

# National Rock Lobster Management Group



## **Draft Terms of Reference – June 2020**

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### **1. Background**

The National Rock Lobster Management Group (NRLMG) is a national-level, multi-stakeholder group comprising representatives of the tangata whenua, recreational and commercial fishing sectors, environmental non-governmental organisations (NGOs) and the Ministry for Primary Industries (MPI), including the Fisheries New Zealand business unit.

Since its formation in 1992, the NRLMG has been the primary source of advice to MPI (formerly the Ministry of Fisheries) and the relevant Minister on New Zealand's rock lobster fisheries. The NRLMG has a good track record in providing high quality advice on rock lobster sustainability measures (including reviewing catch settings, regulatory controls, and management procedure development).

### **2. Purpose**

The purpose of the NRLMG is to:

- a) Provide formal engagement opportunities between representatives of tangata whenua, the recreational and commercial fishing sectors, environmental NGOs and MPI on management of New Zealand's rock lobster fisheries; and
- b) Provide the Minister of Fisheries and/or MPI with high quality, advice relating to decisions on rock lobster fisheries management consistent with the purpose and principles and other provisions in the Fisheries Act 1996 (the Act).

### **3. Scope**

The NRLMG will act as the primary advisor to the Minister of Fisheries and/or MPI on catch settings, regulatory and other management actions that apply specifically to rock lobster fisheries.

When management actions have impacts on rock lobster but also other fisheries, the NRLMG will have an opportunity to provide expert rock lobster input into those processes (e.g. relating to spatial matters, including aquaculture, mātaītai reserves, marine protected areas and marine reserve proposals).

It is expected that MPI will refer matters relating to the management of rock lobster fisheries to the NRLMG.

The NRLMG will not be used as a substitute for statutory consultation.

#### **4. Deliverables**

The NRLMG is responsible for:

- a) Providing advice on:
  - i. Catch settings, regulatory and other management actions that apply specifically to rock lobster, and will,
    - o Ensure the use of best available information
    - o Develop initial advice
    - o Prepare final advice
    - o Advise the Minister directly,
  - ii. Management actions that have impacts on rock lobster but also other fisheries and will,
    - o Provide expert rock lobster input into those processes
- b) Providing well informed, credible, and consistent rock lobster management information and advice to sector groups, government agencies and Ministers
- c) Identifying rock lobster management issues
- d) Discussing research planning for rock lobster fisheries and providing those views to the Rock Lobster Fishery Assessment Working Group
- e) Disseminating information to constituencies and representing the views of their constituencies on rock lobster management matters.

#### **5. Governance**

The Independent Chairperson will:

- a) Chair NRLMG meetings
- b) Ensure good governance of the NRLMG
- c) Work with the secretariat and the NRLMG to ensure meetings, setting of agendas, timely completion of minutes and information distribution to the NRLMG occurs effectively.

MPI will:

- a) Provide a secretariat to support the chair and operation of the NRLMG
- b) Provide information and other resources where necessary to ensure NRLMG members are able to effectively participate and contribute to the functions of the NRLMG
- c) Ensure the NRLMG is kept up to date, in a timely manner, on relevant MPI activities and issues.

#### **6. Decision Making**

- a) When the NRLMG is:
  - i. developing advice for catch settings, regulatory and other management actions that apply specifically to rock lobster
  - ii. providing expert advice on management actions that have impacts on rock lobster but also other fisheries

- iii. providing input into research planning, and/or
- iv. providing input into MPI's shellfish fisheries planning processes,

the aim of the NRLMG is to reach an agreed position. Where agreement cannot be reached, the differing options of sectors or MPI will be put forward.

- b) The NRLMG is not a substitute for statutory consultation. Statutory consultation to meet the obligations set out in section 12 of the Act will still be undertaken as an adjunct to the work within the NRLMG. As part of its process, the NRLMG will consider the submissions made through this consultation in formulating its advice.
- c) It is recognised that MPI is a member of the NRLMG and also has statutory obligations to advise the Minister in accordance with the Act. While the Minister maintains the right to seek independent advice from officials, MPI will endeavour to provide advice developed with the members of the NRLMG. While the NRLMG attempts to achieve consensus, if MPI needs to provide advice that differs from the recommendations of the NRLMG, they will inform the members of the NRLMG in advance. The same process will apply if the sector groups represented on the NRLMG provide additional advice to the Minister.

## 7. Membership

Membership of the NRLMG will include:

- a) Independent Chairperson
  - i. The independent chairperson may be external or internal to rock lobster fisheries and may or may not have past affiliations to a sector.
  - ii. The independent chairperson will be appointed for a term of three years. Ability to renew?
- b) Sector Membership

This will include two members each from tangata whenua, the recreational fishing sector, the commercial fishing sector and environmental NGOs. Sectors should nominate their representatives. In respect of this membership:

- i. Tangata whenua membership will ideally be filled by persons nominated by Iwi. However, it is recognised that Iwi may not yet be in a position to nominate and provide such membership to the NRLMG. Until Iwi decide otherwise, Te Ohu Kaimoana will continue to provide sector representation for North Island and Chatham Island Iwi and Imi. The Te Waka a Māui Me Ōna Toka Iwi Fisheries Forum provides sector representation for South Island Iwi.
- ii. The aim is for tangata whenua membership to be cognisant of, and integrate, the full suite of harvesting rights held by Māori.
- iii. Recreational membership will seek to represent the recreational fishing sector at a national level and will be nominated and provided for by representative bodies including NZ Recreational Fishing Council, NZ Sport Fishing Council, NZ Underwater Association, and Our Fishing Future.
- iv. Commercial membership will be nominated and provided for by the New Zealand Rock Lobster Industry Council (NZ RLIC).

- v. Environmental membership will seek to represent the environmental NGO sector at a national level and will be nominated and provided for by representative bodies including Environmental Conservation Organisations of New Zealand (ECO), Forest & Bird, and World Wildlife Fund New Zealand (WWF).
- vi. Sector members will be appointed for a term of three years. **Unlimited renewal?**

c) MPI Membership

This will include one member each from the Inshore Fisheries Management, Science (the Chair of the MPI Rock Lobster Fisheries Assessment Working Group) and Fisheries Compliance business groups. These members will be full members of the NRLMG and be required to attend all meetings.

From time to time the NRLMG may request input from expert advisors. This includes expert advisors on stock assessment, biology and behaviour, and economic, social and cultural topics. These participants will not be considered members of the NRLMG.

The NRLMG, or a member, can identify the need for such expert input in advance, and may nominate a person for discussion and agreement by the Group. Invitations will be issued to expert advisors at the discretion of the Chair.

Observers can attend the meeting for agenda items they have a particular interest in. Applications can be made to the Chair in advance of a meeting. The Chair will confirm their decisions with NRLMG members.

## 8. Operating Arrangements

The general arrangements for operating the NRLMG will include the following.

Members are responsible for:

- a) Seeking the views of their constituents and for explaining to their constituents how their advice/input was used and how/why decisions were taken in the Group
- b) Attending all meetings or providing an agreed-to alternate. It is expected that any alternates will belong to the same organisation as the member, to give greater continuity.
- c) Following up on all commitments and tasks (e.g. meeting information deadlines and providing support on Group outcomes)
- d) Ensuring 'work in-progress' is 'shared in confidence' until there is agreement by the Group to distribute it outside the Group
- e) Respecting and supporting consensus decisions, including when engaging with the public/constituents outside of the NRLMG.

Participants will:

- a) Share accountability for the success of the process
- a) Commit to participation
- b) Engage in the process in good faith
- c) Commit to engage constructively, listen and focus on solutions

- d) Show a willingness to work to build consensus
- e) Show respect for all members of the NRLMG ~~the views of others~~
- f) Use a science and evidence-based approach to developing positions for consideration by the Group
- g) Use the Act and its purpose and principles as the framework for developing advice on the management of rock lobster fisheries
- h) Ensure that issues that are outside of the Group's mandate and capability will not hinder discussion of fisheries management issues.

What about virtual meetings versus face-to-face meetings?

Location of meetings?

## 9. Communication

- a) Any public communication of the matters considered by the NRLMG, outside communication with their constituents as in 8. above, will be through prior agreement (majority consensus) of the NRLMG (i.e. articles and statements will be circulated for sign-off by NRLMG members prior to publication).
- b) Individual NRLMG members cannot speak for the NRLMG without the prior approval of the NRLMG.
- c) MPI will facilitate a website where advice and decision documents, minutes of meetings, and annual reports etc can be archived to maintain transparency.

## 10. Administration

The secretariat role is to:

- a) Organise meetings
- b) Work with the chair and members to prepare meeting agendas
- c) Draft meeting minutes
- d) Organise travel and accommodation (if required) for recreational sector members (the costs of participation of commercial and Te Ohu Kaimoana members in meetings is covered by each sector organisation. However, if tangata whenua membership is nominated by Iwi in the future, MPI will consider funding travel and accommodation for these members). Fisheries New Zealand will not fund the travel of environmental representatives, unless a case of hardship is approved by MPI.
- e) File and archive NRLMG documents
- f) Together with members, coordinate advice and write analytical papers for the NRLMG
- g) Together with members, prepare drafts arising out of NRLMG discussions
- h) Provide and/or coordinate a range of papers that can be used by the NRLMG as an input into their discussions
- i) On behalf of the NRLMG members, liaise with the Chair, the Minister's office and MPI staff
- j) Maintain communication with NRLMG members
- k) Provide appropriate administrative support to members.

- l) Host and update the NRLMG website with content that has been developed with members.

### **Annual Report**

The NRLMG will develop an Annual Report for the Minister of Fisheries at the end of each April fishing year. It documents the progress on issues worked on to improve the performance of management of rock lobster fisheries (outside the annual review of particular stocks etc) and provide the basis for the next year's annual work programme etc.

**NRLMG membership as at June 2020**

Sector	Organisation	NRLMG membership	
		Representative	Alternate
Independent Chair		<i>Vacant</i>	
Tangata whenua	Te Ohu Kaimoana	Kim Drummond	Monique Holmes
	Te Waka a Māui me Ōna Toka Fisheries Forum	Nigel Scott	
Recreational	New Zealand Recreational Fishing Council	Keith Ingram - <i>Transitional support</i>	
	New Zealand Sport Fishing Council	<i>Vacant</i>	John Holdsworth
	New Zealand Underwater Association	Andy Stewart	
Environmental	Forest & Bird	Katrina Goddard	
	Environmental Conservation Organisations of New Zealand (ECO)	Barry Weeber	
Commercial	New Zealand Rock Lobster Industry Council	Mark Edwards	Daryl Sykes
		Malcolm Lawson	Julie Hills
MPI	Fisheries New Zealand	Alicia McKinnon – Senior Inshore Analyst	
		Leyla Knittweis – Principal Scientist	
		Sonja Hempel – Secretariat	
	Fisheries Compliance	Steve Ham – Manager Fisheries Compliance	