

# Proposed regulatory amendments to support electronic catch and position reporting and innovative trawl technologies in the commercial fishing industry

## Appendix One: Detail of proposed regulatory amendments

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### Fisheries (Reporting) Regulations 2017

- Add a definition of “product state” to clarify that information on processed fish must be recorded.
- Amend to ensure fish removed from a vessel to a holding container on land are reported as landed.
- Amend the definition of “permit holder” to remove extension to a person who is not involved in reporting, and clarify the permit holder obligations for event reports.
- Add “trip start” and “trip end” to the event reports required to be completed and provided.
- Create two sets of parallel reporting requirements, whereby the fisher is required to enter catch location data to 4 decimal places, while the permit holder is responsible for ensuring the data is provided but can only see the data to 1 decimal point, to protect any commercial sensitivity.
- The following changes for catch, processing, disposal and landing reports:
  - for fish catch reports, amend the current requirement for specific types of information to be recorded immediately after fishing starts and ends such that the information can be provided at a time that is most appropriate to each fishing method;
  - amend the requirement for estimated catch details to be recorded on fish catch reports from within 4 hours after fishing ends to within 8 hours after fishing ends;
  - amend the requirements for completing and providing non-fish or protected fish species catch reports. If a species that must be reported is taken when fishing, one report per fishing event must be completed and provided when the corresponding fish catch is due. If a species that must be reported is taken when not fishing, a report must be completed and provided before the close of the day on which the permit holder became aware of the catch;
  - amend the requirements for processing reports to reflect such that they are completed and provided before the close of the day following the day covered by the report or, if the processing starts on one day and ends on another day, before the close of the day on which the processing ends;
  - where disposal reports are required to be completed by operators of vessels who are also required to complete processing reports, change the obligation such that reports must be completed daily or at the same time

the relevant processing report is due;

- where disposal reports are required to be completed by all other fishers, change the obligation such that one report needs to be completed and provided for all disposal incidents associated with fish caught during a fish catch event at the same time the relevant fish catch event report is due;
- for landing reports, change the obligations for recording, completing and providing information except for Licensed Fish Receiver information such that the information is completed as soon as landing is finished and provided by the end of the day on which it was recorded; and
- change the obligation for recording and completing Licensed Fish Receiver information to be no later than 15 days after landing is finished.
- Require Monthly Harvest Returns to be provided electronically, so that all information provided by fishers will be electronic.
- Clarify that fish that are not required to be recorded in a Monthly Harvest Return should not be so recorded.
- Remove the requirement on those required to provide returns to retain a copy of an electronic report for seven years.
- Provide for the Director-General to give directions to fishers that notify of an accident or mechanical or technical failure, to allow any risks to be managed.
- Amend the obligation to provide processing reports to add vessel size or class as criteria for requiring processing reports, to reduce unnecessary reporting requirements.
- Amend the offences and penalties provisions to:
  - create an offence for failure to provide a trip report;
  - create an offence for failure to comply with instructions following an accident or a mechanical or technical failure;
  - remove the offence of failing to retain reports for seven years; and
  - move the failure to record the information required in a report or return from a medium penalty offence to a high penalty offence.
- Amend the schedule of transitional provisions to provide for a phased rollout of the reporting requirements across permit holders not already subject to them, commencing on either 14 December 2018 or 14 January 2019, with permit holders who held the greatest value of ACE on 30 September 2017, and finishing on 1 December 2019.
- Provide for the Chief Executive to have the ability to manage the implementation of those who are to be brought in under the phased rollout.

### **Fisheries (Geospatial Position Reporting) Regulations 2017**

- Allow for circulars to state the requirements for when a device is required to be operated, to remove ambiguities for different kinds of fishing vessel.
- Require a fisher to notify the chief executive if a device is removed from a vessel only if it is to be used on another vessel or no longer used on the vessel.
- Provide for the chief executive to give directions to fishers that notify of a device failure, to allow any risks to be managed.
- Amend the offences and penalties provisions to:
  - create an offence for failure to comply with instructions following an accident or a mechanical or technical failure.
- Amend the schedule of transitional provisions to align with the rollout of the new reporting requirements under the Fisheries (Reporting) Regulations 2017, placing an obligation on the fisher to meet the requirements of these regulations when fishing under the permit of a person subject to the new reporting requirements.
- Provide for the Chief Executive to have the ability to manage the implementation of those who are to be brought in under the phased rollout.

### **Fisheries (Commercial Fishing) Regulations 2001**

- Give the chief executive the ability to amend, add or remove the terms and conditions of a trawl net approval (including approvals granted prior to the amendment coming into effect), to respond to previously unknown risks to sustainability.
- Amend the regulations to clarify that all fishers can rely on an approval so that where one fisher does not comply with an approval's conditions, the approval is only voided for the non-compliant fisher.
- Create a new offence (in regulation 84) for failing to comply with any terms and conditions set in a trawl net approval. This will be a high penalty offence.

### **Fisheries (Infringement Offences) Regulations 2001**

- Add, amend or delete offence descriptions to reflect changes to reporting requirements.