

30 SEP 2015

Ministry for Primary Industries
Manatū Ahu Matua



OIA15-124

Graham Carter
fyi-request-3123-3094f705@requests.fyi.org.nz

Dear Graham Carter

OFFICIAL INFORMATION ACT REQUEST

I refer to your official information request of 3 September 2015 relating to commercial scallop operators. Specifically you asked the following questions:

1. Is there any form of formal document detailing the exact closed area for commercial scallop fishing?
2. Can we be given a copy of this document?
3. Is [the practice of commercial scallop boats anchoring using the dredge and towing away with the dredge in the restricted areas] illegal?
4. Are the MPI Fisheries aware of this practice? What do they propose to do to stop this practice of commercial scallop boats anchoring using the dredge and towing away with the dredge in the restricted areas?
5. Are there any rules, special rules or agreements relating to Coromandel scallops commercial and recreational scallop area relating to this behaviour?

Regarding your first two questions, the exact closed area for commercial scallop fishing is detailed in the Fisheries (Auckland and Kermadec Areas Commercial Fishing) Regulations 1986, Regulation 22(1)(y). You can find this document on the New Zealand Legislation website, and as such your request for this information is refused pursuant to section 18(d) of the Official Information Act 1982 (OIA), as the information is publically available. A direct link to the document is below:

<http://www.legislation.govt.nz/regulation/public/1986/0216/latest/DLM104498.html>

Regarding your questions relating to commercial scallop boats anchoring using a dredge, and towing away with the dredge in the restricted areas, the activity you describe is consistent with taking and possessing scallops in waters where this is prohibited. This activity would be subject to investigation by the Ministry for Primary Industries (MPI). If you have any information relating to such practices, we would welcome that information so we may investigate.

MPI has been informed of this alleged behaviour historically and officials have informed the Commercial Scallop fleet that if this behaviour was detected, it would be treated as an offence. MPI investigates all reports involving commercial vessels fishing in prohibited areas.

You have the right under section 28(3) of the Official Information Act to request that an Ombudsman investigate and review this decision to refuse information.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Dave Turner', is written over the words 'Yours sincerely'.

Dave Turner
Director, Fisheries Management