



Fisheries New Zealand

Tini a Tangaroa

Exemption from compliance with the Fisheries (Reporting) Regulations 2017

Regulation 46 exemption

15 October 2019

TITLE

Exemption from compliance with the timing requirements to provide reports to the chief executive under the following regulations of the *Fisheries (Reporting) Regulations 2017*:

- i. Regulation 7AAAB(1) - Trip end reports;
- ii. Regulation 7(3)(d) - Fish catch reports;
- iii. Regulation 8(3) - Non-fish species or protected fish species catch reports; and
- iv. Regulation 10(3)(c)(ii) - Disposal reports.

COMMENCEMENT

This Exemption comes into force on 16 October 2019. This Exemption expires on 30 November 2019 or immediately upon notification by FishServe Innovations New Zealand Limited that the satellite transmission error has been resolved, whichever occurs first.

ISSUING AUTHORITY

This Exemption is issued under regulation 46 of the *Fisheries (Reporting) Regulations 2017*.

Dated at Wellington on 16 October 2019.



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Acting under delegated authority

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Contents	Page
Introduction	3
Part 1: Requirements	4
1.1 Application	4
1.2 Definitions	4
1.3 What are they exempt from?	4
1.4 What conditions apply to the exemption?	4

Introduction

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

Purpose

This Exemption specifies that all permit holders using the Deckhand eLogbook when undertaking a fishing trip lasting more than 24 hours have been granted an exemption from compliance with the *Fisheries (Reporting) Regulations 2017* (the Regulations) under regulation 46 of the Regulations.

Background

The purpose of the Regulations is to set out the broad requirements for the electronic event reports, and give timeframes for when they must be completed and provided to MPI.

FishServe Innovations New Zealand Limited has identified a satellite transmission error which affects permit holders using the Deckhand eLogbook and undertaking fishing trips lasting more than 24 hours.

Under regulation 46 of the Regulations, the Director-General may exempt a person or class of persons from compliance with all or any of the requirements under the Regulations. An exemption must be granted in writing and if it relates to a class of persons, may be published.

Before granting an exemption, the Director-General must be satisfied that –

- (a) compliance with any requirement of the Regulations would cause undue hardship or would be unduly impracticable; and
- (b) the exemption is no broader than is reasonably necessary to address the matters giving rise to the exemption; and
- (c) the exemption would not unduly prejudice the management and conservation of any fishery resource.

An exemption may be granted subject to any conditions that the Director-General may reasonably impose.

Who should read this Exemption?

All permit holders is using the Deckhand eLogbook on a vessel when undertaking a fishing trip lasting more than 24 hours.

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 Exemption applies to all permit holders using the Deckhand eLogbook when undertaking a fishing trip lasting more than 24 hours who have been exempted under regulation 46 of the *Fisheries (Reporting) Regulations 2017* (the Regulations) as per clause 1.3 of this Exemption.
- (2) This Exemption commences on 16 October 2019.
- (3) This Exemption expires on 30 November 2019, or immediately upon notification to MPI by FishServe Innovations New Zealand Limited that the satellite transmission error has been resolved, whichever occurs first. Permit holders will be notified by MPI when this exemption no longer applies.

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 Exemption, unless the context otherwise requires, all terms used have the same meaning as in the Regulations.

1.3 What are they exempt from?

- (1) All permit holders using the Deckhand eLogbook, when undertaking a fishing trip lasting more than 24 hours, are exempt from compliance with the timing requirements to provide reports to the chief executive of MPI under the following regulations:
 - a) Regulation 7AAAB(1) - Trip end reports;
 - b) Regulation 7(3)(d) - Fish catch reports;
 - c) Regulation 8(3) - Non-fish species or protected fish species catch reports; and
 - d) Regulation 10(3)(c)(ii) - Disposal reports.

1.4 What conditions apply to the exemption?

- (1) This Exemption is granted subject to the following conditions:
 - a) The permit holder must complete their Fish Catch Reports, Disposal Reports and Non-fish species or protected fish species catch Reports as required during each day of the trip;
 - b) The permit holder must complete their Landing Report at the end of each fishing trip;
 - c) The permit holder must provide their Trip End Report upon entering cellular coverage after the end of each fishing trip; and
 - d) The permit holder must provide all reports no later than 12 hours after the Trip End Report has been provided.