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Primary Production Committee  
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## Submission on the Fisheries Amendment Bill

### Introduction

As one of the leading environmental Non-Governmental Organisations (eNGOs) in Aotearoa 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 the Fisheries Amendment Bill, as we consider it critical that New Zealand's regulatory settings for fisheries are fit-for-purpose for the long-term sustainability of our fisheries and wider ecosystem health.

**WWF-New Zealand's primary recommendation is for this Bill to be withdrawn and the policy process restarted following full public consultation and a wider, independent review of our fisheries management system.**

Aotearoa New Zealand's marine environment and biodiversity are highly unique and essential to our culture, identity, and well-being.<sup>1</sup> 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.<sup>2</sup> 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. However, our ocean is under increasing pressure, with 22% of our marine mammals, 90% of seabirds and 80% of shorebirds now threatened with, or at risk of, extinction.<sup>3</sup> Warming and acidifying seas are compounding long-standing issues such as overfishing, declining biodiversity, seabed and coastal habitat loss, and increasing sediment and nutrient pollution from land-based activities.<sup>4</sup>

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<sup>1</sup> Ministry for the Environment & Stats NZ (2019). New Zealand's Environmental Reporting Series: Our marine environment 2019. Available from [www.mfe.govt.nz](http://www.mfe.govt.nz) and [www.stats.govt.nz](http://www.stats.govt.nz).

<sup>2</sup> <https://www.cbd.int/countries/profile?country=nz#:~:text=While%20little%20is%20known%20about,marine%20species%20have%20become%20extinct.>

<sup>3</sup> <https://www.stats.govt.nz/indicators/extinction-threat-to-indigenous-species/>

<sup>4</sup> <https://environment.govt.nz/assets/publications/Environmental-Reporting/our-marine-environment-2025.pdf>

Public concern reflects this reality. An independent 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, bottom trawling, and climate change.<sup>5</sup> 'Concerned', 'disappointed', and 'frustrated' were the words people identified the most when asked to describe their feelings about how the Government is looking after the ocean and marine life. In this context, the Fisheries Act 1996 stands as one of our most important legislative tools for protecting the health and resilience of New Zealand's ocean territory and marine resources. Its core purpose – to provide for the utilisation of fisheries resources while ensuring sustainability – recognises that long-term ecological health and responsible economic use are critical for safeguarding our ocean. However, many of the proposed amendments in this Bill risk significantly tipping the balance away from ecological health and sustainability.

WWF appreciates the need for continual improvement to the fisheries management system, as numerous reports have documented problems such as the lack of science to underpin robust decision-making, poor management of the effects of fishing on habitats and ecosystems, and an overreliance on Maximum Sustainable Yield (MSY) targets despite its insufficiency for complex ecosystems.<sup>6</sup> However, WWF considers that this Bill fundamentally undermines the sustainability objectives of the Fisheries Act and that an independent review of the fisheries management system, including the Quota Management System, is required.

While framed as improving “responsiveness, certainty, and efficiency” in fisheries management, the Bill represents a significant departure from ecosystem-based fisheries management, weakens environmental safeguards, reduces transparency and accountability, and narrows opportunities for meaningful public participation in decisions about a shared public resource. The Bill was also developed through a deeply flawed process that has further bolstered widespread public opposition to the changes it proposes. Individuals from all walks of life have raised concerns about the significant and adverse outcomes that the changes exacted by this Bill will have on the health and resilience of New Zealand's marine resources.

Whilst in this submission we recommend a suite of specific changes required to improve the Bill, our strong view is that the most effective pathway forward is to carry out an independent review and restart the policy development process for Fisheries Act reforms to deliver a complete (and vastly improved) redraft of the Bill.

### **The Bill was developed through a flawed and unbalanced legislative process**

The process used to develop and advance this Bill has been inadequate for legislation of this scale and consequence. The changes proposed in the Bill have largely been developed through engagement with

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<sup>5</sup><https://wwf.org.nz/sites/default/files/2025-01/Horizon%20Research%20Ocean%20Survey%20Report%20FINAL.pdf>

<sup>6</sup> Peart R, 2018, Voices from the sea: Managing New Zealand's fisheries, Environmental Defence Society, Auckland, available [here](#)

commercial fishing interests,<sup>7</sup> with minimal involvement from fisheries experts, environmental organisations (eNGOs), customary fishing interest-holders, recreational fishers, and the wider public. When the policy proposals were publicly consulted on in April 2025, approximately 25,000 submissions opposed them, demonstrating significant public concern.

The Bill was introduced to the House in March 2026 with minimal changes and did not meaningfully reflect or respond to concerns raised during public consultation. Nor did this Bill appear to have been subject to the level of scrutiny expected for reforms that alter core environmental safeguards and limit public participation. As a result, there was considerable public outcry on the ‘minimum size’ provision and a backtracking on the proposal from the Government. Some members of the Coalition Government claimed that the provision wasn’t transparent in the Cabinet materials, which suggests the process has been rushed and that there may be other aspects of the Bill that Cabinet is unaware of.

Despite public outcry, the Bill was voted through to the Select Committee, and the public were initially given only 16 working days for submissions on a highly complex Bill. The Select Committee has since recognised this unworkable timeframe and extended it by one week. This timeframe is still wholly inadequate for affected communities to fully understand the implications of the Bill, and for experts to analyse the cumulative impacts of the proposed changes. Such a compressed process undermines democratic participation and public confidence in the outcomes.

Taken together, these issues raise serious concerns about the integrity and accountability of the policy development process. Proceeding with substantially unchanged reforms in the face of such opposition represents a failure of the Government to take public feedback seriously.

### **The Bill represents a significant departure from ecosystem-based fisheries management**

The purpose of the Fisheries Act is to provide for the utilisation of fisheries resources while ensuring sustainability. The three environmental principles underpinning the Act 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 fail to adequately account for the environmental impacts of fishing effort. The relevance of these principles in decision-making on stock utilisation and sustainability was recently highlighted in a legal challenge to the Crayfish Total Allowable Catch (TAC) decisions, where the Supreme Court confirmed that utilisation must not jeopardise sustainability.<sup>8</sup> 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 an ecosystem-based approach to the management of fisheries and the wider marine

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<sup>7</sup> <https://newsroom.co.nz/2024/02/13/seafood-industry-donors-lobby-jones-over-wine-and-oysters/>

<sup>8</sup> <https://www.thelawyer.com/nz/practice-areas/environment-and-climate/high-court-strikes-down-lobster-catch-limits-over-environmental-concerns/525067#:~:text=The%20High%20Court%20ruled%20that,decision%20based%20on%20accurate%20information.>

environment. Despite this, the Bill fundamentally changes how sustainability and environmental considerations are treated in fisheries decision-making, narrowing their role in a way that undermines ecosystem-based management and increases the risk of unsustainable fishing.

For example, under new *section 13F*, the Minister is required to consider adverse effects of fishing on the aquatic environment and the environmental principles only to the extent that they are relevant to the “standard factors”. This represents a clear narrowing of the role environmental considerations have historically played when setting catch limits under the Fisheries Act. At the same time, the Bill explicitly separates catch setting from broader environmental effects by redefining the purpose of Total Allowable Catch (new *section 11AAA*) as being primarily to manage the abundance of quota-managed stocks at the quota management area level. This compartmentalisation risks sidelining cumulative ecosystem impacts like trophic relationships and habitat degradation.

Other provisions in the Bill shift our fisheries management away from a precautionary approach and towards maximum utilisation under uncertainty. The creation of differentiated pathways for setting catch limits for high, medium, and low information stocks (*sections 13B–13D*) includes weaker obligations for data-poor stocks. While the low information provisions include language about a “cautious approach”, this amendment makes it easier to set and maintain higher catch limits even when data is unavailable, which is directly at odds with a precautionary approach and international best practice.<sup>9</sup> The Bill also enables multi-year catch decisions of up to five years (*section 14D–14H*), which risks locking in unsustainable catch limits, as well as in-season catch increases for “highly variable stocks” (*section 13E*).

Several provisions in the Bill create incentives for more crude, bulk harvesting and non-selective fishing. An amendment to *Regulation 31 Fisheries (Commercial Fishing) Regulations* removes the commercial minimum legal size for several fish species, creating a financial incentive to use non-selective fishing methods and to retain, land, and sell undersized fish. While allowing the sale of undersized fish ensures these catches are counted against quota, it also normalises their capture and undermines incentives to avoid juvenile fish. A more environmentally responsible approach would be to continue deducting undersized fish from quota while prohibiting their sale. Amendments to the annual deemed value rates for deepwater freezer vessels (*sections 75AA–76E*) reduce the financial disincentive for catching fish in excess of quota, normalising over-catch rather than discouraging it. The allowance for QMS species to be discarded at sea under monitoring (*sections 72–72B*) makes it easier for commercial operators to throw unwanted or undersized fish back overboard, which eliminates the incentive for more selective fishing techniques. The additional carry-forward of annual catch entitlement for the majority of quota shareholders (*sections 67C–67D*) would allow unused catch to be rolled over into the subsequent years, with no requirement for scientific review or consultation.

Together, these changes increase the risk that fishing pressure will continue or intensify before environmental impacts are properly identified or addressed. The proposed changes place a strong emphasis on economic growth and reducing regulatory burdens, yet they provide limited assurance that

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<sup>9</sup> <https://www.fao.org/4/w1238e/w1238e01.htm>

long-term ecological health will be safeguarded. The Bill 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 proposed amendments.

If the Bill is to proceed, the following changes are required to retain ecosystem-based and precautionary fisheries management:

- Remove sections 13F and 11AAA that separate catch setting from broader ecosystem effects and strengthen provisions in the Act that relate to environmental principles for setting catch limits;
- strengthen precautionary requirements for setting catch limits for data-poor stocks and remove changes to section 13 on Total Allowable Catch;
- eliminate multi-year catch decisions and in-season catch increases for highly variable stocks by removing sections 14D-14H and section 13E;
- remove amendments that incentivise non-selective fishing and bulk harvesting fishing practices, including in sections 75AA-76E and section 72;
- remove amendments to Regulation 31 Fisheries (Commercial Fishing) Regulations and replace with a provision that undersized fish are landed and counted against quota, but are unable to be sold; and
- remove sections 67C-67D on expanded carry-forward entitlements unless safeguards are added, such as consultation, environmental impact assessments or scientific review.

### **The Bill substantially reduces transparency, public participation and accountability**

The Bill greatly reduces transparency of fisheries management decisions and limits the public's ability to participate in or challenge those decisions. The Bill grants excessive discretion to the Minister and Chief Executive, weakening accountability and concentrating decision-making power without sufficient checks and balances. This is an unacceptable outcome for a publicly owned resource.

Cameras were introduced to fishing vessels to increase transparency and trust in the fisheries system, but new sections 227B–227H explicitly exclude on-board camera 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 reduce transparency, making it harder to identify and address potential violations. 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.<sup>10</sup> They have been a valuable tool in not only incentivising better self-reporting but also increasing the data captured on vessels that did not historically have fisheries observers.

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<sup>10</sup><https://www.rnz.co.nz/news/national/514347/fishers-more-vigilant-with-reporting-after-on-boat-cameras-introduced-industry-leads>

The OIA process is an assurance for the public and stakeholders to hold the government and the fishing industry accountable for the use of a public resource. Providing an exemption to the OIA undermines the critical role it has in ensuring a transparent, accountable and participatory government. There is also no evidence to suggest misuse of camera footage released under the OIA, as the OIA has provisions to protect privacy and commercially sensitive information, as well as the ability to exclude information that is out of scope of the request. While written summaries may still be requested, the removal of access to primary evidence limits independent scrutiny and undermines public confidence in enforcement and compliance. The new section 252(5AA) criminalises the release of footage with a penalty of \$50,000, which we consider is overly punitive. There is no basis for this provision, and it is likely to only further erode the industry's social license to responsibly use a public resource.

The Bill also reduces consultation requirements in several key areas, including allowing the Minister to decide whether to consult on non-regulatory measures proposed by quota owners (sections 14I-14K) and enabling management procedures that allow catch limits to be varied administratively without seeking new public input (sections 14L-14T). These changes shift decision-making further away from public scrutiny and reduce opportunities for Māori, environmental groups, and communities to influence outcomes.

New section 313A imposes a strict 20 working day limit on judicial review of fisheries decisions. This timeframe significantly constrains the ability to challenge Ministerial decisions, even those that may be complex in nature. This is particularly unreasonable for under-resourced community and environmental organisations. This amendment also goes against officials' advice, which recommended a three or six-month timeframe.<sup>11</sup> Numerous environmental court cases have found that fisheries management decisions have failed to account for the wider impacts of fishing, including the incidental bycatch of protected species.<sup>12</sup> Proposals to limit judicial review timeframes appear to be an attempt to circumvent the courts and dissuade fisheries stakeholders from challenging decision-making. This weakens accountability and increases the risk of unlawful or poorly considered decisions going untested.

If the Bill is to proceed, the following changes are required to restore transparency, public participation, and accountability in fisheries management:

- Restore public access to on-board camera footage under the OIA process and decriminalise the public release of footage by removing sections 227B-227H and section 252(5AA);
- retain meaningful consultation and independent review requirements for TAC and TACC settings by removing sections 14I-14K and sections 14L-14T, ensuring decision-making power is not overly concentrated with the Minister and Chief Executive; and

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<sup>11</sup> <https://www.mpi.govt.nz/dmsdocument/70415-Appendix-4-Regulatory-Impact-Statement-Amendments-to-the-Fisheries-Act-1996>

<sup>12</sup> <https://www.seafoodsource.com/news/environment-sustainability/new-zealand-court-rules-federal-government-failed-to-adequately-address-fisheries-bycatch#:~:text=6%20Min,trouble%2C%E2%80%9D%20the%20ELI%20said.>

- provide for a six-month timeframe for judicial review as recommended by officials and remove section 313A.

## **Conclusion**

As guardians of one of the world's largest and most unique marine areas, Aotearoa New Zealand has an opportunity – and an obligation - to lead by example. We were once a world leader in fisheries management, and these changes risk taking us backwards. The Fisheries Act 1996 was built on the principle of sustainability, and any reforms must strengthen, not weaken, our ability to protect the future health and resilience of our marine resources. Amendments must also be consistent with New Zealand's international obligations to protect ecosystems and species. Weakening environmental safeguards risks undermining our international reputation and trade relationships.

This Bill presents a once-in-a-generation opportunity to improve fisheries management in Aotearoa. It is too important to progress without getting it right. 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 towards deregulation at the expense of long-term ecological health and economic viability.

Although the Bill 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 the application of precautionary approaches in regulatory decision-making. Without safeguards to prevent overfishing or ecosystem degradation, the proposed amendments could inadvertently lead to further decline in fish populations and have adverse impacts on marine ecosystems.

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. Given the scale and significance of the proposed changes, the strength of public opposition, and the poor process by which it was advanced, WWF believes the most credible and effective path forward is to restart the policy development process. This should include an independent review of the fisheries management system, followed by the development of revised proposals through a full and inclusive public consultation process.

Simply removing a few of the more problematic amendments will not be enough to address the underlying issues identified in this submission, nor the broader challenges facing New Zealand's fisheries management system. Given the declining state of our marine ecosystems, we consider the Bill should be rewritten to not only give better effect to the sustainability principles as they currently exist in the Act but also strengthen them. Carrying out an independent review of the fisheries management system and restarting the policy development process is the only way to ensure that the Bill restores environmental safeguards and provides for public participation and appropriate industry accountability, thereby reinforcing our commitment to protecting New Zealand's marine resources for current and future generations. WWF requests the opportunity to speak to the Select Committee on this submission.