

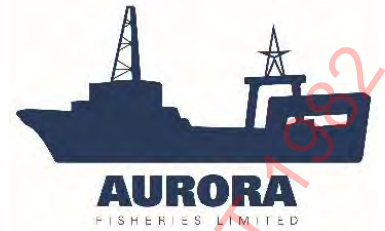
**From:** Grant Curtis <§ 9(2)(a)>  
**Sent:** Monday, 21 August 2017 5:39 p.m.  
**To:** Future of Our Fisheries Programme  
**Cc:** § 9(2)(a); § 9(2)(a); § 9(2)(a); § 9(2)(a)  
**Subject:** Aurora Fisheries Limited - IEMRS submission  
**Attachments:** Aurora Fisheries Limited - IEMRS submission Aug 2017.pdf

Hello

Please find attached here the IEMRS submission of Aurora Fisheries Limited

Regards  
Grant Curtis  
Aurora Fisheries Ltd  
Email - § 9(2)(a)  
Ph - § 9(2)(a)

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21 August 2017

Future of our Fisheries

Ministry for Primary Industries

Sent by email: futureofourfisheriesprogramme@mpi.govt.nz

### Introduction

This submission comments on the Fisheries (Reporting) Regulations 2017 and the draft technical circulars in relation to them on which feedback has been requested. In our view, it is not possible to comment on the draft circulars in isolation from the Regulations. Many of the issues could have been avoided if operators had been meaningfully involved in the development of the regulations.

We have also seen draft submissions by the Deepwater Group and Fisheries Inshore New Zealand on the Fisheries (Reporting) Regulations 2017, Fisheries (Geospatial Position Reporting) Regulations 2017 and associated circulars and we support those submissions.

### Overview

Aurora Fisheries currently operates one deepwater trawler, Tomi Maru 87 (TM87), which has been operating in New Zealand for approximately 27 years. TM87 is a limited processing vessel for the majority of the year, targeting mostly hake, white warehou, silver warehou, and squid. TM87 is also a surimi processing vessel, undertaking a factory change every year for that purpose. Normally TM87 processes surimi for two voyages per year, from Southern Blue Whiting caught in the Bounty and Campbell fisheries.

We are particularly concerned with reporting and submitting time constraints in 'Part 1, Event Reports'. These requirements, when taken as a whole, will only serve to manufacture compliance transgressions for no real purpose. They are contrary to the more meaningful goal of reporting accuracy. They place an unreasonable burden on Vessel Captains and crew members, and will result in wasted time, effort, and resources for the industry and governing bodies. We also believe that they are potentially dangerous.

As a whole, we believe that these requirements will impose large (but not yet quantified) costs on us, with no appreciable benefit in the information available for fisheries management. Whether any benefits for enforcement and compliance efforts will result remains to be seen, but we believe these have been significantly over-stated to date.

In some cases, the proposed requirements are simply unworkable.

We agree in principle with the concept of advancing the management and conservation of our fishery through more timely reporting. To that end we have laid out some proposals in this submission which would hugely improve the frequency of reporting compared with the current procedures, while avoiding problems that will inevitably attend the proposed regulations.

### Event reports – entry and submission requirements

‘Part 1, Event Reports’ lays out strict time constraints for the entry and submission of the various ‘event reports’. We believe these requirements are onerous and in fact potentially dangerous.

The Captain of a large trawler in New Zealand bears the overall responsibility for the safe, effective, and compliant operation of the vessel. Compliance with the many regulations that apply is an ever expanding task, and even if the company and vessel has good systems in place and the work has been delegated as much as possible, the Captain still must constantly check and attend to these things as he bears the ultimate responsibility for them.

In addition to such daily tasks the Captain will be faced with irregular and unexpected events, as some examples - The sickness or injury of crew members. The malfunction or breakdown of factory machinery, hydraulic systems, or engines. An extreme weather event. A call for help from another vessel.

We can easily imagine the position of a vessel Captain in situations of heightened pressure, such as those examples above, being forced by these proposed regulations to make decisions on whether to attend to the pressing matters at hand, and thereby missing the entry and reporting deadlines. And having to weigh in his mind whether the situation before him represents an adequate defence for non-compliance with these regulations.

If the Captain, in such a situation, chooses to fully attend to the matters before him and thereby misses a deadline then he and the company are in a position of preparing a defence, potentially at great cost and trouble, to present before a Fishery Officer or Judge who does not have an adequate understanding of the relevant factors. If however, in such a situation, the Captain judges that the matters before him are not sufficiently important, and instead of applying his attention to them, spends this critical time on catch reporting and this judgement proves to be false, such that his lack of attention at a critical time precipitates a chain of events which ends in loss of life or damage to the environment, then the blame for that result must surely rest on those responsible for these onerous regulations.

### Disposal reports

At 10(3)(a) the Regulations states that “[The Permit Holder must] complete the report within 1 hour after the disposal is finished” .

In the absence of any reasonable clarity here a layman, or even a Judge, might reasonably define ‘the disposal’ as “the moment a fish is discarded or accidentally lost”. We cannot imagine that the Ministry really intends that during ongoing factory processing, weights of each fish or bin of fish discarded need to be relayed to the bridge, where each weight is to be promptly entered by the Captain, so that each entry is made within an hour of ‘the disposal’.

And yet even if the intention is that 'the disposal' can be the totals from one tow, or even a day's processing, then the requirement of entry within the hour is impractical, and will inevitably generate compliance issues.

The weighing and tallying of ITQ discards is typically undertaken by the Factory Manager in coordination with an MPI Observer, with numbers recorded on note paper, and final tallies calculated after the event. If the Captain is required to enter these totals within an hour after the event and submit the reports by the close of that day then he will likely be in the position of submitting vessel discard totals that the Observer has not yet agreed to, given that the Observer is likely to find more pressing business to attend to (from their perspective) than adding up discard numbers in a timely fashion. If the Observer later presents numbers that vary, and are greater than, those submitted totals then the vessel can be accused of illegal discarding, or 'dumping' of fish.

This situation can easily be avoided if the required timeframe is such that the observer can agree to the discard totals, as is currently the case. And of course, the Captain is always willing to accept the Observer's discard numbers, even if they disagree with the vessel's own numbers, for obvious reasons.

### *Proposal*

We propose that a disposal event be clearly defined in such a way that discard totals by species for each tow is acceptable, and that these totals be required to be entered within 48 hours after the end of that tow, and submitted as part of the weekly submission proposed below. We also propose that each MPI Observer have a Fishserve account and that they also sign off on the disposal report within the ER system (along with the Captain or nominated person), thus eliminating the need for the currently used 'Authority to Discard' forms.

### Company Checking of Daily Returns

The current reporting procedure allows the Operating Company/permit holder to check the daily returns for errors and to amend them where necessary prior to submission. The proposed regulations do not allow for this, though we believe that we need to retain this ability, and in fact that we have a duty of care and a right to do so, given that human failings can populate a catch report with errors, and such errors can lead to the company being charged with crimes related to misreporting. This is even more likely to be the case in a new system with strict entry timelines as proposed regulations.

### Daily processing report submission during surimi processing

TM87 cannot feasibly comply with the requirement to submit completed processing reports for 24 hour periods for days with high catch volumes while processing surimi.

The surimi processing diagram appended to this document shows the processing flow and timings of TM87 from the 29<sup>th</sup> to 31<sup>st</sup> of March, 2016. While (ideally) the surimi factory operates continuously, the variability of fish availability dictate that some days a large catch is processed, and some days a smaller catch is processed. The total catch from the two tows on the 29<sup>th</sup> of August was a large catch, though not abnormally so. The final surimi block from the second tow of the day would have been entered into the plate freezer at around 20:00 on the 30<sup>th</sup>, the final processing numbers would then have been taken to the bridge and entered into the TCEPR. The completed TCEPR for that day was in fact received by the Vessel Managers and the Compliance Manager at 23:33 on the 30<sup>th</sup>. That



is the most timely reporting from the vessel that we could expect given the reality of surimi processing.

It must also be noted that, during surimi processing, it is not only on large catch volume days that compliance to the proposed entry and submission requirements will be impossible. Due to food safety issues it is not acceptable to operate the factory in a start-stop, start-stop fashion. Therefore on occasions when only a small catch is taken it can be necessary to store those fish on ice in an isolated section of the pound until another tow is landed with sufficient fish to operate the factory in a continuous fashion. In this case also, the processing tally of the earlier small bag is very likely to not be available within the 24 hour timeframe.

### *Event Reports Proposal*

For these reasons, we propose that the data entry requirements for all event reports, except landing reports, be 48 hours after the event. We believe that this leeway is necessary to ensure that compliance is possible in all but the most extreme cases. While some may claim that 48 hours is too lenient a timeframe, we are sure that even if this leeway is given, in fact the event entries will be completed when the data is available, within the normal daily workflow of the vessel.

We propose that the submission of all event reports, except Landing Reports, be done every week, once per week, with a buffer period of 48 hours between the event end and the submission. And that the submission can be sent either from the Operating Company, or from the Vessel, so that the company has sufficient time to properly check and amend reports where necessary.

These proposed reporting timelines would represent a significant improvement in terms of the timeliness of catch reporting, while avoiding the pitfalls of the proposed regulations.

### Conclusion

In our view, aspects of the Regulations and associated circulars are simply unworkable. Although the current request for consultation is apparently limited to the circulars, the reality is that the Regulations provide a foundation that is so flawed that nothing stable could be built upon it. We urge the Ministry to go back to pause in the rush to implement these requirements and to draw upon the knowledge of experienced vessel operators in developing a system that will be workable and cost-effective.

We are familiar with the submissions made by the Deepwater Group (DWG) and Fisheries Inshore (FINZ) and support those, excepting only where the views expressed here differ from those presented in those submissions.

The event report proposal briefly outlined above represents a compromise solution between the status quo and the proposed reporting requirements. We are happy to propose this as a workable solution, though at this time, to our knowledge, it is not proposed or supported by any person or entity beyond our organisation.

s 9(2)(a)

Grant Curtis  
Vessel Operations  
Aurora Fisheries Limited

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§ 9(2)(a)

**From:** Future of Our Fisheries Programme  
**Sent:** Tuesday, 22 August 2017 10:14 a.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Sanford Submission IEMRS  
**Attachments:** Sanford Submission IEMRS.pdf

**From:** Greg Johansson [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 4:58 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Cc:** Volker Kuntzsch § 9(2)(a); Alison Undorf-Lay § 9(2)(a); Colin Williams § 9(2)(a)  
**Subject:** Sanford Submission IEMRS

Attached please find our Submission.

Regards

**Greg Johansson**  
Chief Operating Officer



DDI § 9(2)(a) M § 9(2)(a) E § 9(2)(a)  
T § 9(2)(a) F



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**SANFORD.CO.NZ**

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20 August, 2017

## **Integrated Electronic Monitoring and Reporting Systems (IEMRS) MPI Consultation on Draft Circulars**

### **A submission by Sanford Limited**

Please note this submission will be lodged electronically at:  
[futureofourfisheriesprogramme@mpi.govt.nz](mailto:futureofourfisheriesprogramme@mpi.govt.nz)

With questions related to this submission please contact:  
Alison Undorf-Lay <sup>s 9(2)(a)</sup>

This submission represents the view of Sanford Ltd (**Sanford**) and builds on our earlier Future of Our Fisheries submission, lodged with the Ministry in December 2016.

Sanford is a quota owner, holder of a fishing permit, vessel operator and LFR. For the benefit of transparency we are generally supportive of digital monitoring of fishing activities, but have some reservations with respect to the new IEMRS rules, particularly around the technology specifications and speed of implementation. We have a keen interest in efficient, fair and effective operations of IEMRS. Our New Zealand seafood story is a good story to tell the world and we believe that digital reporting provides tools to further improve the management of our fisheries. However, implementation has to ensure safe and secure management of big data and its confidentiality.

Thank you for the opportunity to provide these comments on the Circulars. We appreciate that the window for making changes is time constrained therefore we have kept our comments and recommendations brief and targeted to five key areas:

1. Support in principle
2. Timeframe for reporting
3. Privacy and commercial sensitivity
4. Good intent
5. Penalty regime

While noting that the short consultation window has not afforded us sufficient time to understand the rules and then consult directly with our contract and share fishers, based on earlier discussions



we are confident that the views expressed in the Sanford submission are reflective of not only fishers working across our company but also many who are fishing into us.

Sanford supports vessel positioning data. Generally fishers are also supportive of the intent to record vessel movements. Sanford (and some fishers) accept some level of camera surveillance IF footage viewing rights are limited to authorised government officials, and the transition into the new technology is supported with education and a Government commitment to a revised penalty regime and the continued application of the "Voluntary – Assist – Direct – Enforce" (VADE) rather than punitive, disciplinary cash penalties.

All fishing companies are worried about the cost of implementing digital monitoring, we are concerned that the first two year's capital expenditure, and the ongoing yearly cost of maintaining equipment, data storage and data transfer are not balanced with corresponding savings being offered in other areas of Government fisheries services (or tax incentives) such as a commitment to replace human observers with video observation, or withdrawing non-essential research projects.

**Recommendation:** Sanford supports the introduction of an incentivised transitioning package aimed at encouraging fishers to voluntarily get on board with the new Regulations (carrots), rather than implementing an enforcement penalty regime (sticks).

**Recommendation:** Sanford sees significant advantage in the publication of an additional Circular aimed at conveying to fishers and the public that Government when implementing IEMRS will have:

- a stated commitment to protect fisher and company rights to respect, fairness and reasonableness
- a stated intent to protect the privacy of people and business
- a commitment to follow the principles of VADE, and
- ensure and protect data control and access guidelines to 3rd parties.

**Recommendation:** Establish a finance and incentive technical committee with industry to review options for assistance (low interest, time deferred loans) and other incentives to support vessels into digital monitoring. This committee should also be tasked with tracking the costs and benefits of implementing IEMRS.

**Recommendation:** Provide assurance that those of us fishing under High Seas Permits and with existing ALC equipment during the transitioning time (between existing and new permits) will continue to be certified and authorised.

**At this point**, we would like to note the comprehensive submissions lodged by our industry Sector Representative Entities, which have highlighted in significant detail both interpretative and operational issues / inconsistencies with the Regulations and the Circulars. We share many of their concerns but due to timing constraints will not echo their points here.

Rather than dig into the detail of the Circulars, Sanford very much supports on-going dialogue with the Ministry as we all move into the implementation stage of the Regulations. Our aim is for us to be working together with officials to interpret and define the best (most sensible) outcome in an environment of open dialogue. While we accept the Government has a role as the regulator this is very new territory and a more transparent dialogue approach would likely achieve better results.

Finally, we make the point that Sanford has invested considerable resources in staff hours and money via Trident Systems in electronic monitoring programmes. The SNA1 Commercial programme (15 cameras and 70 GPS); the SNA1 and BNS1 Black Petrel programme (12 cameras on long liners); the Maui Dolphin Protection Plan (GPS on 50+ harbour set net vessels and cameras on six trawlers); and the ECSI set net vessels (three cameras on Timaru based boats) all appear to be non-compliant with the new Regulations.

It is very disappointing that this considerable EM investment in digital technology will be obsolete under the new Regulations and deployment of this equipment on vessels will likely cease from April 2018. Notwithstanding our frustration, the experiences and expertise of Sanford staff to deploy cameras and run EM programmes valuable know-how that could be tapped into more than it has been during the IEMRS start up. It is in everyone's interest to make digital monitoring work.

Turning now to the five issues we wanted to specifically raise in this submission:



## Support

Sanford is supportive of the principles of digital monitoring. We support transparency when accompanied by strong protection of privacy for people and companies commercial property (intellectual, reputational and financial) rights. As expressed a number of times to Ministry staff, we are concerned that the New Zealand seafood industry, and by default our Sanford brand, is not being sufficiently protected from vexatious objectors or those with an intent to harm. All of us have a duty of care to ensure that digital monitoring builds onto fisheries management and does not devalue it.

We strongly urge that with the collection of big data comes an increased need for care as to where and with whom data will be shared. We will contest the Ministry releasing footage and vessel specific data to the public and media - not because we have anything to hide but because of how easy it will be to intentionally or in-avertedly destroy a reputable brand.

**Recommendation:** That the Regulatory changes on the fishing industry be mirrored with changes to government processes so that more protection and security is afforded to our industry, companies and individuals from malicious intent. And that the MPI guidelines to the access and use of fisheries data be updated.

## Timeframes

On the face of it some of the fishing event reporting documentation requirements in the Circulars are confusing, at times contradictory and too all-encumbering and detailed (for example the requirement to completely itemise the disposal of all non-QMS species). In many instances the timeframes attached to the event reporting will be extremely difficult and inconvenient for crew to meet - with unclear benefits as to why the rush is needed.

In addition, inability to comply with the timeframe carries a hefty penalty that seems grossly out of proportion to the infringement. We urge a rethink of the event reporting requirements and timeframes once we have been able to review the technology being offered by the service providers.

At sea, vessels do not work to a 24 hour clock. Vessels work to their own shooting and hauling schedules. We understand it is necessary for the data to get to the Ministry as quickly as possible (as soon as possible) but the time requirements and penalties for non-compliance within timeframes of



'within an hour, within 4 hours, by midnight, within the day of processing etc.' are likely to become the driving force on the vessel and a key stress trigger, when in fact they should be the supporting documentation completed in the background to the actual activity of fishing.

Sanford has a concern, in the absence of not being able to view what smart technology is being developed to support the reporting Regulations, that the ability of some of our vessels to transmit will be severely challenged by the timeframes. The failure for data to be transmitted also carries significant technical uncertainty and risk of inadvertently breaching the standards. Currently it is proposed that this risk falls entirely on the vessel operator (and holder of the fishing permit) and not on the service provider. This is unreasonable.

**Recommendation:** Government establish a technical working group to shadow the implementation of IEMRS and collaboratively work on solutions around event reporting and timeframes including moving from a strict time reporting requirement to a more flexible as-soon-as-practical and possible approach.

#### **Privacy and Commercial sensitivity**

For the reasons cited earlier in this submission we recommend Government establishing a 'Digital Monitoring Ethics Committee' tasked with actively protecting the reputation, rights and the safety and well-being of fishers and fishing companies involved in the collection and holding of their electronic data. This is particularly important because the Regulation and Circulars is new law and much of it is untested. In effect, no one of knows what they are signing up for – there is no informed consent.

**Recommendation:** establish an Ethics Committee to review and make policy decisions on data release and health, safety and wellbeing of fishers and fishing companies.

#### **Good Intent**

At this stage, it is impossible to know how the Regulations will be operationalised on the vessel, and how reliable the new equipment is. The timeframes supporting the new Regulations are particularly tight and appear inflexible. There is too much uncertainty, and as a consequence high risk.

Ideally, we support extending the lead in time for transitioning to digital monitoring – either by formally implementing VADE and committing to making the first year penalty free while the system is bedded in, or by pushing out each of the timeframes by 12 months so that for a period of time vessels can elect to run dual systems.

The new reporting requirements will change the routines on the vessel – change brings uncertainty and stress. It's important that the officers on the vessels have sufficient lead in time to understand what is needed and to work through what they need to do differently in order to comply. We don't think people intentionally set out to be in breach of the rules.

**Recommendation:** Government offer a dual system trial for up to one year as companies' bed in their EM systems.

#### **Penalty Regime**

Ideally a review of the penalty regime would have preceded the Regulations – or occurred simultaneously. Because this hasn't happened, and there is no graduated penalty regime the financial costs in many cases are out of proportion to the consequence and effect (risk).

It is our experience that the requirement for 10 minute interval reporting of position will be an expensive and technically challenging requirement on small vessels that often have irregular or low power source and will turn off their motors while at anchor. We understand the desirability of continuous coverage, but in our view the costs greatly exceed the benefits.

**Recommendation:** A fast tracked review of penalty framework, including a review and agreement of how technical failures to record and transmit will be dealt with. The reality is that for many inshore vessels, EM systems will struggle to be powered continuously. Failure to report on time should not be deemed a crime.

§ 9(2)(a)

Volker Kuntzsch, CEO

Sanford

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**From:** Future of Our Fisheries Programme  
**Sent:** Tuesday, 22 August 2017 9:46 a.m.  
**To:** s 9(2)(a)  
**Subject:** FW: Submission on Fisheries (Geospatial Position Reporting Devices) Circular and Fisheries (Codes and Information) Circular 2017.

**From:** s 9(2)(a) [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 7:44 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Submission on Fisheries (Geospatial Position Reporting Devices) Circular and Fisheries (Codes and Information) Circular 2017.

**Submission on Fisheries (Geospatial Position Reporting Devices) Circular and Fisheries (Codes and Information) Circular 2017.**

This submission is made on behalf of JAICO Limited and KNW Co., Limited. Our companies own three limited processing freezer trawlers >28m. Our vessels currently carry and operate approved and registered automatic location communicators and provide the required catch and processing information to MPI through the CEDRIC programmes maintained on board. All of the vessels carry at least one MPI Fisheries Observer for all of the time they are fishing.

**We support the submission made by Deepwater Group Ltd (DWG) dated 21 August 2017.**

Further, we would like to reiterate the information provided as schedules to the DWG Submission. Our companies, as agent of the permit holders, are able to provide all of the information required under the new Fisheries (Reporting) Regulations 2017. We cannot however provide all of this information consistently within the required timeframe. In particular we will not be able to provide the information required under Section 9 - Processing Reports in the timeframe specified in the Regulations.

We have other issues with both the Circulars and the new Reporting Regulations:

- It is not clear from the Circulars or the Regulations what 'processing' is to be defined as.
- We do not know the container type we are meant to record
- The records from the factories on our vessels are made on paper forms by the factory manager, relayed to the Chief Officer on the bridge, and recorded first onto the ship's computer and then

entered into the CEDRIC program which is held on a standalone PC. To ensure the integrity and safety of the data entered into CEDRIC this is the only program we run on these PCs. There is no interface between these standalone CEDRIC PCs and the Fleet Broadband and GPS systems on board the vessels.

- The Chief Officer is crewmember that enters the information into CEDRIC. The minimum amount of time the Chief Officer would take to enter all of the required information into CEDRIC would be 2 to 2 1/2 hours, assuming he was not engaged in any other fishing and navigation operations. Our vessels fish and process at various times throughout the day. If processing finishes later than 2130, as is often the case, the Chief Officer will not be able to consistently enter the required information by 'close of day'.
- At time of writing we do not know how we are to get this information from CEDRIC to MPI.
- Our vessels run sole charge bridges. The Captain is the person on board authorised to sign the CEDRIC data which he would do after he comes on watch and checks the data input. Generally, when the Chief Officer is on watch, the Captain is off-watch.

BEST REGARDS

*Han Gee, Lee*



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Received: 16/8/17.

Hayley Nelson

s 9(2)(a)

10 August 2017

Fisheries Dispute Commissioner  
Po Box 2526  
Wellington 6140

Dear Commissioner,

I am acting as a secretary for a large group of Commercial Fishermen nationwide who will be adversely affected by the new Integrated Electronic Monitoring and Reporting System (IEMRS). I would like to give you this copy of our official complaint.

On Friday the 11<sup>th</sup> August, we had a meeting in Invercargill with the IEMRS Implementation Group and I gave Stuart Anderson and his team a copy of this complaint also. We are unsure if he has or will pass this on to you, so we would like to provide you with your own personal copy.

If you have any trouble understanding any of our information supplied, or would like any additional information, please do not hesitate to contact me. We all look forward to your response on this matter as we feel it will have a massively negative effect on our lives.

Yours sincerely

s 9(2)(a)

Hayley Nelson

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### **Our Complaint**

This serves as our formal complaint. We, the commercial skippers and crew of New Zealand, believe the Ministry for Primary Industries (MPI) is acting illegally, under the Privacy Act 1993. We wish to oppose the introduction of new regulations, which MPI will use to force us to be continually monitored. These new regulations, being created under the Fisheries Act 1996, will take away our basic human right to privacy.

This complaint relates directly to Integrated Electronic Monitoring and Reporting System (IEMRS) technology and will allow MPI to monitor and record skippers and crew on board their private vessels.

Currently the laws governing privacy and basic human rights in New Zealand mean constant tracking and monitoring of people is illegal. The breaches concerned include Principle 4 of the Privacy Act 1993; and Section 28 of the Privacy Act 1993.

We, the forementioned skippers and crew of New Zealand, are opposed to the compulsory introduction of IEMRS technology on our vessels. Our concerns involve two core issues.

1. Geospatial Position Reporting (GPR) of the locations of fishing events
2. Cameras breaching individuals privacy.

We address each topic separately and then provide some explanations.

#### **1. Geospatial Position Reporting.**

MPI propose to install automated geospatial position reporting equipment on each vessel. It will monitor the vessels every movement, while it is in operation (fishing in NZ waters), 24 hours a day, seven days a week.

Vessels who are registered as a commercial fishing vessel will be continuously tracked and no distinctions will be made between commercial trips or trips where the vessel owners are using the vessel recreationally.

It has now been determined in the High Court, with the case of Edminstin v Sanford Ltd EMPC 80/2016, that a skippers marks are his intellectual property rights. Placing tracking devices on vessels will directly contravene this.

#### **2. Cameras breaching individuals privacy rights.**

MPI propose to install video cameras on all commercial fishing vessels in New Zealand. These cameras will film fishing activities on board. The cameras will operate 24/7 while the vessel is at sea.

No determination between commercial trips or recreational trips will be made. The constant filming will intrude unduly into our personal privacy.



## *Explanations*

### \* Unfair treatment

MPI has provided information to skippers about the introduction of IEMRS technology. They held a submissions period for people to place their opinions online. They held meetings throughout the country to inform skippers of the implementation of IEMRS technology.

However, we feel that MPI have been unfair in their handling of this process. Information provided has been overly complicated and hard to read or understand. Information was unclear about actual costs involved to skippers and how many cameras were needed on each vessel. It will be up to the skippers to pay for this technology and no one from MPI can provide clear estimates of the costs involved.

The online submissions were biased in MPI's favour as the online template for this was designed by MPI themselves. How are you supposed to make an informed opinion of such drastic measures if you have been given unclear, overly technical but also vague information? Skippers feel they were not given enough time to process the technical information and place their submissions.

The meetings provided by MPI were not well advertised. Turnout to the meetings was low because of this. Out of the 15 meetings held throughout the country only around 300 people managed to attend. Many skippers did not hear of their meeting until after it had already been to their region.

Several people who did manage to get to their meeting felt they were being lied to. They were told that skippers from another port were "all agreeable" and positive about IEMRS introduction. Subsequent calls to people who attended the meeting in question affirmed that this was not the case at all – the majority of attendees were against IEMRS introduction!

The information booklets provided at the meetings – 5 in total – were so technically written that they were very hard to understand. Many skippers felt their questions were not answered and some even left their meeting early in anger at how they were being treated.

Despite having an excess of overly technical information provided, many questions remain unanswered. We are still unsure how many cameras we would need, how much it would cost us, and if the technology would be compatible with the vessels electrical systems. A camera running 24 hours a day could severely drain batteries on smaller vessels which may cause safety issues at sea.

No effort has been made by MPI to work with us on a personal level to find out about our fisheries. We would have appreciated workshops on this topic, educational or supportive dialogue. The current approach of MPI is creating an "us and them" divide, already stirring feelings of mistrust, resentment and anger. It seems these feelings are justified.

We have been looking into this whole process of the compulsory introduction of IEMRS upon us. How can MPI take away our basic rights? We have since found out. Before this whole official submissions period in 2016, MPI had already been working behind the scenes to introduce new regulations into the Fisheries Act 1996. The way they could do this was through the Search And Surveillance Act 2012. MPI stated there is a clause in this act that gives them the power to continually track and film fishing vessels for the purposes of "monitoring, verification and compliance". This was added in the form of Section 227 A of The Fisheries Act 1996. It reads: *"227A Installation and maintenance of equipment on vessels may be required. The chief executive may require, in relation to any vessel, that specified equipment to observe fishing and transportation be installed and maintained on the vessel in accordance with regulations made under Section 297 (1)(ca)."* This was inserted on 8 August 2014, by Section 13 of the Fisheries

(Foreign Charter Vessels and Other Matters) Amendment Act 2014 (2014 No 60).

Section 297 (1) (ca) is part of the Fisheries Act 1996 and states:

*"297 General Regulations (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:*

*(ca) prescribing requirements or matters relating to the installation and maintenance of equipment (including electronic equipment) to observe fishing or transportation, and to the payment of any associated prescribed fees and charges:"*

MPI were already in the process of creating regulations that would remove our basic human rights and force our compliance. Public submissions for IEMRS started on MPI's website on the 11<sup>th</sup> of November 2014. But, we were never told we needed to put submissions in for the Search and Surveillance Act 2012, which would create laws that would so intrusively affect us now. They were already working to take away our rights, 4 years before IEMRS was even proposed to us. No matter what submissions we put in to MPI for IEMRS, or what we said at the meetings that were poorly advertised, it would have made no difference. MPI were already working to make this intrusion law. Did MPI have the legal right to do this?

We should have been more informed when the Search and Surveillance Act was introduced in 2012. Two small paragraphs in a new Act could have had the power to remove our rights. We were not informed or consulted, and now we are being coerced into compulsory compliance for threat of removal from the industry. Now it would seem MPI has the power under these new regulations to remove our Fishing Permits if we say no, and they also have the power to seize our privately owned quota too. How is that just or fair?

Generally a Search and Surveillance Law would be used to target criminals or people who are a threat to the country, not it's Primary Producers! The hard working back bone of this country no less. We cannot be expected to stay at home and read every new Act being introduced into NZ law, to ensure our rights and just treatment by the government body that governs us. We should be able to trust that the laws are there to protect the industry and the people governed by it. We have learnt the hard way this is not the case. MPI are rushing through the implementation of the IEMRS technology, but their reasonings for doing so are flawed as the fishery is not under any threat of collapse.

#### \* Continuous tracking of vessels positions

A case has recently been through the High Court regarding a skippers fishing marks, and the ownership of them. In the case – Edminstin v Sanford Ltd EMPC 80/2016 – the court found that a skippers marks are his or her own intellectual property. The continuous and compulsory tracking of vessels while they are fishing their secret or favourite fishing marks would therefore be theft if you did not have their permission to do so. The topic of exemption from or compensation for this intellectual property now needs to be had between skippers and MPI.

Marks are being taken by MPI from skippers now in the form of Catch Effort Returns. These returns are made daily by skippers fishing at sea and contain not only positions, but also catch rates and effort figures. The discussion of whether this is now a breach of the skippers intellectual property rights needs to happen.

We are also protected by law in this department by the Privacy Act 1993, Section 28. It states *"Trade Secrets. (1) Subject to subsection (2) an agency may refuse to disclose any information requested pursuant to principle 6 if the withholding of the information is necessary to protect information where the making available of the information –*  
*(a) would disclose a trade secret; or*

*(b) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information."*

#### \* Privacy

Most people, when asked, would say they would not like to be filmed 24 hours a day, seven days a week. In fact, there are laws in New Zealand protecting citizens from this very thing. The Privacy Act 1993, Principle 4 states:

*"Manner of collection of personal information. Personal information shall not be collected by an agency -*

*(a) by unlawful means; or*

*(b) by means that, in the circumstances of the case, -*

*(i) are unfair; or*

*(ii) intrude to an unreasonable extent upon the personal affairs of the individual concerned."*

The overall consensus of us, both skippers and crew, is that not even convicted criminals or paedofiles are constantly tracked or filmed. Why then should we be?

#### \* Families and friends

Often our vessels are privately owned. We live to fish and fish to live. We take our families and children to sea with us at times. They love sharing our passion with us, and we enjoy sharing such a big part of our lives with them. No distinction between commercial or recreational trips will be made, meaning our family, children or friends will also be subjected to being constantly watched. Such trips are private, and special to us, and there is no need for "big brother" to come along too. Several words come to mind - invasive, intrusive and wrong being the most polite. But, even on a company vessel a skipper or crew should still have the basic human right to privacy, no matter who they are.

#### \* Our vessels are more than an office

Often "landlubbers" view a vessel as just another type of office. Many may feel it's ok to be filmed in their workshop or at their desk in the office. But, a vessel is different.

A skipper has an affinity with his vessel that someone on land will never understand. It is not an easy relationship to describe. A vessel is more than just a working platform. It is his escape, his home away from home, his sanctuary. And, the vessel has the ability to carry him or her away out into the wilds of the ocean where he can breathe easy again. When we get back on "the briny" we feel a type of serenity you cannot find anywhere else.

A camera plonked smack bang in the middle of your serenity would be such a gross intrusion. We go to sea partly because we want to escape people and the chaos of life on land. We don't wish to be followed or watched; and in doing so would completely ruin and destroy our basic feelings of being free on our vessels while at sea.

*"The ocean stirs the heart, inspires the imagination and brings eternal joy to the soul", Wyland.*  
*"It isn't that life ashore is distasteful to me. But life at sea is better", Sir Francis Drake.* The best way for us to ensure we can always fish is to look after our fishery, so we think about sustainability more often than most people on shore would. We live it, and many fishers/quota holders have already taken voluntary measures to ensure their areas are sustainable for the future.

#### \* Privacy concerns for small vessels

Several vessels are small. The camera would be focused on the working area on deck. Often on small vessels the camera would have a lens wide enough to see all. This includes the shower/toilet

area. The “loo with a view” would become the “loo where you are viewed” in some cases.

#### \* Safety concerns for small vessels

Smaller vessels are often caught out in rough weather, necessitating the need to travel in turbulent seas. Often when a vessel is in these conditions it is not safe or practical for a person to cross the deck to the toilet as it can be awash and unstable. A safety measure many skippers have introduced is to tell crew to urinate on the back deck or out the back door to reduce the risk of them being washed overboard. The last thing a person needs in the middle of a treacherous situation is the feeling they are being watched and judged.

Similarly, if a vessel has only two people on board and one is sleeping below while the vessel is steaming, the above procedure can also often be adopted. This is to ensure the person on watch remains on board safely while the other is asleep. It is hard for a skipper to fully rest if he/she has concerns for the safety of the person on watch. These precautions arise out of necessity, we do not want them to be recorded for other outsiders to judge us by. On camera it can be hard to tell how rough the sea actually is for us onboard. Sometimes the weather dictates how we function on board our vessels. It has never been an issue for us because we understand the reasoning and common sense behind it. This becomes more of an issue for us now that we will be viewed and judged by others who do not understand or appreciate the situations we often find ourselves in.

#### \* Maritime Operator Safety System (MOSS) – psychological stress

Safety has become a new stress for skippers, with the introduction of the Maritime Operator Safety System (MOSS) by Maritime New Zealand (MNZ). We are constantly told that we should always be thinking of safety on our vessels. We continually work on improving our operations to make them as safe as we can. It is in our own best interests to do so, we understand that. One safety issue that the introduction of IEMRS will create is the psychological stress of being watched. Having a camera constantly watching your every move would create undue psychological stresses upon skippers and crew. Not knowing who is viewing us at any one time is unnerving, unsettling and unfair.

MNZ always press upon us the importance of safety, and recognising the signs of fatigue, but we continue to be burdened with more government stresses every day it seems. It is starting to weigh us down. We are getting more stressed. All of our stresses lately are placed upon us by government departments who are apparently trying to make our lives and industry “safer” or more “sustainable”. We are not the villains we are being portrayed as. We are being unfairly represented and treated by MPI. We are very capably managing our fisheries, and the industry is quite successful and sustainable now. MPI, also believes this, as per a quote from their IEMRS Regulatory Impact Statement Booklet ISBN No: 978-1-77665-559-5 (online): “*Our underlying assumptions are that the fisheries management system is fundamentally sound and that there is broad support for the Quota Management System*”.

#### \* Ownership of footage

It is proposed by MPI that camera footage will be saved onto a hard drive by the skipper. This would then be posted to MPI where they would process/review the footage. Skippers questioned the ownership/privacy of their footage once MPI had obtained it. They were concerned that anyone could access the information/camera footage via a request through the Official Information Act. MPI's response was that yes, outside sources could apply to obtain footage under the Official Information Act, and the Privacy Act.

This has already proven to be the case. A news article on the Newshub website (<http://www.newshub.co.nz/home/politics/2016/09/investigation-finds-mphis-fish-dumping-decision-flawed.html>) clearly shows a still picture of someone on the deck of a vessel with an elephant fish.



The picture was sourced from camera footage taken by MPI from one of the commercial vessels involved in camera trials.

\* Our Contributions to the Economy

We love fishing, and want to be able to fish for as long as we are physically able. Fishing can really consume a very large part of a person's existence. In that way it forms part of your personality and is why so many of us are struggling with the thoughts of how intrusive this IEMRS technology will be for us. Several even feel so strongly against this project that they are considering leaving the industry if it is imposed upon them. Several submitters voiced their opinions in this respect via the online submissions process.

\* IEMRS - rationalisation

The following is MPI's reply, as written in their booklet called "Integrated Electronic Monitoring and Reporting System Regulatory Impact Statement ISBN No: 978-1-77665-559-5 (online)" pages 5 and 6:

- 14 *The IEMRS proposal may result in significant rationalisation of the industry. Anecdotal information from commercial fishers during the consultation process indicated that the cost of cameras in particular could cause some fishers to exit the industry. It is not possible to quantify the number of fishers who may do so, given the wide disparity of fishing operations and fleets and the lack of information on income. Significant improvements to the fisheries management system have resulted in rationalisation in the past. For example, substantial rationalisation occurred when the QMS was introduced in 1986.*
- 15 *However, we may draw some inferences from the age of vessels, the value of landings, the number of days fished per year, and the age of individual permit holders. For instance:*
- a) *The inshore fleet is aging – 12 percent of commercial fishing vessels are 50 years or older, with some having been built prior to the Second World War;*
  - b) *One sixth of the commercial fishing fleet may be marginally viable at best, judging by the information that MPI holds on the value of fish landed and the number of fishing days reported. Many of the fishers operating these vessels could be characterised as "lifestyle" fishers;*
  - c) *The cost of cameras appears likely to have significant impacts for at least some operations given that the cost in some cases exceeds the reported value of the amount of fish landed per annum; and*
  - d) *The age profile of permit holders, with nearly 40% of individual permit holders 60 years or over, would suggest that some may choose to retire from the industry rather than continue with learning and implementing the requirements for IEMRS technologies.*
- 16 *Where rationalisation has occurred in the past, catching capacity has been redistributed amongst remaining operators. This would lead MPI to believe that while there will be some rationalisation of effort resulting from the requirement to carry and operate cameras, this will not affect Industry's overall ability to catch commercial allowances. Potential rationalisation will in any event be mitigated by the phased-in implementation of cameras on a fishery-by-fishery basis, using a risk-based approach, e.g., an evaluation of risks to sustainability, concerns about incidental catch of protected species.*

Sounds pretty callous to us. Fishers who are "marginally viable", or "lifestyle", or "60 years or older" are still contributing to the fishery and society. Surely having a wealth of knowledge is just

as valuable as the monetary value of the fish caught? It seems to us it would be much better, for the health of the fishery, to have fishers who do it as part of their lifestyle, rather than just for the monetary gains? Why does MPI feel ousting these fishers will be beneficial "for the future of the fishery", the main reasoning for this proposal?

#### \*Smaller inshore vessels - advantages

Smaller inshore vessels catch a smaller amount of the quota. Small catches should equate to less waste or the alleged discards of unwanted fish MPI speak of. Small vessels typically fish in to their local port and unload to local processors who then use the fish in their local shop. If the small lifestyle fishers were taken out of the industry we could see a massive drop in how accessible fresh fish will be for average New Zealanders. Larger companies have a tendency to ship their fish products offshore.

The fish from these small vessels is not only super fresh, but it is also of a higher quality than mass caught fish as it takes less time to process it. Often these small vessels only day fish to their onshore companies so the fish is as fresh as it can be. Small operators take pride in their vessels and the product they produce for the locals of their town. This type of fishing has sustainability written all over it.

#### \* Lifestyle fishers

If these older, lifestyle fishers are not significantly contributing to the amount of fish caught, there should be no harm in them continuing as they are? We do not want to get into discussions about the amount of unemployed people in the country, but there will certainly be several hundred more claiming "the benefit" if pushed to do so by MPI. And for what, they are happy being contributors to the economy now and are happy to continue for as long as possible. These fishers are by no means a threat to the sustainability of the industry.

And we do not want to have discussions about the suicide rates either....

It is abhorrent that a government agency can be so dismissive of a group of hard working primary producers who absolutely love their jobs.

The term "significant rationalisation" is a very neutral way of saying they are basically going to put us out of business. It is a polite way of describing what we feel is a disgusting and insulting way of treating some of this country's hardest workers. It's disappointing and shameful.

#### \* Flow on effects

In 1986 the losses to the industry were significant. If such losses were to happen today the industry would feel the impact much more. There are fewer people "waiting in the wings" who would be willing or able to take up the slack. And seeing how the legends of the industry had been treated, it would be less likely to be viewed as an industry where you, the workers, are valued by the government bodies who dictate your rules and fates. The value of fish sold should not only be measured in monetary terms. If a skipper or crew are happy being a lifestyle fisher, they should be allowed to continue for as long as they want.

#### \* Extra costs means more fish to catch

Any extra costs imposed on commercial fishermen directly translates into more fish being taken from our fisheries for no extra gain. For a commercial skipper who does not own their own quota, this involves leasing more Allowable Catch Effort (ACE), for the right to catch more fish.

Here is an equation from a commercial crayfisher's point of view in the current economic climate. Each cray vessel will have to catch a minimum of 1 ton extra to pay for their camera/tracking

devices. Only a very small percentage of cray fishers will own their own quota, meaning they will have to lease in more ACE to do this. With today's lease prices, which are at an all time high, that would mean an extra cost of \$65 per kilo – or \$65,000! That amount is what it will cost to lease the right to catch the fish. The cost of actually catching that fish will also need to be added on. The prices received for that fish can also fluctuate so the fisher needs to then catch the right sized fish at just the right time to make money from it. All that effort and outlay just to cover the costs of IEMRS, seems ridiculous and unnecessary to us.

\* Uncaught ACE and stress

Another factor to think about is the stress and work behind the scenes to find any uncaught ACE for that season. It is not always available, unless you have the right contacts in the industry. The larger companies or quota owners who own the quota outright can dictate who is allowed to fish their quota, leaving some fishers with nothing to catch. Fishers in all other sectors will also face costs to lease in more ACE, which will directly result in more fish dying for “the future of our fisheries”.

\* Fisheries Act – new regulations

A general concern we have is that MPI can introduce these measures of cameras and tracking, by bringing in new regulations under the Fisheries Act 1996. Because we are governed by this law and it's regulations we would then HAVE to consent. By standing up for our own basic human rights we become criminals. Is that not a form of legalised blackmail? We have no way of protesting other than to complain. MPI are rushing these measures through cabinet as we lay this on your table. We are not in support of compulsory IEMRS introduction but it looks like no matter what we say, MPI are intent on forcing it upon us like we are criminals.

\* Recreational sector backlash

Any opposition spoken publicly creates backlash from the recreational sector, claiming we have something to hide. The public are quick to paint the commercial sector in a bad light, when they can go out and have fantastic catches whenever they want with less regulation than us. The thought of compulsory IEMRS introduction is stressful enough without the public suspecting you have something to hide. We already report our catch and observers are prevalent on commercial vessels. We are already being monitored. The fishery is in good health, and yet we still have to defend ourselves.

\* Easier alternatives

Several of the issues MPI states are their main reasons for introducing this technology can be solved more simply, and with less costs involved.

If MPI are truly worried about alleged discarding or dumping of fish, this indicates that some species have their Total Allowable Catch rates (TAC's) set incorrectly in some areas. If a species is over abundant and it has a low amount of TAC, it can be hard to avoid when fishing for other species. MPI has the power to increase or decrease TAC's as species numbers fluctuate. If a fish is abundant, and the TAC is at the correct level, no alleged discards should occur.

\* Use data collected now

MPI is collecting a massive amount in catch data already through Catch Effort Returns. These are filled out by fishers every single day they fish. A voluntary group of fishers were interested in the survival of their local fishery. They put an official request in to MPI for the catch effort data of that species for the area concerned. The reply from MPI came back that the data had not been collated. If the group wanted the information processed they needed to pay thousands of dollars for MPI to work through it. MPI already has an excess of fisheries catch information, and they are doing nothing with it “for the future of the fishery”.



#### \* Release unwanted fish

Provisions need to be made to allow fishers to release healthy unwanted fish back to sea with no consequences. Under the current system a fisher wishing to return a healthy unwanted fish would be considered to be dumping or discarding it. This is an unhealthy way to run a fishery. Recreational fishers are encouraged to return fish that are undersized or unwanted. Commercial fishers should not be penalised for doing the same.

If you look at the health of the fishery now you will see that most fish stocks have markedly improved under the present system. Not one single fish stock is in danger of collapse. We ask again, why the need for such drastic measures in the name of "protecting" the stocks?

#### \* Review and reduce current laws

Currently there are over 8,000 fisheries laws. Most of them are out dated. A lot of them are not practical either. MPI staff often admit this to us in our local MPI offices. The fisheries laws need an overhaul to create an environment that promotes healthy practices. MPI should not penalise fishers for doing the right thing for their fishery. Revising our fisheries laws is a far more practical use of MPI's resources and time "for the future of the fishery". It would be a much more productive way of improving fish stocks. Fishermen need to be consulted in the creation of new laws, as they know first hand if the measures will be practical in the real world. The days of catching every last fish went out with the whaling industry in NZ. The overriding opinion of fishers today is that we are willing to do what it takes to create sustainability, and have been doing so for decades.

#### \* Improvements and innovations

The commercial fishing sector is continually striving to better the way it catches fish, not only for the quality of fish caught, but also for the sustainability of the fishery. The program "Ocean Bounty" which has aired on channel 3 has highlighted this showing improvements and innovations across several sectors.

There are practical ideas skippers have to improve the current quota system. These ideas would help improve the fishery for future generations, and would not negatively impact anyone. It is a common misconception that skippers and crew want to catch every last fish. This kind of thinking is archaic and grossly inaccurate. A true commercial fisher wants to be able to do so forever. And when we can go out and achieve large catches it makes us look like legends. This is what we love to do. We want to be able to go fishing and catch a lot of fish with less effort. We all understand the concept of sustainability, and we live it every day we go to sea.

Innovations and specialised computer programs have been created and are currently being utilised in some sectors of the industry. Data logging is happening, and the data collected remains the property of the fisher. The information collected shows up to date catch effort figures and the current state of the fishery can be seen with the click of a button. These technologies can be modified to encompass more sectors and would greatly enhance our stock status information without compromising the fishers personal marks or private information.

#### \* MPI is not listening

MPI needs to have open and frank discussions about the current system to help solve the problems it is facing, both real and imagined. They not only need to discuss, but they need to LISTEN. We will achieve nothing with accusations and big brother prying, except hatred and resentment. Fishermen know what will work. Inevitably the introduction of IEMRS could force those who love the industry the most to walk away, and that would be a real tragedy.

Just to be clear, we are not just putting in a complaint. We are also saying we will never consent to the compulsory introduction of IEMRS. We are hard working skippers, crew and quota holders of

New Zealand, and we deserve better treatment from our governing body. We want what is best for the industry and the sustainability of our fisheries, just like MPI. But we can foresee that if MPI continue on this track without proper consultation, and frank, open discussions with us, they will create a massive rift in the industry that will be hard to heal.

We look forward to hearing your reply.

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1 August 2017

To whom this concerns,

My name is Hayley Nelson<sup>s 9(2)(a)</sup> My complaint about the new fisheries regulations is from my interest, as a commercial fisher. These new regulations will completely ruin my life and my job, and I shall explain why below.

As I said, I fish commercially. I went for a ride on a commercial boat one day and absolutely loved it. I have worked on deck with my now partner ever since. It has been 17 years since then, and I feel very lucky and privileged to say I fish commercially.

We are a small business who unloads to our local fish shop. The quota parcel he has is just big enough to ensure we can look after our vessel and maintain a comfortable lifestyle.

The extra costs involved with the introduction of Integrated Electronic Monitoring and Reporting System (IEMRS), as proposed by the Ministry for Primary Industries (MPI), will be crippling for us. I have never committed a crime, or been convicted of a criminal offense. I feel we are going to be unfairly monitored and tracked and watched. No other law-abiding citizen is subjected to such invasions on their life.

As I said before, I work with my partner on board. When we fish the boat becomes our second home. The feeling of freedom and what you get when you go to sea is hard for me to describe. For me, at least, it sort of feels like when you were a kid and you go camping. It has a special excitement to it, and you feel like you are escaping the world to get out into nature. This is how I feel when I am on our boat. Having a camera with big brother on board watching is just so wrong and intrusive.

I am someone who has always been a wallflower — shy and quiet. I do not like having my photo taken and the thought of being filmed constantly makes me feel sick to my stomach. I think it is because I will not know who the person is, but I will be able to feel their hovering presence watching over me at all times. It is just creepy and unnecessary. The worst thing is that this will be in my sanctuary — our privately owned vessel.

I often find myself defending commercial fishermen. For some reason the public thinks all fishers are rogues. But, often you will find that commercial fishermen are greenies who just happen to work on the sea. You ask anyone who knows my partner and I, and you will find we are not rogues. We care about the fisheries we are involved in.

I am green to the core. I use plant-based detergents because they are better for the environment. I try and grow my own organic fruit and vegetables. I feed out native birds, and plant native trees, We have animals we raise for meat who have the best organic lifestyle.

we can give them, with pats and chin scratches when we can. We care about the environment on land and sea. It is possible to commercially fish and be green.

Our small commercial fishing business is no threat to the sustainability of the stocks we fish. Why are we being forced to do this? I get very emotional and upset about it because these measures are so unfair and will achieve nothing for our fish stocks. The problems with the Quota Management System will still remain but fishers will be subjected to outlandish costs and fines if the proposed equipment breaks down while we are at sea.

Our vessel is small — I would have to walk past the continually running camera when I leave the shower cubicle to get back inside the wheelhouse, This is a total intrusion on my personal privacy. I just do not understand the reasonings for watching us 24/70 I thought we were protected in this country by privacy laws for such things, or is it because I fish commercially that I suddenly have no personal basic human rights anymore?

When you look into these new regulations, you will find they are set up to fine and punish fishermen for equipment faults and failures beyond our control. The equipment will be provided by outsiders, but if they fail, the fishers will be fined if they don't come to shore to get it fixed. Daily fines! We will have to wait at the wharf until the equipment is fixed, possibly missing the good weather and runs of fish as they keep us tied up.

The installation and upkeep costs are excessive for a small vessel. And, it looks like we will have to get a satellite phone to send catch data daily. There should be no reason for this, as fishers can send data at the end of a trip, it will still be current. The reasonings and arguments by MPI for the need to place us under these rules is flawed. MPI are treating us like criminals,

The ministry is acutely aware of the problems with the current system and they can take simple, cost effective steps to address these. If they are unaware of these steps, they have not been listening to industry, who has been telling them for decades. Instead their approach is to ignore the obvious problems, and lay more ridiculous rules over the top of the existing ones creating more unworkable regulations we are governed by.

I get very angry, and then I get upset. We have always worked hard for our country. Fishing is a very hard job, in a challenging environment, and not everyone can do it. We are proud to provide for our country. Our fish is as fresh as you will get, and it is very high quality. Our vessel is well maintained and to us is one of the family. Our lives are so closely intertwined with our job that if we were to be pushed out of business, we would be lost.

It seems bizarre that the hard workers of this country have to fight, using lawyers, to keep their jobs. What has this country come to? We are the primary producing back bone of this country, we should be allowed to work without having to defend ourselves constantly to MPI. We are all being treated as guilty until proven innocent. There are real fishing criminals that MPI can target, foreign vessels who have been caught fishing illegally in our waters who catch hundreds of tons of southern bluefin tuna. Small operators like us would not catch that much fish in a whole year.

Please look at the intrusions these new regulations will have on our small business, both emotional and financial. I am seriously considering leaving the industry because the thought of cameras for me is just too much. I can't sleep at nights thinking about it actually. It is so unfair. The worst thing of all is that these new regulations will end up pushing out the people who love and care about the fisheries the most. That is our reality and the cold hard facts. The primary producers like me are being pushed too far this time and are getting tired of fighting the government to remain in business. We are governed by a quota system that shows the fish stocks are currently sound, they are not under any threat of collapse. The ministry does not need to force IEMRS upon us.

Thank you for taking the time to read my submission,

Hayley Nelson

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**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 11:31 a.m.  
**To:** s 9(2)(a)  
**Subject:** FW: Submission on EMIRS and Geo-Spatial Positioning  
**Attachments:** Submission for MPI EMIRS.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Ian McDougall - Compass Rose Fishing [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 10:54 AM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Submission on EMIRS and Geo-Spatial Positioning

The Minister MPI

Mr, Nathan Guy

Dear sir,

Please find attached submission for EMIRS and Geo- Spatial Positioning.

Regards

Ian McDougall Compass Rose Fishing Ltd. s 9(2)(a)

Ian McDougall Compass Rose Fishing Ltd. s 9(2)(a)

# **Submission for Intergrated Electronic Monitoring and Reporting System And Geo-Spatial Position Reporting**

The Minister for Primary Industry  
Mr. Nathan Guy

Dear Sir,

Compass Rose Fishing Ltd; strongly oppose the introduction of all the electronic equipment as described in MPI circulars at this time for the following reasons.

## **Equipment suitability.**

At such a late stage of the introduction, MPI cannot name the certified equipment or who the suppliers will be, making it very hard for myself and others to make any plans or decisions regarding implementation. Not knowing equipment, installation and ongoing servicing costs make it difficult to budget for the future.

## **Trailing.**

Being required to spend many thousands of dollars on equipment that will not be proven, MPI must insist the suppliers carry out extensive trailing on vessels around the country for at least 12 months to ensure all aspects will work suitably without creating huge costs to the fishers caused by malfunction or inability to operate successfully.

## **Transparency.**

Sir, you have stated, NZ will end up with the most transparent fishing industry in the world. This may be so, but at what cost to the fishers who are continually fighting rising costs with insurance, MOSS, Maui dolphin closures etc etc. Transparency must also be included in recreation and customary practises, for example, recreation can throw anything back dead or alive, is this fair on the commercial fishing industry?

Sir, as you are aware WCNI has a very large snapper and kingfish problem caused by over inflation of deemed values primarily caused by excessive ACE rentals from the large quota owners.

If these deemed values and ACE rentals continue, please allow the industry to return any live fish not required without any penalty, cameras should surely cover this problem.

## **Funding.**

At such a probable huge cost to small vessel owners as myself, I believe the introduction will force many owners to quit the industry as there will be no way

to recover costs. We are already fishing to our maximum, and having to find another huge sum of money and ongoing service costs the implementation must be funded by Government, this will keep the industry alive.

**Clarification.**

There are so many questions to be answered and clarified before any implementation should go ahead.

1. Failure of equipment at sea while operating?
2. Failure of satellite connection and not being able to contact FishServe?
3. Will the EMIR allow multiple fishing methods on a day?
4. As predominately I am a set netter and have many times had NCELR's returned for overlapping trips. For example = We quite often set the nets say today 1/8, haul the nets tomorrow 2/8, reset the nets same day as haul 2/8, return to port unload the following morning 3/8 ( end of trip one ) then go back and haul nets set on 2/8. Will the EMIR handle this or be rejected?

**Support.**

I strongly support the submissions by FINZ, Federation of Commercial Fishermen and Egmont Seafoods.

Yours sincerely,

Ian McDougall  
Compass Rose Fishing Ltd.

s 9(2)(a)

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**From:** Coral Goldie <s 9(2)(a)>  
**Sent:** Thursday, 13 July 2017 4:30 p.m.  
**To:** Fisheries Review  
**Subject:** Future of our Fisheries

Hi

Reading the latest email concerning cameras.

Is the filming open to joe public to observe from their armchairs?

Is the geographical position of the vessels private to primary industries only or a open book on the internet??

Concerning is a Skipper who has used his brains to catch fish of 30 years now has to expose his grounds to everyone in sundry on the internet..

Wait your answers

Regards Coral

Sent from my iPhone

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**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 12:42 p.m.  
**To:** s 9(2)(a)  
**Subject:** FW: IERMS

**From:** Jason Haggerty [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 12:36 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** IERMS

To whom it may concern,

As a forth generation fisherman the future of our fisheries is extremely important to my business, myself and my family. I dont disagree with most things your team is doing but the event reporting is outrageous. Im sure if we did our returns at night as we do at the moment it wouldn't harm the fishery we fish. There is no need to have the skipper remove his concentration from keeping his crew safe in horrific weather to sit down and fill out a event report. This can be done once the vessel is parked up. At the moment we have areas set out so why change them. You guys need to have a hard look at your selfs and try and put your selfs in our shoes. Areas we fish are isolated so you can not expect satellite coverage all the time. Why not make an app for a tablet or laptop that we can fill out a CELR and log it in every night, when we are back home with wifi it automatically sends to you. Each night we do a CELR it is date stamped so you guys know we are doing it each day. Asking us to physically count every fish that comes aboard is crazy. Why cant we carry on doing it as our best estimation on weights?? And why do you need information on every fish. At the moment we do 4 survey pots and that information put through to RLIC. Our fishery is in great nick so why change something thats not broken. It worries me that you guys are pushing this all through at speed and are not listening to industry , and the team you have assembled does not have alot of fisheries background.

Jason Haggerty

Sent from my iPhone

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**From:** Jaycee Fisher <s 9(2)(a)>  
**Sent:** Thursday, 10 August 2017 5:51 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Cameras

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I don't want cameras on the boat the added stressed of being observed would make my job harder and therefore unsafe for me to look after my crew, being relaxed and focused is crucial to safety. Being spied on is for me the most discomforting and stressful situation I could ever be in. But I'm sure you won't read this anyway. Shelve it like you did out first submissions

Sent from my iPhone

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**From:** Jenny Olson s 9(2)(a) >  
**Sent:** Wednesday, 9 August 2017 2:03 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** e log books and cameras

To whom it may concern, I am happy enough about e log books, but am opposed to having cameras aboard my vessel for privacy reasons, as well as the costs that you are quoting as far as I am concerned it is bordering on a case of fraud so that needs to be looked at, yours Rex Olsen owner skipper R J Fishing Ltd

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**From:** Future of Our Fisheries Programme  
**Sent:** Tuesday, 22 August 2017 9:41 a.m.  
**To:** 9(2)(a)  
**Subject:** FW: Submission on Fisheries (Geospatial Position Reporting Devices) Circular and Fisheries (Codes and Information) Circular 2017.

**From:** Sea Jho Co, Ltd. [mailto:9(2)(a)]  
**Sent:** Monday, 21 August 2017 11:51 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Submission on Fisheries (Geospatial Position Reporting Devices) Circular and Fisheries (Codes and Information) Circular 2017.

**Submission on Fisheries (Geospatial Position Reporting Devices) Circular and Fisheries (Codes and Information) Circular 2017.**

This submission is made on behalf of JAICO Limited and KNW Co., Limited. Our companies own three limited processing freezer trawlers >28m. Our vessels currently carry and operate approved and registered automatic location communicators and provide the required catch and processing information to MPI through the CEDRIC programmes maintained on board. All of the vessels carry at least one MPI Fisheries Observer for all of the time they are fishing.

**We support the submission made by Deepwater Group Ltd (DWG) dated 21 August 2017.**

Further, we would like to reiterate the information provided as schedules to the DWG Submission. Our companies, as agent of the permit holders, are able to provide all of the information required under the new Fisheries (Reporting) Regulations 2017. We cannot however provide all of this information consistently within the required timeframe. In particular we will not be able to provide the information required under Section 9 - Processing Reports in the timeframe specified in the Regulations.

We have other issues with both the Circulars and the new Reporting Regulations:

- It is not clear from the Circulars or the Regulations what 'processing' is to be defined as.
- We do not know the container type we are meant to record
- The records from the factories on our vessels are made on paper forms by the factory manager, relayed to the Chief Officer on the bridge, and recorded first onto the ship's computer and then

entered into the CEDRIC program which is held on a standalone PC. To ensure the integrity and safety of the data entered into CEDRIC this is the only program we run on these PCs. There is no interface between these standalone CEDRIC PCs and the Fleet Broadband and GPS systems on board the vessels.

- The Chief Officer is crewmember that enters the information into CEDRIC. The minimum amount of time the Chief Officer would take to enter all of the required information into CEDRIC would be 2 to 2 1/2 hours, assuming he was not engaged in any other fishing and navigation operations. Our vessels fish and process at various times throughout the day. If processing finishes later than 2130, as is often the case, the Chief Officer will not be able to consistently enter the required information by 'close of day'.
- At time of writing we do not know how we are to get this information from CEDRIC to MPI.
- Our vessels run sole charge bridges. The Captain is the person on board authorised to sign the CEDRIC data which he would do after he comes on watch and checks the data input. Generally, when the Chief Officer is on watch, the Captain is off-watch.

Best regards

Jeong Hwan Yoon  
Managing Direct  
KNW Co., Ltd.  
16 Kilkivan Lane Broomfield Christchurch

5 [REDACTED]  
9(2) [REDACTED]

**From:** Future of Our Fisheries Programme  
**Sent:** Tuesday, 22 August 2017 10:22 a.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Submission of Moana New Zealand on Digital Monitoring Circulars  
**Attachments:** 20170821 Moana Submission Circulars 21 August 17.pdf

**From:** § 9(2)(a) [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 4:52 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>; § 9(2)(a)  
§ 9(2)(a) >  
**Cc:** § 9(2)(a) <§ 9(2)(a)>  
**Subject:** Submission of Moana New Zealand on Digital Monitoring Circulars

Kia ora

Please find attached the submission of Moana New Zealand on the Draft Circulars issued by MPI under the Digital Monitoring of Commercial Fishing Regulations.

Nga

Jeremy Fleming

For Moana New Zealand

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Ministry of Primary Industries

Wellington

By email to: [futureofourfisheriesprogramme@mpi.govt.nz](mailto:futureofourfisheriesprogramme@mpi.govt.nz)

21 August 2017

## **Submission of Moana New Zealand in relation to the Draft Circulars issued by the Ministry of Primary Industries under the Digital Monitoring of Commercial Fishing Regulations**

### **Purpose**

1. This submission has been prepared by Aotearoa Fisheries Limited, trading as Moana New Zealand (Moana), in response to the following Circulars (the Circulars) released on 21 July 2017:
  - Fisheries (Geospatial Position Reporting Devices) Draft Circular 2017
  - Fisheries (Codes and Instructions) Draft Circular 2017
  - Fisheries (Event Reporting) Draft Circular 2017
2. Moana notes that regulations to enable digital monitoring of commercial fishing operations (the Regulations) were gazetted on 13 July. The Regulations are:
  - Fisheries (Reporting) Regulations 2017
  - Fisheries (Geospatial Position Reporting) Regulations 2017
  - Fisheries (Electronic Monitoring on Vessels) Regulations 2017
3. Moana notes that Government did not seek submissions on the Regulations. Comments in this submission apply in part to the Regulations.

### **Moana New Zealand**

4. Moana is 100% Iwi owned with all Iwi holding shares in the Company. Moana was established by the Maori Fisheries Act 2004 (the MFA). The company operates processing facilities in Bream Bay, Auckland, Whitianga, Coromandel, Palmerston North, Wellington, and Waitangi on the Chatham Islands. Moana markets fresh, live, and processed seafood and other food products to customers in all parts of the world. Moana is committed to, and is reliant on, the sustainable management of fisheries.
5. Moana owns approximately 10,500 t ACE equivalent of quota including holdings in inshore fin fish stocks, lobster, and paua. Harvesting of Moana's lobster quota is managed by Port Nicholson Fisheries LP. Harvesting of Moana's fin fish and paua quota is undertaken by privately owned family fishing and diving businesses operating out of ports around the country. Approximately 100 vessels spanning most fishing methods land fish to Moana.

### **Support for the Submissions of Fisheries Inshore NZ, the Paua Industry Council, and Trident Systems LP**

6. Moana is a member of Fisheries Inshore New Zealand (FINZ) and of the Paua Management Action Committees that make up the Paua Industry Council (PIC).
7. Moana fully supports the submissions of FINZ and PIC.
8. Moana is a partner in Trident Systems LP (Trident) and supports the submission of Trident.



### Specific Submission of Moana New Zealand

9. Moana supports the adoption of geospatial position reporting (GPR), electronic reporting (ER), and electronic monitoring (EM) of commercial fishing. Moana has encouraged the voluntary adoption of GPR and EM by fishers utilising Moana ACE.
10. Successful and cost-effective implementation of digital monitoring of commercial fishing, as required by the Regulations, is essential to the continued successful operations of Moana's business. Moana is concerned that, as things stand at the date of this submission, many of the fishers on which it relies will be unable to comply with the Regulations and Circulars by the required dates. There is a high likelihood that Moana will experience disruption in supply, and escalated costs, as fishers scramble to put in place the required equipment and reporting software and to adapt to new reporting requirements. Moana has established a major project to assist its fishers to meet the requirements of the Regulations and Circulars. Moana is concerned that it will simply not be possible to meet MPI's requirements and timetable for the reasons set out below.
11. This submission does not provide a detailed analysis of the issues arising from the Regulations and draft Circulars which are addressed in the FINZ and PIC submissions. The number and scope of the issues raised by FINZ (the submission runs to more than 20 pages) this late in the implementation process is very concerning. The issues raised span:
  - Inconsistencies between the Regulations and the draft Circulars
  - Inconsistencies between the Circulars and guidance documents issued by MPI in support of the draft Circulars
  - The legality of some provisions and requirements in the draft Circulars
  - Practical issues associated with implementing the requirements of the Regulations and the draft Circulars
  - The draconian nature of penalties and limited nature of the available defences under the Regulations
  - The impracticalities of prescribing a "one size fits all" approach to monitoring a paua diver operating from a small tender on the Chathams to 105m factory trawler fishing in the Southern Ocean
  - Legal and liability issues that will arise between permit holders, fishers, quota holders, systems providers, and MPI
  - MPI's failure to adopt a reasonable approach to consultation with respect to the Regulations and the draft Circulars.
12. It is in the best interests of MPI, Moana, and the fishers who fish for Moana, that the issues raised by FINZ and PIC are comprehensively addressed. Moana strongly urges MPI to take up FINZ's submission that the deployment of GPR and ER be put on hold until the issues raised in its submission are resolved. Creating space to allow direct resolution of the policy, legal, technical, and practical issues will greatly increase the chances of implementing a digital monitoring system that meets MPI's and fishers' requirements at a cost appropriate to the value of the fishing activity being monitored. The current consultation process is unlikely to achieve this outcome. Engagement with practicing commercial fishers, and field testing of the proposed solutions, is required to ensure that the Regulations and Circulars result in GPR and ER systems that can be implemented in practice.
13. The final form Circulars, assuming MPI sticks to the current timetable, are due to be released in time for the system to be operational by 1 October. Moana and its inshore fishers will then have 6 months to select equipment, software, and communications suppliers, negotiate contracts, pricing, warranties, and

indemnities, and to install equipment and systems, test systems integration with Fishserve, register systems and users with MPI, develop operating manuals, and train skippers and crew in the use of new systems and new reporting requirements.

14. In Moana's view MPI are seriously underestimating the commercial, technical, and change management challenge associated with implementing GPR and ER. There are currently **no** suppliers of GPR and ER systems that meet the requirements of the Regulations and draft Circulars. Moana has not been approached by any suppliers. The GPR units currently deployed by a number of Moana fishers do not appear to comply with the requirements of the Regulations and draft Circular. None of Moana's fishers currently report using an electronic logbook and all work in an environment in which using such tools will be a challenge.
15. The time available will not facilitate any competitive tendering process for the supply of equipment and systems and is unlikely to create a commercial environment in which suppliers will be willing to take on the performance risk created by the standards in the draft Circulars. Moana believes that MPI should commit to providing permit holders and fishers assistance by, for instance, certifying GPR and ER systems and communications compliance with the Regulations and Circulars and providing fishers with training / guidance on reporting and compliance under the new regime.
16. Moana's experience with voluntary implementation of vessel tracking and camera monitoring is that implementing complex electronic systems on small vessels is not straightforward. The only certainty with the implementation of GPR and ER on 1 April 2018 is that it will not go smoothly, even with the best preparation possible. Moana is committed to digital monitoring but is disappointed that its business, and that of its fishers, might be put at risk by unnecessarily tight deadlines and a very unequal sharing of risk. It makes sense for MPI to work with all parties to set up a process and timetable that will minimise, rather than maximise, the number of issues that fishers, Fishserve, and MPI must deal with post-implementation.
17. Moana is concerned at the potential application of the Official Information Act (OIA) to the vast amounts of data that will be collected under the Regulations, much of which will be the private information, privately owned intellectual property, or commercial property of Moana's fishers and of Moana itself. Release of any of this information under the OIA to Moana's competitors or individuals and groups opposed to commercial fishing is potentially detrimental to Moana and its fishers and would be inconsistent with the intent of the Regulations. Moana understands that these matters have been raised with MPI by industry organisations including FINZ and PIC. Moana supports the position put forward by these organisations and looks forward to seeing a resolution to these issues.

Jeremy Fleming  
For Carl Carrington  
Chief Executive Officer  
Moana New Zealand

**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 12:27 p.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Vps and electronic data logging

**From:** § 9(2)(a) & John Baker-Flynn [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 12:25 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Vps and electronic data logging

To whom it may concern

In regards to the vps system i believe this should be a government funded operation as it is not viable or fair for the whole fishing industry as the budgets available arent fitting for a lot of smaller businesses involved.

As far as my concerns over electronic data recording, this is not as viable as books due to a number of factors such as weather ( day to day fishing operations), network connection availability and risk factors involved with 1&2 man operations day to day.

I have requested a call back regarding these concerns on two seperate occasions and still have not recieved a call.

Please contact me via telephone on § 9(2)(a) or § 9(2)(a).

Regards john flynn  
Flynnie fishing llimited

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§ 9(2)(b)

**From:** § 9(2)(b) <§ 9(2)(b)>  
**Sent:** Friday, 11 August 2017 5:33 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Digital Monitoring

To whom it may concern,

I Am concerned, I like the idea of digital monitoring but not on a daily basis we are out of phone range we have got a satellite phone but only seems to be good for texting as data network is too slow and cannot download. At the end of each trip would be better like it is now with manual monitoring as we are out for about a week at a time, we have always wanted good satellite communications for internet but nothing suitable at this stage we have not got a computer on board.

Regards John King Owner/operator § 9(2)(a)

Sent from Samsung tablet

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J Norman

s 9(2)(a)

Friday, 4 August 2017

To whom it may concern;

My name is John Norman of the above address. I am the owner and skipper of a small fishing vessel, and am also a quota owner.

This is the Submission of my Thoughts and Complaints on the Introduction of IMERS on Small Fishing Vessels:

Introducing this system in its present form will affect me personally as I fall in the category of those people whom by MPI statement ISBN NO. 978-1-77665-559-5 online pages 5 and 6, (*paragraph 14*) **Rationalisation**. This term is being used to justify removing people from the industry by legislating them out of business. Adolf Hitler **rationalised** the Jewish population!

As a quota owner it is difficult for me to understand how MPI can justify removing my ability to catch fish for which I hold a proprietary right.

By MPI's own admission (*paragraph 15C*) the cost of cameras etc would have a significant impact on the viability of our business. MPI state (*paragraph 15B*) these fishers by the number of days fished are lifestyle fishers and the amount of fish landed is small - if this is the case, how is it justifiable to impose the additional cost on operations that help sustain employment and are clearly no threat to the resource.

I have fished since 1987 and now only fish a small number of days this surely - can not be a reason to put me out of business by adding additional cost to our operation.

It appears that public pressure and not sustainability is the real reason for this new legislation. Over my many years of fishing we have built up a large database of fishing areas in relation to Bluenose and Hapuka fishing. The majority of these "marks" or fishing areas are uncharted and after all these years of "farming" these areas; so as not to over fish them; I would be reluctant to pass this information to MPI.

In the 2015/16 Annual Review Questionnaire - by MPI, on page 16 of 161, it asks about data security issues, breaches, the number of, and what was missing and how many were found. There have been at least 12 reported breaches in the last few years alone; mainly regarding hard drives and laptops, either stolen or "missing", and only 1 has been recovered. Also MPI video shows information from vessels transmitted to a "**SECURE** MPI website". This is at the very least "IMAGINATIVE", as this site can easily be "hacked" or by MPI admission (I attended one of their meetings) can be accessed under the Official Information Act.

If any of these issues arose when I send in my data, this would destroy 30 years of careful collection of fish patterns, catch rates and sustainable fishing. This information I believe is protected by the Intellectual Property Act.

I was raised on a local island and have seen the demise of the inshore fishing - e.g. Hapuka and Kingfish - this was not done by commercial fishing, but by the invention of GPS technology and a huge increase on charter fishing. To say putting me out of business is going to improve the fishery is far from reality.

I have already spoken to people who have told me this information we supply will be public knowledge in the fishing fraternity in short time. Do MPI not have any staff who like fishing,; it would be hard to imagine there would be no information leaked to "mates" commercial or recreational.

I have one crew who derives part of her income from fishing, this may not be a lot of income but at least it is a job in an area where there is no benefit and no employment. We also buy our food from the local supermarket and butcher, support local business and contribute to the economy.

I think if the general public were informed of the true intentions of this legislation and the consequences of employment and lifestyle in small communities - e.g. Northland, Coromandel and many small fishing ports in the country - they would not be quite so supportive of this situation that MPI are impressing on a small section of the primary industries.

There is no way any of these consequences were spelled out to these persons attending the meeting that I attended. MPI clearly know that this was going to put many small businesses at risk (*paragraph 14, 15, 16*) of their information sheet shows this.

Personally I do not have a problem with collection of data if the system needed upgrading, that is fine for the big corporates who own the majority of the quota are not concerned because cost per kilo of fish is minimal to large vessels. Our small operators should not be burdened with many times the cost per kilo, because we operate small sustainable vessels.

These small vessels still create employment and income in small communities. If the cost was based on a per kilo catch it would be fair, but to burden small vessels with the equivalent cost of the vessels earning huge incomes equates to small vessels subsidising large fleets. Why can there not be an exemption for vessels catching on a small amount of fish per year, as by MPI's own admission they are catching an insignificant amount of fish.

John Norman

s 9(2)(a)

P.S. Can I expect someone from MPI to s 9(2)(b)(ii) if I can not continue to catch my own quota that I already own, which is also my retirement scheme.

**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:48 p.m.  
**To:** s 9(2)(a)  
**Subject:** FW: Urwin and Company Ltd IEMRS Submission  
**Attachments:** Urwin and Co submission.doc; ATT00001.txt

-----Original Message-----

**From:** John Urwin [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 3:15 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Urwin and Company Ltd IEMRS Submission

Attached are our comments on the Circulars

#####  
Scanned by the Trustwave Secure Email Gateway - Trustwave's comprehensive email content security solution.  
Download a free evaluation of Trustwave SEG at [www.trustwave.com](http://www.trustwave.com)  
#####

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ATT00001.txt

Regards  
John Urwin  
Managing Director

Sent from my iPhone

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## IEMRS CIRCULARS SUBMISSION

<b>Introduction</b>	<p>This submission is made on behalf of Urwin and Company limited. The address for service is Attn: John Urwin, Urwin Fisheries Ltd, 169 Foreshore Rd, Bluff 9814. Ph (03) 212 8033 or s 9(2)(a) ; email s 9(2)(a) . Should a hearing be held on this issue, the submitter would like to be heard.</p> <p>We are a long established (since 1889) business and fishing permit holder. We own quota, operate company-owned vessels and we are shore-based catch processors. We operate vessels catching finfish (including blue cod via potting), lobsters and bluff oysters. We also manage our quota and process fish in joint venture arrangements with other local quota owners and LFR's.</p>
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<b>Overview</b>	<p>Upon reading and digesting the circulars I conclude that unless there are significant amendments to the circulars this IEMRS project will fail. In essence, the detailed requirements in their current form are impossible to implement on the somewhat limited-resourced and crewed inshore vessels. Failure will occur because fundamental project management principles have not been followed. In the race to get it up and running, totally unrealistic and unworkable timeframes and user requirements have been forced upon us, the system users.</p> <p>The IEMRS Project team need to precisely identify those who will be using the system i.e. the inshore vessel skippers. These are the people who can advise whether it is physically possible to carry out the tasks prescribed in the circulars and continue to safely command their boat.</p> <p>The apparently ill-considered and rushed approach we are being subjected to introduces a well understood project phenomena: Risk.</p> <p>As the project time frame shortens, risk increases and the risk in the IEMRS rollout is that milestone dates will not be met because the circulars prove unworkable in a go-live environment.</p> <p>A "test" environment could iron out some of these issues, but in a live environment fundamental flaws will be immediately exposed; so testing a "lemon" might prove to be a completely pointless exercise. Urwin &amp; Co Ltd has considerable experience in developing, testing and de-bugging fleet management systems. In our experience, it is better to find out flaws in the system earlier rather than later, especially after a fleet-wide rollout has occurred.</p> <p>The information requirements in the circulars may be pertinent and appropriate on a &gt;35 meter vessel, but they do not necessarily relate to smaller vessels. We think that the project team has short-circuited the inshore information-definition process, and instead have uplifted the Deepwater Fleet's data specifications, and transposed this upon us.</p> <p>The software programmers need clear definition of requirements for smaller inshore vessels.</p>
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<p><b>Overview</b></p>	<p>An Inshore Vessel has a skipper and one or two crew. This is essentially the bare minimum as margins are tight.</p> <p>A Deepwater Vessel has better facilities and manning capabilities, allowing data-input requirements to be easier. For example, there are two people on the bridge of a Deepwater vessel: A deck manager in charge of the trawl and a processing manger counting the fish. In many cases the Deepwater vessel is a Licensed Fish Receiver. None of these things are available to our vessels. In our opinion, these circulars are "winging It". Prior to the software's development this is extremely unwise. From our experience in commercial IT rollout, this <b>blighted lack of planning</b> would never be tolerated in a commercial organisation.</p> <p>The only way out of the impending mess is to delay the deadlines by 12-18 months, and use this extra time to adopt tried and proven principles of successful IT project management. We can help with this, if we are given enough time, as we have experience in vessel-management systems through our management of HWSA and MOSS requirements.</p>
<p><b>FOOF Process</b></p>	<p>We believe that the Future of our Fisheries (FOOF) process did not come up with the necessary full suite of actions required to facilitate IEMRS. In particular, there has been the long-unresolved (up to 30 years old) problem with discard Regulations. Furthermore, many TACC's remain unadjusted, minimum size limits need reviewing and deemed values for some species may need to be revisited. All these issues need to be addressed as part of the FOOF process, which would then facilitate the IEMRS project (without all the consternation from quota owners, LFR's and fishermen).</p> <p>Hence, the IEMRS project is commencing with the key events occurring in the wrong sequence i.e. the unresolved core quota issues should have been addressed prior to implementing IEMRS.</p> <p>It should also be noted by FOOF that many of the successful management measures have come from industry, not the Ministry. I refer specifically to CRA 8, OYU 5 and BCO5, who have paid for their own science to better manage their own fisheries. These significant initiatives have not come from the Ministry. This gives rise to the issue of "who has the better track record in managing these fisheries – Industry or the Ministry?" If the Ministry wishes to unilaterally impose the circulars on Industry, then it follows that due regard should be given to Industry concerns, as they have the better track record.</p> <p>The rollout of ER and GPR has been deficient in determining the science requirements of CRA 8, OYU 5, BCO5 and other inshore fisheries. Quota holders' investment in fisheries management databases could be wiped out. For example, the 1 nautical-mile fishing events proposal could wipe out the historic data collected by the Bluff Oyster Management Company's current grid sampling/reporting database.</p> <p>The IEMRS project team needs to directly consult with the Bluff Oyster Management Company and its NIWA scientist. Same for CRA8 and BCO5, and most likely other inshore fisheries as well.</p>



<p><b>Part 2H Oyster Dredging</b></p>	<p><b>Fish Catching Event</b></p> <p>The circular proposes a 1 nautical mile fishing event definition. Bluff Oyster Fishery management is this country's, longest running and historically first managed fishery. It is a high-value fishery owned by quota owners who are passionate about sustainability.</p> <p>The Circular proposes a one mile fishing event based on dredging commencement. This definition has been arbitrarily decided upon without industry consultation and is a backward step, counterproductive to long standing research and local management initiatives. Foveaux Strait has been divided up into areas since the 1960's. Research has been determined and data accumulated in these long-defined boundaries. <i>Bonamia exitosis</i> is the prime fisheries management issue and is effectively managed according to the existing reporting system which is based on 1 nautical mile fixed-grid divisions. These areas are square mile sections and have sector numbers. To override long understood scientific practise with an arbitrarily dreamed up one mile fishing events beggars belief. It further demonstrates a lack of understanding and lack of consultation by the IEMRS project team. The historic 1-NM sectors must be maintained.</p> <p>The Bluff Oyster Management Company sectors need to be reported upon as all previous and ongoing research is centred on gathering data from these sectors. Long-run data will be meaningless if the current area definitions are abandoned</p> <p>Our company's and all other quota owners, long term investment in research is directly threatened for no logical reason other than consistency of method that appears to be fundamentally flawed and based on a totally unrelated fishery - scallops.</p>
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<p><b>Part 2H: Dredging</b></p>	<p><b>Dredging Circular</b></p> <p>At the behest of the Bluff Oyster Management Company the fishers collect almost all of the named attribute-data on page 24 in a log book program and the quota owners pay the skippers for collection of these data. They have done this for approximately 12 years. Hence, all parties to the fishery are on the same page in this matter. It has worked well in managing our fishery through both trying times and abundant times. You will note that this information has been used responsibly by the quota owners to voluntarily shelve quota in the past two season, as <i>Bonamia exitosis</i> has reduced oyster abundance. Future meaningful analysis of the dynamic changes to this fishery is only possible where the historic grids are maintained.</p> <p><b>Mitigation devise Codes</b></p> <p>The dredging operation has no known interaction with birds, or marine mammals etc. Mitigation devices are not required.</p> <p><b>Dredges</b></p> <p>Dredges can be lost during a tow. Provision is required to record a lost dredge. For instance an oyster dredging vessel may start with two dredges but finish with one.</p>
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<p><b>Part 2: Codes for NFPS</b> (page 59-61)</p>	<p><b>Oyster Dredging</b></p> <p>The requirement to weigh or count material which comes up in the commercial dredges is impractical and economically unviable. The landed volume and diversity of material brought up is such that quantification into the required subsets is an impossible task. Tens of tonnes of material needs to be shifted to find legal sized oysters on any fishing day.</p> <p>All small oysters are returned to the sea, along with dead shell, rocks etc. The seabed has an accumulations of dead shell from as far back as 2001-2002. Sifting through the mass of material is very difficult, and it can contain many things. Pragmatically the dead shell and everything else which is not taken needs to be returned to the seabed as quickly as possible so that by-catch species in an alive state have the best chance of survival.</p> <p>The annual scientific oyster survey has five people identifying bryozoans corals and sponges, worms other shellfish and sea life which comes up in dredges. They work on the contents of one dredge for a period of up to one hour, such is the volume brought up off the seabed. This targeted research provides significantly better information than the vast plethora of rough-estimate data required by the circular.</p> <p>A commercially operated tow will have two dredges lifting five times an hour. Two work benches have 2 crew shifting through material. The focus of their effort is to seek out legal sized oysters, not pick through trying to find sub-MLS oysters and very occasional by-catch species. Our targeted research does this much more accurately and cost-effectively.</p>
<p><b>Part 5 Disposal codes</b> (page 65)</p>	<p><b>Oyster Dredging</b></p> <p>Counting oysters returned to sea</p> <p>Sub legal sized oysters have not been counted in the past. To do so would be create confusion, is unnecessarily time consuming, and produces no useful information. The present log book system fills this knowledge gap and further information on the scale proposed in this circular is not necessary. What is defined as an oyster? Oyster spat attaches to old shell and can often accumulate as a mass of very small oysters. The spat is the size of a small finger nail. Is it envisaged that these tiny oysters are counted?</p> <p>At what point is the sub legal size or spat considered to be countable. How will MPI get consistency over 44 crew's opinion on 11 boats?</p> <p>In certain seasons oyster recruitment is strong and 85% of the catch is returned to the sea as quickly as possible because it is sub-MLS. The circular requires these sub-legal oysters to be counted, thereby opening up the possibility of threatened survivability when leaving them exposed on deck. Oysters are high-graded above the legal size limit for quality. Counting them further raises issues of manging existing deck practises. Will the 4 crew need separate recording devices?</p>

Yours faithfully – John Urwin, Urwin & Co Ltd, Bluff.

**Fisheries GPR  
Circular 2017**

The GPR requirements are complete overkill for inshore vessels. They are more appropriate for Deepwater vessels.

The level of communication setting, at up to 10 minute intervals, is unnecessary. In southern waters this communication will have to be via satellite as communication by any other carrier is not possible. This will significantly increase the cost of GPR reporting events. While MPI have stated that this cost will be borne by them, we understand that this will be cost-recovered from the fishers and/or quota holders through management levies, so ultimately we (and the fish-buying public) are the ones who will be paying for this.

**Part1 Basic requirements, 7 page 5** The table sets a parameter, compass heading or course in degrees over ground, required upon each 10 minute communication. Why is this necessary? We are guessing that it might be helpful monitoring trawlers towing in a straight line. Oyster dredging tracks are in an elliptical circle, and a tow finishes more or less where it started. Laying Lobster and Blue Cod pots will have the vessel positioned at all points of the compass. It is quite unnecessary to have this Heading data as it serves no useful purpose and is a case of thinking that one method (straight lines) fits all permutations. We can advise that trawling is not like potting or oyster dredging.

We have found during the 6 years of vessel tracking our own fleet, that reliability is always problematic. Our company uses a Canadian VMS system. The RomTrax transmission device on each vessel has failed 2 to 3 times during the period we have used them. The main issue has been loss of power. However, we have had three units fail because of the corrosive marine environment. We note that Rom Communications are approved suppliers to the MPI-equivalent "Fisheries and Oceans Canada". Our on vessel, the electronic service provider BHM Ltd has confirmed that environmentally-induced unreliability is the norm across our entire fleet.

Using RomTrax our vessel location is ascertained via a web browser at one hour intervals. The main driver has been for compliance with our MOSS (Maritime Operators Safety System) vessel ownership obligation to Maritime NZ and HSWA (Health and Safety at Work Act 2015). Fulfilling our obligation requires us to know our vessels locations at all times. A polled request on the browser locates the vessel at any time.

Since the communication device can completely fail and the skipper is never aware that this has occurred, what process does MPI envisage for rectification? This circular is silent on this matter.

**Contents point 12 page 7.** This section solely contemplates a transmission failure where the device continues to collect position data and continues to accumulate that data. The most likely scenario in the fishing environment is the device fails to ping the satellite and the skipper is completely oblivious to the situation. Under our current vessel-tracking system, in such instances Urwin & Co will contact Bluff Fisherman's Radio and put in a VHS radio call ascertain whether or not the vessel has sunk.

	<p>Changing our current system to comply with the circular GPR requirements takes away our vessel monitoring ability. I note under Section 13 - Security of transmission 2, this allows for sharing with a third party, but it doesn't identify who that is. It could be the owner. If not, then MPI has the vessel location at its finger-tips, but should an incident occur will MPI be well positioned to answer the Rescue? There are no firm protocols in place here and the requirement of this circular currently has the potential to significantly reduce vessel safety.</p> <p>Maritime accidents occur at any time. Will MPI staff be monitoring our vessels movements at 3:00am for instance? The circular has not given due regard to the vessel owner or how the vessel owners or management company might identify a crisis and request assistance in the event of an emergency.</p>
<b>Fisheries Codes and Information Circulars Comments</b>	<p><b>Vessel in Port</b>  <b>Contents point 8 page 6</b></p> <p>It is not necessary to GPR track a vessel's location in real-time, every time the engine starts.</p> <p>Many vessels sit at the wharf charging their batteries or go to a refuelling station or load ice or tranship catching equipment</p> <p>We have been subsequently informed the purpose of this clause enables fisheries compliance officers to locate vessels for physical inspection. Satellite communication is expensive and will be paid for by the quota owner and/or permit holder. We believe that these costs should be kept to a minimum. Thus, crossing a predefined line on the harbour limits is a more cost effective parameter than the blunt instrument of an engine start. Our Romtrax system has these parameter settings. The GPS pinger terminates as the vessel arrives and departs harbour limits. This signals whether a vessel is in port or monitored at sea.</p> <p>Most harbours in NZ are physically small enough for a fisheries officer to visually locate vessels. This requirement is an expensive imposition on industry, and merely satisfies a fisheries officers "nice to know" desire.</p>

<b>Fisheries (Codes and Information) Circular Comments</b>	<b>Fish Catch Records pages 10-12</b> <b>Trawl</b> The fish-catch data requirements are onerous and the regulator needs to be aware of the jeopardy that these requirements place upon a vessel's safe navigation and its crew's safety. For instance, the most dangerous part of the operation occurs during shooting and retrieving the net. Safe work practises are achieved by following standard operating procedures. During the deployment, attachment and removal of the trawl; a small inshore vessel with limited crew and deck space is a dangerous place. All focus needs to be on the "wheelhouse routine", "deck routine" and gear handling operations. The information requirements as specified in this circular divert attention away from the task at hand. They are time consuming and may endanger lives. For each shot the current inshore TCER's are practical and workable. The data entry consists of <ol style="list-style-type: none"><li>1. Date of shot</li><li>2. Start Time</li><li>3. Latitude Start (2 decimal places)</li><li>4. Longitude Start(2 decimal places)</li></ol> Trawl-End time could be incorporated by entering the time that the Lats and Longs at the winches are engaged, retrieving the net.
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<b>Fisheries (Codes and Information) Circular Comments (continued)</b>	<p><b>Page11 trawl data requirements.</b> These are entirely unnecessary. They will never be able to be accurately recorded because the skipper is out of the wheelhouse operating the winches, and ensuring crew safety during a critical time. Heavy equipment on an unstable platform (vessel) has the potential to cause serious harm. Why would MPI want to know when the cod end leaves and returns to the deck? If it is concerned about bird capture this can be done through well-targeted research. Current research on this topic has found that the offal mitigation procedures adopted by Industry had stopped any entanglements several years ago.</p> <p>The circular proposes that data needs to be taken at these following points: Entering Start/Finish Details when the cod end leaves and returns to the deck</p> <ol style="list-style-type: none"> <li>1. Date</li> <li>2. Time</li> <li>3. Latitude (4 decimal places)</li> <li>4. Longitude(4 decimal places)</li> </ol> <p>This is an impossibility because the skipper is involved on the winches and has no physical presence near a GPS device.</p> <p>When the cod end leaves or returns, the danger ramps up and crew safety is paramount. Deploying and retrieving the trawl attaching/detaching the bridles and trawl door to the net is incredibly dangerous. Many injuries and limbs have been lost during this process. Crew fall into the sea as the stern of the vessel is open to allow the net access to the deck. Making data entry a requirement at this time is a very bad idea. We envisage this Circular's (and hence MPI) featuring as a causal factor in any court case should an accident occur during trawl equipment interactions.</p> <p>Our vessel Safe Operating Procedures are primarily focused on how to carry out these tasks safely. It is all about following documented practise and visually concentrating on the task at hand.</p> <p>The skipper is facing aft, on deck, operating the winches. The recording device will be in the wheel house well out of reach.</p> <p>This is not the time for distraction entering four sets of a positional data to 4 decimal places</p> <p>The most relevant, accurate and safest time is when the skipper is on the wheel and the trawl is on the bottom commencing catching.</p>
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**Part 2D**  
**Potting**

**Fish Catch Records page 17**

**Potting Blue Cod**

The circular requires a separate fish catch report if a pot is hauled that is more than 1 nautical mile from the first pot.

There are serious practical issues in complying with this requirement.

During a fishing day tides change around islands and reefs and this affects catch rates. The skipper relocates pots and these shifts can cover many miles. The skipper is constantly moving location targeting areas producing the best catch rate.

The one nautical mile, new data fishing event imposition, seriously restricts the skipper's ability to keep up an acceptable level of catch and in turn reduces his ability to make the fishing trip economically viable.

Blue Cod catchers often spread pots a number of miles apart. This is an exploratory exercise in identifying the most productive location. Creating a new catch event record with 17 lines of data each time pots are moved more than a mile apart is impractical, unworkable and dangerous. The skipper's job is to attend to the safe operation of the vessel. Having his head down entering data is not safe. In this area bordering the Southern Ocean seas are never flat, underlying swells are frequently 3-5 meters. Blue Cod habitat is rocky ground characterised by breaking waves and shallow water. The skipper needs his head up safely navigating the boat

**Fish Catch Records page 17**

**Potting Blue Cod**

Each Fishing Event record must contain the following data and additional reports

1. Event ID
2. Trip ID
3. Client Number
4. Vessel Used
5. Vessel Number
6. Fishing Method
7. Target Species
8. Number of Lifts
9. Soak time hours
10. Start Date/Time
11. Start latitude (4 decimal places)
12. Start longitude (4 decimal places)
13. End Date/Time
14. End latitude (4 decimal places)
15. End longitude (4 decimal places)
16. Catch Record is required for each Fishing Event undertaken
17. NFPS Catch Report is required to be completed for each fishing event undertaken. Presumably this will be zero but it doesn't get around the fact that this is more data entry
18. A Disposal Report is required

<b>Part 2D Potting (continued)</b>	<p>An unforeseen consequence is that in complying with the 1 nautical mile Fish Event criteria the fisher will stay in the boundary to minimise his data entry. This will concentrate effort (by not moving out of the zone) and deplete the resource of fish that are essentially resident to a very small geographic area. Blue Cod fishing is all about spreading effort over ground specifically to avoid local depletion.</p>
<b>Part 5 Disposal codes (page 65)</b>	<p><b>Rock Lobster Potting</b></p> <p>Each Fishing event requires a Disposal report completed. The circular adds 3 new disposal codes</p> <ol style="list-style-type: none"> <li>1. Fish above maximum legal size Code G</li> <li>2. Fish below minimum legal size Code Y</li> <li>3. Rock Lobster required to be returned to sea (not below Minimum length) Code K</li> </ol> <p>The overriding issue in adding these requirements is that fish will need to be sorted into the new codes 1 to 3 above as well as Destination Code X under Schedule 6. The time taken to do this with any degree of accuracy will adversely affect fish survivability.</p>
<b>Part 5 Disposal codes (page 65) Continued)</b>	<p>For example, skippers in the abundant Fiordland CRA8 fishery frequently retrieve 15 kilogrammes of commercially acceptable fish from 200 kilogrammes of pot-caught fish.</p> <p>The practical solution in this instance is to count the take-able catch and then sort the fish retained into each subset for counting. Time out of the water and exposure to fresh water (rain is like acid to crays) lessens the fish's chances of survival once returned to the sea.</p> <p>The current practise is to return these fish as quickly as possible and not count differentiated sub legal or legal fish that are rendered illegal because they are egged, soft shell or have damaged carapaces.</p> <p>An additional and unforeseen issue is that returned fish might be counted many times, as they are recaptured more than once when they are hungry post moult or post egging. In such instances counting a fish many times gives false information via an inflated population count.</p>

**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 11:06 a.m.  
**To:** s 9(2)(a)  
**Subject:** FW:

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Kate Julian [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 9:22 AM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:**

Dear sir

We consider this a waste of resources, funds, manpower and time. We View it as another excuse to fill an office chair with a job at the expense of hard working small business.

Will all new legislation introduced through MOSS, new ticketing for existing commercial ticket holders and proposed camera monitoring you have well and truly push a sunset cottage industry to the brink of collapse.

We in no way can afford to install a estimated \$20,000 camera of our vessel.. plus on going costs..especially as digital technology is dirt cheap now..we are once again feeding the greedy middleman as we slowly starve to death.

We are a small business employing 3 people, to make ends meet, my husband and our deckhand are at sea 5-6 nights a week, I stay ashore and raise 3 children alone. The stress the pen pushers enforce on us is a breaking point. We are seriously looking at chucking it all in and burdening the welfare system with yet another family.

s 9(2)(b)(iii)

There is no pride in beating a wounded and dying animal..but yet you continue.

You have successfully push out the small guy, the long liner, cray potter, the guardians of our ocean, the men who carefully pick their fishing areas year after year at sea to preserve and nurture fish stocks, the men who live on it who know the temperaments of it, the carers of it the ones who respect and teach respect of our moana, and you have opened the doors to the only people who can afford all your bills..the giants the factory ships the trawlers and persainers the rapers and pilagers of the ocean ..the very sort who you have handed our carefully guarded resources to on a platter are the ones who will destroy it..you will sit in your cubical in a office building and watch on your sparkly monitors as they destroy new zealand's fisheries...then there will be nothing left. Including your job and ours long gone.

The tides are changing and it's a sad sad thing to watch as MPI destroy everything they are set to protect in their short sighted money hungry stupidity!

Well done.

You are the straw that breaks the camels back.

Regards  
 Kate Ashton

Sent from Yahoo Mail on Android

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**From:** pam reid  
**Sent:** Saturday, 5 August 2017 2:09 PM  
**To:** pam reid  
**Subject:** RE: IEMRS

*c/ MPI*  
Dr Jeremy Helson  
Chief Executive  
Fisheries Inshore New Zealand Ltd.

Dear Sir,

RE: I.E.M.R.S.

We are one of the small fisher's that are effected by the new provisions. We operate in the § 9(2)(a) and target Flounder.

We operate one dory. (Photo attached.)

Construction: Alloy

L.O.A: 4.5 metres

Width: 2.1 metres

Power: 40HP Yamaha

Draught: .3 metres

Design: Open Dory

Single Axle Trailer.

Value: § 9(2)(b)(ii)

Reg § 9(2)(a) - M.S.A. § 9(2)(a)

Flounder fishing is our main source of income. We fish for O.P.C at § 9(2)(a) and target larger fish for export. We catch approximately § 9(2)(b)(ii) per year.

The new provisions cause us some problems.

- 1 - Vessel not constructed for equipment.
- 2 - No charging facilities.
- 3 - No dry area - we fish in all weather when Flounder are running with rain and sea spray. (We even have difficulty keeping our lunch dry.)
- 4 - Equipment needed would need to be constantly replaced due to salt water and vibrations.
- 5 - The costs involved will likely finish us in the Fishing Industry.



FOOT NOTE:

Some months ago I talked to M.P.I. and the woman contracted to draft the new regulations.

It was clear they had no idea what a Flounder Dory was and kept referring to Inshore Vessels such as Long Line Trawlers and Cray Boats.

They did tell me that small fishers operating Dorys were only Life Style Fishers and it was accepted they would be a ~~casualty~~ of the system.

casualty

In the area we fish there are approximately 20 dories operating during the fishing season. One would expect that throughout New Zealand the total tonnage caught and exported by small vessels would be significant.

Many Thanks,

Kevin and Pam Reid,

s 9(2)(a)

[REDACTED]

[REDACTED]

[REDACTED]

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

s 9(2)(a)

s 9(2)(a)

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**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:41 p.m.  
**To:** s. 2(2)(a)  
**Subject:** FW: Submission on GPR and ER Circulars proposed by MPI  
**Attachments:** PH submission to MPI on IEMRS\_21.08.17.pdf

**From:** Kristie Penwarden [mailto:s. 2(2)(a)]  
**Sent:** Monday, 21 August 2017 3:29 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Cc:** s. 2(2)(a) Neil Penwarden <s. 2(2)(a)>  
**Subject:** Submission on GPR and ER Circulars proposed by MPI

Please find attached Penwarden Holdings' submission on the GPR and ER Circulars as proposed by MPI.

Regards

Kristie

Kristie Penwarden  
Penwarden Holdings Ltd

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# PENWARDEN HOLDINGS LTD

*Producers of Sea Eagle Brand Seafood*

Future of our Fisheries

Ministry for Primary Industries

Sent by email: futureofourfisheriesprogramme@mpi.govt.nz

## Penwarden Holdings Submission on GPR and ER Circulars

### Overview:

Penwarden Holdings is one of the country's pioneering scampi companies, we have been in this fishery since it was established in 1990; and so we have a unique insight into the history and development of the fishery. As we've marketed our scampi from the outset, we were instrumental in the development of the markets and processing procedures that have helped put New Zealand scampi in its premier position in the world market today.

We own and operate a single vessel (s 9(2)(a)) under 28m (20m) currently, and our crew is numbered at either five or six.

Along with owning and operating our trawler, we are the largest independent quota holder of scampi in New Zealand. We are, therefore, fully committed to the future sustainability, and development of the New Zealand scampi fishery.

We take a lot of pride in the contribution we have made to the development of the scampi industry so far, and are certainly always looking for ways in which we can future-proof the industry, and further drive the strong reputation of New Zealand scampi in world markets. Therefore, in terms of what has been described above, we are committed to, and dependent on, this fishery.

Since 1990 we have seen a constant change in the administration and reporting of the fishery – much needed improvements have been made and achieved, but we struggle with the constant changing of how, and when, we report our catch.

We are active shareholders of the industry's Deepwater Group (DWG) and, as such, we fully support and endorse the detailed submission by DWG on the GPR and ER circulars as proposed by MPI.



# PENWARDEN HOLDINGS LTD

*Producers of Sea Eagle Brand Seafood*

## Key Issues

As outlined above, as active shareholders of the DWG we fully support and endorse the detailed submission by DWG on the GPR and ER circulars as proposed by MPI.

For the purposes of our submission, there are several key issues in the ER circular, as noted in the DWG submission, that we would like to further highlight and put into context for our vessel.

Particularly the following proposed changes:

- The proposed timeframe of reporting within four hours for daily processing and record transmission; and
- The proposed requirement to enter four positions for each trawl tow

## Electronic reporting to MPI

Firstly, as per the DWG submission, we broadly support the overall principles of IEMRS, and have no issue with daily electronic recording of all catch data (we currently use CEDRIC on our vessel), but we do not support daily electronic reporting to MPI.

It must be noted early in this submission that the New Zealand scampi fleet usually comprises of vessels less than 25m, therefore operate with a significantly smaller crew than others in the deep water fleet.

On our vessel we operate by sole charge responsibility, whereby the ship's Master has sole responsibility for the vessel, crew and reporting daily catch and position data.

Thus, given the size of our vessel, vessel operations and crew number, we simply cannot comply with the proposed timeframe of within four hours for daily processing and record transmission. We also find the requirement to enter four positions for each trawl tow onerous and unnecessary.

This is namely due to the increased workload, particularly for the ship's Master. This increased workload will also have a flow on effect to the remaining crew who will be required to cover additional watches, or other operational activities. All while the ship's Master is having to complete electronic paperwork within a four hour timeframe, and transmit daily reports by 2400.





# PENWARDEN HOLDINGS LTD

*Producers of Sea Eagle Brand Seafood*

As noted in the DWG submission, the above requirements would lead to increased health and safety issues given the ship's Master also has total responsibility to ensure that every figure reported is correct for every transmission in a very short timeframe.

There will also be occasions when it is totally impractical for the ship's Master to complete all required electronic paperwork and transmit the report to MPI by day's end. For example, if challenging circumstances on board arise, such as rapidly deteriorating weather; priority will be placed on getting the crew and vessel to a safe anchorage, not on sending a daily report to MPI. Good seamanship and safety at sea will always take priority.

In addition, during heavy seas it is often physically impossible to complete an electronic report, let alone send or transmit said daily report to MPI within the proposed timeframe. At these times, the ship's Master's attention will be solely focused on managing the ship and ensuring the safety of the crew and vessel.

In terms of entering and reporting on four positions for each trawl tow, we are constantly transmitting our position through VMS so this data is readily available to MPI at any stage, so we question the relevance of this added reporting requirement.

We also agree with DWG's submission, in that:

- MPI's requirement for daily reporting to be only midnight to midnight needs revisiting; and
- We support DWG's request for clarification from MPI on remedies if there is an input system failure; and DWG's proposal that MPI amends circular/regulations to accept the use of paper logbooks and reports as part of BCP options, in the event of reporting system failure.

## Conclusion

In summary, we fully support and endorse the detailed submission by DWG on the GPR and ER circulars as proposed by MPI. However as long term scampi fishers who have seen generations of MPI changes, we are concerned that constant changes are placed in front of fishers, often changing well prepared and discussed procedures which have been "made to work" or have been very effective and workable for all parties

**ENDS**



33(2)(a)

**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:07 p.m.  
**To:** 33(2)(a)  
**Subject:** FW: submission  
**Attachments:** Submission CRA 5 FooF 11 8 17.pdf

**From:** Larnce Wichman [mailto:33(2)(a)]  
**Sent:** Monday, 21 August 2017 4:49 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** submission

CRAMAC 5 submisison

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**Canterbury Marlborough Rock Lobster  
Industry Association Inc.**

§ 9(2)(a)	§ 9(2)(a)

Submission on

## **Future of our Fisheries**

CRAMAC 5 is a fully constituted and incorporated society and is the representative commercial stakeholder's organisation for rock lobster in Quota Management Area CRA 5. It is a well-established and respected organisation that continually demonstrates its proactive approach to managing the CRA 5 commercial harvest.

CRAMAC 5 maintains the objective to manage our utilisation of the CRA 5 lobster resource at a high level of abundance to maintain a sustainable and profitable fishing business for our shareholders and ACE holders

### **Executive Summary**

1. CRAMAC 5 supports the change to electronic reporting for the CELR data as to the requirements on current paper form.
2. CRAMAC 5 finds it hard to understand that the requirements that are being proposed will have any better outcome for managing the lobster resource. The voluntary logbook has been running in CRA 5 since 1997, we have continually covered over 70% of the CRA 5 commercial vessels. The data collected over this time has been used to turn the CRA 5 lobster resource from a near depleted state to an abundant fishery being greater than 2 x Bmsy.
3. CRAMAC 5 does have a concern that there will not be enough time in training our fleet in the use of a device, 1st April 2018 is the start of the lobster season, ACE is normally caught by mid-February, there will be no fishing until the new

season. Statistical area 932 have a voluntary closure in March. It will be a considerable expense for all fishermen to go out and fish with no ACE and not be able to conduct a training program by not landing lobster to complete the full reporting and coding training. This is of great concern. If training was to happen it will need to be in January 2018, will MPI have completed all the circulars by then? February/March is normally spent getting vessels and gear ready for the next season, to hold ACE back has risks, if all the ACE is not caught there will be a high financial loss to the vessels.

## Issues

4. CRAMAC 5 main concern is the safety of crew and vessel. To this stage we are unsure what is being asked for as an "event", it has been suggested that collecting pot data may be requested in each nautical mile that the vessel harvests in. Even counting four logbook pots using electronic data collection in very rough weather conditions does not happen, a survey across the CRA 5 lobster vessel fleet inform us this does not happen due to the risk to crew and vessel. It appears the people designing the circulars have no idea what it is like working on a vessel in rough conditions, in most cases the crew know when a wave hits one hand grabs hold of the vessel to keep their position. This makes data collecting of any sorts very difficult.
5. Working on a lobster vessel is not like working a on trawler or a long-liner vessel, 70% of the CRA 5 vessel work outside of the wheel house (not all vessels have wheel houses) and operate from a remote station, out in the environment. It is very difficult to operate electronic equipment in such conditions, with full wet weather gear including gloves it becomes a very difficult task to punch buttons and look at a wet screen while rolling around. I think for those that write rules that require a person to operate a device in such conditions should actually try it, this does not require going out on a vessel, on a wet winding day in Wellington would be good enough experience to go down to the harbour and stand against the wind and rain and operate a device with

wet weather gear and gloves on. This will provide the writers with an idea of what they expect in a practical sense in what is being asked of the fishermen without rolling around on a vessel at sea.

6. It is hard to provide a full submission on what IEMRS means in the lobster fishery, not enough information is known, once all circulars have been locked in it is then consultation should take place. CRAMAC 5 cannot second guess what MPI will be rolling out as final circular.

### **Support**

7. CRAMAC 5 fully supports the submission from NZ RLIC, PIC, FINZ. Inshore fisheries must be considered based on the fishing method, fishing locations when writing circulars. All hard in shore vessels have a greater safety risk than deep water vessels.

8.

L Wichman

s 9(2)(a)



Executive Officer  
CRAMAC 5 Association

**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:37 p.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Submission on IEMRS Digital Monitoring of commercial fishing  
**Attachments:** 001.jpg; 002.jpg

**From:** § 9(2)(a) [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 3:54 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Cc:** § 9(2)(a) § 9(2)(a) >  
**Subject:** Submission on IEMRS Digital Monitoring of commercial fishing

Sent from Windows Mail

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



## SUBMISSION – FUTURE OF OUR FISHERIES

WE ARE REQUIRED TO PROVIDE OUR SUBMISSION ON MONDAY 21 AUGUST 2017 ON MPI'S ELECTRONIC AND GPR REPORTING (IEMRS) WHEN MPI IS STILL IN THE PROCESS OF FORMULATING REQUIREMENT DETAIL – AS A RESULT I FIND IT UNETHICAL AND IMPROPER TO BE REQUIRED TO PROVIDE COMMENT AT THIS POINT IN TIME AS I DO NOT BELIEVE I CAN DO SO ACCURATELY DUE TO THE LACK OF DETAIL IN MANY AREAS.

I REQUEST THAT MPI SLOW DOWN AND TAKE THE TIME TO ENTER INTO A CONSULTATION PROCESS WITH THE "FISHERS AT THE COLD FACE" WHO ARE DIRECTLY IMPACTED BY THE MANDATORY RADICAL CHANGES.

My involvement, which spans fifty years, is in the CRA8 and BC05 fisheries. Like other fishers in this area I have undertaken research, surveys etc., paid and not, to provide sound information for decision making to protect the future sustainability of our fisheries. This is an on-going process and from what I have experienced has been primarily industry driven. Actions and events of late lead me to believe that the future of our fisheries will now to be driven by



(MPI's guide book characters not mine)

Given my above expressed concerns I wish to make the following points :

E-Log book reporting states that for the method "potting" an event is every nautical mile. Data is to be provided for each event. I am unclear if this is a square nautical mile, an "as the crow flies" nautical mile, a GPS nautical mile over sea bed or some other type of measure. A potting vessel may have its gear set over 40 GPS nautical miles. This vessel must contend with tides and weather and as such is time constrained. Notwithstanding that this MPI requirement is a recipe for an accident waiting to happen, to have to stop and report at each nautical mile may cost up to two hours lost fishing time per day - one lost fishing day per week - resulting in more costs. MPI also refer to fishing "zones" but I can not find information on what these "zones" are.

The security of data transmission is of major concern. Maritime vessels are easily tracked world wide via a cellphone app. I understand MPI is contracting Kordia to be its service provider. A fisher's marks are his property and the mandatory collection and possible unauthorised use of this information by other parties is very real. MPI have huge penalties and fines they are able to bring down on a fisherman. I believe that MPI should be subject to similar fines. If it is found that the confidentiality of the fishers MPI mandatory collected information is breached then MPI should be liable to compensate the fisher or fishers concerned at similar rates to MPI's penalties and fines. The forced costs of the implementation are also of major concern and in some cases farcical i.e., the requirement for GPR to transmit every three minutes – 20 transmits per hour, 24hours = 480 transmits per day – how ridiculous. How far do MPI think an average fishing boat can steam in three



minutes? This obviously originates from someone who is on a fixed salary or wage and does not have to fund such an expense. MPI state that they will be paying for these transmissions. Yeah right! – MPI will fund this via Cost Recovery from quota owners, some of whom will then recover this from the fisher, either directly or indirectly. Given the size of the New Zealand fishing fleet how many millions of dollars will be payable by the fishermen and quota owners under the guise of Cost Recovery for this transmission requirement. If, for compliance issues, MPI wishes to have GPR transmissions at shorter intervals to say monitor a vessel that is fishing close to a Marine Reserve or the like then it could be that Kordia develop a programme that recognises this and triggers frequent transmits until the vessel moves out of the area. Apart from that I believe that the mandatory three minute requirement for all fishing vessels is an absolute overkill and waste of money.

I understand that Sanford has questioned the possibility of obtaining extra information via their GPR transmits to assist with their transparency promises. If they wish to pursue this option then they should enter into conversations with Kordia direct and pay accordingly. MPI should not be attempting to assist with their Company business at the cost of all fishers. From information published to date and via television programmes I note that the Sanford conflict in the Gulf has been a fundamental driver of the regime in which we are now ensnared.

The killing of healthy, returnable to sea by-catch - MPI intend that a non-target specie that makes its way into a fishing pot which is alive and well, is out of water for a few seconds or minute/s only until it is cleared from the pot should be treated as a deemed value fish and killed! This practice in no way supports industry health. On television fishing programmes we are constantly shown recreational fishers hooking fish, fighting with them, damaging them when removing hook/s and then after photographing returning them to sea "to live another day". Double standard at its worst and I doubt that many fish treated like this do live another day.

At a meeting in Invercargill between fishermen and MPI staff on 11 August 2017, fishermen offered to take MPI personnel on a fishing trip so that they could experience first hand the practicality of intended compliance and implementation of the electronic log book requirements. That offer was not accepted but is still open.

In conclusion, I trust that you understand that although you have been "working with industry leaders" for some time, so we are told, regards this regime it is the "fishers at the cold face" who have to deal with MPI mandatory requirements not the quota owners, processors and other shore based owners or employees. MPI have handled this very badly.

Colin W Topi

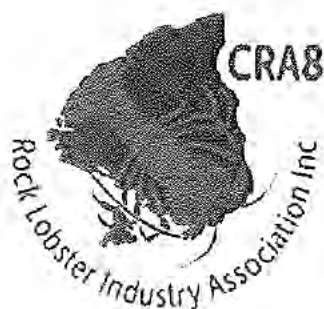
s 9(2)(a)

21 August 2017

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:43 p.m.  
**To:** [REDACTED]  
**Subject:** FW: IEMRS Submission  
**Attachments:** Submission - IEMRS.pdf

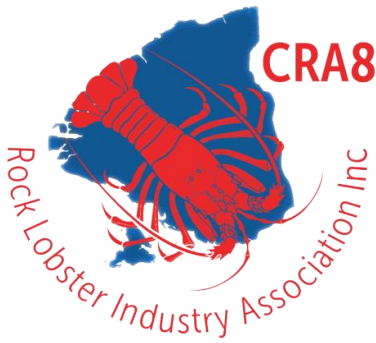
**From:** CRA8 [mailto:[REDACTED]]  
**Sent:** Monday, 21 August 2017 3:23 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** IEMRS Submission



Please see the attachment

Malcolm Lawson  
Chief Executive Officer

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



20 August 2017

IEMRS Team  
Ministry for Primary Industries  
PO Box 2526  
Wellington 6011

BY EMAIL

### **SUBMISSION**

Integrated Electronic Monitoring and Reporting System (IEMRS)

- Fisheries (Geospatial Position Reporting Devices) Circular 2017
- Fisheries (Codes and Information) Circular 2017
- Fisheries (Event Reporting) Draft Circular 2017

This submission is made by the CRA8 Rock Lobster Industry Association Inc. ("the Association"). This organisation is a fully constituted and incorporated society that is recognised as the commercial stakeholder organisation representing the interests of the commercial rock lobster industry in the southern South Island including South Westland, Fiordland, Stewart Island, Foveaux Strait and adjacent islands.

The Association has major concerns regarding the consultation process undertaken by MPI in respect of the whole of the IEMRS project. It is a legal requirement that consultation be carried out in a meaningful way, yet this has not occurred in respect of the various sets of regulations that have been promulgated or the Circulars that support geospatial and electronic reporting. Focusing on the circulars, it was clear when these were first released that they were not written in a way that was easily understood by either the commercial fishing industry or Ministry for Primary Industries staff. The evidence of this is the subsequent release of diagrammatic explanations for geospatial reporting and event reporting for trawling. Explanations for other fishing methods were promised by MPI but it is now clear that there is no intention to produce such documents, which means that submissions must be made based on what is in some cases, indecipherable information that is inconsistent with the relevant regulations.

The whole of the IEMRS project has been pushed with undue haste which has already resulted in timeframes having to be adjusted. The Association is well aware that this is a reaction to the release of documents that have criticised the Minister, MPI and the commercial fishing industry. Consequently we now have this knee-jerk reaction that is seen by some within MPI as a misguided way of restoring social licence.

The Regulatory Impact Statement that was attached to the Cabinet Briefing Paper that was presented to Cabinet by the Minister for Primary Industries states that the varying aspects of IEMRS are a result of a risk-based assessment of the credibility of the quota management system. Any such assessment, and the Association has seen little evidence of such a process, would have included actually consulting with the commercial industry before decisions were made. Instead the CRA8 industry is now faced with having to deal with the introduction of requirements of a “one size fits all” solution that will not add any value to the industry while adding additional costs.

The Regulatory Impact Statement acknowledges that the introduction of IEMRS is likely to result in current fishing permit holders leaving the industry. The Association questions why the Minister and Ministry are comfortable with this outcome.

### **Electronic Reporting**

The concept of electronic reporting is sound and if the proposed requirements of such a system were logical and justifiable it would be supported. Instead we see yet another example of how a flawed development process has now produced a flawed product. From what can be understood from the applicable regulations and Circular the Association submits the following:

The rock lobster fishery has data series that have endured for many years. Any changes to the detail of the data required to be reported has the potential to corrupt these data sets. It would have been far more sensible to have consulted with the Rock Lobster Fisheries Assessment Working Group and sought their views on what was necessary and how this could be achieved.

The CRA8 fishery operates in isolated environments where satellite coverage can be intermittent and unreliable. Yet section 16 of the Fisheries (Event Reporting) Circular 2017 requires that every e-logbook must be capable of operating in a poor connectivity environment. How this is supposed to occur is not defined.

Section 17 of the same Circular states that each component of a device must be suitable for use in a particular commercial fishing environment. There are fishermen in CRA8 that operate small vessels, which by virtue of this fact means that an e-logbook will be subject to adverse conditions in both exposure to the conditions and to jarring and pounding. This requirement strongly suggests that these vessel operators will be exposed to yet more costs to meet this requirement.

Section 18 of the same Circular states that every e-logbook must have a business continuity plan if the unit is unable to function. The operators of small vessels referred to above are likely to encounter failure of the e-logbook and therefore be subject to the requirements of this section yet no further explanation is provided as to what a business continuity plan actually means.

The Association submits that in some vessels it is simply not practicable to carry an e-logbook. The operators of such vessels must be provided the flexibility to not have to carry an e-logbook on board their vessel and to complete any required reports once in a safe and calm environment.

The recording of multiple events during a day will not produce any benefit to the management of the CRA8 fishery. Similarly, the requirement to submit data on a daily basis will not contribute to management of the fishery.

The CRA8 fishery is recognised internationally as one of the best managed lobster fisheries in the world. The Association has developed and supported the introduction of a management strategy that not only ensures sustainability but provides for maximum economic yield for all parts of the industry. This situation has occurred because of the sufficiency of data for stock assessment modelling and because of the responsible nature of the CRA8 rights holders. MPI has had little input into the management of the CRA8 fishery for 10 years, and yet we are now faced with being told that further costs are required for management and reputational purposes.

Vessel operators are required under the Health and Safety at Work Act 2015 to identify risks and hazards and to take reasonable steps to maintain a safe work environment. Clearly this means the safe operation of their vessel and maintenance of a safe work environment for themselves and their crew while at sea. The proposal for the recording of numerous events during a day's fishing means that the operator's concentration will be removed from his operation of the vessel to enter data into an e-logbook. This poses a clear and obvious risk. The comparative analogy is that the driver of a car is not allowed to text and drive. The reason for this is that texting averts the driver's concentration from the safe operation of his vehicle.

The Association submits that if MPI continues to require additional data to be recorded and reported (for reasons that have not been explained or justified) then the division in half of the current statistical areas is sufficient.

A further proposal is that the number of undersize and berried, soft and immeasurable rock lobsters that are returned to the sea be counted and recorded against new codes (pursuant to the Fisheries (Codes and Information Circular 2017 codes K and Y) and that legal state rock lobsters that are returned to the sea (code X) also be counted. The Association cannot see any value in this requirement. It will not contribute anything to the management of the fishery.

Firstly, the proposal that these rock lobsters be counted is contrary to all other reporting requirements where weight is used as a unit. The assumption that one rock lobster must be reported against codes X, K and Y as if it weighs one kilogram is a nonsense.

Secondly, at the very least these codes should be combined. Notwithstanding the previous comment the Association submits that the proposed recording and reporting of undersize, and berried, soft and immeasurable rock lobsters be removed.

Thirdly, legal rock lobsters that are returned to the sea pursuant to code X are currently estimated by weight. To change this metric to requiring the reporting of these rock lobsters by number is illogical.



The Codes and Information Circular also provides for another new code PF for fish of a species subject to the QMS that is subject to predation prior to landing. And that this fish be recorded and balanced against ACE. The main predator on rock lobster is octopus. While the level of predation may increase with finfish - where a fish that is caught in a net is predated upon when it otherwise would not be - the level of predation by octopus does not increase merely because a rock lobster may be in a catching pot. There is a large body of evidence that shows that rock lobsters can and do move in and out of pots. Therefore a rock lobster is just as likely to be predated upon while outside a pot as inside. In any case mortality is already allowed for in stock assessments, therefore predation is not a sustainability issue and ACE owners should not be penalised for what is a natural event.

The Association submits that rock lobster be exempt from code PF.

The proposal that permit holders must submit the various new reports for fishing on a daily basis to allow for improved management is without substance. Management decision-making has never been carried out in this time frame. The current requirements for ACE to be balanced against catch by the 15<sup>th</sup> day of the month following a landing is not changing. The proposed timeframe for the submission of footage from on board cameras for verification purposes further diminishes the need for daily reporting. Analysis will continue on at least a monthly basis.

The Association submits that a far more reasonable requirement, if more frequent reporting is insisted upon, would be for permit holders to submit the required reports at the end of a trip.

### **Geospatial Reporting**

The case to support the need for geospatial reporting devices on rock lobster vessels is very weak. Clearly this is MPI's response to the reports of finfish allegedly being illegally dumped from commercial trawling or long-lining vessels. Geospatial reporting would allow the tracking of vessels in the area of such an event. However, trawling is not rock lobster potting. Rock lobster fishing is very species-specific with a small percentage of by-catch.

The Association submits that rock lobster vessels be exempt from the requirement to carry and operate a geospatial position reporting device.

Notwithstanding the above, the Association submits the following:

The proposed event reporting requirements will provide the position information for each rock lobster vessel at the beginning and end of an event. Interrogation of submitted reports will provide all of the geospatial information required.

It is proposed that transmission of position data be via satellite and the enabling regulations - the Fisheries (Geospatial Position Reporting) Regulations 2017- require the operator and master of a vessel to notify the chief executive of MPI if their device fails to work properly.

Ignoring the difficulty in actually establishing whether a device has malfunctioned, the other reason a device may not be transmitting will be because the satellite network is not functioning. CRA8 fishermen operate in isolated areas where there is no cellular network coverage and therefore rely on satellite phones for secure communication. It is their experience that the satellite network is unreliable and in some areas there is simply no coverage. Accordingly if their device is not transmitting due to network difficulties it follows that they will not be able to notify the chief executive of such an occurrence.

Neither the regulations nor the Circular address the practicalities of contacting MPI after working hours or at weekends.

The Circular proposes that vessels moving around in a port for reasons such as obtaining fuel must turn on their device. There is no justification for such a requirement.

### **Confidentiality and Privacy of Data**

A fisherman's intellectual property is valued highly. The Fisheries (Geospatial Position Reporting) Circular 2017 states that information sent from a device becomes the property of MPI from the moment it is sent. It follows that it is incumbent on MPI to maintain the security and confidentiality of that data.

The Association has major concerns regarding the ability of MPI to maintain the confidentiality and privacy of electronic data provided either through: electronic interception; improper divulgence by MPI staff; or data sharing with other organisations.

### **Other Issue**

It is common knowledge that certain behaviours have for many years been "observed in the breach". In particular is the issue of QMS finfish species being caught in rock lobster pots and subsequently being released alive or taken and counted against section 111 approvals. Such practices cannot be considered to be a risk to the sustainability of a fish stock or species however a strict interpretation of current laws does not allow for this.

The Association acknowledges that a policy on landings and disposals will be developed and consulted on later this year. Clearly there is a need to consider the current situation with a view to amending Schedule 6 to allow for QMS species caught alive in rock lobster pots to be returned to the sea.

The Association submits that the current situation be allowed to continue until the policy on landings and disposals has been developed.

### **Summary**

In summary, IEMRS has the potential to be of value to the fishing industry. However the current situation to introduce the various components when it is clear that there has been insufficient consultation and development within a very short time frame is fraught with difficulties and unresolved issues. It will add considerable and ongoing cost to the industry, which is contrary to the government's aim of increasing export returns from primary industries. Already more than 96% of fish landed are sourced from fisheries that are assessed as sustainable. This demonstrates that there is no undue risk to any fishery in the short term.

The Association submits that MPI slows down and allows for proper thought and consultation regarding the costs and benefits of IEMRS to the various fisheries in New Zealand.

s 9(2)(a)

Malcolm Lawson  
Chief Executive Officer

## **Averting the Destruction of Livelihoods; a small operators submission to the Ministry of Primary Industries on Digital Monitoring**



**‘MPI expects most fishers will be able to bear the cost of installing the new equipment - estimated at between \$1,000 and \$2,000 per vessel with annual costs of up to \$1,000 - and cameras - estimated at \$5,000 to \$18,000 per vessel plus annual costs of \$2,000. While that will probably squeeze out some operators, it's expected to more closely match their catch with allowable catch entitlement (ACE), Guy said in a Cabinet paper.’**

NZ Herald, 13 July 2017

### **Executive Summary**

The Minister actually means ‘small’ operators who are unlikely to be able to afford implementation of the IEMRS in current form – much like the one pictured above. The author agrees with the need for regulations enhancing existing paper based reporting mechanisms and the establishment of a geospatial monitoring mechanism to align catch data and locations providing costs are kept to a minimum and provisions are made to ensure implementation in the context of small operators becomes feasible in order to prevent hardship. Neither of which is evident in the draft circulars. In the case of identified illegal fish discards the author agrees with video surveillance to support an already intensive compliance regime for industrial sized operators targeting at risk species who do not hold significant amounts of Annual Catch Entitlement (ACE) for the same - but not in the case of small operators given an existing lack of incentives for discards or likely scale associated with



potential infringements. The author is an operator identified by the Minister as having the potential to be 'squeezed out' of the industry given a narrow interpretation by MPI of the new regulations and a 'one size fits all' approach to implementation. An operator not grandfathered into the Quota Management System (QMS), but who purchased individually and who works with the large fishing companies but is not a slave unto the same. An operator not grandfathered into a maritime qualification and who has invested the better part of a year in gaining sea time, undertaken a five week skippers course in order to be able to command an inshore trawler or in this case a 5.5 meter flounder dory (fit for purpose and in survey), in enclosed waters on the far side of the Raglan Harbor; a small community where work is hard to come by. An operator, already participating voluntarily in a geospatial-monitoring program spearheaded by one of the big fishing companies without which it would be impossible to secure ACE should he need or sell his catch to. An operator who will gross less than § 9(2)(b)(ii) per annum from this line of work and who most importantly fishes sustainably with a conscience who has never illegally discarded by-catch and has no reason to start doing this given that quota is either owned for the same or ACE is ready available.

This submission frankly outlines how MPI is about to punish small operators in one fishery for their failure to prosecute individuals in another industrial fishery hardly comparable in terms of scale or situation vis a vis illegal dumping. The creation of a perverse incentive for small operators who survive the excessive cost of implementation in current form to over fish harbors currently 'farmed' by a few sustainably minded fisherman in order to recoup these unnecessary costs is explained. This submission notes the complete lack of real consultation with some operators given MPI's obsession with liaising with the larger companies and fishing related bodies. The fact that the Ministry has identified associated hardship for some operators implementing the Integrated Electronic monitoring and Reporting System (IERMS) to the extent that it has already been accepted that some will be squeezed out is completely unacceptable. No attempt to interpret the requirements of the new regulations utilizing inbuilt discretion based on commonsense has been made and current best geospatial industry practice for small operators has not been examined by MPI to any meaningful extent. Practical examples of these shortfalls in the circulars are framed as questions pertaining to operators at risk. Unintended consequences of this approach affecting host communities and wider public is discussed against the framework of existing problems with the QMS that sees the continuing dominance of several large players being reinforced. Any temptation for the Ministry to group small operators under the larger companies in terms of tailoring and subsidizing solutions for implementation of IEMRS is predicted to exacerbate this dominance. This submission outlines how the current limited call for feedback is likely to be window-dressing after the fact. MPI is not calling for feedback on the video surveillance component of the IEMRS at this time despite the regulations having been put in place and vendors approached for the same. This component should have been considered, as part of the whole IERMS initiative as it linked to the others, will likely be the most controversial and unnecessary component in the context of small operators. Advisory mechanisms will likely perpetuate key concerns and continue to marginalize small operators as they are not represented in the draft circulars or their respective terms of reference which remain implementation and technically focused basing on a one size fits all approach with no exceptions beyond those already stated.

Finally, this submission defines a realistic scope of application based on fishing vessel size, survey type and maritime limits and provides tailored commonsense solutions that prevent the need to squeeze some operators (smaller operators) out of the industry. These are simple, cost effective, utilize existing initiatives and practices, are feasibly implementable now and

conform to the spirit underpinning the regulations. All relevant draft circulars need to be amended where necessary in order to enable the following five recommendations:

1. With respect to electronic reporting, for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters with existing full or partial cell phone coverage that a logbook type application for smartphones be produced, paid for and issued by MPI through Fishserve. Small operators would pay for the initial cost of the smartphone and associated ongoing data costs.
2. With respect to geospatial data, for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters with existing full or partial cell phone coverage that a harbour vessel monitoring system (VMS) application for smart phones be produced, paid for and issued by MPI through Fishserve. Small operators would pay for the initial cost of the smartphone and associated ongoing data costs.
3. With respect to video surveillance, for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters that they be exempted from this requirement on the grounds of hardship and feasibility but subject to ongoing and if necessary intensified compliance monitoring as part of the MPI Compliance Officer patrols.
4. That the electronic reporting and geospatial smartphone applications discussed in recommendations 1 and 2 are combined into one application for cost savings and ease of use by small operators and MPI.
5. In the event that recommendation 3 is not adopted with respect to video surveillance units if these are not made available at a reasonable one-off (3000 or less) and ongoing (400 or less) cost as part of the entire IEMRS package that for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters that MPI fully funds the one-off-cost of the unit, installation and ongoing associated data costs. Failing this – those small operators as defined within this recommendation are offered the alternative of full compensation by the government for loss of income, resale value of capital equipment and quota at a value immediately prior to the onset of the digital monitoring initiative should they choose to exit the industry.

## Areas of Commonality and Disclaimers

Attempting to begin on a positive note it should be recognized that the author agrees with MPI enhancing existing paper based reporting mechanisms so long as costs are kept reasonable with the option of utilizing a smartphone application to achieve this in the case of small operators rather than a dedicated tablet utilizing satellite based technology for areas not supported with existing public data services. Furthermore the author agrees with the spirit of the new supporting regulations for digital monitoring that will capture geospatial data to enable verification of reported catch locations noting flexibility in terms of exemptions, practical feasibility and commonsense in the face of hardship associated with the practical implementation of the same. In the case of identified illegal fish discards the author agrees with video surveillance to support an already intensive compliance regime funded by the taxpayer and licensed fishers for industrial sized operators supplying large companies – but not for small operators.

I wish to acknowledge the commendable efforts of the MPI Compliance Officers, Observer Teams, Fishserve Staff and their respective operational Chiefs in their ongoing work in terms of assisting a start-up small operator in the industry by being accessible, proactive and helpful. Their frank advice, ongoing timely and appropriate support is a credit to MPI. Any criticism contained within this submission is reserved solely for the Minister, his CEO and senior managers who I hold entirely accountable and responsible for the current unfortunate circumstance regarding people like me in the context of the implementation of the IEMRS.

## Some Operators

This submission is written by one of those operators unashamedly identified by the Minister as having the potential to be ‘squeezed out’, a comment, which I personally find to be disgusting, and the result of sheer laziness on the part of the Minister and his senior staff with regard to the absence of any meaningful attempt to prevent this outcome by tailoring solutions that will assist the small operator – for this is what he means and what is clearly annotated in the IEMRS Regulatory Impact Statement. We are listed under unintended consequences and non monetized cost outcomes. Phrases such as ‘...may exit the industry’; ‘...some rationalization of the industry...’ are used. In this case an operator - that has not been grandfathered into the QMS, but purchased quota individually and who works with the large companies but is not a slave unto the same. An operator - who has not been grandfathered into a maritime qualification and invested the better part of a year in gaining sea time, undertaken a five week skippers course in order to be able to command an inshore trawler or in this case a 5.5 meter flounder dory (now fit for purpose and in survey with regulatory mechanisms worthy of an inter-island ferry), in enclosed waters on the far side of the Raglan Harbor; a small community where work is hard to come by. An operator - who already participates in a geospatial-monitoring program spearheaded by one of the big fishing companies without which it would be impossible to secure ACE or sell his catch to. An operator - who will gross less than <sup>s 9(2)(b)(ii)</sup> per annum from this line of work and who most importantly fishes sustainably with a conscience who has never illegally discarded by-catch and has no reason to start doing this given that quota is either owned for the same or ACE is readily available.

Well done Minister – you have added to the already existing significant QMS, Maritime Qualifications and Vessel Survey hurdles faced by any new small operator in the industry and have not even bothered to muffle this prediction before hearing feedback on your CEO’s



circulars. Premature given that there is a way forward that could prevent this outcome. Very unfortunate.

### **Punishing All for the Sins of the Few & Creation of a Perverse Incentive**

Although it will be denied, MPI is about to punish small operators in one fishery for their failure to prosecute individuals in another industrial fishery hardly comparable in terms of scale or situation vis a vis illegal dumping of fish. The Minister has seized on incentives for discards when announcing the IEMRS on 13 July with comments that align the possession of ACE, in some cases hard to acquire and that results illegal dumping. The scandal surrounding the Ministry's failure to prosecute fishers caught illegally dumping snapper in the Auckland area whilst fishing on trial cameras in 2016 created massive fallout as did emails leaked from senior MPI managers stating that half of the industry would fold if MPI tightened up on illegal dumping. Media engagements with the MPI and Sanford CEO's went a long way in clarifying this claim to be an exaggeration but the feeling that perhaps everyone including small operators are being punished unnecessarily for the sins of the few lingers.

The Minister through his comments on discards presupposes all quota is owned by the larger companies and ignores the fact that many small operators own the quota where ACE is derived from or in the case of flounder as an example have access to ACE for that particular target species and the related by-catch consisting of species such as Grey Mullet and or Kawhai. Snapper as a general rule do not enter the by-catch equation on the North Islands harbour fisheries.

Ironically a perverse incentive will be created by implementation of the IEMRS in current form. Those small operators who manage to survive the initial cost outlay will probably seek to offset debt payments with increased fishing activity. Small operators currently enjoy reasonable capital, operating and MPI related costs although the latter does not discriminate with respect to vessel registration and fisheries licensing. Small operators pay the same as larger operators but these costs can be managed. A potential one-off cost for the geospatial and video units alone of 18000 and 3000 per year in running costs or even if significantly less will now force smaller operators to increase their catch effort significantly and this will in turn discourage sustainable practices currently in place (wild farming which involves allowing time for recruitment between sets across a number of locations, nets designed to catch larger fish and reducing the total length of nets used on any given day well below the maximum allowable). The price of fish will likely also increase further for the consumer as costs are passed on. Not good.

### **It's Amazing What You Can Come Up With Given Little or No Real Consultation**

There has been a complete lack of real consultation with small operators. No small operator in Kawhia or Raglan has been approached at any time. Approaches made to the Ministry by me in July intended to clarify exactly what implementation of the IEMRS involved for small operators were met with the instruction to email a submission as part of the consultation process on circulars currently being called for and is the reason behind this paper. Fishserve were far more helpful, noting concerns, clarifying issues where able but defaulting not unsurprisingly back to MPI. There has however it appears been significant consultation with 'industry leaders' and 'fishing bodies', none of whom have been in touch with small operators in Kawhia or Raglan but this is hardly surprising given the Minister's comments in the regulatory impact paper related to IEMRS presupposing that implementation of the

IEMRS will force some smaller operators to exit the industry. Why bother to seek tailored solutions when this outcome has already been declared and accepted by the Minister on the very day that the IEMRS was formally launched. I would at the very least be getting one of my line managers to review the opening talking points for anything controversial related to this issue and would have requested framed answers for those difficult points arising downstream given that the IEMRS Regulatory Impact Statement was going public.

It's no wonder that there have been no trials to date of any of the related IEMRS equipment on small craft that I'm aware of by the Ministry – instead technical providers have been given free reign based on over the top requirements to produce solutions that will ideally suit mid and deep water vessels operating offshore in a completely unsupported setting, but what about the practical requirements in the context of some inshore operators – let alone the small operator fishing out of dory's. A short but by no means exhaustive list of questions subsequent to studying the initial guidance, implementation circulars and additional information (kindly provided in special needs style formats for fishermen by the Ministry) given a small operator context are noted below. Unbelievable:

- Why are small operators not being specifically considered in the draft circulars – as they were clearly identified as being at risk in the IEMRS Risk Impact Statement if costs were not kept to a minimum. The problem was clearly identified and immediately – nothing was done to prevent this outcome?
- In the absence of a cabin or wheelhouse small operators in flounder dory's remain exposed to the elements. Whilst electronic modules can be hardened the difficulty associated with real time operator inputs when working alone or in adverse weather conditions in an open boat with regard to using a tablet has not been appreciated (much easier to keep a smart phone dry)?
- What about small craft without wiring harnesses able to support additional electronics?
- Is there a smartphone application being investigated for small operators as the circulars appear to stress unsupported communication links beyond mobile data networks?
- Why has the reporting and geospatial requirements not been integrated into one unit to reduce cost and effort – in particular for the small operator?
- Where in an open flounder dory or eel boat is this equipment to be mounted. Its currently enough of a chore to find a place to keep the CELR Book dry on board some vessels?
- How much is the actual cost going to be to small operators and what systems or choice are available to cater specifically for our operating environments?
- If implementation is cost prohibitive, unreasonable or impractical will the CEO of MPI issue a blanket exemption or not as the case is presently stated in the initial MPI guidance and reinforced as part of the circulars but contrary to exemptions and discretion inbuilt within the regulations?
- Why are we not allowed to place submissions on video surveillance despite this being potentially the most cost prohibitive component of the IEMRS?
- Has anyone with small operator experience been involved in drafting the circulars?
- The Minister discusses the IEMRS as keeping pace with international practice – what small operators in which country have ever been faced with a similar requirements, where is the best practice example for this or are there none, does New Zealand want to lead the race in stupidity?
- Given that MPI has failed to prosecute illegal dumpers based on video evidence in the past, what guarantees do we have that there will be any practical utility in this system?

- Who will monitor us and given privacy concerns already mooted in the context of seeing into cabins on larger vessels, how does the Ministry intend to mitigate similar issues for small operators using open boats?

### **One Size Does Not Fit All and The Unintended Consequences**

The 'one size fits all' approach to implementation of the regulations has already been discussed in outline. Whilst very appropriate for industrial sized vessels the circulars with the exception of an update mentioning geospatial reporting start times for trailer boats from their base locations on land (no logical explanation for this is given so I have assumed it to be another case of over-regulation) contains no mention of provisions specific to small operators. It is completely inappropriate to expect small operators to implement the provisions of digital monitoring without significant modification of the circulars to enable commonsense alternatives or exemptions. A typical example can be found in paragraph 11 of the geospatial circular – why would anyone require the geospatial system on a flounder dory operating exclusively in enclosed limits (harbours with full or partial cell phone coverage) to have a system capable of transmitting position reports from anywhere in New Zealand waters let alone on the globe? Furthermore under the same paragraph the MPI CEO has stipulated the frequency of real time positional data every 10 minutes! Why this frequency – does he intend to steer the vessel from Wellington? Who will monitor this positional data and of what practical use is real time positional data being provided every 10 minutes to Wellington. Over regulating and over the top for an inshore trawler – completely unnecessary, cost prohibitive and absolutely ridiculous in the context of a flounder, mullet or eel dory. The international standard for high-risk operations remains set at hourly intervals for communicating real time positional data and this should be used or waived in the case of smaller operators. Ironically – MPI has not stipulated the requirement for a fixed trip track or unique track ID – both more useful from a compliance perspective than real time reporting and far cheaper as tracks can be uploaded periodically and at the conclusion of a trip. Also useful in the context of an investigation as it will avoid the holes associated with real time positional data intervals. Clearly the efforts of bureaucrats who have no practical experience whatsoever in the industry with no attempt to compensate for this by real consultation with grass roots operators – but more importantly a perversion of the regulations through a very narrow interpretation of the requirements carried through into the circulars.

The Minister has made himself clear on the issue of small operators but what has not been discussed are the unintended consequences of this. The squeezing out of small operators will affect host communities through loss of employment, the wider public will have less access to caught flounder and mullet and the price will increase. Existing problems with the QMS that sees the continuing dominance of several large players will be reinforced as related quota values drop and the large companies will operate small vessels at a loss to ensure supply. Unfortunately when presented with challenges of this nature MPI has a habit of reinforcing failure – so I will look for attempts to group small operators under the sponsorship of the large companies with a view to subsidizing the IEMRS – but at what cost. Large Companies do not really care about small operators with the exception of those that catch flounder and other species not able to caught as part of their industrial fishing operations. This would effectively end the sale of fish to the community through locally based suppliers and render individually owned quota completely useless.

## **Haste, Closing the Door on Common Sense and Failure to Consider IEMRS Submissions as a Whole**

The perception that the current call for feedback is likely to be window-dressing after the fact and that this circumstance is complicated by several issues is very real. The regulations exist for all three components of the IERMS and circulars for two of these – submissions are only being called for electronic reporting (in the authors opinion – relatively uncontroversial but over regulating in terms of real time reporting requirements) and geospatial components (workable for small operators if solutions are tailored for small operators that keep the cost down which currently is not the case). The third component – video surveillance has been deferred but should have been considered as part of the whole IERMS initiative in the context of submissions as they are linked. This submission does consider video surveillance despite the absence of a circular to date or being instructed not to address this component. Contrary to MPI's analysis that this component is necessary given problems associated with deploying observers on small vessels (what problems are there beyond cost and no room for a deckhand – they might get cold and wet) in terms of cost and scale it will be the most controversial and arguably most unnecessary component for small operators given a low risk of dumping and existing coverage by MPI compliance officer patrols. The Minister need not be alarmed – even before the extra 30 million for compliance funding takes effect I note that the ratio of full time officers to small commercial operators (in this case flounder fisherman) in Kawhia and Raglan when mounting compliance patrols is typically 1.5 to 1 and 1 to 1 respectively. The ratio is certainly enough to ensure all engagements are conducted on a first name basis.

The advisory mechanisms for this initiative continue to marginalize small operators and are either implementation or technically focused closing the door on further meaningful consultation which could result in the Ministry adopting a more commonsense interpretation of the regulations which would then see the needs of small operators incorporated into implementation and technical discussions. Currently the small operator is not on the agenda except to note that some of us are likely to be 'squeezed out'. This situation must change immediately either through this submission or others like it, further real consultation, a targeted and timely media campaign or if necessary a court action if these approaches fall on deaf ears. Lastly the absolute lack of detailed information in initial sensitization and or advocacy campaigns for the IEMRS, tight timeframes and absence of practical implementation details contained within updates released only weeks before the first implementation deadlines specifically regarding costs beyond the initial forecast of 20000 one-off and 3000 annual running costs for the system less the reporting components; could lead one to believe that this is a rushed job immediately prior to elections. Has not the Minister heard of the five P's? Get a grip.

### **Limiting Creep – A Definable Scope of Application**

A 'one size fits all approach' to digital monitoring can and has resulted given a lack of consultation, willingness of the Minister to sacrifice some operators for a perceived noble cause related with the 'Future of Our Fisheries' – fish dumping in this case whether it exists or not on a widespread basis across the industry. To reiterate there are small operators who own their own quota or have regular access to ACE for flounder our target species. The same either own quota for or have access to ACE for by-catch (for the very limited amount which is catch given the very specific nature of the fishery). I don't dump fish – would not, have no need to and resent the Minister's assumption that I might think there is a need to. Equally I know of no other small operator who would contemplate this - there is no need to. Please

Minister and CEO do not consider us in the same context of an inshore trawler fisherman caught on camera in the Auckland area in 2016 dumping snapper in the absence of access to ACE. You do not need to reduce incentives for me to discard fish. I understand issues with flexibility and discretion when interpreting regulations – this is a safe approach for you but disastrous for the small operator faced with a limited income. Implementing the IEMRS in current form with the stated costs is not feasible. As for video surveillance, the most expensive component, given the likelihood of small operators being unlikely and that the associated impact is negligible given the volumes involved and the ease with which we can ring-fence the sector to prevent creep lets be sensible and invoke exemptions available within the regulations and carry these into the circulars. I propose the following criteria defining small operators to which recommendations tabled in this submission should apply: Very doable and low risk:

1. Small Operators – one or two person sole traders or limited liability companies turning over an absolute maximum of 15 tons of ACE or less,
2. Who utilize a fishing vessel less than 6 meters in length under a Safe Operational Plan – this means dory's and or large dinghies with propulsion 50HP or less, and
3. Operating in enclosed waters with existing full or partial cell phone coverage – so harbor or river/pond fisherman only who can utilize existing public communication networks.

These limits will practically encompass flounder, mullet and eel fisherman operating in harbors and inland waterways utilizing small craft. Too easy.

## **Solutions and Recommendations**

Hopefully this situation is just a bad dream and MPI has everything under control – small operators are being sorted they have just not told us. But in case not I have framed recommendations that are simple, cost effective, utilize existing initiatives and practices, are feasibly implementable now and conform to the spirit underpinning the regulations. You have already exempted eel fisherman utilizing land-based operations – save some more livelihoods and small community employment opportunities by quickly reviewing all relevant draft circulars and amending these where necessary in order to enable the following five recommendations. Probably no more than four hours work by a junior staffer as only minor changes are required, in some cases no changes are required. Do the right thing:

1. With respect to electronic reporting, for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters with existing full or partial cell phone coverage that a logbook type application for smartphones be produced, paid for and issued by MPI through Fishserve. Small operators would pay for the initial cost of the smartphone and associated ongoing data costs.
2. With respect to geospatial data, for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters with existing full or partial cell phone coverage that a harbour vessel monitoring system (VMS) application<sup>1</sup> for

<sup>1</sup> Trident sponsored by Moana New Zealand and Sanford have produced a working mobile Harbour VMS utilized by some fishers engaged in set netting operating in the west coast harbours of the North Island as part of the Maui Dolphin Action Plan. This application provides a vessel track and track identification number that is uploaded to a central database and available to the fisherman that is upon reconciled with unload documentation. I note that these criteria



smart phones be produced, paid for and issued by MPI through Fishserve. Small operators would pay for the initial cost of the smartphone and associated ongoing data costs.

3. With respect to video surveillance, for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters that they be exempted from this requirement on the grounds of hardship and feasibility but subject to ongoing and if necessary intensified compliance monitoring as part of the MPI Compliance Officer patrols.

4. That the electronic reporting and geospatial smartphone applications discussed in recommendations 1 and 2 are combined into one application for cost savings and ease of use by small operators and MPI.

5. In the event that recommendation 3 is not adopted with respect to video surveillance units if these are not made available at a reasonable one-off (3000 or less) and ongoing (400 or less) cost as part of the entire IEMRS package that for small operators utilizing fishing vessels less than 6 meters under a Safe Operational Plan, operating in enclosed waters that MPI fully funds the one-off-cost of the unit, installation and ongoing associated data costs. Failing this – those small operators as defined within this recommendation are offered the alternative of full compensation by the government for loss of income, resale value of capital equipment and quota at a value immediately prior to the onset of the digital monitoring initiative should they choose to exit the industry.

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are in keeping with the geospatial fishing regulations so this might be a product that can be used by MPI off the shelf in the case of small operators if the related circular is amended.



s 9(2)(a)

**Marcus Culley**  
**Kawhia & Raglan Flounder Ltd.**

s 9(2)(a)

**Raglan 3225**

s 9(2)(a)

s 9(2)(a)

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**From:** Future of Our Fisheries Programme  
**Sent:** Tuesday, 22 August 2017 9:48 a.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Submission on draft Circulars  
**Attachments:** SN Maui Dolphin.docx

**From:** Margret Hall [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 7:34 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Submission on draft Circulars

Please find attached our submissions representing WCNI & ECNI Set Net fishers.

rgds

**Margret Hall**

§ 9(2)(a)

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## IEMRS – Circulars

A submission lodged by Set Net Fishers working WCNI and ECNI FMA 1 and 8

**Lodged electronically:** 21 August 2017

**Contact Persons** Margret Hall, Maui Dolphin Plan Co-ordinator

**Email:** s 9(2)(a)

This submission has been prepared by Margret Hall working with Set Net (SN) Fishers - Greg Grayson, ECNI, and Ian Ruthe, WCNI.

Thank you for providing us with an opportunity to comment on the IEMRS Circulars. This submission represents some of the views of the Set Net Fishers who are working collaboratively as part of the Maui Dolphin Protection Plan, and/or who supply fish into Auckland Fish Market or Moana New Zealand.

The submission endeavours to be solutions focused. Our feedback is aimed at the operational logistics, achievability and the affordability of the new requirements. We would like to find solutions.

Over the next three years we expect IERMS to be very challenging for Set Net Fishers – this method of fishing hasn't had to do positional reporting in the past so the step up to 24/7 vessel tracking, complete catch electronic reporting, including returns to the sea and cameras has made all in our industry feel anxious.

This document starts as a general introduction to our operation, before it sets out the issues and offers recommendations.

## Set Net Boats

Generally speaking harbour set net fishing boats are small and often referred to as trailer boats (day boats or dory's). Almost all are under 6m in length. They have no wheelhouse or canopy, very limited storage and are often just an open hull. There is very little protection offered from the waves, wind, rain and sun – and often fishing occurs at night, in the dark.

Set netting is a low cost way to fish with low overheads. Catches are primarily lower value, but are still important inshore species like flounder, mullet, kahawai, rig and sole. Statutory catch reporting is completed upon arrival back at the boat ramp each day-end. Fish is sold via a LFR, commonly the Auckland Fish Market.

Set Net Fishers can make a modest living because costs are relatively low. Even if fishers are working frequently, say four to seven nights or days a week, there is very little discretionary income. While some set net fishers own quota, most lease it in.



## Fishing Activity

Set Net Fishers fish with the tides, weather and the seasons, in the harbours and river mouths along both the WCNI and ECNI. Fishers will move around to stay within sheltered areas. Most of the areas where they work are remote.

There is not a great deal of difference between ring netting, set netting and potting in these harbour fisheries. Fish are usually hauled on deck manually and sorted as the net is worked.

Fishers are generally going out alone, or with one other person to help in the hauling and sorting. Some boats might have a double crew, although most don't.

Background to the nature of this fishing activity;

- Average fishing effort by length: WCNI 700 to 1000 meters. ECNI up to 3000m.
- Average fishing effort by number of SN or RN shots per day: 5
- Average time of fishing: half day at a time
- Average distance travelled: can be considerable by road, and then up to a harbour length as required.
- Average catch volume per set: FLA 30kg, GMU 800kg
- Average number of QMS species: 3
- Average range of non QMS species: 3

## Geospatial Tracking

As Government is well aware, the WCNI harbour SN fleet has voluntarily accepted electronic positioning monitoring, via the use of an app as part of the Maui Plan commitments. Some ECNI SN fishers are also using the app to record their fishing effort inside the Hauraki Gulf.



Sanford and Moana sponsored the development of the app which operates off a mobile phone, it was a \$50,000 technology investment – at the time iPads were considered and decided against for many practical reasons, however primarily because the SN boats lacked shelter facilities, and hence unprotected from the elements. There was no sensible place on the boat to fix an iPad, and having it loose on-board was impractical.

After some three months of trialling the app, including on the water, it was launched at the end of May 2017. The roll out included having a Trident support person on hand to help fishers, and even now the programme continues to require an independent support person.

- Many fishers didn't have smart phones, so needed to build confidence and competency in the technology
- Every fisher and catching area is slightly different so not a lot of learnings could be replicated
- Problems took a lot of resolving, as fishers worked in remote areas and it wasn't always easy to do things by phone.

There are currently more than 50 SN fishers using the app every time they go fishing. In time we expect using the app to be straightforward – currently it's not. All new technology needs a bedding in time – this is probably one of our biggest concerns with IEMRS. There isn't enough time to choose, install and get used to the system before the Regulations kick in.

**RECOMMENDATION ONE:** We would like the Trident Maui Plan VMS App already in operation, to be a MPI approved geospatial tracking application under IEMRS, for use by harbour Set Net Fishers with boats under 6m.

Currently the Trident Maui Plan VMS App does not meet the proposed IEMRS specifications because it transmits GPR information using mobile phone networks which, while providing reasonable coverage in WCNI harbours (see Appendix), does not meet the requirement proposed in 11(1) of the draft Fisheries (Geospatial Position Reporting Devices) Circular 2017:

The system used to transmit position reports to MPI must be capable of transmitting reports—

- a) from anywhere at sea (anywhere on the globe); and
- b) from anywhere within New Zealand; and
- c) so that reports reach MPI within 10 minutes after they are sent.

However, some attributes of the app that are superior to the proposed IEMRS specifications:

- Can provide finer scale monitoring – positions on the vessels' track can be logged at intervals of seconds rather than minutes, which is helpful for tracking small, fast vessels;
- Low cost, runs off a \$399 waterproof smart phone.

The Trident Maui Plan VMS App works well and is gathering good tracking data. It is becoming accepted by the fishers, however under the IEMRS will become redundant technology as of 1 April 2018.

At this point all SN vessel operators will need to purchase a new VMS system, none of which are currently available on the market for review. We understand that some of the new offerings are

being trialled, but not on SN vessels. Costs are uncertain but are expected to be higher than the current solution.

**RECOMMENDATION TWO:** We would like a transitional window of six months from when a Fisher starts using the GPR technology before MPI enforce compliance. The no-penalty approach could be enacted under a formalised commitment to VADE. We accept that the fisher must show intent.

**RECOMMENDATION THREE:** Transitioning to a satellite system for IEMRS for the SN fleet will be challenging. We ask that government dedicate half a FTE to work with the SN industry on helping to transition. In the North Island (FMA 8, 9, 1) this person could work with (or be the same person) as our Maui Protection Plan Coordinator.

### Electronic Catch Reporting

Complying with the IEMRS Electronic Catch Reporting Regulations on a small fishing boat is much more challenging than the vessel Geospatial Tracking system. At this point we have no idea how the requirements can be achieved, particularly as much of the event reporting must be completed within hours, or at least on the same day.

It is clear that we would need at least IPad functionality, and that cell phones will not be sufficient.

On a SN vessel there is not the time or space to be populating electronic event reporting fields on a small AS screen – in swell, in winter, at night in the absence of lights, and with wet or muddy hands.

Fishers must also work with the tides, providing a limited window of opportunity to perform additional recording tasks while on-board. The potential for vessel grounding on out-going tides is a significant safety aspect fishers must always calculate.

**RECOMENDATION FOUR and FIVE:** That (FOUR), the Government hold technical workshops specifically for SN fishers to review available technology and be taken through how it operates; and that (FIVE) the Government reconsider the reporting times for small Set Net boats, so that they can report their catches once returned to the boat ramp and preferably from their home base.

In essence we are recommending that the Government takes the opportunity to work with fishers to ensure that the proposed regulations and circulars are able to be practically implemented.

### Cameras

We understand that submissions are not being taken on the video monitoring requirement, but as this is the area of IEMRS that we find most challenging and potentially cost prohibitive we extend an offer to work with Government on how this will be achieved.

**RECOMMENDATION SIX:** That either the Maui Dolphin Project Coordinator or a Set Net fishers' representative be involved on the Working Group considering video monitoring on the Set Net fleet.

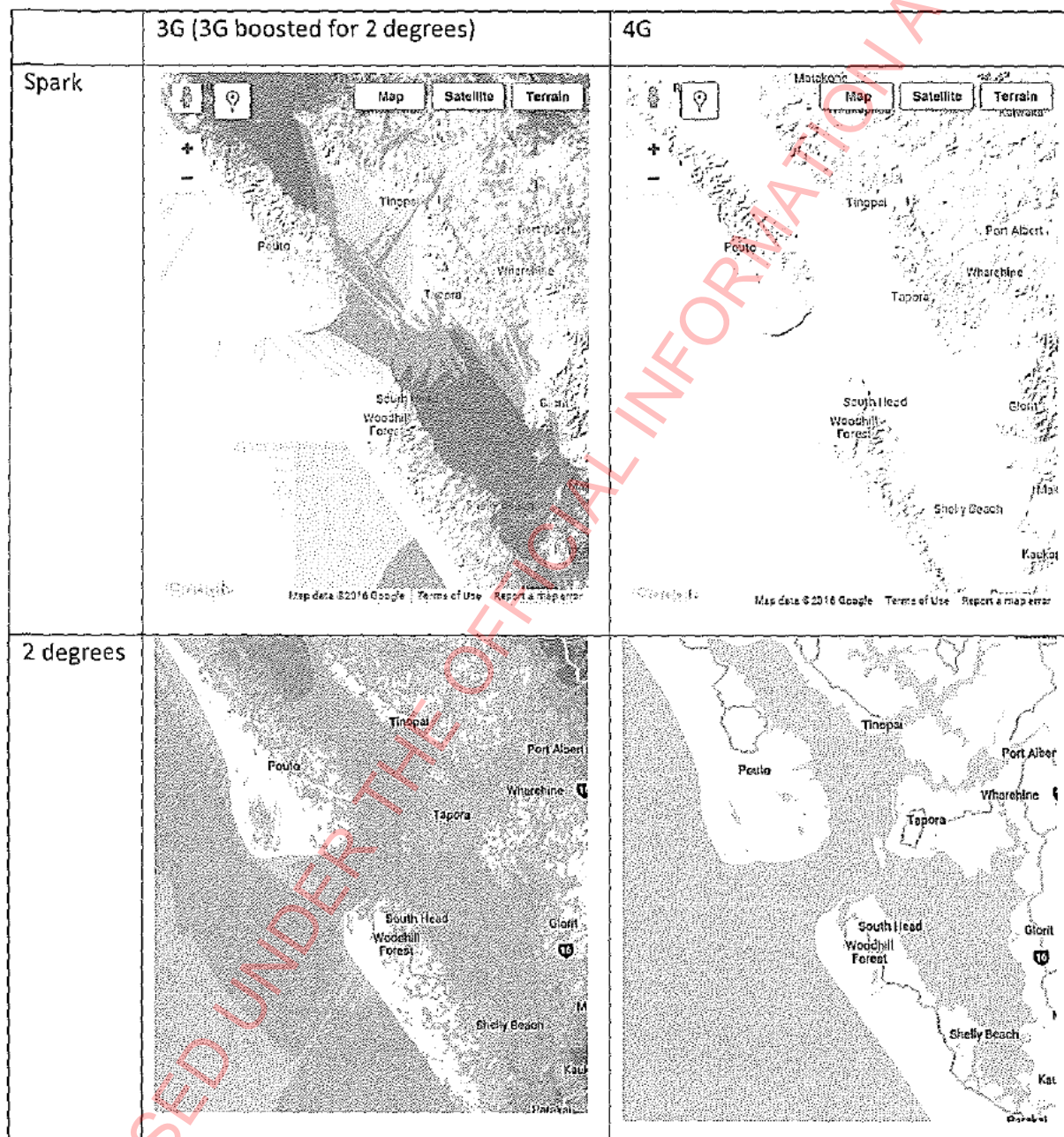
C/ Maui Dolphin Protection Plan  
Sanford and Moana New Zealand  
Po Box 443 Auckland 1010

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# APPENDIX – cellular coverage for WCNI harbours


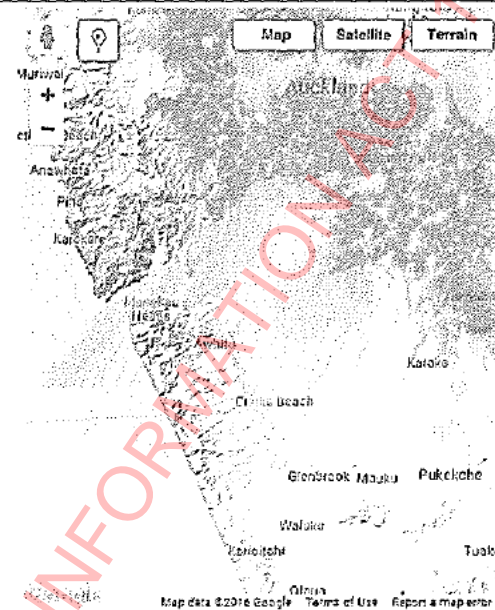
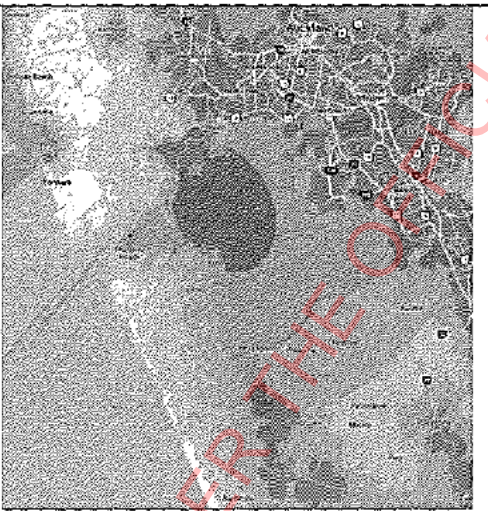

This information was assembled in November 2016 using cellular provider websites, and supported the adoption of cellular data as the transmission mechanism for the Maui dolphin project mobile VMS solution.

Kaipara



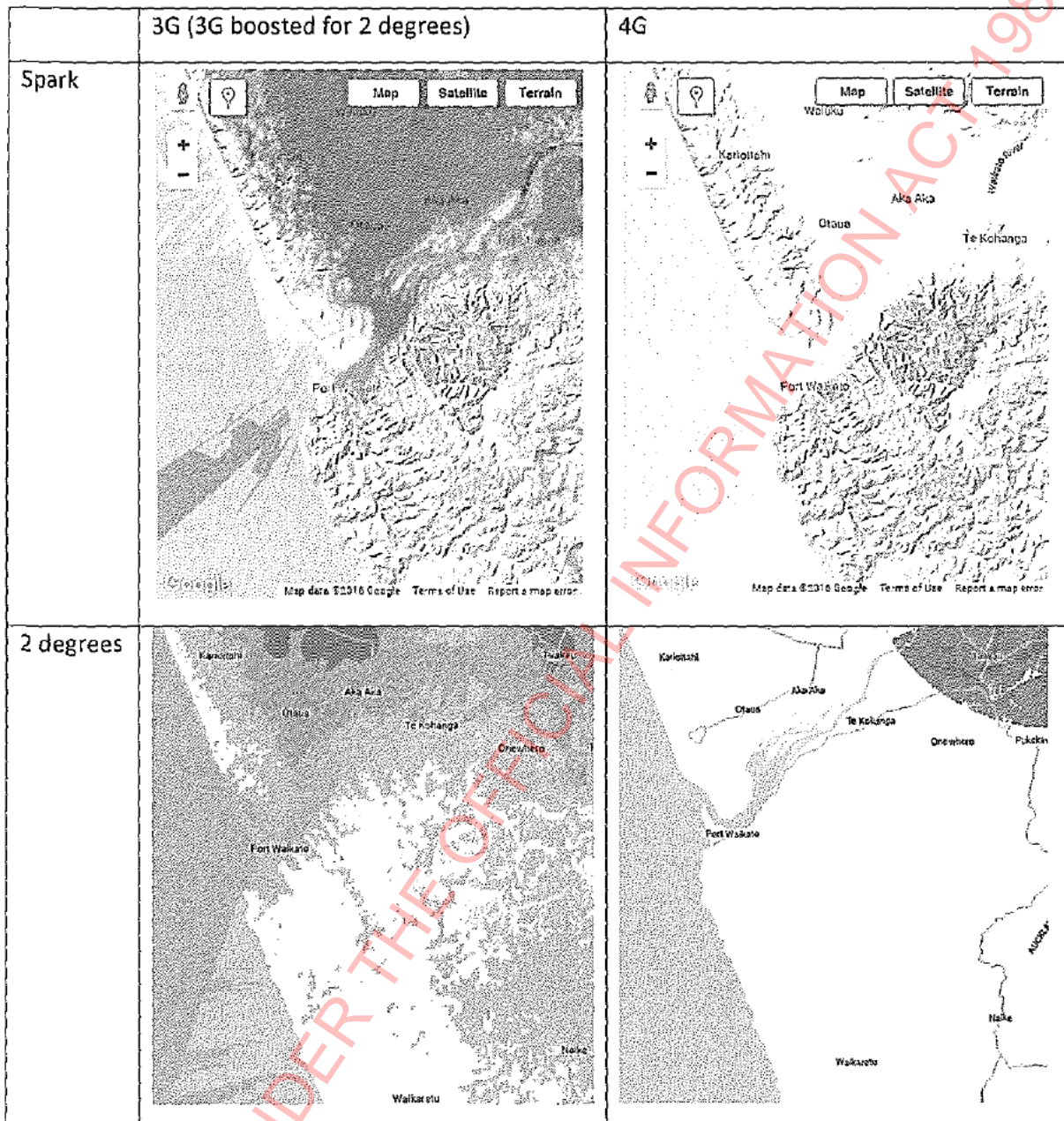


Manukau

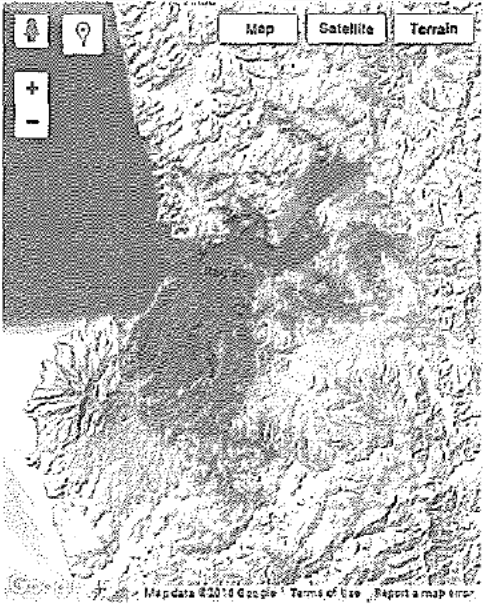
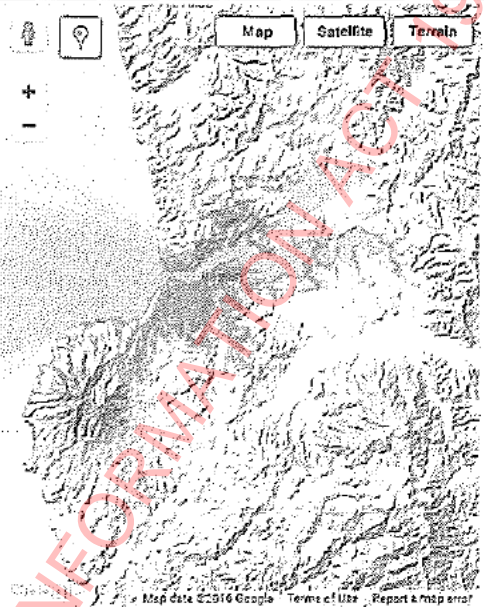
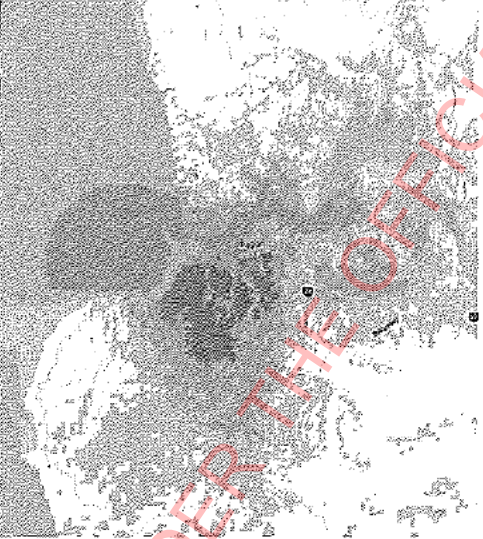
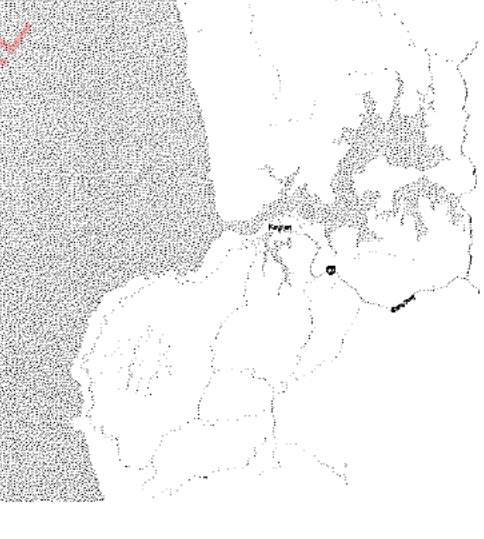
	3G (3G boosted for 2 degrees)	4G
Spark		
2 degrees		



Port Waikato

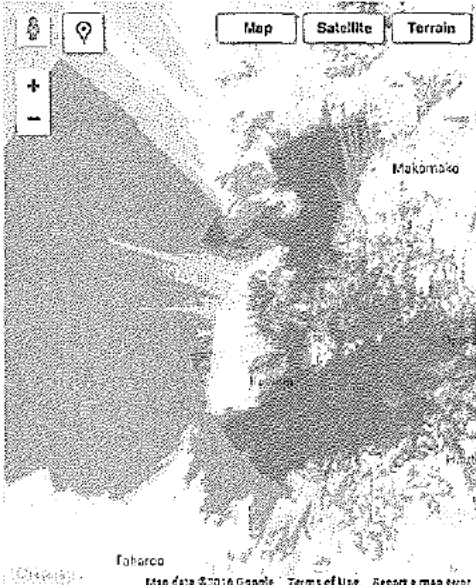
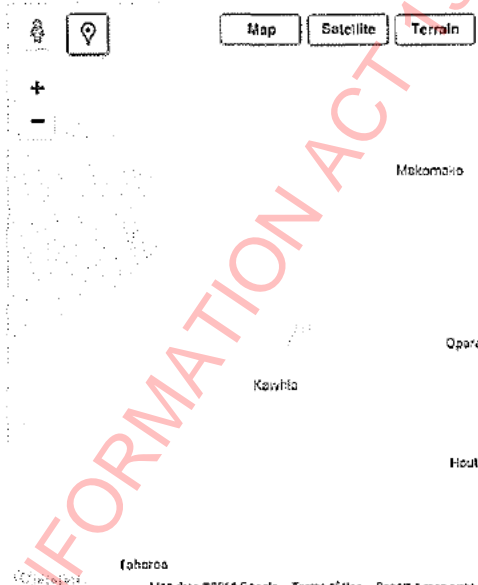
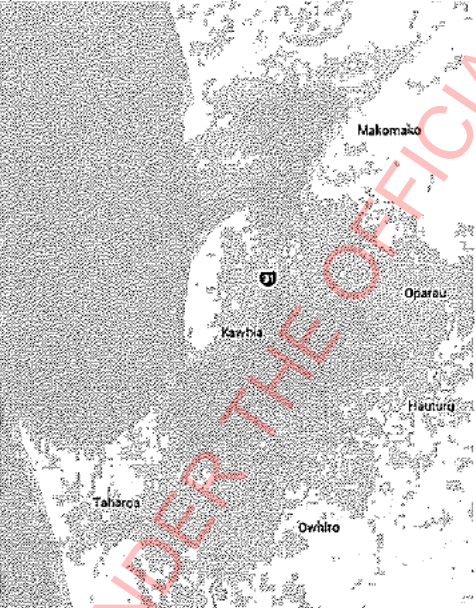
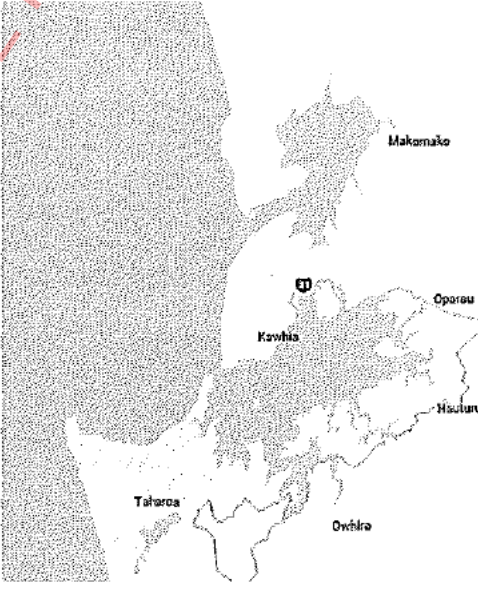


Raglan

	3G (3G boosted for 2 degrees)	4G
Spark	 A screenshot of the Spark mobile app showing a 3D terrain map of Raglan. The interface includes a location pin icon, a compass, and zoom in (+) and zoom out (-) buttons. At the top, there are tabs for 'Map', 'Satellite', and 'Terrain', with 'Terrain' selected. The map shows a coastal area with a large bay and surrounding hills. At the bottom, it says 'Map data ©2016 Google' and 'Report a map error'.	 A screenshot of the Spark mobile app showing a 3D terrain map of Raglan, similar to the 3G view but with slightly different shading and detail. The interface elements are identical to the 3G view.
2 degrees	 A screenshot of the Spark mobile app showing a 2D map of Raglan. The map is less detailed than the 3D views, showing basic outlines of the coastline and landmasses. The interface elements are consistent with the other views.	 A screenshot of the Spark mobile app showing a 2D map of Raglan, similar to the 3G 2 degrees view but with slightly different shading and detail. The interface elements are consistent with the other views.



Kawhia/Aotea harbours

	3G (3G boosted for 2 degrees)	4G
Spark		
2 degrees		

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**From:** § 9(2)(a)  
**Sent:** Sunday, 20 August 2017 2:40 p.m.  
**To:** § 9(2)(a)  
**Subject:** FW: NZRLIC submission - Draft Circulars - digital monitoring of commercial fishing  
**Attachments:** NZRLIC submission on circulars 20-8-17.pdf

And another

**From:** Mark Edwards [mailto:§ 9(2)(a)]  
**Sent:** Sunday, 20 August 2017 7:08 AM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Cc:** § 9(2)(a); Stuart Anderson <§ 9(2)(a)>; § 9(2)(a)  
**Subject:** NZRLIC submission - Draft Circulars - digital monitoring of commercial fishing

Good morning Stuart / § 9(2)(a)

Please find attached the submissions from NZRLIC on your draft circulars.

We would welcome the opportunity for further discussion on the circulars to try and address the issues raised. Please contact Daryl or myself if we need to provide clarification on any points raised.

regards  
 Mark Edwards

**From:** Future of Our Fisheries Programme [mailto:FutureofOurFisheriesProgramme@mpi.govt.nz]  
**Sent:** Friday, 21 July 2017 5:51 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Cc:** § 9(2)(a); Stuart Anderson <§ 9(2)(a)>; § 9(2)(a)  
**Subject:** Draft Circulars - digital monitoring of commercial fishing

Tena koutou katoa

Following the gazettal of IEMRS regulations last week, MPI's Director General has issued draft circulars for consultation on the Geospatial Position Reporting System and Electronic Reporting.

Circulars are the legal instruments that give effect to the Regulations, and which set out the detailed standards and specifications.

Over the next four weeks we will be consulting with iwi, industry, a representative range of commercial fishing operators, and our working and advisory groups on these circulars, to ensure they will properly enact the intent of the regulations. We look forward to your input and engagement in this process.

The circulars are available to download from <https://www.mpi.govt.nz/law-and-policy/legal-overviews/fisheries/future-of-our-fisheries/digital-monitoring-of-commercial-fishing#regulations>

We will also add summary documents to our website in the next few days.

Nga mihi



Stuart Anderson  
Director IEMRS

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# NZ ROCK LOBSTER INDUSTRY COUNCIL LTD

*Ka whakapai te kai o te moana*

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s 9(2)(a)

20 August 2017

## **Submission on the Integrated Electronic Monitoring and Reporting Systems (IEMRS) circulars**

1. The NZ Rock Lobster Industry Council Ltd is an umbrella organisation for nine regional organisations known as CRAMACs, which operate in each of the rock lobster (CRA) management areas of New Zealand. CRAMACs represent the interests of CRA quota owners, processors, exporters, and fishermen (quota share owner-operators and Annual Catch Entitlement (ACE) owners) in each region throughout New Zealand Fisheries waters. The rock lobster sector deploys 263 vessels, has 445 quota share owners, employs over 2,500 FTEs (many in regional and coastal localities), earns over \$330 million (FOB) in export receipts annually, and is the most valuable inshore species for New Zealand.
2. The submission provides feedback on the circulars released by MPI on 21 July for consultation, namely;
  - [Fisheries \(Geospatial Position Reporting Devices\) Draft Circular 2017](#) (the GPR circular)
  - [Fisheries \(Codes and Information\) Draft Circular 2017](#) (the FCI circular)
  - [Fisheries \(Event Reporting\) Draft Circular 2017](#) (the Event circular)
  - [Fisheries \(Monthly Harvest Returns\) Draft Circular 2017](#) (the MHR circular)
3. MPI describe the circulars as legal instruments that give effect to the regulations, and which set out the detailed standards and specifications. In discussing the circulars, it is necessary to refer to the relevant regulations because of this relationship. The relevant regulations are;
  - [Fisheries \(Reporting\) Regulations 2017](#) (the Reporting regulations)
  - [Fisheries \(Geospatial Position Reporting\) Regulations 2017](#) (the GPR regulations)
4. The circulars and the regulations promulgated relating to geospatial position reporting (GPR) and electronic reporting (ER) are complex, and inconsistent in some respects. We acknowledge the meetings held with MPI – the explanations provided have assisted in trying to understand the intended operation of the circulars. This submission sets out issues that have been identified to date. The more time that is spent trying to understand the material – the more issues are identified.

5. NZRLIC supports the submission lodged by Fisheries Inshore New Zealand (FINZ), the Paua Industry Council, (PIC), Te Ohu Kaimoana and the Speciality and Emerging Fisheries on the circulars. This submission should be read with those submissions and we do not in general repeat points raised in those submission but rather focus on matters relevant to rock lobster fisheries management.
6. NZRLIC accepts the value of transitioning to e-logbooks. The rock lobster sector has already at its own initiative made significant investment in electronic data recording and reporting systems to support functions including its observer catch reporting and log book programs, Oceansnap system to help address protected species interactions, and tag release and recapture. But transitioning to e-logbooks needs to be done in manner that focusses on collection of the data that is important to inform stock assessment and management and address material risks, is designed taking into account the operating conditions and practicalities of fishing on vessels at sea, and is implemented in a cost-effective manner. Many of the changes proposed and the new requirements seem to be the result of imposing a uniform regime across all fisheries with an excessive focus on enforcement and limited or inadequate justification taking into account the costs, interference with fishing operations and potential to force operators out of business.

#### **Process issues**

7. MPI's stated intention was to get feedback on the operability of the proposed regime based on setting out the detail of the standards, specifications, and requirements. To assess the workability of the proposed arrangements in at sea operating conditions, engagement with permit holders is necessary. The circulars are too complex and are largely inaccessible to permit holders, particularly as they must be read with the regulations. As a result, neither MPI or Stakeholder Representative Entities (SREs) have been able to engage with permit holders in a meaningful way.
8. MPIs have produced some cartoon diagrams of some elements of the proposed regime. However, these are imprecise, unclear and only cover small parts of the overall regime. That means the proposals are largely untested as to their practical application on the water which poses serious risks as to their workability in practise. This situation is compounded by the lack of consultation with affected parties on the associated regulations, and the absence of any response to the many matters raised through the very constrained consultation that did occur on the regulations.
9. The FINZ submission sets out the often referred to Court of Appeal ruling on consultation, and references the Ministry of Fisheries policy guidance on consultation under section 12 of the Fisheries Act and their Stakeholder Consultation Process Standard. MPI's process to consult on the circulars falls woefully short of meeting these requirements in a number of respects including that insufficient time has being allowed and the affected parties have not been adequately informed so as to be able to make useful responses. For consultation to be adequate, there must be a well-defined proposal. But in answering questions posed by SREs on the circulars, in many cases MPI was unable to provide any clarification of how provisions would operate, suggesting these matters were still being considered.

10. This situation is compounded by the announcement by MPI they will finalise the circulars by 1 September. It is quite clear that MPI cannot give adequate consideration to, or work with industry resolve, the many issues raised in such a timeframe.

### **Problems with the regime proposed by circulars**

11. MPI is seeking submissions on the circulars, but since the proposed regime is a product of the combined effect of the regulations and circulars – this feedback unavoidably encompasses both. The discussions with MPI that have taken place have confirmed this as necessary because in those interactions MPI needed to refer to both the regulations and circulars. NZRLIC and other SREs made separate submissions on problems with the draft regulations in the exposure drafts process. Many of those issues were not addressed in the promulgated regulations and so still stand, and compound the issues with the circulars. The FINZ submission also raises a number of circumstances where the regulations are internally conflicting, unclear, not logical, *ultra vires* and impose excessive penalties. Those regulation specific issues are not repeated in this submission.

## **1. Electronic Reporting**

### **1.1 Unworkable amount of data to be collected**

12. The regulations set up the requirement to provide catch, non-fish or protect fish species (NFPS), and disposal reports for each event. The FCI circular sets out the disposals codes in Part 5. A major problem is created by the amount of data that fishermen will be expected to enter into e-logbooks, particularly additional disposal categories including undersize lobster (code Y), berried, soft and immeasurable lobster (code K) as well as retained legal state, legal state lobsters returned to the sea (code X), QMS and non-QMS bycatch and any NFPS interactions. Lobster fishing involves hauling and clearing a large number of pots in a short timeframe and the proposed regime requires recording too much information, too frequently.
13. The result is fishermen will inevitably make less reliable estimates and compromise the data really needed for the stock assessment – legal state animals retained and code X. It is these fishing operation circumstances which led to the development of the log book and catch sampling programs. These programs reliably collect statistically valid information on all states as well as detailed length frequency information – so that fishers do not need to collect this data and can focus on the key information – catch and effort for legal state lobsters retained and code X.
14. MPI have indicated they are considering consolidation of some disposal codes, at least codes Y and K; this would mitigate some of the issues outlined above.
15. Part 2D of the FCI circular suggests that the permit holder must record the species code and greenweight estimates for all species (QMS and non-QMS) caught. Unlike other methods there is no limit on the number of different species that must be recorded.



## 1.2 Frequency of reporting

16. In Part 2D, the FCI circular establishes the definition of the event as a zone. These zones have been established for some QMAs for use in the log book program for the four sample pots per day – not for all pots fished in a day. The zones tend to be defined by points and promontories on land and therefore often correspond with reefs and fishing grounds offshore. Fishermen clearing pots are therefore likely to frequently cross these lines that bisect fishing grounds. Historically and currently fishermen have been able to complete mandatory catch and effort reports at the end of a fishing day and prior to landing. This means that they are able to concentrate on their fishing activities during the day and pause following this to record numbers of pots lifted, and estimated weight of legal status rock lobsters in those pots etc.
17. Rock lobster fishing is a continuous activity as pots are been hauled, cleared, re-baited and re-set often with the need to 'beat' tide and current in order to work all pots. The zone requirement means fishers will need to record multiple events during a fishing day, in a manner that does not add value to the information collected to inform assessments and poses operation difficulties, and workload and safety risks for their vessel and crew because of the need to divert attention from the working deck and the sea around to manually enter data into an electronic reporting platform. A more workable arrangement would be to define fishing events based on a spatial extent from the first pot lifted in an event (e.g.; 10 nautical miles). This would provide significantly greater spatial resolution for catch and effort data than current statistical areas (5-10 times) – but pose less risks and interference with fishing operations.
18. Safety at sea issues will arise in relation to the amount and frequency of information that is required under the proposed program. Operating small vessels can pose very challenging working conditions and obvious risks to skippers, crew, and vessels. There are responsibilities that need to be met under the Health and Safety at Work Act 2015 to identify risks and hazards, take reasonable steps to maintain a safe work environment and put in place appropriate processes and resources to minimise risks.
19. Excessive and unnecessary data entry creates a situation where vessel and crew will divert their attention from operating the vessel, and may take additional risks in an attempt to meet the requirements. Similarly, having to pause from their normal operations to enter data multiple times during the day generates further hazards. There are already circumstances where the current voluntary electronic reporting needs to be suspended due to rough sea conditions and vessel and crew safety issues. In order to avoid the high penalties proposed, operators may have to consider the need for an additional crew member to meet these new requirements, or make changes to the areas and weather conditions in which they operate. In either case this may be very costly, or make operations uneconomic. In these circumstances, MPI has a duty to ensure that additional requirements are necessary and add value. That analysis does not seem to have occurred at the level of the rock lobster fishery.



### 1.3 Impact on key information needed for stock assessment

20. In addition to compromising the quality of core information on legal state lobsters to collect peripheral information on other states, the unnecessary additional information is likely to lead to unpredictable changes in the changes in the data collected and a disjunct in the decadal time series of data currently used for management. This change in the data will be difficult to interpret and risks compromising management decisions that are informed by the science, or will introduce undesirable uncertainty.
21. NZRLIC and most fishermen we have spoken to accept that a transition to e-logbooks is useful, but this needs to be done in a manner that recognises operating conditions at sea, collects information that is important for the assessment, and does not unnecessarily duplicate information already collected separately through the voluntary logbook and catch sampling program. MPI needs to recognise that the quality of on water reporting is fundamentally voluntary – impose illogical and unnecessary demands and cooperation and buy-in will disappear.
22. Clause 7 of the FCI circular suggests that all reporting should be as estimated weights, except (for rock lobster) disposal codes X, Y, and K which are to be recorded as numbers. There is no reason outlined for this inconsistency, and in discussion with MPI they have acknowledged the real risk that mixing the metrics used in the reporting codes will lead to errors. We understand that an amendment will be made so that all reporting codes will be as estimated weights. This acknowledges that fishermen are experienced at estimating weights. This will require amendment to the circulars including s7(3) and Part 5.
23. Changes in data collected will mean re-calibration of the catch and effort database and standardisation approaches, and re-coding of approaches for the modelling. These can be very significant time consuming and expensive tasks and should therefore be undertaken only for good reasons. The revised reporting regime associated with the introduction of e-logbooks should therefore minimise changes to existing reporting to those that will add value to the stock assessment and related management of the fishery.
24. All of these issues highlight the need for data collection systems to be designed by working through an information needs analysis involving the science team who undertake the stock assessment, and then designing the information collection with operators taking into account the working conditions at sea, and the existing programs, rather than duplicating and undermining them. The MPI suggestion that science input is not necessary, or there is no time for consideration of issue they may raise, poses serious threats to the utility of the information collected and the current stock assessment process.

### 1.4 Unnecessary and unreasonable requirements and cost

25. Part 5 of the FCI circular specifies that loss of fish through theft from a holding pot must be reported as a “disposal”(Code H), reported on a monthly harvest return and counted against ACE. The same issue arises for holding pots on land in Part 6. This requirement is clearly unfair as this criminal activity is in no way controllable by a permit holder and is a significant

cost to the permit holder. Not only has the permit holder already incurred the catching costs but then also loses the ACE value of the stolen lobsters and the economic margin that exists between the ACE price and the beach price. Such a policy creates strong incentives for misreporting and therefore the additional issue that the crime is not reported. Police are not provided with information that would enable them to take action on thefts – encouraging the perpetrators to repeat their offending. We recommend that a separate code is created to record theft from holding pots, so that this theft can be quantified, provided to the Police, and taken into account in the stock assessment as other mortality to the stock.

26. A lesser issue is created by the requirement in Part 6 that lobsters lost through predation in holding pots must be reported as a “landing”(Code PF), reported on a monthly harvest return and counted against ACE. A better solution would be that predation mortality is recorded and taken into account in the stock assessment as other mortality to the stock.

#### 1.5 Not required by regulations

27. Part 1A and 1B of the FCI circular requires trip start and trip end records. These do not appear to be required by the Reporting regulations – these will need amendment. Circulars cannot be used to introduce substantive new requirements.

#### 1.6 Errors or suggested corrections

28. Part 2D of the FCI circular requires the estimation of the “average soak time of each pot”. This should read the “average soak time for the pots hauled during the fishing event”.
29. Part 2D of the FCI circular suggests the catch record should include “the greenweight of lobster excluding those that the fisher was required to return to the sea”. This record would therefore encompass Code X lobsters - lobster of legal state that are returned legally to the sea, but are not required to be returned. The disposal codes include records of Code X lobsters. It would be preferable to avoid recording the Code X lobster effectively in two places – both the catch record and the disposal record. We recommend that only legal state lobster retained on board are recorded in the catch record.
30. Part 5 of the FCI circular states -” Generally, a disposal report must be completed in conjunction with a fishing event report....”. There will be circumstances where this is not possible for lobster potting. The Reporting regulations require that disposal reports are completed within 1 hour after the disposal is finished (MPI suggest this means within 1 hour of the end of a fishing event). Often holding pots will be some distance from the fishing grounds, generally closer to the mooring or landing point, and may be further than 1 hour travel time from the event. A separate disposal report will therefore be necessary to record lobsters being placed in or retrieved from a holding pot in the water.
31. A separate issue will arise where a permit holder is using holding tanks on land – these may be some distance from the mooring or landing point for the vessel. The e-logbook will be on the vessel (as required) and will not be available to the fisher to complete a disposal record. This also creates an issue for the Landing Reports (Part 6) which is required “when fish has been removed...from a vessel”. This would appear to require recording lobster destined for a land based holding pot and will duplicate the disposal record for those lobsters.

32. Section 10(1) of the Reporting regulations require that the permit holder “must provide a disposal report to the chief executive each time the permit holder...returns...fish to the sea”. But section 10(3) say the permit holder must “provide the report to the chief executive before the close of the day...”. This conflicting requirement will cause confusion and is not resolved in the circulars. The same issue arises for the NFPS report.
33. Part 6 of the FCI circular sets out the landing codes to be used each time a landing report is made when a permit holder lands fish. For lobster landed to an LFR, Code L is used. There are landing codes that can distinguish lobsters transferred to a holding receptacle on land (QL) and placed in a holding receptacle on land. However, there is no code to identify lobster that have come from a holding pot at sea. For CPUE as an input to the stock assessment, it is important to be able to associate catch and effort with a trip/events, and distinguish it from catch and effort from a previous trip/event. We recommend consideration of an additional landing code for this purpose.

## 1.7 Event Reporting

34. Section 8(2) of the Event circular requires that a completed report does not pass SDA validation, it must be returned for correction. This is not a requirement set out in the regulations. It is also not clear what action would be required if a permit holder did not receive the validation ? Or received a signal that a record did not pass validation; how is the permit holder to know what correction or adjustment is necessary ?
35. MPI have suggested that for a landing report, when information on actual weights is received from the LFR, the permit holder must re-open the report and amend it to reflect the actual weights. This does not seem to be a requirement set out in the regulations.
36. Section 11 of the Event circular requires the e-logbook to produce a summary report. This is not a requirement that is specified by the regulations.
37. Section 16 of the Event circular requires that every e-logbook must be capable of “operating in a poor connectivity environment”. This is not defined and in some circumstances, is simply impossible. Despite improvements in technology, there are some locations that are dead spots for satellite transmission and receipt (e.g.; Deep Cove in Fiordland).
38. Section 17 of the Event circular requires that “each component of a device must be suitable for use in a particular commercial fishing environment”. Such a phrase is open to interpretation and without clarification will create uncertainty and drive up costs.
39. Section 18 of the Event circular requires that every logbook must have a business continuity plan if the e-logbook is unable to function. MPI was not able to explain what a business continuity plan might entail. We are concerned that this might entail even more costs for permit holders. This issue is related to s43 in the Reporting regulations which requires the permit holder to notify the chief executive if a report is unable to be provided. MPI was not

able to explain how this requirement could be met in practise or how the defence in s50(a) of the Reporting regulations would operate. As a result, we are not able to provide a submission on this point which is critical as a failure to provide a report can attract a fine of \$20,000. The same issue applies to s8(e)(ii) of the GPR regulations.

40. Several clauses in the Event circular outline performance requirements for the e-logbook. A failure to meet any of these requirements may create the situation where a permit holder commits an offence that there would not appear to be a relevant defence for. In order to address those risks, a permit holder would be forced to try and place the liability on the platform provider. This is not only complex, but is likely to mean that providers are unprepared to even enter the market, or are forced to escalate their costs. These circumstances are exacerbated by the tight timeframes for implementation. An alternative would be for MPI to register e-logbook platforms that meet their requirements.

## 2. Geospatial Position Reporting

### 2.1 Unnecessary or unclear requirements and cost

41. Section 10 of the GPR circular requires that the GPR device must transmit position reports with a fixed frequency, or a moderated frequency of up to every 10 minutes. Very limited rationale has been offered for this requirement, or explanation as to why the position recorded by permit holders throughout the trip on the e-logbook cannot meet the requirements of MPI. This information could be obtained from daily transmission of event reporting. This would avoid the expense of capital cost of GPR equipment.
42. The trip start record for reporting references the definition fishing trip in s3 of the Reporting regulations i.e.; a trip starts when the vessel “leaves any place at which the vessel is moored or berthed or launched”. This “start” is different to the point at which the GPR device must be operating set out in s8 of the GPR circular (expressed as when the GPR device does not need to be operating) “when the vessel has its engine turned off and the vessel is stationary on land; or...moored”). These different “start” definitions are unhelpful for operators. In addition, they do not take into account that operators may move or power up their vessel for a number of reasons unrelated to commercial fishing e.g.; for maintenance, for recreational fishing etc. S5(3) of the GPR regulations specifies that the GPR device must operated “continuously while that vessel is being used for fishing or transportation”. The circular requirement seems to go well beyond the power provided by the regulation.
43. In discussion with MPI they have suggested there is a further distinction for required operation of GPR related to whether the vessel is moored or transported on a trailer (in the latter case MPI has suggested the retirement is triggered when the trailer with the vessel is hitched to the tow vehicle). This does not seem to be specified in the circular or authorised by the regulations.
44. Clause 8(e)(i) of the GPR regulations does not provide for the operator of a small open vessel who may remove the GPR device at the end of fishing operations daily to prevent theft or to

charge it at home. MPI suggested this should be provided for, but it would appear to require an amendment to regulations rather than inclusion in a circular.

45. Clause 10 does not state clearly the transmission frequency required for fixed frequency GPR devices. The specification is important because of the implications for equipment that may meet requirements, and is the inconsistent comments from MPI staff regarding the ability for devices to be switched off to save battery power between the 10 minute, for example, transmission of position.

#### **Other issues**

46. There are a range of other concerns that arise with the potential implementation that are not directly related to the content of the draft circulars.
47. There are serious privacy, intellectual property and commercial sensitivity issues that arise from the management and potential release of the catch and effort and position information collected under the proposed regime. These concerns are set out in some detail in the letter to Bryan Wilson of MPI of 4 July 2017. These matters need to be resolved before the new and far more detailed information is collected, including through the circulars. The current MPI policy guidelines are not adequate and have been breached in some circumstances already. These are not issues that can be dealt with in the circulars as they are more likely to need to be addressed through legislative or regulatory amendment.
48. NZRLIC does not condone illegal behaviour and has in fact expended considerable effort with CRAMACs to ensure the fishermen operate in a legal manner and understand the importance of accurate reporting. However, the revised and more rigorous compliance regime will draw attention to fishing practises that may not be fully compliant with the regulatory framework. This means it is important the requirements are sensible and meet a science or management objective. Currently it is common practise in some circumstances, and well known to fisheries officers, that operators will immediately return live finfish taken in pots. A strict interpretation of the law would require all QMS finfish above MLS to be retained and counted against ACE or high deemed values paid. This situation is compounded by the fact that TACCs for some species have been set on the basis of landings, not catch. This means that some TACCs are unnecessarily conservative and ACE will be hard to obtain. In discussing this situation with MPI it is acknowledged that returning live finfish from pots is a sensible practise with the fish likely to have a very high survival rate. An amendment to the 6<sup>th</sup> schedule should be made to address this situation. MPI have noted they are considering how to address the compliance issue that arises in the interim.
49. The section on process issues above raises a number of serious concerns with the process undertaken to date to engage with SREs and permit holders on the content and operation of the circulars. NZRLIC is also disturbed that, following the resolution of these many issues and the finalisation of requirements for the at-sea platforms, there will be inadequate time for providers to finish design and construct of the platforms, for their distribution and installation, sea trials, training of operators and ironing out likely teething issues in order to meet requirements from 1 April. Across industry this is a massive and challenging roll-out. The unnecessarily tight timeframes will drive up costs of the whole exercise. Experience from



implementing new platforms in other jurisdictions, and in New Zealand, confirms that there are always operations issues to be resolved and refinements to be made to the platforms. The difficulties in trialling platforms are not helped by MPI suggesting that it is “all or nothing” with no ability to trial the ER platform alone for example, prior to 1 April 2018. Our concern about these timeframes is exacerbated because, as noted above, there are very significant penalties, and MPI is not able to explain how the defences will operate.

#### **Next steps**

50. NZRLIC would welcome the opportunity to explain and elaborate on the matters raised in this submission. We believe these are serious issues that need to be resolved before the circulars are gazetted and we would be happy to meet and work through the resolution of these matters.

Yours sincerely

NZ Rock Lobster Industry Council

s 9(2)(a)

A large rectangular area of the document is redacted with a solid grey box. The text 's 9(2)(a)' is visible in the top left corner of this redacted area.

Executive Officer

Michael Thomas

Fat Flats Ltd

s 9(2)(a)

10 August 2017

To whom it may concern,

**Re: IEMRS regulations**

I am writing to outline the significant concerns that I have regarding aspects of the IEMRS regulations and to request that the proposed implementation of Geospatial Position Reporting and Cameras be reviewed with further consultation from fishermen and much greater consideration to the rights of the individual fisherman and their families to privacy.

We operate a small family fishing business using a 5.5 metre vessel to catch flounder and blue cod in Southland and Lake Ellesmere in Canterbury.

**Geospatial Position Reporting**

As our boat has only one outboard motor and therefore only one battery for power supply and as such am concerned about how the GPR will be powered and the implications on our boat set-up to enable this. The boat is open with limited space on which to house a GPR unit. There is a lot of spray of salt water which I am sure would be detrimental to the unit. As it is a flat bottomed boat there can be a lot of banging down in between waves which again could be detrimental to the unit. These two issues leave me with major concerns about the expense to me of continual repair and maintenance of the unit.

There has been no indication of what the weight of the unit would be and this is a crucial consideration on a small boat where every Kilogram counts and may implicate the amount of fish that is then able to be caught to keep within the weight limits for safety of the boat on the water.

It seems like a ridiculous amount of equipment, cost and maintenance for a boat that is not much larger than a dinghy and whose fishing is limited largely to two confined lake and estuary areas.

The sharing of information of time spent at particular spots surely risks breaching my intellectual property rights by clearly highlighting fishing markers that have taken 12 years to identify, enables me to remain competitive in the market and to ensure that I have a business which is sustainable for future generations.

**Cameras**

If there is to be a camera installed on such a small boat it would give no privacy whatsoever not only for me but for my family members who often come out on the boat to learn the business and to spend time with me. My s 9(2)(a) and I would not feel

at all comfortable with them being recorded in this way just enjoying themselves let alone if they need to get undressed to change clothes or need to go to the toilet. The same applies to my own privacy when getting changed or going to the toilet. I cannot think of any other situation where it would be considered reasonable to record adults let alone children in this way and in fact would think in many circumstances for children would constitute a criminal offence. Doing routine daily tasks as sitting to have one's lunch or to make a telephone call either for business or personal use should surely be able to be done with the expectation of privacy that is not allowed by the proposed cameras.

The issues with power supply, weight, space on the boat, water damage and ongoing costs of repairs and maintenance are the same as mentioned above. Additionally, if the camera is mounted any higher than the current height of the boat this could affect accessways going under bridges that are necessary to get to fishing locations.

Myself and my wife firmly believe that the proposed cameras are an utterly disgraceful breach of our rights to privacy and those of our young children.

There is a need to consider the impact of these regulations on sectors beyond the fishing industry. It has a distinctly big brother feel and it is part of a slippery slope effect where doing this in the fishing industry sets a precedence for many many more industries, sectors and agencies within New Zealand. Consider the thought of a camera covering your whole workplace throughout your entire working day in say for example a woolshed, a school, or a Member of Parliament. What is the rationale for a fisherman not having the same right to privacy as any other worker or businessman in New Zealand?

Yours sincerely

Michael Thomas

**From:** Mike Middleditch <s 9(2)(a)>  
**Sent:** Thursday, 3 August 2017 4:22 p.m.  
**To:** Fisheries Review  
**Subject:** Elog books daily reporting

Client no s 9(2)(a) After fishing NZ coastal waters tuna fishing for 37 years on my 12 m fishing vessel this daily reporting via an e logbook will not be possible unless I'm in phone range . There are many areas around NZ north and south islands where phone coverage is nil . I think the daily reporting needs to be addressed for some species ie tuna to when phone coverage is available yours sincerely Michael Sent from my iPhone

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**From:** § 9(2)(a) <§ 9(2)(a)>  
**Sent:** Thursday, 17 August 2017 10:04 a.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Submission on IEMRS Proposals

Murray Vanstone

§ 9(2)(a)

17th August 2017

Submission on IEMRS Proposals

To whom it may concern,

I am a cray fisherman at § 9(2)(a) - Fishing number § 9(2)(a) - boat registration § 9(2)(a) and have lived and fished in this area for 34 years.

I support electronic reporting as long as it is as simple as the old paper system.

One fishing event should equal one days fishing. Breaking the day up into several fishing events will make reporting complicated, time consuming, and in some cases dangerous.

We work in a sometimes hostile environment and Skippers and crew should concentrate on the sea conditions and keeping safe rather than be distracted by unnecessary and time consuming reporting.

Yours Sincerely

Murray Vanstone

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**From:** s 9(2)(a)  
**Sent:** Monday, 21 August 2017 7:41 a.m.  
**To:** s 9(2)(a)  
**Subject:** FW: Electronic Monitoring

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Neil McDonald [mailto:s 9(2)(a)]  
**Sent:** Sunday, 20 August 2017 10:47 PM  
**To:** s 9(2)(a) Stuart Anderson s 9(2)(a)  
Future of Our Fisheries Programme  
<FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Electronic Monitoring

## Re: Electronic Monitoring

Myself and my wife have a long history in fishing and boat ownership. I have been an owner operator for 39 years and have seen a number of changes in the industry from both sides of the coin.

I believe I hold enough experience to offer a well-informed opinion on the changes being brought in.

I would describe myself as a heavily invested, experienced, compliant and passionate fisherman that loves all the aspects of the job including the environmental guardianship role all fishers are obligated to be.

I was the president of the PCFS for four years and in this time I was constantly defending accusations that we were all hell bent sinners. In this role I attended many meetings and listened to so called experts who are motivated to keeping their job safe and were unquestioned by the public. The day my son came home from school with a poster displaying a dolphin with a side of chips and upset because his teacher that day taught the children that commercial fisherman kill dolphins. She taught them that the practices used to catch these dolphins were barbaric and a insinuated that this was an everyday occurrence. These ill-informed people are simply repeating what the academics are saying and we know this is not the case at all and yet this practice of accusing us of 1/ breaking the law and 2/ carrying out acts that we are so against is appalling – and because they are academics informing decision makers you all side with them and therefore make it so. MPI certainly don't stand for false accusation against their operations so it astounds me MPI support this behaviour of filthy allegations.

Fishing is an honest living that like similar industries like farming hope to hand on to the next generation. I hoped that I could leave a legacy in the industry where my children will be able to continue and enjoy the highs and lows that the industry has provided me and my family for 39 years. This is a small and brief insight into the passion I have for this industry.

When I was 18 you had to wait for someone to die before you got a job on a boat in Port Chalmers. There were four main companies operating out of Port Chalmers. These companies all owned boats who employed a range of people from skippers to engineers to net makers. This

industry was thriving. I believe it is my duty to stand up and fight for us the fisherman, boat owners and skippers.

We have carved this industry into a legacy to be proud of. As a practical and realistic fisher I believe the changes over the years have given this industry sustainability. These sanctions now being imposed by MPI are obviously something thought up by people who have no practical understanding of the environment we work in. We do not live in a port. We live in rural area and operate a 38 foot "lifestyle block" fishing operation. I believe all fisherman I know very much feel the same way about how MPI are showing total disregard int heir approach to being able to come to a compromise with fishers over these new monitoring laws. One set of rules will not suit all operations.

The Minister of Fisheries has lost all credibility in being able to deal with this. The way this has been implemented and dealt with without any mediation or consideration of workable monitoring to ensure implementation is agreed and operationally achievable has left you with the industry up in arms and ready to battle it altogether.

I believe that monitoring can be achieved if MPI would slow down and listen to the fisherman who are offering practical and achievable solutions – we will achieve what we all need as we know what you want but you don't know what we need to provide that for you.

Joan Fishing Company Ltd  
Neil and Michelle McDonald

S: 9(2)(a)

T: 9(2)(a)

C: 9(2)(a)

E: 9(2)(a) or 9(2)(a)

**From:** Pat Nyhon <s 9(2)(a)>  
**Sent:** Saturday, 12 August 2017 7:11 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Emailing: Submission On IEMRS Circulars  
**Attachments:** Submission On IEMRS Circulars.docx

Your message is ready to be sent with the following file or link attachments:

Submission On IEMRS Circulars

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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## Submission On IEMRS Circulars

Patrick Nyhon

Nyhon Fishing Ltd

Owner Operator s 9(2)(a)

I am an owner operator of a 16m Trawler and fish in the southern waters

I have 28 years' experience in the inshore fishery

ELOG BOOKS and reporting

DISPOSAL REPORTS MUST BE LOGGED WITHIN AN HOUR OF EVENT!!

I find this timeframe would be unmanageable in most cases for example

1: If you have a gear failure and have an accidental loss you will be sorting gear out and safety of vessel has to always be put before anything

2: If you are caught in heavy weather and some fish are lost overboard it once again is safety first everything else second.

Some trawls take longer than an hour to complete processing and rather than guessing and putting inaccurate data it would be far more accurate to log catch report when fish is stowed in freezer and deck is clear.

REPORTING START OF TRAWL

I find that the asking of both when cod end is deployed from Fishing Vessel(FV) and when the trawl reaches required depth and the same when Trawl is beginning to haul and when last cod end comes aboard to be an impossible task for a lot as they do not have the electronic equipment to tell exactly when gear is at required depth

Also, as it is important to watch out for vessels in area and the safety of crew while net is being shot

You have not got time to enter data into an ELogger until gear is shot i.e. at required depth

Most inshore vessels only consist of 2 persons on board many with only 1 And employing another so they can get all this reporting done is not economically viable

CONSISTANCY OF TRANSMISSION

In a lot of areas in the southern and Fiordland coast Satellite reception is poor

But as most vessels proceed to an area where satellite coverage and in most cases cell phone coverage is available at end of trip I feel it would be more sensible all data should be transmitted at end of trip.

CLARIFICATION OF WHAT HAPPENS IN THE EVENT OF A MALFUNCTION

As most fishers only get limited days at sea due to weather conditions every day is important.

We need to know if the system is down that we can continue fishing until it can be repaired

Also, there should be a backup system so we can still be compliant i.e. Paper Books carried on board  
As I have only had replies to Malfunction questions at meetings I have attended with MPI  
I believe this needs to be ADVERTISED properly as so fishers know what is happening

#### CONFIDENTUALLITY

I am very concerned at the response I have had from MPI regarding this there seems to be no guarantee that our Information will not be released to the public TO VERIFY complaints targeted at MPI to be false.

It should be realised that we are not only fishermen We are business men that over the period of our careers have built up our own Knowledge of fishing areas and times of year ,depths, watertemps, weather conditions etc etc when fishing is best. This is all sensitive information and needs to be PROTECTED. This information is what makes us successful at what we do.

I also believe that if the wrong information is given to the wrong people in the public sector who do not understand fishing this could be detrimental to the entire industry which makes up a large part of NZs GDP.

I am thoroughly disappointed that as in many cases we have had IEMRS forced upon us and believe that in its present form will do large damage to the New Zealand Fishing industry I believe that the lack of initial consultation and forcefulness of this has severely damaged relationship between Fishers and Govt and MPI.

I would suggest a longer time frame, more consultation with fishers as we know what's practical in our line of work.

Pat Nyhon

Ph s 9(2)(a)

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Further to the IEMRS paua information.

In my last document to Stuart Anderson we outlined in detail the logic in having one GPR device that can be transferred between a mother vessel and a tender (4 – IEMRS-GPR).

However a point I failed to re-emphasise was the use of our Turtle devices that record the divers whereabouts (Diver ID, lat/long, time and date) on a 2 minute log interval (while they are on the surface). We believe this is a valid option to the “one GPR unit” per Mother vessel / tender vessel discussion.

Have a look at Appendix Six attached. This graphically shows the whereabouts of two divers during a day’s fishing event (red & blue) and the scale of the area. Imagine the mother vessel anchored in the middle of the bay and the tender boat serving each diver and transferring catch back to the mother vessel. This is a clear example the waste of hardware and satellite bandwidth resources a GPR device on both the mother vessel and the tender would be. The fact that compliance knows there is a fishing event happening in that bay and seeing 10 minute positioning reports coming from the tender would tell them all they need to know (as per Appendix Three in the previous document I emailed you).

As per the previous document the GPR device is showing where the tender is (which is bouncing around the divers and the mother vessel). However if Compliance ever had reason to want to know exactly where a diver was during any part of the day a GPR device is not the answer.

A solution would be the Zebratech TURTLE units that 80% of our Paua divers have positioned on their backs (between their shoulder blades). These take GPS fixes once a minute while the diver is swimming on the surface (while swimming on the surface the shoulder blades are above the water so the TURTLE can receive GPS). When the diver takes a breath and dives the GPS capabilities are automatically switched off which greatly aids battery performance. Underwater the Turtle becomes a dive log device and records a depth profile every 2 seconds plus water temp and time under water. Once the diver surfaces the Turtle switches the GPS functionality back on and a lat/long/time/date is established. Normally there is a GPS fix obtained between each dive so you would expect between 20 to 30 GPS positions are logged by each diver using snorkel per hour.

The TURTLE also records how many dives per hour (i.e. holds his breath and dives to the bottom). So the actual location of each diver and therefore the fishing event is well recorded by the TURTLE unit.

However transferring this to the GPR unit in next to real time is impossible because when the tender boat services the diver the diver remains in the water. His head will be out of the water meaning the TURTLE is under the water so using Bluetooth or wi-fi is impossible.

We think the regulations should be written in such a way that **the GPR unit needs to be located on the vessel servicing the divers but when that service vessel is operating away from divers (i.e. untethered) then the diver needs to be equipped with a unit that is capable of recording their GPS location** (i.e. the TURTLE unit). This is much the same as for line fishing or drift netting etc. i.e. GPS referencing of the where the fishing is occurring if it is away from the boat equipped with the GPR device. However the difference being with dive fisheries such as Paua is the tender with the GPR unit is commuting back and forth to divers so is recording where fishing is occurring (the divers) resulting in Compliance receiving the position reports for the fishing location they require. If required (at a later time) the TURTLE unit data could provide where a diver was in relation to the GPR device. There is a massive amount of data collected by the TURTLE unit so these units are only downloaded on a monthly basis (we only download monthly because the file size and transfer technology means the TURTLE must be plugged into a computer).

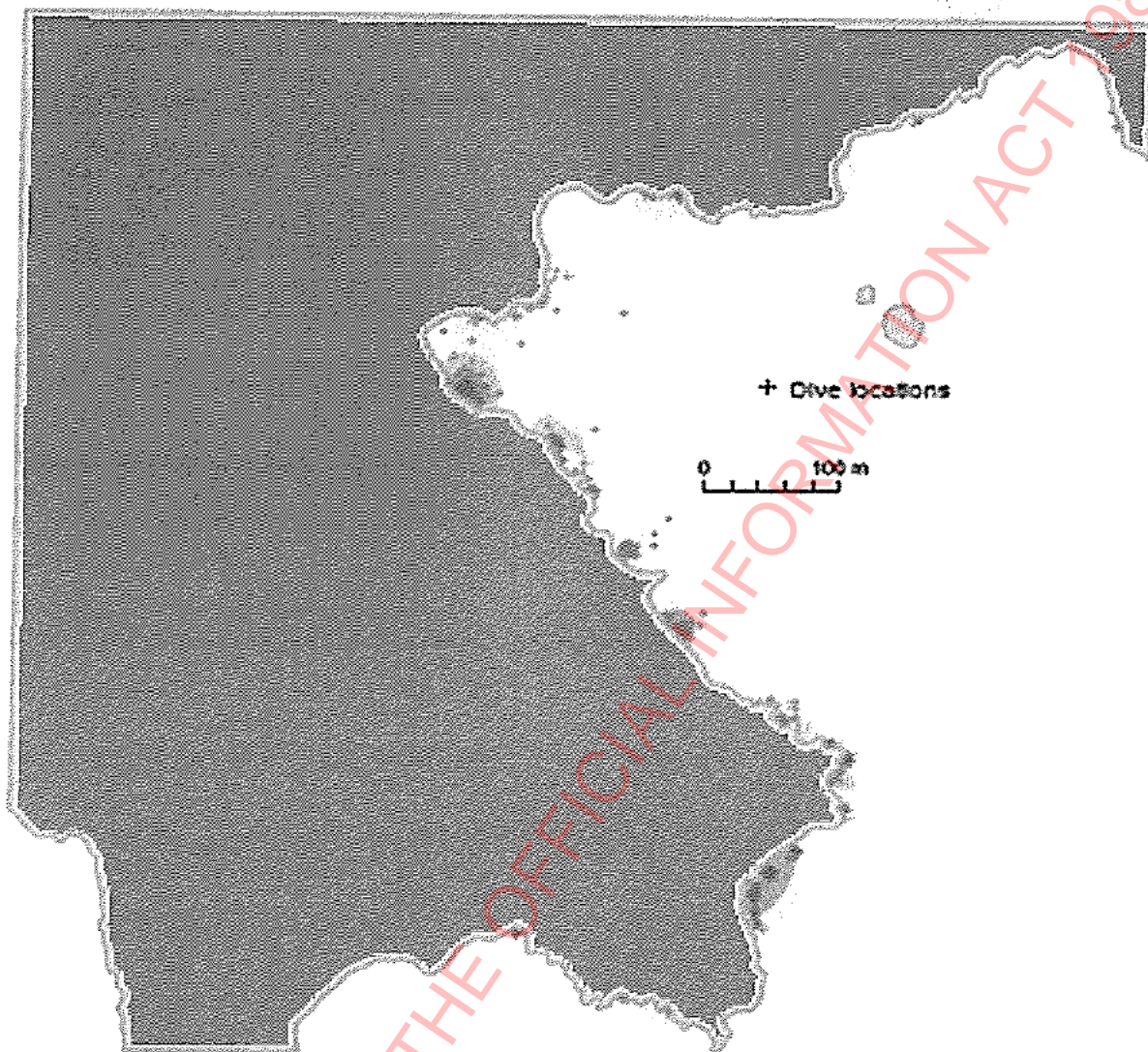
The key point here is having one GPR device shared between the Mother vessel and the tender but that each diver is required to wear a Turtle (80% of our divers already do this). The words highlighted in bold and underlines above cover this.

Then if MPI Compliance ever require the TURTLE data for a specific diver it is available to them in the raw data format. This has been the case for the last 4 years however during this time there has only ever been a couple of cases where Compliance have requested a divers TURTLE data and this was complied with. MPI enforcement has the powers under the Fisheries Act to obtain any electronic or other data related to fishing they require.

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## Appendix Six



Example of estimated daily kernel utilisation densities (KUDs) for two divers (red/blue), the lighter shade in each colour corresponds to the 75% isopleth of the distribution, the darker shade corresponds to the 25% isopleth.

MPI Project PAU2011-03 - s 9(2)(a) - DragonFly Science

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**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 11:31 a.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Circular feedback/submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Paul Reinke [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 10:23 AM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Circular feedback/submission

To whom it concerns: The following points are points that our fishing business family have come up with regarding the new proposed rule changes in regards the circulars.

- We have found this whole process messy, confusing and a real lack of communication and very hard to work out what is going on, we get the information with the circulars and try to understand what is being proposed then a few days later you receive some more information about the changes that completely contradicts the information that had already been sent out. Given the time frame and huge changes you are expecting us fishers to adapt to, we don't think MPI fully understand the expectations that are being asked of us.
- Safety - Under these new proposed regulations we will find that what we are going to be asked of, will become a safety issue for crew and skipper. As a small inshore operator compared to a large offshore vessel operator we don't have the capacity or man power to under take tasks in a safe manner that the regulations require. eg: Large vessel (multiple people) to carry out the new reporting requirements where as our small inshore operation (2 persons) where by a crew member outside the cabin on deck, predominantly deals with deck activities, and the skipper deals with winch control, navigational safety, driving the boat and working all devices on board, setting and retrieving fishing gear (up to 150 pots). With the new proposed regulations you will be asking too much of the skipper to carry out the additional reporting tasks that will force the skipper to take his eyes off the job at hand in order to provide further information to MPI which will heighten the risks of the vessels safety. Further more when weather conditions are rough (in our case we work very close to the beach and rocky shore) the skippers job becomes even harder as you have less time to react and therefore these proposed new regulations will potentially take away further time the skipper has of controlling the vessel and could heighten the chance of an accident or incident.
- If the new reporting regulations come into force and add considerable time to our fishing day we will have to pull back on our current fishing effort/patterns to accommodate the increased time for reporting which in turn will have an adverse affect to the length of our season. It will lengthen the number of fishing days that we are currently on the water which means for our business much higher

costs. eg: More fuel which would result in more emissions in a time where everybody wants lower fuel emissions.

- Privacy - We think there is the potential of intellectual Property rights being compromised which could in turn have a financial impact on anyone's business. In this day in age there is always the potential for others to gain access to personal information.
- Crayfishing - After reading the circulars regarding potting (our main fishing activity) we find it near impossible and unworkable to record everything that is going to be asked of us, recording all berried females, undersized, soft shell and immeasurable as well as non QMS species. eg : It is going to take time to process, what is potentially in each pot, when in spring and early summer, berried females may be subject to hot northwest winds, which will be to the detriment of the lobster if we have to process them. To what extent are we to gather information regarding non QMS species? eg: in any one bait bag you can get thousands of sea lice eating the bait, are we to count them individually? At what point do we stop gathering information, at this stage if all reporting requirements at this high detail is made mandatory our minds will be just mentally exhausted with figures/numbers/information and our fishing activity production will suffer as a consequence.
- Land based holding receptacle - Questions have not been clearly answered, what happens when a days catch is separated and graded out into their weight grades and sold to the LFR at different dates, possible weeks apart, how does this information be recorded electronically on a daily report. This process may be repeated over several days and the final documentation will not be available until lobsters are landed and documentation received from LFR.
- Charter fishing/recreational - We think charter fishing needs to come in under (IEMRS) once the new regulations are established as that sector have been getting away for far to long making money from the sea as I do, they are commercial hiding behind recreational laws. We would also like to add that the commercial is only one sector in this shared fishery, we as a group can only do so much in gathering data/information. MPI would do well to get the other half of the information from the recreational and charter sectors as without the whole picture of information in my opinion this whole exercise of data collection is a total waste of time.

Regards Paul, Fay, Jamie Reinke § 9(2)(a)



**From:** Gail Thorburn <§ 9(2)(a)>  
**Sent:** Wednesday, 2 August 2017 4:16 p.m.  
**To:** Future of Our Fisheries Programme; § 9(2)(a) Helson\, Jeremy; Seafood New Zealand  
**Subject:** Digital monitoring

We are a very small commercial flounder business operating in the lower area of the § 9(2)(b). We fish in aluminium boats about 15 feet long and fish in 3-6 feet of water - 6 foot at high tide. There is NO dry storage and no toilets.

Your new regulations, are to say the least, completely over the top for our type of fishing. Our nets are only in the water for about an hour and we never leave them. We do not require all your new regulations to fish sustainably. We have been doing this since we started fishing over 20 years ago.

The expense of all this is outrageous. Our boats are worth § 9(2)(b)(ii). How do you justify or explain how it is fair for us to have to pay the same costs as the multi-million dollar fishing companies? Income/costs?? § 9(2)(b)(i) / § 9(2)(b)(ii) or § 9(2)(b)(iii) Our small fishing entities are not the cause of any of the problematic issues with the industry.

Who else pays § 9(2)(a) of their income to the Government for compliance costs over and above the usual taxes and GST. Some commonsense is needed.

Acknowledging that we have NO dry areas on the boats, how are you going to assure us that the electronic devices are immune to salt water. Everyone knows that salt water only needs to touch cell phones and they are ruined. Presumably you are working with businesses to have them supply these machines to us. If you can't guarantee that they won't be damaged by salt water, then again, we are going to be severely penalised because we will have to continually replace them at great expense. Our entire boats are wet areas. NO thought has gone into this issue for our size of boats.

Furthermore, some of these fishermen do not even text. Expecting older men to suddenly become proficient in something that they have no knowledge of is almost elder abuse. Small businesses cannot afford to pay anyone to assist them as there is no money left after payment of all the costs - Fish Serve, MPI, Maritime Safety etc to name a few.

Exemptions should be made for eel fishermen and flounder fishers who are only targeting flounder as these fishers only fish a few hundred metres off shore and can be seen from shore without the need of GPS.

Although this email is not about cameras please note that cameras on board our small vessels will be an invasion of our privacy as there are no private toilet facilities and this is a matter we will be taking up with the Privacy Commissioner if commonsense doesn't prevail.

Please forward a comprehensive response to this email and answers to our queries which we believe are completely justified.

We await your advices.

Peter and Gail Thorburn



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**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:27 p.m.  
**To:** s 9(2)(a)  
**Subject:** FW: submission vcoro sca  
**Attachments:** CCE21082017\_0008.pdf

**From:** Peter.Sopp [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 4:09 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** submission vcoro sca

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# Coromandel Scallop Fishermen's Association

Address for Service: Whangamata Seafoods, Whangamata, 112 wattle place New Zealand. Ph 078658086

21 August 2017

To the Ministry of Primary Industries,

Dear Sir,

## **IEMRS Submission**

This submission is on behalf of Coromandel Scallop Fishermen's Association quota owners and fisher members. This submission responds to MPI's public consultation on IEMRS draft Circulars. In this submission, we highlight specific areas of the Circulars where we would like changes made.

We are a small part of the overall fishing industry, but nonetheless important in terms of supplying most of the New Zealand caught scallops. We also operate a voluntary CPUE approach to managing the SCACS fishery, which enables the industry to better manage their activities whilst ensuring sustainability. The Coromandel Scallop Fishermen's Association is also associated with research aimed at developing new technology for harvesting scallops.

We give our support for the submissions prepared by Fisheries Inshore New Zealand and Northland Scallop Enhancement Company. We are a member of Fisheries Inshore New Zealand, and associated with Northland and Challenger scallops. Both submissions raise matters that are important to the scallop industry. We also give our support to the Eel Enhancement Company, and Emerging and Speciality Fisheries submissions.

## **General Commentary**

### **Consultation**

We are majorly concerned about the timeframe, and the way in which MPI is implementing the IEMRS programme. Its rushed, not well informed, is directive rather than collaborative, reactive, and lacking consultation with the very people who will pay for, and use IEMRS.

Given the extent of changes proposed by MPI, and the effect this will have on the entire scallop and broader fishing industry, we would have expected MPI to have contacted us and our members a long time ago. Our members are only now learning about IEMRS, and this can only reflect the poor quality of consultation undertaken by MPI. There has been no consultation with our members.

The draft IEMRS Circulars will come into force on 1 October 2017 for deep-water vessels over 28 m, and 1 April 2018 for all others including scallop fishers. For us, this latter timeframe is unrealistic and needs to be extended by at least 12 months to get quota



owners, fishers and permit holders to the point where we have IEMRS we can all support, and that is compliant with the Regulations. Other fisheries may also require time.

To help highlight the timing issue, and the needs of SCACS quota owners and fishers, we have done the following exercise to get some idea on how long it would take us to set up IEMRS for SCACS. The following is provided at a very high level.

1. Coromandel Scallop Fishermen's Association, Northland Enhancement Company, and Challenger Scallop Enhancement Company, bring scallop quota owners, fishers, and permit holders together to discuss working together to implement IEMRS. Agreement should be sought on any additional specifications that may be required by industry i.e. existing CPUE management regime, automated harvesting gear that is linked to information gathering, and accessing fisher information. The earliest we could call a meeting with everyone is the end of October 2017.
2. In relation to technology providers, we would like to meet all providers before deciding who we engage as our service provider. Our preference is to meet with them all by the end of November 2017. We would like MPI to bring together the 15 technology companies that are supposedly involved with IEMRS (or those who may have relevance with the scallop fishery), in a one day expo. We give permission for MPI to pass on our contact details so they can contact us.
3. Once we have heard from the service providers, we will select a provider to help us design, cost, and produce the electronic equipment we need. We would expect representatives from the North and South Island's three commercial representative entities to participate. If the providers have what we are looking for, great.
4. For the scallop fishery, we want to do our own assessment of products that may be available on the market now, and we don't want to be forced into buying from those providers that only MPI has been consulting or working with. We also want our e-logbooks to do more than the minimum specifications required under IEMRS, and to collect the information we already collect, and more. We want to fully explore the opportunities of having IEMRS, before making any commitments. If we want the best outcome for IEMRS, we must take the time to do it properly.
5. Between December 2017 and February 2018, we would anticipate reaching agreement with a provider on specifications and other contractual matters involving dealing with indemnities against equipment failures etc, and backup support for when there is equipment failure. We will need to take legal advice on this subject given the proposed requirements in the Circulars, and liabilities.
6. Between March 2018 and April 2019, we would expect there to be gear trials/de bugging, production of units, installation of units, training, and operationalising IEMRS. Gear that doesn't meet our design specifications, and hasn't been trialled with our involvement, will not be considered. Some IEMRS equipment that is

currently being trialled by non-scallop boats are causing problems for fishers, such as the gear interfering with other vessel equipment. Those that are in the industry and have set up electronic reporting systems previously have also learnt the importance of testing the gear and dealing with any issues before going live with any new electronics. Training will be required to teach fishers how to use IEMRS, and there are compliance matters they will need to be made aware of as well. We hope MPI will be available to support a training programme with SCACS fishers?

The Scallop Industry requires until April 2019 to become fully compliant with IEMRS, and to achieve optimum results for MPI and the Industry. We would be comfortable with this as a target date for implementation.

Pushing ahead with unrealistic timeframes will only lead to increased risks, mistakes, and significant additional costs on us to fix, upgrade and/or replace sub-standard gear. This will slow down the transition to IEMRS, and undermine Cabinets expectation that the public will gain greater confidence in them. The fact MPI is operating below the consultation standards set down by the Courts, is undermining public confidence.

### **Change Management Plan**

We have seen no change management plan. If there was a plan we would have a greater view of the proposal and the transition of activities to the new regime would be clear for MPI and Industry. The lack of a change management plan increases the risks associated with achieving poor results for IEMRS, and increasing costs.

### **MPI should provide interest free transition loans to permit holders**

We agree with others that many fishers will struggle to survive the imposition of IEMRS, and some won't have the money to comply. Some could go broke if they cannot raise the money to fit out a scallop boat, which is estimated by MPI to cost between \$5000 and \$18000 per boat, plus \$1000 per annum in operating costs. The cost could be much higher if several cameras are required on a vessel.

Our plea to MPI, and the government, is to make available interest free loans to our fishers and permit holders to help them make the transition to IEMRS. Moving the date for IEMRS implementation to April 2019 would also help people plan.

### **Policy**

We strongly suspect MPI has no policies to support how they will deal with issues that are likely to arise from the Regulations, come 1 April 2018. For example, what are the MPI policies concerning technology failure? How will each fisher be dealt with when the IEMRS equipment fails? Should a fisher be required to stop fishing until the problem is fixed? Who is liable for electronic failures? What if it is the communications provider that is at fault? What if it is an act of god?

Pointing to policies that will be redundant once IEMRS come in to effect is not good enough. If we are required to get our IEMRS in order, then MPI should do the same and lead by



example. Policies must reflect the new system and not confuse things with the current paper-based system unless its intended.

### **Compliance**

During the phase-in of IEMRS, which could take up to a 2-year period, we ask MPI Compliance to take a more "supporting" approach to non-compliance, where clearly it is appropriate to do so. We do not want to see fines being issued to fishers that are struggling with the transition to the new electronic reporting system. Again, change management plans will have identified this and other issues.

### **Privacy issues**

It seems to us that MPI is responding to industry privacy concerns by deeming all information received by them as belonging to MPI. If we don't agree we are not given a fishing permit. We are expected to trust MPI with our information.

Privacy laws are in place for very good reasons, that is to protect people's privacy rights. On this basis, we do not support the "trust me" policy. It's disappointing no specific IEMRS policies have been shown to us to support MPI's argument. If anything, our confidence continues to erode.

### **Application of IEMRS**

Commercial charter-boat vessels that catch scallops and other fish stocks, should be made to carry IEMRS.

## SPECIFIC COMMENTS ON CIRCULARS

### Fisheries (Event Reporting) Circular 2017

#### Comments

- P4, clause 4 (2) Transitional Arrangements: The date needs to be pushed out to 1 April 2019 to enable the scallop industry sufficient time to transition to the new regime.
- P7, clause 12 Transmission: Every e-logbook must be able to transmit reports and records to the SDA within the times required by the Regulations.
- Although fishers will make every effort to comply with the Regulation, transmission of data cannot be guaranteed at any given time.
- Transmission failure may also be owing to the SDA, not the permit holder. What does MPI do under this scenario? Where do liabilities sit?
- P7, clause 16 Robustness of System: In 16(2) it says every e-logbook must operate in a poor connectivity environment.
- Areas that have poor connectivity will always have poor connectivity. Therefore, the Regulations need to be cognisant of this.
- What if the e-logbook fails and you are unable to save information while offline? It may be that the equipment casing is faulty and the electronics have been exposed to water.
- Fishermen suggest using the current paper-based system if part or all the electronics fail. Other options should be explored.
- P8, clause 18 Business Continuity Plan: We have interpreted this clause as us having to develop a Business Continuity Plan for the scallop fishery. But we have now been informed that MPI will write the plans for us. (this is not stated in the Circular). Therefore, we would like to know the policies that will drive these plans. Have they been developed yet, and if so, where are they? What is the basis of these plans?
- P18 NFPS Catch Records: Data type integer. Our original concern was we had to account for every piece of NFPS, and that we might need to employ additional people to count, measure, and identify everything in a tow
- We now understand industry will only need to estimate the weight of any NFPS, and that precision is not required. This needs to be stated in MPIs policies for collecting and managing NFPS records.
- See Appendix 2 for pictures of dredge bycatch. We would not want to count absolutely everything.

We are also concerned that identification of drift NFPS in catches will be interpreted as having resulted from commercial fishermen. The reality is storm events cause breakage of NFPS that are carried by tides and wave action onto scallop beds. In turn, the scallop dredges catch the material. We need the ability to differentiate between drift and when a dredge may have caused the breakage.

P19 NFPS species codes. These are not known. How can fishers gain quick access to species codes and identification of NFPS? You cannot report NFPS if you do not know what they look like.

## **Fisheries (Geospatial Reporting Devices) Circular**

### **Comments**

P4, clause 4 Transitional matters: The date needs to be pushed out to April 2019 to provide industry with the time needed to put in place IEMRS.

P6, clause 10 Transmission frequency: How does MPI decide the frequency of reporting required by any group of fishers? What are the policies?

For the scallop fishery, we believe 15 minute intervals will be adequate. However, we wish to explore linking GPR with automated harvest gear that records long lat.

We note MPI want the ability to secretly adjust the reporting frequency of any GPR device. If MPI want secret access to GPR devices they should follow the existing procedures.

P7, clause 12 Transmission failure: A clear policy needs to be put in place to manage issues arising from transmission failure. These failures can emanate from both fishers and the principal communications provider.

Currently, a fisher is expected to report the data within 24 hours of a failure. For scallops, this needs to be increased to 3-days to allow the full period of an event while scallop fishing.

We are aware of recent satellite issues that have stopped communications for 3 days. Failures do happen, even with satellite.

P7, clause 13 (2) Security of transmission: Through the Scallop Enhancement Company, we wish to access IEMRS information. Does MPI have any issues with this?

P7, clause 14 Ownership of information transmitted:

As noted earlier in our submission, we are opposed to MPI requiring us to hand over ownership of our information to them. What is not said is MPI would not be subject to existing privacy laws because the



information will be wholly owned by MPI. Legal advice on this subject is required.

## **Fisheries (Monthly Harvest Returns) Circular 2017**

### **Comment**

Our only comment is there may be a need to retain the ability for fishers to report using paper-based reporting.

## **Fisheries (Codes and Information) Circular 2017**

### **Comments**

- P5, clause 2      Commencement: This will need to be updated with a new date to provide time for implementation – April 2019.
- P7, clause 13 (1)      NFPS catch reports: we find the need to report “deck strike material” as over the top and unreasonable. It’s as unhelpful as reporting seaweed that is caught on an anchor.
- P17      One nautical mile reporting: As an alternative to using a 1 nm approach, we offer two alternatives. The first approach requires reporting within the existing management areas used by SCACS. These areas consider different habitats, productivity, size, and CPUE data, and provides the basis of industry weekly and annual reporting. How the CPUE approach operates is set out in Appendix 1.
- The second option is to employ gear that automates the collection of long lat data when harvesting gear is employed, and link this with GPR. This data could be overlaid with the current fine scale management areas used by SCACS.
- Consideration also needs to be given to exploratory harvesting. Under the existing management regime, we allow for this.

## Conclusions

- ✦ We ask MPI to work closely with our members and the wider industry if they wish to succeed in developing and implementing IEMRS. To do anything less will only end with poor results and huge increases in the cost to industry.
- ✦ We support IEMRS, but we must take the time to get it right. We strongly urge MPI to push out the timeframes for implementation to 1 April 2019.
- ✦ We urge MPI to keep in mind the potential need to change the Regulations and Circulars quickly, if necessary. If the Circulars are approved as proposed, there will likely be mistakes that will need to be corrected.
- ✦ If there is anything in this submission that we have misinterpreted, it is because we haven't had time to better understand the Regulations and Circulars, and or the Circular is not clear.
- ✦ Coromandel Scallop Fishermen's Association members are prepared to work with MPI and others to deliver IEMRS.

Yours sincerely

Peter Sopp  
Chairperson





## APPENDIX 1

### The Industry Management Program

The Industry Management Program is run by the SCACS Fishermen's Association and mitigates much of the risk associated with commercial fishing. The basis of the program was an alternative management regime that was developed in 2008 by Industry with the support and guidance of Dr Vivian Haist and Dr David Middleton of Seafic. A Management Strategy Evaluation was undertaken of both the existing survey-based in-season framework and use of operational catch-per-unit-effort (CPUE) limits on catching. The evaluation indicated the CPUE based management regime contained less risk than the survey based approach, was consistent with the Harvest Strategy Standards and the Fisheries Act requirements and was significantly cheaper than the survey approach.

In our view, the Industry Management Program contributes the most to managing risks associated with commercial fishing and sustainability. The industry way of managing involves six additional strategies:

- ⬇ Collaboration and formal structure
- ⬇ CPUE limit rules
- ⬇ Managing pre-recruits
- ⬇ Recovery thresholds
- ⬇ Best available information
- ⬇ Operating with headroom

Without the Industry Management Program the SCACS fishery would be exposed to significantly high risk. In the absence of the Industry program, MPIs management framework would rely on biomass surveys (until recently they have been annually), a Total Allowable Catch (TAC)/Total Allowable Commercial Catch (TACC), Minimum Legal Size (MLS), seasons, and fishing times, to ensure sustainability. But the reality is these tools on their own don't ensure sustainability at all.

In the following text we have attempted to describe how the Industry manages their activities associated with commercial fishing. It's a proactive approach to managing the SCACS fishery. Our intention is to highlight the role that each of these 6 strategies play in ensuring sustainability of the SCACS fishery.

#### ***(1) Collaboration and formal structure***

In the first instance, the SCACS Fishermen's Association provides the formal structure for quota owners and Iwi Asset Holding Companies to work collaboratively, and to put in place initiatives that provide the best long-term outcomes for the fishery and all stakeholders. The SCACS Fishermen's Association facilitates dialogue amongst quota owners, commercial fishers, and MPI, and implements the decisions and policies that are agreed.

At the start of each season quota owners place their ACE into the SCACS Fishermen's Association who then administer the ACE throughout the season. The ACE is held by the association as a kind of bond to ensure quota owners and fishers comply with the

association's rules. The penalty for not complying with catching rules is the fisher does not receive any ACE and is therefore liable for any deemed values associated with fish caught up to that time, and beyond if they continue to fish. Since the program started Industry has achieved 100% compliance with the implementation of agreed management decisions.

MPI refers to the Industry program as voluntary. This is misleading and incorrect. The SCACS Fishermen's Association is a legal entity, with a formal governance structure, rules, policies, and an ability to raise funds from its members.

### ***(2) CPUE limit rule***

Secondly, the SCACS Fishermen's Association runs CPUE limit rules that comprise hard and soft thresholds.

The CPUE limit rules are an important part of the Industry Management Program and responds to changes in CPUE. If catch per hour falls below the 50 kg/hr hard limit, then statistical reporting areas, or smaller sub-statistical areas can be closed for the remainder of the season. This 50 kg/hr hard limit prevents serial depletion which might otherwise occur in the absence of the CPUE limit rule. We are aware of commercial scallop boats outside of the SCACS fishery that have operated as low as 20kg hr.

In terms of the soft limit, the CPUE limit rule requires Industry to proactively manage areas where the CPUE is at or below 75 kg/hr. Besides recruitment and natural mortality, CPUE can be influenced by catchability which is affected by wind and tides, and the extent to which the seafloor is corrugated. These factors are therefore considered when deciding an appropriate response to both soft and hard limit thresholds.

By contrast the MPI management framework has no catch thresholds other than a TAC and minimum legal size (MLS). More importantly, the MPI framework lacks any mechanism to prevent serial depletion as where the Industry approach is designed to prevent this from occurring.

### ***(3) Managing pre-recruits***

Thirdly, pre-recruit populations are managed in each bed to ensure they are not commercially fished unless roughly 70% of the stock is above the 90mm MLS. This fishing strategy is aimed at optimising the number of scallops that can be harvested from a bed, whilst minimising the damage to pre-recruits. The MPI management framework lacks a strategy or rules to manage this situation. Instead it provides an allowance for incidental mortality.

### ***(4) Recovery threshold***

The commercial boats do not harvest scallops below a 10% recovery threshold. The objective is to get the best yields from the fishery. Taking them when they are in good condition reduces the number of scallops needed to make up a kilo of processed scallops. More fish are therefore left in the water and continue to contribute to the sustainability of the fishery.



#### ***(5) Best available information***

The Industry Management Program generates weekly management reports. These management reports comprise a summary of the CPUE data referred to above in (2). The reports provide real time catch/survey information that enables Industry to respond to changes in stocks far more quickly (immediately if necessary) than is possible under the MPI management framework. This information is used by Industry to inform weekly management decisions. The Industry information should be considered best available information.

The MPI framework captures standard daily catch landing information but does nothing with it between one review and the next. In any case the value of the information is limited

#### ***(6) Operating with headroom***

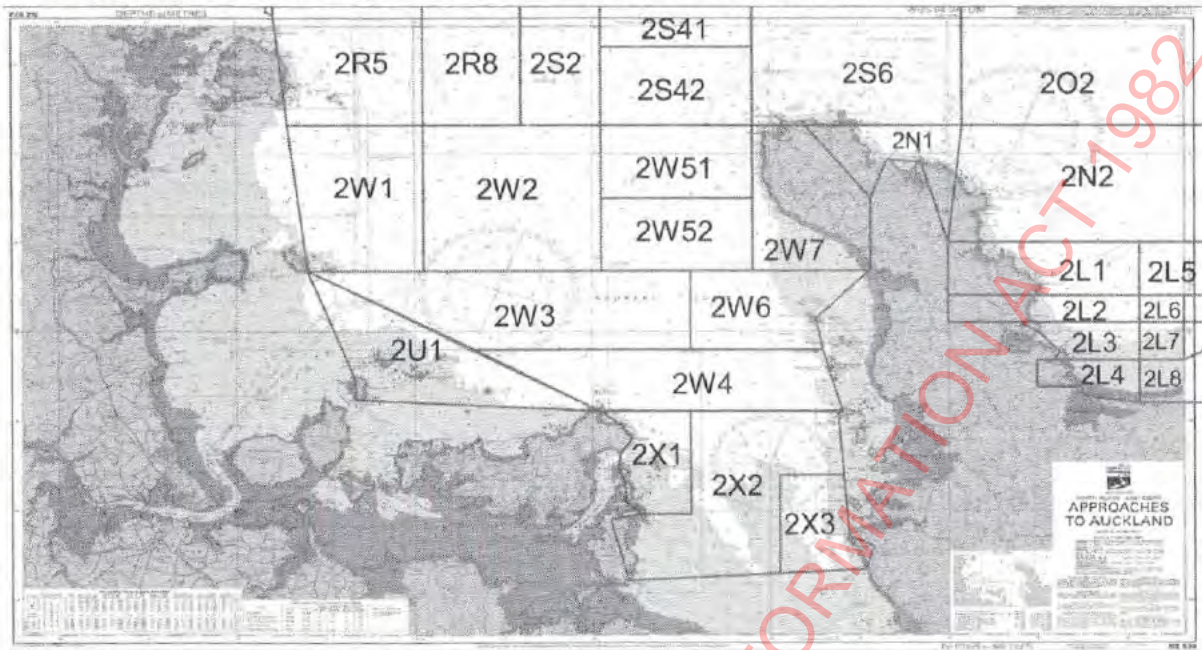
The current 50t TACC is set at a level that provides Industry with headroom to operate at lower and upper ends. The original driver of this “headroom” approach, and it still is, is to overcome delays and uncertainties with obtaining annual in-season increases, and to lower the costs associated with management. Prior to Industry implementing the management program they were on the verge of having to pay deemed values because of delays in the MPI processes to achieve in-season adjustments. Because of these delays Industry missed the opportunity to take advantage of the very high populations that were located in 2011. These inefficiencies meant Industry missed the opportunity to catch hundreds of tons of scallops and by the time MPI approved an increase in the TACC in 2013 the larger Hauraki bed had already started to die from old age.

Weekly report and management areas:

§ 9(2)(b)(ii)

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SCACS Management Areas (We can provide areas for the entire QMA)





APPENDIX 2







**From:** Future of Our Fisheries Programme  
**Sent:** Tuesday, 22 August 2017 10:07 a.m.  
**To:** s 9(2)(a)  
**Subject:** FW: from Sentry Fishing Ltd Chatham Islands

**From:** cherie [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 5:22 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** from Sentry Fishing Ltd Chatham Islands

To who it may concern: Re Digital monitoring of Commercial fishing.

Question: *How do proposed GPR and E-logbooks impact your fishing operations?*

We are a small commercial fishing owner /operator business based on the Chatham Islands.

We do not use any GPR or Electronic recording as broadband coverage on the Island is limited, to implement these we would need Island coverage of broadband both on Chatham and Pitt Islands and a tech support person to help set up devices and trouble shoot when required. We would need on Islands support to implement these changes in the time frame required.

As we are a commercial fishing permit holder we are concerned that if the Digital Monitoring of Commercial vessels is not in effect in the time frame specified because of no fault of our own; ie remote location, no full braodband coverage or on Islands tech support we will be detained from fishing and not be able to meet our fishing plan and obligations as per contracts for ACE leased - the impact on us will effect our fishing business and create undue stress in an already harsh and stressful environment.

Yours Sincerely

Phillip Preece and Eva Cherie Tuck

s 9(2)(a), Chatham Islands, s 9(2)(a)

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P W O'Sullivan

s 9(2)(a)

Future of Fisheries

By email: [futureofourfisheriesprogramme@mpi.govt.nz](mailto:futureofourfisheriesprogramme@mpi.govt.nz)

18 August 2017

To: The Future of our Fisheries and the Ministry of Primary Industries (MPI)

**Re: Opposition to Proposed Changes in Fisheries Circulars 2017: Geospatial Position Reporting Devices ("GPRD"), and Codes and Information; and Event Reporting ("the Circulars")**

#### **Background and summary of position**

1. I am a commercial rock lobster fisherman in the s 9(2)(a) area and have been for 39 years. In that time, I have seen our fishery s 9(2)(a) transform, from one that was performing poorly and under a lot of fishing pressure, to what is now the envy of fisheries management groups around the world.
2. The QMS system was brought in after significant consultation with, and support from, industry (fishermen), and other affected parties (including scientists). It was proper, thorough collaboration and industry concerns were listened to and taken on board. As a result, the system has worked well.
3. Fellow fishermen and I could see the benefits of the quota system to fish stock. In addition, fishermen in the s 9(2)(a) area adopted the Decision Rule.<sup>1</sup> This meant some very hard decisions and big cuts were made to the TACC.<sup>2</sup> Those cuts were seen to be necessary and were driven by fishermen. As tough as this was commercially at the time (and even putting some out of the industry), it is part of the reason the fishery is now so healthy. My point is, we in the industry can make, and have made, hard decisions when these are seen to be necessary and practical for the good of the fishery (that is, the fish stock).
4. The combined changes proposed in the recent regulations, the Event Reporting, Geospatial Position Reporting Devices and Codes and Information circulars and the forthcoming draft camera circular, represent significant changes for our business, but with little genuine consultation.

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<sup>1</sup> Accepting the fish stock biomass needed to be rebuilt and that the CPUE (Catch Per Unit Effort) needed to increase and the Total Allowable Commercial Catch (TACC) had to be reduced.

<sup>2</sup> Total Allowable Commercial Catch



5. The result is impractical and ineffective changes which will have a catastrophic impact on the rock lobster (particularly s 9(2)(a)) industry, with collateral effects not intended by MPI, while not achieving the aims of this reform.
6. The present reforms, bring significant risks to our privacy and our business viability without any evidence of real potential gains for the fishery stock or management of it. More than that, what is proposed is going to be impractical, and probably impossible to comply with.
7. The reason I (and others in my position) oppose the proposed changes in the Regulations and Circulars for s 9(2)(a), is because the proposals won't achieve the stated objectives but will bring significant costs, health and safety risks, intrusion into our rights to privacy and risks to our intellectual property, and are completely impractical to comply with while operating a viable business.

### **Lack of consultation and information**

8. Sadly, despite the history of co-operation and the value we can and have added in previous regulatory reform, we feel that we have been sidelined from the present reforms (both the regulations and circulars).
9. This legislation which is so important and far-reaching, is being pushed through in a rush, incomplete, disorganised, piecemeal and without the necessary consultation. It feels like a knee-jerk reaction by MPI and it is us who will suffer. MPI are making decisions now without knowing how the next proposed steps will work or what the consequences will be for industry and, in particular, different fisheries.
10. When we met with MPI representatives in Invercargill at Ascot Hotel,<sup>3</sup> they had no answers for questions that should have been able to be answered if this legislation (the regulations and circulars) had been thought through.
11. The truth seems to be that the MPI and Minister Nathan Guy,<sup>4</sup> are determined to make these changes happen, under urgency, without knowing/caring about the negative impacts on our industry, the costs to our business, the impracticality of the rules proposed and the health and safety risks that come with it.
12. We in the industry are hindered in our ability to participate and have a say in the reforms, which will have a huge impact on our livelihoods.
13. What MPI have done with the current proposals and recent regulations is exactly the opposite of the previously successful formula of consultation (as with the QMS reforms). There has been little or no meaningful consultation with fishers. The people whose

<sup>3</sup> Ascot Hotel meeting (MPI and rock lobster), Invercargill, Friday 11 August 2017.

<sup>4</sup> <http://www.stuff.co.nz/national/politics/80320964/Minister-moves-to-fast-track-fisheries-monitoring-after-fish-dumping>

livelihoods these reforms will impact, and who are best placed to advise on the practicalities of what is being suggested.

14. What is more, when we have had consultation and have tried to extract further detail from MPI, or have asked for the reasoning behind particular proposed requirements, very little has been forthcoming. That detail, in our view, is crucial. We are told that tight timeframes are in place for implementation of significant changes for our business that we will have to fund, but as yet we are still in the dark as to what it will involve in important areas.
15. Not only will implementation be expensive, but the transmission costs, and time and cost of repairing equipment in a remote area will likely be prohibitive.
16. We operate in a remote geographic area under difficult conditions. But the reforms will require (at our own cost) transmission of data (in a region where cell coverage is absent and satellite phone coverage patchy), at ridiculously frequent intervals ("events" - the definition of this we were told by MPI is yet to be decided). Will we be prosecuted if the equipment fails in our remote conditions? MPI can't tell us what "reasonable opportunity" would be (Would we have to abandon a fishing trip if the system failed on the way over or on the first day? Will it allow for commercial/profit considerations?)

#### **Intrusive surveillance and use of and security of data**

17. Without demonstrating a problem that actually needs to be rectified, these reforms will result in GRP data and (in the camera circular forthcoming) visual recordings, the combination of which is significant 24 hour per day surveillance on our every movements on our fishing vessels where we not only work, but also eat and sleep and live for significant periods of time. The effect is that without suspicion that we are doing anything wrong, we will be surveilled more than police can surveil criminals unless they have a court order and only for a limited period!! Is there any other industry where that level of surveillance is in place? Are dairy sheds surveilled? Forestry?
18. Minister Nathan Guy wrote to Cabinet and said:<sup>5</sup>  
*In consultation with the Privacy Commissioner and the Government Chief Privacy Officer, MPI has identified appropriate controls that can be used to mitigate these risks.*  
 Yet, when asked at a meeting (Ascot Park Hotel) MPI representatives could say little to us about what such measures would entail.
19. My privacy concerns relate not only to cameras,<sup>6</sup> but also GPR data which will include our intellectual property. 39 years of fishing in this area and I have developed knowledge of where to fish and when. That information would be held by MPI with little information on

<sup>5</sup> Sub17-0011-Cabinet-paper-Improving-fisheries-management-through-IEMRS-and-EITT.pdf available cached at <https://www.mpi.govt.nz/document-vault/17602>.

<sup>6</sup> Which I am opposed to, but will be addressed in submissions following the publication of the draft Circular on this aspect of the proposed reforms.

how that information will be treated. How can I address those issues in submissions without that information?

20. What will happen to this data and who will have access to it? MPI have not addressed our concerns about this. At the Ascot meeting, MPI representatives could not provide any assurances as to security of data other than using encryption for transmitting data. What about the use and access by other governmental agencies?

### **Blanket reforms for a specific problem - impact on Rock Lobster operators**

21. The reality is that a “one size fits all” approach does not, and will not, work.
22. The “solutions” to the problem of alleged dumping in other fisheries is being applied to our industry where those problems don’t exist and won’t achieve anything, except to be costly (to MPI and industry) and to damage the viability of the crayfishing industry.
23. The environmental and regulation concerns that arise in other fisheries do not apply to rock lobster fishing. Issues such as fish dumping that are alleged to have arisen in other fishing industries, sought to be addressed by these regulatory changes are simply not issues in the s 9(2)(a) industry.
24. The application of new measures and rules (which will be impractical, expensive and ineffective), will do nothing to improve the management of the s 9(2)(a) fishery, but will have devastating impacts on those operating in it (negative effects that do not impact those other fishing industries as they do us). Don’t treat all fishers as criminals and put us all under heavy surveillance and regulation on account of the actions of a few.

### **Costs**

25. There are a number of costs for implementing these Circulars with no financial benefit either individually or to the fishery as a whole:
  - 25.1. Equipment: Operators are being required to fund expensive GPR systems (and also cameras in due course) as well as transmitting equipment (satellite);
  - 25.2. Repairs and Technical costs: these are likely significant for specialist equipment (hardware and software) and given the remote location we work in, costly in time as well.
  - 25.3. Time: this is crucially important as time taken up costs, in lost travelling/fishing, time, gathering information and filling in the reports, additional fuel, to arrange repairs and deal with technological or IT issues;
26. MPI and the Minister seem to be under the mistaken impression that such costs will be outweighed in some way by improving the value of the industry. In the context of Rock Lobster fishing, that is simply wrong. Considerations referred to by the Minister in the report to Cabinet include rationalisation of vessels and the potential to increase sales into other markets - those may be considerations relevant to other fisheries but have no application to s 9(2)(a).

27. Instead, these are measures that will seriously punish the § 9(2)(a) fishery (where most boats operate with no more than 3 people aboard), will devalue quota and put people out of work, from the skippers and crew, to those involved in the transport of fish, export and businesses associated with fishing.

### Health and Safety Considerations

28. I have some real concerns for the health and safety implications of some of the unnecessary reporting of catch that MPI is requiring.
29. The unnecessary extra stress and cost these reforms would cause will almost certainly mean that some experienced fishers will exit the fishery. Of very real concern for the value and health of the fishery is the importance of young fishers with the right attitude and responsibility for the management of the fishery to enter it. This is going to be a difficult enough task without putting up more road blocks and hardship through unnecessary rules and regulations.
30. These proposals if implemented will cause a high level of stress to all § 9(2)(a) fishers. Fishing on the § 9(2)(a) coast means working with many challenges. The unsettled nature of the marketplace and small margins above the quota lease price for most of the season. The responsibility of keeping the boat and crew safe in difficult sea and weather conditions, to keep the business financially viable, and to comply with a large number of regulations including those relating to IRD, ACC, Worksafe, Maritime safety and DOC, keeping up to date licences and so on.
31. MPI need to realise that pushing a few buttons on some sort of computer in 3 or 4 metres of swell and 30 or 40 knots of wind with or without heavy rain is not that easy, is very time consuming and is a very real distraction. We don't all work in the Hauraki gulf in singlets and sunglasses! The video on the MPI website is not an accurate reflection of our working conditions in § 9(2)(a).

### Examples of practical problems with the Circulars

#### *Disposal Reports*

32. The Disposal report is extended under the Fisheries (Event Reporting) Circular 2017 to now require fishers to report not only on those fish caught and landed, but also on every rock lobster caught at sea in a pot and returned to the sea. For example, berried females, juveniles, damaged fish. We oppose this as incredibly time consuming, expensive, impractical and of no benefit.
- 32.1. We have never been required to provide that data before, and it is not used in the current fisheries management modelling which assesses the health of the fishery.
- 32.2. MPI has never demonstrated to us that there is a need for this data.

- 32.3. On the other hand, collating that data for MPI is highly time intensive and therefore costly. The practical context is that (bearing in mind in excess of 150 pots may be lifted daily), every time we lift a pot it could have a large number of fish returned. To identify each and record, in often difficult weather and sea conditions, increases risk, increases time taken (and associated costs including fuel). That time is crucial and will result in our being able to lift fewer pots. Time is precious: the rock lobster season might be 12 months, but the reality is that there are only a few months over the year where the market is such that a profit can be made and the quota must be caught in that time.
- 32.4. It is time, money and risk that operators cannot afford, all for dubious, unexplained potential benefit of additional information.
- 32.5. The current information being provided has been sufficient for the fish stock biomass to grow from strength to strength. What has changed?
- 32.6. How will MPI use this additional data and incorporate it with the existing data, without corrupting the results?

### Event reports

33. As I understand it, MPI is proposing that we provide a report at each event which will be for each "rock lobster zone" fished during a day. We have been asked for feedback when we are still in the dark about what an "event" or "rock lobster zone" will actually be.
34. At first it was suggested we would have to file a contemporaneous electronic report by satellite every kilometre. This, in the context of often travelling 60 kilometres to 100 kilometres per day.
35. In practical terms this would mean up to 100 reports per day. Each report would require myself and my crew to stop the boat (so the GPR is correct), stop other work being done on the boat to complete the report, and then grapple with coverage and technology to submit it. The time that this would take is enormous. Not just the time to complete 100 reports, which is ridiculous, but also having to stop/start and abandon other work to do it. This level of reporting would leave us no time to lift pots and do our work. It is simply unmanageable. With all of this, is the additional, unnecessary stress.
36. MPI has accepted recently that an "event" being per every kilometre might not be appropriate, but we still do not know what an "event" will be defined as. Whatever it is, repeated detailed reports having to be filed contemporaneously in a remote area by satellite will be burdensome:
- 36.1. Cost - time stopped travelling/fishing, time gathering information and filling in the report, additional fuel, the cost of repeated satellite transmissions.
- 36.2. Stress.



36.3. Technological difficulties. There is no cell coverage and limited satellite coverage.

37. I am concerned at this added level of data collection required in the absence of any explanation as to what value it adds:

37.1. MPI has provided no information as to why it is necessary for this level of reporting to occur, nor for it to occur several times per day.

37.2. Why must the data be submitted within 24 hours? MPI will not have time to look at it immediately, how does that assist MPI? On the other hand, it creates a real burden on fishers.

37.3. Why are smaller zones (as yet undefined) within CRA region required? How will that assist when the fishery is managed per CRA area? Depending on how small the "rock lobster zones" are, reporting that information could have impact on intellectual property as well.

37.4. In <sup>§ 9(2)(a)</sup> [REDACTED] we will have to try and send this information by satellite which in <sup>§ 9(2)(a)</sup> [REDACTED] anchorages is very unreliable due to the high mountains surrounding us. Are we supposed to stay up all night until we get sufficient coverage for long enough to send what is required?

38. My concern is that questions as to why information is needed seem to be responded to simply by MPI asserting that more information may possibly be useful (without saying how specifically), when gathering that information is costly and time consuming and impacts negatively on our livelihoods.

## Conclusions

39. I do not have a problem with supplying MPI with what they want if it has a quantifiable purpose, that does not cause unnecessary stress, risk and cost (both in time and financially). MPI have to realise that we have time constraints and there are only so many hours of daylight to work in. There needs to be a fair balance between data collection and running a viable business.

40. Let's work together to get the necessary information in a fair and practical manner without making it dangerous, or harder than it needs to be, for our fishers while still allowing us to run viable businesses.

Yours faithfully

Phillip O'Sullivan

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IEMRS – detailed information

Hi Stuart.

At our meeting on 3<sup>rd</sup> August 2017 we discussed:

1. The worth of the PCELR, its faults and improvements that IEMRS need to include.
2. Fishing method vs Mode of Breath and how IEMRS hasn't got this sorted.
3. IEMRS-ER needs to focus on the diver (where the fishing is happening) not the boat.
4. The requirements of IEMRS-GPR vs our current VMS dispensation.

### **1 – The worth of the PCELR.**

Dive fisheries are unique in that the actual fishing is done by divers not by boats. The big difference that this creates is that it is absolutely normal to have more than one “fishing event” happening at the same time. If there are 4 divers in the water then there are 4 fishing events happening. Imagine a deep sea trawler towing 4 nets at once and if 2 of these nets were in one Statistical area and 2 in another - this situation would require a complete rethink of how trawlers reported their catch. But this is exactly the situation that can occur in a paua fishery. The reporting of the catch and effort of each diver needs to be the focus and that is exactly what the current PCELRs have been designed to handle. There are some faults to be ironed out and improvements to be made and the introduction of IEMRS-ER is a perfect platform to address these. IEMRS-ER shouldn't be about moving away from the general PCELR concept - it should be about taking the PCELR and improving on it. Appendix One shows the PCELR and Appendix Two lists what is wrong with the current PCELR and how this can be improved – having Stuart list this PCELR vs IEMRS-ER improvements needs to be in his IEMRS presentation at the Paua Conference as that will immediately demonstrate to the audience the benefits of IEMRS.

The beauty of the PCELR is that it captures what each diver is doing (and therefore what fishing is occurring) during the dive event (the day). If they change statistical area, species (black foot to yellow foot paua), from snorkel vs UBA or get out of the water for any period of time they need to complete the line on the PCELR with their time in the water and catch so the scientists have their catch/hour (CPUE). When they get back into the water they then start a new line on the PCELR. At the end of the day the PCELR clearly shows what each diver has done / caught and from where plus the total amalgamated total catch from all divers (estimated kilos and the number of bins). If a Compliance officer stops the crew before they get to the LFR he can immediately see on that one PCELR what each diver has done, where he has been. He can also see how many bins have been accounted for and he can count the bins on the boat to make sure they tally with the PCELR. The system works and it works well. It should, it was 20 years in the development. IEMRS shouldn't transgress from this just because Compliance thinks they know better than the scientists, they don't. The IEMRS-ER needs to be based around the event (the day) and the fishing that has occurred - just like the PCELR. If a diver fishes in more than one Statistical area during the day it shouldn't trigger a “new” IEMRS-ER report – it should just be a new line on the one report that covers all that has happened during the event (day).

### **2 - Fishing Method.**

When a paua diver is working he is always “diving and hand-gathering”. It's a no brainer – he has to don a wetsuit and dive down to get to the paua and the only way to get the paua from the reef into the hand-net is to physically pry them off the reef and place them into the hand-net and the only way they can do this is via their hands. It's been like that since commercial paua diving started (some

45 years ago) and that's the only way paua will be harvested into the foreseeable future. So let's agree that any commercial paua harvesting is by diving and hand-gathering. This is the fishing method that is used and it happens 100% of the time so why even require these two field to be entered into the IEMRS-ER system (they are not required to be entered into the PCELR).

Importantly in Fisheries (Electronic Monitoring on Vessels) Regulations 2017- 5. (a) states:  
*These regulations do not apply in relation to-*

*(a) a vessel from which fishing is done only by hand – gathering:*

Further the regulation specifically states that hand-gathering has the meaning given by regulation 9 of the Fisheries (amateur fishing) Regulations 2013, which say:

*hand-gathering—*

*(a) means the use of the hands to physically take fish; and*

*(b) includes shore picking, diving, and hand-digging for shellfish*

This particular 2017 regulation was specifically written to exempt small dive boats and similar from requiring cameras for very good reasons. If the current circular's interpretation is not changed to reflect this, the regulation is a nullity in that it has the definition of "hand-gathering" is that which does not involve a vessel.

What's missing from the PCELR and which would be a huge improvement to include in the IEMRS-ER would be the "mode of breath" (the IEMRS-ER team have got this semi-right but have confused the words Diving and Hand-gathering). The logic and importance of the "mode of breath" needs to be spelt out:

<b><u>Mode of breath</u></b>	<b><u>Time in the water</u></b>	<b><u>Hours on the bottom (actually fishing)</u></b>
Snorkel	6 hours	1.5 hours
UBA (Aluminium tanks)	6 hours	3 to 4 hours
UBA (Steel tanks)	6 hours	5 hours
UBA – surface supply (Hookah)	6 hours	4 – 5 hours

One of the data sets the scientists use is each divers catch per event (or catch per day). Historically this was a key data set however technology has changed over the years and we now record hours spent in the water and our Turtle data loggers get this down to actual minutes spent on the surface and minutes spent underwater (on the bottom). So that the scientists have a meaningful time series they take this recent fine scale data and aggregate back to "catch per day" so that it can be compared to the historical "catch/day". However what has happened is we are no longer comparing apples with apples. As per the table above you can see that a traditional snorkel diver would work 6 hours in the water but only spend 1.5 hours on the bottom actually fishing (the other 4.5 hours is taken up by getting from the surface to the bottom and back up again, measuring paua on the surface, searching for more paua before they took a breath and dived down etc). However these days a diver can burn through 3 steel tanks during a 6 hour day. So while the 6 hour day is consistent his time on the bottom actually fishing ramps up to 5 hours. Therefore if his "mode of breath" is unknown the constant 6 hour day and the same catch rate of 500 kgs per day is lost because the data didn't show that the time they are now spending on the bottom (fishing) has increased from 1.5 to 5 hours meaning to maintain the catch per day at 500 kilos has required an increase of effort (time on the bottom) by 3.5 times. If this isn't taken into account (or is unknown) then the information extracted from the data paints the wrong picture. Only last year we had this issue graphically illustrated in Pau4. The scientists had trolled through the Pau4 data and separated out

dives that were made with snorkel and those that were made with UBA. However the model outputs were not showing what the divers were saying – they were saying they were spending more time fishing for the same amount of catch. It was only then that the use of UBA (Steel tanks) became known and the scientists suddenly realised the difference between bottom times from UBA Aluminium versus Steel tanks. When this was incorporated into the modelling (as per the table above) the CPUE graphs changed to better represent that fact that divers were spending more time on the bottom for the same catch (which was what they were saying).

You should understand that for stock assessment purposes that bottom time has been identified as the most accurate CPUE metric for use as an index of abundance. So this is what should be the focus for stock assessment purposes.

Capturing the “mode of breath” would be a huge improvement and the problems above would be explainable (which removes uncertainty). Therefore our recommendation is to remove the Fishing Method from IEMRS-ER, because for dive fisheries (paua, kina, geo-duck, crayfish) it is always hand-gathering via diving, so let the system always default to this. Instead replace the “fishing method” with the “mode of breath”.

Thinking aloud – the above handles all of the dive fisheries. If a new species like scallops came in (i.e. if they started commercial harvesting them via diving/hand-gathering) the above works perfectly.

### **3 - IEMRS-ER**

The boat/tender that was used during the event has got very little to do with the actually fishing. The draft IEMRS-ER gets this wrong and is attributing some data fields to the boat (or event) when in fact they need to be associated with the diver.

The enclosed document “Proposed Changes to Diving Event Report Attributes 260617 JC.doc” shows the draft IEMRS-ER. Written in Red is what is wrong with this draft and the basic problem is around reporting of the event (as if it was happening from a boat) instead of where the fishing is occurring (which is the divers). Listed below are an expansion of these examples:

**Fishing method** (as per above re the method is always diving + hand gathering). The important thing here is this information needs to be at a diver level. You can’t have “method” at the event level (boat) because how do you record that during the same event (day) both snorkel and UBA were used by the same diver? You can’t report this at the event level but you can at the diver level (each time they change method from snorkel to UBA (AL) or UBA (Steel) a new line in the IEMRS-ER is entered and the detail is captured (just like the PCELR).

**Target Species** – Once again this needs to be at the diver level not the event level (boat). So if a diver has targeted and caught both Black-foot paua and yellow-foot paua during the event (day) then their catch and effort for each species is shown as two separate lines on the IEMRS-ER (just like it is on the PCELR)

**Start / Finish info.** Once again this shouldn’t be at the event level (boat) – it needs to be at the diver level. Each time a diver gets in and out of the water (start / finish a dive) their lat/long, time and date are recorded. In a typical day a crew with 3 divers operating would have a dive each in the morning, then lunch and then a dive in the afternoon and they might operate across two statistical areas during the day. In Pau4 it is highly likely they will use UBA for the most of the day but their last hour would be shallow and using snorkel. Each time they get in and out of the water (typically moving to a new location or changing UBA tanks) their Start / Finish times needs to be logged and their catch for that dive (as it is currently on the PCELR) as that is the info the MPI managers and scientist use.



Having the start and finish times recorded at the event level (start and end of the day) as is proposed on the draft IEMRS-ER is a waste of time as this info wouldn't be used by anyone (this info needs to be at the diver level not the event (boat) level).

The enclosed document "mock up of ER for paua.doc" shows my retake of what the IEMRS-ER should be. This takes into account the points made above and allows for one IEMRS-ER per event (day) and records all of the happenings for each diver during that event (just like the PCERL would).

#### **4 - IEMRS-GPR**

The MPI VMS system was designed for large sea-going vessels and many of the regulations are simply non-workable in a small inshore vessel. For the last 3 years we have had a VMS system working on our paua harvesting boats in the Chatham Islands (it's called DAMUSS (Data and Monitoring Unit for Small Ships) and we have a MPI dispensation that allows the use of DAMUSS. See Appendix Five for a copy of the MPI Dispensation

The DAMUSS system is Zebratech hardware supplying the positioning reports to the Snap-IT back end which has the Trident front end). The DAMUSS device and the use of the Iridium satellite system overcomes the limitations in small vessels such as it doesn't require an external power source, it doesn't require multiple aerials, it can be removed from the boat when switched off (our boats often don't have a cabin) for security when parked and it is weather-proof etc.

At our first Circular meeting a few weeks ago we provided a document which outlined our concerns. Appendix Four is a copy and paste from this document and the items it covers are still valid.

Appendix Three demonstrates DAMUSS in operation. This is two days of diving and provides MPI compliance the positioning information they require.

Points to raise

**Units on both the mother vessel and the tender.** Have a look at Appendix Three which shows two consecutive days of fishing. We are talking an area no more than a square kilometre. If the mother vessel of been anchored in the middle of these two sites during the two days of fishing what would Compliance have gained by requiring a GPR unit on both the Mother Vessel and Tender vessel? By requiring both vessels to have a GPR device doubles the hardware investment required and doubles the cost of transmission via satellite (both units would be sending positioning reports) for no gain for Compliance.

Currently our VMS dispensation that we are operating on the Chatham Islands there **does not** require a VMS device to be carried on both the Mother Vessel and the tender. MPI compliance at the coal face are more than satisfied that having a VMS device in the tender boat this is sufficient and the **10 minute positioning** information from a single device is providing all they need.

**"Speed over ground (Knots)" and "Heading (Degrees)"** To keep the 10 minute satellite transmission costs to a minimum in the DAMUSS system the "Speed over ground (Knots)" and "Heading (Degrees)" have been dropped as this information is not required in the small confined spaces that dive fisheries operate. Have a look at Appendix Three. What would be gained by forcing each of these positioning reports to include "Speed over ground (Knots)" and "Heading (Degrees)"? The other parameters would still be reported with each Positioning Report (Unique ID, Date/time/position, Lat/Long of position and Type of Report). Appendix Three shows the only data that is displayed on the front end (internet viewer) with each DAMUSS Position Report is the Date & Time because the Unique ID, Lat/long and type of report is already housed in the front end graphic of each position report.

**Transmission costs** - While MPI are paying for the GPR transmission costs these are cost recovered from the industry plus there is an overhead charge added. Further MPI has not established how such charges will be applied. If cost recovery say amortises transmission costs across the entire commercial fleet (1100 vessels) then the 40 or so deep water vessels will be subsidising inshore vessels. The standard MPI administrative overhead added on will be very expensive for no real reason. It would be cheaper for the industry to pay the transmission costs directly i.e. user pays. If the industry are paying for the transmission it would also remove the complication of sending industry data via the same pipeline i.e. if the pipeline goes to MPI and industry data is redirected how will the transmission of the different data packets be charged? It makes sense for the industry to pay these costs – that is how DAMUSS works.

## **Observations re the Draft Circulars**

### **GPR regulations**

#### **Reg 5 Obligation to carry and operate geospatial position reporting device**

(1) A geospatial position reporting device must be carried and operated on board— (a) New Zealand fishing vessels; and

(b) foreign licensed fishing vessels; and

(c) registered fish carriers; and

(d) any other kind of vessel used for commercial fishing, except tenders deployed from any vessel using any purse seine net.

(2) A geospatial position reporting device must be carried and operated by commercial fishers who are fishing without a vessel referred to in subclause (1).

(3) Every operator and master of a vessel (except a tender deployed from any vessel using any purse seine net) must ensure that the geospatial position reporting device carried on that vessel operates continuously while that vessel is being used for fishing or transportation.

(4) Every commercial fisher referred to in subclause (2) must ensure that the geospatial position reporting device operates continuously from immediately before the fishing trip starts until that fishing trip ends.

**COMMENT** - Regulation 5(1d) above – “used for commercial fishing” is different to “used during the process of commercial fishing”. As the tender is not being used for commercial fishing (it’s the diver that is doing the commercial fishing) does this preclude the need to carry a GPR device in the tender?

**COMMENT** - Regulation 5(4) above. Under the DAMUSS scenario the device is not “operating continuously” – it can’t because of the battery limitations. Instead the satellite modem is only turned on every 10 minutes and a positioning report transmitted. Once the positioning report is transmitted and verified the sat modem is then turned off again. MPI Compliance are still getting what they require (10 minute positioning reports) even though the GPR device is not “operating continuously” so the Circulars need to include this option

### **GPR Regulation - Explanatory note** contained in the regulations

*Regulation 5* replaces regulation 3 of the former regulations and specifies the vessels and persons required to carry and operate a geospatial position reporting device. A device must be carried and operated by—

- New Zealand fishing vessels (without the exceptions in the former regulations):
- foreign licensed fishing vessels:
- registered fish carriers:
- other vessels used for commercial fishing:
- commercial fishers who fish without a vessel (for example, fishing inshore)

without a vessel for eel, rock lobster, or paua).

**COMMENT** - The GPR explanatory notes contained in the GPR Regulations states "A GPR device must be carried and operated by commercial fishers who fish without a vessel (for example, fishing inshore without a vessel for eel, rock lobster, or paua)". This is an impossibility. There is no device available anywhere in the world that can provide a device that can (1) secure GPS coordinates while the unit is under water, and (2) transmit positioning reports via satellite while the unit is under water. Divers cannot carry and operate a GPR device.

Because the DAMUSS system works and meets the Compliance needs we will apply for a IEMRS-GPR dispensation to allow the continued use of the DAMUSS system. Currently the data is sent to Snap-IT and is displayed in the Trident front end. Apparently it is a relatively easy exercise to fine tune the data and transmit it directly from our GPR device to MPI. If the IE-MRS team know we are going to be apply for a dispensation to continue the use of DAMUSS wouldn't it be more logical to structure the Circulars in such a way that it accommodated the proven worth and parameters of DAMUSS as a viable option?

The Circulars for Event Reporting "start" and "end" contradict what is in the 2017 Event Reporting Regulations

Regulations – Fishing Trip starts when the vessel leaves any place the vessel is moored, berthed or **launched**. It ends when the vessel is **removed** from the water.

Circulars- start of event is when vessel and trailer hooked onto vehicle at home. End is when unhooked at home. Big gap in interpretation driven by enforcement looking for problems that don't exist.

# Appendix One – PCELR form

**Ministry of Fisheries**  
Te Kaitiaki: i ngā hiri o te tangata

## Paua Catch Effort Landing Return

Form number **PCE**

1. If this is a NIL return for an entire calendar month, then you only need to provide one PCELR for that month. Otherwise, provide a separate return for each day (in which diving for paua, or landing of paua, or both, occurred).  
Is this a NIL return for a month? ☐ Yes ☐ No  
Yes ☐ → Enter that month (e.g. "FEB")  and year, **20**  → Go to section 5.  
No ☐ → Enter the date that this return is for,  /  / **20**

2. Enter the paua quota management area dived. Complete a separate return for each QMA dived. **PAU**

3. Complete a separate line for each diver and each paua statistical area that they dived.

Name of diver first letter of first name then first four letters of surname	Paua statistical area	Time spent in water (h:mm)	Estimate (by fisher) of catch of blackfoot paua	Estimate (by fisher) of catch of yellowfoot paua	Diving conditions
			.0kg	.0kg	
			.0kg	.0kg	
			.0kg	.0kg	
			.0kg	.0kg	
			.0kg	.0kg	
			.0kg	.0kg	

Use an additional page if you run out of space when recording this day's diving.

4. Complete a separate line for: • each landing (do not forget paua transhipped, or lost, or retained); and  
• any change in destination, or container, or LFR, or invoice details.

Estimate (by permit holder or fisher) of greenweight	Destination type	Containers		For destination types L and T only	For destination type L only	
		Number	Type	Licensed Fish Receiver client number (or receiving vessel reg no. for transhipped paua)	Greenweight when advised by the LFR	Tax invoice number when advised by the LFR
.0kg					.0kg	
.0kg					.0kg	
.0kg					.0kg	

Use an additional page if you run out of space when recording this day's landings.

5. Permit holder and vessel details

Name of permit holder

Client number of permit holder

Name of vessel

Registration number of vessel (enter "None" if no vessel was used)

This return is one of  pages submitted for the date entered at the top of this page.

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.

Signature of permit holder or master

Date signed  /  / **20**

Send completed returns to PO Box 297, Wellington (NZ).

Appendix Two – PCELR faults that IEMRS will rectify.

PCELR	IEMRS - ER
<b>Name of Diver</b> (this is the first letter of his First Name followed by a dot and then the first 4 letters of his Surname). The problem with this is that Joe Brown and Jeremy Brownley both have the same Diver ID (i.e. J.BROW). This totally screws up the data for the scientists as catch and effort for J.BROW could be happening in two places at once. The other problem is often the PCELR is filled out in a rocking boat so it is easy for a “o” to look like an “e”. The system then sees J.BROW and J.BREW as two different divers.	The Name of Diver will be replaced by the paua industry Diver ID number (we call it a SITO number). These are 5 digits and each diver operating in NZ already has a unique ID. 5 digits allows for 99,999 unique IDs so the 200 divers we have in the industry will never use up the unique numbers. Also the electronic system will mean that there will be no mistakes (i.e. is it an 0 or a 6). Our Zebratech DECK units front end already converts the SITO ID to the divers actual name so behind the scene the SITO ID will be recorded but on the screen of the unit they see their Christian and Surname = no mistakes.
<b>Paua Statistical Area.</b> Mistakes can occur when the forms are being entered by FishServe into the database – is the figure a 0 or a 6.	The IEMRS-ER doesn't record the Statistical Area. As each diver enters and exits the water at dive event start and finish a corresponding button is pushed on the DECK unit and that divers lat/long, time and date is recorded. No mistakes. These entry/exit logs can be converted to statistical areas by the MPI scientists and managers if required.
<b>Time spent in the water (h:mm)</b> it is too easy for divers to “guess” their time. If it is wrong then their catch and effort data (CPUE) that the scientists calculate will be wrong (i.e. how much did they catch per hour).	The DECK unit will automatically calculate the exact time difference between each divers Entry and Exit logs. No mistakes.
<b>Diving conditions</b> This is too general. If a diver is diving on the same reef two days in a row but one day it is absolutely flat calm with 10 m of visibility but the next day there is a 1.5m roll with 1m of visibility the scientists can immediately adjust the data because on the 2 <sup>nd</sup> day its natural that the conditions will mean the diver catches less. His catching less has got nothing to do with there being less fish – it's to do with the dive conditions that were limiting his ability to catch fish.	The IEMRS-ER does away with the diving conditions and instead replaces it with the swell height and underwater visibility which divers are very good at accessing.
<b>Nowhere to list that UBA was used</b>	The IEMRS-ER will record if UBA was used
<b>Nowhere to list if a boatman was used.</b> Having a boatman means divers can stay in the water fishing because it's the boatman's job to remove the paua from each catch bag and pack them into the bins. If there is no boatman then the diver needs to get out water and into the boat to perform the bin packing. The scientists need to know this as the time out of the water can explain a 15% drop in the daily catch (no boatman vs having a boatman).	The IEMRS-ER will record if a boatman was used.



<p><b>Recreational catch</b> The PCELR has no space to report recreational catch that was taken during a commercial dive event. Therefore any crew taking a feed home is required to fill in a CELR form which means they need one of these books with them during the dive event.</p>	<p>IEMRS-ER needs to allow the recording of recreational catch so that it is captured at the same time as the commercial catch for each diver is logged and reported.</p>
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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

### Appendix Three – two days diving

s 9(2)(b)(ii)

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**Appendix Four** – copied and pasted from the Document we provided for our first Circular meeting.

**Three** - The need for two GPR units. § 9(2)(a) email 04/07/17 - *For GPR we will need devices on all registered vessels from the time the engine is turned etc and therefore the Mother ship will need one for “the entire time it is at sea”.*

JC Comment - One of the combinations of a paua harvest boat set up is to have a mother vessel with a small tender (3.5m) on the back. The mother vessel transports the tender and the dive crew to the fishing location and back again. While the fishing is taking place the mother vessel is anchored in a sheltered bay and the tender services the divers who are doing the fishing. An average number of days a paua crew works is probably around 40 days per year. That means for 325 days per year neither vessel is being used for harvesting paua. So there is little point in having a GPR unit switched on and sending positioning reports while the boat is sitting in storage (either tied up to a mooring/berth or on a trailer). For the VMS system on the Chatham Islands this is exactly how it has worked for the last 3 years and there has been no complaints from MPI compliance (in fact the opposite has occurred – they have been extremely complimentary of the VMS system we are operating). We believe there is a logical way the VMS/GPR unit should function – when there is no fishing event happening the VMS unit is switched off and normally sitting at the permit holders house on a smart battery charger. When they go fishing they take the VMS/GPR device with them and turn it on before they start the vessels engine. The 10 minute positioning reports then start flowing. When they get to the fishing location the mother vessel is anchored and the tender is launched. The divers get into the tender and the GPR unit is transferred to the tender and it stays there while the fishing event is taking place (the tender is servicing the divers who are the ones that are doing the fishing – neither of the vessels are actually “fishing”). When the event is finished and the tender is loaded back into the mother vessel the GPR device is transferred into the mother vessel and the unit continues sending 10 minute positioning reports while it steams back to port / place of landing.

However § 9(2)(a) email specifies there will need to be a GPR on the mother vessel as well as the tender. This makes no sense. For the trip out to the fishing location and back again there will be 2 GPR position reports generated and they would be constantly 3 odd metres removed from each other i.e. the tender would be sitting on the mother vessel so the location of the two boats would be exactly the same. Then when the mother vessel was parked up (and not moving) it would be required to continue to send positioning reports (even though it's got nothing to do with the fishing that is taking place). It's the divers who are doing the fishing and the tender boat is receiving their catch so the GPR device operating from the tender would be showing MPI Compliance exactly what they need to know.

**FOUR** In other fisheries the IEMRS draft regulations state tenders vessel will not need a GPR device. JC brought this up with § 9(2)(a). § 9(2)(a) email reply– 4/7/17 *You are correct in that purse seine tenders do not need GPR as they do not undertake significant fishing activity. As fishing activity does occur on divie/setnet tenders we require a GPR on the tender during fishing activity. We have been able to make allowances for certain tenders as they are not officially registered vessels. However registered vessels are a different story, and will all required GPR for the time they are at sea, no exceptions”.*

JCs comment - In many cases our tender vessels will also not be officially registered fishing vessels i.e. they have the same number as the mother vessel but with a T after it and they are known as tender vessels. In our case it is the Mother vessel that will not be undertaking any significant fishing activity. However the last thing we or MPI compliance will want is for the mother vessel to be parked up in a sheltered bay and sending off its positioning reports when it is removed from the actual fishing and for no GPR device to be required on the tender.

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## Appendix Five – DAMUSS Dispensation

### Ministry for Primary Industries Manatū Ahu Matua



30 September 2015

«Name»  
«Address1»  
«Address2»  
«Address3»  
Permit Number «PermitNumber»

Dear «SalutationName»:

#### **DISPENSATION FOR CHATHAM ISLAND PAU 4 AND SUR 4 FISHERS FROM THE STANDARDS AND REQUIREMENTS AS PRESCRIBED UNDER REGULATION 4 OF THE FISHERIES (SATELLITE VESSEL MONITORING) REGULATIONS 1993**

We write to advise that the Manager Canterbury/Westland, Ministry for Primary Industries (acting pursuant to a delegated authority), has authorised dispensation under regulation 10(1) of the Fisheries (Satellite Vessel Monitoring) Regulations 1993 (SVM regulations) for:

- «ApplicantClient», the Vessel Operator and/or Skipper,

from meeting the standards and requirements relating to automatic location communicators as prescribed under regulation 4 of the SVM regulations aboard the vessel «VesselNameCallSign», «RegistrationNumber», while utilising underwater breathing apparatus (UBA) for commercial harvest in PAU 4 and SUR 4.

This dispensation is valid from 1 October 2015 until 30 September 2016. Dispensation has been approved provided that all conditions listed below are met. Failure to comply with any condition will provide grounds for this dispensation to be revoked.

#### **Conditions of dispensation**

- The Vessel Operator and/or Master must not carry out any fishing for paua or kina by method of UBA unless it has either:
  1. notified its intention to go fishing at least one hour prior to the start of any fishing by:
    - i. emailing both MPI Fisheries Communication Centre (FCC) at [FCC@mpi.govt.nz](mailto:FCC@mpi.govt.nz) and Fishery Office Chatham Islands at [James.Beaumont@mpi.govt.nz](mailto:James.Beaumont@mpi.govt.nz); **OR**
    - ii. faxing both MPI Fisheries Communication Centre on 04-801 5381 and the Fishery Office Chatham Islands on 03-305 0411; **OR**
  2. notified its intention to go fishing through the operation of the approved Data and Monitoring Unit for Small Ships (DAMUSS) and online tracking system.
- Notification under Clause 1 above shall include details of:
  - a) the name(s) of the person(s) who will be taking paua and/or kina;
  - b) the location(s), date(s) and time(s) at which paua and/or kina will be taken, including the point and estimated time of landing;
  - c) the vessel(s) and fishing method(s) to be used; and

*Growing and Protecting New Zealand*

Operations – Compliance  
68 Nazareth Avenue, PO Box 8324  
Christchurch 8440, New Zealand  
Telephone: 03-339 3662, Facsimile: 03-339 3667  
[www.mpi.govt.nz](http://www.mpi.govt.nz)



- d) the disposal and sale arrangements, including the vehicles to be used and the licensed fish receiver/s to whom paua and/or kina will be sold.
- Notification under Clause 2 above, the Vessel Operator and/or Master must:
  - a) ensure the approved DAMUSS:
    - i. includes a unique identifier to the Vessel being used;
    - ii. sends a message indicating start-up when the unit is switched on, continuous position reporting (every 10 minutes) until the unit is switched off, and a power-off message when the unit is powered down;
    - iii. provides access real-time position data to MPI via the online system;
    - iv. is not tampered with or disabled;
  - b) in the event of a non-operational DAMUSS notified its intention to go fishing as outlined under Clause 1 and the associated conditions above.
- If there are any changes to the notification details under Clause 1 or 2 above, including the place and estimated time of landing, the permit holder must notify either the FCC by email or fax, or Fishery Office Chatham Islands by phone 03-305 0004 or fax 03-305 0411, at least one hour before the vessel intends to land its catch.
- A copy of this letter must be carried by any person taking or possessing (including transporting) paua or kina during the period dispensation applies is valid, and shall be produced immediately for sighting at the request of any Fishery Officer.
- All divers diving for paua under the authority of this dispensation must be fitted with data loggers. Data from the data loggers including tracked coordinate locations and depths along each dive shall be provided on a daily basis to Pauamac4, and Pauamac4 shall collate a daily spreadsheet of this information and retain the information for seven years. Pauamac4 shall provide this data to the Ministry for Primary Industries at any time on request.
- The current paua catch effort landing return (PCELRL) form has no methods code field, therefore as a condition of this dispensation the appropriate code must be written in a practical position on the form which indicates to MPI the amount of fish caught by each of the above methods.

We remind you that, in accordance with Regulation 37(h) of Fisheries (Reporting) Regulations 2001, fishers must use defined method code on the catch effort form that best describes the method used in taking the fish. The codes UBA and UBS, meaning self-contained underwater breathing apparatus and surface supplied underwater breathing apparatus respectively, must be entered on all catch effort forms where these methods have been used.

Regards

§ 9(2)(a)

Email: § 9(2)(a)

Ph: § 9(2)(a)

## Response to PIC

### *Fishing method*

The perception that “free-diving” is not “diving” is incorrect. The distinction between diving and hand-gathering is important, as PAU may be collected using either method. Hand gathering would suggest the fisher is wading, whereas diving requires submersion in deeper water. It may be noted that the explanatory notes for the PCELR refers to divers or diving multiple times and we feel changing this wording now would be very confusing for fishers.

### *Diving does not involve a vessel*

Diving events may or may not use a vessel, the distinction is clear. Although fish may not be caught from the vessel, the use of a vessel would allow increased access to fishing locations, transportation of gear and catch and is therefore an important measure of effort.

### *Mode of Breath*

Mode of breath is recorded in the “fishing method” section of the report. MPI will endeavour to create separate codes to distinguish the distinction between Aluminium and Steel tanks.

CUPE for different fishing methods will be standardised to reflect the catch taken using a particular method. Recording the exact amount of bottom time for free divers is not required by MPI as the CPUE calculations for free divers will only be compared with other data sets using the same method. Aggregated CPUE across methods will be calculated based on the differences in time to get catch when using different methods.

### *Shifting fishing method, target species and start finish time to diver level*

This is a change we may look to make after the implementation of IEMRS, however MPI and logbook providers share opinion that not making this change will not affect the ability of fishers to record the required information on their catch and effort. *[At this stage of the project MPI are unable to make the change required to move fishing method and target species to the diver level. The change would require 7-10 weeks of work for Fish Serve and additional time for the logbook providers.]*

Start and finish info is at the diver level already. It is also at the event level and MPI do not see this as impinging on the fishers work load as it will require two additional button presses. Start finish times are also important at the event level as five divers operating on the same vessel will result in different effort that five divers using separate vessels.

It is only on the Chatham Islands that fishing may vary by method and require 2 events. Elsewhere in NZ the only reason there will be 2 events if more than one species is targeted. MPI do not believe this is asking too much. If Diving events were to match other fisheries one event would be required per diver. As it currently stands the vast majority of cases will only require one event per day and it would be very rare to expect more than 2.

### *DAMUSS system*

MPI have been working with Zebra tech, Snap IT and Trident and have been informed that the DAMUSS system is being retrofitted to meet MPIs requirements for both Logbooks and GPR.

### *GPR on mothership and tender*

MPI believes that a GPR device is required on both the mothership and the tender. It is our opinion that all vessels will require position reporting while there is power to the vessel or the vessel is not moored/berthed at port. Just as a vessel transporting catch will be required to operate GPR, a vessel holding catch at sea must continue to operate in order to verify that catch remains on the vessel until landed.

### *Speed Over Ground (SOG) and Heading*

Position reports provide a snapshot of vessel activity at a single point in time, attributes such as SOG and heading (or course) are used to infer valuable information on operator behaviour. SOG can be calculated by the new Zebra-tech device. Heading is not required if course can be supplied which Snap IT have assured they can do.

### *Transmissions costs*

Transmission costs for GPR are intended to be cost recovered by MPI as the price of moderated reporting frequency devices can be determined by operators as to how closely vessels or fisheries are being monitored. MPI does not wish this information to be known by the fishing industry. For Fixed Frequency reports PIC's view has been logged for a decision to be reached during consultation. It may be possible to have this data paid for by the vessel operator if that is desired amongst the industry (this avoids the MPI cost recovery 'mark-up') though practically requires all vessels to be operating on a fixed frequency model.

MPI have a responsibility to take good care of this data due to the IP associated with fishing marks which we achieve by contracts with data providers and paying for the data.

### *Tenders are not used for commercial fishing*

It is MPI's view that tenders can be used for diving. Transportation of gear, catch and divers all fall under the definition of fishing in the Act as it encompasses processes in support of, and as a result of taking fish.

### *DAMUSS does not operate continuously*

Noted. The GPR circular may look to reword this so that GPR devices are deemed to operate continuously if position reports can be transmitted at 10 minute intervals without human intervention. Zebra-tech have informed us that the data logger remains on continuously, it is only the Iridium modem that shuts down to conserve power, and turns on again, without human intervention, when transmission is required.

### *GPR for non-vessel fishers*

The circular allows for divers operating without a vessel leave a GPR device in the vehicle use to reach the fishing location for the duration of fishing.

For eelers setting nets, the GPR must be carried by the fisher during fishing activities. GPR devices can be attached to the fishers shoulder or back while fishing occurs, MPI are aware there are products available that are small enough to be used in this way.

### *Start end times for GPR are different from ER*

This is true and is because MPI do not require fishers to operate a logbook when there is no intention of fishing. GPR is required to operate for periods of time that are not covered by the definition of fishing trip.

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**From:** Richard Kibblewhite <[REDACTED]>  
**Sent:** Thursday, 3 August 2017 3:04 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Geo special , cameras, electronic reporting.

Richard and Jean Kibblewhite  
 back ground.

Our operation is Splashzone Ltd [REDACTED], ECF Ltd [REDACTED]. We own quota and am a fisher in the north island on Nz We have been involved for 27 years as fishers and quota owners. We have a 4 fishing vessels and have a a fisher man / women contracting group of approx 15. Our catches generate over [REDACTED] in nz dollar returns for the economy in export dollars. The quota management system is a robust and world leading fisheries management regime. Of which we have bought into over our 27 years of quota purchase. We have Invested some [REDACTED] in this game in quota and vessels, companies, staff, gears, infrastructure and have paid levies and resource rentals, consider ourselves part of the qms.

We have been guardians of our fisheries, have trained young people in the communities where we work. We have supported schools, kindies, communities, been involved in sporting groups and enabled and encouraged young people to try fishing, spoken at schools, given product to fundraisers and more. Over our time have enabled 7 young men and women to move on and get skippers tickets. Been involved in many TV programmes promoting commercial fishing. Just the Job, Al Brown TV programs Country Calender Paul Mcorio.

**My Concerns:**

1: the tracking of vessels is something that we do any way, and in itself a good idea for safety reasons. The info is the property of the vessel owner and private property, if Mpi get this info then it will get leaked and is not private, Govt departments have a track record of leaking info and this is not acceptable, risky to consider other fishers can and will get your years of private catching info marks and tows and sets. Greenies will access it and use it against the industry. Conclusion on vessel tracking, Control of vessel info is very important to fishers and sharing of this info via leaks and oia is not acceptable to fishers and there are court cases which acknowledge fishers private marks. Costs. This is of concern.

2: electronic reporting,

In whole a good idea, The paper system is old and time consuming, costly. this new regulation has been rushed thru, there are basic mistakes and ridiculous expectations, the office workers who put this together who have very little understanding or practical knowledge of the day to day operations on vessels have gone over board on the daily reporting expectation, for example, counting all crayfish, females with berries, undersize fish, in each pot! Some pots have over 40 fish, we don't have time to do this. The Govt workers may well have time to count the pencils in their draw, or the key pads on their computer, but we are working in a marine environment with time constraints, safety issues to consider and waves crashing over the deck. Why don't you come out and do a day with us and see if you can last One day. I suspect not!!!! This whole regulation needs to be reassessed with quota owners and fishers who are the guardians of the fisheries. Who understand the constraints of the marine environment, the safety concerns of folk involved on deck, the very people who, depend on the fishery for their very existence. Some of the expectations have no bearing on the abundance of the fishery, is not used in the cpue data and abundance of the fishery.

And have no bearing in any of the inputs of the management of these particular fisheries.

#### Conclusion on electronic reporting

If we carried on with the reporting regs as they stand at present, as the last 20 years, but in electronic means then no probs, it will fly thru, Then with good consultation with the industry we can tweak and improve over time. However if we increase the reporting requirements as suggested in this very quickly and poorly put together regulation, it will be a mess.

#### Cameras.

Prisoners do not get 24 hours monitoring, after 27 years of fishing, this proposal is disgusting, incrimination to the fishers of Nz who have grown communities, supported schools, fed the communities of NZ thru restaurants and fish and chip shops.

Small boats do not have toilets, cameras are an issue here, Stick a camera in your office and bedroom and kitchen, toilet, lounge, see how you like that.

COST. This will decimate many fishers, already I have 2 operators who are saying I'll quit before allowing camera in their work space.

#### Summary,

There are huge holes, gaps and crazy thoughts in the new regs, ridiculously rushed thru with not enough practice outcomes, there are qms issues that need clearing up and rationalising, deemed value issues, discard, issues, schedule 6 issues.

It is imperritive to work thru these issues.

Listening to the Fishing industry, Fedaration of commercial fishermen, Stakeholder organisations for direction is important for MPI.

If these regs go thru as they stand, there will be too many casualties, financial disruption, qualified fishers going on the Dole, shutting down 2 operations I know about.

My thoughts as a fisher and quota owner.

Richard Kibblewhite.

s 9(2)(a)

Sent from my iPad

**From:** Sharon Wheatley <s 9(2)(a)>  
**Sent:** Wednesday, 2 August 2017 12:02 p.m.  
**To:** Fisheries Review; GM Google  
**Subject:** New standards

First of all, the IEMRS and EITT statements did not reach me until this year, way after the public consultation dates. But I would like to comment on those first please.

EITT you wish for a positive outlook and attitude from us. With the new technology coming through now, you foresee a long term economic improvement for yourselves and the country. The new method is the 'preferred option' by you, as it states on p2.

p6 states that the proposed tech will increase the value of exports, and is consistent with the Govts' Business Growth Agenda.

Then why is that you will charge the tester to test what HAS to be tested. Without testing none of the aforementioned desirable targets would be reached. To charge ridiculous amounts of money to the VERY FEW owner/operators prepared to do it, is entirely counter productive and in no way harbours or encourages any form of enthusiasm or positivity. You even introduce a new fee for this p7 4.4. In fact it creates the opposite. Getting punished and fined for doing the right thing for the industry, which is supposed to line up with your mission, makes it impossible for small businesses to achieve this new and ultimately powerfully beneficial goal. There is no partnership in this document.

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Fisheries (event reporting) Circular 2017

This is done using the E-logbook, of which there is no example whatsoever to study in depth. Where is the e-logbook example for us to try? or even some pages captured where I can see the data that needs to be reported??? To see anything of the logbook would be helpful to say the least. Especially since we have never seen one before. When or can we go to our local MPI office and have a look there at least?

Can't comment with inadequate and lacking information. Plus the stipulations relate to the logbook functions. This is confusing because we are downloading them from you. Thereby you have to see that these stipulations are available before we get them. This part does confuse me as a result.

You claim you want to charge \$100 a month for the APP you are considering using. It's an app. What app ever charges that? What is all that money for? And if we have to pay that, then that should pay also the processing per line charges. To charge both is double dipping. This system is becoming charge, upon charge upon charge. It's like the little guys are deliberately getting pushed out.

Cameras:

CCTV or live streaming???? Both are hinted at in the circulars. Live couldn't work due to the limited wifi capabilities here. Not without exorbitant costs, and even then, no guarantee.

There are plenty of adequate cameras on the market that do not cost \$5000. That simply can not be a minimum charge. And then another \$1000 a year ...for what exactly? These kinds of details are not being made clear at all. Vague concepts which cannot garner comment as there is not enough information regarding these significant charging details. More charges upon charges.



I understand that change is necessary, but the way it is being done is quite reprehensible. Publically MPI has said that it understands some business will leave the industry. That is the cold and political way of saying, 'we don't care when you will lose everything you have worked for'. Because as we all know, that is what will happen when these provisions come in and the loyal owner\operator whom has done it for decades, has to walk away.

MPI states, vaguely again, that it would assist in some of these difficulties. How? This is not stated. Only that you will help in some way. Again, no information on this.

Personally, I love the changes. I think they are long overdue, but unfortunately the govt h rushed you, which makes it difficult to get out all the relevant information. There really needs to be a lot moer clarity around the point I have mentioned, as I cannot comment on them until I have the info. Even googling it hasn't been very helpful. It's just really hard to give feedback on details that I do not have. Thanks for your time.

Cheers

Sharon

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**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:20 p.m.  
**To:** s 9(2)(a)  
**Subject:** FW: Emailing: Submission SE Group v6  
**Attachments:** Submission SE Group v6.docx

-----Original Message-----

**From:** Bill Chisholm [mailto:s 9(2)(a)]  
**Sent:** Monday, 21 August 2017 4:14 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** Emailing: Submission SE Group v6

Please find attached a submission from the Specialty & Emerging Fisheries Group.

Yours faithfully

Bill Chisholm

s 9(2)(a)  
[Redacted signature block]

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§ 9(2)(a)

Ph § 9(2)(a)

Email § 9(2)(a)

Ministry for Primary Industries,  
PO Box 2526,  
Wellington 6140.

21<sup>st</sup> August 2017

**Submission on Draft Circulars on Digital Monitoring of Commercial Fishing**

**Background:**

The current rollout of IEMRS has been deeply unpopular with S&EF fishermen. These are fishing permit holders who have followed all rules and protocols imposed upon them by various statutory agencies, and know the difficulties with having to deal with more. Through this process they have been subjected to a system based on regulatory edict, not collaborative effort. For context, some comments from BCO5 fishermen are provided below:

**Anthony:** *Being a one person owner/operator BCO5 fisherman on my own boat, fishing on a very small scale; the cost of \$10,000 minimum in the initial year and on going yearly fees to maintain the MPI's IEMRS scheme, is in no way feasible for me. I can see no choice but to exit the fishing industry if the IEMRS scheme is implemented on all small scale fishers like me.*

**Nat:** *I cannot see the reasoning behind the implementation of IEMRS on boats of small scale BCO5 fisherman using the potting system. The by catch is kept at a very bare minimum. There is a huge difference between a big trawling operation and a small time potting operation.*

**Heath:** *The cost will cripple small scale operators, who struggle to make a living as it is. I have already heard of several operators (with over 20 years in the industry) who are just unable to carry on if the changes go ahead. All these guys are really important to our small fishing community, and it would be a real shame to see them forced out.*

**Chris:** *We think the e-book requirements need dilution somewhat, but are a way of the future. Tracking is not supported by us as it's ... a pointless exercise already covered by our MOSS system*

**Introduction**

This submission is made on behalf of the Specialty and Emerging Fisheries Group (S&EF). S&EF Group is a representative collective of fishing associations operating mainly niche

fisheries and markets, and represents approximately \$100 million in annual economic return. The contact person is Mr Bill Chisholm, s 9(2)(a), phone s 9(2)(a). Should a hearing be held on this issue, then the submitter would like to be heard.

For this submission, S&EF is representing the following fisheries:

- BCOS Association Inc. (cod potting)
- Bluff Oyster Management Company (dredging)
- North Island Eel Enhancement Company (fyke netting and stall netting)
- South Island Eel Industry Association Inc. (fyke netting)
- Chatham Islands Finfish Association Inc. (including cod potting and bottom longlining)

S&EF Group supports all submissions from the above organisations, and agrees with all points made in these submissions. S&EF Group also supports the submissions by Fisheries Inshore New Zealand, NZ Rock Lobster Industry Council and the NZ Paua Industry Council. This submission should be read in conjunction with these other submissions, as we agree with all points made in those submissions but do not in general repeat all points raised in those submissions.

While the Kina Industry Council (KIC) is normally represented by S&EF, this submission does not specifically represent their views, as their fishing practices are similar to paua harvest. Hence, specific KIC issues with the Circulars will be dealt with through submissions from themselves and/or the Paua Industry Council.

S&EF Group are generally supportive of IEMRS. However, this is qualified on the basis that there are serious issues that need addressing and clarification by the Ministry, and that some of the proposed requirements in the circulars are completely unworkable and unnecessary.

We also believe the time frame for implementation of IEMRS both in terms of consultation with the industry and feedback on the circulars has been so short as to bring into question MPI's stated position of genuine 'consultation'.

This submission is in two Parts. Part 1 deals with general issues relating to the wider effects of the regulations and circulars on S&EF fisheries in general. Part 2 deals with issues specific to each S&EF fishery, and provides suggested corrections, additions and alterations to them where necessary. Individual submissions from each S&EF fishery may also be offered, to emphasise their issues and rank them in order of importance.

#### Cameras

While out of scope for the purposes of this submission, the Regulations propose that electronic camera monitoring is imposed on most commercial fisheries as part of the IEMRS project. The Regulations allow for exemption from this at the discretion of the Chief Executive of MPI. This submission will signal the expectations that S&EF have with regard to such exemptions from electronic monitoring.

S&EF believe the requirement for cameras should also be based on risk based assessment of individual fisheries and/or individual vessels. The cost to purchase, transmit, and maintain

camera gear for S&EF fishers far exceeds the benefits to compliance, science or fisheries management that may accrue from this requirement. S&EF therefore requests an exemption to the camera Regulations for all fisheries represented in this submission, with the possible exception of Chatham Island line fishing, which is a fishery which has yet to be developed. A further exception might be where fishers have been found to be non-compliant with fisheries regulations.

### **Part 1. General Issues:**

There has been considerable disquiet about the process of implementation of IEMRS, from individual fishermen from all fisheries represented by S&EF. Previous experience (e.g. with the eel datalogging project) has shown that the move from paper-based to electronic-based catch reporting requires vastly more consultation with fishermen, scientists, managers and software developers, than has occurred. In particular, consultation with individual fishermen has been virtually non-existent. The time frames for consultation have also been inadequate, as our managers have struggled to canvas the views of their members, and align them with Ministry requirements.

This situation is further exacerbated by the Ministry still 'considering' important issues like IP Protection and Data Security that frame much of the operational detail in the circulars.

**It is imperative that the Ministry is aware that where this submission states that something cannot be done, or is disruptive to fishing activities, or is dangerous or impractical, then change to what is proposed in the Circulars is necessary.** S&EF is able to consult further on the nature and extent of these changes beyond the submissions deadline of 21<sup>st</sup> August.

There are wider issues relating to the IEMRS rollout which do not specifically relate to these Circulars, but may relate to the Regulations or later circulars on cameras. Given that this is the first opportunity for S&EF to formally submit on the IEMRS project, our concerns on some of the wider problems with IEMRS will be presented in this submission. These are listed below:

#### **1. Integrity and security of Electronic Reporting data at FishServe and Global Position Reporting Data at MPI**

We question whether the appropriate controls & measures for this are in place. The position information (which is required from the Event Reporting and GPRD Circulars) represents valuable intellectual property, i.e. This information represents capital assets with considerable monetary value. There needs to be rock-solid assurances that this information will be transmitted, stored and used with the utmost security.

Therefore, S&EF requests a full independent security assessment of both FishServe and MPI servers/databases that address the requirements for Fishers intellectual property (i.e. capital assets) protection. This will need to include:

- Staff and third party-access controls
- Appropriate back-up and disaster recovery protocols
- Controls on information sharing with other government departments
- Compensation for unauthorised access/leaks
- A review of the accessibility to data under the Official Information Act

- A high degree of intrusion protection from third part malicious activity or information theft (i.e. hacking).

This issue was highlighted at the Invercargill CRA8 meeting Wednesday the 26<sup>th</sup> of July. Minister Nathan Guy has been quoted in the Southland Times (Friday 28<sup>th</sup> July 2017) thus:

*"... Ministry has no intention to make information about individual fishing locations public"*

*"Position information will be secure, and MPI has no intention to make information about individual vessels' fishing locations public."*

Further comment from the Ministry was quoted in the Otago Daily Times August 12<sup>th</sup> 2017:

*"MPI said it was carefully considering the privacy and IP issues, saying it would not be making information like fishing spots or commercially sensitive information public."*

We believe these assurances do not go anywhere near far enough on this matter. All of the above points need to be properly addressed before any real guarantees can be made, by anybody.

## **2. Recognition of existing electronic recording systems - (e.g. eel datalogging)**

Most S&EF fisheries have gone some way towards electronic reporting. For example

- The eel datalogging project has been in place for 2 years. Currently, about 50% of South island eel fishermen use this on a voluntary basis.
- The CEDRIC reporting system is used by some S&EF fishermen
- The Bluff Oyster Management Company (BOMC) has its own system of fine-scale recording and catch reporting. This is a paper-based recording system.

These systems will need to be dispensed with when the Circulars become compulsory. It needs to be recognised that these systems (CEDRIC aside) are presently the gold-standard in catch-reporting for many S&EF fishers. They have been developed with the full knowledge and cooperation of the fishermen, fisheries managers and fisheries scientists. Any deviation from these existing reporting systems needs to be agreed to by these people, and also needs to undergo full scientific peer review through the Working Group process. Currently, the development of the Circulars has circumvented this process. We consider this approach unacceptable.

## **3. Safety implications of having to record data on heaving deck**

The Health and Safety at Work Act (HSWA) 2015 gives skippers a primary duty of care to identify risks and hazards, and undertake steps which are "reasonably practicable" to protect their workers. The additional recording requirements and data fields, especially discards of sub-MLS fish, means that current deck-working practices would need to be rearranged. This could have the effect of being unduly disruptive to fishing operations, and/or reduce worker safety. The HSWA requires all "reasonably practicable" measures to reduce these risks to workers. HSWA defines "reasonably practicable" to include the following issues:

- How likely is the hazard to occur?
- The degree of harm that could result.
- What measures exist to control the risk.
- Whether ways to eliminate or minimise the risk are available or suitable.

Commented [U1]: Do we still need to keep this in given the Oyster guys can just 'estimate' this part of the catch?

These assessments cannot be made in the timeframes set by the consultation period of these Circulars. This has put skippers in the difficult position of not knowing whether the new requirements will allow them to remain HSWA-compliant or not.

The Maritime Operator Safety System (MOSS) requires skippers to ensure that their Maritime Transport Operator Plan (operator plan) is up to date and appropriate for their operation. Again, skippers are in the difficult position of not knowing whether the new requirements will allow them to remain MOSS-compliant or not.

#### **4. Logistic problems and deck-routines**

There are problems with operating sensitive electronic devices in a saltwater environment, especially for many of the smaller vessels working in the S&EF Group. These problems include:

- Power supply on vessels
- Working in enclosed spaces (includes HSWA problems)
- Operation in remote areas (satellite, 3G/4G coverage)
- Extreme environment for sensitive electronics

There might be systems available to overcome remote area issues, and which can operate in extreme environments. However, individual fishermen may suffer through circumstances out of their control if their vessel or handheld device is not able to support the new technology required.

There has been little regard given to deck-routines on vessels, and how they may be impacted by the data recording requirements in the circulars. For example, the requirements for recording sub-MLS fish would require a major change to the deck-routine of oyster vessels. The short time-frame for consultation means that how this might be mitigated, or whether it is even necessary to record these fish, cannot be determined.

#### **5. Logging and transmission of Electronic Reporting data.**

The time frames for rollout of electronic reporting and GPR are inadequate for development, testing/debugging and field trials. Product providers will have little time for debugging and field trialing their ER and GPR solutions with fishers. In an ideal scenario fishers would have already be using their ER and GPR system many months in advance of the proposed 1 April 2018 timeline. This would allow them to become familiar with the system and give feedback to the provider, MPI and FishServe on any glitches or operational issues with the system.

Given the short time frame, providers will not have the ability to conduct adequate field trials to debug their software, for all fishermen required to use the system, to their normal operational standards. This will be exacerbated by the Christmas – New Year holiday break.

Given the current timetable of 1 April 2018 this date would effectively become a field trial for the electronic equipment being used to transmit ER and GPR by fishers. We suggest that 'glitches' outside fishers' control could unwittingly put them in breach of the law for the period when debugging and robustness of systems was taking place. We suggest the Ministry take a soft and considered approach while FishServe, Commercial Providers and fishermen come to terms with new systems and processes. Otherwise, this would be messy and



stressful for all stakeholders and set the IERMS project off on a bad footing, all because of the tight MPI-imposed timeline for implementation.

We have concerns commercial providers have a vested interest in telling MPI they can deliver IERMS systems in the MPI imposed timelines. This statement may well be true depending on your definition of 'delivered'. Getting hardware devices to fishers with brand new or modified software to make the devices IERMS compliant is possible. How reliable and fit for actual purpose these devices are needs to be beta-tested and then field trialled. Any IT project of this nature requires this degree of vigour and evaluation, not to mention the end users becoming comfortable and confident with the new technology. Typically this testing and learning phase turns up many bugs and glitches (and often unexpected and unintended consequences) that need to be mitigated and software fixes put in place. These types of trials and testing would even in a compressed time line take around six months at an absolute minimum (bearing no major blocks or issues) for the parties S&EF represent. The experience with the Eel Datalogging development took around two years. MPI have to appreciate we are generally dealing with small operators of a slightly older age group who are not IT or Data Transmission experts or not especially IT savvy (i.e. don't even own smart devices).

Commercial providers will contractually indemnify themselves through their terms and conditions that will essentially say that they have taken all care but will accept no responsibility for their equipment putting the fisher in breach of any regulations to do with IEMRS. We are sure 'support and maintenance' packages would be made available, however the 'gold standard support and maintenance package' is to replace defective hardware and/or 24/7 IT support. This would be prohibitively expensive (exacerbated if existing timings are adhered to and the systems are not yet stable and debugged). This is especially a problem on the Chatham Islands, where service technicians and software specialists would need to be flown in from the mainland.

In addition, training and 24 hour helpdesk support will be required not only for commercial solution devices as described above, but for FishServe and MPI support desks. It will need to be 24 hour because of odd hours worked by fishermen (including Christmas day for some fishermen). Software upgrades may be required. There is no indication of who may require them, who pays for their development, and how are they introduced into the system. We expect them to be frequent.

There is no mechanism for compensation for loss of fishing days if outages occur. The Ministry is quoted in the Otago Daily Times (12<sup>th</sup> August 2017, page 3):

*"...if systems broke down while at sea, fishermen could ask for permission to keep fishing."*

The reality is that the regulations do not allow for this. It is an offence not to use the GPR while fishing. There is a defence from prosecution for technical failures under Regulation 10. This is very different from the ability to ask permission to keep fishing. Further, Regulation 11 has the capacity for exemptions but not for technical failure.

## **6. Other harvesters**

There has been no electronic monitoring and reporting system for other harvesters of the resource. This includes amateur charter vessels, recreational fishermen and customary fishermen. Currently, catch reporting by recreational fishermen is not required, and customary catch records remain sporadic. However, if the Ministry is serious about obtaining accurate catch records for fisheries management purposes, then it follows that a corresponding system of electronic reporting would be introduced for these other harvesters.

It is noted that the circulars require commercial vessels engaged in customary fishing to record their customary catch electronically.

#### **7. Needs analyses of data requirements under the circulars**

There is a large amount of additional data required by the circulars, including fine-scale lat/long catch reporting, sub-MLS discard reporting and GPRS data. In many cases these data will be costly to collect and store, and of limited value to fisheries management or compliance requirements. Our current assessment is that the vast majority of the additional data required will have limited or no value to either.

#### **8. Unintended consequences**

There is the potential for unintended consequences emanating from this project. This includes (but is not limited to) the following:

- A larger than expected number of experienced fishermen leaving the industry
- Some of the smaller boutique LFR's exiting the industry
- More expensive for new entrants to start in the industry
- Loss of existing databases (e.g. eel datalogging system), and loss of continuity with existing databases.
- Increase in insurance costs and indemnity difficulties, for loss of fishing opportunities, data, IP etc.
- More expensive fish for the public

The CPUE databases represent a considerable capital asset to each fishery, paid for by the fishermen. The integrity of data and continuity of these datasets needs to be maintained in order to continue our ability to effectively manage the fisheries. We are concerned that there is no direct accountability for such consequences, especially after the implementation timetables have passed.

#### **9. Unrealistic Timeframes for consultation**

The unrealistic timeframes for consultation and provision of submissions on extremely complex circulars will only lead to increased risks, mistakes, and potentially significant additional costs to fix or replace sub-standard software/hardware. This will impede the transition to electronic reporting, and undermine expectations that the new system will be superior to the old. It is our view that MPI is operating below the minimum consultation standards set down by legal precedent.

#### **10. Regulations vs circulars**

The invitation from MPI to provide submissions refers only to the circulars. However, the circulars are closely tied to the regulations, which S&EFF had little opportunity to be involved in. S&EFF has considerable problems with the regulations as drafted. Since much of the content of the circulars are dependent upon the regulations, it is inevitable that this submission refer to them either on their own, or in conjunction with the circulars. However, we are mindful that MPI has the legal right to reject any submission or part of any submission that is off-topic. This puts S&EFF in the very difficult position where we cannot provide the full story without referring to deficiencies in the regulations. Consequently, the content of Part 2 of this submission has been severely curtailed. We question whether this situation complies with the Court of Appeal ruling on consultation, and MPI's policy guidance on

consultation under section 12 of the Fisheries Act and its Stakeholder Consultation Process Standard.

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## **Part 2. Specific Issues for the Circulars and each Fishery**

### **A. For all S&EF fisheries:**

There is a strong need for MPI's science working group participation in the development of the circulars, especially the new data fields required.

S&EF were pleased to be informed by MPI at the meeting held with them on the 16<sup>th</sup> of August that there could be further consultation on the circulars after the submission date of the 21<sup>st</sup> of August. We would very much like to avail ourselves of this opportunity and the chance for all key parties to get together to refine and agree on workable refinements to operational aspect of IEMRS relating to ER and GPR. Fishers and MPI's Science Working Groups need to be parties to these discussions. We will be working with our members and yourselves to coordinate this.

#### **1. Fisheries (Event Reporting) Circular**

P4, clause 4 (2) Transitional Arrangements: The date needs to be pushed out to 1 April 2019 to enable the S&EF fisheries sufficient time to transition to the new regime.

P7, clause 12 Transmission: Every e-logbook must be able to transmit reports and records to the Service Delivery Agency within the times required by the Regulations. Although fishers will make every effort to comply with the Regulation, transmission of data cannot be guaranteed at any given time. Transmission failure may also be owing to the Service Delivery Agency, not the permit holder. The circulars are silent on where liabilities rest under these circumstances.

P7, section 16(2). Every e-logbook must operate in a poor connectivity environment. Areas that have poor connectivity will probably continue to have poor connectivity, no matter what is done. There are circumstances where the e-logbook might fail and fishers are unable to save the information while offline. Alternative paper based systems are required in these circumstances.

P8, clause 18 Business Continuity Plan: There are no criteria for what these entail, or who is accountable for their implementation.

P18 NFPS Catch Records: Data type integer. We understand industry will need to estimate the weight of any NFPS, and that precision is not required. This needs to marry with existing requirements and be incorporated into MPI's policies for collecting and managing NFPS records.

P19 NFPS species codes: These are buried in other documents. Fishers will need quick access to species codes and identification of NFPS.

#### **2. Fisheries (Geospatial Reporting Devices) Circular**

P4, section 4 Transitional matters: The date needs to be pushed out another 6 to 12 months to provide industry with the time needed to test and de-bug the data recording systems.

P5, Section 7. Content of position reports. The table in section (1) outlines fields which should not be mandatory. These include speed over ground and heading, or course over ground. Many smaller boats vary their speed depending on weather, tides etc and this information appears to be of little fisheries management value. Regarding course over ground, this too will vary, especially cod-potting vessels. Oyster tows are elliptical, and will end up at the same place they started. We suggest that these data fields are not mandatory for vessels <28m length.

P6, section 9 Operating when fishing without vessel: This clause does not consider commercial fishers who use helicopters to get them in and out of backcountry waterways. In these situations, there may be legal and safety issues associated with the operation of GPR devices.

P6, section 10 Transmission frequency: The policies are unclear on how MPI decides the frequency of reporting. We note MPI want the ability to adjust the reporting frequency of any GPR device (10 minutes to 24 hours). MPI can adjust the reporting frequency remotely with the fisher being unaware of their reporting frequency to MPI (or if and when it is been changed). It is unclear whether there are Privacy Act issues which might be relevant here.

P7, section 12 Transmission failure: Some of our members already have vessel tracking systems in place, for various reasons relating to fleet management, HSWA and MOSS requirements. For example, one company uses a Canadian VMS "RomTrax" system. The Rom Trax transmission device on each vessel has failed 2 to 3 times over the last 2 years. The main issue has been loss of power. However, units have also failed because of the corrosive marine environment. The electronic service provider BHM Ltd has confirmed that environmentally-induced unreliability is the norm in these circumstances, so outages can be expected on a regular basis.

Since the communication device can completely fail and the skipper is never aware that this has occurred, what process to MPI envisage for rectification? This circular is silent on this matter. A clear policy needs to be put in place to manage issues arising from transmission failure. These failures can emanate from both fishers and the principal communications provider.

P7, section 14 Privacy of information transmitted: We have significant concerns about the transferability of this information between government agencies, and the security of this information once transferred. It would appear that all this information will become the property of the Crown. The fisher supplying the information must agree to this when they forward their reports. This is essentially forcing fishers to hand over their capital asset (intellectual property) with no guarantee that it will not be forwarded to other Crown agencies. There are serious privacy and other legal concerns here which have yet to be resolved. These include unimpeded access to Crown-owned lakebeds and riverbeds, transit across marginal strips and other lands managed by different Crown agencies. Statutory protocols will need to be developed by MPI to manage internal and external access to this information. These should be developed in collaboration with industry.



### 3. Fisheries (Codes and Instructions) Circular (or is it "Codes and Information Circular?")

P5, section 2 Commencement: As with the other circulars, this will need to be pushed out another 12-18 months provide sufficient time for proper implementation.

P7, clause 13 (1) NFPS catch reports: we question the need to report "deck strike material". It is as unhelpful as reporting seaweed that is caught up on an anchor.

P17 One nautical mile reporting: This is clearly a 'catch-all' requirement which does not reflect the needs of each S&EF fishery. Yet this is perhaps the most important information, upon which all other information hinges. Further, the record of what is a "fishing event" must remain consistent with current database records, either that which is on current catch return forms, or that which is recorded voluntarily (e.g. Oyster logbook recording system). Any deviation from these will nullify the continuity with previous data collection and reduce the value of this earlier data.

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### B. Eel Fisheries

The eel industry has experience with using e-logbooks, through the development and use of the eel data logging system. The process for developing and rollout of our system was substantially different, and superior, to that employed by MPI for this process. Consequently, there have been major concerns expressed by eel fishermen that the benefits of their existing data logging system will be negated by the new IEMRS data recording system. Of principal concern is the short time frame for consultation, and the difficulties in deciphering the true intent of the regulations and circulars, and how they interact. We suggest that further consultation occurs beyond the submission closing date, to ensure as far as possible that the benefits of the eel data logging system are retained.

#### 1. Fisheries (Event Reporting) Circular

- Part 2D. There might be a need to add in extra data fields, to maintain the integrity of the existing eel datalogging database. South Island Eel Industry Association (SIEIA) will now have to throw out the current eel dataloggers and software, and work with IEMRS-compliant providers to try to maintain the existing datalogging system. This is a significant loss <sup>9(2)(b)</sup> to SIEIA. Of particular concern is the datalogging system's photo field. The photo field is one of the most important pieces of data SIEIA have been collecting because it allows them to monitor eel habitat changes. Photos are not compulsory, and not taken on private land, so this data field has not been compulsory.
- Section 16 (Page 7). There is no provision for outages. There needs to be the paper-based system retained as a backup in case of system outages. Coverage in remote backcountry areas is often poor. The circulars currently state that no paper based reporting will be accepted from 1 April 2018).

#### Eel Fisheries – 2. Fisheries (Codes and Instructions) Circular

- Part 1. Pest Fish and Sport fish are currently not present in the data fields. Are these part of the "top ten" bycatch to be recorded, or should they always be recorded?
- Part 7. There are different types of fyke net. Lake Ellesmere nets are much bigger than elsewhere (they can hold up to 1,000 kg of fish) and some nets have steel hoops in their mouths to grade out bigger eels. Escape tubes can be increased to grade out smaller eels. These may need separate codes, as these are aspects of the fishery that may affect CPUE.
- Part 2D. The "fishing event" cannot be 1 nautical square mile. It should be retained as per the existing datalogging system where it is a start and finish point within a catchment or property. So, a new event starts if fishing in a new catchment, or a new property. Much time, energy and money was spent developing the datalogger system in conjunction with NIWA and MPI. MPI's own Science Working Group acknowledged this system of recording a fishery was the 'gold standard' and that the catchment/property approach was the best and most practical geographic unit for recording and reporting for fisheries management purposes.
- Part 7. Stall nets need to be considered as "fish traps".
- Part 5. Recording >4Kg eels should be done by number, not weight. This is how it has always been done, and allows for better records of migrant eel egress to the sea.
- Part 2D. Soak time is unnecessary for fyke netting— it will always be overnight. It will always be over 1 tide for stall nets.
- Part 5. Eels regularly cough up various fish species such as yellow-eyed mullet, trout and other eels. Should these coughed up fish be recorded?

#### **Eel Fisheries – 3. Fisheries (Geospatial Position Reporting Devices) Circular**

- GPR needs to be exempted for eels, because (i) Operating on private land – objections from landowners (this has already happened for cameras). (ii) Unnecessary for compliance purposes (i.e. trucking). (iii) Too easy to leave the GPR "pinger" device somewhere else while fishing. (iv) Operating in remote areas. (v) There are likely to be some OSH problems carrying extra gear by hand while working in rivers/swamps etc. (vi) Loss or theft of device.
- We request an exemption for GPR for land-based eel fishermen and those fishing on private land/waterways.
- Section 9 (2). This is confusing. Eel fishermen often wade in waterways. This is not "diving", but there is no way that they can take an electronic device with them while wading. Suggest section 9 (2) (b) is changed as follows:

*If the fisher is diving, or walking or wading in freshwaters, the device may be left in the vehicle...*

Section 12 (1). The current specifications to technology suppliers are that the device needs to have the capacity to store data. This could become problematic for some eel fishers who could be out of 3G/4G and satellite coverage for weeks or even months. Currently, a fisher is expected to report the data within 24 hours of a failure. For eels, this needs to be increased to 5 days to account for fishers who go into remote areas, and may lose connectivity. We are aware of recent satellite issues that have stopped communications for 3 days. So these failures do happen.

#### **Eel Fisheries – 4. Fisheries (Monthly Harvest Returns) Circular**

No specific comments.

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**C. Cod potting fisheries**

**Cod Potting Fisheries – 1. Fisheries (Event Reporting) Circular**

- Section 16 (Page 7). There is no provision for outages. There needs to be the paper-based system retained as a backup in case of system outages. Coverage in BCO4 & BCO5 is often poor.

**Cod Potting Fisheries – 2. Fisheries (Codes and Instructions) Circular**

- Part 2D. Fishing event for Cod Potters. Start-finish lat/longs for fishing event. The best system is to have a daily start lat/long, and end lat/long. This will provide fishing effort along a line which would normally not exceed 3-4 nautical miles. Fishermen will set the same pot 3-4 times a day (sometimes more). They will not be able to undertake data recording while fishing. The fishermen are too busy to be able to add data entry into their deck routine while fishing. There are 1) serious OSH problems with this, and 2) poor catch estimates will result from it. The 1 NM event is impractical and it does not represent any particular characteristic of the fishery. A new fishing event should be generated if the boundary of the statistical area is crossed.
- Part 5. It is apparent that undersize fish (sub-MLS fish) which are released alive will now need to be reported under the new disposal code Y. This is largely unnecessary because the new (bigger) pot mesh will become compulsory 1 October this year. This will reduce the number of undersize fish brought aboard to ~2%. Recording undersize fish is not ideal as the sooner they are released alive, the better their chances of survival.
- Part 2D. Is soak time necessary?
- Part 5. Discards. Potting should be able to record all released bycatch as Code X, as all fish are taken alive. This will need a change to Schedule 6 of the Fisheries Act.
- Page 7, Section 14 - Processing reports. There will be a problem with the 19 – metre limit for vessels processing at sea. Not sure where the 19 metres comes from. This would be a problem for trawl vessels who go codding.

**Cod Potting Fisheries – 3. Fisheries (Geospatial Position Reporting Devices) Circular**

- Section 8 (2) GPR – status at the wharf? They should only be turned on when leaving port. No need to have them on when the engine is on, or refuelling, unloading, recharging batteries etc.
- Part 2: Transmission. There are two sorts: 1. Fixed rate, 2. Variable rate. It is better that “pinging” is fixed rate because the information will be available to the fisherman.

**Cod Potting Fisheries – 4. Fisheries (Monthly Harvest Returns) Circular**

No specific comments.

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#### **D. Oyster Fisheries**

It should be noted that OYU5 is currently operating under an approved Fisheries Plan (2009). All data and information requirements for managing this fishery are underpinned by this Plan. Any statutory requirement to change the information for fisheries management purposes needs to be incorporated into the Strategic Research Plan, which is underpinned by the OYU5 Fisheries Plan, and is reviewed through MMPI's Shellfish Working Group. This process must be followed before the circulars can become operative for OYU5.

There is a long history of detailed research in OYU5. All of this research has been overseen by NIWA, and is regularly peer reviewed by MPI's Shellfish Working Group. This research includes a fisheries "model" which monitors the annual performance of the fishery. In addition, the information supplied by the fishermen provides data for the management of *Bonamia*, oyster recruitment, dredge performance and benthic effects.

##### **Oyster Fisheries - 1. Fisheries (Event Reporting) Circular**

- Section 4 (2). There remains the issue about the 1 April 2018 deadline, which is during the middle of the oyster season. This needs to be extended out to the start of the 2019 oyster season (although many may voluntarily be compliant before this new season starts). The next oyster season starts on the 1<sup>st</sup> March 2018. It is totally unrealistic to give the oyster fishers one month, from 1 March to 1 April 2018, to essentially field trial and get familiar and comfortable with the ER system they have purchased from a supplier (see Part 1 General Issues point 5 above). There will inevitably be bugs found that will require mitigation and software patches. There could also be issues with data going to FishServe and the validation process that may require fixing by either FishServe or the product supplier. We request this fishery be able to continue to file the current paper based reports beyond 1 April 2018 with a view to ER commencing at the start of the 2019 season.
- Part 2H – Number of devices field. Oyster boats always use 2 dredges per tow.
- Part 2H. Start and finish Lat/longs are meaningless, as tows are in elliptical circles, not straight lines. A chart is available that shows this. It would probably be better to dispense with lat/longs altogether, and stick with recording by the existing 1 NM grid patterns (as occurs now). No better information would be provided through recording lat/longs (see next bullet point below).

##### **Oyster Fisheries – 2. Fisheries (Codes and Instructions) Circular**

- Part 2H. The 1 NM fishing event definition needs to be sorted out. BOMC prefers to record on the basis of their existing 1 NM grid patterns, to retain continuity with their existing database. The current system has gone through the Working Group process and is superior to the proposed new system as it provides even greater detail on the location of a fishing event (i.e. a 1NM square grid as opposed to a circular grid closer to 4 NM). The proposed new system should try to mirror the current system as far as possible.
- Part 8. Mitigation devices are not used in the oyster industry. There is nothing to mitigate.

- Part 3. Recording bryozoans, sponges corals etc. by weight (kg). This was abandoned many years ago, and is now either not done or entered as very rough estimates. There is no chance of doing this properly while fishing. It is an exercise in pointless data collection. Fishermen avoid towing in areas where these are encountered, so no trend would ever be apparent from the data.
- Part 2H and 5. [There is a very big problem with recording undersize and oversize oysters which are returned to the sea (Code Y). It is not possible to accurately quantify the numbers as these small oysters are mixed in with 85% empty shells and other benthic rubble. Such a task cannot be performed on a heaving deck, and the interruption to deck routine would make oyster operations commercially un-viable. All discarded oysters returned to the sea remain alive. However, to sort out the undersize oysters from the rubbish is a considerable task which would also reduce the chances of the small oysters surviving. It is also unsafe – sorting on a heaving deck is difficult and dangerous.
- Indeed, there are major problems with having to record the full range of discards, because of the problems of managing the dredge tailings on a heaving deck. This includes Sub MLS and above MLS Oyster catch, finfish (i.e. occasional leatherjacket and sole), species covered by schedule 6 (e.g. Kina, bull cockles and scallops), and non-fish protected species (e.g. sponge, corals, bryozoans etc.). None of these species are threatened by the oyster fishery, yet a pedantic requirement to record them will adversely affect deck operations and their chances of survival once returned to the sea.
- Part 7, Section 14. Processing at sea. There is no basis for the 19 metre vessel cut-off. Processing at sea is not normally done at sea for oysters.

Commented [U2]: Change this slightly in view of the fact this just has to be an estimate?

### Oyster Fisheries – 3. Fisheries (Geospatial Position Reporting Devices) Circular

GPR is pointless for this fishery given its defined area, closeness to shore and 'day' fishing period. The current logbook system used by 92% of fishers defines a 1NM square mile grid where the days elliptical dredging has occurred for the fishing event. Bluff Oyster fishers are clearly committed to the management and sustainability of their fishery as demonstrated by their desire to report even more granular geographic information than required by IEMRS. This fishery would be among (if not the most) the most researched, monitored and high profile in the country. If the Ministry have any concerns regarding location of vessels they could randomly track a vessel(s) by radar from Port of Bluff (South Port) at any time.

S&EFF submits that any requirement for oyster vessels to be monitored should be based on a risk assessment of individual fisheries and or vessels. OYU 5 fishers pose little or no compliance risk, as the oyster boats are all aware of each other, so the fishery is largely self-policing. This is evidenced by the extremely low level of recorded non-compliance from within the OYU 5 industry.

### Oyster Fisheries – 4. Fisheries (Monthly Harvest Returns) Circular

No specific comments.



**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:50 p.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Attached Image  
**Attachments:** 2917\_001.pdf

**From:** Stephen Bishop [mailto:§ 9(2)(a)]  
**Sent:** Monday, 21 August 2017 2:58 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Cc:** Mark Allison <§ 9(2)(a)>; Doug Paulin <§ 9(2)(a)>; Doug Loder <§ 9(2)(a)>; Paul Hufflett <§ 9(2)(a)>; George Clement <§ 9(2)(a)>  
**Subject:** FW: Attached Image

Gents  
IFL comments on the Geospatial and Reporting Regs /draft circulars.

Regards  
Stephen  
PS George thanks for the DWG draft



To: [futureoffourfisheriesprogramme@mpi.govt.nz](mailto:futureoffourfisheriesprogramme@mpi.govt.nz)

## Re: Digital Monitoring of Commercial Fishing

The following submission is made by Independent Fisheries Limited (IFL), Christchurch with regard to the Fisheries (Reporting) Regulations 2017, The Fisheries (Geospatial Position Reporting Devices) Regulations 2017 and the associated draft circulars.

IFL support the concept of Geospatial Reporting. IFL was pleased to hear at our meeting with MPI on Tuesday 15<sup>th</sup> August 2017, that the current ALC / VMS system meets the requirements of the Geospatial Reporting Regulations.

IFL also support electronic recording and reporting of fishing information.

IFL has been recording and reporting electronically to MPI, via FishServe, since December 2011. It appears to us that except for some minor adjustments the new **recording** requirements are very similar to those in the current CEDRIC system.

The major difference lies with the **reporting** requirements as these have changed from an 'end of trip' to a daily reporting regime.

IFL does not support daily reporting for the following reasons;

1. It is an unnecessary compliance burden,
2. We have no idea of the cost to transmit this data daily but in general, satellite data costs are exorbitant, and
3. The Permit Holder has no ability to check the accuracy of the data before being submitted. As the Permit Holder is responsible, they need the opportunity to carry out checks prior to its transmission. The current system of reporting at the end of a voyage allows this.

In our opinion, sending this information daily is not going to improve fisheries research or management. IFL believes that daily reporting has been imposed entirely for a fisheries compliance purpose.

IFL proposes that industry continue to report at the conclusion of each voyage as we do now providing MPI. We believe that this timeframe is sufficient to make good fisheries management and research decisions.

We understand the Regulations will require amending to enable IFLs proposal to be implemented.

In regards to the Regulations and draft circulars, IFL make the following technical comments;

### Geospatial Position Reporting

IFL would like written confirmation that our current ALC / VMS system is fully compatible with the requirements of GPR.

IFL would also like the Regulations to specify what process needs to be followed to enable a vessel to continue fishing while satisfying MPIs reporting requirements should there be a failure with the vessels ALC / VMS system.



## Electronic Logbooks (CEDRIC)

IFL would like confirmation, as advised at our meeting with MPI, that there is no requirement for CEDRIC to be connected to a GPS device and that data can still be entered manually into the various fields as is currently done.

### Content of position reports

*Ref: Fisheries (Codes and Information) Circular 2017, Draft 21 July 2017*

*8. Manual or system date / time attributes, page 6 of 68*

*"All date / time attributes must be in 24-hour date and time values with the UTC offset, as in YYYY-MM-DDhh:ss TZD, where TZD is the time zone designator (+hh:mm or -hh:mm)."*

IFL comment;

There is no logic to record times as local time, being;

- Differences in local and zone times could raise 'red flags' when zones / date lines are crossed,
- MPI Observers record all events in UTC and so vessel and Observer data will be synchronised,
- ECDIS, ENC and other electronic navigation media use UTC,
- Internationally accepted – NZ flagged vessels operating within and outside our EEZ would be using the same time system, and
- Prevents errors with using 'computer time', i.e. the time displayed on your computer screen being different from UTC,

*Ref: Fisheries (Codes and Information) Circular 2017, Draft 21 July 2017*

*9. Manual or system latitude and longitude attributes, page 6 of 68*

*"If the latitude or longitude recorded by the system is incorrect by more than 0.001 degrees, the manual record must be completed with the correct latitude or longitude. All latitude and longitude attributes must be given as decimal values with exactly 4 decimal places."*

IFL comment;

There is also no logic for position data to be recorded using 4 decimal places, being that WSG-84 (degrees<sup>0</sup>, minutes' and seconds'') and used by;

- Mariners to record position for centuries,
- Internationally recognised format,
- Vessel GPS, AIS, ENC and ECDIS systems,
- MPI catch / effort data,
- LINZ to draft up nautical charts,
- British Admiralty, Maritime NZ and other nautical publications,
- Notices to Mariners published by BA and MNZ,
- GMDSS and IAMSAR, SAR authorities for search and rescue, Medivac and other similar, and
- EPIRBs transmit data in this format.

*Ref: Fisheries (geospatial Position Reporting Devices) Circular 2017, Draft 21<sup>st</sup> July 2017*

*7. Content of position reports, page 5 of 8*

*"Position data in position reports must be accurate to within 15m RMS, such that 98% of the positions are within this range"*

IFL questions the need for this accuracy when our vessels have a beam of 16m where fishing gear can be hundreds of meters behind the vessel.

### Catch records

*Ref: Fisheries (Codes and Information) Circular 2017, Draft 21<sup>st</sup> July 2017*

*Catch record, page 11 of 68*

*"Record the species code and greenweight estimates for the top (by weight) 10 species (QMS and non-QMS) caught during the tow. You may include more species, but you must not record less than 10 species unless less than 10 species were caught"*



IFL comment;

- IFL do not understand why a GWT estimate for the top 10 species (QMS and non-QMS) is required.
- While it may be possible with small bags to estimate with relative precision where fish is cased-up and the nominal weight of a fish case is known. In bulk fisheries is simply not possible.

While the Officer of the Watch (OOW) on the bridge can estimate reasonably accurately the total GWT of a bag hauled aboard and the predominant species contained within, it is impossible for them to quantify the number and weight of up to 10 species, because;

- On larger vessels the codend being tipped may be 30-50m away from his observation position,
  - Even when observed, fish flowing out of a codend do so at such a rate that the eye cannot keep up,
- During the 'tipping' process the contents, as they leave the codend, are hidden by the belly and chaffing gear of the codend,
- Once tipped into the fish bunkers (most of which are watertight) there is simply no way to make estimations other than of a total volume contained within, and
- While the total GWT estimate can be reasonably accurate, the quantifying of bycatch is often highly inaccurate. Asking to estimate to the kilo is therefore impractical.

Because FishServe have in the past, queried the inconsistencies between these 'eyeball' estimates and the processed summary, our vessels 'back calculate' from a processed weight to provide some precision to stop FishServe from returning TECPRs for amendment.

IFL contend that an estimate of GWT and the predominant species in a codend should be sufficient to identify the trawl 'shot'.

We believe any further estimation of catch (if truly estimated) when the codend is on the trawl deck serves no fisheries management or research purpose.

### Transmission

*Ref; Fisheries (Geospatial Position Reporting Devices) Circular 2017, Draft 21<sup>st</sup> July 2017*

*11. Transmission Capability, page 7 of 8*

*"The system used to transmit position reports to MPI must be capable of transmitting reports — (1), c) so that reports reach MPI within 10 minutes after they are sent."*

IFL comment;

- We submit that the vessel or Permit Holder has no control over the transmission once the 'send' button has been activated. Any failure in transmission by the communication provider (AIS, Cellular, Inmarsat, Iridium or other), or failure of receipt should MPI's system fall over, the vessel and Permit Holder cannot be held accountable, and
- IFL would like the Regulations to specify actions or conditions that would enable the vessel to continue fishing while satisfying MPIs reporting requirements should there be a technical failure during the transmission or reception of the data.

### Security of data / ownership of data

*Ref; Ref; Fisheries (Geospatial Position Reporting Devices) Circular 2017, Draft 21<sup>st</sup> July 2017*

*13. Security of transmission, page 7 of 8*

*"(1) Every GPR device must use a means of transmitting position reports that—*

- a) maintains the confidentiality of the data; and*
- b) maintains the integrity of the data; and*
- c) does not allow the data to be intentionally or unintentionally intercepted by third parties."*

IFL comment;

- How does the Permit Holder or vessel know when the data has been sent and they have met these requirements of confidentiality and integrity;



- a. We would appreciate if MPI can advise how a vessel or Permit Holder would know whether the data they have transmitted remain confidential or has been intercepted?

Ref; Fisheries (Geospatial Position Reporting Devices) Circular 2017, Draft 21<sup>st</sup> July 2017

14. Ownership of information transmitted, page 7 of 8

"(1) Data transmitted by a GPR device (other than an AIS device) to MPI is owned by MPI from the moment it is sent from the device. Ref;

IFL comment;

- IFL does not believe this data belongs solely to MPI. Fishing data is commercially sensitive and requests for data can only be disseminated with the Permit Holder's approval.
- We understand MPI is aware of industries concerns about the confidentiality of fishing data and about any release of this data.

### Fish catch reports

Ref; Fisheries (Reporting) Regulations 2017

Part 1, Event reports

7. Fish catch reports, pages 7 & 8

"(1) A permit holder must provide a fish catch report to the chief executive each time the permit holder fishes under their permit.

The permit holder must—

- (a) record the information referred to in subclause (2)(a) and (b) immediately after the fishing starts; and
- (b) record the information referred to in subclause (2)(c) immediately after the fishing ends; and
- (c) record the information referred to in subclause (2)(d) within 4 hours after the fishing ends; and
- (d) provide the fish catch report to the chief executive before the close of the day on which the information referred to in paragraph (c) must be recorded."

IFL comment;

- IFL would also like confirmation of our understanding arising from the meeting that the recording of catch, processing and disposal reports are carried out on a 24hr period which is determined by the permit holder;
  - a. For example; our vessels operate on an 8hour on/off watch system with the fishing / processing day starting / ending at 2000hrs (8pm) at which time all fishing effort data, processing summaries including fish to meal, discards and fish to galley, from the previous three shifts are tallied up and entered into CEDRIC by the Master, and
- Allowing the fishing industry to specify a 24hr period that best suits their manning and watchkeeping systems would mitigate the risk of errors in recording data.

IFL believe the need to record within specified time frames is inflexible and unhelpful.

### Disposal reports

Ref; Fisheries (Reporting) Regulations 2017

Part 1, Event reports

10. Disposal reports, page 9

"10.(3) The permit holder must—

- (a) complete the report within 1 hour after the disposal is finished; and
- (b) provide the report to the chief executive before the close of the day on which the report must be completed."

IFL comment;

- IFL argue that this is unreasonable,
- Disposal events covers discards of fish because of minimum legal size limits, schedule 6 fish, non-ITQ fish, accidental losses, fish to galley, non-fish captures etc., and
- In a bulk fishery, disposals occur on a continual basis. There can be numerous instances during the hauling and processing of a catch where 'disposal events' occur.




IFL believe that recording every disposal as it occurs (within an hour of) is impractical and unnecessary for the reasons outlined. We believe recording the events daily and reporting these at the conclusion of the voyage.

Our suggestion therefore is the Fisheries (Reporting) Regulations 2017 should be amended to remove the 1 hour reporting limit for a disposal event.

Yours sincerely

s 9(2)(a)



Stephen Bishop  
Independent Fisheries Ltd  
64 Broad Street  
PO Box 19554  
Woolston  
Christchurch

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

**From:** Liz <s 9(2)(a)>  
**Sent:** Friday, 11 August 2017 12:12 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Submission - Electronic Monitoring  
**Attachments:** CCE11082017\_0003.pdf

Hi there,

I sent this earlier but have now scanned it so you have the signed copy.

Kind Regards,

*Liz*

*Liz Packer  
Altair Fishing Ltd  
2 Cargill Place  
Richmond  
Nelson 7020*

*Phone/Fax: 03 544 4401*

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

## *Altair Fishing Ltd*

2 Cargill Place  
Richmond  
NELSON 7020  
Ph/Fax: 03-544-4401



11 August 2017

### Submission re: Electronic Monitoring

To Whomever,

Why?

What is the outcome MPI want to achieve?

What will be improved upon?

What is wrong with the current hard copy system?

What is MPI trying to fix?

Has the new system been costed out for both MPI and operators?

How many office jobs in fishing companies and Fishserve are on the line? And for what?

There are 100 or more problems with the QMS and it appears that after many long power point meetings, the decision has been made to fix none of them. And instead hump a whole lot of unnecessary time and costs onto small operators who can't afford either.

Fix the TACC imbalances for lower value by-catch species? Nah, we'll just keep collecting the deem values but here's another PC to put on your already cramped boat to collect salt and breakdown every 2<sup>nd</sup> trip.

Update the 30 yr old QMS and make it fit for purpose? Nah, let's devise an equivalent of the Novapay cluster x!@! and lump it on the people that pay our salaries.

Get rid of ridiculous and completely illogical area lines? Nah, but here's some unproven and unreliable cameras for you to spend 20k on and maintain daily.

The ONLY reason I can see for electronic reporting on small vessels is for transparency when working more than 1 area in the same trip. So enforce the electronic reporting on vessels that want to work multiple areas but NOT on everybody. Or better yet get rid of the lines that no one can justify being there in the 1<sup>st</sup> place.

The only reasons I can find from MPI information for implementing electronic monitoring is;

"This new system will give confidence to New Zealanders, and consumers from around the world, that fish from our waters are being managed and caught sustainably. And where evidence of illegal activity is captured, that information can be used to prosecute."

That's it? Seriously? Who comes up with this dribble? Consumers are fine with NZ fisheries sustainability. But its obvious MPI means Russell Norman and his idiot minority of tossers who will never eat our fish anyway. So do your job and give these clowns the facts then move on. Fix the damn QMS so that there's not 100 different ways to prosecute fishermen instead of looking for better ways to prosecute them. Stop trying to make a show of yourselves as anti fishing regulators for the likes of Greenpeace and start working for the people that created your jobs. Fix what's wrong rather than invent new ways to attack the people that pay your salaries. It's unbelievable that this needs to be said.

MPI need to specifically lay out what electronic monitoring is intending to fix and how it is going to fix it. If they can't do that then bin it, and everybody involved can give themselves an uppercut for wasting our time.



VMS

I have no problem with VMS as long as the existing Sat C units comply. If someone has decided what has worked for the last 10 or so years now needs to be replaced then I have a big problem. Replaced with what? How much? How reliable? And again, WHY?

Regards,

s 9(2)(a)

A large rectangular grey box redacting the signature of Stu Morrison.

Stu Morrison

Altair Fishing Ltd

P.S:

Has MPI even taken the time to talk to their officers who actually get to see the boats and people that all this e-monitoring will affect?

The feedback I'm getting is that they also see that there's no need for change in the reporting system. They can't imagine what any of it will fix for small operators and they are disgusted by the severe change in MPI's attitude towards fishermen. Ask them!



**From:** Future of Our Fisheries Programme  
**Sent:** Monday, 21 August 2017 6:54 p.m.  
**To:** § 9(2)(a)  
**Subject:** FW: Submission on Draft Circulars for electronic reporting  
**Attachments:** SubmissionOnReportingCirculars.docx

-----Original Message-----

**From:** Ted Howard [mailto:[ted@fishnet.co.nz](mailto:ted@fishnet.co.nz)]  
**Sent:** Monday, 21 August 2017 2:45 PM  
**To:** Future of Our Fisheries Programme <[FutureofOurFisheriesProgramme@mpi.govt.nz](mailto:FutureofOurFisheriesProgramme@mpi.govt.nz)>  
**Subject:** Submission on Draft Circulars for electronic reporting

Attached is my submission on the 4 circulars currently out for consultation.

My company Solution-Multipliers NZ Ltd has been providing electronic reporting software to the fishing industry for 31 years.

I have been deeply involved in the development of fisheries law since 1980, and peripherally prior to that from 1974.

As a trained ecologist, and a qualified skipper, with prior experience as operator of wholesale-retail fishing business, an LFR Auditor and an honorary fisheries officer, I have practical experience and theoretical understandings across most of the dimensions covered by these draft circulars.

My intention is to create systems that work in practice, and deliver benefit across all dimensions of ecological, social and economic value.

Ted

Ted Howard  
Managing Director - Solution-Multipliers NZ Ltd.  
<http://www.fishnet.co.nz/>  
<http://www.solnx.org/>  
Skype - § 9(2)(a)  
Ph 027 442 4281 AH/Fax 03 319 6797 International +64 27 442 4281  
Physical/Postal: 1 Maui St, Kaikoura, NEW ZEALAND  
Location: 42°25.123'S 173°41.626'E  
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## Submission on Reporting Circulars

This system seems to me, as a software developer with over 40 years experience, to be out of the realm of reasonable development and implementation.

There is no reasonable possibility of implementing the systems required by this law in the time allowed. Most deepwater vessels will only be in port twice between now and 1 October. That isn't enough time to give training on systems that are not yet complete.

To even attempt to meet such a deadline shows a sense of contempt for good management practice, and degrades the very concept of respect for the law. This is not good governance practice.

I align with the idea of electronic real-time reporting.

I support the idea of capturing information real time.

I have been a champion of these ideas for over 30 years.

The devil is always in the detail.

Fisheries are really complex systems.

Many fishers will have unique sets of challenges, as there really is that much diversity present, in the specifics of particular fishing practices.

Many of the vessels in the deep water fleet have internal systems that are slow, and data will have to be entered manually into systems multiple times. The watch officer in charge is also responsible for the welfare of the ship and its crew. Putting a 4 hour window on that might be unreasonable in some situations. Achieving a target of 80% compliance within 4 hours of the completion of all processing tasks (both physical and data processing), is probably achievable. Things like storms and mechanical breakdowns do actually happen quite frequently, and do require full attention. Regulations must acknowledge that reality.

At the other end of the fleet the opposite problem exists.

Small open vessels without weather tight cabins, will normally operate within cell phone range most of the time.

Having the ability to combine both positional reporting (GPR) and data capture (eLogBook) into a cell phone app, with both sets of data being stored to an encrypted database that has no user edit access, that is then automatically transmitted as soon as a signal becomes available, would also seem to be a reasonable solution that will ensure both the timeliness and reliability of data, and be

practical. Most of the time most fishers should have real time access, and occasionally it may take a few hours to get back to cell phone coverage.

With smaller vessels using cell phone apps, it would seem to make sense to require the tracking to start when the vessel is launched, and continue until the later of:  
catch is unloaded to an LFR if catch is aboard, or  
the vessel has returned to land if no catch is aboard.

Requiring people authorised to use such a system to carry a spare powerpack for their device might be a sensible thing to have in regulation.

A key feature of systems has to be simplification for all involved.

Data must be easily available to fishers for their own purposes.

Ensuring those systems are present will make implementation easier.

The more practical wins individuals can see in making the system work, the better it will work.

The general thrust of the approach is great, and there does need to be real flexibility to allow for the real variability present.

Without such flexibility, most fishers will end up being forced into breach situations by circumstances beyond their reasonable control. Systems need to be able to work in practice, consistently, for reasonable people.

Allowing combination GPR and eLogBook systems to report via cell phone network for vessels that normally operate trips of less than 24 hours duration, and for other vessels that normally operate in areas with reasonable cell phone coverage (upon application), would seem to be a very sensible option.

Ted Howard

Managing Director

Solution-Multipliers NZ Ltd

1 Maui Street, Kaikoura, NZ

027 442 4281

[ted@fishnet.co.nz](mailto:ted@fishnet.co.nz)

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**From:** Ted Howard <ted@fishnet.co.nz>  
**Sent:** Thursday, 27 July 2017 8:00 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Fisheries (Codes and Information) Draft Circular 2017

Hi

I may have a few more comments for you, and already I have three questions.

In the NFPS codes, I note that the Hutton's Shearwater (*Puffinus huttoni*) is not in the list.  
As chair of the Hutton's Shearwater Charitable Trust - I noticed the oversight.  
Is leaving this threaten species off the list a simple oversight or a deliberate act?

My second question relates to submission of MHRs and LFRRs.  
Is there any proposal to alter the existing electronic requirements or authorisations for MHRs or LFRRs?  
As the developer of the computer system still used by many LFRs, I am very interested as many use it for electronic submission of MHRs and LFRs.

My third question relates to requirements for both hardware and software to record Trip Records.  
Can I have a copy of any requirements?  
Is it possible to develop software for cell phones to meet the requirements?  
Is it possible to use an agent to meet the requirements? (As it is with MHRs)

I am concerned about two aspects, one relates to small vessels, and their inability to carry much more than a cell phone.  
The other relates to the lack of cell phone coverage over much of the coast.

Final point, if you have a contact list for people interested in anything to do with regulations and reporting, can you add me to it?

Thanks

Ted

Ted Howard  
BSc Marine Ecology

Managing Director - Solution-Multipliers NZ Ltd.  
<http://www.fishnet.co.nz/>

Chairman - Kaikoura Zone Water Management Committee of Environment Canterbury  
<https://www.ecan.govt.nz/your-region/your-environment/water/whats-happening-in-my-water-zone/kaikoura-water-zone/>

President - Kaikoura Boating Club  
<http://kaikouraboatingclub.org.nz/>



Club: PO. BOX 98, KAIKOURA

Treasurer: Te Korowai o te tai o Marokura  
<http://www.teamkorowai.org.nz/>

Chair  
Hutton's Shearwater Charitable Trust  
HSCT PO Box 58 KAIKOURA 7340  
<http://www.huttonsshearwater.org.nz/>

s 3(2)(a)

Board Member - Lifeboat foundation  
[www.lifeboat.com](http://www.lifeboat.com)

Member Our Fishing Future Committee

Acting President NZ Recreational Fishing Council  
<http://www.recfish.co.nz>

s 3(2)(a)

s 3(2)(a)

Member - Kaikoura branch Forest & Bird

s 3(2)(a)

Member - Kaikoura Golf Club

s 3(2)(a)

s 3(2)(a)

s 3(2)(a)

Cancer survivor  
<http://www.tedhowardnz.wordpress.com/cancer-treatment>

Unsuccessful Mayoral candidate for Kaikoura - 2016 Local body elections

Active member - <http://www.kurzweilai.net>

ted@fishnet.co.nz

s 3(2)(a)

Ph 027 442 4281 Home/Fax 03 319 6797

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Personal Physical/Postal: 1 Maui St, Kaikoura, NEW ZEALAND

Location: 42°25.123'S 173°41.626'E

Personal Blog: <http://www.tedhowardnz.com>

**From:** New Zealand Eel <s 9(2)(a)>  
**Sent:** Monday, 21 August 2017 3:33 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** IEMRS

To whom it may concern,

New Zealand Eel processing company ltd is against the use of cameras on boats for eel fishing. Most boats are too small with no power source. Fitting a camera on a small boat would also be a safety issue when navigating through low hanging trees, scrub etc. Nets are often not retrieved directly into the boats which makes the use of cameras pointless. Cameras fitted to flood pumps and drain digging/cleaning equipment would be more useful. Cameras on small vessels are also a privacy issue.

We are unhappy with the timeframes imposed by MPI for properly considering all the IEMRS issues.

Regards,  
Walt  
NZ Eel Processing Co. Ltd

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**IMERs – Digital Monitoring query from fisher who ID himself a 'Wayne' and email contact**

s 9(2)(a)

Received a phone call from person who ID himself as 'Wayne' on Friday 18 August 2017 @ 1645hrs.

He explained that:

- Was concerned about cameras being placed on his vessel.
- Not happy with breach of privacy issues and very concerned about who could get access to this information collected – and what guarantees do we regarding privacy of information collected.
- That he believed NZ Commercial Fisherman Federation have let industry down by allowing this system to come in – not happy with their representation.
- Very concerned about the leaking of information collected.
- That this system should make Fishery Officers redundant – as no longer need them.
- Wanted to know where legislation is – as he cannot find it.

I explained that information is available on line but I would respond back to him by email with information to assist with his query.

Explained that Fishery Officers would continue to have a role under digital monitoring as still required to monitor and inspect commercial fishers (both on land and at sea).

Wayne provided his email contact.

On Monday 21 August 2017 I sent an email to Wayne provided information to the queries he raised.

s 9(2)(a)

Fishery Officer No s 9(2)

s 9(2)(a)

**Copy of email sent Monday 21 August 2017**

From: s 9(2)(a)

Sent: Monday, 21 August 2017 11:20 a.m.

To: s 9(2)(a) <s 9(2)(a)>

Subject: Queries in relation to digital monitoring

Dear Wayne

Following on from our conversation on Friday afternoon here is some information which may assist in relation to your queries.

Our MPI website has information re the digital monitoring system and in particular cameras.

You obviously have some concerns in relation to the new system so you can send email feedback to [futureofourfisheriesprogramme@mpi.govt.nz](mailto:futureofourfisheriesprogramme@mpi.govt.nz)

Also Fishserve can provide information – you can call them directly on (04) 4609555 – they also have circulars on line eg “All Aboard – Digital Monitoring – GPS, e-logbook's & Cameras.”

Specific to your legislation query if you go online to the New Zealand Legislation website and then just search for legislation you are interested in.

The regulations to enable digital monitoring and innovative trawl technology were gazetted on 13 July 2017:

- Fisheries (Reporting) Regulations 2017
- Fisheries (Geospatial Position Reporting) Regulations 2017
- Fisheries (Electronic Monitoring on Vessels) Regulations 2017
- Fisheries (Trawling) Amendment Regulations 2017

The Fisheries Act 1996 provides legislative authority to require the installation of equipment to “observe fishing and transportation”.

**The Search and Surveillance Act 2012** allows for the placement of cameras on fishing vessels for the purposes of constant (24/7) monitoring, verification and compliance as long as regulations are made under sections 227A and 297(1)(ca) of the Fisheries Act 1996 to require the installation of cameras on fishing vessels (compulsory installation). Vessel operators would be required to install cameras and collect imagery, and then provide the imagery to MPI.

#### **227A Installation and maintenance of equipment on vessels may be required**

The chief executive may require, in relation to any vessel, that specified equipment to observe fishing and transportation be installed and maintained on the vessel in accordance with regulations made under section 297(1)(ca).

#### **297 General regulations**

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(ca) prescribing requirements or matters relating to the installation and maintenance of equipment (including electronic equipment) to observe fishing or transportation, and to the payment of any associated prescribed fees and charges:

In relation to your concerns re privacy of information collected:

#### **Privacy and commercial sensitivity**

One of the most common questions we've been asked by fishers about the new digital system is how we will ensure the privacy of fishers, and protect their commercially sensitive information. MPI must meet standards set in the Privacy Act, to protect the private information in the reporting it receives from fishers.

MPI must also meet the requirements of the Official Information Act (OIA) for information that is requested by the public. Under the OIA the release of information must be considered on a case-by-case basis. To help meet MPI's OIA and Privacy Act obligations we have a set of guidelines for the release of fisheries information. These guidelines have been in place for many years, and will be reviewed in the near future to ensure they are fit for purpose for the digital monitoring environment.

As is done now, all future OIA requests will be assessed individually. If the information is deemed to be commercially sensitive, and releasing it would unreasonably prejudice the



commercial position of the permit holder, then it will not be released. Information will also not be released if doing so would impact on the supply of similar information in the future, and it's not in the public interest to release it.

MPI is continuing to discuss with industry how to manage privacy and commercial sensitivity, and will be updating its guidelines for the new environment.

MPI will be consulting on the development of circulars for electronic monitoring (cameras), soon and will be contacting industry about this. More information about digital monitoring, including answers to frequently asked questions, is available here on the MPI website.

Regards

§ 9  
Compliance Directorate | Operations Branch  
Ministry for Primary Industries | 59 Awapuni Road, P.O. Box 2122, Gisborne 4010 | New Zealand  
Telephone: § 9(2)(a) | Mobile § 9(2)(a) | Facsimile: § 9(2)(a) / Web: [www.mpi.govt.nz](http://www.mpi.govt.nz)

**Ministry for Primary Industries**  
Manatū Ahu Matua

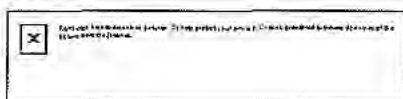


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**From:** Tracey Osborne s9(2)(a)  
**Sent:** Monday, 14 August 2017 2:12 p.m.  
**To:** Future of Our Fisheries Programme  
**Subject:** Submission on Draft Circulars for Digital Monitoring of Commercial Fishing  
**Attachments:** MPISubmissionOnDigitalMonitoring.docx

Please find attached a submission from Westhaven Shellfish

Thanks  
Tracey



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10 August 2017

Fisheries Directorate

Ministry for Primary Industries

[futureofourfisheriesprogramme@mpi.govt.nz](mailto:futureofourfisheriesprogramme@mpi.govt.nz)

## ***Submission on Draft Circulars for Digital Monitoring of Commercial Fishing***

Thank you for the opportunity to comment on how implementation of the new fisheries monitoring regulations, as outlined in the draft circulars, will affect us.

### **The Nature of Our Operation**

Our operation involves land based harvesting of cockles s 9(2)(b)(ii)

s 9(2)(b)(ii)

There is no regulated minimum size limit in our fishery. The size we retain is governed by our in-house management strategy for the cockle stock.

### **Present reporting regime**

The number and approximate weight of bags first landed is recorded on the CELR immediately after landing together with other effort and trip information relevant for fishing method MH. The greenweight retained for processing is subsequently recorded as landed to destination L and the number of bags and greenweight returned to the beach is recorded as landed to X (Cockle is listed in schedule 6 of the Fisheries Act 1996 so is allowed to be returned to sea).

Westhaven Marketing Ltd

1379 Collingwood-Puponga Rd, RD1 Collingwood, Golden Bay, Tasman 7073, New Zealand

PH: +64 3 5248006 Fax: +64 3 5248325 Website: [www.nzcockle.co.nz](http://www.nzcockle.co.nz)

## Our Fishing Trip Reporting Scenario

We have studied the material published by MPI and provide a typical scenario of how we think we can comply with the requirements and where we are uncertain and would like the draft circular amended to accommodate our circumstances.

1. A trip start record would be generated when the harvesters leave home base. This would be generated and transmitted to an e-logbook by a GPR device on the harvester and some of the information would be keyed into the e-logbook from the office after they leave. The less reporting that can be done on the harvester the better as it may be very cold, dark or wet on the harvester at the time.
  - a. Vessel used is recorded as No.
  - b. Person in Charge is likely to be the person directing where the harvesters will go but may not be present at the actual harvesting.
  - c. Position of trip start will always be the location of the factory and date and time will vary daily. Both need to be generated and transmitted to the e-logbook by a GPR device.
2. A dredge fish catch report would be started when a transmission is received from one of the harvesters giving the fishing event start location and datetime. We would like clarification that only one harvester is required to hold a GPR when all harvesters operate at the same location. At present the harvesters jointly operate on a single fishing event and do not generate separate events. The number of harvesters is an effort variable that we are required to provide for the event.
3. At the end of fishing in one location the fishing event finish location and datetime would be transmitted from the harvester.
4. If a second location is fished in that trip more than 1 nm from the first, another catch report would be generated with start and finish positions and datetimes.
5. The trip end report would be generated when the harvester indicates they have left the beach and the trip end position and datetime are transmitted from the harvester.
6. Immediately after returning to the factory the remaining fields of the catch report(s) and the trip end report can be completed.
7. Also immediately upon returning to the factory the landing report is generated with the number of bags and estimated weight of each bag for each species landed (landing record and landing-product record within the landing report are completed). Part 6 of the Draft Fisheries (Codes and Instructions) Circular stipulates that the landing report must be provided "Immediately after the fish has been removed from the immediate vicinity of the body of water from which it was taken." As the factory is across the road from the exit point off the beach then this should be satisfactory. Again, we do not want reporting from the harvester to be too onerous in dark, cold and wet conditions when the home base is so close to the exit from the beach.



8. Within 24 hours a disposal report will be generated at the time the undersized cockles are returned to the beach and the datetime recorded.
9. At the same time, the stock records of the landing report can be completed with the actual greenweights landed.

#### Comments on specific sections of draft documents

1. *Fisheries (Event Reporting) Circular 2017 section 17 Devices.* “(1) Each physical component of a device on which an e-logbook is operating must be suitable for use in the particular commercial fishing environment in which that component is intended to operate.”

We envisage a GPR device that has buttons for trip start and end and buttons for event start and end and that no other key entry would be required on-board the harvesters which are subject to sand, salt and wet windy weather conditions.

2. *Fisheries (Codes and Instructions) Circular Introduction section:*

*“Disposal reports record all fish not on the vessel or with the fisher at the end of the trip  
Landing reports record only fish on a vessel or with the fisher at the end of the trip.”*

We don't think these definitions are quite right and although the Introduction is not part of the circular it would be helpful to us to have these definitions clarified. Our present operation involves returning fish to sea after they are landed. We think a disposal report is required for the fish returned to sea according to Section 2(1)(a) of the Fisheries (Reporting) Regulations 2017 and confirmed in Part 5 of Schedule 2 of Draft Fisheries (Codes and Instructions) Circular 2017. And Section 11(4) of the same regulations exempts us from reporting the disposed of fish on a landing report. So in our case, contrary to the definitions quoted above, the Disposal report applies to fish that are still with the fisher at the end of the trip and the landing report will not record all fish with the fisher at the end of the trip.

#### Other comments

3. The new reporting regime requires us to cease reporting two of the effort variables we presently report; harvester width and linear metres harvested. We are in agreement with this as these two variables are not useful for monitoring CPUE in this fishery and have little meaning given that the harvester tracks overlap in order to sweep a square meterage. Also we will soon be using different types of harvesters which may have different widths so a single width variable would have to record the average or maximum. The two effort variables we use for monitoring our catch rates are time harvesting and square metres per harvest event. MPI will be collecting only the former under the new regime.

4. We would appreciate if the e-logbook system could be designed to allow the setting of defaults for certain fields. After years of writing out certain invariable field values over and over again like our target species code, method code, client number, product state code, container type, LFR client number etc..., it would be wonderfully modern if technology could relieve us of some of that tedium.

In summary,

1. We already have a GPR device on our harvester that serves our need and are reluctant to have to purchase an additional one but suspect that it may be cheaper to do so than to try to get our existing provider to customise our GPR to meet the MPIs specifications. However, we would like to try to use our existing one if it can be made compliant.
2. It would be very difficult for e-logbook reports to be keyed from our harvesting vehicle as they are small vehicles with no cover and are often operated in cold windy and wet conditions and sometimes in the dark. The less reporting that can be done on the harvester the better. We envisage a GPR that transmits start and end positions and datetimes for trips and catch events. All the rest of the reporting would be keyed from our factory office.
3. We would like clarification that only one harvester is required to hold a GPR when all harvesters operate at the same location.
4. Our disposal reports can only be completed 24 hours after the trip ends and the fish are landed (next available daytime low tide) and in some circumstances, this might extend to 48 hours.
5. We would like to be able to set default values for fields that are unlikely to, or rarely vary for our fishing business.
6. We agree with the new effort variables to be collected for our fishing method.
7. We are looking forward to the improved efficiency of online reporting over the old paper forms.
8. We are happy to provide finer resolution spatial data on the location of our fishing than we do at present although this will not specifically benefit our business as we already collect fine resolution spatial data for our own management purposes.

We request that you clarify the issues raised here and recognise, and provide for, the practical constraints of our fishing operations in the implementation details stipulated in circulars issued under section 47 of the Fisheries (Reporting) Regulations 2017.

s 9(2)(a)

Tracey Osborne

For Westhaven Shellfish Ltd

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**From:** Future of Our Fisheries Programme  
**Sent:** Friday, 18 August 2017 4:05 p.m.  
**To:** s9(2)(a)  
**Subject:** FW: submission  
**Attachments:** Document.rtf

**From:** William Macnicol [mailto:s9(2)(a)]  
**Sent:** Friday, 18 August 2017 3:19 PM  
**To:** Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>  
**Subject:** submission

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Hi my name is William Macnicol i have been fishing for 10 years I just want to start off with the QMS system I think majority of the target species are very well quoted but there needs to be advanced research in some species which throw the hole quota system out , for example rsn2 in far north of new Zealand is a prime example of how a under quoted species can affect 5 - 6 other species because you can't target them due to insufficient quota on that rsn 2 species which we can't release under schedule 6 we have to land which brings deemed value bills eating into profit which can lead to more pressure on other individual fish there is a whole range of these issues throughout our quota system , where stocks are more than healthy for TAC to be increased and remove these underlining problems

#### E LOG BOOKS AND GLOBAL SPAN POSITIONING AND REPORTING SUBMISSION -

##### - E LOG BOOKS

Daily sending I think is a very drastic move of retaining information i would suggest at the end of our trip once in phone range information can be transmitted within a certain time frame to save a whole range of headaches and other unnecessary tool and gadgets required for this process

##### -LINING INFORMATION

Bottom long lining

- hook spaces to 2 decimal points
- end of set time and position to 4 decimal points
- start of haul time and position to 4 decimal points
- end of haul time and position to 4 decimal points
- catch to 2 Decimal points

All of these are requiring far too much information as this is not as simple as it sounds there are so many variables and elements which sometimes do not allow you to achieve these tasks, I see this as added stress and strain on top of all our additional paper work.

We would like the following information to be retained

- were set as soon as practicable after the first line
- are within 2 nautical miles of the start of the first line

For the start and finish I suggest why not just a start like usual and a direction of the set for example

- Start 34 39 - heading NORTH WEST or a degree your heading.

Why can't you guys work out line length by how many hooks we set and spacing we have put in?

INFORMATION



our information is our everything it would be devastating if our information got leaked like our fishing locations how much we are catching and other info.

#### GLOBAL SPAN POSITIONING

We are currently using a VMS and we have no problems with our current provider why should we have to fork out for a whole new setup cost when we have a current system that works perfectly fine.

Thank you

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