

Fisheries Act Amendments 2026: Non-regulatory measures

The issue

Fisheries management in New Zealand has long relied on a mix of regulatory settings and industry-led, non-regulatory measures to support sustainability. These include tools such as ACE shelving¹, catch spreading, and voluntary spatial or size limits.

Non-regulatory measures can play an important role in managing fishing pressure and enabling more responsive, fine-scale management than regulation alone can achieve.

However, uncertainty has emerged through recent legal interpretations suggesting that the Minister may have limited ability to take non-regulatory measures into account. This creates doubt around the status of well-established practices and risks undermining incentives for industry to invest in collective sustainability initiatives.

The proposal

The Bill seeks to address this uncertainty by making it explicit that the Minister *may give weight* to relevant non-regulatory measures when making TAC decisions.

To support this, the proposal introduces a formal process where quota owners can apply to have a measure recognised. The Minister may then decide whether to consult on the measure, and, following consultation, determine what weight (if any) to give it.

The proposal also enables the Minister to prescribe monitoring and reporting requirements where weight is given to a measure.

Our position

We support clarifying the Minister's ability to consider non-regulatory measures in TAC decisions. However, as currently drafted, the proposal risks creating a process that is more rigid and complex than necessary given the Minister retains full discretion.

We consider the framework should strike a better balance, providing sufficient structure to support transparency and confidence, without imposing unnecessary procedural barriers on measures that are already an established and effective part of fisheries management.

Bottom line

This proposal usefully recognises the role of non-regulatory measures, but risks overcomplicating what should be a flexible and responsive part of the system. It should enable, not constrain, the practical use of proven, industry-led sustainability tools.

¹ ACE shelving is where a catch limit is reduced by "shelving" ACE into a non-fishing account where it can't be accessed.