Fisheries Act Amendments 2025: Part 1 – ACE Carry Forward Provisions

Outcome sought: Enhance the ability to deliver abundant/productive fisheries from a healthy marine environment by increasing the certainty, efficiency and responsiveness of our processes.

Limitation: There is limited flexibility when a fisher is unable to catch their available ACE for reasons unrelated to sustainability e.g. poor market or weather conditions.

Solution: Provide additional ACE carry forward provisions to increase inter-annual flexibility regarding when available ACE can be utilised while ensuring sustainability.

Status quo
For most stocks, at the end of a fishing year, each ACE holder is able to carry forward into the next fishing year, the lesser of:

- The difference between their actual catch and the ACE they owned for that stock; and,
- 10% of their ACE owned.

The carry forward provisions are not available if the stock has a TACC reduction that year, or if the stock is listed on Schedule 5A (e.g., rock lobster and eel stocks).

Option 1: Amend the current ACE carry forward provision from 10% to 15%.
Increasing the generic carry forward percentage would increase certainty and flexibility across years. However, this would not address events where significant undercatch has occurred for reasons unrelated to sustainability e.g., biotoxin event or market crash.

Initial industry position: We have no desire to progress this option. We are interested in industry views on usefulness of this option.

Option 2: Additional carry forward for a stock for one year in exceptional circumstances.
In exceptional circumstances unrelated to sustainability, owners of at least 75% of quota for a stock could request a different ACE carry forward regime for one year – meaning the request would specify a different % and/or a stock that does not usually get carry forward.

The MPI CE would need to be satisfied that:
(a) the reason for any underfishing in the stock is not related to stock sustainability, and
(b) the additional ACE carry forward is not likely to pose a sustainability risk to the stock.

MPI propose that requests would need to be received two months prior to the end of the fishing year to provide time to process the request.

Initial industry position: We support this proposal. We seek industry views on timeframe.

We note that the options are not mutually exclusive, and both could be implemented.

Rock lobster specific ACE carry forward proposals

Option 1: Remove rock lobster stocks from Schedule 5A
Rock lobster stocks (CRA and PHC) would be removed from Schedule 5A which would enable the Act's carry forward provisions (above) to apply annually.

Initial industry position: We do not support this proposal

Option 2: A bespoke carry forward arrangement for rock lobster
This would provide a mechanism where 75% of quota owners in a rock lobster stock could agree to a carry forward of uncaught ACE up to 10% for a single year.

Initial industry position: We understand that this is the position put forward and supported by quota owners of rock lobster stocks.

Other matters: Increasing the threshold for suspension of fishing permit for non-payment of deemed value

Issue: A fisher's permit will be automatically suspended if they accrue >$1000 of deemed value payments and this payment is overdue by 20 days. The $1000 dollar threshold was set in 1996, since then, deemed value rates have increased (in line with the increased value of commercially caught fish) and this figure is now out of date.

Proposal: Increase the threshold to >$2000

MPI do not propose removal of the suspension provision nor options to extend the timeframe.

Initial industry position: We support the proposal to increase the threshold to account for inflation. We seek the views of industry on the appropriateness of the $2000 figure.