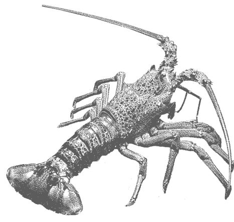

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MARINE RESERVES BILL 2002

SUBMISSION TO:

THE LOCAL GOVERNMENT AND ENVIRONMENT COMMITTEE

FEBRUARY 2003

12th February 2003

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Clerk of Committee
Local Government and Environment Committee
Parliament Buildings
WELLINGTON

Submission to the Select Committee from the NZ Rock Lobster Industry Council (NZ RLIC):

MARINE RESERVES BILL

Executive Summary

1. The NZ RLIC submits that the key deficiencies of the Marine Reserves Bill are:

   - The purposes for creating marine reserves are too broad – the relationship of no-take marine reserves with other marine environment management and/or protection tools is blurred.

   - As proposed in the Bill, marine reserves are a blunt tool and cut across commercial, customary and recreational rights. There is no assessment of the circumstances where a better targeted tool might be used as a protection mechanism instead of marine reserves for addressing an identified threat to the marine environment.

   - The proposed process is too discretionary. The requirement for the applicants or for the Minister of Conservation to take account of impacts on current users of the marine area is not sufficiently rigorous in terms of giving adequate recognition of existing use rights and the consequences of them being revoked by the declaration of a marine reserve.

   - The Bill should include provision for a process more akin to that in the Resource Management Act, where costs, benefits, and alternatives must be considered and balanced transparently.

   - The Bill as currently constituted will not improve the protection of marine biodiversity. The implementation of the Bill in its current form would have significant adverse effects on the sustainable management of fisheries resources and its contribution to biodiversity protection will be *ad hoc* at best.

   - The Bill and the processes proposed by it do not reflect the fact that marine reserves are just one of a suite of tools of marine protection, nor do they give sufficient regard to the rights and opportunities that underpin the sustainable utilisation of marine resources in NZ.

Introduction and Overview

2. This submission is made on behalf of the New Zealand rock lobster industry by the NZ Rock Lobster Industry Council (NZ RLIC). The NZ RLIC is an umbrella organisation for the nine regional commercial stakeholder groups comprised of rock lobster (CRA and PHC[1]) quota share[2] and ACE[3] owners, permit holders, processors and exporters.

3. These nine groups and the NZ RLIC hold a majority mandate from greater than 75% of the CRA quota shares owned in each of the nine management areas, and from the significant majority (>75%) of the participants in the catching, processing and marketing sectors of the industry. That mandate is confirmed annually as part of the renewal of the Commodity Levy that underpins funding for the industry organisations.

4. Although a single species, spiny rock lobsters (*Jasus edwardsii*) are managed within the Quota Management System (QMS) as nine discrete stocks, each with a Total Allowable Catch (TAC) and/or Total Allowable Commercial Catch (TACC) and appropriate input controls such as minimum legal sizes, prohibitions on the removal of breeding animals, method restrictions, and in some regions, closed areas and closed seasons. Packhorse rock lobsters (*Sagmariasus verreauxi*) are managed as a single stock with a TACC and appropriate input controls.

5. The management of NZ rock lobster stocks has been remarkably successful in the past decade due to successful interventions by managers and cooperation from stakeholders. As a consequence there have been increases in Total Allowable Commercial Catches (TACCs) in four of the east coast management zones (CRA 2, CRA 3, CRA 4, CRA 5 shown in *Figure 1* below).

6. Of the five other management zones (west coast north island, two in the south island, and one on the Chatham Islands) TACCs have been stable (CRA 1 and CRA 9) or have been adjusted since 1990 (CRA 6, CRA 7, CRA 8) in order to accelerate the rebuild of the fisheries and improve the quality of fishing.

7. In those fisheries where stock sizes are assessed at less than optimal (currently CRA 7/CRA 8), there are agreed fishery plans in place, linked to decision rules (or "management procedures") which provide certainty to commercial and non-commercial extractive users in terms of future catch adjustments.

8. The NZ rock lobster industry generates in excess of $120 million in export receipts on an annual basis, ranking rock lobsters as the most economically

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[1] CRA is the fisheries management acronym for spiny rock lobster – *Jasus Edwardsii* – the most common NZ rock lobster species. PHC is the management acronym for packhorse rock lobsters - *Sagmariasus verreauxi* – a separate species.

[2] Individual Transferable Quotas (ITQs) are expressed as a number of quota shares owned for the relevant stock. There are one hundred million quota shares available for each stock and sum of all ITQs equals that amount.

[3] ACE – *A*nnual *C*atch *E*ntitlement. In each fishing year an ITQ generates an equivalent ACE, which must be used by permit holders to balance the catch taken.

valuable of all inshore species[4]. The industry is a significant contributor to regional economies and supports an extensive infrastructure of manufacturing and service industries.

9. Rock lobsters are regarded as being a "shared fishery" in which amateur, commercial, and customary fishing interests have a participatory role in defining research plans and management objectives within the overall statutory obligations that rest with the Minister of Fisheries to provide for utilisation whilst ensuring sustainability.

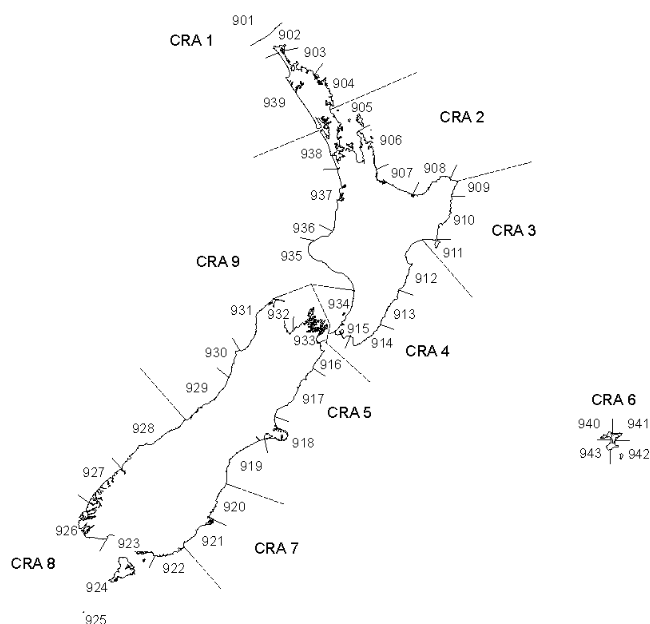

Figure 1: Rock Lobster (CRA) Management Areas

10. The rock lobster fisheries operate under the oversight of a National Rock Lobster Management Group (NRLMG) the membership of which comprises representatives of all extractive user groups, the environment and conservation lobby, the Ministry of Fisheries Policy and Compliance personnel, and rock lobster biologists and stock assessment researchers.

11. This cooperative user group approach for rock lobster fisheries, commenced in 1991, remains a model for similar forums in other shared fisheries.

12. The rock lobster industry has been at the forefront of taking responsibility for its stake in lobster fisheries. The industry has organised itself into nine regional stakeholder groups coordinated by an umbrella organisation (NZ RLIC) which from its offices in Wellington, coordinates and delivers a range of technical, administrative, policy, advocacy, and promotional services for the industry.

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[4] NZ Seafood Industry Council Economic Review 2002

13. The NZ RLIC manages an extensive, multi-year stock monitoring and stock assessment research programme under contract to the Ministry of Fisheries, with provision for input and participation by all user groups and interested parties. The NZ RLIC also facilitates the NRLMG process and timetable, including the coordination and delivery of policy advice and recommendations for rock lobster fisheries to the Minister of Fisheries in every year.

14. The likely future increased loss of access to fishing grounds through the declaration of no-take marine reserves or other commercial exclusion zones; growing amateur fishing pressure; increased illegal unreported removals (fish thieving); and inevitable increases in operating costs are all issues that will affect the NZ lobster industry and the way in which lobster fisheries will be managed.

15. The NZ RLIC maintains a pro-active interest in the proposed marine reserves legislation given the significant adverse impacts on the existing rock lobster fisheries management regime that will arise from the declaration of additional no-take marine reserves along the NZ coastline.

Marine Reserves Bill 2002 – a critical evaluation

16. This NZ RLIC submission should be read as an extension to the more comprehensive submission made on behalf of the seafood industry by the **NZ Seafood Industry Council** (SeaFIC). The NZ RLIC has contributed to the development and presentation of the SeaFIC submission and is fully supportive of its analysis, key findings and recommendations in regard to the current Marine Reserves Bill.

17. In New Zealand and elsewhere, marine protected areas (MPAs) are increasingly being touted as the panacea to a perceived range of marine environmental ills. The NZ Government Biodiversity Strategy sets a target of 10% of the NZ Exclusive Economic Zone (EEZ) as MPAs. In setting that target Government does not articulate the risks or threats that prompt such a policy, nor does Government acknowledge the level of protection already accorded to the marine environment by legislation and by non-statutory initiatives.

18. Since the mid-1990s the Department of Conservation (DOC) has pursued an ambitious agenda of no-take marine reserves and the Marine Reserves Bill 2002 expands the potential jurisdiction of the Department in this regard.

19. Environmental and conservation lobby groups also advocate an emotive and extreme "no take" marine protected area philosophy with undertones of animal rights concerns.

20. The MPA agenda espoused by DOC and environment and conservation lobby groups has already been demonstrated to conflict with pre-existing rights of access to and use of the marine environment. Marine reserve applications in particular have been marked by widespread community concern, opposition from extractive user groups[5], and in the case of a marine reserve in the Gisborne/East Coast region, by litigation.

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[5] Currently Volkner Rocks application (Bay of Plenty) and Tiritiri Matangi proposal (Hauraki Gulf)

21. This MPA agenda is currently characterised by lack of widely agreed definition or understanding as to what constitutes a "marine protected area" and perhaps more importantly, an absence of any consulted and agreed objectives, purposes and standards for marine protection. The absence of a widespread rational appraisal and/or any cost benefit analyses of the various marine protection agendas consolidates the ongoing ill-informed community commentary and debate.

22. Degradation of the marine environment under pressure from a cocktail of human-induced threats, including population growth, coastal developments, the introduction of exotic species, fishing, and the effects of polluted run-offs, is a central theme in the wider debate about marine protection. It is correct that all those and more have an impact on the marine environment and therefore must be managed appropriately.

23. However, the declaration of no-take "sanctuary" areas as proposed by the current Bill does nothing in terms of those effects. Assuming a credible analysis of the real (as opposed to imagined) threats and risks to marine biodiversity, the correct response to the perceived problems is to avoid, remedy, or mitigate by managing the activities that contribute to the risk, not to be drawing lines on charts to exclude fishing and then presuming all to be well as a consequence.

24. Marine reserves can be a useful tool for protecting special, at-risk ecosystems – but they must be seen in the context of the other tools available to manage the marine environment.

25. There is a range of other tools available to manage, mitigate or eliminate threats to the marine environment:

    - Over-fishing is prevented by the 1996 Fisheries Act's main tool for ensuring sustainable fisheries - the Quota Management System.
    - Potential damage to the marine environment from fishing is prevented by a range of Fisheries Act and voluntary mechanisms including restrictions on types of activity or area closures.
    - The Reserves Act 1977, the Wildlife Act 1953 and Marine Mammals Protection Act 1978 cover marine mammals, seabirds.
    - Land-based discharges to the marine environment, e.g. from farms or sewerage systems, are managed through the Resource Management Act.
    - Potential damage from mining or oil exploration is managed by the RMA and the Crown Minerals Act.

26. In other words, there is a whole suite of tools that have been designed to target specific threats to the marine environment and deal with them. <u>These tools work</u>.

27. Unlike the other tools, marine reserves are not a targeted, flexible measure. Rather than address a specific threat they are a blanket ban on the sustainable extractive use of any resources in a marine area.

28. Consequently the use of marine reserves should only be contemplated where a special part of the marine environment is under threat, and those threats cannot be effectively dealt with using one of the other targeted tools.

29. Marine reserves should be the very 'highest end' of marine protection tools – a blanket ban that provides a useful way of protecting special, at-risk marine ecosystems that are under threat from a variety of sources that cannot be addressed via more targeted mechanisms.

Conflicting policies and objectives

30. Along with many other fishing and marine resource user groups, the NZ RLIC is confused by the apparent inconsistencies in Government and departmental policies and aspirations in regard to the management and protection of the marine environment.

31. The NZ RLIC had some confidence that the Oceans Policy agenda, championed by the Hon. Pete Hodgson might bring coordination and consistency to management of marine resources. However before that Oceans secretariat had even confirmed its scope and definitions, and independently of the public discussion on Oceans Policy, the Department of Conservation instituted the review of the Marine Reserves Act that prefaced the introduction of the current Bill.

32. The current Bill appears to directly conflict with international obligations applying to NZ. *UNCLOS imposes an obligation to manage living resources on the basis of sustainable use and optimum utilisation. It also creates obligations relating to the protection of the marine environment. The objectives of the Biodiversity Convention are to conserve biological diversity, promote the sustainable use of its components and ensure fair and equitable sharing of the benefits arising from the utilisation of genetic resources. Both sets of obligations are reflected in Part II of the Fisheries Act 1996.*[6]

33. The current Bill conflicts with those stated obligations in that it provides for an extensive "non fishing" agenda that conspires against *sustainable use and optimum utilisation.*

34. With reference to the 1996 Fisheries Act, the legislation consolidated a property rights based fisheries management regime that has been demonstrably effective in halting declines in stock abundance, in rebuilding depleted stocks, and in improving the quality of customary, amateur and commercial fishing experiences.

35. The allocation of property rights to sea fisheries, and their use to settle Maori commercial fisheries claims places an onus on the Crown to maintain the integrity of the overall fisheries management framework – *a framework based on transferable property rights that provide access in perpetuity to sustainably managed fishstocks*[7].

36. Excluding fishing from areas of the NZ coastline confounds the fisheries management rights and opportunities vested to stakeholders through the 1996

[6] MFish Briefing Papers to the "Soundings" process December 2002
[7] MFish Briefing Papers – Dec 2002

Fisheries Act as they relate to the development and implementation of Fishery Plans. Such exclusions also strip from Maori the rights and opportunities accorded to them under the terms of the Treaty settlement of commercial and customary fisheries claims as well as demeaning their status as amateur fishermen.

37. A fundamental concept of the QMS is the notion of "effort and reward" as it relates to TAC/TACC reductions being used to bring about a rebuild of depleted stocks, or an enhancement of rebuilt stocks to agreed biological reference points. It is reasonable for stakeholders to ensure the sustainability of a fish stock through a reduction in the TACC and the relevant recreational allowance. Likewise stakeholders should derive shared benefit from the rebuild (or enhancement) of a fishery.

38. Rebuild strategies implemented for rock lobster fisheries were and are intended to increase stock abundance to ensure sustainable use, and to provide opportunities to increase legitimate removals and/or improve the quality of the fishing experience. Stock rebuilds are not intended to be used as a buffer against loss of access to fishing grounds as implied in historical and current marine reserve proposals and applications.

39. The NZ RLIC submits that Parliament must resolve those apparent conflicts and institute amendments to the current Bill that give proper consideration to the full scope of those statutory use rights to sea fisheries.

Cost-benefit considerations in resource management

40. The NZ RLIC experience is that no-take marine reserves have significant adverse effects on the rights and opportunities of existing users, be they customary, commercial or recreational rock lobster fishermen and divers. To exclude fishing without any consideration of compensation or opportunity adjustment is untenable. The community would not accept a similar proposition in relation to terrestrial reserves.

41. Good management of any resource, whether land-based or marine, involves balancing costs and benefits from any change in use.

42. This is the basis of the Resource Management Act, where economic and environmental impacts are weighed, as well as alternatives to the proposed action, under section 32 of that Act. This process ensures that the outcome caters to New Zealand's core environmental as well as economic interests.

43. This principle of balance is also enshrined in the RMA's purpose and in the purpose of the Fisheries Act.

44. In contrast the Marine Reserves Bill does not have a process that will ensure costs and benefits of a new proposed reserve are balanced.

45. The Bill needs a process similar to section 32 of the RMA to ensure that this cost-benefit is weighed carefully, objectively and transparently.

46. Such a process would impose a discipline to ensure that the biodiversity protection benefits of a new reserve are understood; that these benefits can be realised only through the Marine Reserves Act (through a requirement to consider the alternatives); and that the benefits outweigh the economic and social costs.

47. A process that properly identifies the costs and benefits of a marine reserve will indicate the commercial costs to particular individuals, groups or organisations.

48. Where property or other commercial rights are impinged on by a marine reserve, mechanisms must be established to develop appropriate measures for mitigation or remedy.

49. Economic and social costs are inevitable from creation of a marine reserve because it completely closes off the area to existing sustainable commercial, customary and recreational extractive use.

50. The scale of the impact on rock lobster fishing will vary according to the locations declared to be no-take marine reserves. In the case of the 2,400 hectare Te Tapuwae O Rongokako (Gisborne) marine reserve declared in 1999, successive High Court and Court of Appeal judgements acknowledged that approximately 10% of the historical commercial take[8] of CRA 3 rock lobsters had been taken from within the marine reserve boundaries.

51. The CRA 3 industry was then left with the prospect of taking 100% of the available quota for the stock from only 90% of the available fishing grounds. As a direct consequence of the displacement of commercial operations from Te Tapuwae O Rongokako, a sequence of gear and territorial conflicts, within and between commercial and non-commercial extractive users, manifested itself across the geographical extent of the CRA 3 fishery (see map above).

52. The direct and indirect costs to the CRA 3 industry have not been calculated in any detail, but the effects of the displacement and implied "overfishing" of the reduced fishing grounds has been evident in declining catches and catch rates from those grounds since the 1999-2000 rock lobster fishing season.

53. The ongoing direct economic loss to the CRA 3 industry is the approximately 10% of the commercial catch historically taken from the reef system now contained within the marine reserve. The gross value of that lost catch in any season is likely to be $38,000 per tonne dependent on timing of harvest and the size distribution of the catch[9]. Given recent catches taken from CRA 3 the financial impact on the industry is in the order of $950,000 per annum <u>ongoing</u>[10].

54. The "benefits" of the Te Tapuwae O Rongokako reserve have subsequently not been touted by DOC – for good reason. In respect of CRA 3 rock lobsters and lobster fishing there are none. The marine reserve does not (and under the

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[8] The Gisborne/East Coast (CRA 3) commercial catch in the three years prior to the marine reserve declaration was 223 t., 325 t. and 326 t. respectively – Draft NZ Fisheries Assessment report January 2003, MFish.

[9] A conservative estimate of average beach prices paid to fishermen from 1999 to 2001 seasons. Beach prices are variable within and between seasons and for different sizes of rock lobsters. The price differential between sizes can be as high as $15 - $20 per kg.

[10] Based on the reported commercial catches 2000-01 (327t.) and 2001-02 (290t.) x 10% x $38,000 and assuming constant abundance over time.

terms of it's declaration, cannot) provide any fisheries management benefits. To the knowledge of the rock lobster industry the reserve has as yet not been used for the purposes of scientific study – other than to monitor changes to the aquatic environment within the reserve boundaries to demonstrate the patently obvious – that unfished sessile and sedentary stocks increase in abundance over time.

55. The reserve offers little protection to marine biodiversity – although that is not the primary purpose of the Act under which the declaration was made – given that the greatest threats arise from environmental perturbations (e.g. Cyclone Bola), bio-security risks, or siltation run-off occasioned by coastal land use and erosion.

The role of the Minister of Fisheries

56. As currently proposed in the Bill, the Minister of Conservation must consult with Ministers (S.63) but it is the Director-General who must have regard to any views conveyed by them (S.64). The NZ RLIC submits that the Minister of Conservation should ensure that the Minister of Fisheries undertakes a proper evaluation of an application and that the Minister of Conservation must be guided by the outcome of that evaluation and take proper account of matters raised when making a final decision on any marine reserve application.

57. The Te Tapuwae O Rongokako reserve provides an excellent example of why the role of the Minister of Fisheries should be strengthened in new legislation.

58. In 1999 the then Minister of Fisheries was deprived of the opportunity to undertake a rigorous evaluation of the application by the exceedingly premature and very public marine reserve declaration made by the Minister of Conservation.

59. The NZ RLIC believes that had the Minister of Fisheries been given sufficient time to undertake the statutory concurrence process, the outcome of the Te Tapuwae O Rongokako marine reserve application was likely to have been very different. As it happened the Minister of Fisheries was effectively de-powered by his Ministerial colleague's public declaration and a superficial concurrence process ensued.

60. DOC, using "independent" consultants to review submissions and objections to the reserve application had provided advice to their Minister which included their analysis and evaluation of the level of effects on fishing and on fisheries management – particularly in relation to the CRA 3 rock lobster fishery.

61. Without reference to the most recent CRA 3 stock assessment, and without recourse to any interrogation of the fishery managers or stock assessment scientists, DOC conceded that fishing would be displaced but decided that there was no undue adverse effect given (in their view) that displaced fishermen could relocate and/or harvest their ITQs elsewhere in the management area.

62. DOC highlighted the (then) recent rebuild of the CRA 3 stock as a consequence of a package of management measures devised and agreed by regional stakeholders and the Minister of Fisheries. DOC expected that the increased

abundance could provide the buffer against the loss of catch from the area declared as a marine reserve.

63. As previously noted in this submission, that was not the intended purpose of the stock rebuild initiated by CRA 3 stakeholders. The decision to establish a marine reserve usurped the opportunity for the customary, amateur and commercial sectors in CRA 3 to avail themselves of the increased catch rates and wider choices of catch that were amongst the objectives of the CRA 3 Management Plan.

64. Had the Minister of Fisheries been given time to evaluate that DOC analysis of effects, he would have noted the current CRA 3 stock assessment that predicted a decline in stock abundance over time, although not to unsustainable levels. In effect that stock assessment rebutted the DOC contention that displaced fishermen could take their ITQs elsewhere in the management area. The assessment demonstrated that the remaining fishing grounds were in fact "fully subscribed" in terms of existing fishing effort and any displaced effort that moved into the remaining grounds would be at the expense of the incumbent operators.

65. As a consequence gear and spatial conflicts could have been expected to increase, catch rates expected to drop, and profitability expected to decline. As noted above, that is what happened.

66. The Minister of Fisheries had the expertise and knowledge to assess those effects, the Minister of Conservation did not, nor did his consultants and advisers.

67. The NZ RLIC submits that in any new legislation the Minister of Conservation must have an explicit obligation to give due regard to the outcomes of consultation with Ministers and further, that no declaration of any marine reserve should be made until the consultation process is completed and outcomes addressed.

Size and Extent of fishing exclusions

68. The Bill proposes a statutory process that has potential to close extensive areas of the NZ coastline to fishing. The Bill proposes to do this so as to enable the conservation of indigenous marine biodiversity. The implication being that fishing – customary, amateur, commercial – is the single greatest threat to marine biodiversity. The NZ RLIC does not support that view, but even if thought to be correct the obvious response to the perceived problem is the application of the Fisheries Act.

69. The following list of current Marine Reserve Proposals and Applications made under the Marine Act 1971 is taken from DOC information supplied under the Official Information Act. These sites are in addition to the marine reserves already declared under that 1971 Act.

70. In all but one of these locations the declaration of a marine reserve will exclude amateur fishing from long established fishing grounds and reduce the amount of space available to a steadily increasing amateur fishing sector and a burgeoning recreational charter fishing industry.

71. In all but six of the locations listed, commercial, amateur, and customary rock lobster fishing will be excluded from productive and sustainably managed fishing grounds.

    Hokianga Harbour
    Tiritiri Matangi Island
    Cape Palliser
    Eastern Bay of Plenty
    Mimiwhangata Marine Park
    Auckland West Coast
    Firth of Thames
    Great Barrier Island (Auckland)
    Whangarei Harbour (Northland)
    Fiordland (Southland)
    Kaikoura
    Parininihi (North Taranaki)
    Glenduan-Ataata Point (North Nelson)
    Paterson Inlet (Stewart Island)
    Nugget Point (Otago)
    Dan Rogers – Akaroa Harbour
    Te Matuku Bay (Waiheke Island)
    Taputeranga (Wellington South Coast)
    Volkner Rocks (Bay of Plenty)
    Auckland Islands (Southland)

72. The effect of excluding fishing from these locations will be to increase exploitation rates on adjoining areas of coastline, to exacerbate gear and spatial conflicts within and between user groups and to confound the effectiveness of already established fishery management plans which specifically provide for sustainable utilisation and environmental protection.

73. In the context of the discussion relating to the protection of marine biodiversity, fishing as managed under the 1996 Fisheries Act does not constitute either "risk" or "threat". The Fisheries Act provides tools, rules, processes, and opportunities to ensure the full range of social (including cultural, environmental, intrinsic) and economic benefits can be derived from fisheries resources on a sustainable basis.

74. The NZ RLIC submits that marine reserves are a blanket tool that should only be used for protecting special, at-risk biodiversity that is under threat from a range of activities that can't be managed using more targeted mechanisms.

75. The Bill proposes that although marine reserves be established to preserve and protect indigenous marine biodiversity they may also be explicitly used to facilitate public use and enjoyment of marine reserves and to protect the quality of the marine reserve experience.

76. At least two issues arise from these apparently ulterior motives. The first relates to the expropriation and reallocation of existing use and access rights as noted elsewhere in this submission. As previously noted, the Bill is silent on the provision of any opportunity adjustment being made available to displaced fishermen.

77. The second issue relates to the integrity of Fishery Plans or stock management plans provided for under the Fisheries Act. The proposed marine reserves Bill is silent on how the disjuncture between reduced spatial access and allocated shares of available yield should be addressed.

78. There is no need to ban all sustainable extractive use of marine resources to allow recreation, tourism and education opportunities. These cannot be reasons for creating a marine reserve. Any such zero-impact activities that are allowed to take place after creation of a marine reserve should be incidental to the reserve's creation – not the purpose for it.

79. Recreation, tourism and education opportunities are not incompatible with sustainable use of marine resources. In fact, recreational and game fishing are opportunities that are lost when a marine reserve is created.

80. Similarly, coastal education experiences are in no way incompatible with fishing.

81. The NZ RLIC submits that the Bill should focus only on biodiversity protection and that all clauses related the expropriation and re-allocation of existing access and use rights be deleted.

General Discussion

82. It is unfortunate that in the recent years marine reserves have become akin to fashion accessories that can be draped across the jurisdiction of local and regional governments as politically and apparently environmentally correct "quick fixes".

83. Much of the rhetoric that accompanies marine reserves advocacy is founded on incidents and experiences in countries that have failed to institute fisheries management regimes as robust as that implemented in New Zealand. The marine reserve "fix" to overfishing problems is a poor substitute for a proper fisheries management regime.

84. If you set aside the issues of compensation for lost opportunity previously noted in this submission, marine reserves require no effort and very little cost on the part of politicians and bureaucrats. In prescribing a network of marine reserves they tap into a community "feel good factor" that is too often ill informed and unthinking.

85. Rather than deal effectively to the causes of marine environmental degradation - which will require real effort, real money, and real commitment - politicians and bureaucrats propose a marine reserves policy as the easy and populist option.

86. It is a policy which has no real substance - marine reserves sound good, intuitively make sense, but when tested in terms of the real costs and benefits they will be, and are, found sadly lacking.

87. New Zealand's entire EEZ is managed under the Fisheries Act on a sustainable basis. The Quota Management System is one of the best mechanisms in the world for controlling fishing effort. Internationally, the control of fishing effort is

recognised as the single most important step any country can take in managing any environmental impacts of fishing.

88. Section 8 of the Fisheries Act 1996 states that "*the purpose of the Act is to provide for the utilisation of fisheries resources while ensuring sustainability*".

89. "*Utilisation*" means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural wellbeing.

90. "*Ensuring sustainability*" means –

- maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations, and

- avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment.[11]

91. Advocacy for marine reserves as fishery management tools in New Zealand is a denial of this country's natural resource management successes, an indictment of the rights based management framework that has been so demonstrably effective, and an admission of ignorance as to the purposes and principles of the 1996 Fisheries Act.

92. New marine reserves legislation should not compromise or confound the purpose of the Fisheries Act. That Act accomplishes so much that is positive and important in terms of New Zealand's marine environment. In its Statement of Intent for the 2003-2008 period the Ministry of Fisheries has set for itself the goal of achieving the fishery outcome of:

    Maximising the value New Zealanders obtain through the sustainable use of fisheries resources and protection of the aquatic environment.[12]

    The NZ RLIC submits that conservation of indigenous marine biodiversity is not compromised by fishing.

Summary

93. The rock lobster industry fully supports sustainable management of marine resources including the conservation of marine biodiversity – our future livelihoods depend on it.

94. The NZ RLIC commends the **SeaFIC** submission on the Marine Reserves Bill and urges the Select Committee to incorporate the amendments suggested therein.

95. The NZ RLIC submits that the current Bill does require substantial revision and amendment to ensure beneficial and equitable outcomes.

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[11] Definitions taken from MFish Briefing Papers to the "Soundings" process

[12] MFish Fisheries Services Proposal, 20/12/2002

96. The NZ RLIC requests to be heard by the Select Committee in support of this submission.

Yours sincerely

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