s 9(2)(a)

From: Archie Laird s 9(2)(a)
Sent: Tuesday, 8 August 2017 8:32 a.m.
To: Future of Our Fisheries Programme

Follow Up Flag: Follow up
Flag Status: Completed

Why when you gave out carbon credits recently it went to the Quota owners but when it comes to the latest compliance costs it is charged to the boats?
Cheers

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10 August 2017

To whom it concerns,

My name is Alan Rawson. For my whole life I have been a fisherman. Like everyone else, I started on deck. I worked hard and got my sea time. I loved fishing and even though I was no scholar at school, I managed to sit and gain a Coastal Masters Ticket.

I have worked as a skipper ever since, on various boats in various fisheries. I want to save enough money to buy my own vessel but the expenses involved with the introduction of IEMRS seems just too prohibitive.

Boat owners are worried about costs because the margin of profit is not huge in commercial fishing.

I am currently looking for a skippers job, or looking to buy my own boat. I am now in limbo for fear of the crippling costs to come.

I am a very private person. If I buy a boat I will use it as my home. I object to being filmed constantly in my home. I do not believe this is unreasonable really as everyone I speak to of this agrees, cameras filming you at home is too intrusive.

To be honest, being a fisherman is not just what I do, it is who I am. I don't think I will fit into any other industry like I do with fishing.

I am strongly opposed to the compulsory introduction of IEMRS on all commercial fishing vessels in New Zealand.

Yours sincerely

Alan Rawson
s 9(2)(a)

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:34 p.m.
To: s 9(2)(a)
Subject: FW: WWF comments on the Draft Circulars
Attachments: Summary Report for ERandEMWG2_complete.pdf; Att T_agreed ER standards for operational catch and effort data complete.pdf

From: Amanda Leathers s 9(2)(a)
Sent: Monday, 21 August 2017 4:04 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>; s 9(2)(a)
s 9(2)(a)
Cc: s 9(2)(a) s 9(2)(a) s 9(2)(a)
Subject: WWF comments on the Draft Circulars

Kia ora IEMRS team,

[Not relevant to request]

We have just a few comments regarding the circulars below.

Align the circulars to the WCPFC requirements where appropriate

WWF-New Zealand recommends that MPI ensure that data collection in the NZ fishing fleet will meet the Western Central Pacific Fisheries Commission (WCPFC) standards and requirements. The WCPFC is rapidly heading towards adoption of ER & EM standards. E-Reporting data standards were adopted at the 13th Commission last year (attached) and E-reporting standards have also progressed expecting to be adopted at the Commission meeting this year or next year (see attachment 5 in the summary report attached). There will be a lot of overlap between what WCPFC agrees and what New Zealand will need to collect as a member, and we recommend MPI effectively align the circulars to the WCPFC requirements where appropriate.

Improve protected species bycatch mitigation codes (Codes and Information Circular)

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WWF supports several comments developed by Karen Baird from Forest and Bird:

1. Part 8 Mitigation device codes. Note these need to be adequate to be able to determine if the vessel is meeting the regulated requirements. Currently there is no code for lines weights and further more additional information is needed on type of weight (lumo lead, safe lead, swivel) weight used (in gms) and distance from hook

2. Streamers can be either single or double and estimated aerial extent is needed as well as height of pole to meet the standards. The nature of the streamers (including distance between streamers) and a drag weight to achieve the aerial extent is also required to meet regulations

3. Offal management should be recorded by observers. Although offal management is not regulated, it is recommended best practice in seabird management plans e.g. not discharging while setting or hauling, and data about the use of offal management will be valuable for monitoring of mitigation

4. Ensure that the 'uninjured' and number 'injured' status of NFPS catches (on page 33 of the codes and information circular) is recorded for each species, not all together.

Kind regards,
Amanda

Amanda Leathers
Research and Policy Officer
WWF New Zealand
Level 6, Davis Langdon House
49 Boulcott Street
Wellington 6011, New Zealand

s 9(2)(a) [redacted]

The attachements to this email are available publicly.
Second E-Reporting and E-Monitoring Intersectional Working Group Meeting (ERand EMWG2) is available here:
https://www.wcpfc.int/system/files/Summary%20Report%20for%20ERandEMWG2_complete.pdf
and *Standards, Specifications and Procedures (SSPs) for Electronic Reporting in the Western and Central Pacific Fisheries Commission* is available here as Attachment T:
https://www.wcpfc.int/system/files/WCPFC13%20Summary%20Report%20final_issued%202%20March%202017%20complete.pdf

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 9:29 a.m.
To: s 9(2)(a)
Subject: FW: Additional comment from WWF re: consultation on the Draft Circulars

From: s 9(2)(a)
Sent: Tuesday, 22 August 2017 7:41 AM
To: Amanda Leathers s 9(2)(a)
Cc: s 9(2)(a) Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>; s 9(2)(a) Peter Hardstaff s 9(2)(a)
Subject: Re: Additional comment from WWF re: consultation on the Draft Circulars

Thanks Amanda.

Sent from my iPhone

On 21/08/2017, at 8:16 PM, Amanda Leathers s 9(2)(a) wrote:

> Kia ora IEMRS Team,
>
> There is a further point that we would like to add to our earlier comments (sent today) on the draft circulars. WWF recommends MPI extend the period for consultation on the draft circulars to allow expert advice to be gained from data users and research providers.
>
> There are several aims/purposes of catch reporting - for example, catch estimates for stock assessment, protected species bycatch monitoring, and building a better understanding of marine environments and ecosystems and fisheries impacts on them. WWF recommends targeted consultation and eliciting expert advice from those who work in these specific areas with the purpose of identifing opportunities to improve data collection.
>
> A single meeting of the Data Working Group will not be adequate to eliciting advice on all the different purposes/aims of data collection, and it may be more productive to have several focused meetings.
>
> However, it would first make sense for MPI to commission experts i.e. Niwa (for stock assessment) and Dragonfly Science (for protected species monitoring) to provide a review of the circulars and propose improvements/amendments, and to present this work to the DWG. MPI should not expect busy research institutes/ companies to provide expert advice (several days work) for free as part of a Government consultation process.
>
> We realise gaining expert analysis would push the IEMRS time frames out. However this is a case where slowing the IEMRS process down to get it right, will save MPI time and money in the long run, as MPI will avoid needing to make amendments down the track.
>
> We note that at the second meeting of the IEMRS Research Advisory Group, there was stakeholder consensus that MPI should slow the process down if it was necessary to do it

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right. Getting the circulars right is vital, and taking extra time to gain expert advice from data users, analysts, and research providers at this point is warranted.

Please confirm you have received these comments.

Thanks,
Amanda

Amanda Leathers
Research and Policy Officer
WWF New Zealand
Level 6, Davis Langdon House
49 Boulcott Street
Wellington 6011, New Zealand

s 9(2)(a) [redacted]

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s 9(2)(a)

From: Info
Sent: Friday, 11 August 2017 12:39 p.m.
To: Future of Our Fisheries Programme
Subject: FW: Website feedback

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Can you advise on this one?

Regards,

s 9(2)(a)

Ministry for Primary Industries - Manatū Ahu Matua
Pastoral House 25 The Terrace | PO Box 2526 | Wellington 6140 | New Zealand
| Web: www.mpi.govt.nz | Follow MPI on Twitter (@MPI_NZ)

Trouble finding people? info@mpi.govt.nz HELP you

[SEEmail]

From: MPI Notifications [mailto:noreply@cwp.govt.nz]
Sent: Friday, 11 August 2017 11:26 a.m.
To: Info <Info@mpi.govt.nz>
Subject: Website feedback

Name

Andrew Hamilton

Email

s 9(2)(a)

Page URL

http://www.mpi.govt.nz/law-and-policy/legal-overviews/fisheries/future-of-our-fisheries/digital-monitoring-of-commercial-fishing/?utm_medium=email&utm_campaign=Visual%20guidance%20to%20understand%20draft%20circulars%20-%20digital%20monitoring%20of%20commercial%20fishing&utm_content=Visual%20guidance%2

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0to%20understand%20draft%20circulars%20-%20digital%20monitoring%20of%20commercial%20fishing+CID_faf5cd51b7584daf71668741ab2e9d6c&utm_source=Email%20marketing%20software&utm_term=httpwwwmpigovtnzlaw-and-policylegal-overviewsfisheriesfuture-of-our-fisheriesdigital-monitoring-of-commercial-fishing

Did you find what you were looking for?

Yes, some of it

How easy was it to find what you wanted?

Easy

Did you have any problems on the site?

No

Problem type

Please give us the details of your problem

Do you have any other comments to make about the website?

MPI are nothing but bullies!

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:14 p.m.
To: s 9(2)(a)
Subject: FW: Ocean Fisheries - submission on IEMRS
Attachments: maf0049 - Ocean Fisheries Ltd submission on IEMRS August 2017 .pdf

From: Andrew Stark [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 4:41 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: re: Ocean Fisheries - submission on IEMRS

Hi MPI,

Please find attached our submission on the IEMRS.

Yours faithfully

Andrew Stark.
Chief Executive.

Ocean Fisheries Ltd
Office Ph. (++64) 03 328 8550
Office Fax. (++64) 03 328 8791
s 9(2)(a)

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OCEAN FISHERIES LTD

11 Cyrus Williams Quay
PO Box 144
Lyttelton
New Zealand

Phone: (03) 328 8550 Fax: (03) 328 8791

21/08/2017

Ministry for Primary Industries
PO Box 2526
Wellington 6011

Dear Sir / Madam,

Re: IEMRS – Integrated Electronic Monitoring and Reporting System.

This submission is made on behalf of :

Ocean Fisheries Ltd s 9(2)(a)
PO Box 144
Lyttelton

AND

Ocean Fisheries Quota Holding Company Ltd s 9(2)(a)
PO Box 144
Lyttelton

Back Ground :

Ocean Fisheries Quota Holding Company Ltd is as the name suggests our quota holding company.

Ocean Fisheries Ltd operate 4 Inshore Trawlers, the , the ; the and the all of which are based from the Port of Lyttelton.

Each of these vessels operate with 1 skipper and 2 crew, apart from the which has 1 skipper and 1 crew – they are all small boats.

Ocean Fisheries Ltd has been fishing inshore waters from the Port of Lyttelton since 1967.

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Our submission is as follows :

Fisheries Geospatial Position Reporting Devices – Circular 2017.

We have read the circular and we have some key areas of concern as follows.

- We do not believe that 4 decimal places should be required for position reporting.

- We have used satellite tracking devices on our fishing vessels for the past 8 years, the position reporting is part of our internal safety policies and also provides us with operational information, showing individual and all vessels at any selected time.

- Our existing system costs us per "ping" (lat/long position), given our steaming speed of max 8kn and trawling speed of around 3kn, we have selected a standard ping rate of 60 minutes, although we can vary this at any time for any reason.

  We are concerned at the potential of MPI significantly increasing this ping rate for extended periods, as the costs will become significant – and we would argue for very little material gain in information – given we have very few area based regulations within our normal fishing operational area.

- We are also concerned that - If MPI own the position information and are the only ones able to set the ping rate and know when the ping rate has been altered – that for us to obtain position information will require duplicate systems on board – again the costs of which are significant.

- The vessel location is obviously also not reflective of the location of the trawl net.

- We are concerned at the required technical characteristics of the GPR devices, and the liability arising from a malfunction or failure.

  Our existing devices do not notify us of a failure, they just stop reporting and this is noted when the track is checked – this is an office function not a vessel based function.
  Most often this is weather related or the orientation of the transponder which is affected by a small boats movements vs the more stable platform achieved on larger vessels – so we miss some pings, but they resume at the next programmed time.

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As we do not have phone communication with our vessels outside of cell phone range, we are unable to discuss with the boat, until such time as they are back in port or cell phone range – when usually the pings have resumed – as they only miss occasional schedule ping times.

In our fishery the importance of knowing the exact position at all times must be questioned.
It will obviously allow the checking of Lat / Long positions as entered in the Shooting / Net Depth / Net Haul / On Deck times – but really how important is this 99% of the time.

On a small boat the skipper is responsible for driving the boat, fishing operations, shooting / hauling, and if he fails to get an exact mark – you might catch him out retrospectively and call it a technical breach – but how important is this.
If we are not fishing across a QMS area boundary or near a closed area, then what are the implications – a technical breach with zero downside or consequence to the integrity of the QMS.

It adds to the pressures being placed on our Skippers, Crews, Boat owners and operators.

We believe all position systems struggle on smaller boats, rather than the larger vessels.

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Fisheries Event Reporting Circular 2017

While we support electronic reporting we struggle with some of the increased information capture required of small fishing vessels such that we operate in the 13m – 19m size range.

Our vessels generally have only 3 persons on board – a skipper and 2 crew, so there is not spare resource of labour to complete the reporting to the level being suggested in this document.

- We do not believe that 4 decimal places should be required for Lat/Long positions.

- We do not accept that 4 positions should be required for every trawl – start of shooting, net at depth, net leave depth and net on deck.

  The Start and Finish of each Trawl should be sufficient.

  For a small boat this level of information (4 positions) is too onerous on the skipper, and we cannot understand the relevance of the data requirement.

- On a small inshore fishing boat the estimate of catch to 2 decimal places is ridiculous – it is an estimate – to the nearest 5 kg should be sufficient – or as currently to the nearest 1kg.

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Fisheries Codes and Information Circular 2017

- As per above, we do not accept that 4 positions should be required for every trawl – start of shooting, net at depth, net leave depth and net on deck.

  The Start and Finish of each Trawl should be sufficient.

  For a small boat this level of information (4 positions) is too onerous on the skipper, and we cannot understand the relevance of the data requirement.

- Catch Records.

  On a small inshore fishing boat the estimate of catch to 2 decimal places is ridiculous – it is an estimate – to the nearest 5 kg should be sufficient – but to the nearest 1kg.

  We are concerned at the additional work required to accurately provide estimates of the top 10 species within each trawl – we operate in a very mixed fishery therefore more often than not there are multiple species in each trawl.

  We currently have to report the top 8 species, up from the previous top 5 species.

  The difficulties in estimating the individual species with any accuracy from an initial eyeball estimate when the trawl is landed on deck is heightened with more species being required to be included, it should be rough estimate able to be gained from looking at the trawl when it is dropped into the pound.

  We believe that this should be reduced to the top 5 species per trawl shot.

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- Processing Reporting.

  We are concerned at the implications if small inshore boats, of which some are greater than 19m in registered length, are required to complete more indepth analysis and reporting.

  On an inshore trawler the Heading and Gutting or Gutting or Dressing of a small number of the species we catch and land fresh in standard plastic fish bins with ice should not constitute "Processing" as per these regulations.
  On a small boat we simply cannot comply with the increased requirements, and as the fish is landed to an LFR every few days and the conversion codes applied, there appears to be very little gained from such reporting requirements, which will simply overload the skipper.

- Disposal Reports.

  As has been explained in great detail previously to MPI Compliance Officers, MPI discard working groups, MPI Observers, Media, MP's and other interested parties –

  - When the QMS was founded on catch landings, it never included fish caught that could not be economically sold so was never landed.
    Fishermen never brought home fish for which they were not being paid.

  - The TAC and TACC was based on catch landings, they never allowed for discard of uneconomic fish that was not landed.

  - If the discard of uneconomic fish (fish that cannot be economically sold) is to now be recorded as catch, then the TACC needs to be altered to reflect this new recording.
    For this alteration to occur, indepth analysis via a Discard Working Group needs to occur, prior to any ACE alteration or the discards counting against ACE.

  - Alternatively a MLS needs to be declared for every species, with the MLS set at a size that reflects the ability for the fish to be landed and economically sold – so that essentially the status quo over the past 30 years is maintained.

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- We agree with the move to record estimates of fish discarded below a minimum legal size as this will assist in the assessment of what has been occurring since the introduction of the QMS in regards to the MLS.

  However it obviously does not immediately suggest a negative impact on the sustainability of a QMS species. If the stock is not under significant decline and the sub MLS discard is historical and reflective of what has occurred over time, the recording of this discarded sub MLS fish should not automatically see measures put in place to minimise or eliminate it.

- We do not condone the discarding of QMS fish due to a lack of available ACE, we agree that this should be landed and Deem Value paid. Therefore our comments above do not include this in the uneconomic fish that has traditionally been discarded and not recorded against catch – as well known by MPI and prior to that MAF- via discussions, letters and working groups.

Fisheries Monthly Harvest Returns Circular 2017

- We do not have any issues with the changes proposed.

Should you wish to discuss any of our comments in more detail please do not hesitate to contact the undersigned.

Yours faithfully

s 9(2)(a)

Andrew Stark.
Chief Executive.

Ref: maf0049

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s 9(2)(a) [redacted]

From: Andrew Price s 9(2)(a) [redacted]
Sent: Wednesday, 9 August 2017 2:55 p.m.
To: Future of Our Fisheries Programme
Cc: s 9(2)(a) [redacted]
Subject: A very concerened fisherman

What is happening to this country ? is this a free country or a dictatorship ?
How can you people just bring in new regulations that are so expensive & ridiculous it is nothing short of absurd.
If I had to explain to someone that I had to spend up to $20,000 just to go to work ..... and then because of that $20,000 I could get a even bigger fine if something bad happens or if I miss a bit of paperwork. Most people would laugh and think it was a joke.
Unfortunately its not a joke, this is real life and is going to affect every fishing family and every family that is involved in the fishing industry in this small country we call home.
Why do we need digital monitoring and cameras ? why has it been fast tracked through the government, when mpi itself doesn't even really know all the facts and figures. What do you hope to gain through this witch hunting scenario ?
Apart from costing fishermen even more money that what we have to pay to keep our businesses going.
If this does come in to law, s 9(2)(b)(ii) [redacted] !!!!!
What if we would rather or have to spend money on our vessels to improve fishing operations/ living conditions or H & S ..... but cant because we need a bloody spy camera on board instead.
s 9(2)(a) [redacted] I live on my boat .... so I get to be monitored 24/7 in my own home, that's a invasion of privacy, am I a criminal ??
Even apart from the cost, how much spare time do you clowns think we have ?? We don't have hundreds of people working for us like you do, most fishermen/women are small skipper/owners and are hard pressed to keep up with day to day running of their companies. The extra hours and stress are going to cause accidents through even less sleep than we usually get..... This is health and safety you are affecting.

Commercial Fishing is a very professional business now, 99% of the cowboys are out of the game. Since the introduction of the quota system, fishing has been monitored and observed extremely well though mpi, on board observers, air force and navy watching, even with your own 2 deep sea trawlers.
Everything we catch is landed and weighed , everything is documented.
How much more are we going to be **forced** into doing just to be able to go fishing ?
There is the huge acc bills that we can never claim, the new moss surveys, quota lease bills, quota levies, deem value fines, mnz bills , changing of our skippers tickets, fishing permits, vessel permits and on and on it goes.

Whenever some clever person who has spent to much time at school and is paid, not through their own blood sweat and tears comes up with a fantastic idea .... we pay ....and pay ... and pay.
There has to be a limit, too much is too much.
Do you even want people in this country to own their own business and be proud of what they have achieved in their lives ??

There is so much more I would like to put in this email, or am I just wasting my time ?

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Yours Sincerely
Andy Price
Extreme Fishing Ltd

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 2:04 p.m.
To: s 9(2)(a)
Subject: FW: submission
Attachments: Port Fishermens Co-op Society Submission on IEMRS August 2017.pdf

From: Toni Smith s 9(2)(a)
Sent: Monday, 21 August 2017 1:36 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: submission

Hi there

Please find attached IEMRS submission for the Port Chalmers Fishermen's Co-Op

Kind regards

Ant Smith
President

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PORT CHALMERS
FISHERMAN'S CO-OPERATIVE
SOCIETY LTD
EST 1909

15 August 2017

Ministry for Primary Industries,
PO Box 2526,
Wellington 6140

Submission on Draft Circulars on Digital Monitoring of Commercial Fishing

Our co-operative is generally supportive of IEMRS. However, this is qualified on the basis that there are serious issues that need addressing and clarification by the Ministry, and that some of the proposed requirements in the circulars are completely unworkable and unnecessary.

We also believe the time frame for implementation of IERMS both in terms of consultation with the industry and feedback on the circulars has been so short as to bring into question MPI's stated position of genuine 'consultation'.

General Issues:

There has been considerable disquiet about the process of implementation of IEMRS, from individual fishermen. In particular, consultation with individual fishermen has been virtually non-existent. The time frames for consultation have also been inadequate.

This situation is further exacerbated by the Ministry still 'considering' important issues like IP Protection and Data Security that frame much of the operational detail in the circulars.

Integrity and security of Electronic Reporting data at FishServe and Global Position Reporting Data at MPI

We question whether the appropriate controls & measures for this are in place. The positon information (which is required from the Event Reporting and GPRD Circulars) represents valuable intellectual property, i.e. This information represents capital assets with considerable monetary value. There needs to be rock-solid assurances that this information will be transmitted, stored and used with the utmost security.

Therefore, we request a full independent security assessment that addresses the requirements for intellectual property (i.e. capital assets) protection. This will need to include:

- Staff and third party-access controls
- Appropriate back-up and disaster recovery protocols
- Controls on information sharing with other government departments
- Compensation for unauthorised access/leaks
- A review of the accessibility to data under the Official Information Act

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This issue was highlighted at the Invercargill CRA8 meeting Wednesday the 26th of July. Minister Nathan Guy has been quoted in the Southland Times (Friday 28th July 2017) thus:

"… Ministry has no intention to make information about individual fishing locations public"

"Position information will be secure, and MPI has no intention to make information about individual vessels' fishing locations public."

Further comment from the Ministry was quoted in the Otago Daily Times August 12th 2017:

"MPI said it was carefully considering the privacy and IP issues, saying it would not be making information like fishing spots or commercially sensitive information public."

We believe these assurances do not go anywhere near far enough on this matter. All of the above points need to be properly addressed before any real guarantees can be made, by anybody.

Safety implications of having to record data on heaving deck

The Health and Safety at Work Act (HSWA) 2015 gives skippers a primary duty of care to identify risks and hazards, and undertake steps which are "reasonably practicable" to protect its workers. The additional recording requirements and data fields, especially discards of sub-MLS fish, means that current deck-working practices will need to be rearranged. This could have the effect of being unduly disruptive to fishing operations, and/or reduce worker safety. The HSWA requires all "reasonably practicable" measures to reduce these risks to workers. HSWA defines "reasonably practicable" to include the following issues:

- How likely is the hazard to occur?
- The degree of harm that could result.
- What measures exist to control the risk.
- Whether ways to eliminate or minimise the risk are available or suitable.

These assessments cannot be made in the timeframes set by the consultation period of these Circulars. This has put skippers in the difficult position of not knowing whether the new requirements will allow them to remain HSWA-compliant or not.

The Maritime Operator Safety System (MOSS) requires skippers to ensure that their Maritime Transport Operator Plan (operator plan) is up to date and appropriate for their operation. Again, skippers are in the difficult position of not knowing whether the new requirements will allow them to remain MOSS-compliant or not.

Logistic problems

There are problems with operating sensitive electronic devices in a saltwater environment, especially for many of the smaller vessels. These problems include:

- Power supply on vessels
- Working in enclosed spaces (includes HSWA problems)
- Operation in remote areas (satellite, 3G/4G coverage)
- Extreme environment for sensitive electronics

There might be systems available to overcome remote area issues, and which can operate in extreme environments. However, individual fishermen may suffer through circumstances out of their control if their vessel is not able to support the new technology required.

Logging and transmission of Electronic Reporting data.

The time frames for rollout of electronic reporting and GPR are inadequate for development, testing/debugging and field trials. Product providers will have little time for debugging and field trailing their ER and GPR solutions with fishers. In an ideal scenario fishers would have already be

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using their ER and GPR system for many months in advance of the proposed 1 April 2018 timeline. This would be for them to become familiar with the system and give feedback to the provider, MPI and FishServe on any glitches or operational issues with the system.

Given the short time frame, providers will not have the ability to conduct adequate field trials to debug their software, for all fishermen required to use the system, to their normal operational standards.

This will be exacerbated by the Christmas – New Year holiday break and the age and relative lack of IT knowledge of many of the fishermen.

Given the current timetable of 1 April 2108 this date would effectively become a field trial for the electronic equipment being used to transmit ER and GPR by fishers. We suggest that 'glitches' outside fishers' control could unwittingly put them in breach of the law for the period when debugging and robustness of systems was taking place. We suggest the Ministry take a soft and considered approach while FishServe, Commercial Providers and fishermen came to terms with new systems and processes. Otherwise, this would be messy and stressful for all stakeholders and set the IERMS project off on a bad footing, all because of the tight MPI-imposed timeline for implementation.

In addition, training and 24 hour helpdesk support will be required. It will need to be 24 hour (at least initially) because of odd hours worked by fishermen (including Christmas day for some fishermen). Software upgrades may be required. There is no indication of who may require them, who pays for their development, and how are they introduced into the system. We expect them to be frequent.

There has been no consideration of liability for system outages. We are aware of the serious need for training and helpdesk support, and support for managing outages. However, it is unclear who has responsibility for this. Suppliers may need to review the wording of their service contracts, and indemnify themselves in case of large-scale outages. This is especially a problem on the Chatham Islands, where service technicians and software specialists would need to be flown in from the mainland. There is no mechanism for compensation for loss of fishing days if outages occur. The Ministry is quoted in the Otago Daily Times (12th August 2017, page 3):

" ..if systems broke down while at sea, fishermen could ask for permission to keep fishing."

The reality is that the regulations do not allow for this. It is an offence not to use the GPR. There is a defence from prosecution for technical failures under Regulation 10. This is very different from the ability to ask permission to keep fishing. Further, Regulation 11 has the capacity for exemptions but not for technical failure.

Other harvesters

There has been no electronic monitoring and reporting system for other harvesters of the resource. This includes amateur charter vessels, recreational fishermen and customary fishermen. Currently, catch reporting by recreational fishermen is not required, and customary catch records remain sporadic. However, if the Ministry is serious about obtaining accurate catch records for fisheries management purposes, then it follows that a corresponding system of electronic reporting would be introduced for these other harvesters. It is noted that the circulars require commercial vessels engaged in customary fishing to record their customary catch electronically.

Needs analyses of data requirements under the circulars

There is a large amount of additional data required by the circulars, including fine-scale lat/long catch reporting, sub-MLS discard reporting and GPRS data. In many cases these data will be costly to collect and store, and of limited value to fisheries management or compliance

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requirements. Our current assessment is that the vast majority of the additional data required will have limited or no value to either.

Unintended consequences

There is the potential for unintended consequences emanating from this project. This includes (but is not limited to) the following:

- A larger than expected number of experienced fishermen leaving the industry
- Some of the smaller boutique LFR's exiting the industry
- More expensive for new entrants to start in the industry
- Loss of existing databases (e.g. eel datalogging system), and loss of continuity with existing databases.
- Increase in insurance costs and indemnity difficulties, for loss of fishing opportunities, data, IP etc.
- More expensive fish for the public

For all fisheries: There is a strong need for MPI's science working group participation in the development of the circulars, especially the new data fields required.

IEMRS will put a severe financial cost on many small fishing business, with a flow on effect on other port based businesses with less cash flow for maintenance etc.

Other than special events (accidental loss, protected species interaction etc.) there is no need and little benefit of real time reports. A massive reduction of on-going communication cost can be achieved by end of trip reporting as most fishers will be back in cell phone range.

We look forward to some sensible decisions resulting from this submission process.

Yours faithfully

Ant Smith
President

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Ella Borrie

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:23 p.m.
To: s 9(2)(a)
Subject: FW: Emailing: CIFA submission on IEMRS
Attachments: CIFA submission on IEMRS.doc

-----Original Message-----
From: Bill Chisholm s 9(2)(a)
Sent: Monday, 21 August 2017 4:12 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Emailing: CIFA submission on IEMRS

Please find attached a submission from the Chatham Islands Finfish Association Inc.

Yours faithfully

Bill Chisholm

s 9(2)(a)

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Chatham Islands Finfish Association Inc

Fishermens Office, Waitangi, Chatham Island. **Ph (03) 3050463**

Ministry for Primary Industries,

PO Box 2526,

Wellington. 21st August 2017

Submission on Draft Circulars on Digital Monitoring of Commercial Fishing

Introduction

This submission is made on behalf of the Chatham Islands Finfish Association Inc. (CIFA). CIFA represents most quota owners and commercial fishermen who utilise the blue cod resource in Fisheries Management Area 4. CIFA also represents quota owners of LIN4, SCH4 and HPB4. The objectives of CIFA are to promote sustainable management of Fisheries Management Area (FMA) 4 blue cod and other finfish stocks, protect harvest and access rights and protect/enhance quota value.

The address for service for this submission is: Attn: Bill Chisholm, s 9(2)(a)

Should a hearing be called, CIFA would like to be heard in support of this submission.

The submitter agrees with all points raised in submissions from The NZ Rock Lobster Industry Council, Fisheries Inshore New Zealand (FINZ), Paua Industry Council, Specialty & Emerging Fisheries Group, and the BCO5 Association. We recommend that our submission is read in conjunction with these submissions. In particular, with regard to the Chatham Islands line fishery, which is not yet developed, CIFA supports all issues raised in the submission of FINZ on line fishing.

CIFA has carefully considered MPI's draft Circulars, and this submission relates to the following:

- **Fisheries (Event Reporting) Circular**
- **Fisheries (Geospatial Reporting Devices) Circular**
- **Fisheries (Codes and Instructions) Circular (or is it "Codes and Information Circular?")**
- **Fisheries (Monthly Harvest Returns) Circular**

The fishing method used by CIFA members is mostly cod potting. Line fishing is used for HPB4, LIN4 and SCH4, but these line fisheries have yet to be developed on the Chatham Islands. Recently, CIFA has implemented the voluntary use of a larger pot-mesh size (from 48mm to 54mm) to improve blue cod stocks and increase yield-per-recruit. This new pot mesh is also being employed in BCO5.

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This submission also offers the following comment on the use of Electronic Monitoring cameras on cod potting vessels:

Use of Cameras for Electronic Monitoring

While out of scope for the purposes of this submission, the Regulations propose that electronic camera monitoring is imposed on most commercial fisheries as part of the IEMRS project. The Regulations allow for exemption from this at the discretion of the Chief Executive of MPI. This submission will signal the expectations that CIFA cod potters have with regard to such exemptions from electronic monitoring.

CIFA believe the requirement for cameras should be based on risk based assessment of individual fisheries and/or individual vessels. The cost to purchase, transmit, and maintain camera gear for CIFA cod-potting fishers far exceeds the benefits to compliance, science or fisheries management that may accrue from this requirement. CIFA therefore requests an exemption to the camera Regulations for Chatham Island-based cod potters. An exception might be where fishers have been found to be non-compliant with fisheries regulations.

General Comment:

There is a strong need for MPI's science working group participation in the development of the circulars, especially the new data fields required. Although difficult, CIFA is prepared to meet together with MPI managers, scientists, software developers and individual fishermen to assist with getting the new data fields sorted out. CIFA sees this as a necessary step before finalising the circulars.

With regard to Transitional Arrangements in each circular, the compulsory rollout date needs to be pushed out to 1 October 2018 to enable the CIFA cod potters sufficient time to transition to the new regime.

Specific Comments on the circulars, in relation to cod-potting (not line fishing):

As mentioned earlier in this submission, Line fishing is used for HPB4, LIN4 and SCH4, but these line fisheries have yet to be developed on the Chatham Islands. With regard to the Chatham Islands line fishery, CIFA supports and re-iterates all issues raised in the submission of FINZ on line fishing.

1. Fisheries (Event Reporting) Circular

P7, clause 12 Transmission: Every e-logbook must be able to transmit reports and records to the Service Delivery Agency within the times required by the Regulations. Although fishers will make every effort to comply with the Regulation, transmission of data cannot be guaranteed at any given time. Transmission failure may also be owing to the Service Delivery Agency, not the permit holder. The circulars are silent on where liabilities rest under these circumstances.

P7, section 16(2). Every e-logbook must operate in a poor connectivity environment. The entire Chatham Islands is a poor-connectivity environment. There are circumstances where the e-logbook might fail and fishers are unable to save the

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information while offline. There needs to be the paper-based system retained as a backup in case of system outages.

P8, clause 18 Business Continuity Plan: There are no criteria for what these entail, or who is accountable for their implementation.

P18 NFPS Catch Records: Data type integer. We understand industry will need to estimate the weight of any NFPS, and that precision is not required. This needs to marry with existing requirements and be incorporated into MPIs policies for collecting and managing NFPS records.

P19 NFPS species codes. These are buried in other documents. Fishers will need quick access to species codes and identification of NFPS.

2. Fisheries (Geospatial Reporting Devices) Circular

Section 8 (2) GPR – status at the wharf? They should only be turned on when leaving port. No need to have them on when the engine is on, or refuelling, unloading, recharging batteries etc.

P6, Section 10 - Transmission frequency: There are two sorts: 1. Fixed rate, 2. Variable rate. The policies are unclear on how MPI decides the frequency of reporting. We note MPI want the ability to secretly adjust the reporting frequency of any GPR device. We understand that it is better that GPR reporting is fixed rate because the information will be available to the fisherman. It is also unclear whether there are Privacy Act issues which might be relevant here.

P7, section 12 Transmission failure: A clear policy needs to be put in place to manage issues arising from transmission failure. These failures can emanate from both fishers and the principal communications provider.

P7, section 14 Privacy and security of information transmitted: We have significant concerns about the transferability of this information between government agencies, and the security of this information once transferred. It would appear that all this information will become the property of the Crown. The fisher supplying the information must agree to this when they forward their reports. This is essentially forcing fishers to hand over their capital asset (intellectual property) with no guarantee that it will not be forwarded to other Crown agencies. There are serious privacy and other legal concerns here which have yet to be resolved. These include unimpeded transit through areas (such as Marine Reserves) managed by different Crown agencies. Statutory protocols will need to be developed by MPI to manage internal and external access to this information. These should be developed in collaboration with industry.

3. Fisheries (Codes and Instructions) Circular (or is it "Codes and Information Circular?")

P7, clause 13 (1) NFPS catch reports: we question the need to report "deck strike material". It is as unhelpful as reporting seaweed that is caught up on an anchor.

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P17 One nautical mile reporting: This is clearly a 'catch-all" requirement which does not reflect the needs of the BCO4 fishery. Yet this is perhaps the most important information, upon which all other information hinges. Further, the record of what is a "fishing event" must remain consistent with current database records.

Under Part 2D - Fishing event for Cod Potters, the best system is to have a daily start lat/long, and end lat/long. This will provide fishing effort along a line which would normally not exceed 3-4 nautical miles. Fishermen will set the same pots 3-4 times a day (sometimes more). They will not be able to undertake data recording while fishing. The fishermen are too busy to be able to add data entry into their deck routine while fishing. There are 1) serious OSH problems with this, 2) poor catch/bycatch estimates will result from it; and 3) survival of sub-MLS fish which are released alive, is reduced. The 1 NM event is impractical and it does not represent any particular characteristic of the fishery. A new fishing event should be generated if the boundary of the statistical area is crossed.

Part 5. It is apparent that undersize fish (sub-MLS fish) which are released alive will now need to be reported under the new disposal code Y. This is largely unnecessary because the new (bigger) pot mesh will become compulsory 1 October this year. This will reduce the number of undersize fish brought aboard to ~2%. Recording undersize fish is not ideal as the sooner they are released alive, the better their chances of survival.

Part 5. Discards. Potting should be able to record all released bycatch as Code X, as all fish are taken alive. This will need a change to Schedule 6 of the Fisheries Act.

Page 7, Section 14 - Processing reports. There will be a problem with the 19 – metre limit for vessels processing at sea. We are not sure where the 19 metres comes from. This would be a problem for trawl vessels who go codding.

4. Fisheries (Monthly Harvest Returns) Circular

CIFA has no specific comments.

Yours faithfully

s 9(2)(a) [redacted]

Secretary, CHATHAM ISLANDS FINFISH ASSOCIATION INC.

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Secretary: Bill Chisholm, s 9(2)(a) [redacted]

s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:22 p.m.
To: s 9(2)(a)
Subject: FW: Emailing: SIEIA submission
Attachments: SIEIA submission.doc

-----Original Message-----
From: Bill Chisholm [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 4:13 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Emailing: SIEIA submission

Please find attached a submission from the South Island Eel Industry Association Inc.

Yours faithfully

Bill Chisholm

s 9(2)(a)

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SIEIA

South Island Eel Industry Association

P O Box 1673, Invercargill.

s 9(2)(a) [redacted]

Ministry for Primary Industries,
PO Box 2526,
Wellington.

21st August 2017

Submission on Draft Circulars on Digital Monitoring of Commercial Fishing

Introduction

This is a submission made by the South Island Eel Industry Association (SIEIA). SIEIA represents commercial eel fishermen who utilise the eel resource (shortfin and longfin eels) in the South Island. Our members comprise the majority of eel permit holders, and take the majority of the shortfin and longfin eel catch in the South Island.

The address for service for this submission is s 9(2)(a) [redacted]

The submitter agrees with all points raised in submissions from The NZ Rock Lobster Industry Council, Fisheries Inshore New Zealand (FINZ), Paua Industry Council, Specialty & Emerging Fisheries Group, and the North Island Eel Enhancement Company Ltd. We recommend that our submission is read in conjunction with these submissions. In particular, with regard to the South Island eel fishery, SIEIA supports all issues raised in the submission of the North Island Eel Enhancement Company Ltd.

SIEIA has carefully considered MPI's draft Circulars, and this submission relates to the following:

- **Fisheries (Event Reporting) Circular**
- **Fisheries (Geospatial Reporting Devices) Circular**
- **Fisheries (Codes and Instructions) Circular**
- **Fisheries (Monthly Harvest Returns) Circular**

The fishing method used by SIEIA members is mostly fyke netting, which is classed as a passive method of catching fish. Fyke nets may be of varying sizes depending on the waterways fished. Stall nets are generally not used in the South Island (unlike the North Island). Another difference between the North and South Island eel fisheries is that in the North Island it is a year-round fishery, whereas in the South Island it is a summer-only fishery (1st October – 30th April).

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While out-of-scope, this submission also offers the following comment on the use of Electronic Monitoring cameras:

Use of Cameras for Electronic Monitoring

The Regulations propose that electronic camera monitoring is imposed on most commercial fisheries as part of the IEMRS project. The Regulations allow for exemption from this for land-based eel fishermen, but they do not specify a similar exemption for vessel-based eel fishermen operating on freshwater lakes and rivers.

We wish to seek an exemption on the requirement for all eel fishing permit holders to carry cameras. The reasons for this are:

1. Boats are not always used to harvest eels. More often, they are used to reach areas with difficult access. Sorting the catch is often done away from the vessel, on foot.
2. Boats, when they are used, are too small (10ft), have no power source, are exposed, and would be prevented from navigating low hanging habitats (under willows) if they were required to have a mast with a camera. Going into the willows could result in the mast becoming tangled in the willows, and forcing the boat to turn over. In the main, although a small boat may be used, most of the fishing is still on foot and sorting is on the banks.
3. Interactions: There are no known endangered species interactions with eel fishing activities which would require cameras on eel boats.

General Comment:

There is a strong need for MPI's science working group participation in the development of the circulars, especially the new data fields required. SIEIA is prepared to meet together with MPI managers, scientists, software developers and individual fishermen to assist with getting the new data fields sorted out. This cannot be done before October 2017, but SIEIA sees this as a necessary step before finalising the circulars.

With regard to Transitional Arrangements in each circular, the compulsory rollout date needs to be pushed out to 1 October 2018 to enable SIEIA fishers sufficient time to transition to the new regime. Because there is no eel fishing in the South Island between 1st April and 1st October, we do not see this as particularly onerous for MPI.

Specific Comments on the circulars:

FISHERIES (EVENT REPORTING) CIRCULAR

P7, clause 12 Transmission: Every e-logbook must be able to transmit reports and records to the Service Delivery Agency (SDA) within the times required by the Regulations. Although fishers will make every effort to comply with the Regulation, transmission of data cannot be guaranteed at any given time. Transmission failure may also be owing to the SDA, not the permit holder. What does MPI do under this scenario? Where do liabilities sit?

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P7, clause 16 Robustness of System: In 16(2) it says every e-logbook must operate in a poor connectivity environment. There are many areas of poor satellite connectivity in the South Island. Areas that have poor connectivity will always have poor connectivity, no matter what you do. Therefore, the Regulations need to be cognisant of this, and accept this will occur. SIEIA suggests retaining the current paper based system in case part or all the electronics fail. Other fail-safe options should be explored.

P8, clause 18 Business Continuity Plan: We would like to know who is responsible for preparing and approving these Plans, and the policies that will drive them.

P18 Non-Fish Protected Species (NFPS) Catch Records: Data type integer. We understand fishers will need to estimate the weight of any NFPS, and that precision is not required. This needs to be incorporated into MPIs policies for collecting and managing NFPS records.

We are concerned that unintended drift-NFPS has been known to turn up in fyke nets. These catches will be interpreted as having resulted from commercial fishermen. The reality is that fyke nets are frequently set in flood conditions, and consequently they can fill up with all sorts of debris unrelated to fishing activity. How this situation is recorded, and how the data is interpreted, needs to be sorted out.

P19 NFPS species codes. These are not well known to fishers. How can fishers gain quick access to species codes and identification of NFPS?

FISHERIES (GEOSPATIAL REPORTING DEVICES) CIRCULAR

These requirements will apply from 1 October 2017 for trawl vessels over 28 m, and to all other vessels and fishers from 1 April 2018. The key requirement is that position reports must be transmitted to MPI in real time during all commercial fishing.

A GPR device is not required to be working if:

a) the vessel is turned off and is stationary

b) moored at a place that has road access

c) if the vessel is a tender on board a mothership that operates a GPR

This is a little confusing for eel fishers' vessels operating on freshwater lakes and rivers. These vessels will often be tied up at a road end, pulled up on the riverbank or in transit between waterways. Those who fish without a vessel can carry a portable GPR in their vehicle, or leave it on the shore while fishing is occurring. If GPR is absolutely necessary (we believe that it is not) then the requirement for fixed-vessel GPR reporting should be waived, and portable GPR's could be used by all eel fishermen, regardless of whether they are working from vessels or not.

Comments

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P6, clause 9 Operating when fishing without a vessel: This clause does not consider commercial fishers who use helicopters to get them in and out of back waterways. In these situations, there may be legal and safety issues associated with the operation of GPR devices.

P6, clause 10 Transmission frequency: How does MPI decide the frequency of reporting required by any group of fishers? What are the policies? If GPR is absolutely necessary (we believe that it is not), then we recommend 15 minute intervals as perfectly adequate.

We note MPI want the ability to secretly adjust the reporting frequency of any GPR device. If MPI want secret access to GPR devices they should use the privacy laws in place now.

P7, clause 12 Transmission failure: A clear policy needs to be put in place to manage issues arising from transmission failure. These failures can emanate from both fishers and the principal communications provider.

Currently, a fisher is expected to report the data within 24 hours of a failure. For eels, this needs to be increased to at least 5 days to account for fishers who go into remote areas, and may lose connectivity. We are aware of recent satellite issues that have stopped communications for 3 days. So these failures do happen.

P7, clause 13 (2) Security of transmission: SIEIA has a strong policy of obtaining information for freshwater management. This information is used for the many submissions SIEIA has made on various statutory Plans and National and Regional Policy Statements, resource consents and Department of Conservation policies. The eel data logging project is integral to this work, and SIEIA will need to access the non-private data collected under IEMRS. We are unsure about MPI policies on this, and how the additional data fields we need will be incorporated into the IEMRS system.

7, clause 14 Ownership of information transmitted: Privacy laws are in place for very good reasons, which is to protect people's privacy. On this basis, SIEIA fishers do not support the "trust me" policy currently employed by MPI. There are adequate laws in place now to deal with privacy matters.

We have significant concerns about the transferability of this information between government agencies, and the security of this information once transferred. It would appear that all this information will become the property of the Crown. The fisher supplying the information must agree to this when they forward their reports. This is essentially forcing fishers to hand over their capital asset (intellectual property) with no guarantee that it will not be forwarded to other Crown agencies or the public. There are serious privacy and other legal concerns here which have yet to be resolved. These include unimpeded transit through areas (such as Marginal Strips) managed by different Crown agencies. Statutory protocols will need to be developed by MPI to manage internal and external access to this information. These should be developed in collaboration with industry.

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Regardless of the outcome, protocols and rules will need to be developed by MPI to manage internal and external access to the information. This should be developed in partnership with industry. We are particularly concerned about OIA requests.

FISHERIES (MONTHLY HARVEST RETURNS) CURCULAR

SIEIA has no specific comments.

FISHERIES (CODES AND INFORMATION) CIRCULAR

The electronic system is based around 5 types of event – fish, catch, NFPS, processing, disposal and landing. Some new fields are added to fish catch reports, and some fields have been removed. Start and end time and location must be reported for all fishing activity. Fishers are required to estimate the top ten species caught, whether QMS or non-QMS species. All position information must be in the form of co-ordinates accurate to 4 decimal places. Disposal reports record all fish not on the vessel or with the fisher at the end of the trip. Landing reports record only fish on a vessel or with the fisher at the end of the trip.

Comment

P17 One nautical mile reporting: A separate catch report is required if you haul a fyke net or other unit of fishing equipment that is more than 1 nautical mile from the first fyke net or other unit of fishing equipment hauled. This is clearly a 'catch-all" requirement which does not reflect the needs of the eel fishery. Yet this is perhaps the most important information, upon which all other information hinges. Further, the record of what is a "fishing event" must remain consistent with current database records. In the Eel Industry, the distance between a set could be 5 miles apart and more. Rivers and waterways are long and narrow.

As an alternative to the above, our preference is to identify catchments and parts of catchments that could replace the 1 nm requirement. Therefore, the Circulars need to be broad enough to enable the eel fishery to move in this direction.

4. FISHERIES (MONTHLY HARVEST RETURNS) CIRCULAR

SIEIA has no specific comments.

Yours faithfully

s 9(2)(a)

[redacted]

pp Victor Thompson
Chairman – South Island Eel Industry Association Inc

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s 9(2)(a) [redacted]

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 2:03 p.m.
To: s 9(2)(a) [redacted]
Subject: FW: Feedback - Fisheries Regulations 2017

From: Britt Barris [mailto: s 9(2)(a) [redacted]]
Sent: Monday, 21 August 2017 1:50 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Fwd: Feedback - Fisheries Regulations 2017

---------- Forwarded message ----------
From: **Quinn Fowler** s 9(2)(a) [redacted] >
Date: Mon, Aug 21, 2017 at 1:46 PM
Subject: Fwd: Feedback - Fisheries Regulations 2017
To s 9(2)(a) [redacted]

I am a self-employed skipper of a 12-metre fishing vessel in s 9(2)(a) [redacted]. My knowledge of commercial fishing has been passed down to me by more than five generations of commercial fishermen. My knowledge of the marine environment has come from my ancestors who fished these waters prior to the European settlement of New Zealand.

I wish to **OPPOSE** the new regulations imposed on all commercial fishers but also feel it is necessary for me to submit on the draft Circulars.
It is my hope that the inept consultation process for the new regulations will be challenged but, in the interim, I offer the following comments on the Fisheries (Geospatial Position Reporting) Regulations 2017:

Part 1: Basic requirements
7 Content of position reports
Given the decision of Edminstin v Sanford was after the consultation period had closed on the regulations I feel that 14 'Ownership of information transmitted', goes against that decision. The areas I fish (my "marks") are my own property and should not be able to be taken against my wishes by the government. My "marks" have been passed to me by my ancestors and are taonga.

Part 2: Transmission
These requirements place a lot of responsibility on fishers for things they will have no control over, i.e; 11 2 (c) and
13 'Security of Data'.
As the RIS outlined, many fishers are in the over 60-year-old category. This technology will be difficult for many fishers to learn and possibly require them to pay significantly more for expert advice. Some are unable to use basic cellular technology. The transmission costs are a new ongoing cost that will have a significant impact on the small businesses that are the backbone of our society.
With regard to the 'Ownership of information transmitted', please refer to my comments on Part 1. The precedent has been set in Edminstin

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v Sanford. This took place AFTER consultation. Given affected parties were not contacted directly and timing of the decision of Edminstin v Sanford, I feel consultation does not meet the requirements of consultation in Wellington Airport v Air NZ [1993] 1 NZLR 671.

Part 3
It may have been more appropriate for MPI to provide makes and models that suited their criteria.

Part 4 is, again, things that are generally outside of the control of the permit holder. A suitable GPR device may be found but does not have the serial number marked in an appropriate way for the regulations. These requirements seem more suited to earlier discussions with possible providers of the technology and are outside of the scope and ability of most fishers.

In addition to my comments on the Fisheries (Geospatial Position Reporting) Regulations 2017 I would like to submit the following feedback on the Fisheries (Reporting) Regulations 2017 circular.

I would like to submit that I **OPPOSE** the requirements of the Fisheries (Reporting) Regulations 2017. As a self-employed fisherman on a 12 metre vessel the reporting requirements proposed will be extremely difficult to implement. The marine environment is already a dangerous one and the excessive amount of data being asked for will put crew at risk. With only the skipper and one crew member on board the labour intensive requirements will mean less attention on the more important and immediate issues. It will be very difficult to enter data at I time I would usually be on deck assisting the crew. I understand trials of this scheme were done on larger vessels. If this is the case, I feel it should be noted that you cannot compare apples with oranges. Unless a vessel has a dedicated skipper it is unrealistic to impose these regulations.

I believe it is unlawful for the government to be able to create regulations that take away my Intellectual Property against my wishes. The precedent set by Edminstin v Sanford has not been factored in. The judgement of Edminstin v Sanford was not available during the consultation period. Not only do I oppose the regulations, I ask that they be repealed so that the consulation be reopened. The process has not only been rushed but many affected parties did not have sufficient information and time due to MPI not contacting affected parties.

I support the use of technology in reporting but not when the safety of my crew and vessel are placed at risk and my "marks", gifted to me by my ancestors, are taken with our permission or recompense.

Quinn Fowler and Britt-Amber Barris
s 9(2)(a)

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s 9(2)(a) [redacted]

From: Hayley Nelson s 9(2)(a) [redacted]
Sent: Friday, 18 August 2017 1:30 p.m.
To: Future of Our Fisheries Programme
Subject: Fisheries Circulars Submissions 2017
Attachments: carey circular submit.pdf; Hayley circular submit.pdf

Please find enclosed our submissions for the draft fisheries circulars 2017.

Hayley Nelson

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1 August 2017

To whom it concerns,

My name is Carey McIvor, of s 9(2)(a) I am writing in regards to the new legislation in the fisheries department, covering Integrated Electronic Monitoring and Reporting System (IEMRS). I am a commercial fisherman who owns a commercial fishing vessel, I am a permit holder, and quota owner. I strongly oppose the introduction of these new regulations, for the reasons stated below.

I have fished for 37 years. When I first left school and went out on a boat I knew this was going to be the life for me. I worked hard on deck. I got my sea time. I went and sucessfully sat my skippers ticket. I worked towards getting my own boat.

I have owned and run my own private vessel for a very long time. And, believe it or not, catching fish is actually a very fine art. I have spent years staring at my depth sounder, learning to read the bottom. When I first started fishing there were no GPS's and the sounders were paper ones. I would study and stare at the sounder for so long, and I would concentrate so hard that I found myself reading it in my dreams.

The bottom of the ocean is as rugged and varied as the undulating land ashore. There are reefs, and bays, and an area can be very complicated. There can be outcrops of rock surrounded by sand, or big rocky reefs with ledges or pinnacles, or areas of stones and boulders.

With the years of learning and studying I have done, reading the sounder, I can see all this scroll along my screen. I have a map in my head of the underlying terrain of the ocean floor. This is my hard earned information.

Some of the spots I have found no-one else knows about. And with with way I fish, I ensure I take only what the area can handle, so I can always go back.

So, not only have I taught myself the terrain, I have also worked out what times of the year the fish are likely to be there. Or, in what weather pattern. This knowledge is valuable to me. I do not share it publicly. And, even when others buy me drinks, I still don't give them my hard won wisdom.

The intrusion I will feel the most strongly about when they bring in IEMRS – and the continuous tracking of my vessel – is that all of this hard earned knowledge will no longer be mine. The way the laws are written, all my tracks and marks will become the property of MPI. That is unfair!

I love to fish. I love escaping on my boat. I do not call into a shore station. I am very private. I do not want people knowing my every move. And, the way I fish, there is no need for it. I only take what I need to ensure my boat is well maintained and my family fed.

s 9(2)(b)(ii)

So, cameras, well that is another thing I will struggle with when IEMRS is introduced. On board my boat is just my partner and I, and our Jack Russell. We often live on board. Over summer we

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chase tuna – fish that follow the warm waters around the coast. This means we live on our boat constantly for up to 4 months of the year. We love it though, it is like an adventure, chasing and hunting the fish. And, being able to explore the sounds in fiordland and bays along the coast.

Cameras running constantly is just too intrusive and unnecessary. Also, MPI say the cameras will run even when we sleep. The trouble with that is our vessel is only on battery power at night and this could severely drain our batteries.

Please review these new regulations. They are intrusive and unfair. I do not want to be forced to give away my hard earned knowledge for no compensation. I have never shared this information up until now, I feel angry these regulations will force me to do it.

This equipment of IEMRS is going to be very costly for our small business. Our costs are mounting all the time, but our fish prices remain the same. To own a commercial vessel it has to pass survey. This whole system is now insanely expensive. A surveyor comes and inspects my very well maintained vessel, charging me s 9(2)(b)(ii) . They only spend a maximum of 2 hours on board, but charge me for about 15 hours work. The trouble is, if we don't pay his bill, we do not get our survey papers and cannot go fishing.

My safety record is impeccable. My boat is well maintained. I take pride in my vessel and the fish I unload. I know everything there is to know about the systems on board – from the hydraulics to electrical and the engine. I want my vessel to run well and be safe. All these extra costs means I have less money to spend on my boat and family.

With the expenses of IEMRS forced upon me, I will have to find more money. At the end of the day that means I have to catch more fish. The extra costs and stress and loss of property rights is not justified. The quota system has been flawed since its introduction. MPI know this, they just choose to ignore the facts, and the fishermen who tell them so. I am so strongly against this introduction of IEMRS, I will tie my boat up and walk away from commercial fishing. The government has always been making my life hard as a fisherman and I have stayed strong. Now I am going to stand up for my rights because I am tired of being wrongly treated by MPI. I have done nothing to deserve such treatment. I have always worked hard, and I should be praised for being a good responsible operator who fishes sustainably.

So, just before I go, I would like you to stop and think for a minute. Are you being watched right now? While you are sitting at your desk, is there a camera filming your every move? What about even when you go on your break or finish work at the end of the day? Ok, what about a tracking bracelet? Do you have one of those on you at all times, monitoring your every move? Your answer will of course be no. And, you might say that is because you are not a criminal, and have done nothing wrong to justify such treatment. Well, now you understand how I will feel.

Please reconsider these regulations. They are unfair and intrude unjustly into my personal private rights.

Carey McIvor

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MPI Future of our Fisheries Programme
Circulars Submission
18 August 2017

GPR Devices
Constantly tracking vessels is a direct breach of a fishers Intellectual Property rights. GPR devices have no place on small commercial vessels unless MPI are willing to compensate fishers for their Trade Secrets, or hard earned Intellectual Property. MPI does not need to own a fishers information, if they would like the data, they should request selected information from the fisher. There is no benefit to the future of stock status for MPI to own all this information. MPI cannot ensure the safety of this information, they cannot be trusted with fishers marks.

The process for fishers to de-register their vessel needs to be much simpler. A fisher needs to be able to turn off the tracking device if they are on a recreational trip. A phone app that lets fishers register and deregister their vessels easily is needed. Constantly tracking a vessel, just because the engine is running is not needed and will breach the privacy of unwitting visitors.

Events
Sending in daily event reports is unnecessary. Sending reports monthly is more than adequate. Small vessels should not need satellite phones to operate, just so they can send their data daily. All weights are estimated by a fisher. An LFR only sends their actual greenweight in monthly, so fishers should be given the same rights.

Logging several potting events in one day is dangerous. Daily reports, as done now with the paper system is more than adequate. The sheer amount of information requested is also too much. Stick to the way the paper reports are done now. Fishermen do not have the time to log more, and the catch information is all that is needed. If you need more information logged, send observers out with the vessel so they can log it. A skipper is in charge of the safety of the vessel and its crew. Reporting information every nautical mile is unworkable.

Hayley Nelson

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MPI - Future of our Fisheries Programme
Fisheries Circular Submission
Friday 18 August 2017

Geospatial Position Reporting
This is a tracking device that, as per clause 6 and 7 of the GPR Deivces Circular, must automatically create position reports that include my unique ID with my latitude and longitude and will run continuously while my vessel is in operation. This position information becomes the property of MPI from the moment it is sent from the device.

Because of the above reasons I object to the circulars as they stand. MPI taking my private information in the form of position tracking is stealing my Trade Secrets and would breach my rights under Section 28 of the Privacy Act 1993. I do not agree to being forced by MPI to have a tracking device on my privately owned vessel while I am fishing. Creating new circluars saying I must comply directly breaches my rights and therefore makes them unlawful.

E-Log Books
Having an e-log book is a way of updating the current paper based system. The amount of information requested in the circulars – pertaining to latitude and longitude positions would again breach my basic human rights and is why I object. The current system – with grid referenced areas is ample. I would retain my private property and MPI still gets position information. The paper based system needs to be kept as a back up if the electronic book fails. Even Visa has zip-zap machines in case the power goes down.

I object to sending reports in daily. A monthly report is ample and means I can send the information when I am in range at home. My small operation can not afford a satellite phone or the fines if I cannot get my information to send daily. The data is still current if it is a month old. All of my weights sent are estimated anyway, so how is this vitally important for stock status? The LFR weights are the important ones, and they are sent monthly. It almost appears MPI is trying to create excessive unnecessary costs for us small operators, it is hard to see the reasonings for these drastic measures from where we sit.

Unfair Treatment by MPI
At a meeting I attended, headed by the IEMRS Implementation Group, they basically accused us fishermen of being deceptive in our catch reporting. If MPI suspects fishers of such things they have the power to investigate and punish such individuals. I have always reported my catches to within a few kilo of greenweight. Accusing us all of misreporting is disgusting and inaccurate.

I have worked my whole life as a commercial fisherman and I have always looked after the fisheries I am involved in. I worked hard to buy my privately owned vessel. I use it to live on when I am working at sea. These new circulars, and the legislation they are created under, are a direct breach of my basic human rights. I do not agree to being continuously monitored and tracked. If this is forced upon me I will leave the industry. You will not only lose a [redacted] s 9(2)(a), but a hard working tax payer.

Privacy
Every other member of society is protected by privacy laws, just because I commercially fish, should not mean I have no privacy rights. MPI cannot justify their reasons for bringing this in except to say they want "transparency" in the commercial sector. This means MPI intend to share publicly my private information and I do not agree to this. I have worked hard to find my secret spots and MPI do not have the right to just take my intellectual property with no compensation. MPI cannot promise my information is secure. This is not acceptable.

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Potting Events
The reporting of potting events every nautical mile is excessive and unworkable. Information supplied daily is all that is needed, as per the current system. I do not have time to log several events in a day – there is only myself and my crew on board and to take my attention away from the job at hand is dangerous. It would breach Maritime Law which states a skipper must maintain a proper lookout at all times while operating a vessel. I also have to operate the pot winch and ensure my crew is working in a safe environment – as Health and Safety at Work rules dictate. A boat at sea is already hazardous enough without adding excessive book keeping.

Change current laws
Provisions should be included to allow fishers to return unwanted healthy fish to the sea without punishment. The Simmons Report was quoted by one of the IEMRS Implementation Group, as being one of the major reasonings for bringing in IEMRS. But, if MPI had read the report and were concerned about its findings, they should address some of the fundamental flaws with the current QMS that this report highlights. Laying extra rediculous laws over the top of already flawed ones is not going to achieve sustainability. MPI needs to listen to the fishers who have been telling you the problems with the QMS, and then they need to implement simple cost effective solutions to fix it. That would be a better way of improving fish stocks. A new return code needs to be created that allows fishers to legally return unwanted healthy fish to the sea without punishment.

Fines
What is the need for fines? The equipment will be specialised. It will be provided by a technology company. Fishermen will not have any control over how it operates, and whether it breaks down. But, the way the circulars and legislation is written, the fishermen have to come in to port when it breaks down? This could cost my business tens of thousands of dollars. MPI suggest they will look at each case to see whether the fisher did the right thing by the rules, and then decide if they will be fined. This is not fair. Equipment fails often on commercial vessels, and fining us and telling us we must return to port is unfair. Are you trying to put us out of business? This is what you will achieve! If MPI were open 24/7, with technology specialists on call at all times, you might have a point. You are closed between the hours of 5pm and 9am; you are closed on weekends, public holidays and over the entire christmas holiday period. So, when do you report back? Fishermen are not going to be able to stop working while we wait for you to turn up to work. Asking us to do so is unreasonable.

Carey McIvor
Permit Holder, quota owner, vessel owner and operator, and an honest hard worker.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 10:05 a.m.
To: s 9(2)(a)
Subject: FW: Submission IEMRS
Attachments: Submission - IEMRS Circulars Digital Reporting - 21 August 2017.doc

From: Carol Scott [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 5:24 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Submission IEMRS

Please find attached a submission on IEMRS circulars from Port Nelson Fishermans Association
kind regards
Carol Scott

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PORT NELSON

FISHERMANS ASSOCIATION

PO Box 5089 Port Nelson

President: Matt Hardyment | Secretary: Carol Scotts 9(2)(a)

Vice President: Robbie Hart | Treasurer: s 9(2)(a)

Submission on the
Integrated Electronic Monitoring and Reporting Systems (IEMRS)
MPI Consultation on Draft Circulars
21 August 2017

1. This submission is made on behalf of the members of the Port Nelson Fisherman's Association. Our membership consists of commercial fishers, quota owners and a number of people that are directly associated with the wider commercial fishing infrastructure and services.

2. As a consequence of the proposals by MPI for digital reporting and camera surveillance, all our membership will be impacted at some level.

3. We do not support the current MPI draft for IEMRS. Whilst digital reporting via e-logbooks may have its advantages we definitely do not support the imposition and intrusion of cameras. Other factors of fisheries management, sustainability measures and privacy issues need to be addressed before cameras are introduced.

CONSULTATION

4. There has been a complete lack of direct consultation from MPI officials with fishers. Whilst there has been Technical and Implementation advisory groups meeting since June, there has been no direct access for fishers to 'ground truth' what has been discussed or proposed.

5. Whilst there have been public meetings held there should have been a series of meetings held directly with commercial fishers.

6. A core number of fishers should have been selected to discuss the implications of additional electronic equipment installation on their vessels and whether the catch reporting requirements are fully useable and understood.

7. For example, before the stand alone set net form was introduced a number of fishers were asked to test the form and offer feedback. Also, there have been instances where camera equipment has previously been installed on vessels for protected species monitoring which have caused concern. Such equipment caused battery failure and put the crew and vessel at risk. The technical specifications for the equipment being proposed for digital reporting and camera systems needs to be discussed with a core number of fishers so that the vessel operational requirements are not compromised.

8. MPI have recreational forums where representative members of that sector have the ability to find out about all things fisheries management. Why then does the commercial sector not have the same ability to be able to discuss issues directly with MPI in such a forum? This needs to be rectified as the wider commercial members have been kept in the dark on a number of aspects of the IEMRS.

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INSTALLATION

9. The introduction of global positioning reporting (GPR) and electronic reporting on1 October 2017 is simply untenable. On the one hand MPI have said the "*systems will not be available until after mid-September 2017. Take the time to understand what is required under the new rules, so that you can purchase the correct system once they are available* "(MPI website). How can a fisher who operates a trawl vessel 28m and over take their time to understand what is required within a 2wk timeframe and have it installed in readiness to transmit as of 1 October 2017.

10. Whilst the timeframe for all remaining vessels is staggered and installation is required by 1 April 2018 does not negate the fact that consultation is only now being conducted to meet the October deadline. This whole consultation and implementation phase has been badly managed by MPI. This reeks of vote-catching by Ministers in this election year.

11. Our concerns also include the cost of equipment that needs to be installed for the GPR to meet the specifications. No distinction has been made to allow the smaller inshore vessels that fish within the current cellular network to adopt that system rather than having to purchase a global satellite standard system at a prohibitive cost. There are cellular systems being used by companies now that are fit-for-purpose for vessel location and monitoring. This option needs be made available.

12. The fact still remains that the wheelhouse on many vessels have minimal space (if any in the case of dorys) for more data recording equipment. A one-size fits all approach will not be possible for such vessels.

13. We ask what other primary industry is so closely monitored. Should the dairy industry have cameras installed to monitor the fate of the bobby calf? Should seismic testing vessels in the mining industry have cameras to monitor any impact on dolphins and whales?

PRIVACY

14. The GPR system requires it to be on all the time. We say this is unnecessary as there are instances where the vessel movement may be for private recreation or for other movement that is not related to fishing, such as survey or moving berths etc. Why does MPI need to know this data?
15. In respect of cameras being linked to catch reporting, we do not have a lot of confidence in the ability of cameras to allow the estimation of catch against a digital reporting record. We are unsure how the camera footage will be used in this case.

16. With respect to cameras capturing other footage of our onboard everyday life, we see this as a complete intrusion into our privacy.

CONCLUSION

17. The premise for the necessity of IEMRS is somewhat based around the sustainability of our fisheries but yet we have not been notified what fisheries have a risk factor that necessitates the full adoption of IEMRS. In the matter of discards, industry have tried to get a policy drafted for the past 10+years. MPI have not wanted to further discussions along these lines and now we are left with their inability to manage fisheries and the industry having to adopt such a prohibitive cost based system without any assurance that cost effective and more responsive management will happen or even possible.

18. Are the recreational fishers to also adopt reporting and cameras to ensure better catch reporting against sustainability concerns and increase compliance monitoring? If we are to ensure we have credible information for stock assessment purposes then all sectors need to ensure catch reporting is maximised. The commercial sector has reported via fine-scale in nearly every

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fishery for a number of years. Others need to step-up.

19. We note that a number of our industry colleagues and organisations have submitted on the draft circulars and we agree with their approach. We will not agree to cameras and request that direct consultation is made with our industry members. We remain committed to working with our industry colleagues to seek a sense based approach to the introduction of IEMRS.

20. We look forward to being able to discuss the technical aspects of the current circulars further and especially those for the need for cameras.

Contact: Matt Hardyment, Robbie Hart, Carol Scott

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Awarua Fisheries Ltd
s 9(2)(a)

10 August 2017

To whom this may concern,

This letter is in objection to the new IEMRS Regulations. We strongly object to several of these regulations – tracking, cameras, and e-log books.

E Log Books
To some extent these are a way of the future and in keeping with the times. However trip logs are not the MPI's business and are covered by the Maritime Operator Safety System implemented by Maritime New Zealand. Our trip logs are already being entered into our ships log book, and audited annually by MNZ staff. Trip logs are nothing to do with catch effort data, pertaining to the Quota Management System data required, or the position reporting that goes with them. We already give the area we are fishing in and that should be sufficient.

We would recommend the paper system stays at present for use as a back up in case there is an e-log book failure, so we can still report daily as required. Currently there is no back up and so my vessel would have to return to port if I had an e-log book failure of some sort.

Tracking
This is an invasion of our privacy, we have rights to move freely on our land and sea and not to be filmed and tracked doing so. We have certification issued by Maritime New Zealand that allows us to do so. Recording us in our fishing areas is stealing our intellectual property. This property was obtained with our great personal risk and expense. Our individual property rights are being taken away from us and our marks are being stolen. These marks and areas have been handed down to us from our fathers, and their fathers before them. This is traditional information we have gained at our own expense and hardship. We do not trust MPI to manage our private property as they have shown in the past that lies and deciet are tools they often use.

Sunderland Insurance have told us now we need cyber insurance for our business as data of all types pertaining to our business cannot be assured to be safe in todays climate. We have a perfect system now for logging our working areas and these areas are perfectly fine as they are. If data loggers and cameras are put in place we will leave this fishery after generations of our family fishing in the deep south waters. We work in adverse conditions and areas of huge risk to ourselves. All we really have to show for this is our hard learnt marks we so secretly protect because they are what supply our families with a roof over their heads, an education, and meals on the table.

The National Government seems quite happy to let Nathan Guy steal from us and adjust the rules so he can do this legally through a dictatorship government. In a nutshell we are being pushed to unemployment because the QMS does not work. It has been failing for quite some time. You have inshore depletion and until the system gets a revamp the problem will not go away.

Cameras
This is the worst, and lowest thing MPI have ever stooped to. There is not a murderer, rapist or paedofile in this country that has 24 hour surveillance so why should we have it? We are innocent until proven guilty and we are not guilty of anything. You are invading our privacy and stealing our

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liberties from us.

Costs
Most privately owned vessels like mine run a pretty tight ship, so to speak. We make sure the boat is well maintained, is under current survey and insured. We also have to pay quota lease fees, berthage fees, bait fees, fuel costs, and crew wages. The expenses are already significant. Any extra expenses are more of a burden than just the cost. The extra costs will force me to work in more adverse weather conditions than I otherwise would.

The costs are not only on the initial setup, which is estimated at a staggering amount already, but also in the up-keep of the equipment. The way the rules are written means my boat will have to come home if I have an equipment failure, even if it is beyond my control. I will have the threat of hefty fines of $1,000 per day if I do not come home. The prices for the fish I catch can fluctuate wildly. Often the window of opportunity for me to unload at the right time, while the price is high, is only small. The costs of being tied to the wharf while the IEMRS equipment is being fixed could run in to the tens of thousands if it was to happen while the prices were high. This is unfair and unacceptable.

FIX THE QUOTA MANAGEMENT SYSTEM.
These are our privately owned vessels and are our second homes. You have no right putting cameras in our homes. It invades our privacy and our liberties. 3 percent of quota in this country is owned by fishermen and therefore there is no place for them to give advice on stock management. The new "experts" on the blue cod group show little knowledge of cod stock status. With no fishermen on this board, how can you be an expert with no knowledge or experience?

It is about time the decision makers were held responsible for their actions, or inactions. Fishermen need to be brought in to the forefront as the rock-face knowledge and be allowed to have some input. The quota owners who don't fish the fisheries themselves should be pushed on. Their quota should be sold back to the government and re-sold to a present fisherman allowing growth and up to date knowledge in the fishery.

The decisions being made by MPI and the landlord fishing groups must stop and allow for positive input targeted at a future to our fisheries, not to peoples bank accounts. It is a simple solution to all the problems with localised depletion. Stop telling the public lies on how good your QMS is and give it a revamp.

We can see the problems but you choose to look away in complete disregard.

GOOD LUCK. YOU WILL NEED IT.

Awarua Fisheries Ltd
Chris Black

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s 9(2)(a)

From: Chris Hinch <s 9(2)(a) >
Sent: Monday, 21 August 2017 1:18 p.m.
To: Future of Our Fisheries Programme
Cc: s 9(2)(a) ; s 9(2)(a)
Subject: Feedback on Fisheries (Geospatial Position Reporting Devices) Circular 2017
Attachments: MPI Feedback.pdf

Good afternoon

On behalf of TracPlus, please find attached our feedback on Fisheries (Geospatial Position Reporting Devices) Circular 2017.

If we can be of any assistance in progressing this important initiative, please do not hesitate to contact me directly.

Kind regards
Chris Hinch

Chris Hinch | Chief Innovation Officer
TracPlus Global Ltd | s 9(2)(a) | s 9(2)(a) | www.tracplus.com
Level 1 | 286 Princes Street | PO Box 1466 | Dunedin | 9054 | New Zealand

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21 August 2017

To Whom It May Concern:

FORMAL SUBMISSION ON FISHERIES (GEOSPATIAL POSITION REPORTING DEVICES) CIRCULAR 2017

TracPlus Global Ltd appreciates the opportunity to provide feedback on the proposed geospatial position reporting mechanism proposed in the Fisheries (Geospatial Position Reporting Devices) Circular 2017.

Background

TracPlus is an award winning, New Zealand-developed tracking service provider. Since 2006, TracPlus has provided mission-critical position & event reporting, messaging and distress monitoring services to private, corporate, NGO and government customers in 35 countries worldwide. These customers include Coastguard NZ, Queensland & South Australia Coastguards, West Australia Water Police, California Highway Patrol, Royal New Zealand Air Force, all air rescue aircraft in New Zealand and all Australian firefighting aircraft on behalf of the Australian Federal and State Governments.

TracPlus has existing customers in the New Zealand fishing industry.

TracPlus supports the GPR initiative set out in Fisheries (Geospatial Position Reporting Devices) Circular 2017 but we have identified several proposed requirements detrimental to the safety and operational efficiencies of our customers, as well as causing commercial loss to TracPlus without reasonable justification.

Impact on safety and operational efficiencies

TracPlus maritime customers use our GPR equipment and services to improve maritime safety through real time positional awareness, automated monitoring, distress alerting and notification and global messaging.

Section 11 (2a) states that the "transmission system must… transmit position reports to MPI only…". At face value, this would prevent TracPlus from delivering a customer's own tracking and event data to them, as well as preventing the provision of critical services, such as distress monitoring, alerting and escalation to rescue authorities.

Our customers have advised us that they cannot afford two separate tracking systems one for safety and operational support, and another to support regulatory requirements. As such, if Section 11(2a) is implemented as written, they will be forced to remove TracPlus equipment that is currently providing critical safety services and commercial benefits through operational efficiencies.

It is our belief that there is no reasonable argument to prevent tracking data - generated and paid for by an operator - from being delivered to that operator for their safety and commercial benefit. Similarly, there is no technical or commercial barrier to the simultaneous delivery of the same tracking data to MPI for regulatory compliance purposes.

TracPlus recommends that Section 11(2a) be revised to remove the word "only".

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Ownership of data

Section 14 (1) proposes that "data transmitted by a GPR device (other than an AIS device) to MPI is owned by MPI from the moment it is sent from the device."

It is an established industry practice that tracking data belongs to the customer who pays for it. Ownership of the data is a fundamental consideration when meeting our obligations under the Privacy Act (1993). We are unable to share tracking data with anyone other than the owner of data without explicit consent.

In addition to being an unprecedented challenged to an established industry norm, Section 14 (1) would present immediate challenges to any tracking provider in their ability to deliver services to a customer, as well as being able to support, diagnose and troubleshoot operator-owned and operated equipment

As above, it is our belief that there is no reasonable argument to prevent tracking data - generated and paid for by an operator from being owned by that operator. Furthermore, we see no scenario requiring the transfer of ownership as proposed that could not be resolved with simple consent to be granted by each operator to MPI.

TracPlus recommends that Section 14(1) be revised to "(1) Each operator shall grant MPI with non-exclusive, non-terminating and non-revocable consent to use all data received by MPI from the device".

Fixed rate vs moderated rate

Section 10 (2) proposes that "…the [reporting] frequency cannot be changed except as required by MPI."

If GPR is being used by an operator for safety and operational benefits as well as compliance requirements, this requirement is an immediate barrier to that outcome. An operator must have the ability to increase a vessel's reporting rate at their sole and immediate discretion, such as in the event of an emergency, or when assisting with a search and rescue.

For GPR devices transmitting at a fixed frequency, TracPlus recommends that Section 10(1) be revised so that the operator must comply with a minimum reporting interval.

For GPR devices transmitting at a moderated frequency, Section 10(3a) presents similar barriers. Only the crew have a full understanding of the status of a vessel at any given time, and therefore must retain some ability to control over their reporting rate for emergency situations. It is straightforward to posit a scenario where MPI could be indirectly responsible for loss of life and property through a change to reporting rates that increases the size of a search area.

Section 10(3c) is problematic in that it is not technically possible as currently written. Any tracking service provider or associated network provider (e.g. Iridium) can determine current reporting rate and the timing of any changes to reporting rates by simply inspecting data transmission records. It is not possible to provide a commercial GPR service to customers without reference or access to these records.

Additionally, as most satellite-based GPR services are provided on a cost-per-ping, it is not unreasonable to imagine that an operator would simply calculate their reporting rate based on their operational hours at sea and their monthly invoice.

Finally, we note our customer's concerns that this proposal appears to financially commit operators to variable and potentially significant operating costs without notice or recourse.

TracPlus can see no way in which moderated reporting rates as proposed do not present an intractable problem to the industry from the perspectives of safety, operational efficiencies and commercial reasonableness.

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TracPlus recommends that consideration be given to either a mechanism whereby additional tracking at MPIs discretion is paid for (and therefore owned) by MPI (and therefore invisible to the operator); or a tiered structure of minimum fixed reporting rates based on demonstrated operator compliance.

On behalf of TracPlus, I trust that our feedback is of both interest and benefit to MPI, and wish you well in your deliberations.

If we can be of any assistance to assist in progressing this important initiative, please do not hesitate to contact me directly.

Yours sincerely,

s 9(2)(a)

Chris Hinch
Founder, Chief Innovation Officer
TracPlus Global Ltd.
TracPlus USA, Inc.
TracPlus Australia Pty Ltd.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Wednesday, 23 August 2017 1:29 p.m.
To: s 9(2)(a)
Subject: FW: Submission re IEMRS
Attachments: Submission re IEMRS 2017.docx

Importance: High

From: LCFA [mailto:s 9(2)(a)]
Sent: Wednesday, 23 August 2017 11:25 AM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Submission re IEMRS
Importance: High

To whom it may concern

I sent the Leigh Commercial Fishermen's Association submission on Mon 21 but have just noticed that it was sent in a mark- up version which when printed would not be understandable. Apologies for that. I guess in my haste to get it away I didn't notice at the time. Could you please replace it with the final version that is attached.

Yours faithfully
Cindy Bailey
Secretary
Leigh Commercial Fishermen's Association

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Leigh Commercial Fishermen's Association Incorporated

PO Box 158
Leigh 0947

s 9(2)(a) [redacted]

s 9(2)(a) [redacted]

Website: www.lcfa.co.nz

Submission: Integrated Electronic Monitoring and Reporting Systems (IEMRS)

Draft Circulars 2017

- Fisheries (Geospatial Position Reporting Devices)
- Fisheries (Codes and Information)
- Fisheries (Event Reporting)
- Fisheries (Monthly Harvest Returns)

August 21 2017

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Leigh Commercial Fishermen's Association Incorporated (LCFA) welcome the opportunity to submit on the Integrated Electronic Monitoring and Reporting System (IEMRIS) and the associated Regulations and draft Circulars.

Leigh Commercial Fishermen's Association (LCFA) on behalf of its members, although not totally against IEMRS, generally cannot support the present version of MPI's IEMRS.

LCFA are in the view that we have a good opportunity here to come up with a very comprehensive and workable, fit for purpose, robust IEMRS that will suit the needs of both MPI and the fishermen. But it takes dialogue between the parties and consultation. We have one chance to get it right the first time.

The present version has had little meaningful consultation and therefore it is impractical, costly, onerous and generally unworkable in a small boat environment. Why were fishermen not engaged? The fishermen are going to be the most affected by the IEMRS

1) Background to LCFA

LCFA was incorporated in 1994 to promote and support the interests of commercial fishermen, whether by supporting any legislation, event, undertaking or any other matter which relates directly to the betterment or wellbeing of commercial fishermen financially or in any other respects; or to oppose any legislation, event or undertaking which is detrimental to the interests of commercial fishermen.

It presently represents Leigh Fisheries Limited and some 48 fishing vessel owner/operators and their crew as members.

LCFA members use various fishing methods to target several species of fish. The majority of fish caught by LCFA members is in FMA1. The fish is landed through Leigh Fisheries Ltd. The members of LCFA represent the largest fleet of owner/operators, remaining in New Zealand's inshore fishing fleet. They also constitute the largest fleet of owner/operator longline fishermen in the country. Members also catch crayfish in CRA1 and CRA2 and are also involved in flat fisheries such as flounder and mullet and the anchovy and pilchard fisheries. Although several of LCFA fishermen own their own quota, the majority obtains their ACE through Leigh Fisheries Ltd. Leigh Fisheries Limited is itself a long standing and substantial processor, distributor and exporter of fish.

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LCFA is also a member of the NZ Federation of Commercial Fishermen.

LCFA is a Settlor and supporter of Southern Seabird Solutions Trust and have been advocating Seabird Smart fishing since 1994, using a seabird "Code of Practice".

LCFA support good management and sustainability measures to protect fish stocks and our marine biodiversity. Our livelihoods and our future generation's livelihoods are dependent on this.

2) Summary of LCFA Position

LCFA has read and carefully considered the consultation circulars although has found them very technical and they could not be read on each of their own merits but back and forth between them and the Regulations. We are fishermen not lawyers or policy analysts.

LCFA has serious concerns regarding the draft circulars being used over such a short time i.e. only 4 weeks for the purposes of consultation.

The effects on the commercial fishing operations of the smaller owner -operator, the Dad, Mum/ family owned businesses where the cost will be too high for them to sustain. They will exit the industry as the cost of IEMRS is probably more than they can spare. This rationalisation of the industry has been discussed by MPI in a Regulatory impact statement. But the rationalisation is justified by MPI and they are not concerned if this happens.

LCFA has concerns in the manner in which the proposal is being rapidly advanced by the Ministry for Primary Industries. As stated in the introduction we have one good opportunity to get it right. Consultation must be given sufficient time or how can it be considered consultation. There must be considered dialogue involving all parties affected.

3) Geo-Spatial Position Reporting

There is confusion regarding when the GPR is to be powered on. The explanatory material state "when you get fuel or move around port". In the regulation 5(3) it states that the GPR must operate when the vessel is being used for fishing or transportation. A vessel may be powered up for other reasons such as maintenance or purposes other

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than fishing. There should be no requirement to operate GPR in these circumstances. If there is a requirement what would be the rational?

The capability of small fishing boats and electronics are a continuous challenge at sea. It is an unfriendly environment at best. In case of a mal-function, are fishers expected to immediately return to port. This is unclear but would be impractical and economically unviable for the operator. Is this a reasonable expectation? We think not.

A penalty of $100,000 plus $1000.00/day is severe and would put most operators out of business. The onus is on the operator to prove that any technical problems are not of their doing and possibly out of their control totally. Most of the technology available to us for the GPR devices are untested or in the moment only going through trials. Also what happens if the operator does not know that their GPR device is not working? Malfunctions will definitely happen so is there any support from MPI or just monetary penalties?

Privacy and Intellectual property rights are of concern to our fishermen. What guarantees do we have that our information does not get into the wrong hands, become public knowledge. How secure is the system used by MPI and the reporting systems available?

So far there has been no information made available to operators in regard to the process for advising MPI of a malfunction.

4) Electronic Reporting

What constitutes each fishing event? The circulars are confusing. Recording of catch estimates within 4 hours of fishing ending is not always practical. Neither is providing a disposal report 1 hour after disposal is finished. Skippers on vessels don't spend all their time sitting in the wheelhouse. They have the business of carrying on with their fishing operation. Completing reports throughout the day would be onerous and impractical. Once per day would be more sensible.

The circulars lack clarity in regards to disposing of fish as it also says "a disposal report must be completed in conjunction with a fishing event report"

It appears in the circulars that we must report all types of fish, seaweeds and invertebrates with estimated weight. The regulations do provide for the circulars to limit the number in some fisheries. Some species are hard to identify.

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There should be a contingency measure to allow for paper reporting in the case of loss of electronic reporting.

We note that in the fish catch reports some catch parameters are required to 2dp. Headline height to the centimetre, speed to 0.01knots and total estimated catch to 10 gms. Why such precision? What is the rational?

MHR's may still be reported using paper. What is the rational for this?

Summary

- LCFA are not totally against IEMRS providing that it is practical for small operators and has had meaningful consultation with fishermen.
- This is an opportunity to get it right for all concerned but under the present version we feel that we are setting the IEMRS and the fishermen up to fail before it is even off the ground.
- Undue haste in implementing the program without proper consideration as to what is involved is concerning in that it will not deliver the fisheries management objectives and the costs will be too great.
- LCFA is concerned in the rationalisation of the fishermen that may be lost to the industry.
- Overall, LCFA is disappointed that MPI has chosen not to carry out a proper consultation and implementation process for IEMRS and request that MPI re-think the process.

Contact details:
Cindy Bailey (Secretary)
Leigh Commercial Fishermen's Association Inc.
PO Box 158
Leigh 0947
s 9(2)(a)

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 12:27 p.m.
To: s 9(2)(a)
Subject: FW: Consultation on draft circulars on digital monitoring of commercial fishing
Attachments: PIC and KIC IEMRS submission.pdf

From: Jeremy Cooper s 9(2)(a)
Sent: Monday, 21 August 2017 12:26 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Consultation on draft circulars on digital monitoring of commercial fishing

Hi

Please find attached the Paua & Kina submission on the draft circulars

--
Regards

Jeremy Cooper J.P.

CEO Paua Industry Council Ltd

Nelson - s 9(2)(a)
Sounds - (s
Cell - s 9(2)(a)
Email - s 9(2)(a)

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PAUA INDUSTRY COUNCIL Ltd.
C/o Seafood NZ Ltd
Level 7, Eagle Technology House
135 Victoria Street, Te Aro, 6011
Wellington, NEW ZEALAND

Tel (04) 3854005 **Fax** (04) 3852727 **web** www.paua.org.nz

Kina Industry Council Inc.
Secretary's Office,
s 9(2)(a) [redacted]

Submission on the Integrated Electronic Monitoring and Reporting Systems (IEMRS) circulars

Introduction

1. The Paua Industry Council (PIC) is the national representative organisation of the commercial paua fishing industry in New Zealand. The organisation receives its mandate from five regional organisations known as PauaMACs, which represent the interests of quota owners and Annual Catch Entitlement holders in each of New Zealand's paua fisheries. The structure of PIC means that we have a close working relationship not only Quota Share Owners but also ACE holders and dive crews

2. The Kina Industry Council (KIC) is in turn the national representative organisation of the commercial Sea Urchin, Kina, fishing industry in New Zealand. Its structure and mandate mirror that of PIC. Many of its members are participants in both fisheries, and consider that a strong mandate is held by the organisation.

3. We note that both are dive fisheries, which distinguishes them from other New Zealand fisheries in important ways. MPI has been well briefed already on these differences.

General comments

4. PIC and KIC support and endorse the submissions lodged on the current IEMRS Circulars proposals by Fisheries Inshore New Zealand (FINZ), the Rock Lobster Industry Council (NZRLIC) and Specialty and Emerging Fisheries. We note that matters raised include those inconsistencies and errors identified with the two sets of Reporting Regulations which enable the Circulars.

5. Submissions lodged by these organisations contain analysis and identify issues which we have discussed with them, many of the issues, problems and errors identified by them apply equally to paua and kina, so we will not re iterate the detail. We take it as read that MPI will actually incorporate the points made and suggested changes to process, regulations and circulars they propose.

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6. Particular matters we wish to emphasise follow. However these are not a comprehensive list. Many more issues are of considerable concern to us. So many problems, often complex, are clearly apparent in both the Circulars and the Regulations and we suggest strongly that a process for further engagement through at least the early part of 2018. This could easily be done, the current submission process consideration by MPI being treated as a further milestone on a longer process. We have little faith that MPI can finalise the IEMRS Circulars as fit for purpose by October 2017 without further engagement with those expected to bear the consequences of MPIs process failures.

Electronic Reporting

Fishing Method - When a diver is harvesting paua or kina they are always "diving and hand-gathering". In the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 it specifically states that hand-gathering has the meaning given by regulation 9 of the Fisheries (amateur fishing) Regulations 2013, which say:
hand-gathering—

(a) means the use of the hands to physically take fish; and
(b) includes shore picking, diving, and hand-digging for shellfish

As the activity has a specific legal definition in the Regulations requiring that Diving & Hand-gathering go together , the attempt to re define in the IEMRS draft circulars is *ultra vires* and should be corrected.

For Paua & Kina the fishing method should always be to Diving & Hand-gathering. Any need to distinguish can be met by using a "Mode of Breath" field instead.

Mode of Breath – in previous correspondence with the IEMRS team we have repeatedly pushed the need to record the divers "mode of breath" during each dive event. Catch (kilos) per unit of Effort (time) is commonly called CPUE. However the effort in CPUE only records the time that the diver spent away from the boat, not the time that he spent on the bottom. Research supports the use of bottom time as the most accurate CPUE if we are looking for a true index of abundance. By introducing "mode of breath" to IEMRS would enhance information provided to scientists and managers. One of the "Modes of Breath" should be recorded for every dive event any diver does.
The "mode of breath" parameters we suggest (and examples of the difference in hours on the bottom between each different mode of breath):

Mode of breath	Time in the water	Hours on the bottom (actually fishing)
Snorkel	6 hours	1.5 hours
UBA (Aluminium tanks)	6 hours	3 to 4 hours
UBA (Steel tanks)	6 hours	5 hours
UBA – surface supply (Hookah)	6 hours	4 – 5 hours

Geospatial Position Reporting

Portable GPR units.

The majority of the harvesting boats used for Paua & Kina are trailerable outboard powered vessels of 6m or less. On average these boats are used for around 40 to 50 days per year. All of them are left parked on their trailers while not in use and most do not have secure cabins. In the course of a multi-day trip these dories will often be overnight parked in public places. For security reasons alone the GPR device needs to be portable, so it can

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be removed from the vessel when not in use. Circulars need to reflect this. The current requirement for an exemption from the DG simply adds work for no reason to all concerned.

Multiple boats owned by the same permit holder. Some of the larger harvest teams have a number of registered fishing vessels that are owned by the same permit holder. The choice of which boat to use on any one day is determined by weather conditions and travel distance but at any time only one boat would be being used. Therefore it makes sense for a permit holder to own one GPR device that is transferable between the boats. If two different fishing events were occurring in two difference locations at the same time then both vessels would need a GPR device. Once again this should be reflected in the Circulars.

GPR Units being required on both the mother vessel and a tender.

Some of the larger trailerable and permanently moored/berthed vessels carry with them a small tender boat. Typically the mother vessel would travel to the fishing spot and anchor. It is simply a taxi. The tender then transports the divers to their dive locations and ferries back catch occasionally to the mother vessel. These tenders typically operate in a 500 metre radius from the mother vessel. If our GPR device is sending positioning reports every 10 minutes MPI Compliance can monitor what is happening during the fishing event. The GPR units will track any activity to and from that vessel. We do not accept the Compliance unit's opaque claim that there is some sort of risk involved which needs to be addressed by monitoring a stationary vessel. We challenge them to give examples of situations where the very considerable expense of an extra GPR unit and reporting costs to legitimate fishers is justified. Because of the close proximity of the tender, divers and mother vessel we think it is an over kill to expect both the mother vessel and the tender to be required to operate a GPR device at the same time.

Currently the VMS dispensation that we are operating on the Chatham Islands there does not require a VMS device to be carried on both the Mother Vessel and the tender. MPI compliance at the coal face are more than satisfied that having a VMS device in the tender boat this is sufficient and the 10 minute positioning information from a single device is providing all they need. The Circulars should be re drafted to reflect this real world actuality.

Start and End Points

Because discussions with MPI have not included our actual harvest crews and ACE Holders who will be using the GPR units we have done our best to try and get feedback from them on practical, "in the field" issues. And since the specifications were developed with little input from them as a matter of policy, we are getting a steady stream of responses which we have tried to incorporate into our engagement with MPI. In this submission we suggest that more engagement is needed to get the Circulars right before finalising. As an example; a recent issue which has been pointed out is that of end point of trip, and when a GPR unit is switched off. There are particular circumstances where the catch is transferred into a vehicle and driven to a LFR (after hours) while the vessel and crew head off in different direction (to accommodation and to fish again the next day). So the proposed requirement in draft Circulars that the GPR stay on the vessel transmitting until the boat is parked up at its normal home is pointless.
The answer is perhaps to look to the exemption clauses, but it would be operationally better to simply write the Circulars in a better way which covers off issues like this.

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Cost recovery of the GPR & ER transmission cost

MPI have signalled that the transmission costs of GPR and ER will be paid for by MPI and cost recovered from the industry. We question how much thought has gone in to this. In a typical paua situation (estimated at between 50 and 60% of the TACC) at the start of each season a quota owner would sell their ACE to one of the two largest processors (either Moana NZ or PauaCo). They in turn pass this ACE on at no cost to their contracted harvest crews. It is these harvest crews who are the Permit holders and the ones that will be implementing IEMRS. How do MPI justify cost recovering transmission costs from quota owners when in the majority of cases they are not the entities involved in IEMRS? To further complicate this, any transmission of GRP, ER or industry data needs to be via the same satellite modem and over the same electronic "pipeline". How will MPI be able to separate IEMRS transmissions from transmissions from the same device that is industry data? In our case it makes far more sense for the transmission costs to be paid directly by the Permit holder as is currently the situation with our VMS/Damuss that has been operating on the Chatham Islands for the last 3 years.

Summary

The paua industry has been actively trying to work with MPI for nearly two years to ensure a change to electronic reporting that resulted in a fit for purpose system, something we would welcome. But one that builds on the existing well developed reporting requirements and ensures continuity of the critical catch data sets needed for management and stock assessments. We also point out that we have invested in, and field tested, an effective GPR system, currently operating to MPI Compliance's satisfaction on the Chatham Islands. The process MPI has followed this year we have found frustrating and confusing and we consider has hindered timely implementation of a good product. The switch in emphasis from an improved fisheries management to a punitive and prescriptive enforcement focus has not been useful. But we remain willing to engage in a constructive way try and avoid the wheels coming off what could be a good addition tool to fisheries management in New Zealand

Yours sincerely

s 9(2)(a)

Jeremy Cooper
CEO - Paua Industry Council Ltd.

Email = s 9(2)(a)
Mobile = s 9(2)(a)

s 9(2)(a)

Peter Herbert
Chairman - Kina Industry Council Ltd.

Email = s 9(2)(a)
Mobile = s 9(2)(a)

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:56 p.m.
To: s 9(2)(a)
Subject: FW: IEMRS Circular Submission
Attachments: IEMRS Submission Carey Exemption.pdf

-----Original Message-----
From: Hayley Nelson [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 2:37 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: IEMRS Circular Submission

Please find enclosed my submission on IEMRS Fisheries Draft Circulars.

Thank you

Carey McIvor

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Carey McIvor
s 9(2)(a) [redacted]

21 August 2017

Ministry for Primary Industries
Submission for Draft Fisheries Circulars
Future of our Fisheries Programme

I have been a commercial fisher/boat owner/skipper/permit holder for all of my adult life.

I have always fished sustainably, within the fisheries I am involved in. I only catch a small amount of the Total Allowable Catch allocated nation wide. I do not turn over excessive amounts of money in my business as a commercial fisher, but I earn enough to keep a well maintained boat, keep my family fed, and keep my local fish shop supplied with very high quality fish on a regular basis.

For these reasons I wish to apply for an exemption from having to comply with the new circulars you are currently presenting. The proposed changes are excessively expensive for my business, and will take a large chunk of my operating profits.

The GPR equipment will severely drain my house bank batteries, if the unit is continually running, causing serious safety concerns to my operation. The sheer amount of reporting requested is also an impossible ask on my small vessel with just me and my crew aboard. I will also need a satellite phone to send data nightly, as per the circulars, which is something I cannot afford or justify at this point in time. A small 12 metre vessel such as mine contributes to the local town I work in to, and the sheer costs involved just do not seem justified for my small operation. Our fishery down here in Southland is already taking voluntary measures to ensure the future of our fish stocks are healthy, and are a much more positive step for small operators to take, rather than those proposed in the current circulars.

The exemptions I have mentioned are written into the Regulations and can be found in both the Electronic Monitoring on Vessels, Section 14; and Geospatial Position Reporting, Section 11 documents. The exemptions clauses need to be utelised for all small vessels like mine. We only catch a small amount of the TAC and, in the fisheries I am involved in – potting and trolling, there is no need to continually monitor us. Observers are ample and much more cost effective on vessels under 28 metres.

Please consider my submission. MPI need to be aware that the circulars, as they stand, are unworkable and an unfair ask of us small operators. We are not fish criminals, and should not need to be continually tracked and monitored. MPI should be supporting the fishers who are already looking after their fisheries, not punishing them with onerous rediculous costs. As far as I can see, the current proposed circulars and IEMRS in general will not help save any fish stocks, it will only result in more fish killed to pay for it all. The next direct result of IEMRS will be to push the small operators out of the industry all together, and I think you will find that we are the ones who care about the fish stocks the most. So please use the power given to you in the Regulations to good effect. Exempt any small vessels who apply, so they do not have to comply with IEMRS.

Carey McIvor

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 11:06 a.m.
To: s 9(2)(a)
Subject: FW: Submission re: IEMRS

Follow Up Flag: Follow up
Flag Status: Flagged

From: Craig s 9(Leith [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 9:28 AM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Submission re: IEMRS

I am writing to express my opposition to the new Regulations under the Fisheries Act 1993, particularly the Integrated Electronic Monitoring and Reporting System (IEMRS). I oppose it on the grounds that it is a breach of rights of due process, privacy, intellectual property, evidence based policy and that it will be detrimental to the fishing industry.

There is a lack of due process with the way that IEMRS are being implemented. Fishing communities are wondering where is the fair go? We feel that there was inadequate consultation by MPI and that these regulations have been rushed through without considering the impact of them on our people and our economy. There needs to be additional time for consultation as the speed of these new regulations is in breach of natural law.

IEMRS breaches privacy and intellectual property rights. Many fishers live on their boats for long periods of time and take their families on trips recreationally. Under the new regulations, our boats will be monitored 24 hours a day and these families and private lives will be subject to extreme monitoring. The intellectual property concern arises from MPI being able to gather location information at all times. This means that the intellectual property of marked fishing locations will be public information. The case of Edminstin v Sanford Ltd established that a skippers marks are his intellectual property rights.

Where is the evidence base for the new regulations? The existing regulations are sufficient and the existing penalties mean that contravening the rules would be ruinous for small and medium sized fishers. Is the aim of this to cut the number of Fisheries monitoring staff? But what are the costs of implementing and running IEMRS? What is the impact on the fishing industry? Will it drive out small fishers who are concerned with the longevity of our fish stocks? I have been fishing in Southland for 30+ years and am deeply concerned about the health of one of New Zealand's key natural resources and export industries. Why are New Zealand commercial fishers who are compliant with the law being targeted when not enough is being done about large fishing vessels

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using flags of convenience and exploiting overseas workers?

While I have focused on those most directly affected, this issue effects all New Zealanders. New Zealanders do not like the overuse of surveillance techniques, onerous legislation that detrimentally impacts small businesses and want kiwis to get a fair go in terms of consultation with affected communities.

Looking forward to hearing your response

Craig Leith

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Cyril Lawless
s 9(2)(a)

9 August 2017

I feel I must write to express my concern about the new fisheries monitoring that MPI is proposing as I feel it breaches my privacy, as well as causing me a financial burden and stress. I feel it will make [redacted] as well as unbearable as well as being unnecessary, as all of the fisheries I am involved in are sustainable and improving under the present monitoring system.

I have no problem with the electronic reporting although some of the reporting proposals I have heard appear rediculous in their detail.

I am concerned about the GPS tracking in conjunction with cameras being aboard my vessel as if somebody accessed the information they could use the information gained by both accurate positioning as well as video to confirm my catches to cherry pick my knowledge from 45 years of commercial fishing which has cost me a lot of time, effort and expense to obtain. The security at MPI (or lack of) has already been proven by the media fiasco in 2016 over video obtained by the media of fishing operations from MPI.

I do not like the idea of being spied on by a random stranger at random times at their choosing. It gives me the creeps, a bit like the neighbour looking through your bedroom window. Not to mention the stress of someone watching and waititng for you to make a mistake before dropping the hamer on you for something you may or may not have done wrong.

There was a piece at the end of July on tv 1 news about someone with a CCTV camera watching their batch. This was considered a gross invasion of privacy because it showed some of the local beach and people walking down it. Compared to what is proposed here that is insignificant, but yet was considered newsworthy.

The lady who made the documentary on Helen Clarke's run at the top job in the UN wrote a piece about making such documentaries. She said it was very hard to get video of people going about their business as everyone hates being filmed while working.

Why, when we object, is it considered that we have something to hide, when, from her comments, it appears to be normal behaviour?

Cyril Lawless

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s 9(2)(a) [redacted]

From: David Wakefield <s 9(2)(a) [redacted] z>
Sent: Monday, 21 August 2017 4:55 p.m.
To: Future of Our Fisheries Programme
Cc: s 9(2)(a) [redacted]
Subject: IEMRS.GPR

To Whom it may concern
I wish to submit that I and the companies I represent support totally the Finz submission the DWG submission and Mr Rick Burch's submission. We feel that to implement such an important set of regulation's which even now most people in industry are have serious doubts as to how it can possibly work is leading towards some serious confusion, we believe there needs to be some input from industry to make the system workable and realistic.

Regards Dave

Dave Wakefield
Vessel Manager
Hawkes Bay Seafoods Ltd/Pania Reef Fisheries Ltd
PO Box 174
Napier 4140
New Zealand
Office; s 9(2)(a) [redacted]
Fax; s 9(2)(a) [redacted]
Mobile: s 9(2)(a) [redacted]
Email: s 9(2)(a) [redacted]
Website: *www.hawkesbayseafoods.co.nz*

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s 9(2)(a) [redacted]

From: David Goad s 9(2)(a) [redacted] >
Sent: Monday, 14 August 2017 10:52 a.m.
To: Future of Our Fisheries Programme
Subject: Submission on electronic reporting

Good Morning

As a user of the data collected and also having had experience of watching / helping skippers fill in data fields I have the following suggestions to improve data collection beyond that suggested, and ouitline a brief reason for the suggested changes.

Longliners:
Include setting speed - this has a direct influence on the availability of hooks to seabirds.
Detail mitigation used including aerial extent (of longest) and number of tori lines, dyed bait, etc This will give skippers a reminder that there are other options and help quantify the efficacy of (for example) dyed bait.
More information on gear setup is necessary to estimate sink rates and confirm compliance with line weighting regulations: suggest number of floats used and size of floats and maximum weight spacing and minimum weight size for bottom liners, For surface liners snood weighting / hook shielding should be recorded.
Note that now you have included a start and end of set time you will be able to actually verify whether line weighting regulations should apply. This should come up as a reminder in the logbook - presumably the aim here is to support compliance!? In fact thats the case for everything - if the entry isn't legal then they should get a reminder - sure they may well just change the form but at least they will be aware that they are breaking the regulations.

Regarding captures of protected species on longliners:
Capture method should be recorded by fishers, for example as tangled, hooked in bill / mouth or gut hooked or foul hooked, and I reckon that is about all you can usefully collect.
It is not possible to tell whether birds were caught at the set or haul unless you actually see it happen (and rember the location on the line) - which is very unlikely for dead birds. This field is therefore speculation based on the state / location of the dead bird and so it is pointless to collect. If you really want some data ask whether the bird was floating / dry / waterlogged / damaged / part eaten (that would give you useful insight towards cryptic mortality). But bear in mind that birds can float all soak having been caught on the set. Basically its a pointless field based on a guess - skippers of surface liners will just write caught on the soak so they don't have to change setting practices.
Define injured and uninjured for live releases - I imagine the idea with this field is to estimate whether the bird / mammal will survive long term. I'd say most things caught on a hook will have a hole in them, which I guess is an injury. A broken wing is likely to mean death whereas a hole in the wing from a small hook is unlikely to kill a bird. Maybe add whether it was hauled aboard and de-hooked or the trace was cut or whether it was left with any gear attached - with cameras that field is likely to change practices and improve chances of survival.

Hope this helps (and someone reads it!)

Apologies for the rushed reply - if you want more detail please feel free to get in touch

Dave Goad

Vita Maris

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s 9(2)(a) [redacted]

From: David Guccione <s 9(2)(a) [redacted]>
Sent: Thursday, 3 August 2017 3:37 p.m.
To: Future of Our Fisheries Programme
Subject: Consultation on draft circulars on digital monitoring of commercial fishing

- Fisheries (Geospatial Position Reporting Devices) Draft Circular 2017 [PDF, 346 KB]

14 Ownership of information transmitted
(1) Data transmitted by a GPR device (other than an AIS device) to MPI is owned by MPI from the moment it is ~~sent from~~ recorded by the device.
(2) Data transmitted by an AIS device is owned by MPI from the moment it is ~~forwarded to MPI by the principal communication provider used with~~ recorded by that device.

Dave Guccione | Department of Marine Science |Toi Ohomai Institute of Technology | Private Bag 12001Tauranga 3143 | NZ
0800BOPPOLY s 9(2)(a) [redacted] | http://marine.boppoly.ac.nz

He herenga waka he whitiwhiti whakaaro he whitiwhiti korero e u ko te marama
Whenever canoes are tied up together, thoughts are exchanged, dialogue is exchanged and enlightenment comes forth.

This correspondence is confidential and intended for the named recipient(s) only. If you are not the named recipient and receive this correspondence in error, you must not copy, distribute or take any action in reliance on it and you should delete it from your system and notify the sender immediately. Thank you

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s 9(2)(a) [redacted]

From: s 9(2)(a) [redacted]
Sent: Sunday, 20 August 2017 2:38 p.m.
To: s 9(2)(a) [redacted]
Subject: FW: IEMRS Feedback/Submission
Attachments: Lyle Jenkins submission on IEMRS.docx

Yours ☺

From: Lyle Jenkins [mailto s 9(2)(a) [redacted]]
Sent: Sunday, 20 August 2017 11:22 AM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>; s 9(2)(a) [redacted]
Cc: s 9(2)(a) [redacted]
Subject: IEMRS Feedback/Submission

Hi.
Please find attached my feedback/Submission on the IEMRS Circulars.

Cheers
Lyle

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Lyle Jenkins.
Fishing vessel owner/skipper.
s 9(2)(a) [redacted]

Submission on Integrated Electronic Monitoring and Reporting Systems (IEMRS) MPI Consultation on Draft Circulars & Regulations.

Hi All.
I would like to express my dismay at the speed of which the new reporting regulations are being rolled out and the lack of information as to what we will need to be doing to comply. There has been no correspondence between MPI and myself and I have only received the regulations and circulars second hand and frankly they only raise more questions and provide little to no information as what exactly I will need to be doing to transition from paper based reporting to electronic.

Here are some of my concerns about the regulations and circulars.

Purpose:
Why is it continuously mentioned that the new regulations are a means to identify illegal activity and aid prosecution. Shouldn't this whole thing be about providing better information/understanding of our fisheries to aid in future management? It would seem that MPI share the views of the environmental lobby groups that all fishermen are criminals. I wish MPI would grow some balls and support the industry by refuting the claims of the lobby groups and challenging their claims with factual & science based information.

Events:
I operate a 17m vessel that engages in several methods of fishing which at times may overlap. (eg. I set my nets in the evening, then set a longline, then do some hand lining for a couple of hours. I then haul the longline and lastly haul the nets the next morning.) Does/will the E log book allow for such multiple events? (Your visual aid shows a day of trawling which is totally irrelevant to me!)
When fishing for SCH we start trunking the fish to a DRE state after the nets are on board. Is the processing of fish an event or is it part of the hauling event?

Scenarios:
Do the people who wrote the regulations/circulars have any concept of the way small to medium size fishing vessels carry out their operations? I would bet on the answer being NO! I know that the way I net is different to that of other fishermen and would think there are huge variations of methods used across the industry.
I can think of several scenarios of events that may happen during fishing that will make it very difficult if not impossible to comply with the regulations in their current form.

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Time frames:
It seems every time MPI comes up with a new idea they decide what they want and then ram it through the system as fast as possible and give the least amount of time possible for affected parties to digest, consider and provide any feedback. This is not consistent with the meaning of consultation.
With only 7months before paper reports are no longer accepted I have no idea what compliant equipment is available, where to source it or who may fit it. This is a huge concern as I would think any suppliers/installers will be extremely busy and stocks of equipment in high demand.

Geospatial position reporting regulations: Overall this seems pretty straight forward. But! As mentioned above what equipment is available and from where?

Reporting regulations: This I had a bit more trouble understanding and would like a lot more information on, a lot of it is very vague. Specific parts that concern me are:
-7 Fish catch reports. (2)(d) - What information?
-10 Disposal reports. Is a fish that falls from the net before coming aboard the vessel considered to be accidental loss? If so then it would be near impossible for me to record this within 1hr of it happening if it occurred at the start of the haul. (it can take up to 3hrs to haul a net if there is a lot of fish in it).

Reporting Circular: This done nothing to relieve my concerns. Some specific concerns are:
- 9 Manual or system latitude and longitude attributes?
(1) This clause applies where a latitude or longitude attribute in the Schedule has a field for both a manual and a system record.

(2) If the latitude or longitude recorded by the system is incorrect by more than 0.001 degrees, the manual record must be completed with the correct latitude or longitude.

All latitude and longitude attributes must be given as decimal values with exactly 4 decimal places
My GPS and plotter use the format of Degrees minutes seconds (ie.. 38.28.345). It appears you want it recorded as Decimal degrees (ie. 38.5625). If the system is incorrect how am I expected to provide the right value?

-11 Trip end records

(1) A landing report cannot be completed unless a trip end record for the trip has been completed. However, this does not apply to a landing report with the landing code EOY.

-(2) If a trip ends without a landing report being provided to MPI, a trip end record may be provided to MPI along with any disposal record provided, or at any time after the trip ends.

I have no idea what the second paragraph means!

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-Part 2B: Netting

Start details. The start details record—
- When the first part of the net (eg, float or anchor) goes in the water; and
- Where the vessel or fisher is at that time. Information about the system/manual fields are in clauses 8 and 9.

Start of Haul details
The start of haul details record—
- When the first part of the first net starts to come out of the water; and
- Where the vessel or fisher is at that time.

Information about the system/manual fields are in clauses 8 and 9.

Is the first net set considered to be the first net throughout the event? I usually start hauling from the last end of the last net set.

-Greenweights:

Throughout the circular it refers to greenweights having to be recorded to 2 decimal points. Really!!
That sort of accuracy is unattainable. I use several methods to estimate the greenweights of fish caught including in the case of SCH- the size of the pile on deck, the amount of fins taken and the space the trunks take up once packed in the fish room and on a big day I am happy if I am within 100kg!
The paper reporting forms only allow for whole numbers and even in your examples of the E log Landing Reports the best you come up with is 1 decimal point.

Electronic monitoring regulations: Thankfully there seems to be a more reasonable time frame for this as I believe it is the most contentious of all the regulations. While I am not totally opposed to the idea I think a lot more work needs to be done before it is implemented. It keeps being touted as a means to identify illegal activity and aid prosecution. It should be so much more and have benefits for the fishers as well. It is a way of proving good practice and I would hope that once it is proven effective could allow for the return to the sea ANY unwanted fish likely to survive.
Examples of this are:
SNA8. Somehow MPI has let 80% of SNA8 quota end up in Sanfords hands, this makes it very hard for private/small entities to obtain ACE to cover by catch. The ability to return live fish to the sea does no harm to the fishery and would alleviate the burden of penalty to the fisher.
GUR. With no legal size in place I am required by law to land all GUR. At times I catch tiny GUR in the nets (as small as 50mm) while I don't mind having to land any that are dead (can be used for bait) I abhor the fact I am unable to return the live ones to the sea.
SCH. Another thing that I find morally wrong is not having the ability to release the large pregnant females we sometimes catch. While they are still worth money for me to land I would rather let them go so they can give birth and enhance the fishery.

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Lastly. It is the privacy issue! Cameras on 24/7 is a step to far. It will make us the most scrutinised group of people in the country more so than convicted criminals. Surely there is a way the cameras could be linked to machinery or electronics to provide coverage during fishing operations only. Once the work of fishing is done for the day I consider my vessel to be my home and do not like the idea of having big brother watching my private life.

My concerns mentioned above are the few I have the strongest feelings about but are by no means my only concerns and I fully support the submission of FINZ.

In principle I support the new regulations and see it as a way to enhance the public image of the fishing industry, but there needs to be more discussion between MPI and the fishers to get it right. It would be nice if MPI would contact and talk through the issues with all the smaller operators rather than just dealing with the big boys of the fishing industry.

Yours faithfully
Lyle Jenkins.

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s 9(2)(a) [redacted]

From: Info
Sent: Wednesday, 16 August 2017 9:41 a.m.
To: Future of Our Fisheries Programme
Subject: FW: IEMARS

Hello,

Can you advise on this one?

Regards,

[redacted] s 9 [redacted] Ministry for Primary Industries - Manatū Ahu Matua Pastoral House
25 The Terrace | PO Box 2526 | Wellington 6140 | New Zealand
| Web: www.mpi.govt.nz | Follow MPI on Twitter (@MPI_NZ)

Trouble finding people? info@mpi.govt.nz HELP you [SEEmail]

-----Original Message-----
From: Phil Clow [mailto s 9(2)(a) [redacted]]
Sent: Tuesday, 15 August 2017 6:25 p.m.
To: Info <Info@mpi.govt.nz>
Subject: IEMARS

Hello
As a permit holder I need confirmation.

My vessel is under 28mts.
GPR and Electronic reporting (e-logbook) has to be up and running on vessels under 28mts before 1/04/18?

Electronic monitoring (cameras) will be phased in across the country from 01/10/18.
Regards
Phil Clow.

Sent from my iPhone

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s 9(2)(a) [redacted]

From: Trish Newbery <s 9(2)(a) [redacted]
Sent: Saturday, 15 July 2017 4:50 p.m.
To: Fisheries Review
Subject: Future of our Fisheries

Re: Cameras on Fishing Vessels
Thank you for your email advising the use of camera requirements for fishing vessels.
Could you please advise under which section of the Privacy Act this is acceptable.
Regards
Trish Strongman
Wakanui Marine

Sent from Mail for Windows 10

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:53 p.m.
To: s 9(2)(a)
Subject: FW: Talley's Group Ltd Submission on ER and GPR Circulars
Attachments: Talleys Group Submission on ER and GPR Circular.pdf

From: Dion Iorns [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 2:54 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Talley's Group Ltd Submission on ER and GPR Circulars

Please find attached Talley's Group Ltd submission on ER and GPR Circulars.

Regards

Dion Iorns
Quota Management
Talley's Group Ltd
DDI s 9(2)(a)
Cell s 9(2)(a)

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21st August, 2017

Future of our Fisheries

Ministry for Primary Industries

Email to; futureofourfisheriesprogramme@mpi.govt.nz

Talley's Group Limited Submission on ER and GPR Circulars

- Talley's Group Limited are the largest, privately owned fishing company in New Zealand and we have significant investment in both the Deepwater and Inshore fisheries of New Zealand.

- We operate three 60m deep-water freezer-trawlers, two deep-water processing trawler vessels (64 m and 42m), a 35m auto long liner freezing vessel and a 34m fresh fisher employing 450 at sea staff. In addition, we serve the needs of approximately 100 independently owned and operated fishing vessels with procurement, quota allocation, quota management services, training, Health and Safety etc.

- We are shareholders of both the Deepwater Group and Fisheries Inshore New Zealand.

- We have contributed towards the submissions provided by Deepwater Group and Fisheries Inshore New Zealand and support their positions. There is significant detail included within these which we strongly endorse and believe need not be repeated within this submission.

- Talley's Group Limited see significant value in the concept of digital monitoring, particularly and specifically in respect of electronic reporting and GPR but encourage MPI to fully understand the implications of such a step change noting that the haste at which this is done is unnecessary and given the detail and 'unanswered questions' associated with that, is not delivered in such a way that it causes problems along the way.

- We consider that MPI can successfully deliver on introducing an improved reporting system that will provide greater efficiency and accuracy as long as they continue to work closely with Industry to ensure that it fits in a practical sense and is not just rushed in without acknowledgment of the particular pitfalls.

- We have attended meetings with MPI and outlined what we think needs to be considered in this respect and we reiterate that both the DWG and FINZ submissions have touched on much of the detail we refer to. Key issues and doubt about position reporting to four decimal points, MPI action associated with 'breaches' caused by VMS failure, a variance of reporting timeframes which just seem confusing and inconsistent, requirement for four positions for each trawl tow, reporting system failure and clarification of disposal report timing, intellectual property ownership and privacy need to be clarified. It is essential that MPI take these submissions seriously and do not just pay lip service to Industry concern.

- The Industry position is consistent. Many fishermen, quota owners, companies and Commercial Stakeholder Organisations and Sector Representative Entities are aligned in their thinking that the

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introduction of Electronic Reporting and GPR monitoring can be a positive improvement that will allow for more efficient reporting and data collection. There are many examples of Industry having adopted these technologies already in their fisheries. All deep-water vessels have operated the electronic catch reporting system CEDRIC for years and there are a number of inshore operators that have adopted that because they understand the efficiency gains it brings, the Paua Industry has designed and used data loggers in their fisheries for years and the Challenger Scallop Enhancement Co. Ltd has used VMS reporting for compliance purposes for the past 25 years.

- Industry is not resistant to change. It is not resistant to technological innovation and efficiency improvements.

- It is essential that MPI do not under-estimate the frustration and angst that will ensue if Industry's attempts to rationalise the discussion and to identify a series of consistent and practical messages, intended to streamline the process as opposed to stalling it, are ignored.

- With the exception of the vigorous debate that will accompany the introduction of electronic monitoring (cameras), Industry remains committed to working with MPI to introduce a meaningful and efficiently operating electronic reporting and tracking system that is intended to improve data collection and future fisheries decision-making process. MPI must take into consideration that current process has been unsatisfactory and left unchanged will cause significant disruption and lead to potential challenge.

- MPI did not consult on the Regulations and chose instead to promulgate them hastily with the proposition that Industry would be able to make any suggestions for change by commenting on the 'circulars' that support them. Industry appear consistent in their resistance/uncertainty to much of the circular content and the detail associated with that flows from both the Deepwater Group and Fisheries Inshore NZ submissions, which Talley's Group Limited endorse.

- Talley's Group Limited support the overall proposition that sees Electronic Reporting and GPR introduced, on the basis that it validates what we catch is reported in a meaningful and cost-effective way, and reiterate that the concerns expressed by Industry in respect of the practical implications should not be ignored.

- It is essential that MPI take this submission process seriously and that they engage with Industry to alleviate any of the concerns provided. Current feeling is that MPI's motivation is driven by public perception and political imperative and that the step change is driven by enforcement and not the need for improved reporting and future management purposes.

- Talley's Group Limited respectfully urge MPI to take seriously the concerns about introducing a system that is relevant, practical and seamlessly applied for the right reasons, not to just satisfy a political expectation.

- Talley's Group Limited are committed to working closely with MPI to achieve this.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 10:19 a.m.
To: s 9(2)(a)
Subject: FW: NZ Federation of Commercial Fishermen Submission on IEMRS
Attachments: NZFCF IEMRS Submission 21 August 2017.docx

From: Doug Loder [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 4:52 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: NZ Federation of Commercial Fishermen Submission on IEMRS

Submission for your attention.

Thanking you and regards,
Doug Saunders-Loder.

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NEW ZEALAND FEDERATION OF
COMMERCIAL FISHERMEN

21st August 2017

Future of our Fisheries
Ministry for Primary Industries
Email – futureofourfisheriesprogramme@mpi.govt.nz

SUBMISSION FROM THE NZ FEDERATION OF COMMERCIAL FISHERMAN
Consultation on Draft Circulars.

Introduction
The NZ Federation of Commercial Fishermen (NZFCF) is a national organisation that represents and advocates for approximately 350 independent owner/operators that are affiliated through 27 Port Associations spread from Whangarei in the north to Bluff in the South.

Federation membership is the most likely audience to be affected by MPI's Introduction of Fisheries (Reporting) Regulations 2017 and the Fisheries (Geospatial Position Reporting) Regulations 2017 particularly given that all expectation falls on the 'permit holder' as opposed to any other Industry representation.

Submission Process
The Fisheries (Electronic Monitoring on Vessels) Regulations 2017 were introduced at the same time although we note that MPI's current submission process relates to the circulars associated with the Reporting and Geospatial Regulations and that there is a separate process commencing for Electronic Monitoring. This has not been helpful given the obvious concerns that fishermen have about the installation of cameras and it has been a major distraction in terms of being able to get a positive conversation going about electronic reporting and GPR which should ultimately provide greater efficiency and accuracy for reporting and future management decision-making.

Federation are familiar with submissions completed by both the Deepwater Group Limited and Fisheries Inshore NZ and endorse them fully.

Federation have been invited to meetings and have contributed towards guiding MPI through the detail that stands behind the 'circulars'. However, we believe that MPI could have been more engaging from the start and that a more stream-lined outcome would be the result. The promulgation of the Regulations (which set out the legal obligations) occurred without any input from Industry and it is clear from subsequent discussions regarding the circulars that the detail was a surprise, not well thought out in a practical sense and delivered on the basis that it had to meet certain timelines as opposed to delivering a more cost-effective and meaningful reporting regime.

MPI consulted on the Future of our Fisheries programme during November/December 2016 which related to the Introduction of IEMRS. The Cabinet paper that followed recommended the proposal to ; require fishing permit holders to use electronic catch reporting, geospatial position reporting

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and electronic (camera) monitoring of commercial fishing activity and to ; enable the use of innovative trawl technologies.

The Cabinet paper stated that ; ***submissions on IEMRS highlighted concerns about the timeframe and cost for implementation, data management and information sharing, technical issues for implementation, privacy issues with cameras on vessels, compliance and enforcement issues if cameras observe infringements and effectiveness of IEMRS to address the management issues identified.***

It further stated that ; ***submissions on electronic reporting and geospatial position reporting raised concerns about commercial sensitivity and technical feasibility. Commercial sensitivity relates to information about location of fishing activity and individual fishing techniques. Encrypted data transmission and data management in accordance with Government requirements, together with official information request protections and Privacy Act 1993 information sharing principles, can mitigate these concerns.***

And further ; ***submissions on electronic monitoring have raised concerns about the privacy of crew. A privacy assessment was completed and appropriate controls have been identified to mitigate this issue.***

The regulations have subsequently been gazetted and Industry now submit on the 'circulars' that provide the detail behind them but in all of the conversation we have had over the past month the same concerns that flowed from the Nov/Dec submission period remain and it is not at all clear to Industry today that MPI have ***'mitigated these concerns'.***

MPI need to acknowledge that there remains widespread disapproval of IEMRS from many commercial fishermen while the current Fisheries Management settings remain and if the timelines detailed in cabinet decisions and IEMRS Regulations' are to be adhered to.

The majority of inshore commercial fishermen believe that IEMRS is rushed, has poorly articulated monitoring objectives, is unjustified in many fisheries (risk), does not address underlying management settings and is an extremely expensive regulatory intervention with the one size fits all model. Accordingly, MPI has significant work to undertake to ensure they have created the necessary preconditions for the successful implementation of IEMRS and that like the Cabinet paper they have suitably ***'mitigated any concerns'***. Without the underling settings such as the TACC setting process, the penalty regime, cost recovery, discarding policy and clarification between enforcement and monitoring powers being addressed, MPI should expect that many aspects of the programme will be challenged and delay any meaningful outcome.

Regulations

As stated already we are unaware of any formal consultation on the ER/GPR and EM Regulations. Is this normal consultation process? While we are afforded opportunities to provide feedback on circulars the Regulations have areas of significant concern to industry. The penalty settings for some regulations (GPR) appear to have excessive penalties for minor non-compliance. It is contended that these were rolled over from the previous VMS regulations. However, the penalty is benchmarked against other fisheries penalties that are set in a *'Low detection high penalty'* paradigm.

Concern is also raised if prosecution is the only tool available for enforcement purposes. This will lead to a litigious environment, limit the tools available to enforcement staff and be resource intensive, disproportionate to other legislation administered by MPI, and potentially create a reputational risk to MPI when they are required to investigate multiple technical breaches of

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circulars and fail to take prosecutions for low level non-compliance. Why do other sectors such as Animal Welfare, Food Safety, Dairy and Bio-security have a suite of intervention tools when fisheries are not afforded the same regime?

The Future of Fisheries consultation and wider MPI/industry engagement indicated a review of the fisheries penalty regime would occur. Industry are seriously concerned that there is no time in the governments regulatory window post the September election and prior to 1 October 2018 when cameras are anticipated to be placed on vessels? Clearly there is the need for further engagement on this matter particularly. Industry are concerned that the introduction of these regulations reflect a time pressured organisation that has rushed through regulations that are both contrary to the Ministries Regulatory Impact Statement (RIS) and Future of Fisheries Consultation (Discarding and Penalty Regime).

Circulars

The process of studying and submitting on circulars that 'allow us to address the detail' behind the regulations is a concern for three reasons-

1. The regulations are in force! They are gazetted and cannot be easily amended without significant legislative intervention. They are the law! The gospel that MPI will rely on when acting upon or investigating any offence.
2. The detail associated within the circulars is extensive and much of it comes as a surprise to Industry. There has been no consultation about how some of this detail might work in a practical or cost effective way. In many instances it lacks rationale and fishermen have not had any input into it.
3. It is the 'permit holders' that all of this implementation affects. These are primarily fishermen and whilst they are the ones that are required to adopt these policies and pay for them, there has been no dedicated consultation provided to them.

Federation have worked with other Industry representatives and as stated earlier strongly endorse the submissions made by both Deepwater Group and Fisheries Inshore NZ. Without going into the same detail we reflect on some of the most contentious points.

Electronic Reporting (ER)

- Timelines for reporting are not practical in terms of an inshore fishing operation. 1hour, 4 hour, 24 hour, end of next day reporting for certain parts of the activity are confusing and unnecessary. Rationalise the times for reporting and provide a consistent approach to it.
- In the case of NFPS and disposal reports it is understood that 'individual events' need to be recorded. Individual NFPS and individual discards (fish) is too onerous.
- Start trip/end trip seem another unnecessary expectation given that GPR will monitor continuously whilst running.
- Gear set, on bottom, off bottom/hauling, at surface? For many of the vessels targeted in this inshore space providing detail as to when the gear is on bottom and when it is hauled from the depths are unknown. They do not have the technology to know this so are essentially forced to provide false information, something that we have advised them not to do for decades.
- No paper substitute in event of break-down.

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Geo-spatial Position Reporting (GPR)

- Uncertainty about 'continuous' use. Fishermen have experienced different technologies that flatten batteries and create extra cost in terms of delivery. Need to be clear that we are not receiving a technology that has negative flow-on affects.
- ANY vessel other than a tender deployed from a vessel must have a GPR device. There are many vessels within the NZ inshore fishery that do not have the capacity to operate GPR continuously. Many operators within the coastal fringes of Auckland work out of 4-6m dories. These are trailer boats and are not practical to operate GPR in terms of both installation and cost.
- Requirement to advise CE if GPR removed from vessel. Why?
- Requirement to advise CE if GPR device fails to operate. Why? How does a fisherman know that the device fails?
- If the system goes down what are the fishermen to do…? Stop fishing?
- Uncertainty about the privacy associated with continuous polling. Fishermen need to know that their 'secret spots' and normal fishing activity and locations are not shared with anyone.

Electronic Monitoring (EM)

Federation recognise that this process is not requiring, at this time, any response in respect of Electronic monitoring or the installation and use of cameras on vessels.
Regardless, MPI need to know that the proposal to introduce camera use will experience extremely robust debate and potentially legal challenge if delivered based on the current regulations.

Federation are happy to engage with MPI to deliver camera usage on an objective-based, practical, enabling and cost-effective basis. We will not support or accommodate MPI's needs in respect of camera use to simply view the daily activities of fishermen. The boats that you want to install cameras on are also these people's homes. You propose stepping into their private lives and allowing that to be viewed by anyone that chooses to without constraint. That cannot be allowed to happen.

Federation will not support some ad-hoc approach to forcing cameras onto boats. We will engage and maturely discuss the need for cameras but accept this submission as being our position which states that no vessel will be installing any camera until clarity and certainty is assured in respect of the key objectives, privacy, ownership of footage and costs of hardware and costs of continued delivery of footage. These are serious matters and they cannot be treated contemptuously.

Other Matters

Monitoring Costs

While this consultation relates to Regulations/circulars there are some key settings that seem to be ignored by MPI that must occur to give industry representation certainty as to liability, risks and opportunities as well as exercising fiduciary functions. A lack of clarity regarding cost is of significant concern. Further, the costs detailed in the RIS appear wildly inaccurate. Industry would like to see the detailed workings here because whilst not directly linked to these circulars the information is important in the wider context of verification of fishing activities and costs to industry.

Federation urges MPI to consider an approach that formally updates the Minister of Fisheries on the true costs of these proposals.

Bespoke Solutions.

Para 144 of the RIS states *Regarding compatibility, the application of fishing technologies will be considered fishery by fishery*. This is further reflected in each of the Regulations that contain a section giving provision for exemptions for any or all of the Regulations. This could be the tool to

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allow the development of bespoke solutions. It would appear that communications to date have advised that no exemptions would take place. The circulars, with limited exceptions, have adopted a one size fits all set of regulations that are again counter to the RIS.

Federation strongly believes that MPI must allow for the development of bespoke solutions that may be based on each fishery?

Compliance

Industry has been actively working with MPI to try and collaboratively implement a successful IEMRS environment. Sadly however, Industry has observed a clear change of approach from MPI. From an initial purpose of providing timely accurate and verifiable data to inform Fisheries Management decisions (which was the purpose in RIS and Cabinet paper) it appears to have morphed into an enforcement tool. Industry might work with MPI to place cameras on vessels for the purpose of verifiying monitoring objectives whilst improving compliance outcomes but we DO NOT believe that cameras can be placed on vessels solely for the purpose of offence detection. MPI need to detail an operational implementation plan that includes monitoring objectives for each fishery along with a compliance approach that details transition arrangements and a 'settling in' period.

The development of such an approach will greatly allay the concerns of fishers and would be far more productive than just acting on regulations that have never been consulted on.

Federation recommend that MPI develop a compliance plan regarding IEMRS that utilises the VADE model for the fishing year commencing 1 October, 2017 and that, they also collaboratively develop monitoring objectives for each fishery.

Monitoring Functions

As detailed in MPIs documentation, efficiencies are expected in Observer and Compliance Costs. This is important as it has significant cost recovery implications. Further, MPI acknowledges that the current cost recovery model is not fit for purpose and like the penalty regime we are concerned as to whether this can be successfully addressed with such a limited legislative window between now and 1 Oct 18.

Federation would like to see MPI implement a formal process to address a future monitoring operating model (for observers vs cameras) and also have MPI advise of the work programme they anticipate will address commercial cost recovery to be effective by 1 October, 2018.

Conclusion

- The NZ Federation of Commercial Fisherman remain engaged with MPI and will continue to collaboratively implement IEMRS as we believe that there are potentially significant benefits for a well thought through monitoring programme. Our overall concern is that implementation is being rushed for no clear purpose. The public expectation is for the placement of cameras not how we report fish and it feels like MPI have addressed this with a 'rush of blood'. By implementing IEMRS sequentially opposed to concurrently places an unacceptable cost upon industry. Federation will argue that such haste, with large financial consequences is not conducive to efficiency gains which are purported in MPI's RIS or in accordance with Government Regulatory Stewardship obligations.

- The promulgation of regulations without any consultation has the effect of further constraining Industry from improving their reporting and monitoring systems which is arguably the opposite of what we need 30 years into the QMS. The legislative framework

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that we have worked under all these years has been prescriptive and not allowed for societal or technological advances. We should be shaping the legislation so that implementation and the outcomes from that are meaningful and cost-effective. Not rushed through on the basis of public perception which is based on poor understanding. It needs to be enabling and practical so that it delivers on the imperatives we require whilst providing public confidence.

- The circulars are extremely detailed and there is a real fear that implementation will leave more questions than answers. Whilst involved in meetings thus far it has has been abundantly clear that many of the MPI officials have been unsure of the rationale for certain proposals. That they have not truly understood the practical realities of the business they are addressing? It is essential that sufficient time is given to resolving these matters because to introduce circulars that are supposed to support the regulations and to not understand the implications of any decisions made will be counter- productive and very likely challenged.

- MPI, regardless of how they have targeted people or groups that serve to represent fishermen, have not actually spoken to the 'permit holders' which these initiatives will affect directly.

- MPI whilst promoting change have applied the philosophy across the entire Industry. This is not ideal. The dynamics of this Industry and the differences between fisheries are such that you cannot deliver a programme that follows a 'one size fits all' approach. A successful and financially viable rock lobster operation has a significantly higher chance of operating an electronic reporting system than a 4 metre dory operating in the Onehunga Harbour targeting flatfish and grey mullet. Similarly, a Deep-water operation has resources and support that neither of these inshore examples have? Currently the requirement for all of these examples to all fall into the same camp is just too simplistic. The Industry does not operate that way.

- Federation and many other fishermen actually regard the IEMRS concept, particularly in respect of EM and GPR as workable and that they might provide some value. However, there have already been calls to 'slow the process down' and to have MPI genuinely work within reasonable timeframes. These requests cannot be ignored.

- MPI need to ensure that they sufficiently address the management settings that underpin much of the concern that the introduction of IEMRS provides. TACC setting processes, a consistently and workable discard policy and a deemed value regime that falls out of that as opposed to driving behaviour are all essential parts of the debate that need conclusion. Industry has urged MPI for years that certain aspects of our fishing operations need addressing and for MPI to continue ignoring these requests is a travesty.

- Federation are happy to meet and discuss this submission further should that be necessary but the thrust of our position is that the proposal and introduction of EM and GPR will bring potential value to our business. Implementation without taking all of the detailed concerns into account and doing that without reconsidering the timelines within which they need to be delivered has the potential to be unnecessarily confrontational.

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Yours faithfully

s 9(2)(a)

Doug Saunders-Loder
President

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s 9(2)(a) [redacted]

From: David Middleton s 9(2)(a) [redacted]
Sent: Monday, 21 August 2017 4:52 p.m.
To: Future of Our Fisheries Programme
Subject: Submission on draft circulars in respect of Digital monitoring
Attachments: 20170821 DigitalMonitoring-submission-TridentSystems-final.pdf

Please find attached Trident Systems' submission on the draft circulars for the digital monitoring of commercial fishing.

As noted in our submission we would be happy to clarify and discuss any of the issues raised, and assist efforts to achieve the robust implementation of a GPR and ER regime in order that information required for management of New Zealand's fisheries can be collected effectively and efficiently.

Kind regards

David Middleton

Dr David A. J. Middleton
Chief Executive, Trident Systems LP

DDI: s 9(2)(a) [redacted]
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21 August 2017

Future of our Fisheries Programme
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140
New Zealand

By email: futureofourfisheriesprogramme@mpi.govt.nz

Submission: Digital monitoring of commercial fishing

Trident Systems appreciates the opportunity to comment on the draft circulars for the digital monitoring of commercial fishing. This submission has been prepared by David Middleton, Trident's Chief Executive, and is approved by Trident's Board of Directors.

Trident Systems is a seafood industry research provider, established in 2012 to develop and implement innovative systems and processes that contribute to the sustainable management of New Zealand's fisheries.

Trident's primary interest in MPI's Digital Monitoring initiative is as a consumer of fisheries data[1]. The data collected from New Zealand's commercial fisheries over the last three decades has provided a rich source of information for fisheries management, and we welcome the opportunity to contribute to the modernisation and continuous improvement of the NZ fisheries data system.

Trident also has experience in implementing new data collection systems, a number of which are closely aligned with goals of the Digital Monitoring initiative and are expected to transition to the new framework. These include:

- A voluntary Vessel Monitoring System for the SNA 1 fleet (approximately 60 vessels);
- A Vessel Monitoring System for the PAU 4 fishery that meets MPI requirements for monitoring use of UBA in that fishery;
- A tracking system for vessels in harbour net fisheries, as part of the Maui Dolphin initiative by Moana New Zealand and Sanford Ltd;

[1] Trident anticipates that its role in data *collection* will continue to be focussed in the provision of innovative solutions that are implemented as research initiatives on a fishery specific basis, rather than in the provision of statutory solutions.

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- Video observation programmes in the SNA 1 bottom trawl fishery, and in the SNA 1 and BNS 1 bottom longline fisheries.

Trident is supportive of the use of technology to provide improved data from New Zealand fisheries, but is keenly aware of the technological and human challenges involved in the successful implementation of such programmes.

Other opportunities for input

Over recent months Trident has had a number of opportunities to provide input to the development of MPI's IEMRS (now Digital monitoring) initiative. These include:

- Attending meetings for potential providers of IEMRS services;
- Participation in the IEMRS Technical Working Group on behalf of the Commercial Fisheries Forum.

As a result of that participation, we have observed a rapid evolution in a number of aspects of the proposed reporting framework. In general, progress has been positive. However, as discussed below, we consider that a number of key issues remain to be resolved.

The recent initiative to reconvene the Fisheries Data Working Group (FDWG) is helpful. That working group played a key role in the 2007 updates to the statutory reporting of inshore trawl and bottom longline fishing, and has been a key forum for fisheries research providers to work with officials on the collection and interpretation of fisheries data.

It is likely that the FDWG will provide the best forum for discussing and resolving technical issues of specification of the data to be collected. However, a key issue in ensuring that fishers are able to provide high quality data is ensuring that data systems take account of how fishing activity is undertaken and the practicalities of entering data. Engagement with practicing commercial fishers, and field testing of the proposed solutions, is required to ensure that the Digital monitoring initiative successfully delivers improved fisheries data.

Because of tight timelines around the rollout of Digital monitoring, a number of different engagement and consultation process have been running in parallel. While aspects of this have been productive, it has also been confusing – especially for fishers who will ultimately be required to implement the new reporting requirements. The use of circulars provides some flexibility but the proposed implementation schedule remains very challenging. Trident would encourage MPI to prioritise *robust implementation* over *rapid implementation*, in order to deliver on the goal that the IEMRS (Digital monitoring) initiative provides "accurate, integrated and timely reporting and monitoring data on commercial fishing activity to inform decisions of fisheries managers in government and the commercial sector."[2]

Key messages

Trident's key messages with respect to the Digital monitoring initiative are as follows:

- The proposed vessel monitoring and electronic logbook regime provides an opportunity to modernise the data collection systems for New Zealand's commercial fisheries, and is therefore a welcome initiative. In addition to taking advantage of technology to streamline and improve data collection, there is the opportunity to resolve a number of quirks in the existing data collection systems;
- The data from commercial fisheries are fundamental to the management of New Zealand fisheries, and so the Digital monitoring initiative must be implemented carefully. This includes resolving some

[2] The Future of Our Fisheries – Consultation document 2016, volume III.

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key issues around the specification of data, and allowing sufficient time for testing to ensure that new data collection systems are practical and robust;

- Key requirements are that:
  - The required data is well specified to ensure that the information required is unambiguous and understood both by those providing the data and those using the data;
  - Data collection is tailored to the practicalities of fishing in order that fishers can provide high quality data.

Specific feedback on key issues

Here we summarise key issues that we consider must be addressed to ensure that the Digital monitoring regime is implemented robustly and cost effectively.

Noting the other opportunities for engagement and input, our approach is to list these issues here with a brief outline of the problem. We will provide more detailed input via other forums and would be happy to discuss the details informally with MPI's IEMRS team.

Reporting Regulations (2017)

We note that MPI is seeking input specifically on the draft circulars. However, these have been issued in the context of new regulations, and it is infeasible to comment on the circulars without also considering the framework established by the new regulations.

- In general, the new framework, which provides a high level regulatory framework with detailed reporting requirements specified in circulars should be an improvement upon the current regime where the detailed requirements are all contained in regulations. In particular, the use of circulars should ensure that minor changes to clarify or improve reporting requirements are able to be made efficiently.
- The Reporting Regulations establish that:
  - **Estimated catches** are linked to fishing events;
  - **Landings** are linked to trips.

  The new **Disposal** events are linked to fishing events. Depending on the specification of estimated catch reporting (see below), it may be helpful to have disposal events linked to individual fishing events. However, there are circumstances in which this is likely to be impractical. For example, in the SNA 1 trawl fishery, most sub-MLS fish are returned to the sea as the catch is sorted immediately after hauling the net – thus the relevant fishing event is clear. However, a smaller proportion of sub-MLS returns are identified when fish are later packed into the hold from slurry. At this point, attribution of the disposals to a specific fishing event becomes impractical.
- The Reporting Regulations establish specific recording and transmission timelines for each event. However, until the details of the specific reporting requirements for individual fisheries are clarified and tested, it is unclear if these timelines are, in fact, practical.

Fisheries (Geospatial Position Reporting Devices) Draft Circular 2017

At section 11(1) of the draft GPR circular, MPI proposes that:

> 11 (1) The system used to transmit position reports to MPI must be capable of transmitting reports—
>
> a) from anywhere at sea (anywhere on the globe); and

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b) from anywhere within New Zealand; and

c) so that reports reach MPI within 10 minutes after they are sent

The effect is to require the use of satellite communications for all GPR reporting. However, some areas of New Zealand's coastal waters have reasonable cellular data coverage – although not to the extent that this would meet the draft requirements of providing transmission capability "from anywhere".

For inshore fisheries using small vessels, and where fishers are expected to be in cellular coverage for some periods each day, Trident recommends that MPI consider the use of a "store and forward" approach to vessel tracking. In these cases, GPR devices would log positions at a regular, frequent interval, but only transmit the positions when in cellular data coverage.

Fisheries (Codes and Information) Draft Circular 2017

Trident notes that the Fisheries (Codes and Information) Draft Circular 2017 is the key document that details reporting requirements for fishers, whilst the Fisheries (Event Reporting) Draft Circular 2017 is aimed primarily at those developing electronic logbook software. Our comments below may therefore apply to both. They are primarily issues of reporting policy, rather than detailed comments on particular aspects of the circulars.

- **Clarifying the specification of a fishing trip**

  The concept of a **trip** has been fundamental to the storage and use of catch and effort data for some time. In particular, trips provide the basis for correcting estimated catches to landed weights in a number of fisheries.

  In the past, catch, efforts and landings data have been grouped into trips as a data management activity. The Digital monitoring circulars propose that the trip grouping should now be implemented in electronic logbook software.

  In general, creating trip records in logbook software should be helpful. However, to be successful it is necessary that the concept of a trip, and its associated data, is clearly communicated. Unhelpfully, the practical definition for the purposes of reporting differs from the interpretation established in the Reporting Regulations (2017).

  The proposal that landings records can be initially "incomplete" then subsequently "completed" when a landing reaches its final destination is likely to be helpful in ensuring that data remains associated with the originating trip. However, it is necessary to establish, by working through a variety of fishery-specific examples, that this can be achieved in practice.

- **Clarifying the reporting of estimated catches**

  The draft circulars do not address the detailed specification of what fishers should include within the estimated catches for a fishing event. The status quo interpretation is that "estimated catches" exclude mandatory returns (e.g. sub-MLS fish) but include discretionary returns (e.g. Schedule 6 fish). However, the fact that some returns must be included in the estimated catch figure whilst others are excluded has led to confusion in some cases, and this confusion has degraded data quality.

  An alternative approach would be to require that catches are estimated by species inclusive of any disposals (whether required or discretionary). This is perhaps a more natural approach, but (i) would imply a change in interpretation, and (ii) may not be practical in all fisheries.

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Trident considers that key goals of the current consultation process should be to (i) resolve any confusion surrounding the definition of "estimated catches" and (ii) ensure that the resulting definitions allow fishers to best make good estimates of the quantities they are required to report. As a result of the latter goal, the specific quantities reported could potentially vary depending on the practicalities of reporting in different fisheries. This would be acceptable if it (i) led to better quality data and (ii) allowed reconciliation of reporting from different fisheries to provide consistent aggregated numbers.

- **Reporting of fishing events in clusters**

  In some fisheries (e.g. trawling) the definition of a fishing event (i.e. an individual trawl) is straightforward. In other fisheries (e.g. potting, dredging, set net fishing) the unit of effort (e.g. a pot) may be too small to report individually. As a result, reporting clusters of fishing effort is required.

  For clustered methods, the draft circulars typically require the reporting of a start/end point relating to the event, AND the requirement to break fishing into separate events at a specified scale (e.g. 1nm).

  As a result, it is likely that natural clusters in fishing effort (e.g. strings of pots, repeated dredge lines in a specific area) will be broken up by the overlaying of a 1nm grid. The result will be fishing events that do not have a natural interpretation, and for which the attribution of catches may be impractical.

  The solution to this problem will be to establish better ways of separating fishing effort into natural clusters, rather than the imposition of a generic 1nm grid. It is likely that the natural breaks will differ by method, and potentially by fishery. Without ensuring that the definitions are practical on a fishery by fishery basis, it likely that reporting will be impractical and poor-quality data will result.

- **The accuracy of estimated catches**

  The draft circulars maintain the pragmatic and well-established approach of requiring fishers to make estimates of catch weights/numbers in some instances (e.g. estimated catches, disposals) and to provide data that results from actual weighing in other instances (e.g. landings).

  Fisheries data analysts have used the trip concept to allow scaling from estimates to weighed landings. This will remain the preferred approach so long as all the different quantities reported are clearly defined.

  However, fishers have reported variation in the guidance given by MPI over time with respect to the timeliness and accuracy of estimates. In general, estimates provided more rapidly will be less accurate, whilst accurate estimates may take more time (and specific processes) to provide.

  Trident considers that the introduction of Digital monitoring provides the opportunity to provide clearer guidance about when estimates should be made, and the processes expected in order that the estimates provided are sufficiently accurate. However, this will require development of fishery specific guidance.

- **Establishing a materiality threshold for reporting**

  Under the proposed Digital monitoring regime, fishers will be required to report the estimated catches of the top 10 species (by catch weight) in each fishing event. This is an increase over the current regime (which typically requires reporting of the top 5 or top 8 species).

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However, the current drafts do not make the same distinction for disposals, potentially indicating that all disposals – down to the last nematode – be enumerated. For the new reporting regime to be practical and yield good information, fishers must be given guidance on the limits of reporting.

Currently, minor species may appear in landings but not in estimated catches. There are practical approaches to dealing with the resulting data. Furthermore, the role of fisheries observers is to provide more detailed data as necessary, although usually only for a subset of the fleet.

Fishers need to be given clear guidance about what is material from a reporting perspective and what is not.

In resolving the issues identified above, it is necessary to have regard to:

- The consistency of data between the current and new reporting regimes;
- The need to field test procedures to verify that reporting is practical and yields good data.

Contact details:

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s 9(2)(a)

From: s 9(2)(a)
Sent: Monday, 24 July 2017 1:22 p.m.
To: Future of Our Fisheries Programme
Subject: FW: IMERS for scallops?

Follow Up Flag: Follow up
Flag Status: Flagged

Possibly treat this as a submission?

s 9(
[seemail]

From: Ian Tuck [mailto s 9(2)(a)]
Sent: Monday, 24 July 2017 1:21 PM
To: s 9(2)(a)
Cc: s 9(2)(a) James Williams s 9(2)(a)
Subject: RE: IMERS for scallops?

Thanks s 9(2) ,

James has been working with some of the SCA 1 fishers, trying to get them to use a data logger to record effort accurately, but the recording of catch at the tow level has been hard for them, as they are often working up multiple tows at the same time.

Dr Ian Tuck
Principal Scientist - Fisheries
Programme Leader - Ecosystem Approaches to Fisheries Management
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From: s 9(2)(a)
Sent: Monday, 24 July 2017 1:17 p.m.
To: Ian Tuck s 9(2)(a) ; s 9(2)(a)
Cc: s 9(2)(a)
Subject: RE: IMERS for scallops?

http://www.mpi.govt.nz/news-and-resources/consultations/draft-circulars-on-digital-monitoring-of-commercial-fishing/

Thanks Ian.

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See above consultation that is occurring. Similar issue to oyster dredging, probably surf clams and other dredging where very short tows.

I will forward your email on to the project team working on this too.

cheers

s 9(

From: Ian Tuck [mailto s 9(2)(a)
Sent: Monday, 24 July 2017 1:12 PM
To: s 9(2)(a)
Subject: IMERS for scallops?

Hi s 9(2)(a),

I've just been chatting with guys from about some data logger units James is putting on scallop vessels, and they said there is going to be a requirement to record effort and catch at the 1 nm resolution from next year?

I just wanted to check if this applies to scallop dredging, and what sort of industry feedback you might have had (if you are allowed to say)? Given the rapid turn around on scallop fishing, I can see this resolution of reporting being tricky for them,

Ian

Dr Ian Tuck
Principal Scientist - Fisheries
Programme Leader - Ecosystem Approaches to Fisheries Management
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From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:32 p.m.
To: s 9(2)(a)
Subject: FW: FINZ submission on IEMRS
Attachments: 2017-08-21 FINZ submission on IEMRS.pdf

From: Helson, Jeremy [mailto:s 9(2)(a)
Sent: Monday, 21 August 2017 4:09 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: FINZ submission on IEMRS

Please find **attached** the Fisheries Inshore New Zealand submission on IEMRS.

Regards

Jeremy.

Dr Jeremy Helson PhD, LLB
Chief Executive
Fisheries Inshore New Zealand Ltd

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21 August 2017

INTEGRATED ELECTRONIC MONITORING AND REPORTING SYSTEM MPI CONSULTATION ON DRAFT CIRCULARS

Introduction and mandate

Fisheries Inshore New Zealand Ltd (*Fisheries Inshore*) is the Sector Representative Entity (*SRE*) for inshore finfish, pelagic and tuna fisheries in New Zealand. Its role is to deal with national issues on behalf of the sector and to work directly with, and behalf of, its quota owners, fishers and affiliated sector organisations.

Recent changes to inshore governance have seen Fisheries Inshore take responsibility as the Commercial Stakeholder Organisation (CSO) in Area 2 by establishing the Fisheries Inshore Area 2 Committee, we are also now the CSO for HMS fisheries. Our key outputs are:

- developing appropriate policy frameworks, processes and tools to assist the sector to manage inshore, pelagic and tuna fishstocks more effectively
- minimising fishing interactions with protected species and the associated ecosystems
- working positively with other fishers and users of marine space where we carry out our harvesting activities

Collectively, Fisheries Inshore members own more than 51% of the quota in 192 inshore fishstocks and between 40 and 51% in a further 13 fishstocks (of 239). This equates to about 76% of the sector by value and 84% by volume.

Background

An Integrated Electronic Monitoring and Reporting System (IEMRS) or digital reporting will be implemented through a series of regulations and circulars.

- The regulations generally contain the legal obligations to carry and operate a Geospatial Position Reporting (GPR) device and provide reports by electronically. The nature of the reporting requirements has been changed significantly by the new reporting regulations. The regulations also contain offences and penalties
- The draft Circulars contain the technical details including the content of reports, the timing for provision of reports and the codes to be used, they also specify technical requirements for Geospatial Positional Reporting

General position on IEMRS

Fisheries Inshore has previously set out its view about IEMRS in the joint industry submission on *The Future of Our Fisheries* dated 23 December 2016. An excerpt from that submission is reproduced below:

> *Robust information underpins good decision-making and the industry supports any initiative that seeks to improve decision quality. Consequently, the industry supports acquisition of robust information. However, this support is qualified by the information collected improving management by being relevant, appropriate, cost-effective, and aligned with well-specified management settings and objectives. It is also premised on developing an operating framework where decisions are considered and taken based on that information in a timely and consistent manner.*
>
> *As such, while we can see some potential value in individual components of IEMRS, industry considers that the implementation of each component, severally and jointly, must be expressly targeted to improve management outcomes. We consider that more information and analysis is required to determine where and how the various components of IEMRS can deliver better fisheries management outcomes for the Crown, the seafood industry and the public. This analysis must necessarily include:*
>
> *a) specific information needs, i.e. a clear definition of the management issues that require additional information—fishstock by fishstock, sector by sector, for the different catching methods and regions;*
> *b) an assessment of the costs and benefits of using each of the three individual components of IEMRS to address the aforementioned management issues—either individually or in combination;*
> *c) careful integration with—and adjustment of—wider fisheries management settings.*

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Therefore, while we agree with the general concept of IEMRS, that being the acquisition of better information to improve fisheries management, we consider the following matters first need to be addressed to focus better the development and efficacy of IEMRS:

a) more specific objectives for the deployment of IEMRS, linked to management objectives;

b) a clear definition of the information deficiencies, fishstock by fishstock;

c) consideration of wider fisheries management and policy settings that will influence information requirements and direct subsequent management based on better information;

d) the particular outputs sought and the feasibility of obtaining those in various fisheries;

e) an evaluation of the options available to obtain the required information;

f) a detailed cost-benefit analyses of the options available to collect the required data; and

g) an analysis of risks.

Summary view on the consultation

The view of Fisheries Inshore remains the same; one of qualified support for the concept of IEMRS. Unfortunately, having now read the regulations and circulars, we oppose MPI's interpretation and implementation of IEMRS as represented in the regulations and circulars.

The regulations, within which the entire programme must operate, are vague, internally inconsistent, and have significant omissions. The circulars are unrealistic, inconsistent with the regulations, and in some instances impossible to comply with. As a whole, this proposal that conceptualises and implements IEMRS is confused, unrealistic, onerous, unnecessary and costly.

This submission highlights some specific aspects of the IEMRS package that supports this view. However, given the detail, length and complexity of the regulations and circulars, and the relatively short time to respond, we will not have identified all the issues that are likely to arise. Similarly, we accept that we may had made errors in our interpretation of the various legal requirements (illustrating both our fallibility and the complexity of the proposals). Either way, we consider it appropriate to resolve any errors to ensure the law is sensible and understood by MPI and the industry. To that end we request that MPI provide a written response to the matters raised herein.

Other SREs have submitted with a focus on specific concerns for their fisheries, we support those submissions and those of member companies.

Overall, we are disappointed as the industry has clearly signalled our support for this concept and repeatedly sought to work with MPI to implement a practicable solution. MPI, through its mode of working on this project, have squandered an opportunity to implement a significant and valuable improvement to fisheries management in New Zealand.

We consider this can be salvaged and request the opportunity to do so as follows:

1. MPI convenes a working group to address the various issues raised in this and other submissions. The group would form a view about the best approach to implementing IEMRS for various fisheries. The working group would expert-based, but would also contain senior MPI staff with a mandate to form an MPI view based on the working group's discussions.
2. MPI suspends the implementation of IEMRS until the working group has resolved the issues that arise.
3. The regulations and circulars would then be amended as required.
4. The working group would also develop an implementation plan. Implementation would follow on a reasonable timeframe that would allow for the necessary software to be developed and tested; hardware to be sourced and installed; system testing to be conducted, bugs ironed out, and training to occur.

To press on with the current version of IEMRS runs a high risk of failure, the consequences of which are most likely to be felt by fishers and their families, not MPI. We consider that MPI has a duty to ensure that the regulations (and subsidiary circulars) it produces are sensible, reasonable, fit-for-purpose and can be complied with. To date, MPI's position has been that it will specify the various requirements and it is up to the market and fishers to meet those requirements. In some circumstances that may be a reasonable approach, but not in this case.

Even if the legal requirements were well-specified and realistic, the technology to comply does not yet exist, has not been tested at sea, is very unlikely to be installed on more than 1,000 vessels and crew trained within the next six months.

Our strong preference is to get this right, not muddle through to meet MPI's self-imposed and unrealistic timeframes. We seek the opportunity to do so and are willing to commit significant resources to working in a focused manner to agree and specify a detailed resolution for all the fisheries we represent.

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Content and format of submission

This submission comprises three parts; the first addresses Geospatial Position Reporting, the second addresses Electronic Reporting and the third provides comment on the adequacy of the consultation undertaken by MPI.

While we acknowledge that MPI is not formally consulting on the regulations, we have provided views. The relationship the empowering provisions and the circulars is clearly important; for example, the nature of the circulars has a bearing on the reasonableness of the offences and penalties in the regulations, and the circulars must be consistent with and *intra vires* the regulations. The circulars cannot be considered in isolation.

Further, given the MPI did not consult on the regulations before they were promulgated, we consider it is important to provide our views on their content.

Contact

To discuss any matter raised herein, please contact:

Dr Jeremy Helson
Chief Executive
s 9(2)(a)

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PART 1: GEOSPATIAL POSITION REPORTING

Fisheries (Geospatial Positional Reporting) Regulations 2017

The general requirements under the Regulations are that specified vessels must register, carry and continuously operate a GPR device while the vessel is used for fishing or transportation. Also contained in the Regulations are requirements for those fishing without a vessel.

GPR devices must meet the standards and requirements specified in circular.

We have identified issues to be addressed regarding the Regulations as follows:

- R5(1)(d) requires that all vessels except for tenders deployed from any vessel using any purse seining net must have a GPR device. There are over 300 vessels with tenders not associated with purse seining. These may be dories for set-netting, beach seining or potting but also include tenders on trawlers and other fishing methods; many are small, unpowered row boats. It is unclear why those other tenders should be required to carry GPR. The tenders used in set-netting or beach seining undertake the same function as in purse seining by setting out the nets for the principal vessel. Some tenders may be used as transport between the shore and the vessel.

  Requiring small tenders to carry and operate a GPR device imposes needless cost and duplication given the principal vessel would carry a GPR device. If these vessels are required to carry and operate a GPR device, when is the tender GPR to be turned on—when the principal vessel leaves port or when the tender is used for fishing?

  Regulation 11 provides for the CEO to give exemptions from the obligation to carry and operate a GPR device where it is unreasonable or impracticable for a person if vessel to comply with the Regulations. While we recognise that the exemption provision can be used to obviate the need for tenders to carry a GPR device, individual exemptions would be required. This is administratively burdensome and unnecessary; our preference would be to amend R5(1)(d) to provide an exemption for all tenders as per the exemption given to purse seine tenders.

- R5(3) requires that a GPR device must operate while a vessel is used for "fishing" or "transportation". Both terms are defined in section 2 of the *Fisheries Act 1996* as follows:

  fishing—

  (a) means the catching, taking, or harvesting of fish, aquatic life, or seaweed; and

  (b) includes—

  (i) any activity that may reasonably be expected to result in the catching, taking, or harvesting of fish, aquatic life, or seaweed; and

  (ii) any operation in support of or in preparation for any activities described in this definition

  transportation means—

  (a) the receiving and carriage of fish, aquatic life, or seaweed by any vessel; or

  (b) the storage and refrigeration of fish, aquatic life, or seaweed by any vessel for the purpose of carriage

  Based on these definitions, there is an inconsistency between Regulations and the explanatory material that was provided by MPI for the purposes of understanding the significant detail of the Regulations and associated Circular.

  Pages 6 and 7 of the explanatory material state: "GPR is powered on when vessel is powered on" and that "This includes for example when you get fuel or move around in the port".

  As outlined above, R5(3) states that GPR must be operate when the vessel is being used for "fishing or transportation", not any time the vessel is powered on. A vessel owner may power up a vessel for maintenance, or to move the vessel around for purposes other than fishing. In those circumstances, there is no requirement to operate GPR.

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On page 9 of the same material, an example is provided for trailered vessels – it states that GPR must remain on after fish is landed and the trailer/vessel is returned home and stored. It's an unnatural extension of "fishing" to include travelling to one's residence after a day's work. A commute home is not an operation in support of or in preparation for catching fish.

We consider it is unsatisfactory for MPI to issue explanatory material that appears inconsistent with the Regulations. When asked to provide clarification during the consultation period, MPI simply asserted it was right without further elaboration.

MPI's explanatory material is even more inconsistent with the Regulations if one considers vessel activity that is not related to fishing at all. MPI's guidance says GPR must operate any time the vessel is powered on and gives examples of moving around a port or obtaining fuel. What happens in the case of a vessel that is used for recreation, transporting goods, steaming to a dock for survey, or other purposes unrelated to fishing? The vessel in that case is not being used for fishing or transportation so we see no possible reason for MPI to insist on maintaining its position. The meaning of the Regulations must be clarified.

- R8(e)(i) states a requirement to notify the chief executive if a GPR device is removed from a vessel. Why is this required given the obligation in R5(3) to carry and operate a GPR device when using the vessels for fishing or transportation (as defined in the *Fisheries Act 1996*)? If the vessel is not being used for "fishing or transportation" then there is no requirement under R5(3) to carry and operate a GPR device. As such, there should be no offence for removing a GPR device when it's not required to be there in the first place (see R9(1)(a)).

  We also raise a practical question regarding GPR devices on small vessels with no, or limited, power sources. We are aware of GPR devices that are battery-operated and must be removed from vessels to be re-charged. Must the vessel operator advise the chief executive on a daily basis if recharging a GPR device is required?

- R8(e)(ii) requires the chief executive to be notified if a GPR device fails to work properly. Does that operator then commit an offence under R9(1)(b) if they continue to fish? There is a carveout in R9(2) and a defence available in R10 which are addressed in turn.

  First, R9(2) provides an exception to an offence against R9(1)(a) only if a GPR device is removed and after giving notification under R8(e)(i) or (ii). This makes no sense as a notification under R8(e)(ii) does not concern removal of a GPR device but rather notification of malfunction (the device may be malfunctioning but not removed). Is the exception under R9(2) also supposed to be available for an offence against R9(1)(b) if notification is provided under R8(e)(ii)? Either way the Regulations are internally inconsistent and must be clarified.

  Further, R9(1)(a) and (b) both mention "an exemption from the chief executive". Is this an exemption as specified in R11 on the basis that it would be "unreasonable or impracticable"? Alternatively, is the notification required in R8(e) sufficient to avoid an offence?

  Second, R10 provides a general defence for accidents and instances where a malfunction occurs. If a GPR device malfunctions at sea, and the fisher continues to fish, must they later avoid prosecution by relying on the defence? If so, does one act "reasonably" as required by R10(b) by continuing to fish?

  When seeking clarification from MPI during the consultation period, we were not provided with any definitive response.[1] When pressed, officials suggested the exemption provisions in R11 would be used. If that was the intent, we would envisage an explicit reference to malfunctions rather than only instances where it was "unreasonable or impracticable" to comply. We would also expect some reference to the reporting requirement in R8(e)(ii). Further, R11(2) requires that an exemption under R11(1) must be in writing. This is hardly reasonable or practicable for someone at sea that may be 100 nm miles from shore. We also question the timeframe that could apply to the chief executive processing and considering any exemption while a fisher waits at sea for a decision.

  As part of the aforementioned discussion with officials, it was unequivocally stated that it was not MPI's intent that a vessel should return to port in the event of malfunction. This is a welcomed and sensible

[1] Meeting in Christchurch between MPI and the Deepwater Group, 15 August 2017.

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position and is also consistent with an MPI source that was reported as saying "However, MPI said yesterday if systems broke down while at sea, fishermen could ask for permission to keep fishing."[2]

To give effect to MPI's stated intent, the Regulations should be amended to make this explicit and to provide a clear, fast and practicable mechanism. It is not reasonable to expect operators to work with such uncertain legal requirements and rely on MPI's discretion or case-by-case determinations to interpret the law.

If MPI's stated intent changes, this would essentially require fishers to carry back-up units in case on malfunction and hence double all capital costs. As the costs of returning to port could be tens of thousands of dollars, it would also raise difficult contractual issues regarding liability and indemnity between fishers and hardware/software suppliers.

- Should the "and" between R8(e)(i) and (ii) be an "or"?

- R9(1)(a) creates an offence for removing a GPR device from a vessel unless you have notified the chief executive. We question why removal is an offence that is subject to a $100,000 fine (particularly removing a GPR device when it is not required to be carried as discussed above in relation to R5(3)). Surely the requirement under R5(3) to carry and operate a GPR device while fishing, and the corresponding offence under R9(1)(b) is sufficient. The offence in R9(1)(a) should be removed.

- R9(3) sets a fine of up to $100,000 as a penalty for all offences. This is severe, but particularly so for owners of small vessels. Such operators may turn over less than that in annual revenue and will have vessels worth considerably less. A more graduated scale of penalties should apply depending on the offence. For example, failure to notify the CEO before removing a GPR device, or failure to register a GPR device may not infringe on the purpose of the Regulations at all, yet both are subject to the same fine as wilful avoidance. The penalties should be revised.

- R10 requires that to defend a charge, the vessel operator must prove an offence occurred as part of an accident, mechanical or technical malfunction. We have some concern about the reverse onus in this defence. This is exacerbated by the difficulty in proving the cause of a malfunction when complex electronics and satellite communications via third parties could be the source of a technical failure. The failure could be by one of many intermediaries in a data chain over which the fisher has no influence or capacity to investigate fault. It is unreasonable for fishers to bear the cost and time of proving this.

  We make further comment on this matter below at page 7 with reference to the specific clauses in the Circulars.

- R10 specifies a relatively narrow defence. We question the rationale and legal authority for a more tightly-constrained defence in the Regulations than that in section 241 of the *Fisheries Act 1996*.

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[2] *Fishermen want system 'done right'* Otago Daily Times, 12 August 2017.

Fisheries (Geospatial Positional Reporting Devices) Circular 2017

- C7(1) states that an automatic identification system (AIS) is exempt from providing rate of turn data, but not those vessels using other GPR devices. We question the reason for this distinction. If no rate of turn data are required for larger vessels using AIS, why require this information for smaller vessels?

- C8 seeks to specify when a GPR device is required to operate. It is not clear why this clause is needed. R5 specifies that vessels must carry and operate a GPR device when being used for fishing or transportation. It is not appropriate in Circular to attempt to redefine (enlarge) the statutory definition of "fishing" or "transportation" by dint of an exception clause. The requirement is stated in the Regulations.

  The issuing authority is R6 of the *Fisheries (Geospatial Position Reporting Devices) Regulations 2017*. R6 allows the chief executive to issue circulars only for the purpose of specifying "technical details relating to geospatial position reporting devices". Any attempt to expand on R5 or the statutory definitions in the *Fisheries Act 1996* under C8 is *ultra vires*.

- C10(1)(b): "principle" should be "principal".

- C10(1)(b) purports to specify the frequency of GPR transmissions. Yet the transmission frequency is not specified for "fixed frequency" GPR devices. How are fishers to know if they meet MPI's requirements regarding frequency of transmission if these are not stated? One would assume that this should be not more than every 10 minutes given that is the minimum for a moderated frequency GPR device. Once set this should not be reduced to a shorter timeframe if GPR devices would need to be replaced to meet the new more frequent reporting requirement.

- C10(3)(a) requires MPI to be able to moderate the transmission frequency of GPR reporting. Further, only MPI can be aware of the change in reporting frequency (see C10(3)(c)). In order to undertake this action, MPI must have a contractual arrangement with the communication provider.

  This implies that MPI will hold contracts with all transmission providers being used. This was confirmed in a meeting with MPI on 26 July 2017 when officials stated that MPI would contract the transmission, bear the associated costs and recover those costs from industry. This raises several very fundamental questions.

  First, why have specific requirements in Circular regarding data transmission if only MPI is responsible for complying with these requirements? In this instance, clauses 10-14 would only apply to MPI as the party responsible for the data transmission.

  Second, failure to comply with the requirements in Circular is an offence under R9 of the *Fisheries (Geospatial Position Reporting Devices) Regulations 2017*. If the operator has no control over the transmission and MPI has the contractual relationship with the "communication provider" how can this be an offence for which the operator is liable?

  Third, if MPI does provide this service as stated by officials, what mechanism would be used to recover the costs? Which of the Cost Recovery Principles in section 262 of the *Fisheries Act 1996* would apply? Which of the *Fisheries (Cost Recovery) Rules 2001* would be used? Is it not clear how MPI is characterising this "fisheries service" with reference to the definition in section 2 of the *Fisheries Act 1996*. Consequently, it is also not clear that a legal mechanism currently exists to recovery these cost equitably and in conformance with the principles in s 262.

  If, contrary to the advice given by MPI on 26 July 2017, operators are responsible for transmission of GPR data to the communication provider, how can MPI change the frequency of that transmission without the knowledge on any other party? We assume MPI would need some sort of contractual relationship with the communication provider and/or the provider of GPR hardware. This matter requires clarification.

- C11 requires all vessels to be able to transmit position reports from anywhere at sea (anywhere on earth) and from anywhere in New Zealand. This makes satellite GPR compulsory. A 5m dory fishing in the Firth of Thames (Figure 1a) must be capable of transmitting GPR reports from the Ross Sea in Antarctica and from Hawaii, notwithstanding such a vessel would not and could not fish in those areas. This illustrates the flawed one-size-fits-all approach that makes no distinction between such a vessel and a 104.5m LOA BATM (Figure 1b). Both vessels must comply with the same requirements.

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Figure 1a: New Zealand fishing vessel requiring satellite transmission capability anywhere at sea on the earth.

Figure 1b: New Zealand fishing vessel requiring satellite transmission capability anywhere at sea on the earth.

- C11 describes the specific requirements for the transmission of data. C11(1)(c) states that position reports must reach MPI within 10 min of being sent. However, the operator has no control over what happens to data passing through a communication provider and/or a principal communication provider. Failure to meet this requirement could be due to satellite or server issues in another country. If MPI is responsible for data transmission as queried above in relation to C10, why have this requirement in Circular?

- C12 specifies requirements in the event of transmission failure. If AIS is exempt from the necessity to store data, why impose that obligation on other that are not using AIS? We also query what happens are the 24hrs elapses?

- C12 allows for storage and later transmission of reports if there is a transmission failure. C6 requires GPR reports to be transmitted at intervals required by C10. It is assumed that C12 acts as a “defence” of sorts such that the requirements in C10 are subject to C12? We remain unclear as to the actual legal requirements.

- C13(2)(a) seems to be drafted with the intent of allowing data sharing. We support this intent but question the drafting and operation of the clause. It is unclear what “principal communication provider of a device” means. Why must the vessel operator be unable to share data they have collected about their fishing operation without the specified agreement? If the information provider agrees that the data can be shared with any third party, the principal communication provider should forward those data as agreed.

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A more fundamental issue arises in respect of C13(2)(b), this imposes requirements on the "communication provider" (i.e. "any person who receives and onsends position reports transmitted from a GPR device that are intended to be provided to MPI"). How do MPI envisage extending jurisdiction to third party providers (e.g. satellite communications providers) that may be domiciled in other countries? Who is liable for a communication provider breaching conditions imposed under C13(2)(b)? Clearly it is unreasonable for the operator to be liable for these failures as is drafted in the Regulations. If MPI assert ownership of data and will pay for and cost recover this service, why have these requirements in Circular rather than MPI requiring this under contract?

- C14 asserts that MPI have ownership of data from the point sent from a vessel if they are not using AIS. For AIS, ownership is asserted from the point it is forwarded to MPI from the principal communication provider. Why does this distinction exist?

  Second, and allied to points raised above regarding C10(3), if MPI own the data from the point of leaving the vessel, this also implies MPI are responsible for the transmission and costs and any failure. Under C11, responsibility rests with the operator for actions beyond their control and for providing MPI with the property they assert they own.

- C16 states that a GPR devices must alert someone on the vessel if the device is not creating or transmitting reports. Is it feasible for a broken electronic device to tell those onboard the vessel it is broken? Does such technology exist?

Other matters

We have raised the issues of personal privacy, intellectual property and access to data in previous correspondence. We remain of the view that MPI must provide further protection of personal rights and property.

No details have yet been provided about the various notification process required under these Regulations and Circulars; we anticipate these will be made available as part of a comprehensive implementation programme.

We have previously provided our view that the cost estimates and purported benefits of IEMRS in the Cabinet Paper and RIS are wildly inaccurate. We consider that costs will be materially higher than MPI has stated and the financial benefits to industry almost non-existent. That aside, no information has been provided that specifies what costs MPI will meet, what costs will be recovered, and how that recovery would be undertaken.

Operating electrical equipment at sea, particularly on small open vessels, is very challenging and prone to failure. This is exacerbated by the novel and untested nature of the technology. This raises basic issues of fairness in that the Regulations and Circulars create a high likelihood of unintentional non-compliance. This is particularly so when the onus rests with the operator to prove technical malfunctions as a defence to a charge that carries a fine of $100,000 plus $1,000 per day for continued non-compliance. Further, the defence provisions and essential guidance around the continuation of fishing after a technical malfunction are vague or non-existent. It is not appropriate to rely on MPI's discretion or MPI not enforcing the law as written to avoid prosecution.

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PART 2: ELECTRONIC REPORTING

Fisheries (Reporting) Regulations 2017

These Regulations repeal and replace the *Fisheries (Reporting) Regulations 2001*. The 2001 Regulations are complex, detailed and have proved suitable for the operation of the Quota Management System for 16 years; they run to 161 pages. Replacing the 2001 Regulations is far from trivial, yet this has been done without input or consultation.

In some respects, the changes made have the potential to streamline and improve reporting. The industry has been seeking the ability to provide various reports in electronic form for several years, and some sectors have taken the lead on developing and implementing such electronic reporting tools. Given that commitment, we are disappointed that MPI has seen fit to rush through these changes without considering the various data needs of specific fisheries, or the currently-existing electronic reporting tools.

The key changes made that Fisheries Inshore will focus on is the requirement for permit holders to provide a series of five Event Reports in electronic format, these being:

- Fish Catch Reports
- Non-fish Species or Protected Fish Species Catch Reports (NFPS)
- Processing Reports
- Disposal Reports
- Landing Reports

The Regulations also detail requirements for MHRs, LFRRs and Annual Reports by LFRs. These are generally requirements of quota owners and LFRs so are not addressed in this submission.

Issues to be addressed regarding the *Fisheries (Reporting) Regulations 2017* are as follows:

- We can see no requirement or process in the Regulations to register an e-logbook. We consider R42(1)(b) is too vague if the intent is to use that provision, this requires the permit holder to "notify the chief executive" of the "identifier of any device". There is also no specificity in either the Regulations or Circulars about what a device "identifier" is or how that is generated, c.f. R7 of the *Fisheries (Geospatial Position Reporting Devices) Regulations 2017*.

  Despite there being no specified registration requirement or process, C6(1)(b) of the *Fisheries (Event Reporting) Circular 2017* states that an e-logbook must be registered with the SDA.

  Further, R41 states that reporting must be in accordance with the circulars and R48(f) makes it an offence not to comply with anything specified in Circular. We also question what components of the logbook must be registered and whether the registration must be renewed if one or more components is changed.

  We consider that if registration is required, it must be clearly specified in Regulation, as is the case for a GPR device, and not implied in Circular.

- R3 defines Fishing Trip. There may be instances when there is more than one permit holder on a vessel and/or the vessel may be fishing for more than one permit holder during a trip. In that case, which of the permit holders is required to complete a Trip Record?

- R7(3)(a) and (b) require the information as to the date and time of when and location of fishing activity must be entered immediately; this is feasible for many operators. However, there are 230 vessels that fish with a sole crew member. The vessels include trawlers, set-netters, liners, potters and hand gatherers. The requirement to enter details immediately may interfere with the safe handling of the vessels and safe handling of the catch. In fishing activity such as ring-netting, the sole crew member needs to control the vessel, manage the setting of the net, maintain sight of the target catch, remain a safe distance from rocks and other shallow-water obstructions and complete catch records. We see no reason to compromise safety and fishing performance for the completion of catch records and consider that "immediately" be amended to "as soon as practicable".

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- R7(3)(c) requires recording catch estimates within 4 hours after the fishing ends, we question what is meant by "after fishing ends"?

  We note that a GPR device is required to be operating under R5(3) when a vessel is "fishing" and MPI provided guidance in its explanatory material regarding its interpretation of that term in relation to when a GPR device must be powered on and off. In that case, MPI state that GPR must remain on until a trailer vessel returns to home, hence that is when fishing ends for the purposes of requiring an operating GPR device under MPI's interpretation (with which we disagree).

  As such, using the same interpretation of the same statutory definition, a fisher would have 4 hrs after returning home to record the necessary information in a Fish Catch Report. Clearly, we consider that both R5(3) of the *Fisheries (Geospatial Position Reporting Devices) Regulations 2017* and R7(3)(c) *Fisheries (Reporting) Regulations 2017* need to be re-drafted to clarify the legal requirements.

  The interpretation of the 4-hour requirement will dictate whether this requirement is feasible. This will also vary among fisheries and will also depend on what is specified in Circular regarding the species and detail to be recorded.

- R7(3)(d) and R8(3) require the provision of these Fish Catch Reports by the end of the day. We have yet to see any rationale or justification for the requirement to report daily as opposed to the current requirement of the 15th of the following month. The Cabinet directive was to provide information "in a timely manner". Daily reporting serves no useful purpose and imposes unnecessary costs.

- R8(1) requires the permit holder to "provide" a NFPS Report "each time" a NFPS is caught i.e. provide a Report for each individual animal. We assume this is not the intent of the R8(1) as R8(3) requires provision of NFPS Reports daily. In R8(1) we assume "provide" should say "complete"? The words are unambiguous but there is a conflict between R8(1) and (3), this should be addressed.

- R8(1)(b) allows for fish species to be declared as protected in Circular. Such a declaration needs more substance and process, there is legal provision to declare a fish species as protected by its addition to Schedule 7A to the *Wildlife Act 1953*. This is the appropriate mechanism and the reference in R8(1)(b) should be deleted.

- R10(1) requires the permit holder to "provide" a Disposal Report "each time" a disposal occurs i.e. provide a Report to the chief executive each time the permit holder returns fish to the sea. We assume this is not the intent of the R10(1) as R10(3)(a) requires provision of Disposal Reports daily. As for R8, the words are clear but assumedly do not reflect the policy intent, consequently there is an internal conflict in the Regulation that needs to be resolved.

  The conflict is carried into the circulars. On page 36 of the *Fisheries (Codes and Instructions) Circular* it is stated that "Generally, a disposal report must be completed in conjunction with a fishing event report [fish catch report] …" This general statement is in conflict with R10(1); the Regulation must prevail. Importantly, R10(2)(c) states that the Report must include any additional information specified in circular. As such, the circular cannot be used to circumscribe the requirements that are clearly specified in the Regulations.

- R8 and R10 require reporting of NFPS and Disposals respectively. As a result of R8(1)(b), there are now two classes of protected fish species. Those declared to be protected in circular, and those legally protected under the *Wildlife Act 1953*. If the species is protected under the *Wildlife Act 1953* it must be returned to the sea by law and this capture is reported under R8. Must that disposal also be recorded on a Disposal Report under R10?

  Further, for any protected fish species simply declared to be so in circular (that is not also on Schedule 7A to the *Wildlife Act 1953*), we assume they could be recorded on both a NFPS Report under R8 and a Landing Report under R11?

- R10(2)(a)(i) requires that Disposal Reports must record the types of fish disposed of and quantities to be estimated. R47(1)(a) provides for circulars to specify units of measurement and limits to the number of species that must be recorded. In some fisheries, there may be many small non-QMS species that would require considerable taxonomic expertise to identify. It is assumed the intent of R47(1)(a) is to provide the capacity for pragmatic decisions about reporting to be implemented, yet this opportunity appears not to have been taken in the circulars that require everything to be identified and reported. We consider that some *de minimis* thresholds should be put in place to balance information needs and practicality.

  A similar view is provided for R8(2)(a) with regard to weights of invertebrates.

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- R10(2)(a)(iii) and elsewhere refers to "destination type codes". It is not clear why this terminology has been retained. R3 defines a destination type code as a code in circular that identifies a particular type of landing or disposal. Landing and disposal codes are then defined in the *Fisheries (Codes and Instructions) Circular* ("landing code" should be defined as that set out in Part 6, not Part 5). Would it not be clearer to specify landing or disposal codes directly as required?

- R10(3)(a) requires the permit holder to complete a disposal report "within 1 hour after the disposal is finished". When is the disposal deemed to have occurred? It would make sense for all disposals that occur as part of a Fish Catch Report to be deemed one disposal. Yet as discussed above, R10(1) requires a report to be provided "each time".

  Some examples are instructive. A BLL fisher starts hauling a line at 6am, the first hook contains a TAR under minimum legal size (MLS), the fisher is required by law to return that fish to the sea[3]—that is a disposal and a report must be completed (setting aside when the Report must be provided). The fisher then catches more sub-MLS TAR at 0715, 0830, 1020 and 1100. Must the fisher complete four Disposal Reports during that haul i.e. after each TAR is disposed of, or one disposal report when the haul has been completed?

  The former interpretation is most consistent with the wording of R10, but is an onerous requirement that serves no sensible purpose. Common sense would dictate that the disposals from that haul would be recorded and reported as a single Disposal Event for that Fish Catch Event.

  If that is the case, some fishing events using BLL and SLL will take place over several hours and will result in many live fish being returned to the sea. A pragmatic approach to recording estimates of discarded species and weights over an extended period is required that is not onerous and does not put undue pressure on crew. In some cases where discards are not required to be returned to the sea immediately, they could be binned to allow more accurate estimates of weight; however, this would result in those fish being unnecessarily killed—an outcome not consistent with good fisheries management.

  Consider also if during the haul, several fish are caught that are later used for bait and/or eaten. In those circumstances, the disposals would be singular events that would need to be recorded 1 hour after lunch or after the fish had been used for bait. The 1-hour time limit seems to serve little useful purpose and greatly confuses the reporting requirements. We consider this should be removed.

- R12 states that reports must be provided electronically. Malfunctions at sea will occur and paper should be available to be used as a contingency measure in the case loss of capability to report. This would allow for data to be recorded and sent to FishServe; there could be an administration fee for those submitting on paper in these circumstances.

  Further, the Regulations provide no reasonable contingency. R43 requires the permit holder to inform the chief executive of the failure to provide the report, but having done so the permit holder remains liable for a $20,000 fine under R48(b) and R49(b) for submitting a late report. Under R50, the permit holder must then prove that an accident, mechanical or technical malfunction was the cause of the breach. This is unreasonable and places liability on the permit holder for the failure of third parties such as e-logbook providers and national and international telecommunications companies (also discussed further at pages 13–15 below).

- R(14)(3)(a) requires an MHR to be completed and provided, but states that it need not include fish that is recorded in another report under these regulations and for which the appropriate destination type code is specified in a circular—does this exclude all fish reported in Landing or Disposal Reports and would therefore necessarily result in a null return? We seek guidance on the proper interpretation of this clause.

- R19(2) allows the chief executive to direct that MHRs are to be filed electronically electronic for class of person, yet there is no obligation to advise each person in that class of the new requirement; just to publish the requirement on MPI's website (which may be difficult to find). There should be a positive requirement to advise each person in that class given that providing a late return makes the permit holder liable for a $20,000 fine under R48(c).

[3] Section 72(3) of the *Fisheries Act 1996* requires sub-MLS fish to be returned to the sea "immediately … whether dead or alive"

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- R15-17 retain the current paper-based MHR reporting. We question why the MHR is paper-based when all information included in the MHR has already been provided electronically to MPI?

- R39(1) requires all reports to be kept by a fisher for 7 years—we question the need for this given MPI has received all reports electronically. Given MPI will have all these reports this serves no useful purpose, is unreasonable, and should not be subject to a $10,000 fine.

- Further R40(a) requires reports for the last 7 years to be provided "immediately" on request. This requirement applies to permit holders. The definition of Permit Holder in R3 has been expanded from that in the *Fisheries (Reporting) Regulations 2001* to include all those who act "as an employee or agent of a [permit holder]". We assume it is not the intent that every employee of a permit holder (be they a fish filleter or forklift driver) must be able to provide 7 years' worth of reports on request, but that is clearly what R40(a) requires. It is not acceptable for Regulations to put permit holders in breach by default and rely on MPI not enforcing the law as written to avoid penalties. The Regulations must to written to operate as intended. Such errors, assuming they are errors, must be changed to ensure the Regulations have integrity.

- R48 specifies offences, this includes a failure to comply with R37 that requires reports to meet manner and form requirements in circular. Given the complexity of the material in circular this should be subject to the opportunity to correct any departures rather than the imposition of a $10,000 fine.

  We also question whether fines of $20,000 or $100,000 for not providing Reports on time is reasonable given the current requirement to furnish most Reports on the 15th of the following month (e.g. see R48(b) and R48(g) and R49(b) and R49(c)). There is no rationale provided for provision of reports daily which makes imposition of large fines hard to justify.

- R50 specifies defences. As with R10 of the *Fisheries (Geospatial Position Reporting Devices) Regulations 2017*, we make similar comments. R50 requires that to defend a charge, the permit holder must prove an offence occurred as part of an accident, mechanical or technical malfunction. We have some concern about the reverse onus in this defence. This is exacerbated by the difficulty in proving the cause of a malfunction when complex electronics and satellite communications via third parties could be the source of a technical failure. The failure could be by one of many intermediaries in a data chain over which the permit holder has no influence or capacity to investigate fault. It is unreasonable for fishers to bear the cost and time of proving this.

- Further, R50 specifies a relatively narrow defence. We question the rationale and legal authority for a more tightly-constrained defence in the Regulations than that in section 241 of the *Fisheries Act 1996*.

Other matters

- The *Fisheries Act 1996*, and its attendant suite of regulations, do not define when a fish is caught. The interpretation of "catch" has only been addressed in court judgments. Most fishers will be unaware of those interpretations and may have different interpretations to MPI. The interpretation of catch or caught within MPI is not consistent and different interpretations have been provided by MPI staff. For fishers to report their catch, they require a more certain legal definition of what constitutes catch. This is a long-standing matter that needs to be resolved.

- The definition of landing in R4(1)(a)(ii) states that placing fish in a holding container does not constitute landing. However, the codes "Q" and "QL" on page 66 of the *Fisheries (Codes and Instructions) Circular* designate these as Landing Codes (although these are not deemed as landing). Further, different terminology is used by reference to a "holding receptacle" rather than "holding container". There is no reference to holding receptacle in the *Fisheries (Reporting) Regulations 2017*.

  Does this problem stem from the definition of landing that states fish placed into a holding container does not constitute "landing"?

  Many small ports have only a chiller unit placed on the wharf (such facilities are operated at some 18 ports around New Zealand). Fishers place their fish in the unit and a delivery firm will at some later time uplift the fish and deliver it to the LFR for weighing and processing. The chiller is a holding container as defined in R3. This situation is the same as the question raised above with the additional complication of a third party be involved. Who completes the reports in this situation?

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Fisheries (Event Reporting) Circular 2017

- C6(1)(b) states that an e-logbook must be registered with the SDA. We see no requirement to register an e-logbook in the Regulations? What process or information must be provided for that registration? We also question what components of the logbook must be registered and whether the registration must be renewed if one or more components is changed. We have elaborated on this matter in our introductory remarks regarding the *Fisheries (Reporting) Regulations 2017* with reference to R42.

  We also make the same comment in relation to C5(1) that defines authorised user. We can see no requirement, specific information to be provided, or process in the Regulations to register with the SDA as an authorised user. The definition in C5(1) implies that authorised users must be linked to specific permit holders and specific e-logbooks, but what other details are required? R42 is totally insufficient for this purpose.

  It would appear the same applies to registration of a relevant authorised user. We see no requirement for registration in the Regulations, and no process, specific information to be provided, or any process for doing so.

- C8(3): The diagram should be changed to be consistent with the C8.

- C10(2) and 10(4) could refer to C10(1) and C10(3) respectively for clarity. Should "authorised" be added to C10(4)(b)?

- C11 requires Summary Reports, yet the purpose and content of summary reports is not stated. Summary reports must be accessible on the vessel, but given the requirements in R39 and R40 to produce 7 years of reports on request, Summary Reports seem unnecessary.

  Further, we see no legal authority for Summary Reports. R6 specifies the 11 Reports required which does not include Summary Reports. The issuing authority for the *Fisheries (Event Reporting) Circular* is R47 of the *Fisheries (Reporting) Regulations 2017*. R47 allows the chief executive to issue circulars for the purpose of:

  (a) "specifying the manner and form in which a report must be completed"
  (b) "specifying additional information that relates to the subject matter of a report under Part 1 …"
  (c) "specifying technical requirements for electronic reporting…"
  (d) "specifying non-fish species or declaring protected fish species …"
  (e) "specifying kinds of fishing operations for the purpose of …"
  (f) "specifying destination type codes …"

  It is clear that R47 does not allow the chief executive to require the provision of reports in addition to those specified in R6. Any attempt to require additional reports in circular is *ultra vires*.

  Vague technical jargon such as "drilling down" should also be avoided.

  The circulars also mention Trip Records in C20 and in Schedule 1. We can see no reference to Trip Records in the *Fisheries (Reporting) Regulations 2017*. As such, we see no legal authority for the requirement to provide Trip Records. The rationale is the same for that discussed above with reference to Summary Reports and the incapacity of R47 to require Trip Records in circular. Any requirement to provide a Trip Record in circular is therefore *ultra vires*.

- C12–C16 and C18 define the capability of the e-logbook rather than reporting. We question where the liability lies in the event of non-performance? If an e-logbook provider's service does not meet the various requirements under C12-C16 and 18, the permit holder may be in breach of R48(b) or (g) and is potentially subject to a fine not exceeding $100,000. This is remarkable given the failing may be that of a service provider over which the permit holder has no control. The defence provided in R50(a) would not apply if the breach was due to the negligence of a service provider rather than an "accident, or mechanical or technical failure". We have raised the issue of reverse onus and the difficulty of proving the cause of a technical failure above.

  Given the permit holder is liable for failings of a service provider, they would likely seek indemnity and the capacity to pass liability on to the e-logbook and/or telecommunications provider—given that an e-logbook "may comprise any number of components" (C6(2)), terms would need to be negotiated with each provider.

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This sets up a liability structure that would likely result in a reluctance to provide services or large costs being passed on to permit holders to protect services providers. Some kind of business continuity insurance may be required that would likely be costly given the operating environment and untested nature of the system.

Given MPI is specifying these requirements, MPI should also audit and approve e-logbook providers. Any permit holder using an approved e-logbook provider would be assured that service meets the various legal requirements and would be protected from any offence for contraventions related to technical failings such as those set out in C12-16.

This again raises the issue discussed above regarding the provision of any service to transmit GPR data. If MPI plans to hold various contracts for transmission of GPR data, as has been stated, then why shouldn't permit holders have an option of also transmitting ER data through the same mechanism without liability for any failure?

- C15 sets a requirement that data must be held on an e-logbook for at least 90 days. This requirement would seem redundant given R39 and R40 require reports to be retained for 7 years and to be produced on request.

- R16(2)(a) requires a system to operate in a "poor connectivity environment". This seems redundant given the various requirements of the Regulations and Circulars. If an environment is genuinely one of "poor connectivity" how is one able to comply? If satellite service is patchy or intermittent what is a permit holder reasonably expected to do? Perhaps the Regulations need to accommodate such instances rather than insisting on unrealistic or technically-impossible solutions (see also liability comments above).

- C17 requires that "each physical component of a device on which an e-logbook is operating must be suitable for use in the particular commercial fishing environment". Again, this raises issues of liability for hardware providers. As discussed above regarding the ramifications of software or transmission failure, few hardware providers are likely to indemnify permit holders in the case of failure. This will require permit holders to seek business continuity insurance or invest in multiple systems as backups.

- C18 requires a business continuity plan—what is the content and purpose of such a plan? Its existence implies a process for the continuation of fishing in the event of failure. Would MPI approve business continuity plans? Must a fisher act in conformance with their business continuity plan to enable them to remain at sea? Given it is an offence not to provide an electronic report under R48(f), does the existence of a business continuity plan have any material influence on whether one can use the defence in R50?

  We also question whether R47 is sufficient to require a business continuity plan in circular. The same rationale applies as set out above for Summary Reports and Trip Records. This requirement would be better set out in the *Fisheries (Reporting) Regulations 2017* and the precise relationship with the various reporting requirements, offences and penalties specified. As drafted, it resembles an after-thought with no specific purpose.

- C23 requires location data to "exactly" 4dp. Does inclusion of "exactly" imply this degree of precision is necessary? Is this in deliberate contrast to requirements to report catch data to 2 dp (10 grams) in other parts of the circulars? (e.g. Schedule 2 of the *Fisheries (Event Reporting) Circular*). If so why? Some existing units will not be capable of reporting to the level of precision.

Fisheries (Codes and Instructions) Circular 2017

- C5(1) defines species codes. However, these are not provided for non-QMS fish in C5 or the definition and in Part 1C of Schedule 2. If the list is to be the existing list contained in Part 2 of the *Fisheries (Reporting) Amendment Regulations (No 2) 2003*, there are a possible 281 species codes. However, upon enquiry we were provided with an unreferenced excel spreadsheet from MPI that contained some 447 codes. Each of those codes would have an FMA code attached to define the area in which the species was caught, giving a potential total of 4,470 species codes.

- We have been unable to locate any reference guide that would enable fishers to accurately identify their disposal species, some species we know can only be identified by DNA analyses.

  Furthermore, we know of no practical fisheries management application that would benefit from such detailed information on species that are neither targeted nor wanted nor under risk from commercial fishing.

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Among the species that would be required to be reported would be items such as sea lettuce, seaweed, whelks, watercress, jellyfish and 15 species of crabs. It is neither reasonable nor appropriate to impose such a level of catch reporting on fishers when there are no foreseeable benefits to fisheries management. It is also technically impossible.

We suggest that MPI first specify the required reporting list, re-assess the list and provide an abridged version that contains species of interest that can reasonably be identified by fishers, and allow for aggregated reporting for all other species.

- C7(1)(a) states that weights must be provided in greenweight using the appropriate conversion factors—while most weights will be greenweights, there are occasions when fish will not be caught in a greenweight state, e.g. damaged or predated fish. What are fishers to use when there are no conversion factors e.g. lips of predated fish? It is unreasonable to require fishers to estimate the weight of fish predated from lines and balance this with ACE.

  Where a fish has been predated, the fisher has received no value from the catch. The problem needs to be resolved in line with any definition of a catch—the fact that the fish is on a hook or caught in a net when predated should not define it as a caught and require it to be balanced with ACE. This mortality does however need to be recorded and accounted for to ensure stocks are fished at sustainable levels. The correct mechanism is for that catch to be included in the allowance for other sources of fishing-related mortality as part of the total allowable catch.

  MPI has accepted this as the appropriate measure such that predation forms part of the allowance for other sources of fishing-related mortality as the example below for yellow fin tuna demonstrates.[4] Annex 1 provides an additional six examples to illustrate the point.

  > ***Yellow Fin Tuna***
  >
  > *Other sources of mortality*
  >
  > *The estimated overall incidental mortality rate from observed longline effort is 0.22% of the catch. Discard rates are 0.92% on average from observer data of which approximately 25% are discarded dead (usually because of shark damage).*

  It is not appropriate for MPI to amend the definition and use of the allowance for other sources of fishing-related mortality that is set under section 21 of the *Fisheries Act 1996*. These matters need to be considered in the context of the landings/return to sea policy and then be given effect in the circulars.

  If MPI was to require predated fish to be estimated and balanced, this would require moving that mortality currently in the allowance for other sources to the TACC. Not doing so is to count the fish twice and is nonsensical. Further, we question whether requiring ACE balancing provides the best incentives for accurate data recording, this is particularly problematic when estimates of whole fish weight must be guessed from half a head.

  This example illustrates that IEMRS is being implemented pre-maturely and in advance of current work by MPI of other aspects of the *Fisheries Act 1996*. It is accepted practice that one should determine the strategic intent, and the legislation to give effect to that intent, prior to implementing operational tools such as IEMRS. The process is completely back-to-front.

- C8(2) requires that if the time recorded automatically the system is inaccurate by more than 1 minute, the operator must manually enter the correct time. How is an operator at sea supposed to know the "real" time or whether the on-board systems populating the various fields are correct? This is nonsensical.

[4] Ministry for Primary Industries (2015). Fisheries Assessment Plenary, November 2015: Stock Assessments and Stock Status. Compiled by the Fisheries Science Group, Ministry for Primary Industries, Wellington, New Zealand. 535p.

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- C9(2) requires that if the latitude and longitude recorded automatically by the system is inaccurate by more than 0.001 degrees, the operator must manually enter the correct position to 0.0001 degrees. How is an operator at sea supposed to know their precise position at sea other than in reliance on the very system providing that information? Again, this is nonsensical.

- C14: should read Part 4 of Schedule 1, not Part 3.

Comments on specific Reports and fishing methods are discussed below with reference to both the *Fisheries (Event Reporting) Circular* and the *Fisheries (Codes and Instructions) Circular*.

Trip Records

- Client Number—vessels are registered in the name of an Operator under section 103 of the *Fisheries Act 1996*. A Permit holder is a person holding a permit to fish issued under section 91 of the *Fisheries Act 1996*. An operator may or may not be a Permit Holder. A permit holder may or may not be an operator. A vessel belonging to an operator may be used to fish on a trip for one or more permit holders. MPI need to use the appropriate terminology.

- Person In Charge—does this mean the skipper in charge of the vessel or the fishing master if they have one? It would be better to know the purpose of the field and then we could determine the appropriate description.

  As discussed above, we see no legal authority for providing Trip Records.

Fish Catch Reports—General comments

- False precision: Various parameters are required to 2dp—headline height to the centimetre, speed to 0.01 knots and total estimated catch to 10 grams. Catches are eye-ball estimates or based on scaled bin counts, there is no reason to require such precision. The same is true for estimated weights of NFPS catch of corals, etc. Where an LFR provides landing weights to 2 decimal points, the information should be entered to ensure it reconciles with LFR data but the catch data will be rounded to the kg when the catches are used in any catch balancing.

  We trust MPI has no intent to require this degree of precision? We also trust that MPI has no intention to compare the eye-ball total estimate with a subsequent estimates of the catch obtained from the Top 10 species catch records or the landing and disposal records. Any comparison would be pointless.

  Allied to the above, the requirement for some methods to estimate the top 10 species caught will be difficult or impossible for some fisheries. In larger volume fisheries, the catch may be tipped directly into a fish pound which means there is no reasonable chance to identify the 10 most prevalent species, let alone estimate the weights of each of those species.

- The various Fish Catch Reports have inconsistencies in the reporting of the total catch, e.g. trawling and seining have total catch inclusive of top 10 species; netting and lining have total catch exclusive of top 10 species; potting, dredging and tuna-lining have no total catch. While these structures are the current format of catch reporting forms, we would expect that consistency between future catch reports would be more beneficial than retaining the current formats. We would want to be sure that the proposed reports have a mapping to existing data-fields in existing catch databases. For that purpose, we have request that the MPI Data Working Group be convened to consider the nature of MPI's changes and to ensure that any changes to the reporting requirements do not undermine historical data series and the sustainability of fisheries.

- Mitigation device codes listed in Part 8 of Schedule 2 include only a selection of devices, some are mandatory some are voluntary and most are not defined. The list does not include all mitigation practices and includes only those that might be seen through electronic monitoring. The purpose of the information seems more related to compliance than to mitigation practice and performance. This may be appropriate for well-specified regulatory requirements but the purpose and value of this information is unclear.

Trawling

- Mesh size is requested but not orientation—any difference from conventional diamond should be noted as this may be useful for more detailed CPUE analyses, e.g. T90 and on the square cut.

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Netting

- More clarity is required about the 1nm rule for set netting. How is one to interpret "more than 1 nm from the other nets"? Is this the closest net, the furthest net, the first net, an estimate of the mean distance of the other nets? Similarly, how does one interpret "you set multiple nets within 1nm with the intention of hauling the nets at different times (e.g. on different trips)"?

  These requirements must be better specified. These concerns also apply to other methods such as ring netting, dahn lining, potting and dredging (see examples below).

- Ring-netting needs to be clustered at 1nm (or some other sensible scale) as for set netting and several other methods—it is impractical to record each set given dynamic nature of fishing and with sole crewing. Sets that are often very short (e.g. 5-10 min) and sometimes result in no catch.

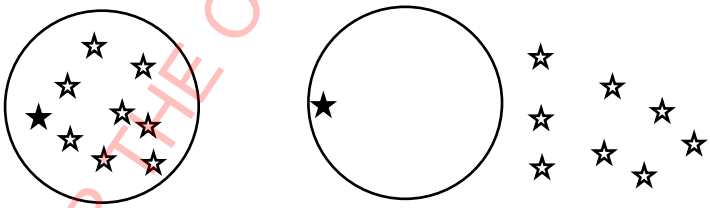
- For shallow water fishing, often conducted in 1-2 metres of water, requiring two entries for setting and hauling gear is impractical. This type of fishing is dynamic, often conducted at high speed (c. 20kts) and usually conducted by a sole crew. This is often conducted in the dark using a spot light (hands being required to steer, throttle, spot-light and deploy gear). A single start and end point is sufficient for this type of fishing and allows for operational practicality and maintenance of safety at sea.

Lining

- Dahn lining—the note on page 15 requires a separate report for any line if that line is set more than 1 nm from first line. This may allow, say, five lines to be reported on a single form if they are all within 1nm of the first, but five separate reports for a subsequent five lines set more than 1nm from the first (see the diagram in the potting example below). The rationale for this is not apparent.

Potting

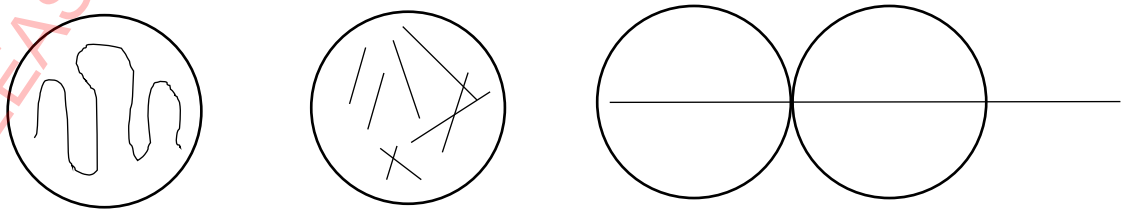
- As currently drafted, each pot that is more than 1nm from the first pot requires a separate Fish Catch Report. If this is not the intent, the guidance should be revised to represent what is intended. Assuming the circle below has a 1nm diameter, if the solid start is the first pot deployed and the open stars are the remainder, one report would be required in the first scenario, yet nine required in the second. This needs to be resolved for all methods.



Nine pots, one Report? Nine pots, nine Reports?

Dredging

- Again, there needs to be clarity about when new Fish Catch Reports are required. As drafted, fishers need to provide a new catch report every 1nm even if continuously towing greater than 1nm (based on the definition of "fishing"). Clearly a fisher cannot complete a Fish Catch Report without retrieving the gear and that cannot be the intent of the Circulars, MPI need to discuss what is required with dredge fishers and provide workable guidance.



One tow, one Report? Eight tows, one Report? One tow, three Reports?

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Diving

- Visibility "height" should be "distance" or removed entirely.

Tuna Lining

- Why is percentage of bait required? Are the data used? It is unnecessary and unreasonable to require the percentage of bait to be recorded to 2dp. Surely the nearest whole number is sufficient if necessary at all. This will necessarily be an estimate as bait use may change during a set.

- How are broken lines to be reported? If there is one set, and a line is buoyed off and hauled later, can the Circulars accommodate two hauls and one set?

- Why is the structure of the Tuna Lining Report different from all others? The Fish Catch Report includes Disposal Records and details of product state as part of the event report. If Disposal Records are provided here, where is the exemption from the fisher also having to complete a Disposal Report under R10 of the *Fisheries (Reporting) Regulations 2017*? Must the permit holder provide duplicate reporting? If there is a sensible rationale it is not apparent, can this or should this be applied to other methods?

- Is the inclusion of sundry items such as light sticks necessary?

- We see no requirement CDS reporting for CCSBT. Is this an omission or is it intended that this information is captured elsewhere?

NFPS Reports

- As discussed in relation to R8 of the *Fisheries (Reporting) Regulations 2017*, there is an inconsistency between regulation and circular on timing of catch reporting, i.e. each catch or catch taken as part of a specific Fish Catch Report.

- Page 32 specifies the meaning of "catch" and "deckstrike". If warp strikes are excluded from the definition of catch, how are these intended to be recorded, as a deckstrike?

Processing Reports

In most instances, inshore vessels will not need to provide Processing Reports. C14 of the *Fisheries (Codes and Instructions) Circular* only requires these Reports for vessels over 19m, or those that are registered as Limited Processing Fishing Vessels or operating under a Registered Risk Management Programme pursuant to the *Animal Products Act 1999*.

When a request for clarity was sought, MPI stated that the "or" between C14(1)(b)(i) and (ii) should be an "and".

If that is not the case and the definition remains the same, there are 10 inshore vessels that have a Registered Risk Management Programme in place to enable them to fillet fish on board for the domestic market. These operators would need to complete a daily processing report. Notwithstanding whether they must provide these reports, we make the follow observations about the Circular:

- Estimated Container Weight needs clarification—while the attribute name is Estimated Container Weight, Part 4 of the *Fisheries (Codes and Instructions) Circular* states that to determine the weight, "weigh the fish in the container and deducting legitimate allowances for packaging." Does this mean deducting the weight of the bin itself? (see comment on the examples provided on page 38 below).

- Most vessels will not have motion-compensating scales to weigh the container and only estimates are required. This also implies precision to 10 grams which is unreasonable and unnecessary; we have addressed this elsewhere.

- Part Container—is a container that is part-filled to have a separate product record?

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- It is unclear how the examples on page 38 of the *Fisheries (Event Reporting) Circular* have been generated; some clarity would be appreciated. The first column shows 3 x 20 kg bins of DRE SNA using a CF of 1.8 resulting in GWE of 106.5 kg. If the Estimated Container Weight is just the fish and excludes the bin, the GWE would be 108 kg (60 kg x 1.8). However, the example states a GWE that is 1.5 kg lighter at 106.5 kg. Does this imply the Estimated Container Weight includes the bin weight too, that being 280 grams in the example?

  The second column shows 3 x 20 kg bins of GRE SNA. The total GWE being 65.5 kg. This implies the weight of the bin only is 1.83 kg and is excluded in the Estimated Container Weight. Clarification would be useful.

- As discussed in more detail above, there is no information regarding the codes for non-QMS species.

Disposal Reports

- An inconsistency exists between the Regulations and Circulars, this has been discussed above with reference to the *Fisheries (Reporting) Regulations 2017*.

- There is a lack of pragmatism in requiring reporting of estimated weights. The requirement to report to 2 dp implies a precision of 10 grams which is unnecessary and unreasonable. Similarly, requiring all species is appropriate for QMS species but identifying non-QMS species is also unnecessary and unreasonable. As discussed above with reference to R10, a *de minimis* approach should apply—we would expect MPI to provide a species list that includes species which on current knowledge are perceived to have risks from commercial fishing and then provide for an estimate of the volume of unidentified catch to be provided. Our discussions with fisheries managers indicate that their use of such data in the past has been extremely limited and they have effectively no interest in the catch of all species.

Landing Reports

- Client Number—does this mean the permit holder to whom the landing is to be attributed?

- Is the proposed new "PF" to be included in the MHR and be balanced with ACE? If so, this is unreasonable and unrealistic. This mortality should be accounted for in other sources of fishing-related mortality.

  As we set out above in our comments regarding C7, this mortality is accommodated in the allowance made for other sources of fishing-related mortality (as the seven examples provided show). If MPI want to amend how this mortality is characterised, that component of the established allowances made under s 21 of the *Fisheries Act 1996* must be moved into the TACC.

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PART 3: CONSULTATION

Legal guidance

What constitutes consultation is well-established and the following passage sets out a summary of the Court of Appeal's view (emphases added):[5]

> *Consultation must allow sufficient time, and a genuine effort must be made. It is a reality not a charade. The concept is grasped most clearly by an approach in principle. To "consult" is not merely to tell or present. Nor, at the other extreme is it to agree. Consultation does not necessarily involve negotiation toward an agreement, although the latter not uncommonly can follow, as the tendency in consultation is to seek at least consensus. Consultation is an intermediate situation involving meaningful discussion …*
>
> *Implicit in the concept is a requirement that the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses. It is also implicit that the party obliged to consult, while quite entitled to have a working plan already in mind, must keep its mind open and be ready to change and even start afresh. Beyond that, there are no universal requirements as to form. Any manner of oral or written interchange which allows adequate expression and consideration of views will suffice. Nor is there any universal requirement as to duration. In some situations adequate consultation could take place in one telephone call. In other contexts it might require years of formal meetings. Generalities are not helpful.*

Several observations are made based on the passage above. First, there must be sufficient time. The proposed changes are significant and amend long-standing, technical and well-understood reporting requirements. The proposals would significantly revise these in form and function. The changes directly affect thousands of individuals from quota owners, LFRs and permit holders. These people are located through New Zealand, many residing in regional communities. Given the scope of what is proposed, we consider a four-week consultation is inadequate, this is particularly so when the empowering Regulations were not subject to any public consultation with those affected and were only made available shortly before the consultation on the Circulars.

Second, the short timeframe is exacerbated by the lack of clarity in what is proposed (the material was released on 21 July 2017 and submissions due 21 August 2017). The Court of Appeal notes that "the party consulted will be (or will be made) adequately informed so as to be able to make intelligent and useful responses." It was pointed out to MPI early on that the Regulations and Circulars are opaque, technical and difficult to navigate. The material on Reporting alone runs to 150 pages, within three documents that must constantly be cross-referenced to understand the consequences of what MPI propose.

To provide clarity, MPI undertook to provide some explanatory material to assist fishers. This material was not provided until 4 August 2017 and when provided was incomplete in that it provided guidance for only one of 11 fishing methods and did not provide specifics for the various other Reports that fishers are required to provide (NFPS Reports, Processing Reports, Disposal Reports and Landing Reports). As will be apparent from this submission, and those of other industry bodies, there remains considerable uncertainty about what MPI propose. The existence of which makes it very hard for the party consulted to make intelligent and useful responses.

MPI was ill-prepared for the consultation having neither the necessary explanatory material available nor staff available to respond to requests for clarity. Aspects of the explanatory material relating to GPR were also inconsistent with the Regulations and requests made to MPI for clarity often went unanswered.

Third, unlike some previous consultations where MPI undertook an extensive roadshow-based communication programme, the approach to this consultation was *ad hoc* and not focussed on those most affected. While meetings were sought with sector representative entities like Fisheries Inshore New Zealand, these organisations largely represent quota owners. It is vessel operators that bear the cost and liability of *Fisheries (Geospatial Position Reporting) Regulations 2017*, they also have responsibility for completing the various reports required by MPI under the *Fisheries (Reporting) Regulations 2017*. Appropriate consultation would have identified those most affected and made some attempt to ensure they understood what was proposed and had the opportunity to respond, that did not occur. It would appear that consultation responses were driven by "squeaky wheels" and many fishers have had no opportunity to have the proposals explained to them or to discuss them with MPI.

Specific requests to meet fishers in major ports were also declined.

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[5] *Wellington International Airport Ltd v Air NZ* [1993] 1 NZLR 671, 675.

Fourth, we expect that MPI will give effect to the requirements of good consultation by keeping an open mind and being ready to change what is proposed to provide for a better outcome, or even start afresh. It is unfortunate that no consultation was conducted on the Regulations themselves as it is clear that they could be materially improved.

Ministry Policy on Consultation

The Ministry of Fisheries prepared detailed information on its consultation processes. These included Policy Guidance regarding the operation of section 12 of the *Fisheries Act 1996* and a formal Stakeholder Consultation Process Standard. Notwithstanding the requirements in section 12 do not apply in this circumstance, the guidance remains instructive.

> *The key components that need to be incorporated into statutory consultation required by the Fisheries Act have been identified as follows:*

- *A well-defined proposal to be consulted on.*
- *Provision of appropriate information to those being consulted to enable them to effectively participate in the consultation process (this should include the particular proposals up for discussion as well as the consultation process to be followed).*
- *Adequate time allowed for those consulted to:*
  - *Consider information provided.*
  - *Request further information or clarification.*
  - *Consult with those they represent.*
  - *Formulate their ideas and responses.*
- *Appropriate opportunity must be provided for those consulted to convey their views and due notice must be taken of those views.*
- *Responses must be received with an open mind and due respect accorded those views before the decision is made.*

Similarly, the Ministry's consultation Standard set out the fundamental elements of good consultation as follows:

- *A statement of a proposal not yet decided upon*
- *Listening to what others have to say and considering responses*
- *Reasonable time allowed for consideration and response*
- *Sufficient information provided to those consulted to enable their effective participation.*
- *The decision-maker keeps an open mind about the outcome and the decision to be made throughout the consultation process.*

Also adopted in the Consultation Standard was a performance measure of allowing a minimum of 30 working days for stakeholder consultation.

Implementation

Although outside the scope of the current consultation on the Circulars, we have repeatedly raised concerns about the timeframe and process for any subsequent implementation of IEMRS. As stated, there are not yet decisions made about key aspects of GPR and ER which precludes the development of software or sourcing of hardware that would be required to implement the proposals.

Even if the necessary detail was available now, a significant work programme would be required to develop and obtain software, enter contractual arrangements, agree on liability and indemnity, distribute software, train crew, test and de-bug software, source hardware, install hardware, integrate software and hardware systems, test hardware etc. At present the specifications are not complete and while solution providers may be some way down the track, progress will be limited by the quality and accuracy of the specifications provided by MPI.

We have sought an Implementation Plan from MPI but to date this has not been made available.

It is unclear what role MPI see themselves undertaking in the implementation; we have received mixed signals. While there are no explicit statements from MPI, we have received assurances that they are developing implementation plans. In contrast, we have also been told that once the Circulars setting out the various

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requirements have been finalised, it is up to the industry and the market to comply. We consider that for MPI to abrogate responsibility and assume a market that does not yet exist, for untested and poorly-specified requirements is untenable.

We can agree that solution providers will need to train the fishing sector in the operational use of their product, but there remains a need for MPI to explain the obligations and requirements of the GPR and ER framework to operators and permit holders and provide clarity about the detail of the framework. That is not a role for industry or solution providers to undertake. MPI has shown no inclination to collaborate on implementation planning or provide industry with any indication that it is preparing an implementation plan.

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ANNEX ONE—REFERENCES TO PREDATION AS A COMPONENT OF OTHER SOURCES OF FISHING-RELATED MORTALITY IN MPI DOCUMENTS

MPI references to predation being included in the allowance for other sources of fishing-related mortality are found in papers on several fisheries, some examples are provided as follows.[6]

Southern Bluefin Tuna

35. The current allowance of 4t for other sources of fishing related mortality was set based on observer data for what was at the time a low level of predation and discards within the southern bluefin tuna fishery.[7]

Albacore

Other sources of mortality

Discarding of albacore has not been reported in the albacore troll fishery (based on limited observer coverage in the 1980s). Low discard rates (average 2.9%) have been observed in the longline fishery over the period 2006-07 to 2009-10. Of those albacore discarded, the main reason recorded by observers was shark damage. Similarly, the loss of albacore at the side of the vessel was low (0.6%). Mortality in the longline fishery associated with discarding and loss while landing is estimated at 1.8% of the albacore catch by longline.

Bigeye tuna

Other sources of mortality

The estimated overall incidental mortality rate from observed longline effort is 0.23% of the catch. Discard rates are 0.34% on average (from observer data), of which approximately 70% are discarded dead (usually because of shark damage).

Moonfish

Other sources of mortality

There is no information on other sources of mortality although moonfish are occasional prey of blue and mako sharks in New Zealand waters, suggesting there may be some unobserved shark depredation of longline caught moonfish.

Pacific Bluefin

Other sources of mortality

There is likely to be a low level of shark damage and discard mortality of Pacific bluefin caught on tuna longlines that may be on the order of 1–2% assuming that all tuna species are subject to equivalent levels of incidental mortality.

Bluenose

Other sources of mortality

There have been reports of depredation by Orca on bluenose caught by line fisheries.

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[6] Ministry for Primary Industries (2015). Fisheries Assessment Plenary, November 2015: Stock Assessments and Stock Status. Compiled by the Fisheries Science Group, Ministry for Primary Industries, Wellington, New Zealand. 535p.

[7] Review of Sustainability and Management Measures for Southern Bluefin Tuna, Initial Position Paper. MPI Discussion Paper No: 2013/41.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 9:51 a.m.
To: s 9(2)(a)
Subject: FW: Consultation on draft circulars on digital monitoring of commercial fishing

From: Rosemary Hurst [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 7:03 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Cc: s 9(2)(a) s 9(2)(a) s 9(2)(a)
<s 9(2)(a) >; s 9(2)(a) s 9(2)(a) ; s 9(2)(a) |
s 9(2)(a) s 9(2)(a)
Subject: Consultation on draft circulars on digital monitoring of commercial fishing

Apologies for not quite making the deadline today!

My submission is on two things:

1. I was really keen to see any changes to the forms that might affect how they are used in the science stock assessment process reviewed by the MPI Data Working Group. Thank you for arranging this.

2. Review of the forms present an opportunity to include fields on the forms that there was not room for previously, or which may not have been considered. The two key changes on trawl forms that I am interested in are:

    a. **End positon** for trawl on TCER (as we already have for TCEPR). Considerable science time has been wasted trying to find appropriate methods to estimate end position (I understand this is under consideration?)

    b. Recording of **effective width swept by the net**. Currently the wingspread of the gear is recorded on net plans but not measured each tow. For all trawls, the effective area swept by the gear includes the doors and sweeps and is vital to the analysis of catch and effort data (greater doorspread will result in higher catch rates). Note that doorspread is a key factor measured and recorded on all trawl surveys to estimate abundance. For commercial deepwater vessels, most have doorspread sensors and the spread could be recorded each tow event (there would need to be some discussion on how one figure is derived across the tow length). Inshore vessels do not generally have doorspread sensors, but recording of sweep length per trip, in conjunction with wingspread, would enable us to estimate doorspread. So, **keep recording wingspread on all trawl vessels, add sweep length (per trip) for all vessels, and doorspread per tow for vessels with doorpsread sensors**.

Similarly, any gear/technology changes that effect the catchability of other types of gear should be recorded (e.g., use of WASP systems to deploy lobster pots more effectively etc.). I am not as familiar with these, but others in the Data Working Group will be. Many of these factors could be recorded on a trip basis, rather than needing to be on an event basis.

Thanks
Rosemary Hurst

Dr Rosemary Hurst

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Chief Scientist - Fisheries
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s 9(2)(a)

From: s 9(2)(a)
Sent: Wednesday, 23 August 2017 5:40 p.m.
To: s 9(2)(a)
Subject: FW: Submission on GPR and EM
Attachments: DWG Submission to MPI on GPR and ER Circulars 210817.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Deepwater - FYI

From: George Clement [mailto:s 9(2)(a)
Sent: Wednesday, 23 August 2017 5:38 PM
To: s 9(2)(a)
Subject: Submission on GPR and EM

Regards,

George Clement
Chief Executive

Deepwater Group Ltd
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deepwater group

21 August 2017

Future of our Fisheries
Ministry for Primary Industries

Sent by email: futureofourfisheriesprogramme@mpi.govt.nz

DWG Submission on GPR and ER Circulars

1. Overview

Deepwater Group Ltd (DWG) is a structured alliance of the quota owners in New Zealand's deepwater fisheries. DWG represents the interests of shareholders who collectively own quota for black cardinal fish, English mackerel, frostfish, hake, hoki, jack mackerel, ling, orange roughy, oreo, scampi, silver warehou, southern blue whiting, sea perch, squid, and white warehou.

DWG shareholders collectively own 91% of the quota in these fisheries whose catch annually amounts to ~350,000 GWT, or 81% of the total New Zealand catch of ~434,000 GWT.

DWG is a non-profit organisation that works in partnership with the Ministry for Primary Industries (MPI), the Department of Conservation (DOC), and others to enable New Zealand to gain the maximum economic yields from our deep water fisheries resources, managed within a long-term sustainable framework.

DWG's vision is to be recognised as the best managed deep water fisheries in the world. Our mission is to optimise the economic value of New Zealand's deep water fisheries while mitigating any adverse environmental impacts and demonstrably leading world's best practice.

To this end, we remain committed to ensuring that the main deep water fisheries are sustainably managed, based on the best available science and incorporating efficient and effective management, surveillance and validation of our catch reporting.

We support the overall objective of the Integrated Electronic Reporting and Monitoring System (IEMRS), as it was originally proposed, which is ensure there is integrity in the self-reporting catch framework through validation of our catch reporting.

We do not agree with the use of IEMRS for the purported enforcement reasons, as are now being espoused, because this is neither necessary nor affordable in the deep water fleet, nor will it prove to be effective to improve upon the existing sytems to validate odreporting of deep water catches. There are a range of good technical reason for this, all of which have been well traversed elsewhere.

This submission relates solely to what we understand to be MPI's current proposals for Geospatial Position Reporting (GPR) and Electronic Reporting of catches (ER) requirements by trawlers >28 m (deep water trawlers), as are planned for implementation on 1 October 2017.

We reiterate our high-level support for these initiatives, noting that almost all of these vessels have had both GPR (VMS) and ER (CEDRIC) in place and operating successfully for many years now, and offer our concerns as to some of the details, which if not changed prior to implementation might serve to undermine what MPI is setting out to achieve or add additonal cost.

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DWG has urged all quota owners to make their own submissions on these very important matters as it is critical that the parameters and specifications for GPR and ER are set appropriately and serve to enhance the current effective monitoring regime and do act to not detract as is evident may occur in some instances.

DWG and our shareholders seek to maintain an active, open and 'in good faith' engagement with MPI regarding these changes and the related changes to discards policy, the penalty regime, and at-sea monitoring (including 'cameras') as these are progressively developed and implemented.

DWG submits,as is outlined below, that the development and implementation of new strategic policies and structural reforms, as have been outlined by MPI in their varoious documents on the "Future of Our Fisheries" should precede the implementation of operational tools, not the reverse as MPI is insisting upon.

DWG supports and endorses the detailed submission by FINZ on this matter where it is re;evant to the deep water sector and our submissions here specifically relates to issues as we see them in relation to trawlers >28 m.

Our general concerns with the current proposals for the new GPR and ER requirements are:

- Some of the proposed requirements are unable to be complied with – see details below
- In places the Circulars are in conflict with or attempt to add to or to override the Regulations
- Many of the proposed requirements for GPR and ER are unclear, or are unnecessary for the delivery of IEMRS on trawlers >28 m for better fisheries management outcomes.

2. Proposed Policy is Inconsistent with Regulatory Impact Statement

The Executive Summary to the Regulatory Impact Study (RIS, para 4) advises that MPI has consulted on three strategic proposals (Maximising Value from our Fisheries; Better Fisheries Information; and Agile and Responsive Decision Making) and two regulatory proposals (IEMRS and Enabling Innovative Trawl Technologies).

DWG notes that it is most unusual to have regulatory proposals being developed and implemented prior to the completion of and agreement on the strategic settings. The acceleration of the IEMRS programme by 1 year is the catalyst for reversing sound public policy that developms the strategic setting and legislation prior to operationalising this, through tools such as IEMRS and EITT. This is one of the key limitations and potential faliures in MPI's unseemly and unnecessary rush to implement IEMRS.

That being said, Agile and Responsive Decision Making is essential to the development and operationalisation of the IEMRS Regulations and Circulars. MPI's priorities have seen this not to be the case. An organisation would have to be very confident of their regulatory craftsmanship if it were to believe they could radically change a proven reporting framework that has worked for 30 years in a compressed timeframe and get every technical specification correct after not consulting at all on the regulations and undertaking only one short round of consultation on the circulars. The Reporting Circulars alone run to 35 pages of specifications.

DWG notes that none of the regulations for the IEMRS technologies contain provision for an amendment process and we submit that an amendment process be expressly included. This would align with MPI's objective of Agile and Responsive Decision Making. DWG submits that each IEMRS Regulation includes a Section under Exemptions that includes Exemptions and Amendments. Both should be delegated to the DG to avoid the current regulatory process in which it may take years to review a simple field.

The RIS advised Cabinet that MPI an assessment would be undertaken fishery by fishery to determine what technologies would best be applied. It is apparent that, in signing off MPI's RIS, Ministers recognised and accepted that this necessary exercise would be undertaken by MPI, as part of the 'checks and balances' of the power being exercised by public servants over New Zealand citizens and their rights.

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However, MPI has provided no evidence that any such assessment(s) have been undetaken and instead it is apparent that MPI has adopted a "one size fits all approach".

DWG notes that each IEMRS Regulation contains an exemption clause (all have similar wording). For example Reg 46 of the Fisheries Reporting Regulation empowers the DG to exempt any person or class of person from compliance with any or all of the requirements under regulations if the DG is satisfied:

a) compliance with any requirement of these regulations would cause undue hardship or would be unduly impracticable: and

b) exemption no broader than necessary etc

c) exemption would not unduly prejudice the management and conservation of any fisheries resource.

These exemptions provide a clear basis to undertake a properly designed IEMRS programme tailored on a fishery by fishery.

DWG seeks the opportunity to urgently meet with MPI and to collaboratively undertake an assessment of the requirements for IEMRS as they might apply to trawlers >28 m (and to long liners) in the deep water fisheries to ensure these requirements and their operationalisation are fully aligned with the needs and deliver the required outcomes.

3. Performance of Self-Reporting by the Deepwater Fleet Has been Validated and Is Seen by MPI to be Conformant with the Legal Requirements

There are substantial publically available assessments that independently validate the catches from deep water trawlers are being reported. The level of discards from this sector have been rigorously monitored by MPI at-sea observers and these data have been routinely analysed and reported by NIWA.

MPI Compliance routinely assess the self-reporting of catches of deep water species against the actual catch removals in fine scale detail (including conversion factors, product cuts/recoveries, vessel-specific conversion factors, fish returned to the sea, and landed product weights).

The studies by NIWA have been peer-reviewed and accepted by MPI as meeting their Research Science and Information Standard (Ministry of Fisheries, 2011). A summary of the key results is provided in Table 1.

Table 1: Rates of Observer coverage, target species catches, QMS species catches and discards of fish and invertebrate bycatch in deep water fisheries. Data collated from analyses by NIWA.

Fishery	Data Period[1]	Average Annual Observer Coverage[2]	Target Species as Percentage of Total Catch[3]	QMS Species as Percentage of Total Catch[3]	Percentage of total catch discarded[4]
SBW	2002 03 to 2006 07	40%	99%	99%	0.6%
HOK, LIN, HAK trawl	1990 91 to 2012 13	17%	91%	93%	5.1%
LIN longline	1992 93 to 2011 12	13%	68%	93%	19.2%
ORH	1990 91 to 2008 09	20%	84%	95%	6.0%
OEO	1990 91 to 2008 09	18%	92%	96%	2.4%
JMA	2002 03 to 2013 14	42%	75%	97%	0.5%
SQU	1990 91 to 2010 11	22%	80%	94%	4.4%
SCI	1990 91 to 2009 10	11%	17%	53%	48.9%
Tier 1 Deepwater Fisheries		23%	76%	90%	5.5%

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Notes:

1 Note different time periods for data Start years differ due to variation in dates of initial observer coverage for longline fisheries and due to specific requirements of individual assessments End years depend on dates specified in individual research contracts

2 Calculated as the weight of target species catch in all fishing events recorded by MP observers divided by the total estimated weight of the target species recorded on catch-effort forms

3 Based on the fishing events recorded by MP observers (i e not based on scaled-up estimates of catches for the whole target fishery) Relevant for the stated time periods

4 Based on total estimated bycatch and discards for the whole target fishery and the total estimated target species catch from catch effort forms over the entire stated period

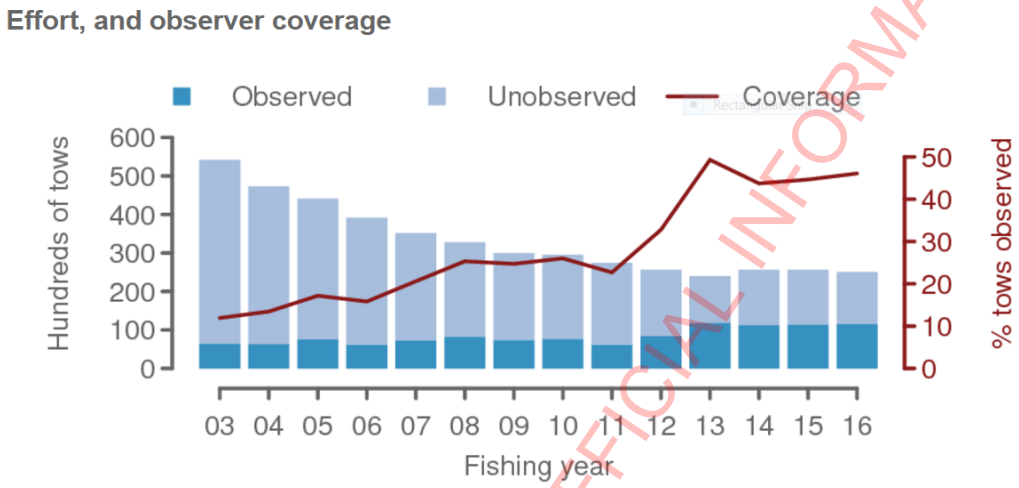

Figure 1: Effort by trawlers >28 m LOA and observer coverage to 2015-16 (Source: MPI and Dragonfly 2017)

The key findings in these analyses by NIWA are:

- During the period 1990-91 to 2013-14 annual observer coverage across the main deep water fisheries has been around 23%, increasing in latter years, especially since 2013, to around 45%
- Since 1990-91 the level of non-retained catch (i.e. discarded catch) across the main deep water fisheries has been very low - around 5.5% of the total catch overall.
- Most of the discarded catch comprised non-QMS species, which is legal and for which reports of estimated catch are required by law
- For the mixed-species hake, hoki and ling trawl fisheries during the period 1990-91 to 2012-13 the average annual observer coverage was 17%, 91% of the catch was the three target species, 93% of the catch was QMS species and an estimated 5.1% of the catch was not retained
- For the ling longline fisheries during the period 1992-93 to 2011-12 the average annual observer coverage was 13%, 68% of the catch was ling, 93% of the catch was QMS species and an estimated 19% of the catch was not retained
- For the southern blue whiting trawl fisheries during the period 2002-03 to 2006-07 the average annual observer coverage was 40%, 99% of the catch was southern blue whiting, 99% of the catch was QMS species and an estimated 0.6% of the catch was not retained.

In the deepwater fisheries, the level of observer coverage has been progressively increased over recent years, focussed on Foreign Charter Vessels, which it has been alleged posed the most risk of non-legal

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activities, including non-reporting of catches. Foreign-owned vessels have had at least one (and many have had two, some more than two) MPI observers on board since 2013.

Since 1 May 2016, by law no Foreign Charter Vessels have been permitted to operate within the New Zealand EEZ. All vessels are now New Zealand flagged.

Deep water fishing activities by trawlers >28 m are closely monitored by MPI observers, catches are stable, fishing effort has been reduced (increasing economic efficiencies and decreasing environmental impacts) and the current proportion of non-retained catch is minor (assessed to be ~4% of the total catch).

During the past decade, the annual volume of deep water QMS catch has remained at around the same level (i.e. between 290,000 and 340,000 GWT) while there has been:

- A 40% reduction in the number of trawlers >28 m (52 vessels in 2005-06, down to 31 vessels in 2015-16)
- A 55% reduction in fishing effort by trawlers >28 m (~55,000 tows/yr in 2002-03, ~25,000 tows/yr during 2013-14 (Fig. 1)
- An increase in MPI observer coverage to around 45% of tows in 2013-14 (see Figure 1).
- Elevated MPI observer coverage of fishing activities considered to be of 'high risk', including all foreign-owned vessels (which have had at least two MPI observers on board since 2013) and where there is a high level of interactions with marine mammals (e.g. in the squid, jack mackerel, and southern blue whiting fisheries)
- An increase in at-sea fishmeal capacity from 30% to 66% of factory trawlers (reducing the amount of non-utilised catch).

During the Marine Stewardship Council (MSC) surveillance audits for hake, hoki, ling and southern blue whiting fisheries in November 2016, MPI Compliance advised the MSC assessors that oversight and compliance is now sufficient to assert that there is "no unacceptable scale of illegal discarding" occurring in these fisheries.

During the MSC reassessments of these fisheries in July 2017 MPI Compliance advised the MSC assessors that there are no 'red flags' that require investigation for any of these fisheries, which they consider to be of low risk and have good compliance, and the vessels in these fisheries are now self-monitoring and proactively picking up and addressing compliance issues.

4. Key Issues

Geospatial Position Reporting

The key areas of concern, which we would like to discuss further with you are:

- **Time/Date reporting:** We submit that reporting be required in UTC to ensure time and dates do not conflict with (for example) NZDT
- **Position reporting:** We submit that reporting be in degrees and minutes, not as degrees and decimal places and the precision required for trawlers >28 m be to 1 second (i.e. ~31 metres), not in degrees to four decimal points (i.e. ~11 metres) as is currently proposed. We ask MPI to note that, where a bottom trawl is deployed at 1,000 m depth, the location of the net will be in the order of 1.5 km away from the vessel – the position of which you are asking to be reported to within ~11 metres. It might make more sense for trawlers >28 m to report the times and positions of the net when it comes into contact with the seabed and when it departs from this.
- **What is the remedy when the VMS (ALC) fails:** We understand the current proposals to be to the effect that the vessel would be immediately in breach and that any subsequent action is only a defence

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against that breach. Responses from MPI may be *ad hoc* in different scenarios leaving the vessel operator at risk (and uncertain of the risk) of prosecution and of severe penalties if convicted (including automatic forfeiture of vessel and quota). This principle also applies to transmission or data entry system for ER (and may well also be relevant to camera failure when such monitoring is implemented). We submit that the regulations must be amended to provide MPI explicit allowance to allow a vessel to keep fishing.

- **VMS (Automatic Location Communicator) use by sector already operating under ALC regulations:**
  - DWG submits that the proposed GPR requirements cannot be complied with by currently approved ALCs to operate as required in the draft Circular *"anywhere on Earth"* (Cl. 11) and *"must have ability to warn vessel when not operating"* (C1.16.5) and that this needs to be revisited
  - DWG request written confirmation that MPI accepts the current VMS (under existing ALC regulations) meet the new GPR requirements and there is no conflict between the two Regulations/Circulars. This request is and exemplar of the uncertainties and lack of clarity with regard to the transition to the proposed new requirements and their juxtaposition with extant systems and regulatory requirements.
  - The Regulations do not maintain MPI's role to approve systems that meet the specifications in the existing ALC Regulations. DWG submits that the current requirement is retained, requiring close collaboration between industry, equipment providers, and MPI to ensure the delivery of workable systems. This appears to be a marked change to MPI's compliance approach as espoused in the VADE compliance model where previous approvals were part of the enabling and assisting component of that continuum.

Electronic Reporting

The key areas of concern, which we would like to discuss further with you are

- DWG shareholders support electronic reporting and this is exemplified by the observation that 29 of 34 deep water trawlers >28 m are already using CEDRIC, and of the 10 deep water trawlers <28 m, 6 are already using CEDRIC.
- DWG shareholders support daily recording into a time-stamped system but do not support the proposed daily transmission of these data to MPI. Despite MPI asserting that this will allow for better management decisions, DWG cannot see where this would ever be used in practice and view the proposition as an enforcement objective not related to deep water trawlers.
- Not all vessel operators would be able to comply with the proposed timeframe of reporting within 4 hours for daily processing and record transmission, some of the reasons being:
  - Workload and timing of vessel operations,
  - Sole charge responsibility,
  - The above could lead to H&S issues given the vessel Master has total responsibility to ensure that every figure reported is correct for every transmission in a very short timeframe.
- The proposed requirement to enter four positions for each trawl tow (viz. event start, fishing start, fishing end, event end) is considered both onerous and unnecessary for deep water trawlers. DWG supports the continuation of recording start and end positions of fishing only for trawl shots by trawlers >28 m
  - On vessels where there is sole charge on the bridge, this requirement is not only onerous (and may not be able to be undertaken) but may also lead to endangering those on board.
  - CPUE records relate to fishing start/end, and in not related to 'events' as are proposed here. What is the purpose for this additional information burden?
- MPI's requirement for daily reporting to be only midnight to midnight needs revisiting.
  - Data on catch composition on-board factory trawlers are collated by the person responsible on board (e.g. the factory manager) and are brought to vessel master at end of each shift in each 24 hour cycle for recording in catch logs. This cycle varies from vessel to vessel. DWG requests that the

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proposed ER system allows for the timing of the daily recording to be able to be specified by each vessel in a declaration input into MPI's system to set the vessel-specific 24 hour period for the duration of each trip.

- Reporting system failure (i.e. Business Continuity Plan - BCP)
  - Remedies if there is an input system failure: MPI's current proposal would put an operator in breach immediately following any failure and needing to "prove" the failure is a technical one. The presumption that somehow equipment providers will "indemnify" operators against costs arising from failures (e.g. vessel being required to return to port") are not real world.
  - DWG proposes that MPI amends circular/regulations to accept the use of paper logbooks and reports as part of BCP options (e.g. a paper logbook is a legitimate contingency in case of electronic system failure)
- DWG wish to see clear details from MPI regarding the operation of the amendment processes including who of who can have access to information and how, as well as receive notifications of any system failure. Operators and firms need to be able to record failures and feedback loops to address this beyond feedback directly to the vessels need to be enabled with fit and proper confidentiality protocols.
- Clarification of disposal events recording
  - It is unclear if each disposal event as it occurs needs to be recorded within an hour or if these can be aggregated within a 24 hour cycle as current TCEPR allows. DWG supports the current process and seek clarification that this will continue

Catch Estimation

- Recording and reporting of 10 species as an "eyeball estimate" by vessel Master from the catch on deck is neither practical nor achievable for deep water trawlers where bags may hold 30 GWT of catch (or more) and species composition cannot be visibly identified. For trawlers >28 m, we question the reasons for, the utility of, and the validity of such information which can only be a guess, not an estimate. What can be estimated is the gross tonnage and a rough identification of major component species, verified later after processing through the factory or stowage on ice. Validation of that the catch volumes is reported and retained can continue to be made at sea by MPI observers.
- The current proposals appear poorly considered, containing a conflation of seemingly contradicting requests from compliance (their interest presumably being reconciliation of total catch with processing and disposal records for gross variances) and science (their interest presumably being gross CPUE for each species). DWG suggests that the needs require a careful and considered rethink on the objectives of data to be collected and the timeframes provided for their reporting. There is a unacceptable risk that current long time series of CPUE data will be rendered useless by ill-considered changes to the reporting requirements. DWG suggests that vessel Master makes an immediate record of total catch in the cod-end and then makes estimate of top 5 species based on information from deck or factory when these are available (as is the current general practice). This will prevent and unacceptable disconnection with past data time series.

5. Case Examples

A number of case study examples are attached for your consideration:

- Case Study 1: Processing and Reporting for a Fillet Vessel
- Case Study 2: Processing and Reporting for a Fillet Vessel
- Case Study 2: Processing and Reporting for a H&G Factory Vessel

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6. Summary

On behalf of our quota owning shareholders, DWG confirms our high-level support for the IEMRS initiatives, noting that almost all of the trawlers >28 m have had both GPR (VMS) and ER (CEDRIC) in place and operating successfully for many years now.

DWG submits on shareholders' concerns as to some of the details, which if not changed prior to implementation might well serve to undermine what MPI is setting out to achieve. In summary:

- We support the digital reporting of accurate, verified, relevant, timely and data of our fishing activities on a cost-effective basis,
- We are already doing this,
- We submit that data collection should only be driven by valid management objectives both current and reasonably foreseen,
- We do not support collecting data that are not directly relevant to the sustainable management of deep water fisheries and the verification of these data,
- We cannot accept requirements that we cannot comply with operationally or technically,
- We cannot accept contradictions or requirements that override regulations or other mandatory requirements,
- We accept daily recording of catch/location information but we do not support the daily reporting of these activities. These data are not operationally required by MPI on a daily basis for scientific, management, or monitoring purposes and it will prove to be unnecessarily burdensome and costly to report them to MPI on a daily basis,
- We do not support changes that will render obsolete time series of data collected over last 30 years of QMS,
- We seek clear and non-contradictory operational requirements, including expressly provided contingencies when systems fail that are realistic and are not punitive,
- We seek the opportunity to urgently meet with MPI and to collaboratively undertake an assessment of the requirements for IEMRS as they might specifically apply to trawlers >28 m (and to long liners) in the deep water fisheries, as MPI advised Ministers in the RIS that they would undertake, in order to ensure these requirements and their operationalisation are fully aligned with the needs and deliver the required outcomes,
- We seek to engage further with MPI to ensure the proposed revisions New Zealand fisheries are effective, affordable and efficient.

We would welcome the opportunity to engage further with key officers in MPI to ensure together that what you are proposing will achieve what is required in the real world.

Regards,

s 9(2)(a)

George Clement
CEO
Deepwater Group Ltd

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Case Study 1: Processing and Reporting for a Fillet Vessel

In simple terms depending on cascade of product to be produced (UTF, TRF, TSK) factories can process approximately 3 t per hour. For a 10 t bag of fish (e.g. hoki) this would equate to around 3 hours production and 3 hours additional time for all of the product to be frozen down into blocks (6 hours production and freezing in total).

From the freezer the frozen blocks of fish are wrapped and packaged into cartons before moving through to a Marel M2200 platform scale. At the scale the carton weight is determined and the freezer person selects the relevant item code for the product from an LCD display and once selected this generates a unique label from an attached printer. The label which is attached to the carton is populated with both pre-entered details from the vessels database (INNOVA) along with the date, time and RFID. As the M2200 is interfaced to the INNOVA database all cartons once recorded provide a real-time record of products moving through the M2200 to the hold.

Outside of the frozen packaged fish process described above the vessel will also record all other catch in the INNOVA database. This information is entered manually by the factory manager from records made by the crew at locations in the factory and includes, but not limited to, species and volumes of whole fish to meal, species and weight of fish discarded, fish taken to the galley as 'eats' and fish accidentally lost.

The functionality of the INNOVA database is such that all records once entered can have the relevant core MPI TCEPR processing reporting requirements produced in a single report for a defined period of time (24 hrs) without the need to rekey any information other than that described.

Current Reporting Process into a TCEPR

Day 2 - At the start of the factory manager's day (0500 -0700) they will manually enter the whole fish to meal etc. records from the previous day, day 1 that was cut off at 2359 hrs. This entry will take approximately an hour depending on volume. The information together with the products recorded at the M2200 from 0000hrs until 2359hrs on day 1 will be wrapped into a txt file, exported and converted to an xml file and imported directly into the TCEPR processing summary by the skipper or mate (the only two authorised CEDRIC users) who then review the information for accuracy with the factory manager.

Future Process

All fish processed and packaged, plus all whole fish to meal (no discards, eats etc.) will be required to be reported on a processing report that is both completed and submitted before the close of the day covered by the report (the exception is for fish still in blast freezers or for fish where processing starts on one day and ends on another, that fish will need to be reported before the close of the day on which processing ends).

This presents an immediate problem as any fish that don't meet the exemption criteria but are processed in a 24-hour period must be reported. The problem is that with continuous factory processing, records will be generated right up until the end of the day covered by the processing report (i.e. 2359 hrs or whatever cut off is used) and it would be unachievable to then enter that information in a processing report and submit as required within the same day.

A lag between closing off the day's processing, gathering all the processing information and then entering it in the processing report for submission is required. Importantly that lag needs to take account of variable timeframes depending on the level of technology used by companies (i.e. the system described above to another that is entirely paper based before entry into CEDRIC).

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Case Study 2: Processing and Reporting for a Fillet Vessel

Fillet Vessel – Typical Fishing Activity

The following table shows an example of typical fishing and processing activity as may be happening on the West Coast during this 2017 Hoki Season on a NZ factory fillet trawler. It compares the current and proposed recording and reporting timeframes.

		Towing Period	Processing Ca ch	When totals available	Disposal / Other Events	Current Reporting Requirements	Proposed Recording and Reporting Requirements
Day 1	0						
		Tow					Start recording ow 1 data
	2						
	3						
	4						
	5						
	6						
	7		ocess		Start Meal plant		Start recording ow 2 Data
	8	Tow 2	Tow		Cook takes fish for lunch ow 1/FM records figures		
	9						
	0		ocess Tow 2				Complete recording ow 1
				Point ow 1 figures available			
	2						
	3						Complete recording ow 2
	4				Cook takes fish for Dinner ow 2		Start recording ow 3 data
	5	Tow 3			F.Mgr records figures		
	6						
	7						
	8		ocess	Point ow 2 figures available			
	9		Tow 3				
	20						
	2						Complete recording ow 3
	22						
	23			Meal/Oil Figures available Day 1	F.Mgr tallies all process, eats, fish to meal and Meal/oil figures take to bridge		Start recording ow 4 Data Send in disposal reports/Send in daily process report ow 1 2 /Send in Catch report (ow 1 3
Day 2	0	Tow 4				Complete CEPR for ow 1 3 + days processing totals	
					Crew find Non fish species in pounds ow F.Mgr notifies bridge		
	2						
	3						
	4						
	5						
	6						
	7						
	8		ocess				
	9		Tow 4	Point ow 3 figures available			Start recording ow 5 data
	0	Tow 5			Cook takes fish for lunch ow 4/FM record figures		Complete recording ow 4
	2						
	3				Live MAK returned to sea/Add data to Non fish form		
	4		ocess				Start recording ow 6 data
	5	Tow 6	Tow 5	Point ow 4 figures available	Cook takes fish for Dinner ow 6/FM records figures		
	6						Complete recording ow 5
	7				Bosun fillets BNS for Breakfast/FM records figures		
	8						
	9		ocess				Start recording ow 7 data
	20	Tow 7	Tow 6	Point ow 5 figures available			
	2						Complete Recording ow 6
	22						
	23			Meal/Oil Figures available Day 2	F.Mgr tallies all process, eats, fish to meal and Meal/oil figures take to bridge		Send NFS report for ow 3/ Send Disposal reports/Send in daily processing report/Send in daily process report ow 3 5 /Send in Catch report
Day 3	0					Complete CEPR for ow 4 7 + days processing totals + Non fish form	
		Tow 8	ocess				Start recording ow 8 data
	2		Tow 7		Crew fillet fish for breakfast/FM records figures		
	3			Point ow 6 figures available			Complete record to ow 7
	4						
	5						
	6				Shut down Meal plant		
	7			Point ow 7 figures available			Start recording ow 9 data
	8	Tow 9	ocess		Cook takes fish for lunch/FM records figures		
	9		Tow 8				
	0						Complete recording ow 8
				Point ow 8 figures available	Cook takes fish for dinner/FM records		
	2		ocess		Start Meal Plant		Start recording ow 10 data
	3	Tow 0	Tow 9				
	4						
	5				A small hole in net Acc. Loss 100kg/note to add to CEPR		
	6						
	7		ocess				Start recording ow 11 data
	8	Tow	Tow 0	Point ow 9 figures available			
	9						Complete recording ow 10
	20						
	2						
	22		ocess				
	23	Tow 2	Tow	Meal/Oil Figures available Day 3	F.Mgr tallies all process, eats, fish to meal and Meal/oil figures take to bridge		Start recording ow 12 data Send in disposal reports/Send in Process report ow 6 10/Send in C tch report (ow 8 11
						Complete CEPR for ow 8 11 + days processing totals + Acc loss	

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deepwater group

Case Study 3: Processing and Reporting for a H&G Vessel

We are able to provide all of the information required under the new **Fisheries (Reporting) Regulations 2017**. We cannot however provide the information required under **Section 9. Processing Reports** consistently within the required timeframe.

Section 9(3) of the Regulations requires that the permit holder must complete and provide the report to the chief executive -

(a) before the close of day covered by the report; or

(b) if the processing starts on one day and ends on another day, before the close of day on which the processing ends.

Part 4: Processing reports of the draft **Fisheries (Codes and Information) Circular 2017** states that *A processing report must cover a period of no more than 24 hours.*

Processing is not defined in the Regulations or the draft Circular. Initially we had assumed that processing would end when the fish had been processed, blast frozen and packed into a carton of two 12kg, 14kg or 15kg blocks (depending on the species). Currently, this is when production is tallied and recorded on board our limited processing vessels.

However, the Circular states that we are to record the weight of the fish in its container and the number of containers of a particular type and content weight but that we are not to include any containers that are in blast freezers. The containers we blast freeze are the fish packed into freezer pans.

Are we to take it from this that we are now to record and report the number, type and weight of the **blocks** of fish in the freezer pans either before or after the fish is frozen?

When the fish is landed, the record is of the number, type and weight of the **cartons** of fish (2 x blocks of fish). What is the container type we are meant to record?

Is processing to be defined as before or after the fish is frozen?

As an example of the processing/reporting times for one tow of 30 mt greenweight of fish on board one of our limited processing vessels.

Start of processing: After the fish is transferred to the pound in the factory processing begins. Initial processing to final state is the sorting, grading, heading, gutting, packing into freezer pans and check-weighing of the fish in preparation for freezing.

Around **6 hours** later the fish is processed to its final state.

During this processing period, quota species destined for discarding are set aside in bins to be weighed in the presence of the Fisheries Observer on board. Our vessels carry Fisheries Observers for all the time they are at sea. Once the species and weights are agreed, and the Observer and Factory Manager have independently recorded these weights, this fish is discarded. The Factory Manager records this information onto a paper form.

For a large tow, this may happen a number of times during the course of the processing.

Similarly, when the cook comes to the factory to get fish for the galley, the species and weights for this fish to galley is agreed with the Factory Manager and/or Observer and recorded.

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Freezer pan tallies are recorded of the of the first load of product loaded into plate freezer banks. Freezing time is typically **5 hours**. For a 30mt tow there will typically be two complete blast freezer cycles to freeze all the product - **10 hours**. For larger bags, there may be 3 cycles - **15 hours**.

Within **1 hour** after initial processing the Factory Manager will compile the quota and non-quota discards species and weights, the fish to the galley and the number of freezer pans produced onto his paper forms in the factory.

This information is then relayed to the Chief Officer on the bridge who enters the discard information only into an Excel spreadsheet on the ship's bridge computer. As long as the ship is not shooting or hauling the Chief Officer will enter this discard and eats information straight away. This would normally take **no more than an hour**. If the vessel is shooting or hauling or if the vessel is engaged in some other activity requiring the Chief Officer's attention, this data entry will be set aside until these operations are completed.

Five hours after initial processing the first load of pans into the plate freezers is broken out, the blocks put into plastic bags and two blocks put into a carton. The cartons and all of the requisite information are then tallied, recorded on paper, and the product is stowed in the freezer hold.

Five hours later the product from the second plate freezer cycle is broken out, packed and tallied. If there are three cycles, the last cycle is packed and tallied 5 hours after that.

Product tallies are recorded on paper in the factory around **5 ½ , 10 ½ or 15 ½ hours after initial processing** was completed. The Factory Manager relays this information to the Chief Officer on the bridge.

The Chief Officer enters this information onto the Excel spreadsheet on the ship's computer. This should take **no longer than 30 minutes**. Again, if there is another activity requiring the Chief Officer's attention, this data entry must be set aside until these operations are completed.

The Chief Officer then enters the compiled production, discards and eats information from the Excel spreadsheet into CEDRIC. **This will take between 30 minutes to one hour**.

Regardless of whether the processing is to be defined as when the product is packed into freezer pans for freezing, on break-out, or on packing into cartons, the data entry into CEDRIC, if there are no complicating circumstances can take **2 to 2 ½ hours**.

During the most recent voyage of this vessel, four of the initial processing runs (prior to freezing) were completed between 2300 hours and 2320 hours. In each of these cases the permit holder would be in breach of the Regulations as it is not possible to get the required information to the chief executive before midnight (close of day is not defined but we are assuming this is midnight). It is likely there would be more instances of breaches during this voyage as well as other processing cycles finished after 2200 hours.

There are other circumstances that might lead the permit holder to breach the Regulations.

We do not have a person on these vessels whose only job is data entry. Typically, this data entry is done by the Chief Officer who is probably the busiest person on board. We have not considered here what happens when, as is sometimes the case, fishing is heavy and the Chief Officer is also helping process the fish. On ships of this type, it is not uncommon for all except the watch officer and engineers to help out in the factory when the factory is swamped. Two of the issues that arise here are:

The Chief Officer would be the person who would normally enter the disposal events, required by the new Regulations to be within one hour after disposal. For large tows, there may be a number of disposal events throughout the processing cycle. However, he would be in the factory.

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If the Chief Officer is working in the factory in this case it would most likely be because of a large tow that will take a long time to process. Health and Safety dictates that the Chief Officer must get sufficient rest after processing is finished. Currently, processing data entry would be delayed until this had happened.

We have also not considered here what happens if the authorised person for CEDRIC is not on watch at midnight.

Fisheries Observers are required to work no more than 12 hours per day and must have a continuous rest period of 8 hours. The vessel may not discard any quota species without first getting authorisation from the Observer. If the Observer is on a rest period or off-watch the bins of discards must remain in the factory until authorised. This may be after processing is finished.

We have also not considered how we are to get the information to the chief executive or how long this will take because we don't know this detail yet. In discussions with Fish Serve it seems the assumption has been made that the PC with the CEDRIC programme is interfaced with the FBB on board. It is not. These vessels run stand-alone PC's for CEDRIC. Currently information is exported to a USB stick, imported onto a shore based PC running CEDRIC, and submitted to FishServe from that PC.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 10:13 a.m.
To: s 9(2)(a)
Subject: FW: AIS Integrated Electronic Monitoring System

From: Erin & Thomas Tuanui [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 5:00 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: AIS Integrated Electronic Monitoring System

TH & EJ Tuanui Partnership
s 9(2)(a)

We oppose the AIS Integrated Electronic Monitoring System for all commercial fishing vessels due to the expense of this and our privacy on board our vessel s 9(2)(a)

Thomas Tuanui and Erin Tuanui
Owner Operator and Director

Virus-free. www.avast.com

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s 9(2)(a)

From: s 9(2)(a)
Sent: Friday, 4 August 2017 4:10 p.m.
To: Future of Our Fisheries Programme
Subject: FW: Feedback for draft Circular for electronic logbooks

From: s 9(2)(a)
Sent: Friday, 4 August 2017 4:08 PM
To: s 9(2)(a) <s 9(2)(a)>
Subject: FW: Feedback for draft Circular for electronic logbooks

Submission

From: Finlay Thompson [mailto:s 9(2)(a)]
Sent: Friday, 28 July 2017 1:54 PM
To: s 9(2)(a)
Cc: s 9(2)(a) s 9(2)(a) <s 9(2)(a)>; s 9(2)(a) <s 9(2)(a)>
Subject: Feedback for draft Circular for electronic logbooks

Hi s 9(2)

I would like to provide some feedback on the draft **Fisheries (Codes and Instructions) Circular.** In particular, regarding the pāua harvesting instructions in section 2E (page 19).

1. Drop this sentence: "If you are diving for paua, you must complete a separate fish catch report each time you cross from one paua statistical area into another". The pāua statistical areas can be derived from the GPS positions so are not required to be reported separately. In our experience with the logger program, dive crews are often working across a statistical area boundary. Requiring two fish catch reports in that case will reduce the quality of the data received.

2. Change, or clarify, the terminology used for the word "dive". As I understand from talking to s 9(2)(a), a dive record would start each time the diver enters the water, and finish when they return to the vessel. This is not exactly what I initially understood by the word dive. Perhaps it could be "swim". In any case, please clarify exactly what is meant by the dive record.

3. Provide an option to report greenweight catch details records at the level of fish catch report. The Diver Catch records are expected to have separate catch reported against each dive. While this is desirable, it is possible that the division between divers and dives will be an arbitrary, and not meaningful, split, guessed at after the event by the fishers. If the catch report could optionally include greenweight catch details, the total would not be required to be arbitrarily broken down, and be a more accurate representation of the data collected.

Thanks,
Finlay Thompson

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--
Finlay Thompson
Dragonfly Data Science
s 9(2)(a)

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s 9(2)(a)

From: Info
Sent: Monday, 7 August 2017 3:19 p.m.
To: Future of Our Fisheries Programme
Subject: FW: National Blue Cod Strategy

Hello,

Can you advise on this one?

Regards,

s 9
Ministry for Primary Industries - Manatū Ahu Matua
Pastoral House 25 The Terrace | PO Box 2526 | Wellington 6140 | New Zealand
| Web: www.mpi.govt.nz | Follow MPI on Twitter (@MPI_NZ)

Trouble finding people? info@mpi.govt.nz HELP you

[SEEmail]

From: David Guccione [mailto s 9(2)(a)]
Sent: Monday, 7 August 2017 2:22 PM
To: Info <Info@mpi.govt.nz>
Subject: National Blue Cod Strategy

Dear Minister,
[Not relevant to request]

Cameras were promised, but have fatal flaws in being able to measure catch well enough to for effective prosecutions of 25-35cm snapper, let alone other taonga species. [Not relevant to request]

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[Not relevant to request]

Regards,
Dave Guccione

Dave Guccione | Department of Marine Science |Toi Ohomai Institute of Technology | Private Bag 12001Tauranga 3143 | NZ
0800BOPPOLY s 9(2)(a) | s 9 | s 9(2)(a) 2 | s 9(2)(a) | http://marine.boppoly.ac.nz

He herenga waka he whitiwhiti whakaaro he whitiwhiti korero e u ko te marama
Whenever canoes are tied up together, thoughts are exchanged, dialogue is exchanged and enlightenment comes forth.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 12:42 p.m.
To: s 9(2)(a)
Subject: FW: Digital monitoring circulars
Attachments: Futureofourfisheriesprogramme.docx

From: Jeremy Hatherly [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 12:33 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Digital monitoring circulars

Please find attached my submission on the monitoring circulars.

Jeremy Hatherly

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Futureofourfisheriesprogramme

My name is Jeremy Hatherly of s 9(2)(a) [redacted] and I would like to comment on the draft circulars on digital monitoring of commercial fishing.
I believe these proposed regulations will course unfair hardship to the small fishing operators in the inshore fishing industry. Both the financial and the technical problems created will course huge problems for the small operator.
Most small one person operations have a very small profit margin, it is very hard to balance the books as things are, without more expenses. With MPI charging $263/hour for audits and new levies being thrown at us regularly most of us just make a living. We do it because we love the sea and we love fishing. Many honest, hardworking fishers will be forced out of the business we have been involved in for most of our lives.
There are a lot of technical issues that don't seem to have been thought through. The most obvious one I see is the power issue. We have small battery banks on board that are charged by the boats motor. At night, when anchored, the motor is turned off as soon as possible, and power usage is kept to a minimum or the boat won't start the following morning. We can't be expected to run our motors 24 hours a day for four or five days they will blow up. It's like leaving your car running in the garage while you sleep.
As you will know, working for the MPI, small boats don't work 24 hours a day. Trawlers only work the daylight hours for obvious reasons. Everyone involved in fishing knows that if the fish are not given a rest at night to regroup less total tonnage will be harvested between when the fish arrive and when they disappear.
The amount of fish the inshore trawlers catch is miniscule compared to what the larger fleet catch.
I believe the small inshore fleet should be exempt from these new rules because they will destroy the inshore industry and all the fishers involved.
Thank you for your time reading this.

Yours sincerely
Jeremy Hatherly

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s 9(2)(a)

From: Robyn Haggerty <s 9(2)(a) >
Sent: Monday, 21 August 2017 11:48 a.m.
To: Future of Our Fisheries Programme
Subject: digital monitoring of commercial fishing

To the Ministry of Primary Industries.

Dear Sir,

Tena Koutou katoa,

I am concerned with the amount of proposed events we are expected to log in each day, under the new regulations.

At the moment our day is busy enough and to stop several times a day to log an event would be totally impractical. Whilst on the boat, we watch for sea conditions, buoys, abnormal sea or weather events, as well as each other on deck and in the wheel house.

We fish in the Cray and Blue Cod fisheries, which are well managed with scientific reporting. Is all this extra information you are seeking going to help our fishery?

Regards,

Garth Haggerty,

Fisherman.

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s 9(2)(a)

From: s 9(2)(a)
Sent: Thursday, 17 August 2017 1:48 p.m.
To: Future of Our Fisheries Programme
Subject: Consultation on draft circulars on e-log books and digital monitoring of commercial fishing

To whom it may concern,

I am a Commercial Tuna Troller and an Inshore Fisherman of 48 years. After reading the draft circulars on e-log books and digital monitoring, I would like to say:

1. **That I am not opposed to e-log books in principle but how can I make an informed decision when neither MPI nor I know what these books even look like as they are not even developed yet!!**
2. **What will the requirements be?**
3. **What is the time frame for MPI receiving landing data, WHAT DOES IMMEDIATELY MEAN?**
4. **Will you require instant returns?**
5. **How will we send these if we are out of the coverage area?**
6. **How am I supposed to do immediate while I am supposed to be fishing and earning a living**
7. **WHO decided on the terrifying list of Infringement Offences with huge sums of money for fines for late/NOT IMMEDIATE reporting**

Regards digital monitoring:

1. **That I TOTALLY DISAGREE to Digital Monitoring as I think it is totally un-necessary.**
2. **Why does MPI need to follow OUR EVERY MOVE when all the data is in our daily landing logs**
3. **Surely as a private individual I have a right to privacy and not feel as if big brother is following my every move.**

I have always believed that **consultation** is something that is done before a Law is passed not after, YET we are told the exact dates on which this is happening. This makes me think that it is already decided and if I agree or not it will happen anyway. IS THIS WHAT IS CALLED A CONSULTATION!!

In all the many Circulars I receive from MPI, the new OpenSeas Forum, The Seafood Magazine etc. I am told how wonderfully our Fisheries are doing, that our QMS is the best in the world, that most of the Fisheries in New Zealand are sustainable or better.

Our own Albacore Troll Fishery, according to OpenSeas NZ, The Source for New Zealand Seafood Information says" The New Zealand albacore tuna troll fishery is a well managed and sustainable fishery in accordance with the Marine Stewardship Council's Principles and Criteria for Sustainable Fishing. It says that New Zealand has been repeatedly ranked among the best performing nations in the world.

I think that these new regulations will see the demise of the Private Inshore Fisherman.

Regards,

GD MARSHALL

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s 9(2)(a)

From: gene butler s 9(2)(a)
Sent: Sunday, 30 July 2017 9:13 a.m.
To: Fisheries Review
Subject: E log and cameras

Good morning
Gene butler
Golden harvest contractors 2011 ltd
In regards to e log books it seems unclear when and how tcer information we be required to be filed.
It seems a little strange you are rolling out a system very shortly that hasn't been designed yet.
I feel you should take some responsibility and supply this books directly from No I to the Fisher rather than shifting the blame to the fishermen .
Electronic monitoring.
It's my concern that other fishers will be able to track my location and impact on our already depleted revenue.this will result in some serious legal issues .so privacy is important
Thanks gene butler

Sent from my Samsung Galaxy smartphone.

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:46 p.m.
To: s 9(2)(a)
Subject: FW: Consultation on draft circulars on digital monitoring of commercial fishing
Attachments: Submission on Draft Circulars for Fisheries.docx

From: Geoffrey Clark [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 3:18 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: Consultation on draft circulars on digital monitoring of commercial fishing

SEALORD

Geoff Clark
Quota Manager/Relief Vessel Manager
New Zealand Fish
T: s 9(2)(a) | M: s 9(2)(a) | E: s 9(2)(a)
149 Vickerman Street | PO Box 11 | Nelson 7040
New Zealand

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SEALORD

Ministry for Primary Industries
PO Box 2526
Wellington 6140

Submission on Draft Circulars for Fisheries (Codes and Instructions), Digital Monitoring and Monthly Harvest Return

1. This submission in respect of the draft circulars for Codes and Instructions and Digital Monitoring is made on behalf of Sealord Group Ltd. Sealord operates seven deep-water vessels within New Zealand waters and catch in excess of 90,000 tonnes of fish annually.

2. The vessels Sealord operate will be expected to comply with the requirements of the draft circulars as presented. In many respects this would be a roll-over of regulations Sealord has been operating under in the case of CEDRIC (an E-logbook) since 2011 and with VMS monitoring for many years before that.

3. Vessels when at sea operate their catching and factory processing over a continuous 24 hour cycle and to expect the completion and submission of reports (processing, disposal, non-fish protected species (NFPS)) within the same 24 hour cycle is either simply not achievable or at times onerous to the point of having the potential to impact of the safe operation of the vessel.

4. In terms of the structure of the circulars proposed, particularly the Codes and Instructions Circular as drafted, Sealord understands that these will replace the existing explanatory notes accompanying each of the catch and effort and landing returns as well as incorporating codes now included in schedules to the Reporting Regulations.

5. In comparison to the well laid out instructions in the explanatory notes the detail and information provided in the circular lacks sufficient detail for what will be the intended audience – fishermen. One simple example to highlight the point comes from the very first instruction of the draft circular when completing the trip start record, the user must enter the start details explained as;

   a. *The start details record—*
      when the trip starts (see definition of fishing trip in the Regulations);

6. Contrasted with an extract from the explanatory notes below;

   a. *A trip begins when a vessel leaves the place where it was berthed or launched (or when it enters the EEZ). A trip ends when a vessel returns to a landing place and fish is removed (or when it leaves...*

7. The explanatory notes show the detail required without reference back to the regulations or as occurs repeatedly in the draft circular, the definition section. The other great attribute of the explanatory notes is that they provide the user where needed examples and directions.

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T: +64 3 548 3069 F: +64 3 546 9041 SEALORD.COM

8. By way summing up the structure of the circulars, Sealord would suggest that in a highly regulated environment where getting it wrong when completing statutorily required forms has the potential for prosecution action, clear concise and easy to understand instructions need be provided to those who must comply and importantly account is taken of the intended audience who most probably don't have the same intellect as the author.

9. The requirement for vessels to directly submit their records/returns to MPI also raises a question of how returns that fail a validation test on receipt by Fishserve will occur. We understand the intention is to send these back directly to the vessels but due to crew rotation and the 14 day timeframe for completing and responding to these we would suggest that returning them to the permit holder is the preferred option.

Fisheries (Codes and Information) Circular

Definitions

10. Processing reports – while there is no definition of what constitutes processing the assumption is that it includes cutting fish to a DRE state on a fresher vessel. If correct this would then make a processing report compulsory for vessels 19m or more as the definition currently stands. Is this what was intended and if not is it that a fresher vessel will only be required to complete a trawl fish catch record? This is step change from now where all vessels over 28m are required to complete a TCEPR and we would wonder about the loss of this daily catch processing data as the only information moving forward for these vessels will be estimated catch from the Fishing Catch Record.

11. Part 1 – 1A – Trip start record. At the top of the instruction box the user is advised 'this record must be completed before the first catch report for the trip is started'. Given the first fish catch event may be a day after leaving port is it okay to complete the form then or is it that the trip start record is to be completed when the vessel leaves where it was berthed. Does this record then stay in the E-logbook with the details used to populate other records during the trip? Helpful clear instructions would be great.

12. Part 2 – 2A
    a. Tow start and finish co-ordinates are additional reporting requirements and Sealord is unable to understand what the imperative for either immediately recording this is or why it is something now required to be recorded given established CPUE records relate to the start and end of fishing. The requirement for either the captain or first mate who will be alone in the bridge of a vessel to record these events immediately is troubling. It simply does not make sense nor seem reasonable, when assessing the duties under the HSW Act, to impose on the person in charge a regulatory requirement that would have them divert their attention away from their watch duties to enter co-ordinate details in a fishing return when they are managing two windows of time (start and end of fishing) that present the highest risk to the crew safety and the vessel.
    b. Total estimated catch and catch records have been problematic for many years and the folklore that a skipper can look down on the deck and determine the tonnage and composition of the fish enclosed in the cod-end should have been reviewed with a forward looking focus to when video's will be monitoring catch in 12-18 months. Instead, without that forward looking approach, the timeframe for determining the volume has been shortened (record to be complete within four hours of fishing ending) and the catch species composition (previously reporting up to 5 species but now required to record a minimum of 10 species, unless less than 10 species were caught in the tow) surprisingly increased. While CPUE information now is considered by scientists to have little value the result of the proposed changes will generally, in Sealord's view, be more inferior due to a clear desire by MPI to get something committed as soon as possible with scant regard,

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especially around species volume composition, for accuracy. A considered rethink on the information to be collected and the timeframes is desired.

13. Part 3 – Non-fish or protected fish species catch reports (NFPS).
    a. The requirement to submit a NFPS report (Reporting Regulation 8) is before the close of the day on which the permit holder (now includes all permit holder employees) becomes aware of the catch. Therefore any NFPS catch up to 2359hrs using a 24 hr cycle needs to be reported, noting video monitoring will provide MPI an audit for this in 12-18 months. Meeting this timeframe will either not achievable or difficult for tows undertaken late in the day (22 tows or 7% of total tows were completed after 2300hrs in early August 2017 by Sealord vessels) as there would be only one authorised person available to complete and submit the report by 2359hrs. The timeframe and rationale to report NFPS is questionable as all deep-water group vessels presently operate under established Deepwater Group 24 hour reporting procedures when trigger points for marine mammal or seabird deaths occur. Does MPI really see 1kg of sponge that was picked up in a trawl as being critically required to be reported the same day it occurs taking into account the same concerns raised in 12 (a).
    b. Those points aside, the drafting of this questionable submission timeframe overlooks the fact that the reporting of NFPS is 99% triggered by a fishing event. With the NFPS form populated from the fishing event screen and, save for tow information to be recorded immediately, the fishing event record does not have to be completed until four hours after fishing ends. This means that the body of the fishing event form for tows say completed between 2100hrs – 2359hrs may not be completed and submitted until the following day, somewhat out of step with timeframe for the NFPS report. The impression was that the NFPS and the fishing event reports were to be submitted together.

14. Part 4 – Processing reports.
    a. All fish processed and packaged, plus all whole fish to meal will require to be reported on a processing report that is both completed and submitted before the close of the day covered by the report (the exception is for fish still in blast freezers or for fish where processing starts on one day and ends on another, that fish will need to be reported before the close of the day on which processing ends). This presents an immediate problem as any fish that don't meet the exemption criteria but are processed in a 24 hour period must be reported. The problem is that with continuous factory processing, records will be generated right up until the end of the day covered by the processing report (ie 2359hrs or whatever cut off is used) and it would be unachievable to then enter that information in a processing report and submit as required within the same day. A lag between closing off the day's processing, gathering all the processing information and then entering it in the processing report for submission is required. Importantly that lag needs to take account of variable timeframes depending on the level of technology used by companies – ie the system described above to another that is entirely paper based before entry into CEDRIC. Frustratingly feedback on this point has previously be provided during the draft regulation review.

15. Part 5 - Disposal reports.
    a. From discussions with MPI staff Sealord has been able to confirm that a processing vessel is only required to complete one disposal report per day, much like the current process when completing a TCEPR (all records for accidentally lost fish, eats, discards, schedule 6 returns etc are compiled together prior to the end of the day and reported). There does appear to be diverging interpretations of this and so clarity is required in the final version of the disposal report instructions.

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b. The timeframe for completion and submission of the disposal report is again before the close of the day on which the report must be completed. Circular instructions for processing vessels is for the disposal report to be completed in the same cycle as the processing report and so the same impediments in terms of achieving the timeframe will arise.
c. If some disposals (A, E, J, M, and Z) are to be reported in the MHR then perhaps an instruction or reminder for what happens at the end of the fishing year when vessels are at sea is needed.

16. Part 6 – Landing Reports
    a. The Circular needs a plain English explanation of what is required to be done, the draft version and tables are hard to follow.
    b. Timeframe for completing a LR will be problematic for partial discharges (for example 300 PWT of fish mixed in the hold after processing and loaded out of the hold onto mixed pallets for discharge) as the final accurate specie/volume make up will not be known until the product is bar code scanned by the coldstore against the vessel inventory. Some process to deal with these situations is required to remain compliant.

MHR Circular

17. The inclusion in the circular of a simple explanation of what needs to be recorded on an MHR is needed. The MHR regulation 14 (3) is confusing as it seems to suggest that if for example a disposal is already reported then they are not to be reported in the MHR, yet the Codes and Information Circular outlines a table showing disposals A, E, M and Z would be.

Fisheries (Geospatial Position Reporting Devices) Circular

18. The main point Sealord would make regarding this circular is that it does not provide a process to follow when there is a failure with the GPR device. Section 11 of the principal Regulations provides an exemption when it is unreasonable or impracticable for any vessel to comply with the regulations but unless we have interrupted this incorrectly this doesn't appear to be aimed at equipment malfunctions.

19. Intermittent GPR failures on our vessels have occurred over the years, the last occasion in April 2017 as outlined below;

20. *...from the ...has reported that the Sat C terminal 45..... which is used for polling positions by us and MPI has an electrical fault. I have asked Advancetrack to try to start polling their backup terminal 45.....*

21. Save for having the vessel return to port the default position in the event of a malfunction over the years has been for the vessels to switch over to our own back-up GPR device (as we did above) that Sealord receives polling from and ask MPI for approval for this until the next port call when repairs could be completed to the primary registered device or if no back-up device was functioning to request permission to continue fishing until the next port call.

22. Given the limited number of vessels that have operated under the current VMS system the process described has operated satisfactorily and our concern would be that with the addition of 1,000 + vessels to the system there does need to be a documented process to follow that doesn't require a $40k -$60k a day operation to head back to port for a $2 fuse.

23. One last concern Sealord would raise is that the current GPR units our vessels operate do not appear to have the functionality to alert someone on-board to a malfunction as part 4 (5) of the circular now requires. Advice when polling from the vessel had dropped out has been previously conveyed to the

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24. Company from MPI who are the sole recipient of the data and so question why this process does not continue.

Summary

25. Sealord supports the need to accurately report all catch information in a daily format but do not support the daily submission requirements where as a permit holder we can't comply operationally or technically. Finally clear and concise easy to understand instructions are needed to educate, inform and assist completing statutorily required information.

s 9(2)(a)

Doug Paulin
General Manager – Group Operations

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SEALORD GROUP LIMITED
149 VICKERMAN STREET PO BOX 11 NELSON 7040 NEW ZEALAND
T: +64 3 548 3069 F: +64 3 546 9041 **SEALORD.COM**

s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 10:11 a.m.
To: s 9(2)(a)
Subject: FW: Submission

From: George Elkington [mailto s 9(2)(a)
Sent: Monday, 21 August 2017 5:01 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Cc: 'Helson, Jeremy' <s 9(2)(a) >
Subject: Submission

Integrated Electronic Monitoring and Reporting Systems: MPI Consultation on Draft Circulars>

I confirm that in principle I support the submission made by Jeremy of Fisheries Inshore New Zealand Ltd. Especially as it relates to small private commercial fishers.

I wish to note that as a small Maori privately owned fishing operator with an unbroken inter-generational history of commercial fishing extending beyond European settlement, I am concerned about risk to indigenous fishers. (most of us are small industry operators) and I feel a concern for all small operators.
The Maori fisheries Act and associated Bill particularly reports that the Queen of England guaranteed us commercial fishing rights as long as we wanted them.

I would like the opportunity to say more on these matters please.
Thank you,
George Elkington

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s 9(2)(a) [redacted]

[redacted] Info
Sent: Wednesday, 2 August 2017 5:14 p.m.
To: Future of Our Fisheries Programme
Subject: FW: Website feedback

Hello,

Can you advise on this one?

Regards,

[redacted] s 9
Ministry for Primary Industries - Manatū Ahu Matua
Pastoral House 25 The Terrace | PO Box 2526 | Wellington 6140 | New Zealand
| Web: www.mpi.govt.nz | Follow MPI on Twitter (@MPI_NZ)

Trouble finding people? info@mpi.govt.nz HELP you

[SEEmail]

From: MPI Notifications [mailto:mpinotifications@cwp.govt.nz]
Sent: Wednesday, 2 August 2017 2:58 PM
To: Info <Info@mpi.govt.nz>
Subject: Website feedback

Name

Glen Patterson

Email

s 9(2)(a) [redacted]

Page URL

http://www.mpi.govt.nz/news-and-resources/consultations/draft-circulars-on-digital-monitoring-of-commercial-

Did you find what you were looking for?

No, none of it

How easy was it to find what you wanted?
Did you have any problems on the site?

Yes

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Problem type

Please give us the details of your problem

I don't want a gps position on my vessel or a camara and you will soon find out every fisherman in the country doesn't want them . Also it's a insult . The digital recording yes

Do you have any other comments to make about the website?

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s 9(2)(a)

From: Fisheries Review
Sent: Monday, 21 August 2017 8:48 a.m.
To: s 9(2)(a)
Subject: FW: Feedback on geospatial position reporting and e-logbooks
Attachments: submission.pdf

-----Original Message-----
From: s 9(2)(a) Glen Strongman [mailto:s 9(2)(a)]
Sent: Sunday, 20 August 2017 8:56 PM
To: Fisheries Review <Fisheries.Review@mpi.govt.nz>
Subject: Feedback on geospatial position reporting and e-logbooks

Please find attached my submission on this subject

Regards

Glen Strongman

Wakanui Marine

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Submission From: Glen Strongman – Wakanui Marine
Boat: s 9(2)(a) [redacted]
Fishing Method : Danish Seining
Location of Fishing Business: s 9(2)(a) [redacted]
Volume of Fishing : s 9(2)(b)(ii) [redacted] ,
Contracted Fishing Company: s 9(2)(b)(ii) [redacted]

I appreciate having the opportunity to write a submission in response to geo-spacial positioning requirements for commercial fishing vessels. For ease of reading I will simply call this GPS.

The current trial of information collected by GPS required a contract to be signed by both parties - the company that was collecting the data (Trident) and the vessel owner that had the GPS locator on the vessel. The terms of the contract were such that the vessel owner had all rights to the intellectual property being collected (the GPS location) and the company organising the GPS unit (Trident) required written confirmation from the owner prior to releasing information to ANY interested parties. No-one except Trident was to have access to any data.

The Reality: This contract has not been adhered to - in fact it is being used for commercial gain by the companies involved in Trident (Moana Pacific and Sanford's), and the access to this information has been published on social media platforms such as Facebook for marketing purposes. The example below is a screenshot from Facebook on the Seafood NZ page and shows a Moana employee stating he is monitoring the entire fleet – something I believe he legally has no right to do.

GPS data location is great in theory, it makes user groups happy and is a great public marketing ploy, however what this is doing in effect is gathering intellectual property. The large fishing companies that control Trident – the company that holds the GPS data, are now using access to this GPS location for their own financial benefit which I believe was clearly a violation of the original contract.

So how are they using this information for their benefit?
First you need some background.

Prior to1986 the Snapper 1 allocation was 12,000 Tonne. I do not have an exact amount of the "Mix" allocation (mix being Terakihi, Gurnard, John Dory, Flounder, Spotted Dog Fish etc) but it was an appropriate balance and generally the full amount of Snapper to Mix was caught and landed.

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Since 1986, the SNA1 quota has been cut until it was reduced by approx. 60%; however, the mix fish allocation was not adjusted proportionately. This has now resulted in an inbalance, the full mix allocation is not being caught, year after year. This is a possible income stream to the fishing companies they would like to see utilised.

When e-logbooks are combined with the GPS data and the large fishing companies have full access to this private intellectual property it will be used to apply pressure to vessels – they will now be able to direct their own boats to fish in the location that other vessels have caught the mix fish in, (they will have full information of species caught, time and location) which will put increased pressure on the fisheries. The purpose of this exercise was supposed to be sustainability of the by-catch: the reality is more pressure will be applied to certain fish stocks, for the financial gain of those associated with Trident.

s 9(2)(b)(ii) [redacted], I used this as leverage to use an independent company - most other fishermen do not have this advantage. My information is collected by an absolute independent third party but this third party is not connected with the fishing industry. I have talked to Ministry and stated at any time should they require my position I am more than happy to supply the electronic information and I have provided them with examples. Navman is cost-effective and reliable.

In addition to the larger fishing companies accessing other vessel data, I am aware that Ministry of Fisheries are accessing this data also without written permission - I had a visit whilst in port on my boat from ministry officers saying they could not access my location at will and asked why. They seem surprised at my answer. They were also not supposed to legally have access to the information and were unaware of this.

Trident has also accessed my records in the past from Fishserve, despite Fishserve having no permission from me to release information to any party.

If GPS, cameras and e-logbooks are to go ahead it is imperative that the information must be monitored by an independent third party not associated with industry – I believe there is a violation of contract which will continue and only get worse.

The public spotlight has been placed on fishing vessels with little thought to what is happening to fish once it leaves the boat – perhaps the spotlight needs to be turned onto the fishing companies themselves and Ministry observers used to check weights, measurement, packing, transport – in fact other areas of the supply chain which are being currently being overlooked (places where there is more likelihood and opportunity for breach of legislation)

With regards to cameras on boats: this is a direct violation of my Human Rights and I believe I have a case that will need answering under the Human Rights Legislation.

While cameras sound like a great idea, and will appease the public, the reality is a camera on a fishing vessel is no different to a camera in a milking shed, a wool shed, in a meat factory or in someone's workplace. If this goes ahead it will open the floodgates to cameras in any other situation.

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Human rights violations occur due to the fact that while I am on my vessel this is my home - I sleep, eat and toilet in this environment and I do not wish to become a reality TV show - if access to my digital records is so easy currently, I have reason to believe that access to my video information would not be any different. I do not wish to see myself on a social media channel because someone has decided to start a marketing campaign without my permission or knowledge.

In theory GPS, e-logbooks and cameras all sounds very good but the reality is that in practice it is not and will not work to the benefit of all parties unless the information is controlled by a fully independent third party. Privacy issues and intellectual property issues are being violated at will to the financial benefit of private companies.

s 9(2)(a), s 9(2)(b)(ii) [redacted] I am aware this is off-topic but needs to be stated (AGAIN).

Regards

Glen Strongman

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Tuesday, 22 August 2017 10:03 a.m.
To: s 9(2)(a)
Subject: FW: monitoring

From: Graeme Bennett [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 5:27 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: monitoring

Dear Sir/Madam
I am a dinosaur, i.e. me and computers seem to be bitter enemies. I have been trying to look at the positives, which are there if the programming is simplistic enough. I have had two laptops on my vessel at different times, both died because of moisture/water damage.
If that happens again when it is required for reporting purposes, end of trip regardless of inconvenience.
Position monitoring seems like big brother watching over you, but on the plus it would hopefully ensure that no "trucking" is taking place. Also if the programme is set up accordingly there could be a massive safety component. ie boat dissapears from screen somebody has last known position and time. Camera`s on small boats seem like a total invasion of privacy, this is not just a workplace it is also our home for the duration of trip. The cost also scares me, small inshore boats are financially marginal, adding more cost will be the breaking point for many. I own
the s 9(2)(a) , am over 60 years old, cannot afford to retire and probably cannot afford the new proposed requirements.
Regards
Graeme Bennett

P.S Would you like to buy a 38 foot inshore boat?

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s 9(2)(a)

From: Future of Our Fisheries Programme
Sent: Monday, 21 August 2017 6:10 p.m.
To: s 9(2)(a)
Subject: FW: IMER's Submission
Attachments: OYU 5 Circulars - Electronic Reporting submission.docx

From: Graeme Wright [mailto s 9(2)(a)]
Sent: Monday, 21 August 2017 4:44 PM
To: Future of Our Fisheries Programme <FutureofOurFisheriesProgramme@mpi.govt.nz>
Subject: IMER's Submission

Please find attached a submission on behalf of Bluff Oyster Management Company.

Regards

Graeme Wright
Operations Manager
Bluff Oyster management Company Ltd

03-2182575
s 9(2)(a)

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To: futureofourfisheriesprogramme@mpi.govt.nz

s 9(2)(a) [redacted]

Bluff Oyster Management Company (BOMC) – Submission on IMERs Circulars

This submission is made by the Bluff Oyster Management Company (BOMC). The address for service for this submission is Attn: Graeme Wright, Barnes Oysters Ltd, P O Box 844, Cnr Spey and Bond Street, Invercargill 9810. Phone (03) 218 2575 or s 9(2)(a) [redacted]
Email: s 9(2)(a) [redacted]

If a hearing is to be held, the submitter would like to be heard on behalf of this submission.

BOMC support in principal the IMERS regulations that relate to electronic reporting. However, the level of detail required within the circulars is not practical, is unworkable, and is not necessary for the sustainable management of the OYU5 fishery.

BOMC do not support the circulars supporting the regulations relating to electronic monitoring and cameras on vessels in their current form.

- Monitoring – Assurance needs to provided that the individual fishers information will be kept confidential. These rules need to form part of the regulations and circulars. Moreover, BOMC believe that recording, as opposed to reporting, should be sufficient to satisfy MPI requirements; and any need for future verification as covered in the balance of the submission below.
- Cameras – While currently not being consulted on, the cost to purchase, install, maintain and transmit would be prohibitive and not justifiable based on the risks posed. Based on the way an oyster boat is set up and operates we believe that it will be near impossible to operate a camera that will provide any useable information.

The current circulars appear to be a "blanket" approach where one system is supposed to fit all. All fisheries do not operate the same. The proposed regulations would appear to have been designed around Deep Sea fishing, and are not workable for fisheries such as OYU5. OYU5 is a single species fishery, with little or no interaction with other species. Any regulations/circulars imposed must be implemented in conjunction with the different sectors of the fishing industry and introduced on a risk based assessment, to ensure that the information being gathered is supported by science to better manage fisheries.

The consultation process has been totally unacceptable. BOMC (as the stakeholder group for OYU5) have had no direct contact from MPI until the last 7 days. BOMC have relied on other local fisheries groups, and more recently the newly-formed Specialty & Emerging Fisheries Group to inform us. **The consultation time frame is totally unrealistic and unreasonable, given the size and complexity of the circulars, the sporadic information bulletins from Fishserve and MPI, and the lack of direct consultation with individual fishermen.** MPI must work closely with individual fisheries and direct with fisherman if there is to be a workable and meaningful outcome from the implementation of these regulations. At this stage the process is on track for failure!!

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BOMC shareholders have shown a long commitment to science and research in the fishery.
The Bluff Oyster Fishery is without a doubt NZ's more surveyed and researched fishery. There is a long history of detailed surveys and research that has been undertaken. All of this work has been facilitated through NIWA, and is presented and reviewed by MPI's shellfish working group forums. A fisheries "model" is in place to monitor the performance of the fishery, and detailed science has been completed on issues including Bonamia, recruitment, effect of fishing and dredge performance.
The OUY5 fishery has in place a strategic research plan and a "fisheries plan" that both underpin the work that is carried out in the fishery. The Fisheries Planning Group involves all stakes holder groups including Commercial, recreational, customary, skippers, MPI Science and NIWA. Direct consultation with this Planning Group is necessary before the circulars can be finalised for OYU 5.

The Industry have in place a "Industry logbook" programme that has been operating for 12 seasons and represents 100% of fishing activity. The logbooks report on fishing activity based on 1 nautical square mile grids. This programme was designed by Skippers in conjunction with NIWA and is analysed annually. The intention is to incorporate the Logbook information into the stock assessment process over time

The proposed IMER's circulars, in their current form, <u>will not</u> improve the science knowledge and sustainability of the OYU5 fishery. They will however grind the OYU5 fishery to a halt and make honest hard working fisherman broke and criminals as they will not be able to meet the required levels of compliance.

BOMC believe that any changes required to data capture from the OYU5 fishery must be based on sound scientific requirements. Any proposal must be validated through a robust Shellfish Working Group process prior to implementation.

<u>OYU5 operational overview</u>

- s 9(2)(b)(ii) [redacted]
- s 9(2)(b)(ii) [redacted]
- 2 dredges per vessel – towed at the same time
- Typical towing is elliptical – not straight line towing
- A typical day-landing per day would be between s 9(2)(b)(ii) [redacted] and s 9(2)(b)(ii) [redacted]
- On a typical tow – dredge contact time on seafloor would be only 5-7 minutes per tow maximum. The rest of the time the gear is being deployed or retrieved.
- All vessels return to the same port / same wharf every night – only "Day Fishing"
- Typical day: s 9(2)(b)(ii) [redacted]
- s 9(2)(b)(ii) [redacted]
- **<u>Return of oysters under MLS & oysters above MLS</u>**: It would be impossible to accurately quantify the numbers and remain commercially viable!!

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In the majority of cases (varies from season to season and location within the fishery), many more oysters are returned to the sea than are kept. These are the sub-MLS oysters, and over-MLS oysters which are not of a suitable quality to land.

- On average, for every oyster we land at the wharf, we could potentially return 10 to 20 oysters (under MLS and above MLS) back to the sea. This can vary greatly year to year, and area to area.
- Currently, industry operates a voluntary logbook which has 92% compliance currently (it has been 100% until recently – and the reason for the non-compliance was due to concern about security of the information). This has been in operation for 12 years. The logbook reports fishing activity based on a nautical square mile grid. The Logbook captures grid, effort, harvest, and estimated seabed type, bonamia mortality, the composition of the catch, and an assessment of dredge performance due to weather, tides etc. This information is collated by BOMC and analysed annually by NIWA on behalf of our industry.
- The BOMC voluntary logbook reports on up-to 40,000 tow events per season.
- 6 of the 11 vessel oyster fleet only catch Oysters and do not trawl in the off-season. These vessel owners do not hold ACE for any other species.
- By-catch of fish species is negligible. In a very unlikely worst-case scenario, 1 vessel may catch the equivalent of 1 fish tub of fish for a whole days fishing, the bulk of which would be leather jackets or the odd flounder / sole, but generally it would be in the range of 0 to 10 fish for a whole days fishing. To carry ice (to ensure quality) and purchase ACE would not be practical for these volumes, let alone trying to find an LFR that would accept such a small volume on a daily basis.
- Other By-catch includes Kina, Scallop, Bull cockles, Octopus – these species are returned to the sea within minutes of being landed and all survive. The total numbers landed on deck are very small.
- Normal commercial activity does not interact with sponge, mullock, bryozoans etc, as these more complex benthic areas do not generally support oyster populations and the quality of oysters in these area's is normally poor. All this material is returned to sea within minutes of being landed.
- OYU5 has well documented issues with recruitment and Bonamia. These two issues alone drive the population of the fishery. Successful recruitment of the volumes required to sustain the fishery only happens on a once every 8-12 year cycle on average. Bonamia (based on long-term average) kill between 8%-12% of the total population annually, with occasional years of elevated mortality (2014 = 28%, 2001/2002=90% + mortality - upto 1.5 billion oysters)
- BOMC currently complete a full stock assessment survey every 5 years, (was previously a 3 year cycle, and before that a 2 year cycle). In the in-between years we complete a slightly smaller survey (Commercial area only) to give a "weather forecast" on what is happening in the fishery. All surveys are run by NIWA, and put through the Shellfish Working Group process. These surveys look in detail at stock assessment across all ages, classes, recruitment and Bonamia status.
- It is recognised and acknowledged by MPI science that Bonamia is the main driver of the population in OYU5. What we harvest commercially has little or no effect on the biomass.

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- Industry also commit to a range of other research into the fishery, including dredge efficiency and effect on sea-floor, developing bonamia detection methods, recruitment process and environmental influences.
- A strategic Research plan is in place for OUY5 (which has been through the shellfish working Group) and also our MPI Fisheries Plan is in place that is overseen by all fishery stakeholders.

1. Electronic Reporting

BOMC support the introduction of electronic data recording, but only to the level of detail that is currently recorded. All other information required by MPI's Shellfish Working Group, to sustainably manage the fishery, is provided via the annual MPI cost-recovered surveys which include stock assessment, Bonamia and recruitment. BOMC submit the following points:

- Implementation of compulsory electronic reporting should be delayed until 1st October 2018 – to implement this on the 1st April 2018 would be mid-season and would be **unworkable**. More time is required to allow procedures to be agreed and reliable software to be developed
- Adopt the BOMC nautical square mile grid as a fishing event for reporting - this is practical and workable. Reporting tow by tow is not a commercially viable option. The IEMRS software only needs to facilitate the skipper entering a grid name (I.e. G14, E16 etc), rather than entering start/finish lat/ long marks, which are unnecessary.
    - **Tow by tow reporting is not workable (skippers do not physically have the time to record to this detail)**
    - The circulars detail a fishing event being "1 event = any towing within 1nm of your starting point"- this effectively means a fishing event = 4nm square. This proposal would be difficult to manage, and provides far less detail than the system currently used by BOMC. It would also have the effect of reducing comparability with our current logbook database.
- Record only data as per the existing CELR. All other information required for fisheries management is collected far more accurately in the annual pre-season surveys. These are validated via MPI's Shellfish Working Group.
- There needs to be a mechanism which allows BOMC to run and access the Industry Logbook programme as part of the same data capture device that is required by MPI , for BOMC's own fisheries management.
- **BOMC be allowed an exemption from reporting Sub MLS and above MLS Oyster catch**. To have to report this would be totally unworkable, and the deck routine would be disrupted to the point where the industry would not remain commercially viable. More accurate and reliable information on stock size and composition is gathered in detail by the annual surveys. All survey results are validated by the shellfish working group and this information is fully used for fishery management.
- **BOMC be allowed exemption to discard fin-fish stocks to the sea**. The volumes are in-significant, and not viable to land to a LFR. (Number would vary from Zero to 5 or six fish per day, and on the very odd occasion you may get say ½ a fish tub of finfish – predominately leather jackets) Everything is returned to the sea immediately with the majority surviving. The majority of OYU5 quota holders would prefer not to hold ACE for any species other than oysters.

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- **BOMC be allowed an exemption to return species covered by schedule 6 to the sea with out recording**. (items include Kina, bull cockles and occasional scallops). All these items are returned to the seas within less than 5 mins of landing. All will survive, and keeping track of these items will slow the deck routine and harvesting process to such a level that is not commercially viable.
- **BOMC be allowed an exemption to return non-fish protected species to the seas without recording**. Normal commercial activity does not interact with sponge, mullock, bryozoan etc as these more complex benthic areas do not generally support quality oysters. All of this is returned to sea within minutes of being landed. There is already a more relevant recording system for these species under the present BOMC logbook programme, and this is further quantified as part of the annual pre-season surveys.
- Provision must be allowed in the regulations to allow for manual paper returns to be completed. OYU5 is very weather restricted and boats cannot afford to sit at the wharf waiting for computers to be repaired!

2. **Geospatial Reporting**

Any requirement to be monitored should be based on a risk assessment of individual fisheries and or vessels. OYU 5 fishers pose little or no risk from either a compliance perspective or gathering data to make science based management decisions.

- There are significant concerns around security and protection of intellectual property (IP) fishing location data. Recent case-law from our fishery demonstrates that this IP is a capital asset with a significant monetary value. Any regulatory proposal which puts these capital assets at any level of risk will require the utmost scrutiny prior to implementation.
- The cost to purchase the equipment & maintain GPRS equipment, and transmit the data is not justifiable, based on the negligible risk of non-compliance.

BOMC request an exemption to the geospatial GPRS requirements. However, we would potentially support the following risk-based approach:

- All commercial fishing vessels landing OUY5 should be required to hold all "track marks" on their on-board navigational equipment for a period of, say, 6 months
- If MPI have reason to request that information, then skippers/vessel owners be legally required to allow access to MPI to download.
- If a vessel is found in breach of the regulations/circulars on one or more occasions, then MPI have the ability to enforce geospatial monitoring

3. **Camera Regulations**

BOMC believe the requirement for cameras should also be based on risk based assessment of individual fisheries and/ or individual vessels. The cost to purchase, transmit, and maintain camera gear for OUY5 vessels far exceeds the risk that industry pose to either compliance or science based information gathering.

BOMC request an exemption to the Camera regulations, however BOMC would support the following "risk based" approach:

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If vessels/ skippers were found to be, or suspected to be non-compliant then MPI should have the ability to request on-board cameras. In the first instance the vessel could be made to record and hold the information on-board for say a period of 6 months, and required to provide it to MPI on request, or if found or suspected to be totally non-compliant, then camera's that transmit could be enforced.

4. Health and Safety

All vessel owners and operators have a legal responsibility to ensure the safety of all people working on boats at sea and this responsibility cannot be compromised for any reason. Skippers on Oyster boats do not physically have the time to operate a boat safely, and have their head buried in an I-pad every 5-10 minutes. The proposed IMERS regulations will severely compromise Health and Safety obligations of skippers and boat owners.

BOMC (on behalf of OYU5 quota owners) believe we are good custodians of the Bluff Oyster fishery, having a long term commitment to the sustainable management of the fishery.

BOMC request a meeting to discuss (in person) with MPI the above so that a practical and workable outcomes can be achieved; that ensures that compliance, sustainability and management requirements can be met. BOMC would be happy to facilitate, and would encourage a MPI representative to spend a day at Sea in Foveaux strait to help put some reality into the issues that we have detailed above. BOMC believe that a separate OYU5 dredge circular should be developed (with Industry). This would be industry's preference to dealing with the content of the circulars, and the granting of exemptions under the present regulations.

Yours faithfully

Graeme Wright
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