

FISHERIES ACT 1996

PART 4 - QUOTA MANAGEMENT SYSTEM

Declaration of quota management system

21. Matters to be taken into account in setting or varying any total allowable commercial catch—

(1) In setting or varying any total allowable commercial catch for any quota management stock, the Minister shall have regard to the total allowable catch for that stock and shall allow for—

- (a) The following non-commercial fishing interests in that stock, namely—
 - (i) Maori customary non-commercial fishing interests; and
 - (ii) Recreational interests; and
- (b) All other mortality to that stock caused by fishing.

(2) Before setting or varying a total allowable commercial catch for any quota management stock, the Minister shall consult such persons and organisations as the Minister considers are representative of those classes of persons having an interest in this section, including Maori, environmental, commercial, and recreational interests.

(3) After setting or varying any total allowable commercial catch under section 20 of this Act, the Minister shall, as soon as practicable, give to the parties consulted under subsection (2) of this section reasons in writing for his or her decision.

(4) When allowing for Maori customary non-commercial interests under subsection (1), the Minister must take into account—

- (a) Any mataitai reserve in the relevant quota management area that is declared by the Minister by notice in the *Gazette* under regulations made for the purpose under section 186;
- (b) Any area closure or any fishing method restriction or prohibition in the relevant quota management area that is imposed by the Minister by notice in the *Gazette* made under section 186A.

(5) When allowing for recreational interests under subsection (1) of this section, the Minister shall take into account any regulations that prohibit or restrict fishing in any area for which regulations have been made following a recommendation made by the Minister under section 311 of this Act.