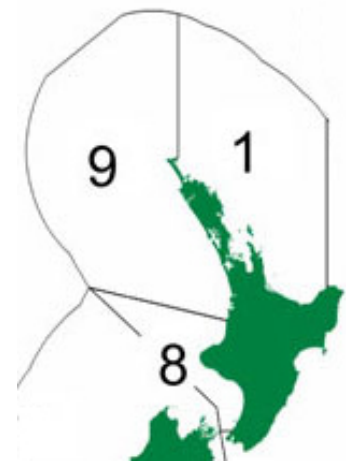


Fisheries Management Area 1 (FMA1) Policy
New Zealand Sport Fishing Council

July 2014



Goal

To rebuild the inshore marine ecosystem of Fisheries Management Area 1 through diversity and abundance.

Objectives

1. An ecosystem wide management approach is applied in Fisheries Management Area 1 to achieve the National Fisheries Plan's environmental objectives of sustaining the capacity and integrity of the aquatic environment, habitats and species.
2. Double the biomass of fully exploited stocks in Fisheries Management Area 1.
3. Develop conservation strategies to maintain productivity and abundance once stock targets are reached.
4. Protect inshore benthic communities and habitats from damaging bottom-contact fishing methods including trawling.
5. Reduce juvenile mortality, unintended bycatch, and identify and rehabilitate nursery grounds.
6. Establish a cost effective fisheries-independent monitoring regime to provide better estimates of fish populations and changing abundance in FMA 1.
7. Recognise the economic, social and cultural importance of non-commercial fishing in FMA 1.

Strategy

1. Adopt management practices that achieve the environmental objectives of the Ministry for Primary Industries' Draft National Fisheries Plans with a broader approach than single species stock assessments, namely –
 - a. Biodiversity and the function of ecological systems, including trophic linkages, are conserved.
 - b. Habitats of special significance to fisheries are protected.
 - c. Adverse effects on protected species are reduced or avoided.
 - d. Impacts, including cumulative impacts, of activities on land, air or water on aquatic ecosystems are addressed.
2. Implement within two years measures that will reduce fishing related mortality across most species and double the biomass of fully exploited stocks in Fisheries Management Area 1. The MPI Harvest Strategy Standard provides guidance on management targets and exploitation rates – management measures to achieve these are now required.
3. Develop ways to live with abundance in FMA 1 by monitoring and limiting fishing pressure, so fish kept in the water contribute to a healthy, functioning ecosystem.
4. Identify within two years nursery and juvenile grounds and have those significant areas protected under section 9(c) of the Fisheries Act 1996.
5. Develop fishing gear standards that limit the catch of undersized fish (a Selectivity Standard to compliment the Harvest Strategy Standard) to apply to trawl and Danish seining, to reduce juvenile mortality and unintended bycatch, to rehabilitate nursery grounds and increase yield per recruit.
6. Support measures being developed to monitor the effects of landbased management, and develop standards relating to land run-off and nutrient loadings.

7. Move the research focus away from expensive one off, single species projects and establish a cost effective fisheries independent monitoring regime to measure population age structure, relative abundance and collect biological samples for a wide range of species in the inshore ecosystem on an annual basis.
8. Implement a project to establish the economic contribution of marine recreational fishing to the economy in FMA 1.

Explanatory note

Ecosystem-based management is an integrated approach to management that considers the entire ecosystem, including humans. The goal of ecosystem-based management is to maintain an ecosystem in a healthy, productive and resilient condition so that it can provide the services humans want and need. Ecosystem-based management differs from current approaches that usually focus on a single species, sector, fishing method or concern; it considers the cumulative impacts of different sectors. Specifically, ecosystem-based management:

- emphasises the protection of ecosystem structure, functioning, and key processes;
- is place-based in focusing on a specific ecosystem and the range of activities affecting it;
- explicitly accounts for the interconnectedness within systems, recognising the importance of interactions between many target species or key services and other non-target species;
- acknowledges interconnectedness among systems, such as between air, land and sea; and
- integrates ecological, social, economic, and institutional perspectives, recognising their strong interdependences.¹

Exploitation of the seas surrounding New Zealand has occurred over a very short timeframe. Fisheries Management Area 1 (FMA 1), between North Cape and the eastern Bay of Plenty, has been exploited for commercial reasons for more than a century. Bulk commercial harvesting has been common. Increased industrialisation from the 1950s has seen a subsequent loss of productivity within FMA 1.

In only a couple of generations our understanding has shifted, from earlier notions of inexhaustible abundance to contemporary efforts at stock assessment and fisheries management. The New Zealand Sport Fishing Council (NZSFC) seeks to restore the abundance and diversity of FMA 1, by supporting the implementation of a range of measures that will rebuild the inshore marine ecosystem.

We must manage our marine environment to ensure we provide future generations the opportunities and resources we so gratefully inherited.

Marine science has played a leading role developing models for assessing the condition of fish stocks, and gathering vast amounts of data. Even with the significant research budgets allocated to fisheries, science is constantly in catch-up mode because this science is always measuring what has already happened and makes a multitude of assumptions about what may occur in the future.

Stock models using annual fishing mortality, catch per unit effort, age structure, and recruitment strength have become very sophisticated and are being applied in more and more fisheries. Despite this growth in modeling and management controls, we continue to lose abundance and diversity across most of our inshore fish stocks.

One recurring weakness in the current stock assessments are the reliance on catch per unit effort (CPUE) to track changes in abundance, and the focus on single species/stock management while ignoring the wider ecosystem in which a species lives with its complex interactions and interdependencies.

The statutory requirements under the Fisheries Act 1996, to maintain biological diversity and habitat of particular significance (s9), to consider interdependent species (s13) and have particular regard to kaitiakitanga [guardianship of the resource] (s12) when setting total catches are largely ignored, mainly on

¹ Scientific Consensus Statement on Marine Ecosystem-Based Management, 2005

the grounds of not having the knowledge to make any assessment of particular effects of depleting or disturbing the ecosystem functions.

Single species stock assessments, as used in New Zealand, no longer add value commensurate with their cost. A fresh approach is required.

This new approach must, at its core, acknowledge the likely effects of disturbing an ecosystem by rapidly depleting one or two stocks. The loss of ecosystem function, as habitat, productivity and life-support must be considered in far more detail and accounted for when setting the Total Allowable Catches (TACs) for single species.

Moreover, there is growing international and public support for fisheries managers to take a more conservative, ecosystem approach to management. This approach can be achieved by comprehensively applying the Purpose and Principles in Part 2 of the Fisheries Act 1996.

FMA1 is an important area for recreational fishers, the bays of the northeast coast of New Zealand are relatively sheltered and the Hauraki Gulf is on the doorstep of 1.5 million people in the Auckland region. A National Panel Survey estimated the fishing effort and amateur harvest by New Zealand residents 15 years and older in 2011–12. The survey estimates that there were 2.3 million individual fishing trips and 8.7 million finfish taken that year across New Zealand. Of these, 58% of the fishing trips and 62% of the number of finfish kept were from FMA 1. The economic contribution of amateur fishing is significant, but unknown. Data from the National Panel Survey will assist in estimating the economic contribution of marine recreational fishing in FMA 1. This will assist the Minister when making decisions that maximise the benefits from fisheries within environmental limits.

Fisheries Management Area 1 (FMA1) Policy Manual

PART A

The Ecosystem Approach

1. Notions of sustainability underpin the statutory requirements of the Quota Management System (QMS); however, the focus is typically on sustaining the delivery of a desired yield from single stocks.
2. Rather than focusing primarily on sustainable yield, an ecosystem approach requires sustainable management of ecosystem structures and the processes necessary to deliver abundance.
3. There are at least 17 significant quota fish stocks within Fisheries Management Area 1. These species are interrelated and must be considered together when considering inshore fisheries management action.
4. Ecosystem management is not a rejection of environmental changes resulting from growing human population and demand. An ecosystem approach accepts the changes that result from human interruptions, and does not seek to preserve systems in their unexploited form.
5. Ecosystem management acknowledges the importance of humans' needs while at the same time confronting the reality that the capacity of our world to meet those needs in perpetuity has limits and depends on the functioning of ecosystems.
6. It is in the national interest to have a healthy marine ecosystem as it both enables people to provide for their social, economic and cultural wellbeing and attracts overseas interest due to increased tourist opportunities.
7. The Fisheries Act 1996 enables and anticipates management of the marine ecosystem and fisheries through the application and effective implementation of the purpose (s8) and principles ss9 & 10 of the Fisheries Act 1996.

Diversity

8. While human interests typically focus on a relatively small number of species comprising an ecosystem, the overall complexity of such systems is critical to their sustainability. Thus, maintenance of biological diversity is an integral component of ecosystem management plans.
9. Biological diversity is the variety of life and its processes, including the variety of living organisms and the genetic differences among them, and the communities, ecosystems, and landscapes in which they occur (Keystone Center 1991). Included in this definition of biological diversity is recognition of the importance of different and distinct habitats providing productive capacity across the ecosystem.
10. Biological diversity provides for both stability (resistance) for, and recovery (resilience) from, disturbances that disrupt important ecosystem processes. Resistance often results from complex linkages among organisms, such as food webs that provide alternate pathways for achieving particular flows of energy and nutrients. The presence of numerous organisms with similar capabilities - sometimes inappropriately viewed as redundancies - also provides for ecosystem stability as well as optimal function.

Complexity

11. The importance of ecosystem complexity and the vast array of interconnections that underlie ecosystem function is certainly one of the most important lessons of ten decades of ecological research and natural resource management experience. Biological diversity and structural

complexity of ecosystems are critical to such ecosystem functions as primary production and nutrient cycling.

12. Complexity and diversity also impart the resistance to, and resilience from, disturbance, and provide the genetic resources necessary to adapt to long-term change.
13. With complexity comes uncertainty. Some of our uncertainty regarding lack of precision in predicting ecosystem behaviour derives from the fact that we have much more to learn. However, we must recognise that there will always be limits to the precision of our predictions set by the complex nature of ecosystem interactions.
14. When setting management targets for snapper, gurnard, or trevally, we must provide redundancy to allow for our poor understanding of the food web supporting those populations and the flow-on effects of exploiting several species at different rates and times.
15. Ecosystem management cannot eliminate surprises or uncertainty; rather, it acknowledges that, given sufficient time and space, unlikely events are certain to happen.

Adaptability

16. Adaptability and accountability are central elements of ecosystem management. Managers must be able to adapt to the unique features or needs of a particular area and to inevitable progressive changes as well. Management must also be able to adapt to new information and understanding, and retaining flexibility in management tools is vital.
17. The earth's ecosystems are being modified in new ways and at almost faster rates than at any other time in history. These new and rapid changes present significant challenges to our ability to predict the inherently uncertain responses and behaviours of ecosystems.

Humans as ecosystem components

18. Ecosystem management acknowledges the role of humans, not only as the cause of the most significant challenges to sustainability, but as integral ecosystem components who must be engaged to achieve sustainable management goals (McDonnell and Pickett 1993).
19. While we should strive to mitigate adverse impacts, current trends in population growth and demand for natural resources will undoubtedly require more intensive and wiser management, particularly to support human needs in a sustainable way. Thus, identifying and engaging stakeholders in the development of a management plan for FMA 1 is a fundamental ecosystem management strategy. Humans who are part of the ecosystems will, of necessity, define the future of those ecosystems.
20. With regard to trends in human demands on our planet's resources, we need to view ecosystem management as the necessary first step.
21. New Zealanders are increasingly aware of the need to consider broader environmental issues when managing our natural resources and are changing their behaviour as a result of this awareness.
22. Development of an integrated FMA 1 Fisheries Plan will enable managers to maximise the opportunities to educate people for long-term behavioural change.

Intergenerational equity

23. Any corporate manager knows that, when inventories are depleted and the physical plant is allowed to deteriorate, it is possible to make money in the short-term while watching your net worth waste away. Such is the road to bankruptcy. Businesses routinely make decisions with short-term costs, but obvious benefits to their long-term sustainability. This sample captures the sense of intergenerational equity and the stewardship responsibilities that are central to an ecosystem management philosophy.

24. Ecosystem management is the ecological equivalent to the economic stewardship of a trust or endowment dedicated to benefit all generations.
25. As guardians of New Zealand's natural resources, and specifically in FMA 1, we need to acknowledge there will be a cost to rebuilding abundance and diversity, however, we need to undertake this rebuild without delay due to the statutory and moral obligations we have to following generations.

Fisheries Planning Process

26. The Ministry for Primary Industries set out fisheries and environmental management objectives using National Fisheries Plans. Stakeholders are consulted on the Annual Operational Plans relating to all fisheries to meet the Management Objectives, outcomes and goals described in the National Fisheries Plans.
27. The Annual Operational Plan also sets out the Management Services (MPI resources for compliance, research, regulatory, etc.) that will be required to deliver the specified Management Actions (example below). NZSFC will contribute to the development of Annual Operational Plans and the annual performance review, with the objective of implementing the NZSFC FMA 1 Policy.
28. MPI Management Actions in the National Fisheries Plan for Inshore Finfish under the objective to protect, maintain and enhance habitats of particular significance for fisheries management:
 - A20.** Implement an agreed definition and process for identifying and protecting habitats of particular significance for finfish fisheries management.
 - A21.** Improve information to identify (locate) habitats of particular significance for fisheries management.
 - A22.** Develop "peer networks" in natural resource management agencies to share information where non-fishing activities may impact on the health of inshore finfish fisheries.
 - A23.** Improve information to monitor and manage impacts of finfish fishing on benthic habitats.

Statutory obligations

29. The Hauraki Gulf Marine Park Act 2000 recognises the interrelationship between the Gulf's natural resources, and its life-supporting capacity is of national significance.
30. In 2008 the Court of Appeal confirmed the Minister of Fisheries (now Primary Industries) was required to "have regard to" sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 when setting the Total Allowable Catch (TAC), and to have "particular regard" to the Hauraki Gulf Marine Park Act 2000 when setting the Total Allowable Commercial Catch (TACC)². The subsequent Supreme Court judgment left these rulings unaffected.
31. Fundamental to all functions undertaken in fisheries management is the dual-purpose of section 8 of the Fisheries Act 1996, which is to "provide for the utilisation of fisheries resources while ensuring sustainability". Utilisation is further defined as meaning the maintenance of fisheries to meet the reasonably foreseeable needs of future generations.

² ² CA163/07 [2008] NZCA 160.

32. In the earlier Kahawai proceedings, in 2007, the High Court ruled the Minister “must not allow current utilisation of a stock at a level which puts its future sustainability at risk. He is obliged to take the long view³”.
33. Before doing anything under the sustainability provisions of the Fisheries Act the Minister is obliged, under s12, to provide for the input and participation of tangata whenua and have particular regard to kaitiakitanga.
34. Section 11 of the Fisheries Act 1996 provides a range of sustainability measures that can be implemented by the Minister to achieve the purpose of the Act; this includes area and method controls, and fisheries plans.
35. Section 9 of the Fisheries Act 1996 provides environmental principles, which must be taken into account by decision makers. They include maintaining levels of associated and dependent species, maintaining biological diversity and protecting habitat of particular significance for fisheries management.
36. In 2009 the Supreme Court recognised the Minister’s discretion to set commercial catch levels at zero, pursuant to s20(3) of the Fisheries Act⁴.

³ ³ NZ RECREATIONAL FISHING COUNCIL INC AND ANOR V MINISTER OF FISHERIES And Ors HC AK CIV-2005-404-4495[21 March 2007]

⁴ ⁴ SC 40/2008 [2009] NZSC 54.

Appendix One – Statutes

Hauraki Gulf Marine Park Act 2000

Part 1 Management of Hauraki Gulf

7. Recognition of national significance of Hauraki Gulf

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
 - (a) to provide for—
 - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
 - (ii) the social, economic, recreational, and cultural well-being of people and communities:
 - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
 - (c) to maintain the soil, air, water, and ecosystems of the Gulf.

8. Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- (a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
- (b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
- (e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
- (f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

Fisheries Act 1996

Part 2

Purpose and principles

8. Purpose

(1) The purpose of this Act is to provide for the utilisation of fisheries resources while ensuring sustainability.

(2) In this Act—

Ensuring sustainability means—

- a) Maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and
- b) Avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment

Utilisation means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural wellbeing.

9. Environmental principles—

All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring sustainability, shall take into account the following environmental principles:

- a) Associated or dependent species should be maintained above a level that ensures their long-term viability:
- b) Biological diversity of the aquatic environment should be maintained:
- c) Habitat of particular significance for fisheries management should be protected.

10. Information principles

All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring sustainability, shall take into account the following information principles:

- a) Decisions should be based on the best available information:
- b) Decision makers should consider any uncertainty in the information available in any case:
- c) Decision makers should be cautious when information is uncertain, unreliable, or inadequate:
- d) The absence of, or any uncertainty in, any information should not be used as a reason for postponing or failing to take any measure to achieve the purpose of this Act.

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.

Part 3

Sustainability measures

12. Consultation—

1. Before doing anything under any of sections 11(1), 11(4), 11A(1), 13(1), 13(4), 13(7), 14(1), 14(3), 14(6), 14B(1), 15(1), and 15(2) or recommending the making of an Order in Council under section 13(9) or section 14(8) or section 14A(1), the Minister shall—
 - a) consult with such persons or organisations as the Minister considers are representative of those classes of persons having an interest in the stock or the effects of fishing on the aquatic

environment in the area concerned, including Maori, environmental, commercial, and recreational interests; and

- b) provide for the *input and participation* of tangata whenua having—
- i. A non-commercial interest in the stock concerned; or
 - ii. An interest in the effects of fishing on the aquatic environment in the area concerned—

and have particular regard to kaitiakitanga.

13. Total allowable catch

1. Subject to this section, the Minister shall, by notice in the Gazette, set in respect of the quota management area relating to each quota management stock a total allowable catch for that stock, and that total allowable catch shall continue to apply in each fishing year for that stock unless varied under this section, or until an alteration of the quota management area for that stock takes effect in accordance with sections 25 and 26.
2. The Minister shall set a total allowable catch that -
 - a. maintains the stock at or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks; or
 - b. enables the level of any stock whose current level is below that which can produce the maximum sustainable yield to be altered---
 - i. in a way and at a rate that will result in the stock being restored to or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks; and
 - ii. within a period appropriate to the stock, having regard to the biological characteristics of the stock and any environmental conditions affecting the stock; or
 - c. enables the level of any stock whose current level is above that which can produce the maximum sustainable yield to be altered in a way and at a rate that will result in the stock moving towards or above a level that can produce the maximum sustainable yield, having regard to the interdependence of stocks.

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.

3. In considering the way in which and rate at which a stock is moved towards or above a level that can produce maximum sustainable yield under subsection (2)(b) or (c), or (2A) (if applicable), the Minister shall have regard to such social, cultural, and economic factors as he or she considers relevant.
4. The Minister may from time to time, by notice in the Gazette, vary any total allowable catch set for any quota management stock under this section by increasing or reducing the total allowable catch.

When considering any variation, the Minister is to have regard to the matters specified in subsections (2), (2A) (if applicable), and (3).

5. Without limiting subsection (1) or subsection (4) of this section, the Minister may set or vary any total allowable catch at, or to, zero.
6. Except as provided in subsection (7) of this section, every setting or variation of a total allowable catch shall have effect on and from the first day of the next fishing year for the stock concerned.
7. After considering information about the abundance during the current fishing year of any stock listed in Schedule 2 to this Act, and after having regard to the matters specified in subsections (2), (2A) (if applicable), and (3), the Minister may, by notice in the *Gazette*, increase the total allowable catch for the stock with effect from such date in the fishing year in which the notice is published as may be stated in the notice.
8. If a total allowable catch for any stock has been increased during any fishing year under subsection (7) of this section, the total allowable catch for that stock shall, at the close of that fishing year, revert to the total allowable catch that applied to that stock at the beginning of that fishing year; but this subsection does not prevent a variation under subsection (4) of this section of the total allowable catch that applied at the beginning of that fishing year.
9. The Governor-General may from time to time, by Order in Council, omit the name of any stock from Schedule 2 to this Act or add to that Schedule the name of any stock whose abundance is highly variable from year to year.
10. Subsection (1) does not require the Minister to set an initial total allowable catch for any quota management area and stock unless the Minister also proposes to set or vary a total allowable commercial catch for that area and stock under section 20.

PART 4

Quota Management System

Declaration of quota management system

20. Setting and variation of total allowable commercial catch —

1. Subject to this section, the Minister shall, by notice in the *Gazette*, set in respect of the quota management area relating to each quota management stock a total allowable commercial catch for that stock, and that total allowable commercial catch shall continue to apply in each fishing year for that stock unless varied under this section[, or until an alteration of the quota management area for that stock takes effect in accordance with sections 25 and 26].
2. The Minister may from time to time, by notice in the *Gazette*, vary any total allowable commercial catch set for any quota management stock by increasing or reducing that total allowable commercial catch.
3. Without limiting the generality of subsections (1) and (2) of this section, the Minister may set or vary a total allowable commercial catch at, or to, zero.
4. Every total allowable commercial catch set or varied under this section shall have effect on and from the first day of the next fishing year for the quota management stock concerned.
5. A total allowable commercial catch for any quota management stock shall not—
 - (a) Be set unless the total allowable catch for that stock has been set under section 13 or section 14 of this Act; or
 - (b) Be greater than the total allowable catch set for that stock.