

Section 11
Fisheries Act 1996 (Reprint as at 3 December 2004)

Part 3
Sustainability measures

Part 3: brought into force, on 1 October 1996, by clause 2 of the Fisheries Act Commencement Order (No 2) 1996 (SR 1996/255).

11 Sustainability measures

- (1) The Minister may, from time to time, set or vary any sustainability measure for 1 or more stocks or areas, after taking into account---
 - (a) any effects of fishing on any stock and the aquatic environment; and
 - (b) any existing controls under this Act that apply to the stock or area concerned; and
 - (c) the natural variability of the stock concerned.
- (2) Before setting or varying any sustainability measure under subsection (1), the Minister shall have regard to any provisions of---
 - (a) any regional policy statement, regional plan, or proposed regional plan under the Resource Management Act 1991; and
 - (b) any management strategy or management plan under the Conservation Act 1987; and
 - (c) sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (for the Hauraki Gulf as defined in that Act)---

that apply to the coastal marine area and are considered by the Minister to be relevant.

- (2A) Before setting or varying any sustainability measure under this Part or making any decision or recommendation under this Act to regulate or control fishing, the Minister must take into account---
- (a) any conservation services or fisheries services; and
 - (b) any relevant fisheries plan approved under this Part; and
 - (c) any decisions not to require conservation services or fisheries services.

- (3) Without limiting the generality of subsection (1), sustainability measures may relate to---
- (a) the catch limit (including a commercial catch limit) for any stock or, in the case of a quota management stock that is subject to section 13 or section 14, any total allowable catch for that stock:
 - (b) the size, sex, or biological state of any fish, aquatic life, or seaweed of any stock that may be taken:
 - (c) the areas from which any fish, aquatic life, or seaweed of any stock may be taken:
 - (d) the fishing methods by which any fish, aquatic life, or seaweed of any stock may be taken or that may be used in any area:
 - (e) the fishing season for any stock, area, fishing method, or fishing vessels.

(4) The Minister may,---

- (a) by notice in the Gazette, set or vary the catch limit (including the commercial catch limit) for any stock not within the quota management system:
- (b) implement any sustainability measure or the variation of any sustainability measure, as set or varied under subsection (1),---
 - (i) by notice in the Gazette; or
 - (ii) by recommending the making of regulations under section 298.

(5) Without limiting subsection (4)(a), when setting or varying a catch limit (including a commercial catch limit) for any stock not within the quota management system, the Minister shall have regard to the matters referred to in section 13(2) or section 21(1) or both those sections, as the case may require.