

Fisheries Act Amendments 2026: Clarifying the scope of the TAC

The issue

New Zealand's fisheries management system contains a wide range of sustainability tools designed to manage both the abundance of fish stocks and the wider environmental effects of fishing.

Current framework

Section 11: The gateway for all sustainability measures

Section 11 of the Fisheries Act provides the gateway for implementing sustainability measures. Under this provision, the Minister may implement a range of measures to manage the effects of fishing on stocks and the aquatic environment.

Section 11 therefore establishes the overall sustainability framework and scope of management tools available under the Act.

Measure-specific provisions

Following section 11, the Act contains additional provisions that set out more specific duties and standards for particular tools. For example:

- Section 13 sets out the Minister's duties when setting a TAC, including requirements relating to maximum sustainable yield (MSY) and stock biomass targets.
- Other provisions establish specific rules for managing protected species interactions and other sustainability measures.

Principle: This structure already reflects an important principle of the Act: different sustainability issues should be managed using the tools designed to address them. However, it does not clearly define the scope or intended role of those tools, meaning the 'right tool for the job' approach sits largely implicit and can be applied inconsistently.

There has been increasing reliance on catch limits as a broad mechanism for addressing a wide range of sustainability concerns, including environmental impacts unrelated to stock abundance. This creates several challenges:

Catch limits are sometimes used to manage issues they are not designed to address. Concerns about seabed disturbance, protected species interactions, or ecosystem impacts can become part of the narrative around TAC decisions, even when catch limits are not the most effective tool to manage those effects.

More targeted measures are not always used

When TAC changes are relied upon as the primary response, more effective and targeted measures may not be implemented.

Decision-making becomes less transparent

It can become unclear whether a TAC decision is intended to manage:

- the abundance of the stock, or
- other environmental effects of fishing.

This ambiguity can make decisions harder to interpret and defend.

The proposal

The proposed amendments clarify how sustainability tools under the Fisheries Act are intended to operate, ensuring environmental effects of fishing are managed using the most effective and targeted measures available. These changes are not about managing fewer of the environmental effects of fishing, they are about managing them more precisely, with more targeted tools.

The changes:

These amendments do not weaken environmental protections. Instead, they improve them by clarifying how the different tools in the Act should be applied to achieve better environmental outcomes and shifting focus away from catch limits onto targeted measures.

What the amendments do

The proposed amendments clarify the intended relationship between section 11 and section 13 and the purpose of specific sustainability measures including the TAC.

Clarifying the Role of Catch Limits

The amendments reaffirm that the primary purpose of a TAC is to manage the abundance of a fish stock within a Quota Management Area.

Section 13 will set out the specific considerations the Minister must take into account when setting a TAC, ensuring those considerations are directly relevant to stock abundance and sustainability. This improves transparency and consistency in catch limit decisions.

Strengthening Targeted Environmental Management

The amendments reinforce that other environmental effects of fishing should generally be managed using the broader sustainability tools available under section 11 e.g. spatial measures and gear restrictions. This approach allows environmental issues to be addressed directly and proportionately, rather than relying on catch limits as a proxy management tool.

All existing sustainability obligations under the Fisheries Act remain unchanged. Environmental effects of fishing must still be managed. The amendments clarify that those impacts should be addressed using the most appropriate tools available. In practice, this approach is intended to result in:

- more targeted management of environmental risks
- clearer decision-making about stock sustainability
- more transparent use of regulatory tools.

Our position

We support the intent of the proposed amendments to sections 11 and 13. Rather than reducing environmental oversight, the amendments help ensure that environmental effects of fishing are managed actively, transparently, and with tools designed specifically to address those impacts.

The current drafting downgrades the weight currently given to fisheries plans and fisheries services. We consider that the requirement for the Minister to take into account fisheries plans and fisheries services in section 11 should be maintained in section 13 decisions.

We note that Fisheries New Zealand will need to alter its current approach to the review of sustainability measures in order to deliver the outcomes intended by the policy change.

Bottom line

These amendments result in more targeted fisheries management – all effects of fishing are managed, using the most effective tool for the job.

