

The Fisheries Act 1996 sits at the centre of the legal framework that governs New Zealand fisheries (both in areas under our jurisdiction and for New Zealand vessels fishing in areas beyond our jurisdiction). The purpose of the Fisheries Act 1996 is to provide for the utilisation of fisheries resources while ensuring sustainability. Key environmental principles and international obligations are incorporated into policy and/or statute, and must be taken into account in fisheries management decisions in a transparent and justiciable manner.

The Fisheries Act 1996 provides under section 13 that total allowable catches (TACs) must be set at or above a level that can produce the maximum sustainable yield (MSY), having regard to the interdependence of stocks, or similar alternative that has the end result of MSY.

At the international level, New Zealand is a party to UNCLOS and the UN Fish Stocks Agreement and cooperates within Regional Fisheries Management Organisations (RFMOs) to which it is a Party, to ensure that stocks are maintained or restored to MSY levels. New Zealand supports initiatives to further develop the international fisheries governance structures, such as measures to preserve and protect the marine environment, including the marine environment beyond national jurisdiction. In particular, New Zealand supports initiatives to protectareas of special sensitivity and ecological significance in the high seas such as marine protected areas and protection of VMEs from adverse impacts of fishing.

Developments since 2008

Sustainable Fisheries: Strategic Direction

Since 2008 the New Zealand Government has launched a significant fisheries strategy titled *Fisheries 2030*. The overall goal of *Fisheries 2030* is to achieve improved economic benefit through smarter use of our fisheries resources, and provides for increased non-commercial benefits, while protecting the health of the fishery and the marine environment. The concept of sustainable use and the importance of the marine environment are central to this strategy. A copy of this strategy can be found at http://www.fish.govt.nz/en-nz/Fisheries+2030/default.htm

*Fisheries 2030*has a number of actions including: improving the management framework, supporting aquaculture and international objectives, ensuring sustainability of fish stocks, improving fisheries information, building leadership and meeting obligations to indigenous people (Māori). A number of key documents sit underneath Fisheries 2030 including an International Fisheries Strategy 2011-2015.

New Zealand's International Fisheries Strategy

The Strategy's overall goal is to maximise economic and other benefits to New Zealand from our involvement with fisheries internationally, within environmental limits and consistent with our international obligations.Two outcome statements support the overall goal and describe more specific results desired for New Zealand's involvement in fisheries internationally:

a) Use outcome – fisheries resources are utilised in a manner that provides greatest overall benefits
b) Environment outcome – the capacity and integrity of the marine environment, habitats and species are sustained and protected.

Fundamental to achieving the goal is recognition that international fisheries must be underpinned by sound governance arrangements that are accountable, transparent, efficient and effective, and responsive.

It is intended that the Strategy will guide the New Zealand government in its engagement on international fishery issues. It will assist in determining priorities and specific actions with respect to New Zealand's multilateral engagement, regional engagement and trade.

The Strategy also incorporates a specific framework for New Zealand's engagement in international fisheries issues. This recognises the unique set of interests that New Zealand has in the Pacific, as well as the priority that the Government has accorded to promoting sustainable economic development in the region.

Finally, the Strategy also sets out performance indicators to enable the monitoring of achievement against the objectives.

United Nations Conference on Sustainable Development(Rio +20)

New Zealand strongly supports the call in OP 3 of the Sustainable Fisheries Resolution 66/68 to emphasise sustainable development of fisheries in the context of the United Nations Conference on Sustainable Development to be held this year in Rio de Janeiro, Brazil (Rio +20). New Zealand has placed fisheries and wider "blue economy" issues at the

heart of our submission for Rio+20. For New Zealand and for the Pacific region in general, capitalising on the potential of our oceans is crucial for the future of the region and the livelihoods of its people.

Alongside a number of wider oceans issues, New Zealand believes that at Rio+20 States need to recommit to sustainable fisheries management including greater returns to small island developing states from their fisheries resources. We also maintain that Rio+20 must address harmful fisheries subsidies that contribute to overfishing and overcapacity, and impact negatively on sustainable development. New Zealand will also be urging the international community to take effective measures against IUU fishing including increased monitoring, control and surveillances measures; commitment by the flag State to enforce RFMO and coastal State measures against their vessels, including full compliance with reporting obligations; implementation of port State measures, and development of RFMO IUU vessel blacklists.

Science Based Management

In line with OP 8 of the resolution, New Zealand's research programme has the goal of providing a sound scientific basis for management decisions for as many species as possible, as cost-effectively as possible. As is the case in all countries, the amount of funding available for fisheries research is limited. Full assessments of stock status can only be undertaken for the highest value, highest volume or highest risk species. New Zealand's Fisheries Act 1996 stipulates that where information is uncertain or inadequate, caution should be exercised in making fisheries management decisions. This means that while high information stocks can be managed near optimal levels, whereas lower information stocks should be managed more conservatively.

In late 2008, New Zealand introduced a formal Harvest Strategy Standard for New Zealand Fisheries (HSS) that specifies four measures relating to the status of New Zealand's fish stocks and fisheries. The HSS specifies that each stock should have a management target (usually a biomass level but sometimes a fishing mortality rate); a soft limit (below which a stock is deemed to be "overfished" or depleted and needs to be actively rebuilt); a hard limit (below which a stock is deemed to be "collapsed" and where fishery closures should be considered); and an overfishing threshold (a rate of extraction that, if exceeded, will lead to the stock biomass declining below management targets and/or limits).

In 2011, a Research and Science Information Standard for New Zealand Fisheries was introduced. This is a policy statement of best practice in the delivery and quality assurance of research and science information for New Zealand fisheries. It sets out key principles for research and science information quality that apply to everyone involved in the provision of research and science information to inform fisheries management decisions. It is founded on international best practice for science quality assurance, tailored to New Zealand's requirements.

Stock assessments are conducted in accordance with the Research Standard and with reference to the targets and limits set out in the HSS. Since 2009, the Ministry of Primary Industries has been able to increase from 95 to 127 the number of stocks for which scientific advice was available on their status relative to their specified limits. In 2011, 85% of stocks (accounting for 95% of landings) were above the soft limit.

Aside from stock assessment work, New Zealand's research programme includes work on fisheries bycatch (including protected species), benthic impacts, habitats of significance for

fisheries management, trophic and ecosystem effects, and factors that affect marine and fisheries productivity.

New Zealand also plays an active role in RFMO Scientific Committees and associated working groups, including regular attendance at meetings and provision of data for use in stock assessment processes. In addition, New Zealand chaired the South Pacific Regional Fisheries Management Organisation (SPRFMO) interim Scientific Working Group for three years and has chaired several small working groups at Western Central Pacific Fisheries Commission (WCPFC) Science Committee meetings. In Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), New Zealand contributes a significant amount of work in the Ross Sea region (Subareas 88.1 and 88.2), including stock assessments, biological characterisation of toothfish and bycatch, and ecosystem modelling. New Zealand vessels provide comprehensive data collection, beyond minimum CCAMLR requirements. New Zealand also developed bottom fishing impact assessment methodology which has been adopted by CCAMLR in the exploratory toothfish fisheries.

Observer coverage

As per OP 11 of the resolution, New Zealand continues to encourage the effective use of observer programmes by RFMOs to improve data collection. New Zealand complieswith RFMO observer requirements and maintains high observer rates on all our vessels fishing in areas beyond our national jurisdiction.

As required by Article XXIV of the CAMLR Convention, each year New Zealand has 100 percent observer coverage on New Zealand flagged vessels fishing in CCAMLR. Pursuant to CCAMLR's Scheme of International Scientific these observers monitor the harvesting and scientific activities of our vessels in the CAMLR Convention Area.

New Zealand’s Observer Programme for CCSBT covers both domestic and charter longline vessels. We exceed the observer coverage target set by CCSBT – 10% of the effort to reflect 10% of the catch.

New Zealand continues to implement 100% observer coverage on bottom trawl fishing trips in the SPRFMO Area, and has implemented the interim measures' minimum 10% observer coverage requirement for all bottom longline trips in the SPRFMO Area.

New Zealand has 100% observer coverage on New Zealand vessels in the WCPFC purse seine fishery.We also implement the target coverage rate for the WCPFClongline fishery, which is 10% of effort, which should reflect approximately 10% of the highly migratory species catch.

New Zealand received accreditation for the New Zealand Observer Programme to be a part of the WCPFC Regional Observer Programme in 2009. New Zealand also operated a programme of port and observer monitoring in 2009 to better estimate juvenile bigeye and yellowfin catches as a component of purse seine catches in the tropical tuna fishery.

In addition to this, New Zealand has also been working actively with other members within the WCPFC to further develop the Commission’s Regional Observer Programme, taking into account existing regional, sub-regional and national programmes in the Pacific, including those of developing Pacific Island countries.

Sharks Management

Sustainable harvesting of shark species is managed through the New Zealand QMS. Approximately 112 species of sharks have been recorded from New Zealand fisheries waters.Commercial and recreational fishers in New Zealand waters utilise about thirty of these species and six of these contribute over 90% of shark landings. Target fishing occurs for school shark and rig in particular, withmost of the rest primarily caught as bycatch.

Some shark species are subject to conservation actions. New Zealand has protected six species of shark (basking shark, manta ray, smalltooth sandtiger shark, spine-tailed devil ray, great white shark, and whale shark) under the Wildlife Act 1953. This Act provides absolute protection for these species. Two further species of sharks (hammerhead shark and sharpnosesevengill shark) are identified in the Fisheries Act 1996 as species that may only be taken as bycatch of commercial fishing and not targeted by fishing activity.

Catches of these protected species are monitored to ensure that no further management action is required to ensure their sustainability. These species will remain as non-QMS bycatch species until such time as a decision is made to add them to the QMS or alternatively to apply a more restrictive regime.

National Plan of Action – Sharks
New Zealand completed a National Plan of Action (NPOA) for sharks in 2008. The NPOA examined the alignment of New Zealand's fisheries management system with the goals, principles and management objectives in the International Plan of Action – Sharks, and included a list of actions that will be implemented to ensure that New Zealand satisfies the objectives of the IPOA-Sharks. A review of the NPOA is planned for 2012 which will assess progress against those actions and determine where further work is needed.As part of the review of the NPOA-Sharks, all research on sharks is being collated and summarised to inform actions in the updated NPOA.

Scientific Research
The Ministry for Primary Industries and Department of Conservation commission independent research to inform the management and conservation of sharks.

Research completed in the past five years has included age and growth studies for blue, mako and porbeagle sharks, investigations into habitats of rig and school shark, distribution and biology of basking shark, and the distribution and abundance of deepwater sharks.

For the six protected shark species the Department of Conservation, in conjunction with the Ministry for Primary Industries, is currently conducting research into the nature and extent of interactions with commercial fishing in New Zealand waters, developing mitigation methods for protected rays, as well as recording and reporting bycatch as part of our observer programme.

New Zealand maintains a Scientific Observer Programme that collects biological information from commercial fisheries in New Zealand. Length, weight and sex are recorded for major shark species, and catch data are recorded for all species. This data provides a characterisation of catch and contributes information to CPUE analyses of common species and estimates of total catches for all species.

RFMO Engagement

New Zealand is an advocate of improved shark conservation and data collection measures in those RFMOs to which it is a party.

A prohibition on shark finning has been applied to New Zealand flagged vessels fishing on the high seas within the Western and Central Pacific Convention Area, in a form that requires shark trunks to be landed with the fins attached. This is in response to the Conservation and Management Measure introduced by the Western and Central Pacific Fisheries Commission.

Shark finning
Finning a live shark, and returning the shark trunk to the sea while alive, is an offence under New Zealand's Animal Welfare Act.

Fisheries subsidies

New Zealand actively advocates for the elimination of fisheries subsidies that contribute to overfishing, overcapacity and illegal, unreported and unregulated fishing.

New Zealand has been an active participant in the WTO Rules Negotiating Group's work to strengthen disciplines on fisheries subsidies, including through a prohibition on subsidies that contribute to overfishing and overcapacity.While New Zealand is committed to addressing fisheries subsidies in the WTO, we also see value in looking at individual, joint and other multilateral initiatives to take action. Subsidies and their impacts on global fish stocks are not static; the state of global fish stocks is worsening; and the international community needs to act now given the urgent nature of the problem. As such New Zealand sees individual and joint efforts to reform subsidies as an important complement to an eventual outcome in the Doha negotiations, not a substitute.

Trade-related measures - Catch documentation scheme

CCAMLR, which New Zealand is a Member of, has a compulsory catch documentation scheme (CDS)for toothfish. Under this scheme New Zealand issues catch documents for its vessels and export documents for toothfish being exported from New Zealand. The import and export of toothfish is also prohibited in the absence of an export document. All CCAMLR Members have a legal obligation to check for a *Disstosstichusspp* Catch Documentation (DCD) when importing toothfish and report any non-compliance to the CCAMLR Secretariat. CCAMLR audits these catch documents. In its role as a port State, New Zealand requires vessels carrying toothfish entering into its ports to undergo inspection and have their catch checked for requisite DCD documentation pursuant to CCAMLR's rules.

New Zealand, as a member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), implemented a CDS on 1 January 2010 as a means of insuring the legitimacy of southern bluefin tuna imports and exports. Along with the requirement for validated documentation, each individually tuna must bear an official CCSBT tag which further strengthens the traceability of product through the supply chain.

Support for Capacity Building and Developing State Participation in RFMOs

New Zealand has provided considerable financial and technical support to the Pacific Islands Forum Fishery Agency and the Secretariat of the Pacific Community, to assist, improve and

enhance support to and aid the capacity development of developing Pacific Island States and Territories. Consistent with the Paris Declaration of Aid Effectiveness, New Zealand is also providing assistance to partners bilaterally. New Zealand has funded training of Pacific Island fisheries officers to improve their skills in sustainable development of fisheries resources. New Zealand Ministry for Primary Industries has provided direct technical assistance to counterpart fisheries agencies in the Pacific Islands to develop the capacity of fisheries officials in management, development and compliance. Two bilateral institutional strengthening projects with fisheries administrations are currently underway, which take a strong capacity building approach and include considerable technical assistance.

New Zealand has also advocated for measures within WCPFC and SPRFMO that provide for the effective participation of developing States within the work of these organisations. New Zealand has provided financial support to the Pacific Islands Forum Fisheries Agency and the TeVakaMoana Polynesian Fisheries Arrangement, which seek to improve the returns from fisheries under Pacific Island states jurisdiction, whether by development of domestic industry, fees from foreign flagged vessels, or a combination of the two.

New Zealand also works through the Agreement on the Conservation of Albatrosses and Petrels (ACAP) to support capacity building in the area of bycatch mitigation.

IUU Fishing

New Zealand is committed to eliminating Illegal, unreported and unregulated (IUU) fishing. As such New Zealand expects to ratify the FAO Port State Measures Agreement in the next year.

IUU fishing has been a problem in the Pacific and Southern Ocean for a number of years, and is of growing concern.New Zealand currently undertakes aerial and surface surveillance activities for IUU fishing activity in both the Pacific and Southern Ocean regions. Surveillance aircraft play a key role in detecting IUU fishing activities and improving the information base on the activities of both vessels licensed by Members of CCAMLR/WCPFC and unlicensed vessels, while patrol vessels play a key role in demonstrating presence and enforcing fisheries laws at sea. Collectively, these assets also have considerable potential to act as a deterrent. Surveillance for IUU fishing also has wider maritime security benefits in identifying other unusual vessel activity, which may relate to other areas of risk (e.g. smuggling activity or people trafficking).

New Zealand fisheries officers accompany these patrols and undertake boarding and inspection operations in accordance with CCAMLR and WCPFC systems of inspection.New Zealand has recently acquired a new fleet of naval vessels which will increase our ability to carry out long range offshore fisheries patrols targeting IUU fishing in the Pacific and and Southern Ocean. In 2011/12 New Zealand conducted the first high seas boarding and inspections of fishing vessels licensed by CCAMLR Members to operate in the CCAMLR Convention Area

Surveillance is only one element of a range of measures taken by New Zealand (and others) to address IUU fishing, namely diplomatic and legal. New Zealand has worked within RFMOs to which we are a Party (notably CCAMLR and WCPFC) to improve measures to combat IUU fishing. We have also worked with Pacific Island Countries on regional initiatives to strengthen capacity and coordination in monitoring and responding to IUU fishing, notably the TeVaka Toa Arrangement (TVTA) and the Niue Treaty Subsidiary Agreement (NTSA) negotiations.

Flag State Performance

New Zealand has actively engaged in the FAO's process to develop FAO Flag State Performance guidelines (referenced in OP 47 of the resolution). It is important to New Zealand that the FAO Flag State Performance guidelines neither create new nor erode existing obligations and rights, but are an accurate interpretation of existing rights and obligations under international law. The development of strong, rules-based frameworks is a key objective in the New Zealand's International Fisheries Strategy.

Port State Measures Agreement

New Zealand has signed the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Currently the Agreement is working its way through our internal processes and we expect to ratify the Agreement within the next year. New Zealand has been a strong advocate of the Agreement and will continue to promote its benefits to other States.

Transshipment

New Zealand prohibits transhipping on the high seas via the high seas fishing permitting system. However, we do give dispensations to the Pacific purse seine vessels to tranship into designated ports. All catch taken on the high seas is recorded into the high seas catch effort forms.

We ensure compliance by:

- checking the high seas catch effort documents,
- checking observer trip reports for any instances of non-compliance with their high seas permit
- carrying out routine aerial patrols to monitor the Pacific purse seine fleet (including the NZ vessels), and
- boarding and inspecting vessels.

Interpol Workshop on Fisheries Crime

A representative from New Zealand's Ministry for Primary Industries attended the recent Interpol Environmental Crime Summit and took part in the Fisheries Forum (referenced in OP 60 of the resolution). New Zealand sees the Interpol ad hoc Fisheries Crime Working Group as well positioned to look at the international aspects of IUU fishing. Interpol's resources, providing important information and intelligence management options, should prove a valuable tool in the fight against IUU fishing, which is increasingly globalised in nature.

We feel that the Working Group will need to work together with other programmes in this area, which have approached the problem from a national or regional perspective.New Zealand is in a position to provide significant input to both regional and international focuses of environmental crime and being part of the proposed Advisory Board will provide the ability to influence the Interpol focus to be one of a strategic nature.

Overcapacity and tuna RFMOs

New Zealand shares the concerns of many other States have about overcapacity in the world's tuna fisheries, as per OP 75 of the resolution, and we have worked through RFMOs

of which we are a Member, and the Joint Tuna Regional Fisheries Management Organisation (Kobe) process to discuss this issue. However, along with Pacific Island developing States and territories, we have also tried to encourage a better global understanding of the development aspirations of developing countries and how these need to be balanced against the interests of larger fishing nations which have historically dominated the sector.

Bycatch

In line with the FAO International Plan of Action for Reducing the Incidental Catch of Seabirds in Longline Fisheries (IPOA Seabirds), New Zealand is updating the National Plan of Action to Reduce the Incidental Catch of Seabirds in New Zealand Fisheries (NPOA Seabirds). The NPOA Seabirds sets out a strategic framework for reducing the incidental catch of seabirds in New Zealand's domestic fisheries. The NPOA Seabirds recognises the progress New Zealand has made to date, as well as establishing national goals to reduce the risk to seabirds from fishing, including bycatch minimisation and adoption of best practice mitigation, reflecting the global expertise and recommendations of ACAP. The updated NPOA Seabirds will set out a range of actions that we need to initiate or continue progress on, to achieve these goals. These actions include a mix of management measures, centred on the development of voluntary Codes of Practice and supported by regulations, where necessary.

Drift nets

New Zealand enacted the Driftnet Prohibition Act in 1991. That Act makes it an offence to:

- Engage in driftnet fishing in New Zealand waters and for New Zealand nationals and vessels to engage in driftnet fishing in the high seas area covered by the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific 1989.
- Carry driftnets on vessels;
- Engage in transportation, trans-shipment or processing of driftnet catch;
- Supply and provide driftnet fishing vessels.

New Zealand enforces the Driftnet Prohibition Act 1991, including the high seas area covered under the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific 1989, through regular naval and aerial patrolling activities both in domestic waters and on the high seas. The Act contains authority to deny entry to driftnet fishing vessels and supply vessels and has boarding, inspection and seizure provisions to ensure effective enforcement of the prohibition.

South Pacific Regional Fisheries Management Organisation

As one of the co-sponsors of the negotiations to form the South Pacific Regional Fisheries Management Organisation (SPRFMO), referenced in OP 98-100 of the resolution,New Zealand is pleased that the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (Convention) was adopted in December 2009 and is close to entering into force. New Zealand ratified the Convention on 1 June 2011.

New Zealand has been actively involved in the SPRFMO International Consultations and the three sessions of the SPRFMO Preparatory Conference. We are a strong supporter of the voluntary SPRFMO interim measures and have ensured that these measures are implemented on New Zealand vessels fishing in the SPRFMO Area.

New Zealand advocated strongly at the final session of the Preparatory Conference held in January 2012 in Santiago, Chile, for revised interim measures for pelagic fisheries that

responded to the advice from the Scientific Working Group that the jack mackerel remained in a critical state. Revised measures were agreed in Santiago.

New Zealand looks forward to the entry into force of the Convention, the first Commission meeting (planned for Auckland, New Zealand in January 2013) and the adoption of binding conservation and management measures.

Performance Reviews of RFMOs

All three RFMOs New Zealand is a Member of have undergone performance reviews, as per OP 112 of the resolution.

CCAMLR

New Zealand played an active role in the 2008 performance review of CCAMLR. The Commission and Members responded to a number of the recommendations. Other recommendations are under active consideration. The CCAMLR Secretariat provides an annual progress report to Members on implementation of the recommendations.

CCSBT

CCSBT underwent a performance review in 2008, and in response, established its Strategy and Fisheries Management Working Group (SFMWG) in 2008. New Zealand has been very supportive of this work. The group was established to provide a forum outside of the annual commission meeting to progress the important strategic and management issues. The meeting is open to commissioners and advisers.

The SFMWG has provided the opportunity for Commissioners to:

- Discuss and agree common objectives for the fishery; and
- Provide guidance to the Extended Scientific Committee on the scientific information that would be useful got the Commission meeting.

There has been substantial progress on all three of the key elements of the terms of reference for the SFMWG:

i. To develop a draft Strategic Plan (SP) which sets out a common viewof the strategic direction of the Extended Commission in managing the SBT fishery.

ii. To develop a draft Fisheries Management Plan (FMP) for SouthernBluefin Tuna (SBT) comprising management objectives for the SBT stock and ecologically related species consistent with modern standards of international fisheries management

iii. In relation to ii, develop:
• a rebuild strategy for SBT that is consistent with the UN Fish Stocks Agreement and the precautionary approach
• other technical measures for managing the SBT stock, as appropriate

The SFMWG has met twice – once on 2009 and once in 2010. The meeting scheduled for 2011 was postponed due to the tsunami in Japan. CCSBT is yet to decide whether the SFMWG will become a permanent fixture on its schedule of meetings, or whether it will just be reinstated on an ad hoc basis as needed, but this issue will need to be considered by the Commission once its terms of reference have been completed.

WCPFC

During its fifth meeting (WCPFC5) in 2008, the WCPFC decided to undertake a review of its performance. New Zealand was an active supporter of the proposed review. However, due to budget constraints, the review was postponed until 2011. The Review panel recently reported back to WCPFC9, with a range of recommendations. These included implementation of IPOAs, clarifying the legal responsibilities of the Commission and its Members, developing a Conservation and Management Measure to fully implement the FAO Port State Measures Agreement, giving ample scope for the development and implementation of the Ecosystem Approach to Fisheries, compatibility of measures, and a lack of development of criteria for the allocation of fishing quotas, amongst other issues.

New Zealand is in general support of the recommendations and will work with its fellow Commission Members and Cooperating Non-Members to implement the recommendations of the Panel.

Aquaculture

New Zealand achieves sustainable marine aquaculture through national legislation administered by central government, and regional coastal plans developed by regional local government.

Relevant legislation[1] was reformed in 2011 to encourage sustainable aquaculture development and better enable integrated decisionmaking through the Resource Management Act framework. The main aspects of the reforms are:

- removing the requirement that aquaculture take place only in designated aquaculture management areas established by regional or unitary councils in RMA coastal plans. Applications for new marine farms can now be made anywhere subject to the provisions of the relevant regional coastal plan;
- streamlining and better integrating aquaculture planning and consenting processes, including the undue adverse effects on fishing (UAE) test;
- ensuring that the Crown's settlement obligations with Maori are maintained and can be delivered;
- enabling the Minister responsible for aquaculture to amend regional coastal plans by regulation for the purpose of managing aquaculture development; and
- enabling the Minister of Conservation to approve the use of alternative allocation tools for managing demand to occupy space in the coastal marine area.

The legislative reforms of 2011 are part of a broader initiative to support sustainable aquaculture development. Other aspects include:

- appointment of a Minister with overall responsibility for aquaculture (the Minister of Fisheries and Aquaculture);
- establishing an Aquaculture Unit within the Ministry for Primary Industries; and
- the development of a National Aquaculture Strategy and Five-year Action Plan

We are supportive of the Technical Guidelines on Aquaculture Certification that were approved by the FAO's Committee on Fisheries in February last year.New Zealand has not yet undertaken any specific work to implement the FAO's Technical Guidelines on Aquaculture Certification. The aquaculture sector is weighing up what role certification will

[1]Aquaculture Reform (Repeals and Transitional Provisions) Act 2004, the Fisheries Act 1996 (Fisheries Act), the Maori Commercial Aquaculture Claims Settlement Act 2004 (Settlement Act), and the Resource Management Act 1991 (RMA)

play in their activities. Should certification be progressed, New Zealand would want to ensure such certification schemes are compatible with the FAO guidelines.

Marine Protected Areas

In 2011 New Zealand presented a draft proposal to CCAMLR for a marine protected area in the Ross Sea region. Article II of the CCAMLR Convention defines conservation to include rational use. In accordance with this primary objective, the Convention provides for the designation of the opening and closing of areas for the purposes of scientific study or conservation, including special areas of protection and scientific study.

New Zealand's proposal would protect the full range of marine habitats; from the ice edge to deep oceanic basins. It would protect the ecologically important features and habitats including winter ice-free areas (known as polynyas), the entire Victoria Coast from McMurdo Sound to Cape Adare, the Balleny Islands, and almost the entire Ross Sea continental shelf. It would safeguard more than 95 % of the area where Antarctic silverfish occurs, a species which underpins an entire productive food chain, and which system is unique to the Ross Sea continental shelf. The draft proposal would eliminate fishing completely in the preferred foraging grounds of top predators. It would protect habitats of particular importance including juvenile habitats and spawning areas of Antarctic toothfish. Antarctic toothfish are the dominant fish predator in the Ross Sea region which is the target of a fishery. The draft proposal would enable the toothfish fishery to continue in areas outside the MPA.

The draft New Zealand proposal covers nearly 2.5 million square kilometres (an area three times the size of New Zealand). If adopted by CCAMLR, it would be the largest MPA ever agreed. A formal proposal will be taken to CCAMLR in 2012 with the hope of achieving consensus amongst all 25 Members.

Bottom fishing

New Zealand provided a comprehensive report on our approach to bottom fishing including our implementation of UN resolutions and the FAO Deep Water Guidelines in 2011. A copy of this report can be found at http://www.maf.govt.nz/Default.aspx?TabId=126&id=1334