

27 NOV 2017



OIA15-0226

Graham Carter
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Dear Graham Carter

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request on 23 October 2015 concerning an accidental loss of catch reported by a commercial fishing vessel contracted to Aotearoa Fisheries, with reports of the fish washing up on Muriwai Beach (20 October 2015).

Your request was as follows:

Would you kindly provide us further information regarding this loss by Aotearoa Fisheries as the press release leaves a lot of unanswered questions.

The Ministry for Primary Industries' (MPI) had responded to you on 23 November 2015 accordingly.

MPI has recently been contacted by the Ombudsman's office seeking comment from MPI as part of a preliminary enquiry into your Official Information Act (OIA) complaint regarding MPI's OIA response.

The Ombudsman's office asked that MPI explore the possibility of supplying an appropriate summary of the MPI investigation file (assuming such a file exists) which might satisfy your broader enquiry into this incident.

The following information is released to you under the Official Information Act 1982 (OIA):

Having reviewed the information released under the initial OIA response I can confirm that MPI holds no further investigative information beyond what has already been provided.

By way of summary of the event, a thorough enquiry was carried out by fisheries officers at the time of the incident. After receiving information from the public, officers immediately attended the scene at Muriwai Beach to assess the scale of the incident and make an estimate of the amount of fish that had washed ashore. Using the MPI vessel monitoring system, the likely vessel was identified and officers met it as it came into port at Onehunga. They were able to confirm that the identified vessel was responsible for the fish and subsequently questioned the skipper and crew regarding the circumstances.

The skipper's explanation was that the weather conditions were severe and that 3 large waves hit the vessel side on shortly after a large amount of fish had been emptied out of the trawl net, onto the deck for sorting. The skipper estimated that the waves washed approximately 400-500kg of mainly snapper back into the water. He said that he advised the licensed fish receiver (LFR) to which he was contracted early the next morning, however he had not contacted MPI.

The officers exhausted all means possible to verify the explanation, including examining the vessel electronics, the fishing returns and confirming the weather reports from the previous night. They also noted that there was some minor damage to the vessel as a result of the incident and that the skipper and crew were visibly shaken by what had happened.

The explanation provided by the skipper was consistent with all of the evidence available to the officers and as a result no offence file was generated, and no further investigation was carried out. By way of follow up, the officers ensured that the fish was correctly reported as an accidental loss and as such it was accounted for under the quota management system (QMS). They also met with the managers of the LFR who had contracted the vessel to discuss the incident and provide advice around notifying MPI of such events in a more timely manner.

Your initial request had also asked that MPI provide comment in response to the following question:

"The fish must have drifted faster than the trawler could steam as the fish beat the vessel back in. How did the fish get to the beach before the trawler?"

The location of where the fish was lost is a long way north of the entrance to the Manukau Harbour where the vessel came into port. In addition, the channel up to the wharf at Onehunga requires the vessel to head further south to the harbour entrance, cross the Manukau bar and then transit up the Manukau Harbour to Onehunga. The fish only had to drift a few miles onto the beach, with strong winds and large swells pushing them in that direction.

Overall MPI was satisfied, based on the enquiries made by the fishery officers, that this was a genuine case of accidental loss due to severe weather conditions and that no offence had been committed. By correctly reporting the lost fish, it was accounted for under the QMS and the discussions with the skipper, crew, permit holder and LFR managers hopefully reduced the chance of such an incident occurring again in the future.

Yours sincerely



Gary Orr
Director Compliance Services (Acting)

