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Rock Lobster submissions
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NZ Sport Fishing Council submission on the review of Rock Lobster Regulatory Controls

NZ Sport Fishing Council

1. The New Zealand Sport Fishing Council appreciates the opportunity to submit feedback on the review of Rock Lobster Regulatory Controls. The Ministry of Primary Industries (MPI) released their proposals on 8 November with submissions due by 13 December 2012.
2. NZSFC representatives are available to discuss this submission in more detail if required. We look forward to positive outcomes from this review and would like to be kept informed of future developments. Our contact is Roz Nelson, secretary@nzsportfishing.org.nz.
3. The NZ Sport Fishing Council is a national sports organisation with over 33,000 affiliated members from 58 clubs nationwide.
4. The New Zealand Sport Fishing Council is committed to ensuring that sustainability measures and management controls are designed and implemented to achieve the Purpose and Principles of the Fisheries Act 1996.

NZSFC recommendation

- That the Minister revokes all Concessions applying in the Rock Lobster fisheries.

Until revocation the NZSFC recommends -

For Concession Area review, Regulations A to H:

- That all Concession-landed male fish be recorded separately, at 52mm, 53mm and 54 and above.
- Regulation A, CRA 3 & 7 closed seasons – status quo, Option 1.
- Regulation B, CRA 7 buffer zone removal – status quo, Option 1.
- Regulation C & D, domicile port and landing requirements – status quo, Option 1.
- Regulation E, domestic sales – status quo, Option 1.
- Regulation F, G & H, packaging & export requirements – status quo, Option 1.

For Fiordland amateur regulation review:

- Regulation A, daily bag limit change – proposed change, Option 2.
- Regulation B, accumulation limits – proposed change, Option 2.
- Regulation C, written records – status quo, Option 1.
- Regulation D, potting prohibition – status quo, Option 1.

Summary of proposals

5. The MPI proposals seek to remove regulations supporting the Minimum Legal Size (MLS) for Rock Lobster where Concessions exist. This year the Minister decided to continue with the Concessions, despite the clear view that none of the conditions giving rise to the Concessions currently exist.
6. There now exists a MLS regime that allows the landing of Rock Lobster in one Quota Management Area (QMA) when that is illegal in an adjacent QMA.
7. Within the MPI proposals the Total Allowable Catch/Total Allowable Commercial Catch reverts to the theoretical role of ensuring sustainability; the where, when, how, of catching Rock Lobster is considered immaterial, provided the TAC/TACC is not exceeded.
8. No consideration of non-commercial catch, in respect of allowances and participation, is included. The Initial Position Paper again shelters behind bland statements of ‘no knowledge’.

Summary of NZSFC Submission

9. The Minimum Legal Size (MLS) regime for Rock Lobster has been corrupted by the recent decisions arising from this year’s Concession review.
10. MLS regimes are introduced to achieve biological targets; commonly ensuring immature fish do not enter the vulnerable biomass before breeding. The current MLS regime needs resetting to ensure that immature fish are not included in the vulnerable biomass.
11. The current MLS is supported by claims of commercial benefit, not biological benefit, and the two are often in conflict.
12. If the complexity and imposition of regulations is to be avoided then a perquisite is a properly set, effective, and simple Minimum Legal Size regime.
13. The status quo must remain until a full and comprehensive review of the MLS regime provides assurance that the Minimum Legal Sizes are set to achieve the stated biological targets.

NZSFC Submission

Unbalanced management advice

14. The National Rock Lobster Management Group (NRLMG) occupies a unique position in NZ fisheries management, in being the primary source of Ministerial advice on Rock Lobster fisheries. Given that the Minister most often accepts the management option favoured by advisors, this places the NRLMG in an extremely influential position.
15. The Ministry for Primary Industries (MPI) is relying on the NRLMG to perform a role as if they are an extension, an additional department, within MPI. In practice, the NRLMG seems to act as a ‘benefit laundering’ service for the NZ Rock Lobster Industry Council (NZRLIC), the industry organisation that funds and manages the National Rock Lobster Management Group.

16. It seems clear that TACC or regulatory reviews, such as this one, are selected and prioritised on commercial grounds, seeking to enhance 'benefits'. For example, if the NRLMG was providing a balanced operational review then we wouldn't have CRA2 in its current state - a fishery decimated by the NRLMG's refusal to address the obviously unsustainable TACC, solely because any such review would decrease, not increase, commercial benefits.
17. MPI must not blindly accept the verbose and excessively contrived advice from NRLMG as if it comprised balance.
18. Within the Initial Position Paper there is an unnecessary raft of comment that serves to confuse, for example, that a regulation was in place before Rock Lobster entered the Quota Management System. This suggests that the regulation is now unnecessary and it ought to be dismissed. The truth is, each regulation must be credible and measurable.
19. The NRLMG argue that the lack of data on recreational harvest in all areas limits the ability of managers to assess any detrimental impact from these proposed changes on recreational interests. The NZSFC highlight that the lack of data on the amount of fish taken under Concessions also limits the ability of managers to assess any detrimental impact from these proposed changes on recreational interests.

Taking of Concession fish

20. Despite implications to the contrary, there has been no new Minimum Legal Sizes set for Rock Lobster. The reality - fish smaller than the standard MLS can only be landed by commercial fishers *because* a Concession is in place.
21. Stakeholders and managers need to know the amount (weight) of fish being taken under the Concession regime, and trends in proportion of catch over time.
22. It is important to monitor fishery performance and the value derived from the Concessions. Currently there is no clear data on the proportion of the landed catch that is comprised of Concession fish. This leads to speculation about the size of the total Concession catch. Licensed Fish Receivers must be required to record and report the weight of landed Concession fish.

High risk strategy of Concessions

23. Reporting of landed Concession catch would also help to address some of the concerns that MPI has already identified—

“MPI considers the compliance risks related to Options 2B, C, E, G and H could be mitigated by implementing new measures to track movements of Rock Lobster taken in accordance with the Concession Area Regulations (e.g. Unique labeling or tagging or Rock Lobster to be sold on the domestic market.”
24. The Minimum Legal Size (MLS) for Rock Lobster must be set at a size that has 90% of recruits breeding at least once before becoming available for catch. Once this is established then there is no need for a raft of ancillary regulations. While there is a MLS that permits large catches of immature fish, compliance will require ancillary regulations to contain the harvest of small fish.

Review proposals

25. The New Zealand Sport Fishing Council supports the Gisborne Tatapouri Sports Fishing Club and the Southern FMA 3 & 5 Regional Recreational Fisheries Forum submissions advocating for the removal of Concessions.
26. The NZSFC reiterate the need to revoke all Concessions applying in the Rock Lobster fisheries so that these stocks are sufficiently abundant to enable people to provide for their social, economic and cultural wellbeing, pursuant to the Purpose (s8) of the Fisheries Act 1996.