Ministry for Primary Industries
Manatū Ahu Matua

Feedback on draft circulars for electronic and geospatial position reporting requirements for commercial fishing.

Summary of consultation feedback and revisions to finalise circulars

March 2018

New Zealand Government

Growing and Protecting New Zealand

Disclaimer

While every effort has been made to ensure the information in this publication is accurate, the Ministry for Primary Industries does not accept any responsibility or liability for error of fact, omission, interpretation or opinion that may be present, nor for the consequences of any decisions based on this information.

Requests for further copies should be directed to:

Publications Logistics Officer
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140

Email: brand@mpi.govt.nz
Telephone: 0800 00 83 33
Facsimile: 04-894 0300

This publication is also available on the Ministry for Primary Industries website at http://www.mpi.govt.nz/news-and-resources/publications/

Contents Page

1 About this report

The Fisheries change programme is strengthening the fisheries management system to ensure the continued sustainability of New Zealand's fisheries. The first step is developing a system on digital reporting and monitoring.

There are two new regulations supporting digital reporting - the Fisheries (Reporting) Regulations 2017 and the Fisheries (Geospatial Position Reporting) Regulations 2017. Circulars are issued under the regulations by the Director-General for the Ministry for Primary Industries. These circulars further detail the requirements for devices and reporting set out in regulations.

MPI published draft electronic reporting (ER) and geospatial position reporting (GPR) circulars on its website for public feedback from July to August 2017. This report summarises the feedback received through consultation and shares how MPI has taken the feedback into consideration in finalising the circulars.

Many also gave feedback on digital monitoring. This consultation exercise related to the electronic reporting and geospatial reporting component of the digital monitoring programme. Electronic monitoring using cameras was not in scope for this round of consultation.

2 Background to the Circulars

2.1 SUSTAINABLE FISHERIES FOR EVERY NEW ZEALANDER

Recreational, commercial and customary fishers around New Zealand rely on our fisheries for employment, kai, commerce, and the pleasure of going fishing. It's MPI's role to make sure that all of our fisheries are managed sustainably. The Fisheries change programme is strengthening the fisheries management system to provide ongoing opportunities for commercial, recreational and customary use without compromising the integrity of our marine environment.

The programme will ensure that we have accurate and up-to-date information about commercial fishing activity to inform our fisheries management decisions, and determine the right policy settings to maintain the benefits that New Zealanders receive from fisheries.

2.2 DIGITAL TRACKING, REPORTING AND MONITORING OF COMMERCIAL ACTIVITY

The first major step in the programme is the development of a new digital system for tracking, reporting and monitoring commercial fishing activity. This system replaces the current paper-based method for catch and effort reporting, and provides a way to quickly verify that reporting is accurate.

Commercial fishers will be required to have in the first instance:

- electronic reporting via an e-logbook – so we can quickly and accurately measure commercial catch and effort

- geospatial position reporting (GPR) – so we can verify the locations reported via ER

Better information will mean we can make better fisheries management decisions. It will give confidence to New Zealanders, and consumers from around the world, that our fisheries are being well managed. Where information suggesting illegal activity is obtained, the fishing activity will be investigated further to determine whether or not a prosecution is appropriate.

2.3 REGULATIONS AND CIRCULARS SET OUT DIGITAL REPORTING REQUIREMENTS

As detailed below, new regulations set out requirements for digital reporting.

What the regulations specify	What the circulars specify
The Fisheries (Reporting) Regulations 2017 set out the broad requirements for reports and timeframes for when they must be recorded, completed and provided.	The Fisheries (E-logbook Users Instructions and Codes) Circular sets out the Codes that must be used when completing event reports required by the Regulations. It also provides detailed instructions for how to complete electronic event reports. The Fisheries (E-logbook Technical Specifications) Circular sets out the functional and non-functional requirements for e-Logbook devices
The Fisheries (Geospatial Position Reporting) Regulations 2017 require operators and masters of vessels to use a geospatial position reporting device to provide information to MPI about their position while fishing.	The related Fisheries (Geospatial Position Reporting Devices) Circular for Commercial Fishing sets out specific technical details for GPR, including the minimum legal requirements for the devices and systems used to provide position reports and the content of position reports.

3 Consulting on circulars

Consultation and submissions

MPI published draft ER and GPR circulars on its website for public feedback from July to August 2017. Formal consultation on the draft Circulars closed on 21 August 2017.

A total of 121 submissions were received and reviewed, including those from individual fishers, industry representative bodies, fishing companies, scientists and advocacy groups. Table 1 is a breakdown of the number of submissions by the type of submitter. The themes raised in written submissions are set out in the following section.

Table 1: Breakdown of submissions by category

Category	Number of submissions
Individual /small family enterprise	74
Collective	22
Company	22
Fisheries science specialist	3
Total	**121**

MPI also held a series of workshops with key stakeholders including industry representatives and targeted discussions with fishers and companies to discuss the practical impacts of the specific issues for particular fisheries and fishing methods. 34 meetings were held. Details are given in Appendix A.   Regular meetings with Te Ohu Kaimoana were also held.

Meetings with fishers and companies focused on walking through each of the reporting requirements, and what requirements mean fishers would have to do during and after a fishing trip.

Participants generally support digital reporting as long as concerns about intellectual property (IP) and security of data are addressed, that fishing could continue if reporting equipment failed to record or transmit, and that the reporting requirements are operational.

Sector representatives from the Sector Representative Entity group have been keen to discuss policy settings for Digital Monitoring and integration with the broader FoF Programme, cost recovery arrangements and penalties for not meeting reporting regulations.

Sector representatives and frontline operators alike have raised concerns about costs, privacy, data security and access to information they consider their IP, workplace safety, and processes following failure of ER/GPR devices. They also asked how MPI would support the industry to implement the transition to the new reporting requirements.

3.1.1 Support in principle for digital reporting

In meetings, industry representatives generally expressed support in principle for digital reporting, but not for digital monitoring by cameras. Submitters were not asked about their support for ER or GPR overall and many did not make direct comments; but where support or opposition was clearly expressed that was noted. This is shown in table 2.

Many also gave feedback on digital monitoring generally. To note, electronic monitoring using cameras was not in scope for this round of consultation. Circulars in support of digital monitoring will be released for public consultation in due course.

Table 2: Support for digital reporting

Category	Support/in principle support for ER	Do not support ER	Did not comment on ER	Support/in principle support for GPR	Do not support GPR	Did not comment on GPR
Individual /small family enterprise	19	18	36	9	6	40
Companies	11	0	10	8	20	13
Collectives (e.g. industry bodies, advocacy groups)	9	0	15	4	4	15
Fisheries science specialists	0	0	3	0	0	3

3.1.2 Themes in written submissions

Table 3 is a summary of themes raised in submissions. The themes are further detailed in this section. Percentages do not add up to 100 as many submissions raised more than one theme.

Table 3: Themes in written submissions

Theme	Count	Percentage
Feedback on the costs of ER and GPR (including start up and ongoing costs) and their potential impact on industry	60	50%
Feedback about the form, manner or frequency of reporting on Fishing Events, and near real time position reporting	55	45%
Feedback that information about fishing activity and personal and private information must be held securely, with restricted access; and/or that	53	43%

Information about fishing activity should be regarded as intellectual property		
Feedback on the practicalities of operating ER and GPR equipment while fishing - including electronics and working conditions, health and safety	48	40%
Trust and legitimacy - negative feedback about MPI's consultation process / policy intent /policy analysis	39	32%
Dealing with change/ implementation readiness / support during transition	31	26%
How MPI will act - enforcing reporting requirements during transition, expectations following breakdowns and failures, granting exemptions	20	17%
Pace - 'MPI should slow down and get it right'	13	11%
Maintaining data continuity	4	3%

3.2 EXPANDING ON THEMES IN WRITTEN SUBMISSIONS

Theme 1: Costs of GPR and ER and industry impact

- Equipment costs for GPR devices, e-logbooks (and cameras) will be too high
- Start up and or transmission costs will be unaffordable, particularly for small/low margin operators
- Costs may mean that some operators will leave the industry
- Costs should be proportionate (smaller operators should not have the same costs as larger operators)

Theme 2: Circular specifics – technical aspects of form, manner or frequency of GPR and electronic reporting

- A fishery by fishery approach to reporting is needed
- Feedback that Catch Reports should be based on a different spatial or temporal scale from that proposed
- Feedback on the operability of reporting requirements e.g. the timeframes that reports must be completed within
- Event reports should not have to be transmitted daily
- GPR should not have to be reported in near real time

Theme 3: Access to information about fishing activity - security/privacy/ intellectual property

- MPI must give reassurance that data will not be illegally accessed / leaked / that it will be secure
- Operators, not MPI, should own transmitted information
- Personal information must be kept private
- Information about fishing marks is intellectual property, and must be protected / should not be required by MPI
- Data that is made available now to researchers should continue to be available

Theme 4: Operating ER and GPR equipment at sea and while fishing

- Operating e-logbooks while actively fishing could compromise workplace health and safety / maritime safety
- Phone / satellite transmission is not reliable in all NZ fishing waters
- Electronic equipment is often not reliable 'at sea'

- Vessels with similar equipment should be able to continue using it

Theme 5: MPI's consultation process / policy intent /policy analysis

- Feedback that MPI's cost to benefit analysis is not correct
- The level of consultation / consultation process has been flawed
- Regulations are about compliance not fisheries management; reporting requirements will not improve fisheries management

Theme 6: Dealing with change/ implementation readiness / support during transition

- Feedback that the industry will need time to get ready (e.g. time to get familiar with new equipment, or to develop, test and implement technology)
- New reporting requirements should not be rolled out mid-season
- Some commercial fishers are not tech savvy, and will find the change more difficult
- There should be a transition period to bring in the new regulations

Theme 7: How MPI will act - enforcing reporting requirements during transition, expectations following breakdowns and failures, and feedback on when exemptions should be granted

- Fishing should not always have to stop if GPR or ER equipment breaks down
- MPI should be more clear about its intended approach to breakdown and failures of GPR and ER equipment
- Exemptions should be granted for some fisheries / for smaller operators / from specific reporting requirements
- MPI should be clear about how the new regulations will be enforced, particularly immediately after the regulations go live

Theme 8: Pace of implementation

- MPI should 'slow down and get it right'
- More time is required to develop, buy and test GPR and ER equipment before the regulations go live
- More time should be taken so that reporting requirements can be well integrated with other policy e.g. landings and discards policy

Theme 9: Data continuity and quality

- MPI should take care that existing data sets are not negatively impacted
- Poorly considered reporting requirements will have a negative impact on data quality

3.3 FINALISING THE CIRCULARS

On 15 September, 2017 MPI published circulars setting out the requirements for trawlers over 28 metres only, and for these operators GPR and ER commenced on 1 October 2017.

Based on feedback that MPI should 'slow down' and take a 'fishery by fishery' approach to reporting the Director-General agreed that MPI would initially only issue Circulars in September outlining requirements for trawlers >28m in length, followed by revised Circulars at a later stage to include the remaining fishing methods and fisher-classes. MPI has continued to engage with industry representatives to finalise

the reporting requirements for the remainder of the commercial fishing fleet, to work through the technical issues raised during consultation of the ER and GPR circulars.

When the revised Circulars setting out ER and GPR requirements for all fishing methods are published and come into effect they will replace the 15 September 2017 version of Circulars.

All other commercial fishers must comply with new regulations from 1 April 2018. However, MPI has advised that implementation will now be no earlier than 1 October 2018 and the legal mechanism to enable the deferral will be managed by way of exemptions.

Appendix B has more detailed feedback on the themes that were raised and have been considered when finalising the revised circulars. MPI is continuing to work on other matters raised and there is likely to be further consultation, on some technical fixes required by way of Regulation Amendments, in the early stages of 2018.

APPENDICES

Appendix A: Meetings with key stakeholders.

Appendix B: Themes raised in consultation on digital reporting for commercial fishing.