

National Rock Lobster Management Group



Terms of Reference

1. Background

The National Rock Lobster Management Group (NRLMG) is a national-level, multi-stakeholder group comprising representatives of the customary, recreational and commercial fishing sectors and the Ministry for Primary Industries (MPI).

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

2. Purpose

The purpose of the NRLMG is to:

- a) Provide formal engagement opportunities between representatives of the customary, recreational and commercial fishing sectors and MPI on management of New Zealand's rock lobster fisheries; and
- b) Provide the Minister for Primary Industries and/or MPI with good quality, ongoing, advice relating to fisheries management decision making processes, including operational fisheries planning processes, for rock lobster.

3. Scope

The NRLMG will act as a primary advisor to the Minister for Primary Industries and/or MPI on catch limit, regulatory and other management actions that apply specifically to rock lobster fisheries.

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

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 limit, regulatory and other management actions that apply specifically to rock lobster and will,
 - Ensure the use of best available information
 - Develop initial advice
 - Prepare final advice
 - Advise the Minister directly,
 - ii. Management actions that have impacts on fisheries beyond rock lobster and will,
 - Provide expert rock lobster input into existing process

- 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) Disseminating information to constituencies and representing the views of their constituencies on rock lobster management matters
- e) Contributing to key MPI fisheries management processes, in particular to operational fisheries and research planning processes.

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 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 limit, regulatory and other management actions that apply specifically to rock lobster
 - ii. providing expert advice on management actions that have impacts on fisheries beyond rock lobster
 - 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, alternative options can be put forward. Alternatively, the NRLMG can choose not to make a recommendation in that instance.

- b) The NRLMG is not a substitute for statutory consultation. Therefore, sectors represented on the NRLMG can make independent submissions to statutory consultation processes.
- 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 Fisheries Act 1996. The aim is to include MPI's position in NRLMG advice, but there may be occasions when MPI may need to provide independent 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 the rock lobster fishery and may or may not have past affiliations to a sector.
- ii. The independent chairperson will be appointed for a term of three years.

b) Sector Membership

This will include two members each from tangata whenua, the recreational fishing sector and the commercial fishing sector. In respect to 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.
- ii. The aim is for tangata whenua membership to be cognisant of, and integrate, the full suite of harvesting rights held by Maori.
- iii. Recreational membership will be nominated and provided for by the New Zealand Recreational Fishing Council (NZ RFC) until broad amateur representation at a national level is resolved.
- iv. Commercial membership will be nominated and provided for by the New Zealand Rock Lobster Industry Council (NZ RLIC).
- v. Sector members will be appointed for a term of three years.

c) MPI Membership

This will include one member each from the Inshore Fisheries Management and Science business groups, and expert advisors from the Compliance and Response business group. In respect to this membership:

- i. Inshore Fisheries Management and Science members will be full members of the NRLMG and be required to attend all meetings
- ii. Compliance and Response expert advisor attendance at meetings will be as required by agenda items under discussion.

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

The NRLMG will confirm the need for, and role of such expert input in advance and invitations will be issued to expert advisors at the discretion of the Chair.

8. Operating Arrangements

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

Within available sector resources, 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

- c) following up on all agreements 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
- 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
- d) Show a willingness to work to build consensus
- e) Show respect for the views of others
- f) Ensure that issues that are outside of the Group's mandate and capability will not hinder discussion of fisheries management issues.

9. Communication

- a) Any public communication of the NRLMG 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.

10. Administration

The secretariat role is to:

- a) Organise meetings
- b) Work with the chair 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)
- e) Manage NRLMG documents
- f) Coordinate advice and write analytical papers for the NRLMG
- g) 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) Liaise with the Chair, the Minister's office and MPI staff
- j) Maintain communication with NRLMG members
- k) Provide updates and briefings to fishing sector groups (as required)
- l) Provide appropriate administrative support to members.