



**Fisheries New Zealand**

Tini a Tangaroa

# Fisheries (Electronic Monitoring on Vessels) Circular 2022

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## **TITLE**

Fisheries (Electronic Monitoring on Vessels) Circular 2022

## **COMMENCEMENT**

This Circular comes into force on Friday 9 September 2022

## **ISSUING AUTHORITY**

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

## **REVOCATION**

This Circular revokes the Fisheries (Electronic Monitoring On Vessels) Circular 2019.

Dated at Wellington Wednesday 7 September 2022.

Dan Bolger  
Deputy Director-General  
Fisheries New Zealand  
Ministry for Primary Industries  
(Acting under delegated authority)

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## Introduction

These sections on pages 4 and 5 are not part of the Circular but are intended to indicate its general effect.

The Fisheries (Electronic Monitoring on Vessels) Regulations 2017 (**the Regulations**) require permit holders using specified fishing vessels to have electronic monitoring equipment (including cameras). The Regulations also require these permit holders to provide video and associated information from the equipment to the Chief Executive of the Ministry for Primary Industries (**MPI**). Further, the Regulations impose some obligations on masters of vessels.

The Regulations were amended to require the installation and operation of onboard cameras on a specified subset of vessels carrying out set netting and trawling off the West Coast of the North Island from 1 November 2019 (“proof-of-concept vessels”). The Regulations were also amended on 13 June 2022 to expand their application to include vessels fishing in other specified areas using certain fishing methods.

This Circular, along with the Regulations, sets out the minimum legal requirements for electronic monitoring equipment (including cameras) onboard fishing vessels, including operation, maintenance and notification of technical failures.

## Purpose

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

- the collection of associated information alongside the video footage by the electronic monitoring equipment (e.g. GPS data, dates and times, electronic monitoring equipment status information etc.);
- the electronic monitoring equipment to be installed and operated;
- the maintenance of the electronic monitoring equipment;
- the provision of video footage and associated information obtained by the electronic monitoring equipment to the Chief Executive; and
- activities that may hinder or assist compliance with the Regulations.

## Who should read this Circular?

- 1) Permit holders and masters of vessels referred to below should read this Circular.
- 2) This Circular applies to any vessel that carries out monitored fishing as defined in Regulation 3A of the Regulations<sup>1</sup> if the fishing starts in the area set out in clause 1(1) of Part 1 of Schedule 1 of the Regulations<sup>2</sup>.
- 3) This includes (but is not limited to) the vessels operating off the West Coast North Island as part of the proof-of-concept on-board camera programme (as previously referred to in the Regulations)

## Why is this important?

Operating other than in accordance with this Circular is an offence under regulation 26 of the Regulations.

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<sup>1</sup> <https://www.legislation.govt.nz/regulation/public/2022/0187/latest/LMS700941.html#LMS700940>

<sup>2</sup> <https://www.legislation.govt.nz/regulation/public/2022/0187/latest/LMS700966.html#LMS700966>

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## Proof of Concept Vessels

MPI has contracted a service provider for electronic monitoring equipment, maintenance and support that is not the same provider used in the proof-of-concept. Due to this change, the electronic monitoring equipment installed on proof-of-concept vessels by the previous service provider is required to be removed and replaced with the electronic monitoring equipment supplied by the service provider.

This Circular specifies the date by which vessel masters or permit holders of proof-of-concept vessels must have the previous service provider's electronic monitoring equipment removed and the service provider's electronic monitoring equipment installed and operating.

**Part 1** of the Circular applies to vessels installed with electronic monitoring equipment provided by the service provider.

**Part 2** of the Circular applies to proof-of-concept vessels until they are installed with electronic monitoring equipment provided by the service provider.

## How camera video footage and associated information will be managed

Once received by MPI, video footage and associated information will be stored subject to security rules and timeframes for retention and disposal, and will be accessed by authorised MPI staff. The video footage and associated information will be used to verify fishing reports required under Fisheries (Reporting) Regulations 2017 that are provided from that vessel.

All video footage and associated information is subject to applicable legislation including the Fisheries Act 1996, the Privacy Act 2020 and the Official Information Act 1982. Any release of information by MPI will be managed in accordance with applicable legislation and the 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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# Requirements

## Definitions

In this circular –

**associated information** means the information, in addition to video footage, collected by electronic monitoring equipment. This information includes GPS data, dates and times, electronic monitoring equipment status information (e.g. voltage, temperature, storage usage/capacity and network connectivity information (e.g. signal strength), system logs, and tamper detection events/logs).

**authorised receiver**, in relation to the proof of concept vessels, is the person whom the permit holder has authorised to receive storage devices on their behalf.

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

**function test** means a test that ensures the electronic monitoring equipment is able to record and transfer video footage and associated information as required by the Regulations.

**MPI** means the Ministry for Primary Industries.

**previous service provider** means the provider of electronic monitoring equipment, maintenance and support contracted by MPI in 2019.

**proof of concept vessels** means vessels required to install and operate onboard cameras from 1 November 2019.

**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 provider of electronic monitoring equipment, maintenance and support contracted by MPI in 2022.

**storage device** means any removable or non-removable equipment that stores video footage and associated information.

**video footage** means the images (whether still images or moving images) recorded by the electronic monitoring equipment.

Any terms used in this Circular that are defined in the Regulations carry the same meaning.

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## Part One

**This Part applies to permit holders and masters (as noted in the clauses below) of all vessels installed with electronic monitoring equipment provided by the service provider.**

### 1 Operation of electronic monitoring equipment

- 1) Electronic monitoring equipment supplied and installed by the service provider must be used by vessels for a fishing trip covered by *the Regulations*, from the applicable dates specified in the Regulations.
- 2) At the beginning of each fishing trip to which *the Regulations* apply, the vessel master or permit holder must check the electronic monitoring equipment is powered on. This does not apply to vessels exempt under clause 2 of schedule 1 of the Regulations.

### 2 Operation and maintenance of electronic monitoring equipment

- 1) The permit holder and vessel master must ensure the requirements of this clause are met.
- 2) Each camera lens that is accessible must be kept clean and have an unobstructed clear field of view.
- 3) Each vessel must have appropriate lighting to maintain image quality and clarity.
- 4) To ensure that the electronic monitoring equipment is functioning correctly, a check must be performed at the following times to confirm the electronic monitoring equipment is fully operational e.g. all onboard cameras are operating, and no error messages are visible:
  - a. prior to commencing a fishing trip;
  - b. at the completion of a fishing trip (before switching the electronic monitoring equipment into standby mode);
  - c. after any storage devices are serviced;
  - d. where there are any suspected issues with the electronic monitoring equipment; and
  - e. following any modifications to the vessel.
- 5) If the check identifies that the electronic monitoring equipment is not operating correctly or there is less than 30 percent of disk available on the electronic monitoring equipment, prior to commencing a fishing trip, the service provider must be contacted as per clause 3 of this Circular.
- 6) All signage and information about on-board cameras must always remain available to people on the vessel and remain visible and legible.

### 3 Notification of mechanical or technical failure of electronic monitoring equipment

- 1) If a mechanical or technical failure of electronic monitoring equipment is identified *prior to commencing a fishing trip covered by the Regulations*, the vessel master or permit holder must contact the service provider's Service Desk by phone, on 0800 225 674, as soon as practicable after identifying the failure.

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- 2) If a mechanical or technical failure of electronic monitoring equipment is identified *during a fishing trip covered by the Regulations*, the vessel master or permit holder must contact the service provider's Service Desk by phone, on 0800 225 674, as soon as practicable after identifying the failure.
  - 3) A notification of a mechanical or technical failure of the electronic monitoring equipment under (1) or (2) above can be given by a designated person.
  - 4) MPI considers that the Chief Executive has been notified of a mechanical or technical failure (as per regulation 11 of *the Regulations*<sup>3</sup>) when the service provider receives notification of a mechanical or technical failure.

#### **4 Notification of alteration or removal of electronic monitoring equipment**

- 1) The permit holder must ensure the service provider's Service Desk is notified by phone on 0800 225 674 or by email at [camerasupport@spark.co.nz](mailto:camerasupport@spark.co.nz) of any intended alteration or intended removal of the electronic monitoring equipment.
- 2) The permit holder must ensure the service provider's Service Desk is notified by phone, on 0800 225 674 or by email at [camerasupport@spark.co.nz](mailto:camerasupport@spark.co.nz) of any intended or actual changes to the vessel that may affect the operation of the electronic monitoring 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; and
  - e. structural damage to the vessel.

#### **5 Provision of video footage and associated data to MPI**

- 1) Where electronic monitoring equipment installed on a vessel allows for video footage and associated information to be provided to MPI via network transfer, the permit holder must ensure the electronic monitoring equipment is switched to standby mode before powering down the vessel.
- 2) MPI considers that the Chief Executive has been provided the video footage and associated information when the electronic monitoring equipment indicates that no video footage and associated information needs to be uploaded (disk available is at 100 percent).

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<sup>3</sup> <https://www.legislation.govt.nz/regulation/public/2017/0156/latest/DLM7328914.html>



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- 3) By the 1<sup>st</sup> day of the month following completion of a fishing trip, the permit holder must check that all video footage and associated information collected by the electronic monitoring equipment has been uploaded, and that the disk available is at 100 percent available. If video footage and associated information collected by the electronic monitoring equipment is still to be uploaded, and disk available on the electronic monitoring equipment is less than 100 percent available, the permit holder must take all reasonable steps to enable the remaining video footage and associated information to be uploaded via network transfer no later than the 15<sup>th</sup> day of the month after the month in which the fishing trip ends, as required by *the Regulations*<sup>4</sup>.
  - 4) Where the permit holder cannot reasonably ensure that video footage and associated information will be uploaded from the electronic monitoring equipment via network transfer by the 15<sup>th</sup> day of the month after the fishing trip ends, the vessel master or permit holder must contact the service provider's Service Desk by phone, on 0800 225 674, as soon as practicable.

It is recommended that this is done no later than the 7th day of the month following completion of a fishing trip, to allow sufficient time to arrange for the video footage and associated information to be retrieved by the service provider in time to meet the requirement in the Regulations outlined in subclause 15.3.

- 5) MPI considers that the permit holder has provided the Chief Executive the video footage and associated information once the service provider's service agent has retrieved the video footage and associated information from the electronic monitoring equipment.

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<sup>4</sup> <https://www.legislation.govt.nz/regulation/public/2017/0156/latest/DLM7328901.html>

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## Part Two

**This Part applies to permit holders and masters of proof-of-concept vessels (as noted in the clauses below) until they are installed with electronic monitoring equipment provided by the service provider.**

### 6 Operation of electronic monitoring equipment

- 1) The permit holder of a proof-of-concept vessel must ensure the continued use of the electronic monitoring equipment provided by the previous service provide until it is replaced by electronic monitoring equipment provided by the service provider.
- 2) The permit holder must take all reasonable steps to ensure that the electronic monitoring equipment provided by the service provider can be fully installed on these vessels by 30 November 2022. However, if due to circumstances reasonably beyond the control of the permit holder, transition by 30 November 2022 is not possible, the permit holder may continue to use the electronic monitoring equipment of the previous service provider until they have the electronic monitoring equipment of the service provider installed.

### 7 Maintenance of electronic monitoring equipment

- 1) The permit holder and vessel master must ensure the requirements of this clause are met.
- 2) Each camera lens that is accessible must be kept clean and have an unobstructed clear field of view.
- 3) Each vessel must have appropriate lighting to maintain image quality and clarity.
- 4) To ensure that the electronic monitoring equipment is functioning correctly, a function test must be performed at the following times:
  - a. prior to commencing 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 electronic monitoring equipment; and
  - e. following any modifications to the vessel.
- 5) 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 electronic monitoring equipment

- 1) If a mechanical or technical failure of the electronic monitoring equipment is identified *prior to commencing a fishing trip covered by the Regulations*, the vessel master or permit holder must contact MPI by phone, on 0800 008 333, as soon as practicable after identifying the failure.
- 2) If a mechanical or technical failure of electronic monitoring equipment is identified *during a fishing trip covered by the Regulations*, the vessel master or permit holder

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must contact MPI by phone, on 0800 008 333, as soon as practicable after identifying the failure.

- 3) A notification of a mechanical or technical failure of the electronic monitoring equipment under (1) or (2) above can be given by a designated person.

## **9 Notification of alteration or removal of electronic monitoring equipment**

- 1) The permit holder must ensure MPI is notified by phone on 0800 008 333 or by email at [onboardcameras@mpi.govt.nz](mailto:onboardcameras@mpi.govt.nz) of any intended alteration or intended removal of the electronic monitoring equipment.
- 2) The permit holder must ensure MPI is notified by phone on 0800 008 333 or by email at [onboardcameras@mpi.govt.nz](mailto:onboardcameras@mpi.govt.nz) of any intended or actual changes to the vessel that may affect the operation of the electronic monitoring 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.

## **10 Storage devices**

- 1) All permit holders must provide MPI by email at [onboardcameras@mpi.govt.nz](mailto:onboardcameras@mpi.govt.nz) with the name and contact details of the authorised receiver. MPI should also be promptly notified in the event these details change.
- 2) Storage devices may be used for more than one fishing trip.
- 3) No storage devices, other than those provided by or on behalf of MPI, are permitted to be used.
- 4) Permit holders must ensure there are sufficient additional storage devices available on their vessel at all times.
- 5) Where storage devices are used to provide video footage to MPI, storage devices must be returned to MPI in an MPI supplied courier bag.
- 6) The storage device is considered to be provided to MPI when it is scanned by the courier service.
- 7) If a storage device is damaged or lost at any time, the permit holder must immediately contact MPI by phone on 0800 008 333 and request a replacement.