

Draft for Consultation Fisheries (Electronic Monitoring On Vessels) Circular 2019

25 September 2019

Issuing Authority

This circular is issued pursuant to regulation 13 of the Fisheries (Electronic Monitoring on Vessels) Regulations 2017.

Dated at Wellington this X day of October 2019.

Original signed

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Introduction

This introduction is not part of the circular itself, but provides the background and broad purpose of the circular.

Who is affected by this Circular?

The Fisheries (Electronic Monitoring on Vessels) Regulations 2017 (**the Regulations**) require permit holders using fishing vessels to have electronic monitoring equipment ('camera equipment'), and to provide video and associated information from it to the Chief Executive of Ministry for Primary Industries (**MPI**).

The Regulations came into force on 1 October 2018 and, from 1 November 2019, will apply to:

- vessels 29 metres and under in registered length engaged in trawling in a specified West Coast North Island fishing area, that were previously used for fishing at any time from 1 October 2017 to 30 September 2018 in that area; and
- vessels eight metres and over in registered length engaged in set netting in a specified West Coast North Island fishing area, that were previously used for fishing at any time from 1 October 2017 to 30 September 2018 that area.

Permit holders using fishing vessels covered by this Circular are required to provide video footage and associated information on fishing in the West Coast North Island fishing area.

What's in this Circular?

This circular, along with the Regulations, sets out the minimum legal requirements for electronic monitoring that includes cameras on board fishing vessels.

How will we handle camera video footage?

The video footage will be captured and stored on encrypted **storage devices** that will be sent by courier to MPI by the fisher. Once received by MPI, all video footage and associated information will be stored subject to security rules and timeframes for retention and disposal. The storage devices will have all video footage and associated information deleted before being made available for reuse.

Video footage and associated information will only be accessed by authorised MPI staff. These files will likewise be stored subject to strict security rules.

The video footage and associated information will be used to reconcile the data in fishing event reports provided from that vessel while trawling or set netting in the specified West Coast North Island area.

All video footage and associated information is subject to the Privacy Act 1993 and the Official Information Act 1982. Any release of information by MPI will be managed in accordance with Guidelines for the Release of Fisheries Information, which can be accessed at <https://www.mpi.govt.nz/dmsdocument/34803-guidelines-for-release-of-fisheries-information>.

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1 Title

This circular is the Fisheries (Electronic Monitoring on Vessels) Circular 2019.

2 Commencement

This circular comes into force on 1 November 2019.

3 Purpose

The purpose of this circular is to specify the requirements relating to—

- the camera equipment to be installed and operated;
- the installation and maintenance of the camera equipment;
- the provision of video footage and associated information obtained by the camera equipment to the Chief Executive;
- activities that may hinder or assist compliance with the Regulations;
- what to do if there is a technical failure of the equipment; and
- matters relating to the supply, management and provision of storage devices.

4 Application

- 1) This circular only applies to the following vessels operating in the West Coast North Island (as defined in clause 1(2), Part 1 of Schedule 1 of the Regulations)

Either of these fishing methods is being used:	And the registered length of the vessel is:	And the vessel of the specified length was previously used for fishing in the specified area, using the specified method(s), at any time during this period:
Trawling	≤29m	1 October 2017 to 30 September 2018
Set netting	≥8m	

- 2) The following persons must comply with the requirements set out in this circular
- a. The permit holder who holds the permit under which the vessel is fishing; and
 - b. The master of a vessel described in clause 4(1) above.
- 3) The camera equipment installed will be used to record fishing from the vessel, any catch, any transportation and associated information.

5 Definitions

In this circular –

associated information is any non-footage data, which may include sensor data, vessel ID, vessel location and system status.

authorised receiver is the person whom the permit holder has authorised to receive storage devices on their behalf

camera equipment means the electronic monitoring equipment required in accordance with regulation 6 of the Regulations, including (but not limited to) the camera, sensor, central processor, software, storage device and associated cabling.

designated person is a person authorised by either the permit holder or vessel master to act on their behalf.

fishing trip has the meaning given by regulation 3 of the Fisheries (Reporting) Regulations 2017.

function test means a test as per the supplier's specifications that ensures the camera equipment is able to record video footage and associated information as required by the Regulations.

installation plan means the plan that sets out the installation of the camera equipment, including (but not limited to) the number of cameras required and their placement, any extra lighting required, any changes required to the vessel's power sources and wiring, as well as identifying the area in which catches will be removed from the nets.

MPI means the Ministry for Primary Industries.

registered length means the length as defined by the Ship Registration Act 1992 and displayed on the relevant Register and recorded on the Fishing Vessel Register under the Fisheries Act 1996.

Regulations means the Fisheries (Electronic Monitoring on Vessels) Regulations 2017.

sensor means any device fitted to a vessel, or fishing gear on a vessel, that triggers the capture of video footage and associated information.

service provider means the camera equipment, maintenance and support provider contracted by MPI.

storage device means any removable equipment that stores video footage and associated information.

West Coast North Island has the meaning given by clause 1(2), Part 1 of Schedule 1 of the Regulations.

video footage means the images (whether still images or moving images) recorded by the camera equipment.

6 Standards and ownership of camera equipment

- 1) All camera equipment required under the Regulations will be supplied by MPI.
- 2) Camera equipment supplied by MPI is, and remains, the property of MPI at all times, unless agreed otherwise in writing by MPI.
- 3) Prior to installation, the permit holder and the service provider will prepare and agree to an installation plan. Such agreement is not to be unreasonably withheld or delayed by the vessel operator or permit holder.
- 4) The installation plan must ensure the camera equipment meets the requirements as set out in Schedules 1 or 2 of this circular.
- 5) To arrange installation of the camera equipment, either the vessel master or the permit holder must advise MPI at least 10 weeks prior to the date the vessel is intended to be used in the West Coast North Island.
- 6) The service provider must be provided access to the vessel for both the preparation of the installation plan and the installation of the camera equipment
- 7) MPI must be notified in writing by email: [contact email to be advised] of any intended alteration or intended removal of the camera equipment.
- 8) MPI must be notified in writing by email: [contact email to be advised] of any intended or actual changes to the vessel that may affect the operation of the camera equipment, including (but not limited to):
 - a. Installation of new equipment;
 - b. Infrastructure changes;
 - c. Changes to fishing gear configuration;
 - d. Changes to the vessel electrical systems;
 - e. Structural damage to the vessel; and
 - f. Changes to the vessel hydraulics.
- 9) If any adjustments or replacements of the camera as a result of any changes in 8) are required, MPI will notify the permit holder and vessel master in writing.
- 10) Access to the vessel by MPI or its service providers for the purposes of maintaining, adjusting, replacing or removing any camera equipment must not be unreasonably withheld by the permit holder or vessel master.

7 Operation and maintenance of camera equipment

- 1) The camera equipment must be operated in accordance with the requirements set out in Schedule 1 or 2, whichever applies.
- 2) Each camera lens that is accessible must be kept clean (in accordance with associated guidance) to maintain image quality and clarity.
- 3) Each camera view must be checked before every event to make sure it meets the image capture requirements in Schedule 1 or 2. Each camera lens must be clean and its field of view clear from obstructions and appropriately lit.
- 4) Any lighting, natural or artificial, must not intentionally cause a reduction in image quality or clarity.
- 5) To ensure that the camera equipment is functioning correctly, a function test must be performed at the following times:

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- a. Prior to starting a new fishing trip;
 - b. After any storage devices are exchanged;
 - c. After any periods of inactivity greater than 14 days;
 - d. Where there are any suspected issues with the camera equipment; and
 - e. Following any modifications to the vessel.
 - 6) Detailed instructions on how to perform the function tests will be provided by MPI after the camera equipment has been installed.
 - 7) Masters of vessels are responsible for ensuring any person on board the vessel is made aware of the location of camera equipment, what the camera equipment is for, and demonstrating the camera field of view.
 - 8) All signage and information about on-board cameras must always remain available to people on the vessel and remain visible and legible.

8 Notification of mechanical or technical failure of camera equipment

- 1) If a mechanical or technical failure of camera equipment is identified *prior to commencing a fishing trip covered by these regulations*, the vessel master–
 - a. must contact MPI by email: [contact email to be advised] or by phone on 0800 008333 as soon as practicable after identifying the failure;
 - b. must make all attempts as per guidance provided by MPI or service provider to resolve the failure; and
 - c. must not commence fishing, unless an exemption under regulation 14 of the Regulations is issued.
- 2) If a mechanical or technical failure of camera equipment is identified *during a fishing trip covered by these regulations* the vessel master–
 - a. must contact MPI by email [contact email to be confirmed] or by phone on 0800 008333 as soon as practicable after identifying the failure;
 - b. must make all reasonable attempts as per guidance provided by MPI or service provider to resolve the failure;
 - c. may complete that fishing trip;
 - d. must not commence another fishing trip until either the failure is rectified or, if the failure is not rectified before the next fishing trip, an exemption is issued under regulation 14 of the Regulations.
- 3) A notification of a mechanical or technical failure of the camera equipment can be given by a designated person.

9 Repair of mechanical or technical failure of camera equipment

Where the mechanical or technical failure requires the services of the service provider, the vessel master and the permit holder –

- a. must work with MPI and the service provider to have the camera equipment repaired; and
- b. must take all reasonable steps to have the vessel available to enable the repair of the camera equipment as soon as possible.

10 Exemption from the use of electronic monitoring equipment

- 1) If an exemption is sought, please provide the details as set out in Schedule 3 and provide to MPI.

11 Storage devices

- 1) All permit holders must advise MPI of the details of the authorised receiver.
- 2) All storage devices will be provided by MPI via a 'track and trace' courier to the authorised receiver.
- 3) Additional storage devices may be requested by contacting MPI.
- 4) Storage devices may be used for more than one fishing trip.
- 5) No other storage devices are permitted to be used.
- 6) Copying or otherwise taking a recording, photograph, or copy of the footage is prohibited.
- 7) Vessel masters or permit holders must ensure there are sufficient additional storage devices available on their vessel at all times.
- 8) Storage devices must be returned to MPI in the pre-paid and pre-addressed courier bag supplied by MPI.
- 9) The storage device(s) containing video footage and associated data for all trips that ended in a particular month must be provided to MPI no later than the 15th day of the following month. MPI considers the storage device is provided to MPI when it is scanned by the courier service.
- 10) If a storage device is damaged or lost at any time, the permit holder must immediately contact MPI by email [contact email to be advised] or by phone on 0800 008333 and request a replacement.

Schedule 1 – Trawl vessels 29m and under in length: how the cameras will operate

The table sets out how the camera equipment will operate to capture the fishing activities, the relevant fields of view and indicative lists of information to be collected for each activity.

Trigger and length of recording	Fishing activities recorded	Field of view	Information collected may include, but is not limited to
All cameras will be configured to start recording when the sensors indicate the use of warp winches or net roller and will continue recording for 60 minutes after the sensors stop detecting use.	Shooting	<ul style="list-style-type: none"> • Deck view encompassing all areas from which gear deployment occurs • The area outside of the shooting station, including: <ul style="list-style-type: none"> ○ Warp wires ○ Trawl ramp ○ Trawl winches 	<ul style="list-style-type: none"> • Use of mitigation gear (e.g. bird bafflers) • Fishing effort details: <ul style="list-style-type: none"> ○ Fishing method ○ Gear type ○ Number of nets ○ Tow duration – net reaches fishing depth (warp winch stops paying out)
	Hauling & tipping	<ul style="list-style-type: none"> • The area outside of the hauling location • Deck view encompassing all areas where gear retrieval occurs • Deck view encompassing all areas where fish are removed from the net including: <ul style="list-style-type: none"> ○ The pound hatch ○ The area where catch is brought on board ○ The area where catch is retrieved/tipped from the net • View of below deck pound to enable view of fish being emptied from net (for trawlers with below deck pound) 	<ul style="list-style-type: none"> • Use of mitigation measures • Fishing effort details: <ul style="list-style-type: none"> ○ Tow duration – net leaves fishing depth (warp winch starts hauling in) • Verification of quantity and species of catch, including: <ul style="list-style-type: none"> ○ In water adjacent to net as it emerges from the water ○ That are freed during hauling process • Non-fish species or protected fish species interactions: <ul style="list-style-type: none"> ○ Verification of species ○ Identification of capture method ○ Life status

Schedule 2 – Set net vessels 8m and over in length: how the cameras will operate

The table sets out how the camera equipment will operate to capture the fishing activities, the relevant fields of view and indicative lists of information to be collected for each activity.

Trigger and length of recording	Fishing activity	Field of view	Information collected may include, but is not limited to
All cameras will be configured to start recording when the sensors indicate the use of the haul gear (e.g. net pullers) and will continue recording for 30 minutes after the sensors stop detecting use	Hauling & retrieval of catch	<ul style="list-style-type: none"> • Deck view encompassing all areas where gear retrieval occurs • The area outside of the hauling station • Deck view encompassing all areas where fishing occurs where catch is retrieved / removed from the net • The area where the net exits the water during hauling 	<ul style="list-style-type: none"> • Use of mitigation measures • Fishing effort details: <ul style="list-style-type: none"> ○ Fishing method ○ Gear type ○ Number of nets • Verification of quantity and species of catch, including: <ul style="list-style-type: none"> ○ In water adjacent to net as it emerges from the water ○ That are removed during hauling process • Non-fish species or protected fish species interactions: <ul style="list-style-type: none"> ○ Verification of species ○ Identification of capture method ○ Life status

Schedule 3 – Exemption request information

If the duration of the exemption applied for is less than one week, the required information can be provided by contacting MPI by phone on 0800 008333 as soon as practicable after identifying the failure; or

If the duration of the exemption applied for is longer than one week, the information in the form below must be provided by email to: [contact email to be advised] or by post to: [address to be advised].

REQUEST FOR EXEMPTIONS UNDER REGULATION 14 FROM COMPLIANCE WITH ALL OR ANY OF THE REQUIREMENTS OF THE FISHERIES (ELECTRONIC MONITORING ON VESSELS) REGULATIONS 2017 BY A PERMIT HOLDER / VESSEL MASTER USING A VESSEL IN THE WEST COAST NORTH ISLAND FISHING AREA

Q1 Information about you

Q1 (a) Please provide details about yourself, and how we can contact you.	
Client number	
Full name	
Phone (mobile preferred)	
Email	
Vessel Name	
Vessel Registration Number	
Methods Used (Trawling / Set Netting)	

Q1 (b) Please provide details about your intended fishing activities during the requested exemption period. List as many details as apply.	
Species being targeting?	
Which fishing methods will you be using?	
Where will you be fishing? Please specify which Statistical areas (Statistical areas 40-42 & 45, 46 on the West Coast of North Island)	
Will you be undertaking multi-day fishing trips?	

Period sought for exemption (start and end dates)	
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Q2 Information on your current fishing plan

Q2(a) In detail, explain why you believe it is <u>unreasonable</u> or <u>impracticable</u> to comply with the requirements of the regulations relating to electronic monitoring on vessels (this must include the nature of any device failure where this is the reason for the exemption request)

Please send your completed exemption request, along with any supporting evidence by email to: [contact email to be advised] or by post to: Digital Monitoring, Fisheries New Zealand, PO Box 2526, Wellington 6140.