



OIA16-0521

16 DEC 2016

Graham Carter
C/- fyi.org.nz

Dear Graham Carter

OFFICIAL INFORMATION ACT REQUESTS

I refer to your official information request on 30 August 2016 relating to Operations Trois, Horse, and Turn Up (our ref OIA16-0521). You requested all information (including emails) associated with these operations, plus, a list of all operational reports for the last 10 years on MPI operations which have disclosed overfishing, dumping, and discard of both bycatch and targeted fish species.

The following reports are released to you under the Official Information Act 1982 (OIA):

- Operation "Turn Up"
- Debrief – Operation Horse

Some information has been withheld from the above reports pursuant to the following sections of the OIA, as applicable:

- section 9(2)(a) – to protect the privacy of natural persons; and
- section 9(2)(b)(ii) – to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

In regard to the report relating to Operation Trois, this report is evaluative in nature and details investigative and analytical techniques used to identify compliance risks and potential non-compliance.

Operation Trois findings were used to inform decision making by Fisheries Management and operational service delivery by Compliance. The Ministry for Primary Industries (MPI) considers that releasing this information would reveal investigative and analytical tools and techniques that could impact the way in which MPI conducts operations and investigations in future.

Accordingly, this part of your request is refused under the section 6(c) of the OIA - as making this information available would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Op Horse involved the dumping of southern blue whiting by the fishing vessel Aorere, operated by Sealord Ltd, in the Auckland/Campbell Island area of the Southern Ocean. Three crew members and the company were prosecuted as a result of the operation.

In regard to Operation Turn Up, in late 1992 audits of the recovery rates for paua were conducted on three Chatham Islands companies. The audits identified wide variances in the reported meat weight recovered for paua which triggered further investigation.

In 2002 a monitoring operation (Operation Turn Up) was commenced to determine the veracity of the long-standing allegations regarding manipulation of landed weight for paua in the Chatham Islands. The operation concluded without any need for any formal prosecution and a recommendation was made that the situation be monitored.

MPI is satisfied that in the circumstances of this case, the withholding of the information is not outweighed by other considerations which render it desirable in the public interest to make the information available.

Your request for all other information, including emails, covers a considerable amount of material, and is therefore refused in full pursuant to section 18(f) on the grounds that the information requested cannot be made available without substantial collation or research.

You have the right pursuant to section 28(3) of the OIA to seek an investigation and review by the Ombudsman of our decision to withhold information.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Gary Orr', with a long horizontal flourish extending to the right.

Gary Orr
Acting Director Compliance

DEBRIEF – Operation Horse

The following is a summary of the relevant points in relation to the Investigation and Prosecution of the events and persons associated in this Case.

- 1 Each year in the Southern Ocean during early September, Southern Blue Whiting congregates into extremely dense schools for purpose of spawning. Significant catches of SBW are possible during this time and care has to be taken to ensure that participating commercial fishing vessels do not over-catch in relation to their trawl recovery and processing capacity.
- 2 Section 72 of the Fisheries Act 1996 prohibits the Dumping of Fish, the specie of which are subject to the Quota Management System and for which no minimum size limit is set, unless the species of fish in question is specifically identified in the Sixth Schedule to the Act.
- 3 The fish specie, Southern Blue Whiting (*Micromesistus australis*), the fish at the centre of this Investigation, is subject to the Quota management System and there is no minimum size limit set. It is not identified in the Sixth Schedule of the Act as being a specie of fish which is lawfully able to be discarded.
- 4 Dumping of QMS specie fish is viewed by the Ministry of Fisheries as the possibly the greatest threat to the integrity of the system. The practice is rumoured to be widespread - *'the industries alleged dirty little secret,'* but is

inherently difficult to detect, it is wasteful and it is an abuse of the privilege entrusted to fishers to pursue commercial fishing activities within the New Zealand Exclusive Economic Zone.

- 5 The fish specie Southern Blue Whiting is not viewed as being under threat from commercial fishing pressure however the practice of intentionally dumping significant quantities of the target catch is both wasteful and strikes directly at the heart of the QMS.

Allegations of Dumping

- 6 During November 2004 the Christchurch Office of the Ministry of Fisheries received information that the FV AORERE had, on a recent voyage dumped significant quantities of SBW. It was not until March 2005 that the informant was contacted directly by Fishery Officers. The informant stated that in September 2004 significant dumping of SBW had taken place onboard the AORERE and that he could support that allegation with a video recording he had personally taken of the alleged offending. The informant showed the video to the investigating Fishery Officer (Senior Investigator s 9(2)(a)). However the informant would not release the video at that point and would not make a statement in support of his allegations. The informant was unsure whether he wished to continue his involvement in the fishing industry and believed that the release of the video would jeopardise his chances of continuing with such employment.

The Vessel – F.V. AORERE

7 On the 5th of September 2004 the 66 metre Fishing Vessel AORERE (stern trawler of Norwegian design), sailed from the Port of Dunedin to the Southern Ocean fishing grounds to target fish for Southern Blue Whiting (SBW). The vessel was under the command of the Skipper Lee Craig HARDING and 1st Mate James Jeffery ALFORD. The vessels processing factory was under the control and management of Ross William McCOY.

8 The AORERE, the vessel at the centre of this matter, is a large factory trawler fishing vessel with an overall length of 66 metres and was registered in Panama. It was owned at the time of the offences by Frenndrawl Ltd, a Norwegian fishing company who had chartered the vessel to SEALORD Charters Limited, a New Zealand fishing company, based in Nelson. SEALORD Charters Ltd crewed and operated the vessel, they were also the holder of the fishing permit and registration of the vessel for purposes of commercial fishing within New Zealand fishery waters. The vessel had been fishing in New Zealand under the authority of that fishing permit and pursuant to the Frenndrawl charter agreement.

9 The AORERE, like all trawlers of its type processes its catch at sea. The vessels processing factory had a limited throughput which was dependent upon the specie of fish and the specifications for its fish production. In respect of SBW on this voyage, the aim was to fillet the fish and process the produced skinned flesh into a 'block'. This is significant processing and is therefore a

limiting factor to factory throughput. Waste fish product along with damaged and small whole fish is usually sent to the meal plant for production into a dried fish meal product.

The Informant

10 The Informant and Senior Investigating Officer s 9(2)(a) continued to have contact over the following year. In April 2006 the Informant again contacted SFI s 9(2)(a) and stated he was prepared to release the video. He was also prepared to make a statement in support of his allegations if SFI s 9(2)(a) could find verification from within the AORERE crew.

11 During this meeting the Informant also produced an A4 sized printed photograph he claimed to have taken from the AORERE mess room notice board. The photo showed a full cod end of a large trawl of fish with the noting *Midnight 14th September* written by the informant on the bottom of the photo. The Informant claimed the full cod end would be in the 60 to 80 tonne range and was a '*Bragg Shot*' (photograph) he believed was taken and placed on the notice board by the Defendant ALFORD.

12 Later estimates by experienced FV AORERE crew members put the weight of the '*Bragg Shot*' trawl at being between 40 and 60 tonnes.

13 An examination of the Trawl Catch Effort and Processing Returns (TCEPRs) supplied to the Ministry of Fisheries for the 14th and 15th September 2004

showed the maximum individual trawl to be recorded as being an estimated 25 tonnes. An examination of all the returns supplied for the complete voyage show that the maximum estimated size of any individual trawl during the voyage was 25 tonnes and this occurred on 8 separate occasions.

- 14 A subsequent examination of the records made on board the FV AORERE by the Defendants HARDING and ALFORD during the voyage in question for the period around the 14th September showed recordings for 2 separate trawls being landed onto the vessel, the first being 20+ tonnes for 2300hrs on 14th September, and the second being 40+ tonnes for 0307hrs on 15th September.

Alleged Offending - 6 to 19 September 2004

- 15 The video recording taken and supplied by the Informant showed dumping of SBW from the AORERE from the 13th to the 19th September 2004.
- 16 The informant alleged that the dumping started soon after the start of fishing for SBW in the Southern Ocean on the 6th September and continued for the duration of the time spent target fishing for that specie, approximately 2 and a half weeks.
- 17 In respect of the quantity of SBW dumped, the informant alleged that between 10% and 40% of the catch was discarded. The quantity varied depending on

the vessels catch rate. The greater the amount being caught the greater the amount being dumped.

- 18 In regard to why the dumping occurred, the informant stated that the factory just couldn't cope (process) with the amount of SBW being caught and that those in control of the vessel made the decision to dump.

The Investigation – The Crew

- 19 Acting on the information received, Fishery Officers initiated an investigation code named - *Operation Horse*. The operation slowly identified and then located all known FV AOREERE crew members. On the 10th July 2006 *Operation Horse* was terminated with a view to conducting simultaneous interviews with all the identified crew so as to verify the informant's allegations without interference from any third party.

- 20 21 Ex-AOREERE crew (excluding the defendants) were located and interviewed. Of the 21, 13 gave accounts which, to varying degrees substantiated the informant's allegations. The other 8 crew members stated that they either did not witness dumping of SBW first hand or had only a minimal recall of the actual AOREERE fishing trip in question. None of the 8 crew denied that the dumping actually took place.

- 21 Contained in the 13 statements are numerous confirmations of the alleged dumping. A common theme runs through many which in essence relate to the

processing factory not being able to cope with the amount of SBW the vessel was catching. This being compounded by the action of loading or stacking catches (trawls) on top of the contents of a previous trawl so the factory doesn't in effect catch up.

22 A sample of quotes from the statements are as follows:

- 'We were trying to get the fish out of one pound, it was half full maybe 15 to 20 tonne in there, I was told there was another big bag was on its way, so I was told to flush that pound overboard.'
- 'It, (the vessel) was pulling up fish and pretty much chucking it straight back except for the big ones, there was a hell of a lot of small fish in the those bags.'
- 'We were told to put it (the fish) straight into the sump so it would get munched up so the spotter planes, MAF didn't see whole fish floating. It was shocking, plus we weren't getting paid for it, they were biffing away our bonuses.'
- 'A lot of people were really angry because it was an awful lot of fish, the Filipino crew had never seen anything like that wastage.'
- 'They were catching big bags, ridiculous bags, it wasn't holding up, too long too soft to process, everyone was upset about it, we could catch it next year.'
- 'During the only time I worked down there, (in the pound for about 4 hours), I dumped about 2 tonne.'
- 'We were landing some of the biggest bags in my 8 year career.'
- 'I heard people talking about it but never witnessed it.'

- 'We were hauling a fairly large bag and at the same time I was watching a steam of whole fish go past.'

The Interviews

23 The Defendants HARDING, ALFORD and McCOY were interviewed in relation to their knowledge of, and involvement in, the alleged offending. All 3 initially denied any knowledge or participation in the offences. However the defendant McCOY retracted his first statement made to a Fishery Officer and made a second statement to his legal Counsel. This second statement confirmed the occurrence of the some offending (Dumping of SBW) and identified the Defendant HARDING as having made the initial decision to break the law.

24 SEALORDS employees were also interviewed. All 6 interviewed were senior position holders within the company and denied any knowledge or sanctioning of the offending. SEALORDS maintained that they had in place stringent policies and guidelines regarding dumping.

Sealords Stance

25 Allegedly, SEALORDS were initially made aware of the allegations of illegal dumping of SBW by the Informant in person in late 2005. A copy of the video was passed to SEALORD Representatives during a meeting in relation to another separate issue. As a result of viewing the video, SEALORDS re-declared an extra 23,000kgs of SBW catch in March 2006 to the Ministry of Fisheries via an Amended Monthly Harvest Return (MHR). In effect

SEALORDS accepted the contents of the video as showing the discarding of whole SBW and adopted a mathematical procedure to estimate the quantity of SBW being discarded over a 15 day period.

26 SEALORDS did not discuss the contents of the video with either the Informant, being the person making the accusations, or the Defendants HARDING and ALFORD being the persons in control of the AORERE, or the Defendant McCOY as the AORERE Processing Factory Manager through which the dumped fish passed or for that matter with s 9(2)(a) being SEALORDS own deepwater fishing expert or with any other person on board the AORERE during the relative period. Instead SEALORDS, when confronted with the allegations of significant offending through the dumping of a QMS specie, adopted a narrow and perhaps somewhat selective method of attempting to resolve the issue.

Relevant Factors in the Prosecution

27 There are seven factors that are relevant in this matter:

- (a) Intentional dumping of an undefined, yet significant quantity of SBW took place on board the AORERE over an extended 15 day period during September 2004.

- (b) The vessels Skipper, Mate and Factory Manger at the time, all knew of the illegal activity but did not either stop it themselves or inform any shore based staff who could.
- (c) The Crew were alarmed by the illegal activity but felt powerless to do anything to stop it.
- (d) Estimates quantifying the amount of dumping range from McCoy's' 60 tonnes in 3 days to the Informants' 10 to 40% of the total SBW catch over the 16 days, being 80 to 311 tonnes. There is a difference in the TCEPRs of 154 tonnes between the estimated total catch and the converted processed catch.
- (e) Dumping of this nature is a major breach of the trust that is afforded to Commercial Fishers within NZ fisheries Waters.
- (f) The 'Big Bag' of Midnight 14th September was under reported by HARDING and ALFORD in the TCEPR by as much as 40 tonnes.
- (g) The offending in this case was not a one off lapse of judgement by the Defendants HARDING, ALFORD and McCOY. It was a deliberate and intentional circumvention of Fisheries law. It was committed by experienced and trusted commercial fishers over an extended period of time who were well aware of the consequences of such offending.

The Prosecution Process

28 On 20 September 2007, 2 key members of the crew, being the Mate (2nd in Command) and the Factory Manager, each pleaded guilty to 15 Charges of Dumping the QMS specie – Southern Blue Whiting. Each of the 15 charges related to a sequential day when it was alleged the dumping occurred. They

were convicted and fined \$20,000 each (plus various costs). Additionally ALFORD was fined \$5000 for the Charge in relation to his part in the offence of furnishing a False TCEPR for the Big Bag as captured in the 'Bragg Shot' photograph.

29 The Company (SEALORDS) entered an early guilty plea to a charge in relation to the furnishing to the Ministry of Fisheries, false information in an Amended MHR in respect of the dumping.

30 As a consequence to their guilty pleas and convictions they were both (the Mate and Factory Manager) re-interviewed in relation to the offending and later summonsed to give evidence in the prosecution of the vessels Skipper, Lee HARDING.

31 In a 2 week defended hearing during late November and early December 2007 in the Nelson District Court the Ministry of Fisheries put forward a prosecution case which relied heavily upon former crewmembers giving evidence against their former Skipper. This was a very rare and unusual event due to the fact that fishing vessel crewman adhere rigidly to the code that - *'What happens at sea stays at sea.'*

32 It has to be noted that the defendant HARDING steadfastly refused to admit guilt in the matter. His lawyer Gary Barkle put up a very competent defence. At the conclusion of the defended hearing Judge Walker reserved his decision.

33 Judge Walkers released his decision in mid February 2008. He found that HARDING must have known what was taking place on board his vessel and as a consequence found him guilty of dumping Southern Blue Whiting on 7 of the sequential days on which he was charged along with falsely under-declaring a 'Big Bag' of fish caught by the vessel. The 7 days related to a period of intense fishing which correlated to the taking of the video (13th to 19th September 2004).

34 HARDING's fines totalled \$50,000.

35 The earlier convictions of McCOY and ALFORD and latterly HARDING raised the issue of Forfeiture of the Aorere. Judge Walker found that special reasons existed relating to the offences which influenced his ruling in this matter. No forfeiture was ordered.

36 SEALORDS pleaded guilty to a regulatory charge of furnishing to the Ministry of Fisheries, a false or misleading Amended MHR in relation to the fish that was caught and subsequently dumped from the Aorere. Judge Walker took the view that the actions of Sealords were reasonable in the circumstances but that there was more they could have done to ascertain the true nature of the allegations of dumping.

37 SEALORDS were fined \$10,000 in regard to the single charge they faced.

Defence Counsel

Consequences of Conviction

The following items were subject to forfeiture as a consequence of the convictions entered for Harding and as a result of the previous for the offences:

- The AORERE together with fishing gear, implements, appliances, material, containers, goods or equipment valued at \$5 million

38 As a result of the conviction of Sealords the FV Aorere was again subject to forfeiture. Judge Walker again found that special reasons relating to the offence existed and therefore influenced his decision not to order the vessel forfeit.

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RESTRICTED II



MINISTRY OF FISHERIES
Te Tautiaki i nga hiri a Tangaroa

OPERATION "Turn Up"

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Distribution:
O/C

Copy 1 of 1

1 SITUATION

1.1 General Information

History

- The Total Allowable Commercial Catch (TACC) for the PAU4 (Chatham Island) fishery is 326,543 kilograms.
- Over time it has become apparent that the actual amount of Paua removed from the fishery exceeds the TACC due to a practise involving the inflating of recovery rates at the expense of greenweight.
- The issue of recovery rates for Paua on the Chatham Islands has been around for some time now.
- In November and December of 1992 the National Compliance Unit (NCU) accounting group of the then Ministry of Agriculture and Fisheries conducted 5 audits of fishing companies involved in the harvesting, receiving, processing and canning of Paua.
- The period of the Audit was from October 1991 to October 1992.
- Three of the companies audited were from the Chatham Islands, being:

s 9(2)(b)(ii)

- During these audits it was established that recovery rates varied between 39.8% and 48.9% but that 94% of recovery rates were in the range of 42 to 43% after overnight draining of the Paua.
- NCU staff observed one processing of Paua, which returned a recovery rate of 42.61%.
- In the 2001/2002 fishing year a total of 621 landings of Paua were made totalling 326,207 kilograms. Landings were principally made to three Licensed Fish Receiver's (LFR's).
- Recovery rates ranged from 37% up to one landing of 50%.
- Average recovery rates varied from LFR to LFR

LFR	Average	Range in Recovery
s 9(2)(b)(ii)	42.3%	87.6% of landings 40-44%
s 9(2)(b)(ii)	44.7%	87.1% of landings 43-45%
s 9(2)(b)(ii)	43.4%	83.3% of landings 43%

- Of concern is the number of landings where the recovery rate is 43% or higher.

LFR	Number >43%	Specific Range
s 9(2)(b)(ii)	27 of 82 = 32.9%	
s 9(2)(b)(ii)	267 of 293 = 91.1%	164 of 293 = 56.0% @ 45%
s 9(2)(b)(ii)	228 of 245 = 93.0%	203 of 245 = 82.8% @ 43%

- For a more thorough summary of landings refer to Appendix 6
- As at the 30th June 2003 in the 2002/2003 fishing year a total of 532 landings of Paua have been made totalling 318,188 kilograms. Landings were principally made to four LFR's with s 9(2)(b)(ii) receiving Paua in the 2002/2003 fishing year.
- Recovery rates ranged from 36% up to one landing of 50%.
- Ministry of Fisheries staff observed three processings of Paua at one LFR (s 9(2)(b)(ii)), which returned recovery rates of 42.95%, 43.99% and 45.64% respectively. The processing of a fourth landing had already started, this returned a 42.12 recovery rate.
- Staff observed one processing of Paua at a second LFR (s 9(2)(b)(ii)), which returned a recovery rate of 43.65%.
- Again average recovery rates varied from LFR to LFR and overall showed a drop of between 0.1 and 1.5% when compared with the previous year. This may be due to the fact that it has been quite clear since November 2002 that the Ministry has been gathering information regarding recovery rates.

LFR	Average	Range in Recovery
s 9(2)(b)(ii)	40.83%	80% of landings 38-44%
s 9(2)(b)(ii)	44.64%	85% of landings 43-45%
s 9(2)(b)(ii)	43.60%	84% of landings 42-44%
s 9(2)(b)(ii)	42.98%	80% of landings 42-43%

- Even though there has been a slight drop in the overall averages there are still a large number of landings where the recovery rate is 43% or higher.

LFR	Number >43%	Specific Range
s 9(2)(b)(ii)	7 of 40 = 17.5%	
s 9(2)(b)(ii)	200 of 222 = 90.0%	88 of 222 = 39.6% @ 45%
s 9(2)(b)(ii)	58 of 73 = 79.4%	36 of 74 = 48.6% @ 43%
s 9(2)(b)(ii)	122 of 196 = 62.3%	196 of 245 = 80.0% @ 43%

- For a more thorough summary of landings refer to Appendix 6
- Many divers who operate on the Chatham Islands share this concern over the recovery rate exceeding 43%.

- In their experience true recovery rates would have a maximum of 40 to 42%.
- Anecdotal evidence from divers suggest that by their calculations based on the information they have that the actual tonnage being removed from the PAU4 fishery could be up to 410 to 425 tonne which is 84 to 99 tonne in excess of the TACC. These figures have yet to be confirmed through analysis.
- Information used to estimate this over fishing is based on the difference between the divers estimate of the catch and the greenweight figure returned by the LFR after processing. Examples of where the diver has weighed the product, prior to delivery to the LFR and the greenweight later received include.

Divers Weight	LFR Weight	Difference
1,800 kgs actual	1,380 kgs	420 kgs or 23.3%
410 kgs actual	324 kgs	86 kgs or 21.0%
1,200 kgs estimated	897 kgs	303 kgs or 25.2%
2,000 kgs estimated	1,665 kgs	335 kgs or 16.7%
1,400 kgs estimated	994 kgs	406 kgs or 29.0%

- Divers accept that they may be up to 10% out in their estimated weight but it would be rare that they are that far out.
- Even taking into account the 10% diver error it is possible that the TACC may be being exceeded by between 6.7% and 23.3% (21.9 to 76.0 tonne).
- Divers have also advised that they have to wait days for a greenweight figure to be provided by an LFR. In one instance a diver rang the LFR looking for his greenweight, was advised of the meatweight for the landing but the LFR could not advise the greenweight as it had yet to be worked out.
- Anecdotal evidence from LFR's suggests that Quota Holders shop around to find an LFR offering the best recovery rate and have their Paua landed at that particular LFR. The LFR (s 9(2)(b)(ii)) providing this information is owned by the Waitangi Fisheries Commission, which holds 21.2% of the PAU4 Quota, but cannot even get the Fisheries Commission ACE as they do not offer a guaranteed high recovery rate.
- The same LFR suggests that the true recovery rate should be in the range of 37 – 39%.
- Evidence from a part owner of a second LFR premises (s 9(2)(b)(ii)) suggested Paua landed from statistical areas 411 and 412 (Tapuangi-Monau reef) would not obtain a recovery rate higher than 38% however Mfish analysis shows that in statistical area 411 of 41 landings made all were 41% or higher with 10 reaching 45% recoveries. (2001/2002 fishing year)

- This person suggested that Pitt Island offered the best recovery rates, around 42%. MFish analysis of landings recorded as having come from Pitt Island statistical area's shows that of 41 landings made, 39 achieved 43% or higher recovery rates. This person also suggests that Quota Holders shop around asking what recovery rates they would obtain if their Paua was landed to a particular LFR.
- Higher recovery rates mean more money is paid to the Quota Holder and less Greenweight is deducted from Ace holding of the Quota holder.
- It is believed that high recovery rates are driven by the Quota Holders who award contracts to process Paua to those LFR's offering the highest recovery rate.
- Letters have been sent to the LFR's and Divers who work in the PAU4 Fishery. The letter outlines the regulations regarding the reporting of greenweight's and that the practice of establishing a greenweight after the processing of Paua is not acceptable and will be treated as misreporting. PAU4 Quota Holders and Ace Holders have also been sent a similar letter.

1.2 Intel Brief

- Information was originally being supplied by FSO s 9(2)(a) stationed on the Chatham Islands.
- He has now been replaced by FSO s 9(2)(a).
- Information from the 1st October 2002 to date suggests that the same situation exists as it has in previous fishing years with "guaranteed" recovery rates being offered.
- Information from FSO s 9(2)(a) suggests that as at 27th June 2003 s 9(2)(b)(ii) want all of their PAU4 caught in October and November 2003. s 9(2)(b)(ii) and its subsidiaries own 13.8% of the Quota but in the 2001-2002 fishing year held 34.3% (112,096 kgs) of available ACE and in the 2002-2003 fishing year to date have held 36.7% (119,793 kgs) of available ACE.
- Information from FSO s 9(2)(a) is that since the letters have been sent to all parties concerned, there has been a suggestion that divers will be instructed by Quota Holders to deliver their Paua to the LFR the day after the Paua was removed from the sea. This will involve the Paua being left to drain, prior to it being delivered to the LFR.
- As the Paua will have drained overnight, the greenweight recorded by the LFR will be lower (NCU Audit of 1992 suggests around 1.5% weight loss from overnight draining), the recovered meat weight will be around the same, giving a higher recovery rate.

1.3 Ground Situation

- The Chatham Islands lie 800 km's to the east of New Zealand.
- The 2001 census recorded a population of 717 people, the majority of the working population are involved in either the fishing industry or agriculture.
- It is an isolated area where the presence of Ministry of Fisheries staff is tolerated but their whereabouts is always known to those involved in the fishing industry.

1.4 Current Situation

1.4.1 Subjects

- Those Licensed Fish Receivers currently operating on the Chatham Islands and receiving PAU4 fish stock as listed in the attached Appendix 2
- Profiles have been prepared for each of the Licensed Fish Receivers to be targeted.
- Those Paua Harvesters currently operating on the Chatham Islands and landing PAU4 fish stock as listed in the attached Appendix 3

1.4.2 Own Forces

There is 7 staff available for the operation.

- 1 District Compliance Manager
- 1 Investigator
- 5 Fisheries Surveillance Officers
- 1 Fisheries Surveillance Officer based on the Chatham Islands

A further two staff will be required to man the operation effectively and it anticipated that these staff will be supplied from the Nelson Office (1) and Region (1).

1.5 ASSUMPTIONS

- That Licensed Fish Receivers receiving Paua on the Chatham Islands will continue to operate as they have in previous years.
- That recovery rates will constantly be inflated unless there is some form of deterrent action
- That at least 90% of the TACC for the PAU4 area will be harvested in between the months October 2003 and January 2004 inclusive. For the last three years on average 93% of the TACC has been taken in the four month period October through to January. (Refer to charts shown in appendix 5)

2 MISSION

- To ensure compliance with the Fisheries Act 1996 and relevant Fisheries Regulations in respect of the accurate reporting of Paua in greenweight for the purposes of the Quota Management System (QMS).

3 EXECUTION

3.1 General

- The execution of the operation will be in two phases.
- Phase One will involve the gathering of information through inspections of Licensed Fish Receiver premises and the documentation required under the Fisheries Act 1996 and relevant Regulations, which will be used in conjunction with other information to complete a full analysis of Paua Meat Weight recoveries.
- Phase One commenced in October 2002.
- Phase Two will involve the monitoring of Paua landings to LFR's on the Chatham Islands to ensure that the appropriate Fisheries Act provisions and Fisheries Regulations are being complied with.
- Where possible, any LFR's found to be acting in breach of the Fisheries Act 1996 and relevant Regulations should be prosecuted as a part of Phase Two.
- Phase Two will also involve the monitoring of Paua harvesters making landings to LFR's on the Chatham Islands to ensure that harvesters are complying appropriate Fisheries Act provisions and Fisheries Regulations.
- Where possible of any Paua harvesters found to be acting in breach of the Fisheries Act 1996 and relevant Regulations should be prosecuted as a part of Phase Two.
- Phase Two will require two separate groups of four staff each to inspect LFR premises and divers on the Chatham Islands over two, two week periods in October and November 2003.
- Phase Two will commence on 30th September 2003.

3.2 Group Details

3.2.1 Staff: As allocated in Appendix 1

3.2.2 Headquarters Group

Location: Operations Room, Ministry of Fisheries, Dunedin

Tasks

- Operation co-ordination, problem solving and target setting
- Logistics, operations log, communications
- Analysis of information received. (s 9(2)(a))
- Receipt of all exhibits (s 9(2)(a))
- Deal with any media enquiries.

3.2.3 Information Gathering Teams

Location: Ministry of Fisheries Office, Chatham Islands

3.2.4 Staff: As allocated in Appendix 1

FSO (s 9(2)(a)) will be in overall command of teams 1 and 2 whilst on the Chatham Islands.

FI (s 9(2)(a)) will be in overall command of teams 3 and 4 whilst on the Chatham Islands.

Tasks:

- To conduct quality Licensed Fish Receiver inspections at allocated locations.
- To monitor completely as many landings of Paua per day as possible at each of the five Licensed Fish Receiving premises on the Chatham Islands. Monitoring will include following it's initial weighing at receipt, processing and final packing, establishing green weight, meat weight, ownership and destination.
- To ensure LFR's are complying with the Fisheries Act 1996 and relevant Regulations and appropriate documentation is being kept. Where a LFR is identified as being non compliant, to provide appropriate advice and guidance to ensure the LFR is aware of the relevant provisions of the Fisheries Act and related Regulations.
- Where advice and guidance has been given during the first two week period to an LFR and the LFR is found to be non compliant during the second two week period then staff are to obtain sufficient evidence and information to take prosecution action.
- Obtain full documentation (landing dockets, purchase invoices, stock transfer dockets, sales invoices) relating to all landings of Paua made to the five Licensed Fish Receiving Premises operating on the Chatham Islands during the new fishing year, 1st October 2003 to 4th November 2003. There will be a requirement for all documentation to be obtained for the complete fishing year through to 30 September 2004.

- To inspect premises and relevant documents (If the paper work is off site the exact location of the paper work is to be obtained)
- To speak to disaffected persons in the industry who may be able to offer relevant information relating to the misreporting of Paua greenweight for the QMS.
- To identify and report on any offending identified during the inspections of the Licensed Fish Receivers.
- To conduct random inspections of Commercial Paua Harvesters to ensure that Paua Catch Effort Landing Returns (PCELR's) are being completed as and when required, and that catches are being recorded correctly.
- To weigh Paua at the landing point prior to it being received by the LFR. This will provide valuable data in instances where the product is left to drain overnight prior to being delivered to an LFR.
- Where advice and guidance has been given during the first two week period to a Paua harvester and the harvester is found to be non compliant during the second two week period then staff are to obtain sufficient evidence and information to commence prosecution action.
- To forward any information obtained to FI ^{s 9(2)(a)} in a timely and relevant manner.

3.2.5 Legal Support Team

Location: Ministry of Fisheries, Christchurch Office

3.2.6 Staff: As per Appendix 1

Tasks

- To provide legal advice and support as required

3.3 Coordinating Instructions

3.3.1 Timings

- Phase one the information-gathering phase commenced on the 1st of October 2002 and will continue through to the 30th September 2003 when the majority of the information relevant to the 2002 – 2003 fishing year will have been gathered.
- Phase two of the operation will commence on the 1st October 2003 with four staff commencing monitoring operations of LFR's on the Chatham Islands.
- All staff are to be present for a briefing at the Dunedin Office on Monday 22nd September 2003 commencing at 1030 hrs

- The four staff travelling to the Chatham Islands on the 30th September 2003 are to ensure they are at Dunedin Airport by 0930 hrs.
- The three Dunedin staff travelling to the Chatham Islands on the 21st October 2003 are to ensure they are at Dunedin Airport by 0930 hrs.
- FSO s 9(2)(a) travelling to the Chatham Islands on the 21st October 2003 will need to ensure he is at Nelson Airport by 0800 hrs

3.3.2 Hours of Work

- Staff will be expected to work extended hours whilst on the Chatham Islands to ensure that the required coverage of LFR's is achieved. This may include early starts and late finishes.
- There will also be a requirement for at least two staff to work weekends to ensure coverage is maintained over these times.
- Accurate records of hours worked will need to be recorded by staff in their notebooks.
- If because of bad weather or other circumstances beyond the control of the Ministry of Fisheries, there are no landings being made then staff should take those days off in lieu of overtime worked or anticipation of working a weekend.

3.3.3 Correspondence

- Licensed Fish Receiver inspection forms and blank Job Sheets will be available to staff. A CD containing relevant documents will be available to print copies of these documents.
- Team leaders are to ensure that all correspondence, job sheets, inspection forms etc are collated, and handed to FI s 9(2)(a) on return to the Dunedin Office.
- A bag for secure document disposal will be available at the Ministry of Fisheries office on the Chatham Islands.

3.3.4 Exhibits

- The O/C exhibits for the operation will be FI s 9(2)(a)
- Where necessary individual officers may be appointed as O/C Exhibits for specific phases of the enquiry.
- Exhibit officers are responsible for:
 - Ensuring all exhibits are recorded separately on Property Record Sheets

- Each exhibit is to be allocated a unique identifying number as follows
- S01/AM841/001 (As per Ministry of Fisheries Policy)
- Standard procedures should be followed when dealing with any money or frozen product.
- Exhibits are to be stored in the MFish office on the Chatham Islands or if necessary in a Police cell.
- On no account are exhibits to be left in vehicles overnight or stored at the accommodation lodgings.

3.3.5 Prosecutions

- Should offences be detected, each team is responsible for obtaining sufficient evidence to allow a decision to be made by DCM s 9(2)(a) on whether or not prosecution action will be taken.
- Team members should advise offenders that further action against them is possible and that they will be advised in due course.
- All prosecution files will be the responsibility of Fisheries Officer initiating the prosecution under the direction of DCM s 9(2)(a).

3.3.6 Legal Advice

- South Region Prosecutor s 9(2)(a) will be available to provide any legal advice that may be required up until the 28th October or thereafter.
- He can be contacted at the Christchurch Office, DDI s 9(2)(a) or cell phone number s 9(2)(a)
- During the absence of SFP s 9(2)(a) SFP s 9(2)(a) (Wellington) will take his place.
- He can be contacted at the Wellington Office, DDI (04) s 9(2)(a) or cell phone number s 9(2)(a)

3.3.7 Policy/Procedures

- All Ministry of Fisheries Compliance procedures and relevant Fisheries Act legislation must be adhered to.

3.3.8 Contingencies

- In the event of unforeseen circumstances, illness or change of schedules, DCM s 9(2)(a) will amend and advise accordingly.

3.3.9 News Media/Solicitors

- No comment is to be made to media or solicitors by staff in the field. All queries are to be referred to DCM s 9(2)(a) or FI s 9(2)(a).
- In the event of a solicitor being requested to act for any subject being spoken to on the Chatham Islands, then all requests for information are to be discussed with DCM s 9(2)(a) or SFP s 9(2)(a) prior to any disclosure being made.

3.3.10 Complaints

- Any complaints during the course of the operation are to be directed to DCM s 9(2)(a).

3.3.11 Arrests

- In the unlikely event of an arrest being required, staff are advised that arrests will be at the Team Leaders discretion. However, arrests shall be in accordance with Ministry Policy as outlined in Section 203 of Fisheries Act 1996 and Compliance Policy Statement 21.
- Use of force shall be in accordance with Section 205, Fisheries Act 1996
- Where any person is arrested the Team Leader is to ensure that the Chatham Islands Police are advised as soon as possible. DCM s 9(2)(a) and FI s 9(2)(a) should also be advised as soon as possible.

3.3.12 Occupational Safety and Health

- The risk of violence has been assessed as "low". However should a situation arise where violence is threatened or staff feel threatened they should take the appropriate action and notify Headquarters of the situation as soon as possible.
- The Police are to be called immediately if any situations arise which involve violence or threats of violence (as per Compliance Policy Statement 21).
- Should any drugs be located during inspections the items are to be secured with out touching and the Team Leader is to contact the Chatham Islands Police immediately

3.3.13 Stand down

- Orders to stand down will be issued by FSOs s 9(2)(a) at the completion of each days activities.

3.3.14 De-brief

- A full de-brief will be conducted at the completion of the operation.
- A date and time will be set in due course.

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4 ADMINISTRATION AND LOGISTICS

4.1 Equipment

Each team shall carry the following items:

- Warrants
- Notebooks
- Full appointments (handcuffs, torch)
- Camera and film
- Exhibit kits - to be taken to the Chathams from Dunedin
- Inspection Folders – to be taken from Dunedin (These will hold all necessary documentation.
- White overalls, gumboots and bump hats
- Stainless Steel Rulers, Paua Gauges

4.2 Meals and Accommodation

4.2.1 Meals:

- All staff will be responsible for managing their own meals.
- Cooking facilities including a conventional oven, microwave oven and toaster oven will be available at the accommodation lodgings.
- Staff may wish to consider taking supplies of preferred foods to the Chatham Islands.

4.2.2 Accommodation:

- Accommodation has been arranged at the Catholic Church Presbytery House located on Hospital Road, Waitangi, for three staff members.
- The fourth member will stay with FSO s 9(2)(a) in the MFish house.

4.3 Dress

- Staff whilst working on the Chatham Islands are to wear MFish issue dark blue overalls.
- Wet weather gear should be carried in case of inclement weather.
- White overalls or dustcoats, bump hats or white caps and gumboots are to be worn whilst inspecting LFR premises.
- A second pair of gumboots would be handy as the area's staff a likely to work in outside LFR premises will be wet and muddy.
- A washing machine is available at the accommodation lodgings.

4.4 Transport

- Transport from Dunedin to Christchurch will be provided by Air New Zealand and from Christchurch to the Chatham Islands will be provided by Chathams Air.
- Appendix 4 has the relevant flight details.
- On the Chatham Islands the Ministry of Fisheries patrol vehicle will be utilised by FSO s 9(2)(a).
- Two rental vehicles will be available, one for each of the two inspection teams to use whilst they are working their two week period of duty on the Chatham Islands.
- In Dunedin the Ministry of Fisheries compliance vehicles will be utilised as appropriate.
- Should the need arise to hire any other vehicle from an external contractor; permission is to be sought from the Operation O/C s 9(2)(a).

4.5 Security

- The Chatham Islands present their own unique security issues.
- It is highly likely that movements of Ministry of Fisheries staff will be monitored by Chatham Islanders, staff should be aware of it but it is not a cause for concern from a staff safety point of view.
- No documentation, exhibits, files or other items relating to the operation are to be kept at the accommodation. All such items are to be secured in the Ministry of Fisheries office on the Chatham Islands when not required by staff.
- Staff are to ensure that vehicles are kept locked during the day and that all work related and personal items are removed from the vehicles when securing them overnight.
- This includes the vehicle-based radios that will need to be removed from the vehicles each night. The aerials should also be removed from the roof of the vehicle if it is left unattended for an extended period during daylight hours.

4.6 Wintime

- All hours should be coded in Wintime to Operation Turn Up C0334.

5. Command and Signals

5.1 Operation Command Structure

s 9(2)(a)

5.2 Communications

5.2.1 Radio Channels

- All staff are to ensure they have their portable radios with them.
- The portable radios are to be used on s 6(c) and will provide communication between members on a line of sight basis whilst in close proximity.
- Three car-based radios will also be available for use. These should provide communication over a longer distance. They will also be able to be used to communicate with the portable radio's whilst in close proximity.
- These radios are to be used on s 6(c)
- One base radio will be used in the MFish vehicle, the other two in the rental vehicles.
- Please note the comments previously listed regarding security of radio's.
- Staff are reminded that a simple scanning device would be able to intercept these transmissions.

5.2.3 Call Signs

- Staff will use their surname as their call sign when using portable radios.

5.3 Expenses

- MFish policies in respect of expenses (as listed on Rockpool) are to be complied with.
- Where possible all expenses are to be charged against Mastercard.
- Receipts for all costs should be attached to the staff members expense claim.
- Expenses should be coded to Operation Turn Up C0334

APPENDICES

Appendix 1	Staff Details
Appendix 2	Licensed Fish Receiver List
Appendix 3	Faua Harvester List
Appendix 4	Flight Details
Appendix 5	Landing Charts
Appendix 6	Recovery Information

STAFF DETAILS

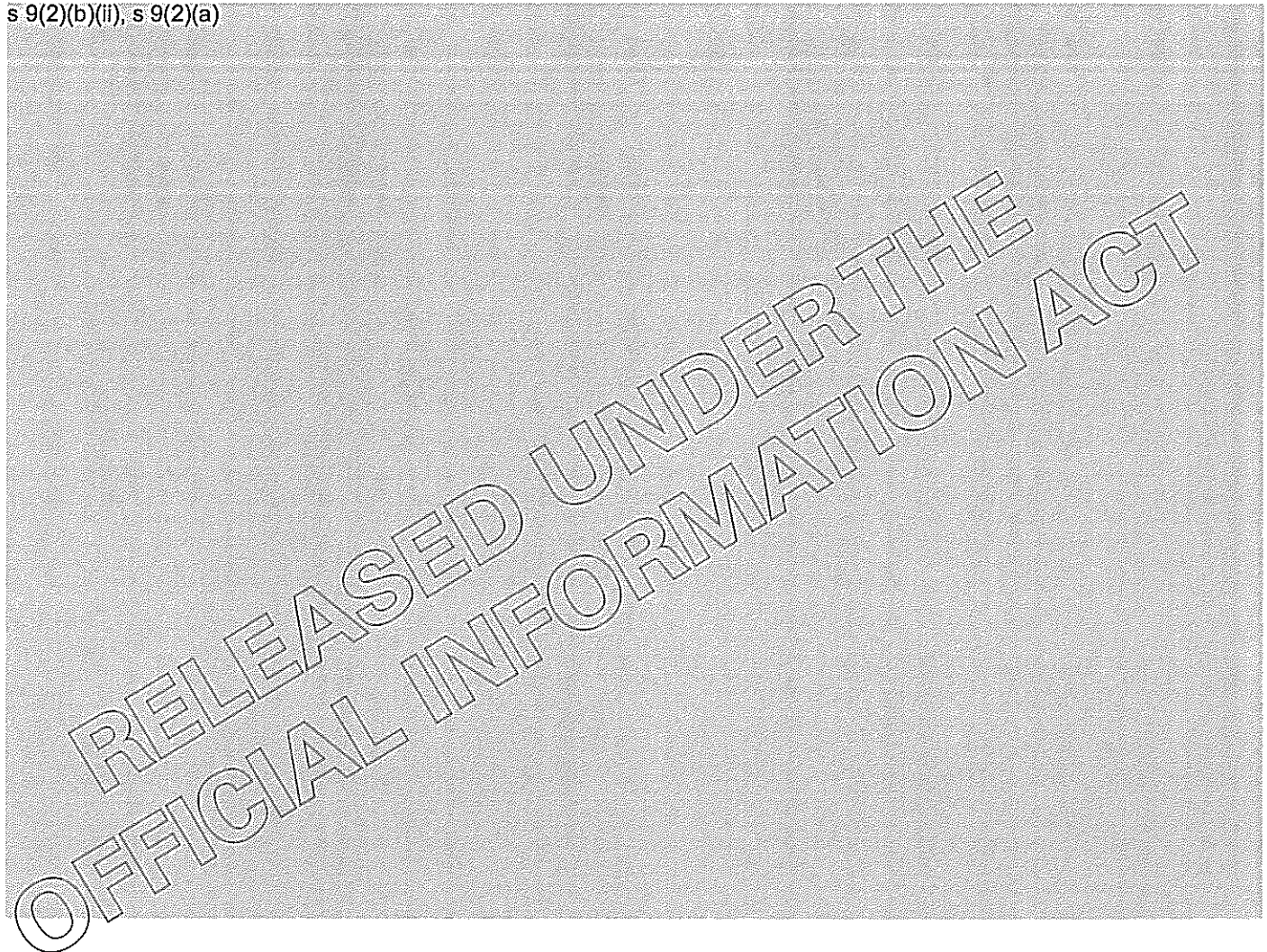
s 9(2)(a)

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CHATHAM ISLANDS LICENSED FISH RECEIVER'S

PAU4

s 9(2)(b)(ii), s 9(2)(a)



PAUA HARVESTERS

s 9(2)(a)

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FLIGHT DETAILS

Tuesday 30th September 2003

Flight NZ5052
Departs Dunedin 1005 hrs
Arrives Christchurch 1100 hrs

Flight CV41
Departs Christchurch 1300 hrs
Arrives Chatham Islands 1545 hours

Tuesday 14th October 2003

Flight CV14
Departs Chatham Islands 1015 hrs
Arrives Christchurch 1145 hrs

Flight NZ5093
Departs Christchurch 1425 hrs
Arrives Dunedin 1520 hours

Staff Travelling on these flights

s 9(2)

(a)

Tuesday 21st October 2003

Flight NZ5052
Departs Dunedin 1005 hrs
Arrives Christchurch 1100 hrs

Flight NZ8523
Departs Nelson 0835 hrs
Arrives Christchurch 0925 hrs

Flight CV41
Departs Christchurch 1300 hrs
Arrives Chatham Islands 1545 hours

Tuesday 4th November 2003

Flight CV14
Departs Chatham Islands 1015 hrs
Arrives Christchurch 1145 hrs

Flight NZ5093
Departs Christchurch 1325 hrs
Arrives Dunedin 1420 hours

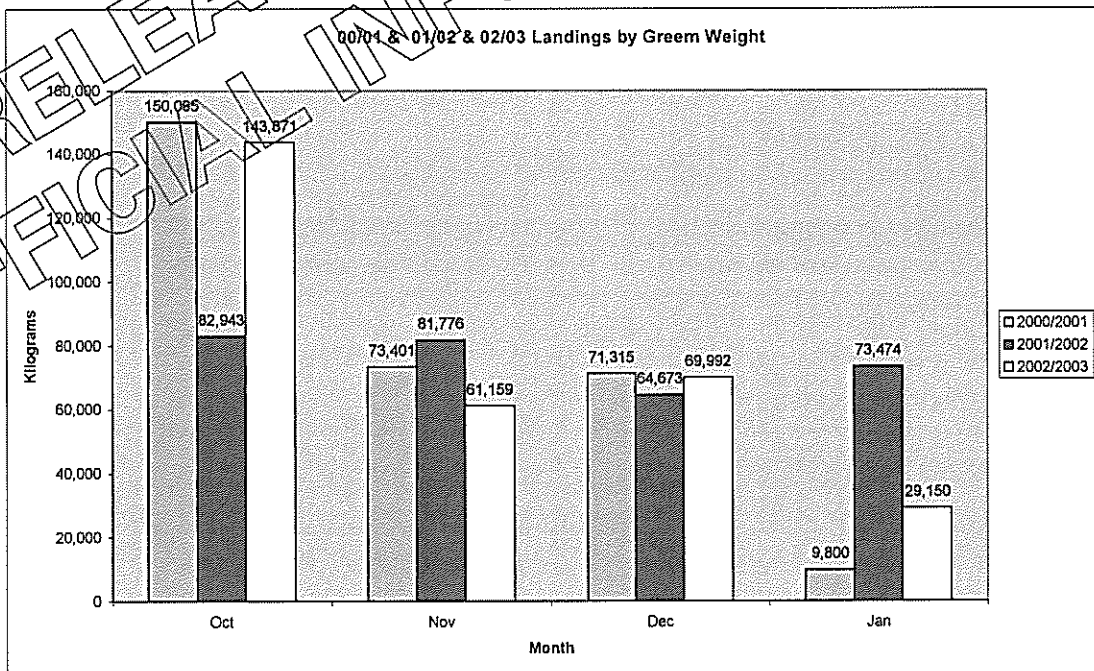
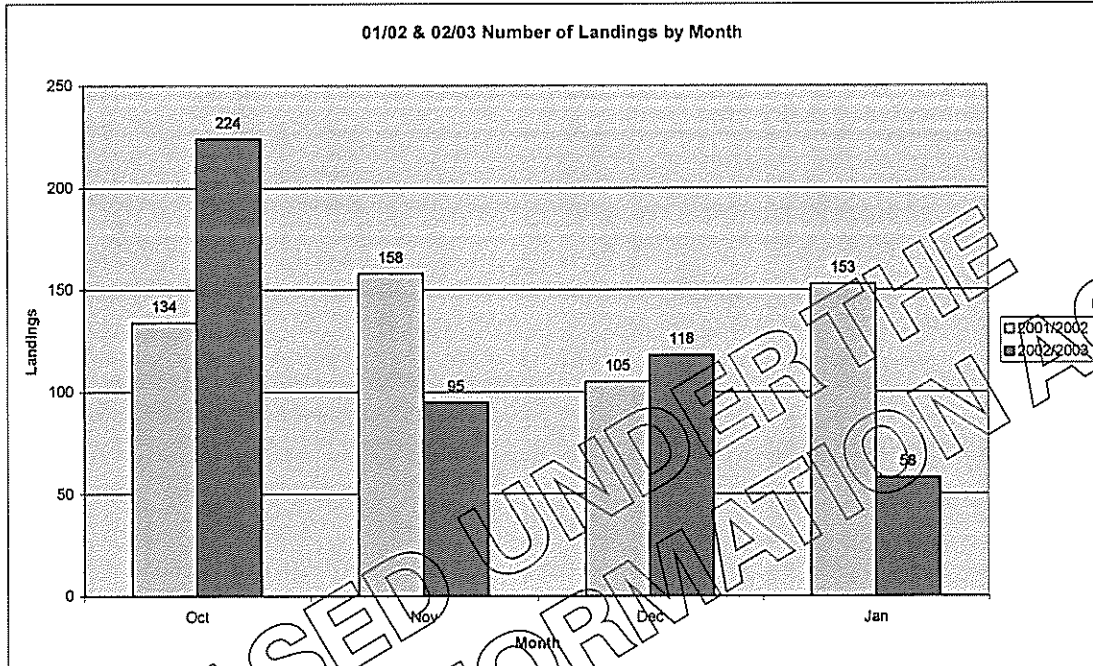
Flight NZ8512
Departs Christchurch 1530 hrs
Arrives Nelson 1620 hrs

Staff Travelling on these flights

s 9(2)(a)

[REDACTED]

Supplementary Charts



LANDINGS 2001/2002

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Total landings at 30/09/2002
Total weight of landings

621
326,207 kgs

s 9(2)(b)(ii)				
Landings	82	293	1	245
% of landings	13.20%	47.18%	0.16%	39.45%
Kilograms	53,119	160,052.00	36.00	110,583.00
% of Weight	16.28%	49.06%	0.01%	33.90%
Low	36.00%	40.91%	43.07%	42.01%
Average	40.83%	44.74%	43.07%	43.41%
High	46.25%	50.48%	43.07%	46.37%

Number of Landings in Recovery Rate range

36%				
37%	1			
38%	1			
39%	1			
40%	12	1		
41%	24	2		
42%	14	19		7
43%	11	41	1	204
44%	10	51		20
45%	2	164		4
46%	2	10		1
47%		1		
48%				
49%				
50%		1		
Not Established	2	4		9

Percentage of Landings in Recovery Rate range

36%				
37%	1.22%			
38%	1.22%			
39%	1.22%			
40%	14.63%	0.34%		
41%	29.27%	0.68%		
42%	17.07%	6.48%		2.86%
43%	13.41%	13.99%	100.00%	83.27%
44%	12.20%	17.41%		8.16%
45%	2.44%	55.97%		
46%	2.44%	3.41%		
47%		0.34%		
48%				
49%				
50%		0.34%		
Not Established	2.44%	1.37%		3.67%

s 9(2)(b)(ii)

86% of landings in range 40 to 44.99%
87% of landings in range 43% to 45.99%
91% of landings in range 43% to 44.99%

Appendix 6

LANDINGS 2002/2003

Total landings at 30/06/03
 Total weight of landings

532
 318,188.4 kgs

s 9(2)(b)(ii)					
Landings	40	222	1	73	196
% of landings	7.52%	41.73%	0.19%	13.72%	36.84%
Kilograms	20,716	139,372.00	90	62,451.10	95,558.70
% of Weight	6.51%	43.80%	0.03%	19.63%	30.03%
Low	36.00%	40.00%	44.44%	40.02%	40.44%
Average	40.83%	44.64%	44.44%	43.60%	42.98%
High	46.25%	50.00%	44.44%	45.59%	44.51%

Number of Landings in Recovery Rate range

36%	2				
37%	4				
38%	4				
39%	3				
40%	7	3		1	2
41%	8	3		2	17
42%	5	15		12	51
43%	3	28		36	107
44%	2	74	1	14	15
45%	1	88		8	
46%	1	9			
47%	1				
48%					
49%					
50%		1			
Not Established					5

Percentage of Landings in Recovery Rate range

36%	5.00%				
37%	10.00%				
38%	10.00%				
39%	7.50%				
40%	17.50%	1.35%		1.37%	1.02%
41%	20.00%	1.35%		2.74%	8.67%
42%	12.50%	6.76%		16.44%	26.02%
43%	7.50%	12.61%		49.32%	54.59%
44%	5.00%	33.33%	100.00%	19.18%	7.65%
45%	2.50%	39.64%		10.96%	
46%	2.50%	4.05%			
47%		0.45%			
48%					
49%					
50%		0.45%			
Not Established					2.55%

s 9(2)(b)(ii)

80% of landings in range 38% to 44%
 85% of landings in range 43% to 45%
 84% of landings in range 42% to 44%
 80% of landings in range 42% to 43%