



## **Fisheries Act 1996 Amendment Act 2008**

Public Act 2008 No 96  
Date of assent 27 September 2008  
Commencement see section 2

### **Contents**

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	1
4 Total allowable catch	2
5 Transitional provision relating to consultation	2

---

### **The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Fisheries Act 1996 Amendment Act 2008.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act amended**  
This Act amends the Fisheries Act 1996.

**4 Total allowable catch**

- (1) Section 13 is amended by inserting the following subsection after subsection (2):
  - “(2A) For the purposes of setting a total allowable catch under this section, if the Minister considers that the current level of the stock or the level of the stock that can produce the maximum sustainable yield is not able to be estimated reliably using the best available information, the Minister must—
    - “(a) not use the absence of, or any uncertainty in, that information as a reason for postponing or failing to set a total allowable catch for the stock; and
    - “(b) have regard to the interdependence of stocks, the biological characteristics of the stock, and any environmental conditions affecting the stock; and
    - “(c) set a total allowable catch—
      - “(i) using the best available information; and
      - “(ii) that is not inconsistent with the objective of maintaining the stock at or above, or moving the stock towards or above, a level that can produce the maximum sustainable yield.”
- (2) Section 13(3) is amended by omitting “paragraph (b) or paragraph (c) of subsection (2) of this section” and substituting “subsection (2)(b) or (c), or (2A) (if applicable)”.
- (3) Section 13(4) and (7) are amended by omitting “subsections (2) and (3)” and substituting in each case “subsections (2), (2A) (if applicable), and (3)”.

**5 Transitional provision relating to consultation**

- (1) This section applies to consultation undertaken before the commencement of this Act under section 12 of the principal Act for the purpose of setting or varying a total allowable catch for a quota management stock under section 13 of the principal Act after the commencement of this Act.

- (2) The consultation is to be treated as complying with section 12 of the principal Act if, had it been undertaken after the commencement of this Act, it would have complied with section 12 of the principal Act.

---

**Legislative history**

21 July 2008	Introduction (Bill 240–1)
29 July 2008	First reading and referral to Primary Production Committee
22 August 2008	Reported from Primary Production Committee (Bill 240–2)
23 September 2008	Second reading
23 September 2008	Reported from committee of the whole House
23 September 2008	Third reading
27 September 2008	Royal assent

---

This Act is administered by the Ministry of Fisheries.

---