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Submission on fisheries reform: proposed amendments to the Fisheries Act 1996

Introduction

As one of the leading environmental Non-Governmental Organisations (eNGOs) in New Zealand, World Wide Fund for Nature New Zealand (WWF) supports science-based, pragmatic solutions that can deliver a future where humanity lives in harmony with nature. WWF appreciates the opportunity to make a submission on fisheries reform and proposed amendments to the Fisheries Act 1996.

Aotearoa New Zealand has one of the largest ocean territories in the world, 15 times larger than our landmass and home to approximately 80% of our native species.[1] From Hector's dolphin to the blue cod, many of the creatures that inhabit our waters and coastal areas are found nowhere else on earth. But 22% of marine mammals, 90% of seabirds and 80% of shorebirds are threatened with, or at risk of, extinction.[2] Our biodiversity in New Zealand is unique and essential to our culture, identity, and well-being.[3] Our ocean's health is in crisis, and the majority of Kiwis care about our marine environment and want to see it protected for future generations.

A new survey commissioned by WWF-New Zealand and conducted by Horizon Research reveals that 91% of New Zealanders say that the ocean is important to them, while 69% of Kiwis are concerned about the health of Aotearoa New Zealand's ocean and threats such as plastic pollution, overfishing, and climate change.[4] 'Concerned', 'disappointed', and 'frustrated' were the words people identified the most when

[1]https://www.cbd.int/countries/profile?country=nz#:~:text=While%20little%20is%20known%20about,marine%20species%20have%20become%20extinct.
[2] https://www.stats.govt.nz/indicators/extinction-threat-to-indigenous-species/
[3] Ministry for the Environment & Stats NZ (2019). New Zealand's Environmental Reporting Series: Our marine environment 2019. Available from www.mfe.govt.nz and www.stats.govt.nz.
[4]https://wwf.org.nz/sites/default/files/2025-01/Horizon%20Research%20-Ocean%20Survey%20Report%20FINAL.pdf

asked to describe their feelings about how the current Government is looking after the ocean and marine life – with almost half of New Zealanders (42% of those surveyed) ranking the Government's record on marine conservation as 'poor' or 'very weak'.[4]

In this context, the Fisheries Act 1996 stands as one of our most important legislative tools for protecting ocean health. Its core purpose - to provide for the utilisation of fisheries resources while ensuring sustainability - recognises that long-term ecological health and responsible economic use is critical for safeguarding our ocean. But many of the proposed amendments in this consultation document risk tipping the balance away from ecological health and sustainability.

WWF appreciates the need for continual improvement to the fisheries management system but considers that the proposals undermine the sustainability objectives. WWF believes that the purpose and principles of the Fisheries Act must be upheld and strengthened - not weakened. Our submission highlights growing public concern for our marine environment and identifies ecological and regulatory risks with the proposed reforms. We also argue for a more precautionary, science-led approach to fisheries management.

The purpose and principles of the Fisheries Act 1996 acknowledge the reciprocal relationship between a healthy fishery and a healthy marine environment

The purpose of the Fisheries Act is to provide for the utilisation of fisheries resources while ensuring sustainability. Our fisheries and ocean spaces are public resources and the requirement for the commercial fishing industry to maintain social licence to operate is why the Act was created in the first place. There are three environmental principles underpinning the Act that require consideration of wider effects on the environment be taken into account: 1.) that associated or dependent species should be maintained above a level that ensures their long-term viability; 2.) that biological diversity of the aquatic environment should be maintained; and, 3.) that habitats of particular significance for fisheries management should be protected.

These principles acknowledge the inextricable link between extractive activities like fishing, and their potential to have wider impacts on marine ecosystems. Their inclusion in the Act also acknowledges uncertainties in the system and that single-stock metrics like Maximum Sustainable Yield (MSY) fail to adequately account for environmental impacts unrelated to fishing effort. The relevance of these principles in decision-making on stock utilisation and sustainability were recently highlighted in a legal challenge to the CRA2 (Crayfish) TAC decisions where the Supreme Court confirmed that utilisation must not jeopardise sustainability. Put simply: a healthy fishery relies on a healthy ecosystem and vice versa. These principles coupled with the adoption of a precautionary principle in the Act recognise the need to adopt a more ecosystem-based approach to the management of fisheries and the wider marine environment. WWF is concerned that many of the proposed changes ignore an ecosystem-based approach and undermine these underlying principles.

Sustainability objectives are overridden in favour of increasing fisheries productivity and reducing the regulatory burden on industry

The proposed changes place a strong emphasis on economic growth and reducing regulatory burdens, yet they provide limited assurance that long-term ecological health will be safeguarded. The proposal also places significant emphasis on industry benefits, highlighting advantages such as increased industry revenue and reduced compliance costs. However, it offers limited consideration of the long-term ecological consequences of these proposals.

One concern is the risk of prioritising short-term economic gains at the expense of long-term resource sustainability. Although the document acknowledges the importance of sustainability, it lacks specific strategies for ensuring the sustainability of fisheries and the health of the marine environment, and does not provide for precautionary approaches to be applied in regulatory decision-making. Without safeguards to prevent overfishing or ecosystem degradation, the proposed measures could inadvertently lead to a decline in fish populations and adverse impacts on marine ecosystems.

Effective fisheries management requires science-based decision making, inclusive participation, and enforcement mechanisms to prevent overexploitation. To improve the proposed changes to the Fisheries Act, it is essential to integrate more of these sustainability measures, including stronger monitoring programmes and ecosystem-based management approaches. Ensuring that economic benefits do not come at the cost of long-term ecological health is crucial for the ongoing viability of both the fishing industry and Aotearoa New Zealand's marine ecosystems.

Multi-year catch limit decisions reduce the ability to react swiftly to unexpected changes in fish stock health and reduce public participation

The proposed 'multi-year catch decision rules' pose a likely increased risk of unsustainable fishing if projected fish stock health does not accurately reflect actual stock health. This is particularly concerning given the natural variability in fish populations and the multiple external pressures they face, including climate change, habitat degradation, and fishing pressures. In New Zealand, stock assessments are not regularly performed for many fish species and only a portion of fish stocks are assessed each year.[5] If there is an overestimate in the abundance of fish, the proposed multi-year catch decisions could inadvertently lock-in catch limits that are unsustainable, leading to long-term population declines.

A multi-year catch decision also reduces flexibility in responding to unexpected changes in fish stocks or environmental conditions. Under a multi-year quota system, if fish populations decline due to unforeseen factors such as ocean warming, pollution, or ecosystem shifts, the locked-in quotas may not be as easily adjusted. Without an ecosystem-based management approach or framework that allows for quicker interventions, stocks may continue to be harvested at levels that are no longer ecologically

[5] https://www.mpi.govt.nz/fishing-aquaculture/fisheries-management/fish-stock-status/

feasible. Further, the proposal suggests that quota adjustments could be 'phased' or 'temporary', but it lacks a clear, structured process to ensure that these approaches would be based on strong data. The consultation document notes some criteria that are relatively poor in language,[6] such as:

- "*where there is **good information to suggest** that a stock has been lightly fished*"; and,
- "*the **likelihood** that a temporary increase to the catch limit would provide useful additional information on stock abundance **relative to risk** of overfishing or adverse environmental impact*"

These criteria are vague and open to interpretation to what merits 'good information' or a 'likelihood relative to risk'. Without the stronger criteria, there is a risk that the proposed approach for temporary or phased changes may not work effectively to ensure sustainability of multi-year catch adjustments.

The proposed multi-year catch decisions would also remove the current stakeholder engagement and public consultation opportunities, which happens as part of setting catch limits. As a public resource, it is important to uphold the public's right to play a role in ocean governance. WWF also considers that public consultation provides necessary information for the Minister to make a robust and defensible decision.

More flexibility in managing low-information stocks could lead to unsustainable catch limits due to insufficient data

Fisheries research is chronically underfunded and this proposal fails to address this underlying issue. We need to be investing in fisheries research to accurately estimate stock abundance, ecosystem interactions and any changes in a timely manner. We note the Government has reduced the 2024/25 Conservation Services Levy from $41.2 million to $36.3m, decreasing investment in core functions like monitoring, fisheries stock assessments, and research to manage and mitigate the effects of commercial fishing on the aquatic environment and biodiversity, including protected species.

In a data-poor management system, increasing catch limits for stocks where a high level of uncertainty exists could result in excessive pressure on vulnerable fish populations. A clear, science-based framework is needed to determine how much uncertainty is permissible before precautionary measures are enacted. Further, it is well known that uncertainty in the system has been exploited to benefit certain industry interests in the short-term. In the Prime Minister's Chief Science Advisor's report, *The Future of Commercial Fishing in Aotearoa New Zealand*, the authors "...were saddened by the number of incidences of 'alternate facts' that we navigated in this project. The inherent uncertainty in fisheries management is very easily manipulated to support a particular narrative."[7]

The proposal suggests using a 'risk-based categorisation' which appears to give the Minister broader discretion and removes existing safeguards. When there is not sufficient data available, it is important that a precautionary approach is taken. By giving the Minister this level of discretion, the proposal

[6]Fisheries New Zealand Discussion Paper No: 2025/03
[7] https://www.pmcsa.ac.nz/files/2020/01/Fish-report-Full-report-11March21.pdf - forward on p2

prioritises flexibility in setting catch limits, which for species whose stock status is poorly understood, may come at the cost of sustainability. If precautionary measures are not integrated into management strategies, species with insufficient data may be subject to overfishing before their actual population health is fully understood. A precautionary approach, such as setting lower catch limits for uncertain stocks until better data is available, would help prevent potential overexploitation.

We need to be expanding the cameras programme not excluding more vessels from having them

The cameras on boats programme has proven effective in eliciting more accurate reporting, with bycatch numbers for dolphin captures increasing seven-fold after cameras were introduced.[8] They have been a valuable tool in not only incentivising better self-reporting, but also increasing the data captured in lieu of observers. WWF is of the view that cameras should be implemented on all commercial vessels, including deepwater vessels, alongside full observer coverage. WWF is also supportive of cameras actively monitoring the onboard fishing areas from port to port as well as when transporting fish. The full transparency that is valued from the cameras on boats programme is lost when there are times where no observers are present and cameras are missing, leaving opportunity for unethical discarding and other potential breaches in fishing regulation requirements.

The proposal's camera exemptions raise significant concerns about gaps in compliance monitoring and the overall effectiveness of sustainability measures. These exemptions could weaken fisheries management, allowing certain vessels to operate with reduced scrutiny and increasing the risk of illegal or unsustainable fishing practices. By allowing certain vessels to be excluded from the camera monitoring programme, the proposal creates potential loopholes in compliance and enforcement. These vessels would be less accountable for adhering to catch limits, bycatch reduction measures, and other sustainability regulations. Having exemptions undermines the integrity of the monitoring system which is incredibly well supported by stakeholders and creates an uneven regulatory landscape where only some fishers are subject to stricter oversight.

The proposal includes provisions to protect commercially sensitive camera footage and potentially exempt the footage from the Official Information Act (OIA), limiting regulatory and public access to key evidence of fishing practices. While some confidentiality is reasonable, excessive restrictions on footage access would reduce transparency, making it harder to identify and address potential violations. If the public has limited oversight, it could erode public trust in the industry. The proposal acknowledges fisher privacy concerns but does not provide details on how these concerns will be balanced with the need for accountability. Given that the cameras are to be faced towards areas where fishing is occurring, anything outside of the scope would be excluded from OIA requests. The OIA process is an assurance for the public and stakeholders to be able to hold industry accountable. The concerns that the footage would be used nefariously and erode the public's trust in the industry highlights why we need more transparency.

[8]https://www.rnz.co.nz/news/national/514347/fishers-more-vigilant-with-reporting-after-on-boat-cameras-introduced-industry-leads

In blocking the public's ability to view footage, the outcome may be the reduction in industry social licence that this exemption is trying to prevent.

Proposals for landing and discards limits incentives for fishers to reduce their bycatch

The proposals appear to prioritise administrative simplification over ecological outcomes. The notion to allow fishers with monitoring in place to be exempt from landing their catch effectively eliminates the incentive for fishers to minimise bycatch of non-target species, including protected fish species. The proposed amendments infer that the footage will be of sufficient quality to enable verification of fisher reporting.

Observer coverage is often low due to costs, and camera systems can miss key events, especially where visibility is poor or behavior is intentionally misleading. Two MPI research projects have shown that onboard cameras are not capable of discerning species and quantities of fish in bins dumped back to the sea.[9,10] As well, the presence of cameras does not prevent potential unlawful discarding to occur out of the line of sight of the camera. Without rigorous, independent verification, compliance may be variable and returns may not be properly reported or balanced with ACE (Annual Catch Entitlement).

Another issue is that, whether monitored or not, discarding fish at sea masks the true mortality impact of fishing on stocks and ecosystems, especially for vulnerable species or those with low reproductive rates. WWF believes there needs to be better incentives in place to encourage fishers to avoid bycatch. By making it easier to discard fish at sea, it is encouraging unsustainable fishing practices. An alternative would be to invest in innovation that seeks to improve sustainability. More selective fishing gear would create long-term change that would promote sustainability of our fish stocks for future generations.

Proposals appear to be opening doors to more self regulation of the industry

The proposed options for explicitly recognising voluntary measures - such as ACE shelving and catch spreading - in making catch limit decisions, raises concerns about the effectiveness and enforceability of sustainability efforts. While these industry-led initiatives can be a useful tool in the short-term, they come with a high degree of uncertainty and are not legally binding. Usually, voluntary ACE shelving happens in the context of depleted stocks, which can be related to a number of sustainability and non-sustainability factors. Both options would provide for voluntary measures to influence management decisions despite considerable uncertainty around the effectiveness of implementation. This is not sufficiently cautious in the context of an information-poor fisheries management system and creates uncertainty about their long-term effectiveness in protecting fish stocks.

History in New Zealand and abroad shows that without binding, enforceable rules, voluntary measures rarely lead to consistent or effective conservation outcomes - especially when economic pressures

[9]https://www.mpi.govt.nz/dmsdocument/14545/direct
[10]https://www.mpi.govt.nz/dmsdocument/45928-FAR-202137-Summary-and-evaluation-of-the-electronic-monitoring-programmes-in-the-SNA-1-trawl-and-bottom-longline-fisheries

mount. If the government places too much emphasis on voluntary industry actions, it may reduce the likelihood of implementing stricter, science-based regulatory measures. While industry cooperation is valuable, fisheries management should ultimately be guided by ecological data and sustainability principles rather than economic interests alone. Over-reliance on voluntary measures could lead to delays in necessary regulatory action, especially when fish stocks show signs of decline.

Conclusion

As guardians of one of the world's largest and most unique marine areas, Aotearoa New Zealand has an opportunity - and obligation - to lead by example. Where we used to be a world leader, these changes will take us backwards in that regard. The Fisheries Act 1996 was built on the principle of sustainability. Any changes to it must strengthen, not weaken, our ability to protect the ocean's future. Changes to New Zealand's fisheries legislation must also be consistent with New Zealand's international obligations to protect ecosystems and species. By reducing environmental safeguards New Zealand's international reputation will be put at risk.

New Zealand is a leader in electronic monitoring and its successful implementation domestically has significant implications for cracking down on illegal, unreported and unregulated (IUU) fishing in the wider Pacific. In 2023, the Foreign Affairs, Defence and Trade Committee report on the Inquiry into illegal, unregulated and unreported fishing recommended that New Zealand urgently review and update the National Plan of Action to prevent, deter, and eliminate IUU fishing for the risks that it poses to New Zealand. The government is now undertaking a review of the NPOA on IUU fishing and we consider that these proposals - particularly to roll-back the full implementation of cameras on boats - introduces policy incoherence with our interests in eliminating IUU in the Pacific.

WWF-New Zealand recognises the importance of modernising our fisheries management framework, but any reforms to the Fisheries Act must have sustainability at their core. Aotearoa New Zealand's ocean is not only ecologically important, but is a cherished public resource, cultural taonga, and underpins our nation's wealth and economy. The proposed amendments risk undermining the very principles that safeguard these values, shifting the focus too far toward economic efficiency, regulatory flexibility and benefits for industry at the expense of long-term ecological health.

A precautionary, science-led, and transparent approach to fisheries management is essential to prevent further biodiversity loss and to rebuild public trust in the system. We must invest in better data, expand the tools that support accountability, and ensure that all decision-making is grounded in ecological realities rather than voluntary or self-regulatory mechanisms.

WWF urges the government to reconsider key elements of the proposed reforms and ensure that any changes to the Fisheries Act reinforce our commitment to protecting New Zealand's marine resources for current and future generations.