



Fisheries New Zealand

Tini a Tangaroa

Exemption from compliance with the Fisheries (Reporting) Regulations 2017

Regulation 46 exemption

17 April 2019

TITLE

Exemption from compliance with the Fisheries (Reporting) Regulations 2017.

COMMENCEMENT

This Exemption comes into force on 17 April 2019.

ISSUING AUTHORITY

This Exemption is issued under regulation 46 of the Fisheries (Reporting) Regulations 2017.

Dated at Wellington this 17th day of April 2019.

Signed on original

Steve Halley
Acting Director Fisheries Management
Fisheries New Zealand
Ministry for Primary Industries
Acting under the delegated authority of the Director-General

Contact for further information
Fisheries New Zealand
Ministry for Primary Industries (MPI)
PO Box 2526
Wellington 6140
Email: fisheries@mpi.govt.nz

Contents	Page
Introduction	4
Part 1: Requirements	5
1.1 Application	5
1.2 Definitions	5
1.3 Who is exempted?	5
1.4 What are they exempt from?	5

Introduction

This introduction is not part of the Exemption, but is intended to indicate its general effect.

Purpose

This Exemption specifies the class of persons that have been granted an exemption from compliance with part of the Fisheries (Reporting) Regulations 2017 (the Regulations) under regulation 46 of the Regulations.

Background

The purpose of the Regulations is to set out the broad requirements for the electronic event reports, and give timeframes for when they must be completed and provided to MPI.

Under regulation 46 of the Regulations, the Director-General may exempt a person or class of persons from compliance with all or any of the requirements under the Regulations. An exemption must be granted in writing and if it relates to a class of persons, may be published.

Before granting an exemption, the Director-General must be satisfied that –

- (a) compliance with any requirement of the Regulations would cause undue hardship or would be unduly impracticable; and
- (b) the exemption is no broader than is reasonably necessary to address the matters giving rise to the exemption; and
- (c) the exemption would not unduly prejudice the management and conservation of any fishery resource.

Who should read this Exemption?

Fishers targeting dredge oysters in the OYU 5 quota management area.

Why is this important?

On and from 1 October 2017, all permit holders fishing under their permit are required to comply with the Regulations unless they have been exempted under regulation 46 of the Regulations.

Other information

A summary of all exemptions granted are on the MPI website: <http://www.mpi.govt.nz/fisheries-digital-monitoring>

Part 1: Requirements

1.1 Application

- (1) This Exemption applies to the class of person that have been exempted under regulation 46 of the Fisheries (Reporting) Regulations 2017 (the Regulations) as per clause 1.3 of this Exemption.
- (2) This Exemption commences on 17 April 2019.
- (3) This Exemption expires on 30 September 2020 or immediately upon cessation of the annual Fisheries New Zealand research survey, whichever occurs sooner.

1.2 Definitions

- (1) In this Exemption:

Dredge oyster has the same meaning as that given to that species in the Fisheries (Commercial Fishing) Regulations 2001.

MPI means the Ministry for Primary Industries, which is the Ministry responsible for administering the Regulations.

Non-QMS invertebrate means any species of invertebrate that is not managed under the Quota Management System as defined in the Fisheries Act 1996, and is not a coral, sponge or bryozoan.

Undersized dredge oysters means dredge oysters that are less than the size specified in regulation 32(2) of the Fisheries (Commercial Fishing) Regulations 2001.

- (2) In this Exemption, unless the context otherwise requires, all terms used have the same meaning as in the Regulations.

1.3 Who is exempted?

- (1) Fishers targeting dredge oyster in the the OYU 5 quota management area, as defined in Part 3 of Schedule 1 of the Fisheries Act 1996.

1.4 What are they exempt from?

- (1) The persons described under clause 1.3 are exempt from compliance with the requirements for recording, completing and providing the following information on disposal reports required under Regulation 10 and non-fish or protected fish species reports under Regulation 8 of the Fisheries (Reporting) Regulations 2017:
 - (a) undersized dredge oysters;
 - (b) corals, sponges and bryozoans; and
 - (c) Non-QMS invertebrates.