



Hon. Stuart Nash
Minister of Fisheries
Parliament Buildings
Wellington

Inshore Fisheries Management
Fisheries New Zealand
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24 February 2020

Re: MPI Discussion Paper No: 2020/02 on Annual Catch Entitlement (ACE) carry forward for rock lobster.

Dear Minister and Inshore Fisheries Managers,

I have read the MPI Discussion Paper No: 2020/02 “Consultation on whether to enable Annual Catch Entitlement (ACE) carry forward for rock lobster”.

I am concerned that a timeframe of just six days has been allowed for public consultation on what amounts to a permanent change to legislation.

I appreciate the urgent need to alleviate pressure on the fishing industry that has arisen from the COVID-19 (coronavirus) outbreak – pressure that is exacerbated by the approaching fishing year’s end on 31 March. It may be that an exceptional situation merits an exceptional response. But that would indicate a response that extends only to the immediate situation – not a permanent change.

If a permanent change along the lines of options B and C is proposed, that should proceed on a more measured timeframe, to allow supporting information to be made available and give submitters the time needed to properly consider the implications of the options.

In the circumstances, the only acceptable option amongst those offered in the Discussion Paper is Option A: the status quo.

Further, I note that the consultation document is lacking supporting evidence for the options presented. For example:

- It is proposed that rock lobster be removed from Schedule 5A of the Fisheries Act 1996, noting that *“at the time the Schedule was developed it was considered there*

would be no need to manage [...] catch at the end of the fishing year". This statement needs to be supported with either references or a convincing rationale.

- "Fisheries New Zealand considers that a carry forward of up to 10% of ACE would not impact the sustainability of rock lobster stocks". Fisheries New Zealand's "consideration" seems to be the only assessment that was provided; this is insufficient to make a long-lasting change with potential for adverse impacts on the sustainability of the fishery.
- A 10% increase is not deemed significant yet a 17% increase (in total) "could result in a potentially significant increase in fishing pressure [...] in some areas". The evidence to show that 10% is not significant, yet 17% may be, has not been disclosed.

If there is evidence that a one-year carry-forward could be justified as being sustainable then that might be a better course of action. The decision on whether or not it should become a *permanent* feature could then be dealt with in good time and on the basis of supporting evidence.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'S' followed by a vertical line and a horizontal stroke at the top.

Simon Upton
Parliamentary Commissioner for the Environment