Who is watching the catchers?

Karyn van Wijngaarden
Oceanlaw NZ
Paper based reporting

- Two types – effort data and landing data
- Looks like this....
### Trawl, Catch, Effort and Processing Return

To be completed on each day at sea 1989551

#### Daily Processing Summary

<table>
<thead>
<tr>
<th>Species</th>
<th>Processed state</th>
<th>Number of processed units</th>
<th>Unit weight (kg)</th>
<th>Processed catch weight (kg)</th>
<th>Conversion factor</th>
<th>Calculated weight before processing (kg)</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

#### Estimated catch by species in order of quantity

<table>
<thead>
<tr>
<th>Species code</th>
<th>Quantity (kg)</th>
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<tbody>
<tr>
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</table>

#### Position of midday (near)

<table>
<thead>
<tr>
<th>Latitude</th>
<th>Longitude</th>
<th>Depth</th>
<th>Fishing gear</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

#### Water temperature at shot 1

<table>
<thead>
<tr>
<th>Surface</th>
<th>Bottom</th>
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<tbody>
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</table>

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I declare that the information I have given on this return is correct and complete, and that I have read and understood the explanatory notes supplied with this return.

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<table>
<thead>
<tr>
<th>Product from offal only</th>
<th>Activity comment (Transporting, seaweed etc.)</th>
<th>Name of permit holder</th>
<th>Client number of permit holder</th>
<th>Signature of permit holder or authorised person</th>
<th>Date signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh (kg)</td>
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<td></td>
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<tr>
<td>Oil (litres)</td>
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</table>
# Catch Landing Return

**Trip Data**

<table>
<thead>
<tr>
<th>First day of trip</th>
<th>Last day of trip</th>
<th>Landing date</th>
<th>Vessel registration number</th>
<th>Vessel name</th>
<th>Vessel registration number of other vessel (if pair fishing)</th>
<th>Point of landing</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

**Catch Landing Data**

<table>
<thead>
<tr>
<th>Fishstock (Species/Area)</th>
<th>Landed state</th>
<th>Number</th>
<th>Type</th>
<th>Content weight</th>
<th>Type</th>
<th>Destination</th>
<th>Greenweight (kilograma)</th>
<th>Purchase tax invoice number from LFR</th>
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</thead>
<tbody>
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</tbody>
</table>

Start a new sheet for each landing. It is an offence to fail to complete this return or supply false information or make any material omission.

Permit holder’s name: 
Permit holder’s client number: 
Signature of master: 
Date signed: / /
What was the objective?

• Taking advantage of technology to address concerns about the commercial fishing industry....

• Cameras
• Position reporting for all vessels
• Electronic catch reporting
• Fisheries Act 1996
• Fisheries (Reporting) Regulations 2017
• Advisory circulars
What are they enacting?

• July 2017
  • Fisheries (Reporting) Regulations 2017;
  • Fisheries (Geospatial Position Reporting) Regulations 2017;
  • Fisheries (Electronic Monitoring on Vessels) Regulations 2017.
Report requirement

• The GPR requires
  • Latitude and longitude to 4 decimal places
  • Speed over ground to 1 decimal place
  • Course over ground
  • Rate of turn
  • Type of report – normal, power up/off, power up after expected power off, first position report or port mode.
Monitoring

• Record fishing done from the vessel,
• Record fish, aquatic life or seaweed taken
• Record transportation
• No audio

• Must enable ‘with reasonable accuracy’
  • Identification of type of fish taken or transported
  • Types and features of fishing gear used
  • Bycatch mitigation measures used
  • Estimate the size and quantity of fish taken or transported
Evolution of the legislation

• October 2017
  • New reporting and geospatial regs come into force
  • Means that all vessels over 28m in length are required to electronically report all catches electronically whilst at sea, and
  • Geospatial Position Reporting is required for trawl vessels over 28m

• November 2017
  • New Minister of Fisheries
  • Slows down implementation
    “issues have been raised and more time is needed to ensure that the systems are robust”
  • The existing catch and position reporting requirements for trawl vessels over 28 m remain in place.
• March 2018
  • exemptions from the regulations requiring electronic monitoring are granted for all commercial fishers
  • MPI says it is undertaking further work on the matter.
  • Paper based reporting continues

• September 2018
  • Minister announces that transitional period will remain until July 2020.
  • Progressive roll out - 2019
  • ACE holdings - fixed date of assessment
  • Blanket exemption
October 2018:

• Exemption from the cameras on vessels - Fisheries (Electronic Monitoring on Vessels) Regulations 2017

• All vessels

• 31 January 2019
December 2018: three Regulations amending the 2017 regulations made by the Governor-General in Council.

- Fisheries (Reporting) Amendment Regulations 2018,
- Fisheries (Geospatial Position Reporting) Amendment Regulations 2018 and
- Fisheries (Infringement Offences) Amendment Regulations 2018
• January 2019:
  • 2000+ tonnes of ACE
  • new permit holders

• Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2019 – further exemptions
• May 2019:
  • 2000+ tonnes of ACE must report electronically;
  • 180 – 1999.99 tonnes of ACE can start electronic reporting

• June 2019:
  • 180 – 1999.99 tonnes of ACE must start electronic reporting;
  • 45 – 179.99 tonnes of ACE can start electronic reporting.
  • onboard cameras from 1 November 2019 in order to protect Māui dolphins - trawlers and set-netters
July 2019:

• 45 – 179.99 tonnes of ACE must start electronic reporting;
• MPI stops paying for the cost of transmitting electronic position reports;
• Fisheries (Electronic Monitoring on Vessels) Amendment Regulations (No 2) 2019 are made by the Governor-General in Council
  • Maui dolphin
  • 1 July 2020 for all vessels
  • “holding date”
• August 2019:
  • 24 – 44.99 tonnes of ACE must start electronic reporting;
  • 11 – 23.99 tonnes of ACE can start electronic reporting
• September 2019:
  • 11 – 23.99 tonnes of ACE must start electronic reporting;
  • 4.50 – 10.99 tonnes of ACE can start electronic reporting
• October 2019:
  • 4.50 – 10.99 tonnes of ACE must start electronic reporting;
  • 1 – 4.49 tonnes of ACE can start electronic reporting
• November 2019:
  • 1 – 4.49 tonnes of ACE must start electronic reporting
  • All vessels less than 29m that operate in west coast of North Island must have electronic monitoring fitted and operational
Hector and Māui dolphin

- Estimated 67 adult Māui dolphins left
- Controversy about the cause of the decline
- Vessels on cameras are one of the measures being implemented to address the decline on an urgent basis
- 2000 days of observer coverage.
- Skepticism about what cameras will add
- Date to comply is 1 November 2019
Issues for maritime lawyers

- Privacy
- Volume of footage
- Ownership
- Costs
- Technological barriers
- Evidential
- Insurers
Issues for maritime lawyers

• **Privacy** - sizes of vessels

• **Volume of footage** - estimated to be 14,000TB per annum. 1TB/vessel/month

• **Ownership of footage/cost** - who is looking at it, storing it, who is paying for those reviewing it. How do they review that much data?!

• **Technological barriers** Extent of camera coverage from a single lens, ability to identify the fish et cetera implies a close up inspection, which requires pretty careful camera placement, and lots of cameras. Practical problems, like salt accruing on the camera – have to be hosed off at about 3 hour intervals, fishermen are telling us

• **Evidential** sharing of government departments - collision, drugs, health and safety – any regulatory or enforcement purpose. IP issues exist – fishing marks have been historically very jealously guarded. Is 4 decimal places for the reporting, but display in the interface that can be seen by a permit holder ashore is only 2 decimal places.
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