

Departmental Disclosure Statement

Fisheries Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for Primary Industries.

The Ministry for Primary Industries certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

17 March 2026.

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Part One: General Policy Statement

This Bill amends the Fisheries Act 1996 (the Act). The Bill is intended to deliver on Government priorities to grow the value of seafood sector exports while continuing to ensure sustainability. It will achieve this objective by improving the responsiveness, certainty, and efficiency of the fisheries management system.

The Bill addresses Government concerns that key processes, such as for setting catch limits, are overly rigid and resource-intensive, limiting opportunities for sustainable utilisation and the seafood sector's ability to adapt to changing conditions.

Recent judicial consideration of catch limit decisions has highlighted uncertainty about the scope and legislative intent of those decisions within the fisheries management framework. The Bill responds by clarifying the legislative intent to improve certainty, transparency, and efficiency in decision-making.

Furthermore, the Bill intends to address concerns about private and commercially sensitive footage from cameras on boats and give fishers more options about what to do with their catch by allowing commercial fishers to return species that are subject to the quota management system (the **QMS**) to the sea when monitored by on-board cameras or observers.

The Bill is designed to deliver on its objectives by—

- improving responsiveness and flexibility in the fisheries management system; and
- clarifying the role of catch limits within the fisheries management system, including the matters relevant to their setting; and
- providing greater certainty about time frames for judicial review; and
- enhancing protection of on-board camera footage; and
- implementing new rules for commercial fishers that set out when fish managed under the QMS must be landed and when they can be returned to the sea; and
- adding flexibility to how deemed value rates for QMS stocks can be set.

Improving responsiveness and flexibility in fisheries management system

The introduction of electronic monitoring in commercial fisheries, the provision of near-real-time catch and position reporting by fishers, and the verification of this data via on-board cameras all provide an opportunity to deliver more responsive and efficient fisheries management.

This Bill introduces amendments to allow for more responsive management to changes in fish abundance, including to address sustainability concerns when they emerge, and to improve the efficiency of catch limit decisions. It also includes amendments designed to improve certainty and support long-term business planning and investment decisions. Key changes include—

- multi-year catch decisions and management procedures to expand on the current catch limit setting options (in sections 13 to 14B of the Act); and
- amendments for managing low-, medium-, and high-information stocks (those changes are intended to better align statutory decision-making requirements with the quality and reliability of information available for each stock, while maintaining sustainability outcomes); and
- formally recognising voluntary commercial measures that support sustainability to enhance the Minister for Oceans and Fisheries (the **Minister**) to weigh up all

- the characteristics of each fishery and set catch limits under the expanded options; and
- amendments to allow for more unused catch entitlement to be carried over to the next fishing year to reduce the economic impact of one-off adverse events preventing harvest, such as extreme weather events; and
 - clarifying how environmental considerations are reflected in catch limit decisions, while confirming that catch limits operate as tools for managing the abundance of quota management stocks at the quota management area level. This is designed to ensure that each type of sustainability effect is addressed using the tool that is most effective for management; and
 - limiting the time available to lodge a judicial review of decisions under the Act to 20 working days from the time the decision is notified, while also providing discretion to the High Court to extend the limit, supporting access to judicial reviews. This is designed to provide certainty to fishers and other stakeholders that key fisheries management decisions will not be challenged after a certain time.

Enhancing protection of on-board camera footage

The Bill exempts on-board camera footage from being subject to requests under the Official Information Act 1982 (the **OIA**) and creates disclosure provisions that allow footage to be shared by the Ministry for Primary Industries (**MPI**) in limited circumstances, such as enforcement and research. Requests for written summaries of fisheries activity captured by cameras could still be made under the OIA to maintain public transparency, and MPI would continue to regularly report on protected species caught by commercial fishers.

The purpose of this change is to provide certainty that on-board camera footage, which poses significant privacy and commercial sensitivity concerns for fishers, is held securely and used only for limited, intended purposes.

Implementing new rules for commercial fishers that set out when fish managed under QMS must be landed and when they can be returned to sea (discarded)

This Bill provides for commercial fishers to return QMS species to the sea when monitored by on-board cameras or an observer. The Bill also includes other proposed amendments that will support effective operation of the landing and discard rules, including—

- amending the defence for commercial fishers so that a fishery officer can authorise and supervise the return or abandonment of QMS fish without being present when the fish was taken; and
- enabling the Minister to provide for a landing exception to permit commercial fishers to deliberately release QMS fish using fishing gear or technologies that have little to no impact on fish survival.

Those changes are designed to make the best use of verified information from on-board cameras and reduce operational costs for fishers and licensed fish receivers.

Adding flexibility to how deemed value rates for QMS stocks can be set

Deemed values are the payments that commercial fishers must make to the Crown when they do not have enough catching rights to cover the QMS species they catch. The Bill introduces new rules that allow the setting of specific deemed value rates for inshore stocks when caught by deepwater freezer vessels based on the actual value of the fish when caught by those vessels. This recognises the significant difference in

landed value that some inshore species can have depending on operational differences of the fishers catching them.

Technical amendments

The Bill contains technical amendments in support of the policy objectives, including—

- increasing the threshold for the suspension of a fishing permit for non-payment of deemed values from \$1,000 to \$2,000. This reflects the current cost of fishing; and
- empowering the Minister to set rules as to what constitutes a reliable estimate of the status of a stock relative to a level that can produce the maximum sustainable yield and trends in abundance; and
- restricting annual catch entitlement carry-forward when a non-regulatory measure replaces a total allowable catch reduction, supporting sustainability.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
<p>MPI commissioned an economic analysis report of the proposed changes to the Fisheries Act. The outcomes of this report are discussed in the Regulatory Impact Statement: Amendments to the Fisheries Act 1996, Ministry for Primary Industries, (23 July 2025).</p> <p>https://www.mpi.govt.nz/dmsdocument/70415-Appendix-4-Regulatory-Impact-Statement-Amendments-to-the-Fisheries-Act-1996</p>	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
<p>MPI provided two Regulatory Impact Statements to inform the Policy Decisions:</p> <ol style="list-style-type: none"> 1) Regulatory Impact Statement: Amendments to the Fisheries Act 1996, Ministry for Primary Industries, (23 July 2025). The Regulatory Impact Statement was presented to Cabinet with the Cabinet paper on this policy (August 2025). 2) Regulatory Impact Statement: Fisheries Act Amendments – Alternative deemed value rates, Ministry for Primary Industries, (29 October 2025). The Regulatory Impact Statement was presented to Cabinet with the Cabinet paper on this policy (November 2025). <p>Amendments to the Fisheries Act 1996 is available at: https://www.mpi.govt.nz/dmsdocument/70415-Appendix-4-Regulatory-Impact-Statement-Amendments-to-the-Fisheries-Act-1996</p> <p>Fisheries Act Amendments – Alternative deemed value rates is available at: https://www.mpi.govt.nz/dmsdocument/71090-Appendix-1-Regulatory-Impact-Statement-Fisheries-Act-Amendments-Alternative-deemed-value-rates</p>	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
<p>The Regulatory Impact Statements identified above did not meet the threshold for receiving an independent opinion on the quality of the Regulatory Impact Statement from the Regulatory Impact Analysis Team based in the Ministry for Regulation.</p>	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	YES
<p>Offence and penalty provisions to support enhanced protection for on-board cameras footage were not addressed in the Regulatory Impact Statements. These provisions are addressed in a Supplementary Analysis Report (2.4. below, refers).</p>	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	YES
Supplementary Analysis Report: <i>Offence and penalty provisions to support enhanced protection for on-board cameras footage</i> , Ministry for Primary Industries, February 2026. This will be presented to Cabinet with the Cabinet paper to introduce the Amendment Bill.	
2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The estimated costs and benefits of the policy options in the Bill are provided on pages 6-11 of the Regulatory Impact Statement: Amendments to the Fisheries Act 1996; pages 5-7 of the Regulatory Impact Statement: Fisheries Act Amendments – alternative deemed value rates; and pages 2-3 of the Supplementary Analysis Report: <i>Offence and penalty provisions to support enhanced protection for on-board cameras footage</i> , Ministry for Primary Industries, February 2026.	
2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	YES
(a) The changes in the Bill are supported by existing verification and monitoring systems for example, on-board cameras, which support delivery of the benefits.	
(b) Page 83 of the Regulatory Impact Statement: Amendments to the Fisheries Act 1996; and page 31 of the Regulatory Impact Statement: Fisheries Act Amendments –alternative deemed value rates outline how MPI intends to monitor, evaluate, and review the proposals, including compliance, to enhance the potential benefits of the policy.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

MPI has engaged with the International Fisheries team within MPI, and the Ministry of Foreign Affairs and Trade throughout the process of developing the regulatory changes presented in this Bill. No specific concerns have been identified regarding inconsistency with New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

MPI has engaged with Te Arawhiti and Te Puni Kōkiri throughout the process of developing the regulatory changes presented in this Bill. No specific issues were identified in the policy process that may have implications for the rights and interests of Māori protected by the Treaty of Waitangi.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

NO

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	YES
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
<p>a) The Bill amends existing offences and penalties in the Fisheries Act, including:</p> <ul style="list-style-type: none"> • Clause 29 amends section 72(4) so that a failure to comply with conditions or requirements specified by the Minister for the purposes of the exception is a strict liability offence subject to the applicable fine specified in section 252. • Clause 51 increases from \$1,000 to \$2,000 the amount at which the non-payment of deemed values by a person will prevent them from obtaining a fishing permit and enables this amount to be amended by Order in Council to reflect movement in the Consumer Price Index. <p>The Bill creates three new offences and penalties that relate to the disclosure or misuse of on-board camera footage. These offences have a \$50,000 maximum penalty:</p> <ul style="list-style-type: none"> • Clause 55 and 56 (227C) refer: it is an offence for an MPI employee to knowingly disclose camera footage in contravention of the legislated disclosure grounds. • Clause 55 and 56 (227E) refer: it is an offence to knowingly contravene conditions that the Ministry for Primary Industries Chief Executive imposes on the use, storage, and destruction of camera recordings. • Clause 55 and 56 (227F) refers: it is an offence for certain third parties to knowingly disclose footage that they receive from the Ministry for Primary Industries Chief Executive. <p>b) The Bill creates a 20-working day limit for lodging judicial review applications for any decisions made under the Fisheries Act – clause 62, new section 313A refers.</p>	

3.4.1. Was the Ministry of Justice consulted about these provisions?	YES
<p>The Ministry of Justice was consulted during the policy development process of the new offences and penalties that relate to the disclosure or misuse of on-board camera footage.</p> <p>The Ministry of Justice advised that a \$5,000 - \$10,000 maximum penalty would be more appropriate than a \$50,000 maximum penalty for these offences. MPI considers that the \$50,000 maximum penalty will provide a strong incentive to ensure footage is held securely from the outset, and is proportional to the potential harm caused by non-complaint behaviours.</p>	

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
<p>The Bill contains provisions to exempt on-board camera footage from the coverage of the Official Information Act 1982 (OIA), and establishes requirements and criteria relating to the disclosure of on-board camera footage. On-board camera footage may be personal information to individuals (for example, fishers who themselves are captured in the footage, or sole traders/operators) or to body corporates (for example, fishing permit holders where an on-board camera is installed on a vessel that is fishing under their permit). The provisions in Privacy Act 2020 that allow individuals to request access to their personal information are unchanged by the Bill. Body corporates will be able to request access to their personal information via the Fisheries Act.</p>	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Privacy Commissioner advised that they did not expect that proposal would impact how the Privacy Act applies to requests for personal information.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>Page 19 of the Regulatory Impact Statement: Amendments to the Fisheries Act 1996, Ministry for Primary Industries, July 2025, outlines the consultation that was undertaken on the policy proposals that led to the development of the Bill. As Cabinet noted when policy decisions were taken, proposals to limit the judicial review time-period, clarifying the relationship between catch limits and other sustainability measures, flexibility for deemed values, and offence and penalty provisions associated with camera footage were not included in this prior consultation.</p> <p>Summary of feedback received:</p> <p>The commercial fishing industry was supportive of almost all of the proposals. Most submissions from environmental non-government organisations (eNGOs) recognised the need for improvement to the fisheries management system, however, in general, they did not support the proposals as written. MPI received mixed views from iwi and recreational fishers. Although, most recreational fishers who submitted did not support the proposals.</p> <p>ENGO and recreational fishers' key concerns included that the proposals favour commercial fishing over other interests; could compromise sustainability, transparency, precautionary approaches and protected species; and reduce public input and participation in fisheries management decisions.</p> <p>A full summary of submissions from this consultation is available at: https://www.mpi.govt.nz/dmsdocument/70417-Summary-of-submissions-on-the-Proposed-Amendments-to-the-Fisheries-Act-1996.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
The policy details were tested with Fisheries New Zealand. Elements of the policy details were tested with the Seafood Industry Forum and FishServe (which provides service delivery).	

Part Four: Significant Legislative Features

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	YES
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO
(a) Refer to 3.4.(a)	

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	YES
The Bill creates a civil and criminal immunity if the Chief Executive of MPI discloses on-board camera footage in good faith. This provision is similar to the civil and criminal immunities that would be available to persons that release information under the OIA, but will no longer be applicable to camera footage as it is being exempt from the coverage of the OIA. Clause 55 (227G) refers.	

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person’s rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
<p>This Bill proposes to exempt on-board camera footage (moving and still images) from the coverage of the OIA. This reflects a unique regulatory context where government-owned cameras are mandated in private workplaces to capture footage for monitoring and enforcement purposes. Ensuring that footage is held securely and is only used for specified purposes is critical for maintaining industry support for the on-board cameras programme. Whilst the camera footage itself would be exempt from the OIA, information derived from camera footage – such as written summaries of the footage and catch data – would continue to be subject to the OIA. Individuals would still be able to access personal information via the Privacy Act 2020, and MPI would continue to regularly report on protected species interactions. This supports some ongoing transparency and access to information.</p> <p>The Bill also proposes a 20-working day time-limit to lodge judicial review applications of decisions made under the Act. The intent is to ensure a reasonable window for seeking review, while preventing significantly delayed legal challenges. Challenges to fisheries decisions, particularly those occurring deep into the fishing year or years after a decision has been made, create uncertainty for fishers. Providing more certainty around fisheries decisions is important to support long term investment and planning. This provision also gives discretion to the High Court to extend the 20-day limit, supporting access to judicial reviews.</p>	

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	YES
<p>The Bill proposes a power to adjust the deemed value non-payment threshold (which is stated in the Fisheries Act) via Order in Council, so that the non-payment threshold aligns with changes to the Consumer Price Index. Deemed values are monetary penalties that commercial fishers must pay if they catch fish in excess of their annual catching rights. If fishers do not pay their deemed value penalties, their fishing permit is suspended. The Bill will amend the current threshold for suspending a fishing permit to be \$2000.</p> <p>The Bill provides for an Order in Council to be made to add or remove the name of a department or organisation listed in Schedule 8B of the Bill (these are the departments or organisations to whom camera recording may be disclosed). The Bill provides that before recommending an Order in Council, the Minister must be satisfied the department or organisation reasonably requires the recording for the purpose of enabling or assisting it or MPI to perform its functions.</p>	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>The Bill amends existing provisions in the Act that enable the Minister to set catch limits and other sustainability measures via notices. The Bill also creates new delegated legislative making powers, set out in Appendix One.</p>	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO

Appendix One: Further Information Relating to Part Four

Powers to make delegated legislation - question 4.8

The Bill amends existing delegated legislation-making powers in Parts 2 and 3 of the Act that allow the Minister to set and vary the total allowable catch and total allowable commercial catch for quota management system stocks by notice. The amendments alter the preconditions, decision-making requirements, and duration options available for such notices.

The Bill creates the following powers to make delegated legislation by Order in Council:

- Section 29AAA – enables the amount at which the non-payment of deemed values by a commercial fisher may result in the suspension of their fishing permit or the fishing permit of a closely-connected person to be amended by Order in Council to reflect movement in the Consumer Price Index.
- Section 299B – enables the listed departments and organisations, to whom on-board camera recordings may be disclosed by MPI, named or described in new Schedule 8B to be updated by Order in Council.

The Bill creates the following powers to make delegated legislation by other instruments, such as notices and rules:

- 13G – Rules for assessing information about stock levels and maximum sustainable yield. Provides for the Minister to make rules for how the Minister must assess the reliability of information for the purposes determining whether a quota management stock is a high, medium, or low information stock.
- 14I(6) – Non-regulatory measure application notice. Enables the Chief Executive to specify by notice the information that must be included in an application, and how and when an application must be made.
- 14JA – Monitoring requirements for non-regulatory measure. Minister may by notice prescribe record-keeping, reporting and other requirements for the purpose of enabling the Chief Executive to monitor matters relating to the non-regulatory measure.
- 14K – Minister may make and revoke management procedure. Minister may by notice make management procedures. These enable the total allowable catch and total allowable commercial catch for a stock, which otherwise may be varied only by the Minister, to be varied by the Chief Executive.
- 14N – Requires the Chief Executive, by notice, in compliance with the operating rules in a management procedure, amend the total allowable catch or total allowable commercial catch; and if variations in total allowable catch or total allowable commercial catch are in-season increases, provide for when the increase takes effect.
- 67C (4) – Chief Executive may by notice specify details by which an application for allocation of additional annual catch entitlement in exceptional circumstances must be made in accordance with.
- 72A – Minister may make an instrument that permits all stocks and species of fish and other animals that are aquatic life to be abandoned if it is done using fishing gear or other technology that releases them before they are removed from the water.
- 72B – Minister may specify conditions or requirements for return or abandonment of fish or other animal that is aquatic life (Minister may make an instrument that imposes conditions or requirements in connection with return or abandonment).
- 75 – Minister may set alternative deemed value rates (Minister may by notice set an alternative annual deemed value rate in respect of an inshore stock taken by a deepwater freezer vessel).