



NZ ROCK LOBSTER INDUSTRY COUNCIL

PRIVATE BAG 24-901 WELLINGTON 5142
64 4 385 4005 PHONE
64 4 385 2727 FAX
lobster@seafood.co.nz

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Inshore Fisheries Management
Ministry for Primary Industries
PO Box 2526, WELLINGTON 6140

REMOVAL OF COMMERCIAL ACCESS RESTRICTIONS IN THE PAU 5D FISHERY

Introduction

This NZ Rock Lobster Industry Council (NZ RLIC) submission has been developed through consultation with our members and the Paua Industry Council Limited (PIC).

The NZ RLIC is an umbrella organisation for nine regional organisations known as CRAMACs, which operate in each of the nine rock lobster (CRA) management areas of New Zealand. CRAMAC membership comprises CRA quota owners, processors, exporters, and fishermen (quota share owner-operators and ACE owners) in each region.

The NZ RLIC endorses the submissions made by PIC and by the Kina Industry Council. The NZ RLIC supports Option 2 as outlined in the MPI discussion document.

Discussion

1. The purpose of the Fisheries Act is to provide for utilisation whilst ensuring sustainability. Redundant commercial closures where they still exist – as is the case in PAU 5D – are an impediment to commercial utilisation and discriminate against commercial rights holders.
2. The NZ RLIC submits that fisheries management under the QMS is most appropriate at the level of the QMA through the setting of a TAC and allowances. For sessile and sedentary species there are risks of localised depletion if effort is not spread and ideally for those species, commercial and non-commercial fishing should be managed at a finer scale to reflect the sub populations that make up the overall QMA stock.
3. MPI can look to rock lobster and paua fisheries for long established examples of better and more responsive management approaches to managing fishing to ensure reasonable levels of non-commercial fishing opportunity and fishing success. Those examples relate principally to industry

initiatives to maintain stock abundance well above statutory reference levels but also extend to a range of local voluntary arrangements to enhance recreational fishing opportunity within season.

4. Whether or not those voluntary arrangements constitute good management of fishing is a moot point given that there is no requirement for recreational users to record and report effort and landings. The fishery management benefits anticipated by TAC setting would ideally be derived from an assurance that allowances are not exceeded.
5. Other than for mataitai declarations which adequately recognise commercial fishing interests, the NZ RLIC does not support any regulatory intervention that excludes commercial fishing from areas being fished by other user groups. This type of exclusion removes any incentive for the non-commercial sectors to engage in fisheries management initiatives and meet their attendant responsibilities.

PAU 5D Proposal

6. In the case of the PAU 5 D fishery it is our preference that all commercial closures or prohibitions be revoked. That the PAU 5 industry has seen fit to concede productive paua fishing grounds without insisting on reciprocal responsible recreational fishing initiatives such as record keeping and reporting suggests a generosity of spirit that would not be extended quite so widely by the lobster industry in the same circumstances.
7. The regulations which exclude commercial fishing are redundant given that the original rationale in regard to food safety concerns is no longer applicable. Water quality and sanitation issues are now better dealt with in the framework of the Animal Products Act and biosecurity responses such as those invoked in biotoxin events. The regulations also pre-date the implementation of the Quota Management System (QMS) and the setting of TACCs for PAU stocks.
8. That the closures are now regarded by some non-commercial users as "recreational-only" areas is irrelevant as a fisheries management consideration. There is no legislative foundation or any agreed policy which confers either priority or preference to recreational fishing. Inshore stocks are generally regarded as "shared fisheries" and it is not a role of MPI to take an advocacy role on behalf of any extractive user sector. Recreational interests in shared fisheries are acknowledged by the allowance made in TAC setting. Their fishing success, like everyone else's is determined by overall stock abundance.
9. The expectation as outlined in MPI Fishery Plans is that within the constraints of allowances made for them, stakeholder groups will cooperatively negotiate the details of the sharing arrangements as deemed necessary. The focus when considering the PAU 5D fishery must principally be on the stock, and on stock status; in which case priority goes to evaluating the impact on the stock of removing commercial exclusions.
10. The NZ RLIC contends that in light of no concurrent or proposed TAC/TACC increases, removal of commercial exclusions will enable a greater spread of effort across fishing grounds thereby

reducing exploitation rates on some (which comprise the majority of the current commercial landings) whilst marginally increasing exploitation rates in others. The "re-balancing" of commercial fishing activity under the static TACC scenario should allow the fishery to improve at a faster rate and enable improved non-commercial fishing opportunities across a wider area of the fishery.

11. The additional spread of commercial effort across paua grounds coupled with mandatory record keeping and reporting and voluntary fine-scale data collection also enables an information deficit to be addressed which will assist in guiding future TAC decisions.
12. As previously noted, the removal of commercial exclusions could/should also create incentives for the recreational sector to be more accountable for its impact on stock abundance and the quality of customary, recreational and commercial fishing. 'All care and no responsibility' is no longer an acceptable status for the recreational sector. The roles and responsibilities inherent across commercial rights are evident in so many voluntary harvest and/or stock rebuild initiatives and observed levels of compliance with commercial regulations. There is a decided imbalance in regard to recreational sector contributions to preferred management outcomes. There is an obvious inequity to be addressed where only commercial fishing is excluded from areas other than from mataitai.

The PAU 5D Consultation Process

13. The NZ RLC is concerned at aspects of the "shared fisheries" consultation and notification processes as currently run by MPI. The *MPI Recreational Forum* which considered the initial PAU 5D proposals clearly had no mandate; obviously was out of touch with regional sector interests; and has shied away from taking any responsibility at all for the criticism of the consultation and notification process being levelled at industry in the media.
14. If commercial rights holders, in this case PauaMAC5 and the Paua Industry Council, cannot have confidence in the consultation processes established and overseen by MPI; and if MPI continues to require prior consultation by commercial interests before "accepting" proposals for regulatory amendments - but cannot ensure a consistent and accountable consultation framework - then industry and MPI will make little progress on refining and improving the regulatory framework to the benefit of fisheries and to the business of fishing.
15. There is understandable concern across the rock lobster and paua industries that a relatively simple and potentially effective fishery management proposal is being hi-jacked by a range of self-interested individuals and organisations unwilling to focus on the overall fisheries management framework and fuelling a general anti-commercial fishing rhetoric.

Conclusion

16. The facts of the PAU 5D proposal are that:

- the regulations which exclude commercial fishing from areas of coastline are redundant for the reasons they were originally implemented;
- recreational users will still be able to catch their daily bag limit of paua across the PAU 5D fishery;
- because of well-managed commercial effort spread the PAU 5D stock abundance should increase faster given no TACC increase and assuming recreational removals do not exceed the allowance made for them.

MPI has consistently affirmed that it is committed to actively seeking opportunities to improve benefits and sustainable use opportunities as noted in the National Fisheries Plan for Inshore Shellfish and Fisheries 2030 strategy. The industry proposal for PAU 5D presents such an opportunity and with minimal effort and no attendant risks to the fishery. If MPI falters on this one then the stated commitment is hollow.

As previously noted, the NZ RLIC supports Option 2 as outlined in the MPI discussion paper.

Yours sincerely,

NZ Rock Lobster Industry Council



Daryl Sykes

Executive Officer