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Last week, the Primary Production Select Committee allowed a loophole to be created in the new rules governing foreign charter vessels operating in New Zealand waters.

This loophole will allow some foreign vessels to continue to fish in New Zealand waters, despite a general rule requiring all fishing vessels to be flagged as New Zealand ships by 2016.

The importance of this general rule cannot be understated: for the last two decades, there have been instances of irresponsible foreign vessel operators abusing the labour of foreign fishermen in New Zealand waters. In some instances, this abuse appears to have amounted to human trafficking for forced labour.

Over the last two years in particular, a number of well-documented cases of abuse have been presented in the media.

These abuses occur out of sight, far off the New Zealand coastline, however the law is clear that the New Zealand government has a responsibility to protect crew working on board these vessels.

The intent and effect of the new rules is to reduce the legal grey area that has allowed irresponsible vessel operators to perpetrate these abuses, and to prevent abuses occurring in the future.

This loophole will allow vessels that are contracted to fish Maori quota obtained under Treaty of Waitangi settlements, as well as vessels fishing for certain types of tuna, vessels carrying out approved research, and vessels that qualify for an exemption due to "exceptional circumstances". Sonny Tau, the Chairman of Te Runanga A Iwi O Ngapuhi confirmed that it was lawyers acting for the iwi that obtained the last-minute change.

The changes to the Bill also include the removal of the Chief Executive's power to cancel or suspend vessel registration as a penalty for breaches of fisheries or transport offences.

Advocacy groups, such as Slave Free Seas, have worked tirelessly to obtain justice for crew members, and recognition from government of the problems that are occurring at sea. The decision of the Primary Production Select Committee to allow this loophole risks fundamentally undermining the original intent of the Bill.

To suggest that those groups who could potentially operate under the exemption are able to understand, measure and address the abuse is questionable.

Given the absence of accountability in the past coupled with the lack of will to address human rights over profit, there is a danger that this will simply be "business as usual".

If these changes are allowed to proceed through Parliament, FCVs will be given a thicker smoke screen for regulatory non-compliance, different and confusing legal regimes and an ability for groups who have shown they could not care less about human rights abuses to simply continue a business model that is not impeded by the rule of NZ Law.

Nathan Guy has this afternoon signalled his intention to scrap these changes in response to criticisms in regard to the issue of vessel reflagging exemptions. It is critical that all the changes made to the Bill are reversed, and that the Bill be presented to Parliament in its original form. To do anything less than this would be to seriously dilute the strength of an otherwise commendable Bill.

Thomas Harré
Slave Free Seas
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