



## Fishery Officer Inspections and Investigations

To meet the intentions of the Fisheries Act 1996 (“Fisheries Act”), MPI and fishers work together to shape the behaviour that protects our fisheries for the long-term, and protects New Zealand’s reputation as a world-leading supplier of trusted seafood.

Fishery officers have an important job to do in monitoring fishing activity and making sure people and businesses follow the rules. Fishers should be aware of fishing rules and protect themselves and their fishing business from the risk of committing offences.

Fishery officers have a wide range of powers to administer and enforce the Fisheries Act.

### Monitoring and offence detection

**Monitoring** tells us whether the regulatory system is achieving its objectives, and provides insights about matters affecting fisheries resources, biodiversity and the aquatic environment.

**Offence detection** involves collecting information and evidence about suspected rules breaches which may need enforcement action.

### Routine Inspection – building relationships and growing understanding

Recreational fishers and industry workers will likely encounter fishery officers during routine inspections at locations like wharves, beaches, or on the water. Even compliant fishers should expect inspections. These interactions are opportunities for fishers to receive advice, resources, and provide feedback, fostering positive relationships.

### Targeted inspection – initial enquiry

A targeted inspection by a fishery officer may occur due to an anomaly or something not looking right, requiring more information to understand the situation. Fishery officer(s) will endeavour to help fishers understand the reason for their enquiry.

### Investigation – Offence detection

During an investigation, a fishery officer may conduct various enquiries with different ‘person(s) of interest’, who could be a potential witness or suspect depending on the information and circumstances. Investigations can be stressful, fishery officers may noticeably increase their use of powers<sup>1</sup>. Invasive or interruptive powers are usually reserved for serious offences and are not commonly experienced by most people.

### Compliance response

Enquiries and investigations are tailored to each situation. Compliance responses depend on the specific facts and findings. The nature and seriousness of suspected offences determine the extent of enquiries and response under the [VADE Compliance Delivery Model](#). VADE stands for Voluntary compliance, Assisted compliance, Directed compliance, Enforced compliance. This model allows MPI to use discretion and ensure interventions are proportionate to the level of non-compliance and behaviour.

### Seizure and forfeiture

Search and seizure involve gathering and securing evidence for law enforcement. Under the Fisheries Act and the Search and Surveillance Act, fishery officers can seize items believed to be used in (or contain evidence of) a suspected offence. This can happen early in an investigation, even before a decision is made about the enquiry’s outcome. Items seized may include documents, devices, fish, fishing gear, vehicles, and fishing vessels.

<sup>1</sup>The most commonly used fishery officer powers come from section(s) 199 – 215 of the Fisheries Act 1996

If convicted, these items may be forfeited to the Crown. The Court decides what is forfeited, which can include fishing vessels, gear, illegally caught fish, or the proceeds from their sale (refer 'Forfeiture').

## Seized documents

If seized documents are needed for ordinary business, they can be copied and returned. Analysing documents can be time-consuming, especially in complex cases, causing delays.

If there are claims of privilege, officers cannot examine the information until resolved, which may extend the timeframe for returning documents or copies (refer 'Privilege').

## Seized electronic devices

Electronic devices, such as vessel chart plotters, laptops, or smartphones, may be seized if they potentially contain evidence of an offence. These devices are forensically cloned, meaning a digital copy is made for examination. Once cloned, the device may be returned. Forensic cloning is prioritised to return devices quickly. Claims of privilege won't delay cloning, as no content is examined during the process.

## Seized property, eg fishing vessels, vehicles and/or other equipment

Seizure can occur during the investigation phase if a fishery officer has reasonable grounds to believe property is involved in a fisheries-related offence. Seizure helps protect the Crown's interests, especially if the property is later forfeited (refer 'Forfeiture') due to a proven offence.

### **Bond**

*Timeline: Investigative phase – after property is seized, before charges are filed*

Under Section 156 of the Search and Surveillance Act 2012, anyone with an interest in seized property can apply for its release, or for access, before charges are brought. For example, a bond agreement may allow a vessel operator to keep using a seized fishing vessel during the investigation. If MPI denies access or release, a person can still apply to the Court for it.

### **Forfeiture**

*Timeline: Prosecution phases – on conviction, Court determines what is forfeit*

Forfeiture means losing property as a penalty for wrongdoing. The Fisheries Act specifies what property can be forfeited based on the offence type and penalty. For minor offences, a fishing vessel cannot be forfeited. For serious offences, property used in the offence is automatically forfeited to the Crown unless the Court finds special reasons for non-forfeiture. Forfeiture is in addition to other penalties.

When property is forfeited, ownership transfers to the Crown, and MPI must publicly notify the forfeiture. Interested parties have 35 working days to apply for relief from forfeiture (refer 'Relief from forfeiture'). If a fishing vessel is forfeited, a user agreement may allow its continued use during legal proceedings. Without such an agreement, MPI takes possession of the forfeited property.

**IMPORTANT:** Under Section 107(6) of the Fisheries Act, MPI must cancel the registration of a forfeited fishing vessel, even if a user agreement is being put in place. The vessel's operator must re-apply to FishServe (Section 103 of the Fisheries Act) to register the vessel again before using it for commercial fishing, to avoid operating an unregistered vessel.

### **Relief from forfeiture**

*Timeline: Post-conviction phases – After forfeiture is notified (advertised)*

MPI must publicly notify forfeited property. Interested parties have 35 working days to apply for relief from forfeiture. If relief is sought, a court hearing will be scheduled. A user agreement may be extended until forfeiture matters are resolved. Without an agreement, MPI takes possession of the property.

If the Court grants relief, the property may be returned without payment or with a redemption fee, determined by the Court. If relief is not granted, MPI must take possession and dispose of the property, such as through sale.

## Investigation time-frame(s)

The timeframe and extent of investigations, court matters, or forfeiture hearings vary. Minor offences may be resolved quickly through education, warnings, or infringements. Serious, repeated, or intentional offences may take longer. Prosecution timelines are controlled by court scheduling, and a legal representative can provide guidance on these timings.

## Privilege

In New Zealand, the Search and Surveillance Act 2012 protects privileged information from being searched by law enforcement. This includes legal privileges like attorney-client privilege. You must have a valid reason to claim privilege. If you believe seized information is privileged, signal this early. The Act outlines the rights and procedures for claiming privilege.

## Where to get help

We want fishers to get it right. Mistakes and accidents happen, and it's important to address them promptly. Engaging with a fishery officer early can help resolve incidents and prevent manageable issues from becoming bigger problems.

## References and resources

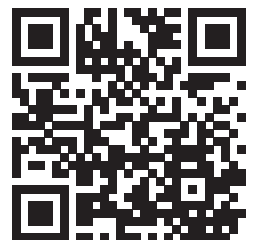
[FNZ local Fishery Officer \(District office\)](#)

[VADE Compliance Delivery Model](#)

[Recreational fishing rules](#)

[Commercial fishing](#)

[Sustainable fisheries](#)



## Disclaimer

This fact sheet is intended as a summary of how fisheries inspections and investigations operate and does not constitute legal advice.