



Limited Exemption from compliance with the Fisheries (Geospatial Position Reporting) Regulations 2017 – when fishing for deepwater clams, PAU 4 and SUR 4

Regulation 11 exemption

28 September 2018

TITLE

Limited Exemption from compliance with the Fisheries (Geospatial Position Reporting) Regulations 2017 when fishing for deepwater clams, PAU 4 or SUR 4.

COMMENCEMENT

This Limited Exemption comes into force on 28 September 2018 and revokes and replaces the Exemption from compliance with the Fisheries (Geospatial Position Reporting) Regulations 2017 – when fishing for deepwater clams, PAU4 and SUR4 dated 15 June 2018.

ISSUING AUTHORITY

This Limited Exemption is issued under regulation 11 of the Fisheries (Geospatial Position Reporting) Regulations 2017.

Dated at Wellington this 28th day of September 2018.

Signed on original

Martyn Dunne
Director-General
Ministry for Primary Industries

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Introduction

This introduction is not part of the Limited Exemption, but is intended to indicate its general effect.

Purpose

This Limited Exemption specifies the persons that have been granted a limited exemption under regulation 11 of the Fisheries (Geospatial Position Reporting) Regulations 2017 (**the Regulations**) from compliance with meeting the minimum standards and requirements for a geospatial position reporting device as set out in circular issued under regulation 6 of the Regulations.

Background

The purpose of the Regulations is to require automated geospatial position reporting of vessels and land-based fishing activity.

Under regulation 11 of the Regulations, the Director-General may grant an exemption from compliance with all or any of the requirements prescribed by or under the Regulations. An exemption must be granted in writing.

Before granting an exemption, the Director-General must be satisfied that it is unreasonable or impracticable for any person or vessel to comply with any requirements prescribed by or under the Regulations.

Who should read this Exemption?

All persons fishing using vessels that have an overall length of 28 m or less who are fishing for:

- deepwater clam; or
- paua or kina in the fisheries waters around the Chatham Islands (being PAU 4 and SUR 4) with underwater breathing apparatus.

Why is this important?

On and from 1 October 2017, all commercial fishers, and operators and masters of a vessel, are required to comply with the Regulations unless they have been exempted under regulation 11 of the Regulations.

Other information

A summary of all exemptions granted are on the MPI website:

- <http://www.mpi.govt.nz/fisheries-digital-monitoring>

Part 1: Requirements

1.1 Application

- (1) This Limited Exemption applies to persons that have been exempted under regulation 11 of the Fisheries (Geospatial Position Reporting) Regulations 2017 (**the Regulations**) as per clause 1.3 of this Exemption.

1.2 Definitions

- (1) In this Exemption:

MPI means the Ministry for Primary Industries which is the Ministry responsible for administering the Regulations.

- (2) In this Limited Exemption, unless the context otherwise requires, all terms used have the same meaning as in the Regulations.

1.3 Who is exempted?

The following persons fishing using vessels that have an overall length of 28 m or less are exempt from compliance with the minimum standards and requirements for a geospatial position reporting device as set out in circular issued under regulation 6 of the Regulations:

- (a) Persons fishing for deepwater clam; and
- (b) Persons fishing for paua or kina or both in the fisheries waters around the Chatham Islands (being PAU 4 and SUR 4) with underwater breathing apparatus.

1.4 What are they exempt from?

All persons described in clause 1.3 are exempt from compliance with the minimum standards and requirements for a geospatial position reporting device as set out in circular issued under regulation 6 of the Regulations.

1.5 What conditions apply to the exemption?

- (1) All persons exempt under clause 1.3 must carry and operate a Data and Monitoring Unit for Small Ships (DAMUSS) and online tracking system for the duration of all fishing trips.
- (2) All persons fishing for deepwater clam must notify the local MPI Fisheries office of their intention to go fishing (either by phone or email) at least one hour prior to the start of fishing.

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- (3) All persons fishing for paua or kina or both in the fisheries waters around the Chatham Islands (being PAU 4 and SUR 4) with underwater breathing apparatus must notify the MPI, Chatham Islands office of their intention to go fishing (by email to mpichathams@mpi.govt.nz) at least one hour prior to the start of fishing.
- (4) This Exemption commences on 28 September 2018 and expires on 30 November 2019, unless amended or revoked earlier.