Who is watching the catchers?

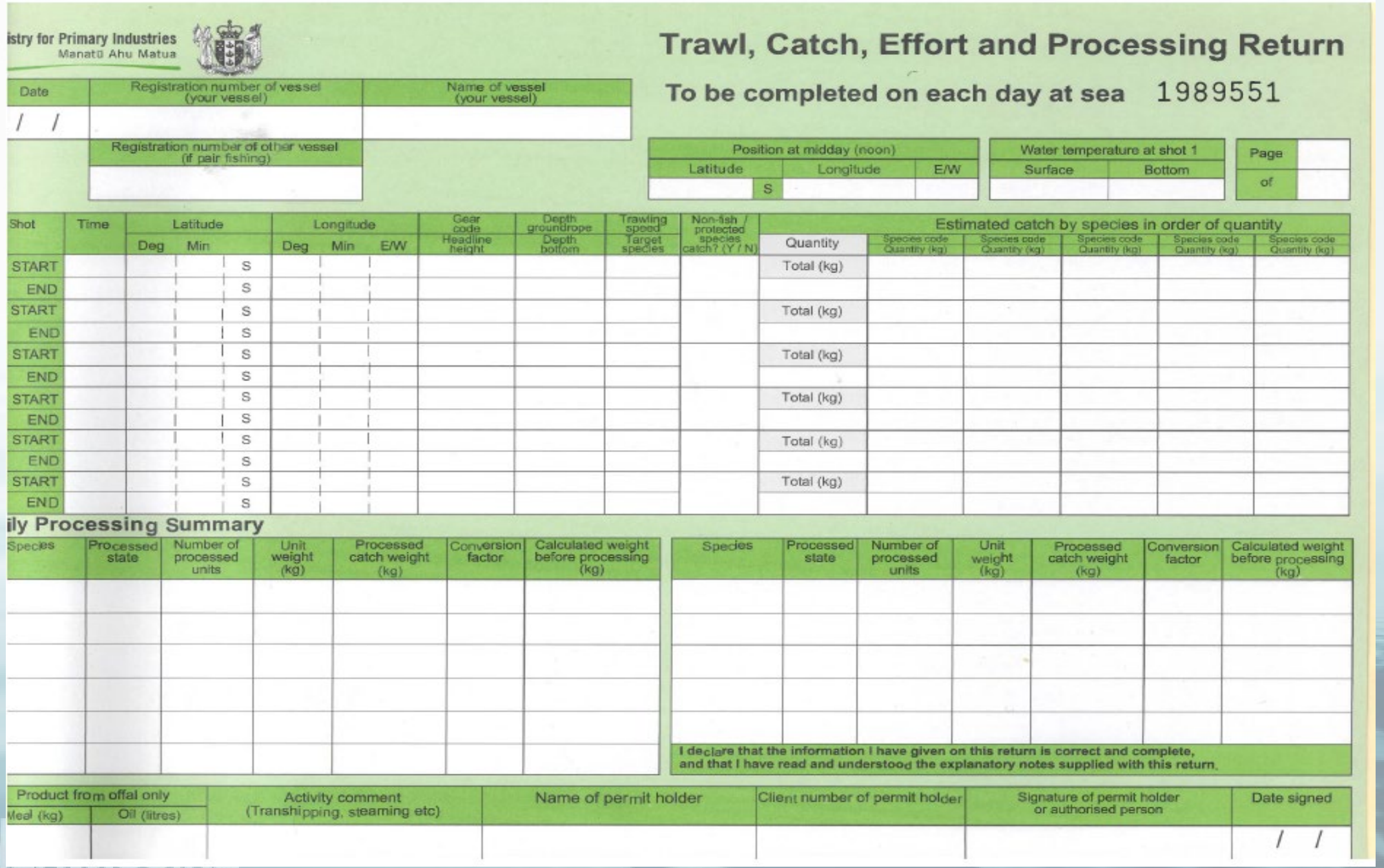
Karyn van Wijngaarden

Oceanlaw NZ

Paper based reporting

- Two types – effort data and landing data
- Looks like this….

Effort



istry for Primary Industries
Manatū Ahu Matua

Trawl, Catch, Effort and Processing Return

To be completed on each day at sea 1989551

Date	Registration number of vessel (your vessel)	Name of vessel (your vessel)
/ /		

Registration number of other vessel (if pair fishing)

Position at midday (noon)			
Latitude		Longitude	E/W
	S		

Water temperature at shot 1	
Surface	Bottom

Page	
of	

Shot	Time	Latitude			Longitude			Gear code Headline height	Depth groundrope Depth bottom	Trawling speed Target species	Non-fish / protected species catch? (Y / N)	Estimated catch by species in order of quantity					
		Deg	Min		Deg	Min	E/W					Quantity	Species code Quantity (kg)	Species code Quantity (kg)	Species code Quantity (kg)	Species code Quantity (kg)	Species code Quantity (kg)
START				S								Total (kg)					
END				S													
START				S								Total (kg)					
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START				S								Total (kg)					
END				S													
START				S								Total (kg)					
END				S													

ily Processing Summary

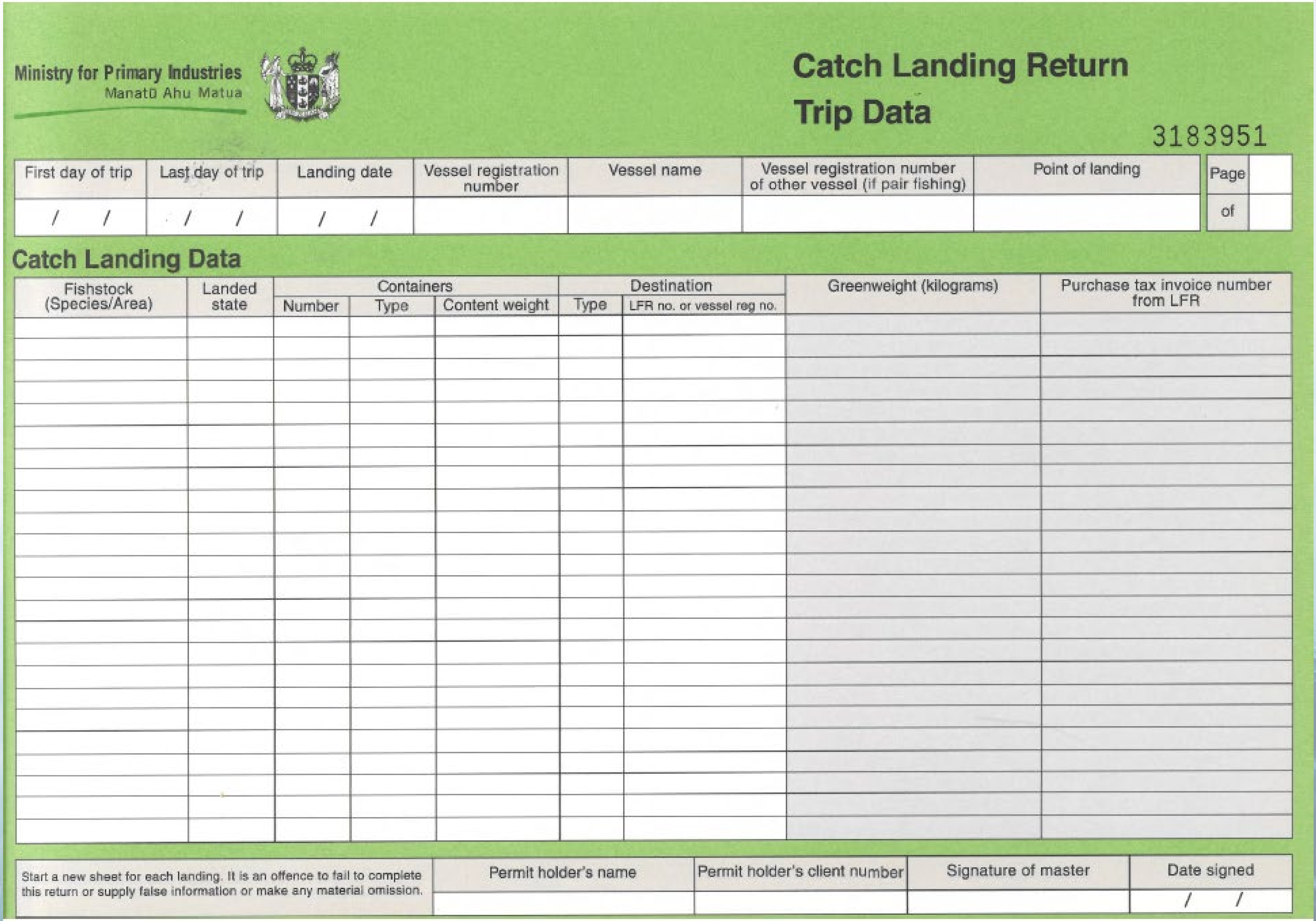
Species	Processed state	Number of processed units	Unit weight (kg)	Processed catch weight (kg)	Conversion factor	Calculated weight before processing (kg)

Species	Processed state	Number of processed units	Unit weight (kg)	Processed catch weight (kg)	Conversion factor	Calculated weight before processing (kg)

I declare that the information I have given on this return is correct and complete, and that I have read and understood the explanatory notes supplied with this return.

Product from offal only		Activity comment (Transhipping, steaming etc)	Name of permit holder	Client number of permit holder	Signature of permit holder or authorised person	Date signed
Meal (kg)	Oil (litres)					
						/ /

Landing



Ministry for Primary Industries
Manatū Ahu Matua

Catch Landing Return
Trip Data

3183951

First day of trip	Last day of trip	Landing date	Vessel registration number	Vessel name	Vessel registration number of other vessel (if pair fishing)	Point of landing	Page	
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Catch Landing Data

Fishstock (Species/Area)	Landed state	Containers			Destination		Greenweight (kilograms)	Purchase tax invoice number from LFR
		Number	Type	Content weight	Type	LFR no. or vessel reg no.		

Start a new sheet for each landing. It is an offence to fail to complete this return or supply false information or make any material omission.	Permit holder's name	Permit holder's client number	Signature of master	Date signed
				/ /

What was the objective?

- Taking advantage of technology to address concerns about the commercial fishing industry….
    - Cameras
    - Position reporting for all vessels
    - Electronic catch reporting

- Fisheries Act 1996
- Fisheries (Reporting) Regulations 2017
- Advisory circulars

What are they enacting?

- July 2017
  - Fisheries (Reporting) Regulations 2017;
  - Fisheries (Geospatial Position Reporting) Regulations 2017;
  - Fisheries (Electronic Monitoring on Vessels) Regulations 2017.

Report requirement

- The GPR requires
  - Latitude and longitude to 4 decimal places
  - Speed over ground to 1 decimal place
  - Course over ground
  - Rate of turn
  - Type of report – normal, power up/off, power up after expected power off, first position report or port mode.

Monitoring

- Record fishing done from the vessel,
- Record fish, aquatic life or seaweed taken
- Record transportation
- No audio

- Must enable ‘with reasonable accuracy’
  - Identification of type of fish taken or transported
  - Types and features of fishing gear used
  - Bycatch mitigation measures used
  - Estimate the size and quantity of fish taken or transported

Evolution of the legislation

- October 2017
  - New reporting and geospatial regs come into force
  - Means that all vessels over 28m in length are required to electronically report all catches electronically whilst at sea, and
  - Geospatial Position Reporting is required for trawl vessels over 28m

- November 2017
  - New Minister of Fisheries
  - Slows down implementation

    "issues have been raised and more time is needed to ensure that the systems are robust"
  - The existing catch and position reporting requirements for trawl vessels over 28 m remain in place.

- March 2018
  - exemptions from the regulations requiring electronic monitoring are granted for all commercial fishers
  - MPI says it is undertaking further work on the matter.
  - Paper based reporting continues

- September 2018
  - Minister announces that transitional period will remain until July 2020….

  BUT
  - Progressive roll out - 2019
  - ACE holdings - fixed date of assessment
  - Blanket exemption

October 2018:

- Exemption from the cameras on vessels - Fisheries (Electronic Monitoring on Vessels) Regulations 2017
- All vessels
- 31 January 2019

- December 2018: three Regulations amending the 2017 regulations made by the Governor-General in Council.

  - Fisheries (Reporting) Amendment Regulations 2018,
  - Fisheries (Geospatial Position Reporting) Amendment Regulations 2018 and
  - Fisheries (Infringement Offences) Amendment Regulations 2018

- January 2019:
  - 2000+ tonnes of ACE
  - new permit holders

- Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2019 – further exemptions

- May 2019:
  - 2000+ tonnes of ACE must report electronically;
  - 180 – 1999.99 tonnes of ACE can start electronic reporting

- June 2019:
  - 180 – 1999.99 tonnes of ACE must start electronic reporting;
  - 45 – 179.99 tonnes of ACE can start electronic reporting.
  - onboard cameras from 1 November 2019 in order to protect Māui dolphins - trawlers and set-netters

July 2019:

- 45 – 179.99 tonnes of ACE must start electronic reporting;
- MPI stops paying for the cost of transmitting electronic position reports;
- Fisheries (Electronic Monitoring on Vessels) Amendment Regulations (No 2) 2019 are made by the Governor-General in Council
  - Maui dolphin
  - 1 July 2020 for all vessels
  - “holding date”

- August 2019:
  - 24 – 44.99 tonnes of ACE must start electronic reporting;
  - 11 – 23.99 tonnes of ACE can start electronic reporting
- September 2019:
  - 11 – 23.99 tonnes of ACE must start electronic reporting;
  - 4.50 – 10.99 tonnes of ACE can start electronic reporting
- October 2019:
  - 4.50 – 10.99 tonnes of ACE must start electronic reporting;
  - 1 – 4.49 tonnes of ACE can start electronic reporting

- November 2019:
  - 1 – 4.49 tonnes of ACE must start electronic reporting
  - All vessels less than 29m that operate in west coast of North Island must have electronic monitoring fitted and operational

Hector and Māui dolphin

- Estimated 67 adult Māui dolphins left
- Controversy about the cause of the decline
- Vessels on cameras are one of the measures being implemented to address the decline on an urgent basis
- 2000 days of observer coverage.
- Skepticism about what cameras will add
- Date to comply is 1 November 2019

Issues for maritime lawyers

- Privacy
- Volume of footage
- Ownership
- Costs
- Technological barriers
- Evidential
- Insurers

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Issues for maritime lawyers

- Privacy - sizes of vessels
- Volume of footage - estimated to be 14,000TB per annum. 1TB/vessel/month
- Ownership of footage/cost - who is looking at it, storing it, who is paying for those reviewing it. How do they review that much data?!
- Technological barriers Extent of camera coverage from a single lens, ability to identify the fish et cetera implies a close up inspection, which requires pretty careful camera placement, and lots of cameras. Practical problems, like salt accruing on the camera – have to be hosed off at about 3 hour intervals, fishermen are telling us
- Evidential sharing of government departments - collision, drugs, health and safety – any regulatory or enforcement purpose.IP issues exist – fishing marks have been historically very jealously guarded. Is 4 decimal places for the reporting, but display in the interface that can be seen by a permit holder ashore is only 2 decimal places.


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