

Operation Achilles - Summary

1. The Ministry for Primary Industries (MPI) conducted Operation Achilles between November 2012 and March 2013.
2. A preliminary report was submitted to MPI on 26 July 2013.
3. Operation Achilles was initiated after examination of video footage taken by cameras monitoring dolphin captures on-board six setnet commercial vessels operating on the east coast of the South Island.
4. Footage revealed the capture of two Hector's dolphins, only one was reported.
5. Footage also revealed crew openly discarding numerous quota species, there was significant discards of elephant fish and gurnard, and non-reporting of some retained species. All retained QMS species must be recorded.
6. All commercial catch of gurnard and elephant fish must be landed.
7. Findings give a strong indication of the extent of dumping and non-reporting in the fishery.

Findings

8. Between 20 to 100% of some quota fish are discarded during every haul.
9. The cameras and presence of on-board MPI Observers did not deter some crews from discarding fish.
10. Offending seems to be motivated by the lack of any punitive action against the fisher. This offending is almost impossible to detect and difficult to secure a prosecution.
11. Port price, the sum paid per kilo to the fishermen, seems to be the main influence on the discarding of small elephant fish. For example, fishermen received \$2.65 for large elephant fish, over 50cm long, and \$1.70 for small fish. The deemed value penalty is \$1.67 so for a \$0.03 gain there is no incentive to land small elephant fish.
12. Some vessels have available ACE but still dump smaller fish in favour of larger ones, this is called high grading.
13. Concerning that commercial catch limits, the TACCs, are being set on the basis of incorrect and misleading catch information.
14. On one vessel there was consistent and deliberate illegal discarding of quota species including all small and damaged elephant fish.
15. Another vessel refused to turn on the video cameras. Data was only captured by an on-board MPI Observer.
16. Some suspicious behaviour, potentially fish dumping, deliberately occurred out of the camera's range.

Hectors dolphins

17. One vessel caught a hectors dolphin in December 2012 and reported its capture in May 2013, four months after the required date. Subsequent review of on-board video footage showed the vessel caught another dolphin but did not report it, as required.
18. The net containing the first dolphin was released back into the water and allowed to drift for 10 minutes before being pulled aboard. It appeared the dead dolphin was too entangled to drift loose of the net.
19. The 2nd dolphin was caught a short time later, this time the net was released back into the water and allowed to drift for 57 minutes, giving time for the dead dolphin to drift free of the net. No report was filed.
20. When interviewed the vessel skipper denied any knowledge of the 2nd dolphin, saying it was just coincidence the he stopped his vessel for 57 minutes, mid-haul, just as the dolphin reached the vessel.
21. The investigator did not find the skipper's explanations plausible. The investigator considered the skipper tried to deliberately release both dolphins to avoid reporting their capture. He recommended a decision on prosecution be made "in due course".

Risks

22. Investigator recommends positive action is taken in response to the findings. Issue is more just than sustainability or management, there is compelling visual evidence of serious offending that could be leaked to the public.
23. Risky if information is publicly leaked, damaging to MPI and to New Zealand's economy and 'green sustainable' reputation.
24. Risk: "that we [MPI] have known about these dumping/discarding issues for many years and would appear to have done little to combat it would be very difficult to explain and unpleasant at best".
25. Risk: "there is also the matter regarding the deliberate non reporting of hectors dolphins that could have a similar if not more dramatic flow on negative effect".
26. The investigator recommended MPI prosecute the offenders irrespective if there was any promised or implied immunity from prosecution, or consequences for future monitoring.
27. Investigator questions MPI's ability to grant immunity from prosecution to offending fishermen. In doing so, could the Ministry potentially be seen to be perverting the course of justice?
28. Investigator advises the offences meet the required level as required by the Crown prosecution guidelines regarding public interest and evidence.
29. Risk: possible repercussions and criticism for not prosecuting offenders, this jeopardises MPI's credibility in NZ and overseas, and risks criticism from industry and the judiciary.
30. Risk: "We have never had such compelling evidence to prove what we have known for a long time. It is imperative in my opinion that we act positively and timely to mitigate the risk that may result due to a lack (or perceived lack) of action on our part".