



**Fisheries New Zealand**

Tini a Tangaroa

# **Electronic Reporting Circulars 2019 Consultation Document**

New Zealand Government

**Contents**

- 1 Purpose..... 2
- 2 Making a Submission..... 2
  - 2.1 Submissions are Public Information ..... 3
- 3 Summary ..... 4
- 4 Background ..... 5
- 5 Purpose of Consultation..... 5
- 6 Proposals for Changes to Circulars..... 5
- 7 Technical Amendments to Circulars..... 6
  - 7.1 Technical Amendments to Support Electronic Catch Reporting ..... 7

## 1 Purpose

This consultation document sets out a number of proposed technical amendments to the Fisheries (E-Logbook Users Instructions and Codes) Circular (No.2) 2018 that relate to Digital Monitoring. The proposed changes address practical implementation matters that have been identified by Fisheries New Zealand and the fishing sector, and improve the clarity and workability of new electronic catch and position reporting requirements.

## 2 Making a Submission

Fisheries New Zealand invites written submissions from interested parties on the proposed technical amendments outlined in this document.

Submissions should be emailed directly to: [digital.monitoring@mpi.govt.nz](mailto:digital.monitoring@mpi.govt.nz)

Alternatively, should you wish to forward hard copy submissions, please send them to the following address:

Digital Monitoring Submission  
Fisheries New Zealand  
P O Box 2526  
Wellington 6140  
New Zealand

All written submissions, whether by email or in hard copy, must be received by Fisheries New Zealand no later than **5.00pm on Friday 11 October 2019**.

Fisheries New Zealand will consider all relevant material provided in submissions so you are encouraged to include as much supporting information as possible.

Please make sure you include the following information in your submission:

- the title of the consultation document;
- your name and title;
- your organisation's name (if you are submitting on behalf of an organisation, and whether your submission represents the whole organisation or a section of it); and
- your contact details (such as phone number, address, and email).

## 2.1 Submissions are Public Information

Please note that your submission is public information. Submissions may be the subject of requests for information under the Official Information Act 1982. The Official Information Act specifies that information is to be made available to requesters unless there are sufficient grounds for withholding it, as set out in the Official Information Act 1982.

Submitters may wish to indicate grounds for withholding specific information contained in their submission, such as if the information is commercially sensitive or if they wish personal information to be withheld. Fisheries New Zealand will take such indications into account when determining whether or not to release the information.

### 3 Summary

The Digital Monitoring project contributes to the goal of ensuring the long-term sustainable use of New Zealand's fisheries. Digital Monitoring focuses on implementing electronic catch and position reporting, providing more accurate, integrated and timely data on commercial fishing activities to enable better informed fisheries management decisions.

A number of practical and operational issues have been identified that require amendments to the Fisheries (E-Logbook Users Instructions and Codes) Circular (No.2) 2018. These are of a technical or minor nature, and are designed to clarify how fishers are to apply the requirements and to enable the industry to do so without undue disruption. This will make ongoing implementation smoother.

Due to the technical nature of the changes, Fisheries New Zealand considers that there are no implications towards the management of the affected fisheries, including managing compliance.

This paper proposes a number of technical amendments to the Fisheries (E-Logbook Users Instructions and Codes) Circular (No.2) 2018 and to the Fisheries (Geospatial Position Reporting Devices) Circular (No.2) 2018, to support smooth implementation.

The proposals outlined in this consultation document are intended to be pragmatic and operationally viable for the fishing industry. Through this consultation process Fisheries New Zealand seeks feedback in order to ensure transparency and to fully understand any impacts of the proposed changes.

## 4 Background

The Digital Monitoring work programme is transitioning New Zealand’s commercial fisheries to a modernised reporting and monitoring regime that provides more accurate, integrated and timely data on commercial fishing activities. Digital Monitoring enables better informed fisheries management decisions to be made and enhances Fisheries New Zealand’s ability to verify catch reporting and encourage compliance. This contributes to the sustainability of our fisheries by fostering behaviours that reduce waste and support compliance.

The Digital Monitoring work programme is now well progressed and a number of practical and technical issues have been identified. To allow the programme to run as smoothly and as practically as possible, we propose a number of amendments to the Fisheries (E-Logbook Users Instructions and Codes) Circular (No.2) 2018 and the Fisheries (Geospatial Position Reporting Devices) Circular (No.2) 2018.

## 5 Purpose of Consultation

Through this consultation process, Fisheries New Zealand is seeking specific feedback on the feasibility of the various amendments proposed and particularly whether there are any impacts that have not been identified.

## 6 Proposals for Changes to the Circular

The proposals are largely aimed at clarifying how fishers are to apply the requirements and to enable the industry to do so without undue disruption.

The proposals are summarised as follows:

- add text in the potting catch report description to allow Ling (LIN) potting to be treated as a “string” rather than individual pots.
- remove the customary landing code “CS” from the landing reporting requirements.
- clarify further the description of 1nm and when a fisher needs to start a new catch event.
- clarify the descriptions of TT, TL and QL landing codes.
- remove Paua statistical area requirement in diver catch reports.
- remove the redundant “mitigation device codes” attribute on the “other lining” fish catch report.
- clarify the wording around the requirement to report soak time in in the potting fish catch report.
- add wording to the non-fish or protected fish species (NFPS) report regarding the seabird capture codes that can be used by trawl vessels.
- clarify how fishers using ring net method are to complete fish catch event reports.
- General housekeeping.
- Remove the vessel size limit for a “mobile” GPR device.

## 7 Technical Amendments to the Circular

The following tables incorporate the proposed technical amendments to the Fisheries (E-Logbook Users Instructions and Codes) Circular (No.2) 2018 and the Fisheries (Geospatial Position Reporting Devices) Circular (No.2) 2018, which Fisheries New Zealand considers are necessary to support smooth implementation and minimise disruption. They also incorporate some corrections and changes consequential on other amendments. The impacts of these proposals should make implementation easier overall, improving both the clarity and effectiveness of requirements.

Fisheries New Zealand does not expect there to be any significant negative impacts on fishers who would have to implement the new requirements. However, this consultation process is intended to test that assumption.

## 7.1 Technical Amendments to Support Electronic Catch Reporting

The proposed amendments to the Fisheries (E-logbook Users Instructions and Codes) Circular (No.2) 2018 (“**Electronic Reporting Circular**”), and the Fisheries (Geospatial Position Reporting Devices) Circular (No.2) 2018 (“**Geospatial Reporting circular**”) are set out below:

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>1. Ling potting:</b></p> <p><b>Reporting requirements for potting were defined, and split into four separate “areas”:</b></p> <ul style="list-style-type: none"> <li>o Rock lobster</li> <li>o Blue cod</li> <li>o Freshwater Eels</li> <li>o All others</li> </ul> <p><b>Ling potting was not considered when potting “rules” were created and as such, Ling potting falls into “all others”. This means it can be reported as either; “individual pots” or “strings of pots”. The current reporting requirements are a new separate catch report for each pot as they are not connected (string). This is not practical as up to 50 pots can be hauled in a single day and providing 50 reports daily is considered onerous. Providing multiple catch reports via satellite would also significantly add to the ongoing cost of reporting.</b></p>	<p>Add text in catch report description to allow Ling potting to be treated as a “string” rather than individual pots.</p> <p>This will align Ling potting to a 1 nautical mile catch event limit rather than per pot.</p>	<p><i>Option One – current state:</i></p> <p>The current requirement could remain, having fishers report per pot.</p> <p><i>Option Two – Add text in catch report description to allow Ling potting to be treated as a “string” rather than individual pots. (preferred option)</i></p> <p>The text allowing Ling potting to be treated as “strings” would be inserted into the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>a) Creates a more practical option for fishers to provide catch effort information; and</li> <li>b) Provides a much cheaper option for fishers than the status quo; and</li> <li>c) Has no impact on the ability to effectively manage fisheries</li> </ul> <p>This change should have no impact on the technology provider.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>2. Customary landing code:</b></p> <p><b>There is a requirement for all commercial vessels landing any customary catch to report this under the CS landing code. After discussions with iwi and Te Ohu Kaimoana, it has been identified that requiring reporting of individual fishing events is inconsistent with the provisions of the Fisheries (South Island Customary Fishing) Regulations 1999 and the Fisheries (Kaimoana Customary Fishing) Regulations 1999. Individual authorisation of customary fishing events, prior to the commencement of fishing, including from commercial vessels, will continue to be required. Quarterly reporting by iwi of total customary harvest within a Quota Management Area will continue to provide input into sustainability processes.</b></p>	<p>Fisheries New Zealand proposes to remove the landing code “CS” from the landing reporting requirements.</p>	<p><b><i>Option One – current state:</i></b></p> <p>The current requirement could remain, having fishers report all customary take on landing reports.</p> <p>This would be inconsistent with the provisions of customary fishing regulations.</p> <p><b><i>Option Two – Remove the requirement for customary take to be reported on landing reports. (preferred option)</i></b></p> <p>The text would be removed from the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>(a) Ensures consistency with agreements that have been reached in accordance with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; and</li> <li>(b) Aligns electronic reporting obligations with those of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and the Fisheries (South Island Customary Fishing) Regulations 1999.</li> </ul> <p>This change should have no immediate impact on the technology provider.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>3. Set Netting:</b></p> <p><b>Fisheries New Zealand has been advised that there is some confusion around the reporting requirements of set netting. Set netting requirements involve creating a new catch event if the fishing area exceeds a 1 nm radius from first net.</b></p> <p><b>Historically, set netting had a 2nm reporting requirement, as such Fisheries New Zealand has been asked to provide clarity around the exact requirements and rationale for the change to finer scale reporting.</b></p> <p><b>Rationale will be provided to fishers via guidance material.</b></p>	<p>Fisheries New Zealand proposes to clarify further the description of 1nm and when a fisher needs to start a new catch event.</p> <p>Suggested wording: a net is set that is more than 1 nautical mile from any part of the first net.</p>	<p><b><i>Option One – current state:</i></b></p> <p>The current description could remain.</p> <p><b><i>Option Two – Add text under the netting catch report description clarifying the description of the 1nm requirement. (preferred option)</i></b></p> <p>The text clarifying the description of 1 nm would be inserted into the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>(a) Creates clarity around when a new catch event is required for those fishers using the set netting method; and</li> <li>(b) Creates clarity around the intended interpretation of when a fisher using set net method <u>must provide a new catch event</u> for front line staff; and</li> <li>(c) Provides rationale as to why this requirement is in place; and</li> <li>(d) Has no impact on the ability to effectively manage this fishery.</li> </ul> <p>This change may require an update by technology providers if they have built in a distance counter to their solution.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>4. Confusion about Landing codes:</b></p> <p><b>The landing codes as they relate to transhipments (TT, TL) and fish product placed into a holding container on land (QL) are described in the circulars. Fisheries New Zealand has been advised that these descriptions are confusing and further clarification is needed.</b></p>	<p>Add descriptions of how each code is intended to be used, thereby removing confusion.</p> <p>Further explanation for the use of TL, TT and QL landing codes</p> <ul style="list-style-type: none"> <li>•If it is a transhipment where the catch is owned by the catching vessel (TL): <ol style="list-style-type: none"> <li>1) Vessel A completes Landing Report with landing code TL as soon as catch is transferred to vessel B (along with registration number of vessel B)</li> <li>2) Vessel B has no reporting obligations, but must keep transhipped catch separate from other catch on board and inform the licenced fish receiver of catching vessel A details.</li> <li>3) The licenced fish receiver provides greenweight information for vessel A to update Landing Report</li> </ol> </li> <li>•If it is a transhipment where the catch is owned by the landing vessel (TT): <ol style="list-style-type: none"> <li>1) Vessel A completes Landing Report with landing code TT as soon as catch is transferred to vessel B (along with registration number of vessel B and greenweight estimate).</li> <li>2) Vessel B takes ownership of catch and reporting obligations (including the monthly harvest return). The transhipped catch does not need to be kept separate from other catch on board.</li> <li>3) Vessel B completes Landing Report with landing code L.</li> </ol> </li> </ul>	<p><b>Option One – current state:</b></p> <p>The current descriptions could remain, with further clarification going out in a fisher/internal update.</p> <p><b>Option Two – Add descriptions of how each code is intended to be used, thereby removing confusion. (preferred option)</b></p> <p>A description of each code would be inserted into the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ol style="list-style-type: none"> <li>(a) Creates clarity around how landing codes are intended to be used by fishers; and</li> <li>(b) Creates clarity around how landing codes are intended to be interpreted by front line staff; and</li> <li>(c) Removes ambiguity; and</li> <li>(d) Has no impact on the ability to effectively manage fisheries.</li> </ol> <p>This change should have no impact on the technology provider.</p>

Issue	Proposed Electronic Reporting circular changes	Options
	<p>4) The licenced fish receiver provides greenweight information for vessel B to update Landing Report.</p> <p>•If dead fish or fish product is stored on land in a holding container after landing and before being sold to an the licenced fish receiver (QL):</p> <ol style="list-style-type: none"> <li>1) 1) Fish or fish product is recorded in a way that it is identifiable (as per regulation 4d of the Fisheries (Recordkeeping) Regulations 1990) and placed into the holding container, an associated landing report is then provided for that trip.</li> <li>2) Catch from more than one trip may be placed into the same holding container.</li> <li>3) The fish product is sold or otherwise conveyed to the licenced fish receiver.</li> <li>4) The licenced fish receiver provides greenweight information.</li> <li>5) Based on information provided by the licenced fish receiver, the fisher then updates each landing report with the corresponding greenweight</li> <li>6) If the licenced fish receiver information is not provided on a trip-specific basis, the fisher may pro rata the information in a manner that is consistent with the information having been provided for each separate trip.</li> </ol>	

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>5. Paua divers:</b></p> <p><b>Diver record reporting requires a new event to be created/reporting when a diver crosses into a different paua statistical area. This is proving difficult for fishers as the available devices do not clearly outline when a diver has crossed an area.</b></p> <p><b>This was placed into the circulars in order to maintain data continuity. However, after discussions, the possibility of removing the statistical area requirement has arisen.</b></p>	<p>Remove the following sentence from the diver record requirements. “When diving for paua, you must complete a separate diver record when changing paua statistical area”.</p>	<p><b><i>Option One – current state:</i></b></p> <p>The current restriction could remain, having paua fishers report per statistical area.</p> <p><b><i>Option Two – Remove the following sentence from the diver record requirements. “When diving for paua, you must complete a separate diver record when changing paua statistical area”. (preferred option)</i></b></p> <p>This sentence would be removed from the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>(a) Allows for a more practical way for fishers to provide their diver records; and</li> <li>(b) Provides a cheaper option for fishers than the status quo; and</li> <li>(c) Has no impact on the ability to effectively manage this species.</li> </ul> <p>This change may require an update by technology providers if they have built a geo-fencing function into their solution.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>6. Potting:</b></p> <p><b>There is an opportunity to provide more clarity around the soak time requirement for potting. The intention was that fishers record an indicative average that was representative of all pots/traps/etc. reported on that fish catch report. Current wording is slightly ambiguous and it could be construed that it refers to the soak time of individual pots.</b></p>	<p>Clarifying the wording around the requirement to report soak time in in the potting fish catch report</p> <p>Suggested wording: Enter your estimate of the average soak time of the pots or other units of fishing equipment lifted during the fishing event.</p>	<p><b>Option One – current state:</b></p> <p>The current description could remain, with guidance material being sent to fishers.</p> <p><b>Option Two – Enter your estimate of the average soak time of the pots or other units of fishing equipment lifted during the fishing event. (preferred option)</b></p> <p>This sentence would be added to the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>(a) Clarifies the reporting requirements for fishers in an efficient medium; and</li> <li>(b) Removes ambiguity; and</li> <li>(c) Has no impact on the ability to effectively manage this fishery.</li> </ul> <p>This change should have no impact on the technology provider.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>7. Non-Fish or Protected Fish Species:</b></p> <p><b>The current wording for trawl captures only mentions net and warps. We need to add reference to the “Other” option that is available for when the fisher doesn’t know or can’t be certain, or when the capture involved gear such as the tori line or paravane.</b></p>	<p>Add wording to the Non-Fish or Protected Fish Species report regarding the seabird capture codes that can be used by trawl vessels. Suggested wording: Record “other” if you are unsure where the bird was taken or if it was not taken in the net or warps.</p>	<p><b>Option One – current state:</b></p> <p>The current description could remain.</p> <p><b>Option Two – Add: Record “other” if you are unsure where the bird was taken or if it was not taken in the net or warps. (preferred option)</b></p> <p>This sentence would be added to the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>(a) Provides greater clarification for fisher when providing their Non-Fish or Protected Fish Species reports; and</li> <li>(b) Removes ambiguity; and</li> <li>(c) Has no impact on the ability to effectively manage fisheries.</li> </ul> <p>This change should have no impact on the technology provider.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>8. Ring Netting:</b></p> <p><b>Fishers who use ring netting as a method have raised the impracticability of providing a fish catch report for each “shot” they undertake in a trip. Fishing takes place at night in a small dory type vessel (dinghy), and fishing takes place at speed, to keep the vessel up on the plane. Once a school of fish is spotted, one end of the net is deployed, the vessel then quickly circles the school of fish and hauls the gear. A fishing event could start and finish in 30 seconds, and the requirement to provide start of setting, end of setting and end of hauling details is not feasible.</b></p> <p><b>Furthermore, due to the nature of the vessels and fishing technique, the fisher and equipment are often wet.</b></p>	<p>Add ability for fishers using a ring net to provide fish catch on an aggregated basis, i.e. one report for all fishing that takes place within one nautical mile of the first event.</p> <p>Suggested wording:</p> <p>If you are using ring net method, you must complete a separate fish catch report if you move more than 1 nautical mile from the first fishing event of that trip.</p> <p>Number of nets: If fishing method is RN; enter the number of “shots” undertaken.</p> <p>End of set details: If the fishing method is RN; enter this at the end of the fishing event.</p>	<p><b>Option One – current state:</b></p> <p>The current requirements could remain, having fishers report under netting method, providing a report per single fishing event.</p> <p><b>Option Two – Add ability for fishers using ring net to provide catch data on an aggregated basis, i.e. one report for all fishing that takes place within one nautical mile of the first event. (preferred option)</b></p> <p>This sentence would be added to the Fisheries (E-logbook Users and Instructions Codes) Circular 2019. This option:</p> <ul style="list-style-type: none"> <li>(a) Will more closely align ring netting requirements with that of other netting practices; and</li> <li>(b) Provides a pragmatic solution to an ongoing issue; and</li> <li>(c) Has no impact on the ability to effectively manage this fishery.</li> </ul> <p>This change may require an update from technology provider if the “number of nets” field is predetermined/locked in their solution.</p>

Issue	Proposed Electronic Reporting circular changes	Options
<p><b>9. General:</b></p> <p><b>There is an attribute requirement in the Fisheries (E-logbook Users and Instructions Codes) Circular (No.2) 2018 that was previously removed from the Fisheries (Technical Specifications) Circular (No.2) 2018. Removing redundant information in the circulars enables better understanding of the requirements.</b></p>	<p>Remove the redundant “mitigation device codes” attribute on the “other lining” fish catch report.</p>	<p><b>Option One – current state:</b></p> <p>The current attributes could remain.</p> <p><b>Option Two – Remove the redundant “mitigation device codes” attribute on the “other lining” fish catch report. (preferred option)</b></p> <p>This sentence would be removed from the Electronic Reporting circular. This option:</p> <ul style="list-style-type: none"> <li>(a) Aligns the Fisheries (E-logbook Users and Instructions Codes) Circular 2019 with the Fisheries (Technical Specifications) Circular 2019; and</li> <li>(b) Removes redundant specifications and tidies up the circulars; and</li> <li>(c) Has no impact on the ability to effectively manage fisheries.</li> </ul> <p>This change should have no impact on the technology provider.</p>

Issue	Proposed Geospatial Reporting circular changes	Options
<p><b>1. “Mobile” Geospatial Position Reporting Device:</b></p> <p><b>The current requirement for operators who own multiple vessels is that, if a vessel is over 6 metres this vessel must have a dedicated device. A device may be registered to multiple vessels if the vessels are under 6 metres (a “mobile” device). Industry believe that if a permit holder owns multiple vessels of various sizes (one under 6 and one over 6 for example), and only ever fishes with one at a time, then multiple devices are not necessary. The result is simply a doubling of hardware and monthly running costs. Fisheries New Zealand notes that the 6m length rule has come from historic reporting requirements for set netters. The 6m figure was carried over and used as the cut-off point for a small vessel. The 6m figure has been questioned as the principle of “mobile” devices could apply regardless of vessel size, as long as only one vessel is fishing at any given time</b></p>	<p>Amend text in the Geospatial reporting circular, to allow a mobile device used on any vessel regardless of size.</p> <p>Suggested wording:</p> <p>(3) A GPR device must only be registered to operate on a single vessel or permit holder fishing without a vessel.</p> <p>(4) Despite subclause 14(3), a GPR device may be registered to operate on more than one vessel, if only one of these vessels is fishing at any given time.</p>	<p><b><i>Option One – current state:</i></b></p> <p>The current requirement could remain, having each vessel over 6m carry a dedicated geospatial positioning device.</p> <p><b><i>Option Two – Amend the requirements around the vessel size limit from the registration requirements. (preferred option)</i></b></p> <p>The text would be amended in the Fisheries (Geospatial Position Reporting Devices) Circular (No.2) 2018. This option:</p> <ul style="list-style-type: none"> <li>a) Creates a more practical option for fishers who have multiple vessel and only ever fish with one at a time; and</li> <li>b) Provides a much cheaper option for fishers than the status quo; and</li> <li>c) Has no impact on the ability to effectively manage fisheries</li> </ul> <p>This change should have no impact on the technology provider.</p>