

# Amendments to the RMA— Fisheries Act Interface

## Changes introduced by the Resource Management (Consenting and Other System Changes) Amendment Act 2025

These changes, which passed into law on 20 August 2025, belong to a wider programme of resource management reform. Visit the Ministry for the Environment’s [webpage about the new Amendment Act](#) for more information.

### Context

Under the Resource Management Act 1991 (RMA) and the Fisheries Act 1996 (the Fisheries Act), both local and central government can make rules that control the effects of fishing on biodiversity. Under the RMA, councils can, for example, restrict fishing methods and fishing in certain areas but they cannot control fishing for Fisheries Act resource allocation purposes (for example, setting catch limits).

The ability of the RMA to control fishing activity was confirmed in a Court of Appeal decision in 2019 (the Motiti decision).<sup>1</sup> Since 2019, three councils – Bay of Plenty, Northland and Marlborough – have implemented fishing controls in their plans.

This overlap in jurisdiction between the RMA and the Fisheries Act has led to duplication of effort between regulators, concerns over future access to fisheries resources, lack of clarity over how fisheries rights and interests (including Fisheries Settlement interests) are to be considered under the RMA, and increased costs for fisheries stakeholders due to needing to participate in both RMA council planning processes and Fisheries Act regulatory processes.

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<sup>1</sup> *Attorney-General v The Trustees of the Motiti Rohe Moana Trust & Ors* [2019] NZCA 532.

## Key changes

- Section 5 of the Amendment Act adds a new section 2B to the RMA.
- Section 8 of the Amendment Act amends section 32 and adds a new section 32(2A) to the RMA.
- Section 13(2) of the Amendment Act adds a new section 43A(6A) to the RMA.
- Section 16 of the Amendment Act adds a new section 71 to the RMA.
- Section 25(2) of the Amendment Act amends section 86B of the RMA.
- Section 26 of the Amendment Act adds a new section 86H to the RMA.
- Sections 70(1)–70(2) of the Amendment Act add new clauses 4B and 6B to Schedule 1 of the RMA.

The Amendment Act clarifies and constrains the extent to which councils can make rules to control fishing for biodiversity and related purposes, including a decision-making role for the Director-General of the Ministry for Primary Industries (MPI) to prevent those rules from being notified if they would have an undue adverse effect on fishing. The intent of the amendments is to provide certainty over the extent to which the RMA can control fishing, and to reduce regulatory overlap between the RMA and the Fisheries Act.

Apart from the amendment that confirms that RMA fishing rules do not apply to Māori customary non-commercial fishing, the amendments will not apply to council plans that had been notified at the time of enactment or are currently operative.

## Councils must assess the impacts on fishing as part of planning and evaluation processes

If a regional council intends to propose a rule in a plan that controls fishing, it must assess the impacts on customary, recreational and commercial fishing as part of its planning and evaluation process (section 32 RMA evaluation).

Several new criteria have been inserted into section 32 of the RMA. These criteria direct councils to evaluate the potential impacts of a proposed rule on fishing and fishers.

## MPI assesses whether council-proposed rules would have undue adverse effects on fishing

Councils can only progress a rule that controls fishing in a proposed plan with the concurrence (agreement) of the MPI Director-General.

MPI's function (in consultation with Te Ohu Kai Moana<sup>2</sup>) will be to assess whether the proposed rule will have an undue adverse effect on customary, recreational and commercial fishing. Council rules on fishing cannot be included in a proposed council plan if MPI assesses that the rule would cause undue adverse effects on fishing.

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<sup>2</sup> Te Ohu Kai Moana is the trustee of the Fisheries Settlement established under the Maori Fisheries Act 2004. Their purpose is to advance the interests of iwi, primarily in the development of fisheries, fishing and fisheries-related activities.

## **Council plans cannot contain rules that control fishing unless notified by councils in a proposed plan**

This change will constrain third parties from seeking new or additional areas that contain fishing controls via the public submissions process.

Submitters may submit to amend or add rules within a council-notified area that contains fishing rules and can submit on minor boundary adjustments.

## **Confirming that RMA fishing rules will not apply to Māori customary fishing provided for in other legislation**

This clarification makes it explicit that rules under the RMA that control fishing do not apply to (ie, cannot override or otherwise affect) Māori customary non-commercial fishing provided for in other legislation.

## **Councils cannot impose a rule that would require an RMA resource consent for fishing**

If councils wish to make rules that control fishing, fishing can only be classified as a prohibited (or, if applicable, permitted) activity.

## **Rules that control fishing do not have immediate legal effect when a proposed plan is notified**

This clarifies that rules that control fishing for biodiversity purposes will not have an immediate legal effect once notified by councils. They will come into effect once decisions on submissions have been made and publicly notified.

