Fisheries Act Amendments 2026: Medium and low information stocks

The issue

New Zealand's fisheries are managed under a single legislative framework, but the quality of information about fish stocks varies widely. Some stocks are well understood, with reliable estimates of biomass. Others have partial information, such as trends over time, and some have very limited information.

The Fisheries Act currently largely applies a uniform approach to setting a Total Allowable Catch (TAC) for a stock, regardless of these differences. This creates challenges - particularly for medium and low information stocks, where it can be difficult to confidently apply the existing legal tests.

The key issue is that catch limits for these stocks are not updated as often as they could be. This can have two impacts:

- it can undermine sustainability where changes are needed but difficult to justify under the current framework, and
- it can unnecessarily constrain utilisation where stocks may be able to support higher catch but the system cannot respond.

Existing alternative provisions were intended to address this but in practice they have seen little use as they still lack clarity or are administratively difficult.

The proposed change

The Bill introduces a more structured, information-based approach to decision-making.

At its core, the change recognises that different stocks are managed with different levels of certainty. Rather than applying a single rigid test, the framework allows decisions to be tailored to the quality of information available. In practical terms, this means that:

- where there is high certainty, decisions can be made with greater precision and flexibility
- where there is less certainty, a more cautious approach should be taken to ensure sustainability

Importantly, all decisions remain anchored to the objective of maintaining stocks at or above maximum sustainable yield.

The proposal also provides clearer pathways for setting catch limits where information is limited, ensuring that decisions can still be made in a structured and transparent way.

Why this matters

This proposal recognises that fisheries management needs to work with the information that actually exists. By better aligning decision frameworks with information levels, it:

- enables more responsive and regular catch limit reviews
- reduces uncertainty in applying legal tests
- supports more practical and timely management decisions

Importantly, this does not lower the bar for sustainability. Instead, it strengthens the application of the Act's information principles by making them more directly relevant to the context of each stock.

Our position

We support the intent of the proposal. The changes enhance and clarify how information principles are applied in practice Overall, this is a more fit-for-purpose framework that should improve both sustainability outcomes and the ability to realise utilisation opportunities.

There are, however, some areas where the proposal could be improved.

1. Stock categorisation rules (process and transparency)

Issue: The Minister can set rules for how they must assess the reliability of information relevant to how a stock is classified, but there is no explicit requirement to consult.

What we propose: Explicitly require consultation for setting and amending these rules to ensure transparency, robustness, and stakeholder confidence.

2. Low-information stocks (application of caution)

Issue: The requirement to take a "cautious approach that favours sustainability" may unnecessarily down-weight utilisation given the Act's purpose to "ensure sustainability".

What we propose: Align this requirement more closely with existing information principles so that decisions appropriately reflect uncertainty, maintaining a balanced approach between sustainability and utilisation.

Bottom line

This proposal is a practical evolution of the Act. It keeps the core sustainability framework intact, while improving how decisions are made in the face of real-world information constraints. By enabling more regular and confident adjustments to catch limits, it supports our sustainable fisheries management system. With some targeted refinements, it can deliver a more workable, transparent, and effective management framework.