



## Fact sheet 1 – Fishing for Tuna

### 1. Introduction

Taking of tuna for any purpose is controlled by the Fisheries Acts 1983 and 1996 and regulations made under that Acts. The Fisheries Acts are the responsibility of the Ministry of Fisheries (MFish). Further information on Fisheries Act requirements can be obtained from your local MFish office.

MFish has 18 offices around the country. There locations can be found by looking at the MFish website <http://www.fish.govt.nz/en-nz/info/contactus/default.htm>

The four main regional offices are located in Auckland (09) 820 1990, Wellington (04) 470 2600, Nelson (03) 548 1069 and Dunedin (03) 474 0333.

The Fisheries Acts distinguishes between the taking fish for commercial, customary and recreational purposes. In general terms the regime is as follows.

### 2. Commercial fishing

Both long finned and short finned tuna are managed under the quota management system. This means that to fish commercially for tuna (i.e. take more tuna than you are entitled to take under the recreational and customary allowances) you need to hold a permit and quota and/or annual catch entitlement (ACE).

ACE is allocated to quota holders each year. If you don't own quota you will need to purchase ACE from a quota holder before you can commercially fish.

Quota is also tradable and may be purchased from existing quota holders on a willing buyer, willing seller basis.

The Fisheries (Commercial Fishing) Regulations also apply to all commercial fishing. Those Regulations state that tuna caught commercially must be a minimum weight of 220g.

### 3. Recreational fishing

You don't have to hold quota/ACE to take tuna for recreational purposes. The Fisheries (Amateur Fishing) Regulations set out the rules that apply to non

commercial fishing. They state, amongst other things, that a maximum of 6 tuna may be taken by any fisher per day. The same regulations control fishing methods. They state, for example that:

- The minimum net size for tuna is 12mm
- No person shall use or set any net that, either by itself or together with any other net, extends more than one-quarter across the width of any river, stream, or channel
- No person shall set or use any fyke net unless there is a surface float attached to it that is legibly and permanently marked with that person's initials and surname
- No person shall set, use, or possess more than one fyke net or more than one hinaki trap at any one time.

Closed areas may also apply depending on where you are fishing. You can easily check legal requirements by checking the MFish website <http://www.fish.govt.nz/en-nz/Recreational> or phoning the MFish help line 0800 4 RULES.

### 4. Customary Fishing

In addition to controlling recreational fishing, the *Fisheries (Amateur Fishing) Regulations* provide for customary fishing. Under Regulation 27A you can fish for a traditional hui or hangi provided the rules specified in the regulations are followed.

This means that you must obtain written authorisation (before you go fishing) from an authorised representative of a marae committee, Maori committee, Runanga or Maori Trust Board that represents that tangata whenua of the area you wish to fish.

Tuna taken under regulation 27A must not be sold, exchanged or traded. A number of other conditions apply relating to marking of fishing gear and other matters. If fishers are caught not complying with these conditions financial penalties can apply.

If fishing in the South Island, the Fisheries (South Island Customary Fishing) Regulations may apply rather than the Amateur Fishing Regulations described above. This means that you will need to obtain authorisation from kaitiaki authorised by the Minister of Fisheries. Once you have authorisation you may catch fish for any customary purpose (i.e. not just for traditional hui and tangi) however you still cannot sell exchange or trade tuna caught under the customary allowance.

The South Island Customary Fishing Regulations only apply where a kaitiaki has been appointed. Where no kaitiaki has been appointed by the Minister, Regulation 27A applies as outlined above.

To find out whether a kaitiaki has been appointed for your area contact your local MFish office. More information on customary fishing rules including brochures can be found at:

<http://www.fish.govt.nz/en-nz/Customary>.

Email enquiries can be made to [info@fish.govt.nz](mailto:info@fish.govt.nz)

## 5. Eel aquaculture

Any person wanting to “culture” (i.e. grow on glass tuna) or fatten young tuna needs to obtain a license from the Minister of Fisheries under the Freshwater Fish Farm Regulations 1993.

A resource consent under the Resource Management Act 1991 is also likely to be required. Information on resource consent requirements will need to be obtained from your local territorial authority (i.e. city or district council) and your regional council.

Currently there is no ability to lawfully capture glass tuna as “feedstock” for eel culturing as a 220g minimum weight limit applies to the taking of tuna commercially.

This barrier would need to be overcome if eel culturing is to establish. Transferring wild tuna to a fish farm also requires the approval of the Minister of Conservation (see following section).

## 6. Enhancing eel fisheries

Enhancing eel fisheries by transferring tuna from one place to another is also governed by regulation.

Under the Conservation Act 1996, before tuna can be transferred to from one place where tuna are present to another where tuna are present (or between islands) approval must be gained from the Minister of Fisheries.

Under the same Act, before tuna can be transferred to from one place where tuna are present to another where tuna do not already present (including a fish farm) approval must be gained from the Minister of Conservation.

Transfers are also governed by the Freshwater Fisheries Regulations 1983. Under those Regulations approval may be required from Fish and Game and/or the Director General of Conservation. These regulations are complex and contradictory and any one wishing to transfer tuna should discuss what approvals are required directly with the Department of Conservation.

The Department of Conservation’s head office is in Wellington ph. (04) 471 0726. There are also regional offices in Hamilton (07) 858 0000 and Christchurch (03) 353 0580 and 13 conservancy offices around the country. Contact details for your closest Conservancy office can be found on the DoC website <http://www.doc.govt.nz/templates/officebyname>.

Enquiries can be made by email to [enquiries@doc.govt.nz](mailto:enquiries@doc.govt.nz).

## 7. Other matters

The Conservation Act also makes it an offense to sell or let the right to fish in any freshwater. This means, for example, that landowners cannot insist on payment from others to fish for tuna in a water body flowing through or located within their property (although they may restrict access across their land).

The Conservation Act also prohibits the use of explosives or toxic substances to catch fish. The Freshwater Fish Regulations prohibits the use of electric fishing methods.