

Fisheries Act 1996

Part 3 Sustainability measures

Section 14A Alternative total allowable catch for stock specified by Order in Council

(1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister with the concurrence of the Minister responsible for the administration of the Environment Act 1986, apply section 14B to the quota management stock or stocks specified in the order.

(2) No recommendation relating to any stock may be made under subsection (1) unless quota owners (proposers) who hold in the aggregate at least 95 000 000 quota shares in that stock propose to the Minister that he or she recommend the making of an Order in Council under subsection (1).

(3) A proposal made under subsection (2) must—

- (a) Specify the concerns (if any) of the quota owners who do not support the proposal; and
- (b) Specify what arrangements are in place to address those concerns; and
- (c) Address the matters specified in subsection (4).

(4) In considering making a recommendation under subsection (1), the Minister must have regard to the following:

- (a) The need to commission appropriate research to assess the impact of the order on the stock; and
- (b) The need to implement measures to improve the quality of information about the stock; and
- (c) Whether it is appropriate to close areas to commercial fishing to reduce any sustainability risk to that stock; and
- (d) The need to avoid any significant adverse effects on the aquatic environment of which the stock is a component.

(5) No recommendation may be made under subsection (1) in relation to a proposal made under subsection (2) unless the Minister is satisfied that—

- (a) The stock is taken primarily as an incidental catch during the taking of 1 or more other stocks and is only a small proportion of the combined catch of the stock and other stock or stocks; and
- (b) The total benefits of managing the stock at a level other than that permitted under section 13 out weigh the total costs; and

(c) Managing the stock at a level other than that permitted under section 13 will have no detrimental effects on non-commercial fishing interests in that stock; and

(d) The stock is able to be maintained above a level that ensures its long-term viability; and

(e) The purpose of the Act would be better achieved by setting a total allowable catch otherwise than in accordance with section 13.