

Version
as at 1 November 2022



Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022

(SL 2022/187)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 13th day of June 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 297 of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry for Primary Industries.

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Regulations

1 Title

These regulations are the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022.

2 Commencement

- (1) Regulation 15 comes into force on 14 July 2022.
- (2) The rest of these regulations come into force on 30 November 2022.

3 Principal regulations

These regulations amend the Fisheries (Electronic Monitoring on Vessels) Regulations 2017.

4 Regulation 3 amended (Interpretation)

In regulation 3, insert in their appropriate alphabetical order:

bottom longlining—

- (a) means the use of a line—

- (i) to which 7 or more hooks (whether baited or not) are attached; and
- (ii) that is sunk using weights; but
- (b) excludes the use of—
 - (i) a dropline or dahn line as those terms are defined in regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001;
 - (ii) a handline

Danish seining has the meaning given by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001

monitored fishing has the meaning given by regulation 3A

set netting means the use of a set net as defined by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001

surface longlining means the use of a line—

- (a) to which hooks (whether baited or not) are attached; and
- (b) that is suspended by floats; and
- (c) that is not attached to the sea floor

trawling has the meaning given by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001

5 New regulation 3A inserted (Meaning of monitored fishing)

After regulation 3, insert:

3A Meaning of monitored fishing

- (1) In these regulations, **monitored fishing** means fishing in 1 or more of the following circumstances:

Fishing using this method	on a vessel of this overall length
Bottom longlining	Any length
Danish seining	Any length
Purse seining	Any length
Set netting	≥8 m
Surface longlining	Any length
Trawling (unless done for the purpose of targeting scampi)	≤32 m

- (2) In this regulation,—

overall length has the meaning given by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001

scampi means shellfish of the species *Metanephrops challengeri*.

6 Regulation 5 replaced (Application)

Replace regulation 5 with:

- 5 Regulations do not apply to tenders used for purse seining**
These regulations do not apply in relation to a vessel that is a tender used only for purse seining.
- 7 Regulation 6 amended (Electronic monitoring equipment must be installed on vessels)**
In regulation 6(1), replace “fishing” with “monitored fishing”.
- 8 Regulation 7 amended (Video recording and associated information must be provided to chief executive)**
In regulation 7, replace “For each fishing trip undertaken by a vessel, the permit holder under whose permit the fishing was done” with “For each fishing trip on which monitored fishing is done using a vessel, the permit holder under whose permit the monitored fishing is done”.
- 9 Regulation 9 amended (Fishing, transportation, and associated information must be recorded)**
- (1) In the heading to regulation 9, replace “**Fishing**” with “**Monitored fishing**”.
 - (2) Replace regulation 9(1) with:
 - (1) The electronic monitoring equipment on a vessel must be used to—
 - (a) record monitored fishing and related activities, including—
 - (i) the taking, return, abandonment, processing, or sorting of fish or other animals that are aquatic life; and
 - (ii) transportation connected with monitored fishing; and
 - (iii) measures to avoid, remedy, or mitigate fishing-related mortality; and
 - (b) detect and record associated information in accordance with any requirements specified in a circular.
- Regulation 9(2): replaced, on 1 November 2022, by section 25 of the Fisheries Amendment Act 2022 (2022 No 56).
- 10 Regulation 15 amended (Obligation to comply with vessel-specific monitoring plans)**
In regulation 15(1)(a), replace “is fishing” with “is used for monitored fishing”.
- 11 Regulation 16 amended (When vessel-specific monitoring plans must be submitted to chief executive)**
In regulation 16(2), replace “fishing” with “monitored fishing”.
- 12 Regulation 20 amended (Fishing prohibited pending implementation of vessel-specific monitoring plans)**
- (1) In the heading to regulation 20, replace “**Fishing**” with “**Monitored fishing**”.

(2) In regulation 20(1), replace “fishing” with “monitored fishing”.

13 Regulation 23 amended (Amendments required by chief executive after vessel-specific monitoring plans approved)

In regulation 23(2), replace “fishing” with “monitored fishing”.

14 Regulation 24 amended (Circumstances where fishing prohibited pending implementation of amended vessel-specific monitoring plans)

(1) In the heading to regulation 24, replace “fishing” with “monitored fishing”.

(2) In regulation 24(1), replace “fishing” with “monitored fishing”.

15 Schedule 1 amended

In Schedule 1, Part 1, clause 1(1), delete “On and from 1 October 2022, all vessels used for fishing in any area using any fishing method must comply with these regulations.”

16 Schedule 1 replaced

Replace Schedule 1 with the Schedule 1 set out in the Schedule of these regulations.

Schedule Schedule 1 replaced

r 16

Schedule 1 Transitional, savings, and related provisions

r 4

Part 1 Provisions relating to these regulations as made

- 1 When these regulations start to apply to different kinds of monitored fishing**
- (1) These regulations apply to monitored fishing as follows:
- | Regulations apply on and from this date | to monitored fishing that is done using this fishing method | if the fishing starts in this area |
|--|--|---|
| 30 November 2022 | Set netting or trawling | West Coast North Island |
| 14 June 2023 | Set netting or trawling | North, East, and South Coast South Island |
| 29 November 2023 | Surface longlining | Any area |
| 29 November 2023 | Bottom longlining | Fishery management area 1—Auckland (East) |
| 5 June 2024 | Bottom longlining or trawling | Any area |
| 27 November 2024 | Set netting, purse seining, or Danish seining | Any area |
- (2) For the purposes of subclause (1), bottom longlining, set netting, and trawling start at the same location as must be recorded under the Fisheries (Reporting) Regulations 2017 as the location at which the fishing starts.
- (3) If these regulations apply only to monitored fishing that starts in a particular area specified in subclause (1),—
- (a) regulation 9(1)(c) ceases to apply for any period during which the vessel is outside that area, regardless of whether the vessel is transporting fish, aquatic life, or seaweed taken by monitored fishing in the area; but
- (b) regulation 9(1)(d) continues to apply in relation to the transportation of fish, aquatic life, or seaweed taken by monitored fishing in the area until the vessel's fishing trip ends.
- (4) In this regulation,—
- Fishery management area 1—Auckland (East)** means the area of that name defined in Part 1 of Schedule 1 of the Act

North, East, and South Coast South Island means the area of New Zealand fisheries waters enclosed by a line—

- (a) starting at the eastern point of Farewell Spit (at 40°33.739'S and 173°02.482'E); and
- (b) then proceeding by a straight line in an easterly direction to Cape Stephens (at 40°41.568'S and 173°57.350'E); and
- (c) then proceeding by a straight line in a south-easterly direction to a point at 40°54.781'S and 174°27.919'E; and
- (d) then proceeding by a straight line in a southerly direction to a point at 41°15.958'S and 174°28.675'E; and
- (e) then proceeding by a straight line in a south-easterly direction to a point at 41°33.200'S and 174°38.856'E; and
- (f) then proceeding due east to a point at 41°33.200'S and 174°50.000'E; and
- (g) then proceeding due south to a point at 43°44.000'S and 174°50.000'E; and
- (h) then proceeding due west to a point at 43°44.000'S and 174°00.000'E; and
- (i) then proceeding due south to a point at 45°05.000'S and 174°00.000'E; and
- (j) then proceeding due west to a point at 45°05.000'S and 173°00.000'E; and
- (k) then proceeding due south to a point at 46°03.000'S and 173°00.000'E; and
- (l) then proceeding due west to a point at 46°03.000'S and 171°00.000'E; and
- (m) then proceeding due south to a point at 47°01.000'S and 171°00.000'E; and
- (n) then proceeding due west to a point at 47°01.000'S and 170°00.000'E; and
- (o) then proceeding due south to a point at 48°01.000'S and 170°00.000'E; and
- (p) then proceeding due west to a point at 48°01.000'S and 166°00.000'E; and
- (q) then proceeding due north to a point at 47°06.000'S and 166°00.000'E; and
- (r) then proceeding due west to a point at 47°06.000'S and 165°00.000'E; and

- (s) then proceeding due north to a point at 44°59.000'S and 165°00.000'E; and
- (t) then proceeding due east to a point on the mean high-water mark of the South Island at 44°59.000'S and 167°08.472'E; and
- (u) then proceeding in a generally southerly, easterly, then northerly direction along the mean high-water mark to the starting point at Farewell Spit (at 40°33.739'S and 173°02.482'E)

West Coast North Island means the area of New Zealand fisheries waters enclosed by a line—

- (a) starting at the mean high-water mark of the North Island at the easternmost point of North Cape (at 34°24.741'S and 173°02.833'E); and
- (b) then proceeding due north to a point at 34°00.000'S and 173°02.833'E; and
- (c) then proceeding due west to a point at 34°00.000'S and 170°00.000'E; and
- (d) then proceeding due south to a point at 35°10.000'S and 170°00.000'E; and
- (e) then proceeding due east to a point at 35°10.000'S and 172°00.000'E; and
- (f) then proceeding due south to a point at 37°02.000'S and 172°00.000'E; and
- (g) then proceeding due east to a point at 37°02.000'S and 173°00.000'E; and
- (h) then proceeding due south to a point at 39°04.000'S and 173°00.000'E; and
- (i) then proceeding due west to a point at 39°04.000'S and 172°41.000'E; and
- (j) then proceeding due south to a point on the mean high-water mark west of Cape Farewell (at 40°29.920'S and 172°41.000'E); and
- (k) then proceeding in a generally easterly direction along the mean high-water mark to the eastern point of Farewell Spit (at 40°33.739'S and 173°02.482'E); and
- (l) then proceeding by a straight line in an easterly direction to Cape Stephens (at 40°41.568'S and 173°57.350'E); and
- (m) then proceeding by a straight line in a south-easterly direction to a point at 40°54.781'S and 174°27.919'E; and
- (n) then proceeding by a straight line in a southerly direction to a point at 41°15.958'S and 174°28.675'E; and

- (o) then proceeding by a straight line in a south-easterly direction to a point at 41°33.200'S and 174°38.856'E; and
- (p) then proceeding due east to a point at 41°33.200'S and 174°50.000'E; and
- (q) then proceeding due south to a point at 41°44.000'S and 174°50.000'E; and
- (r) then proceeding due east to a point at 41°44.000'S and 175°16.000'E; and
- (s) then proceeding due north to a point on the mean high-water mark of the North Island at 41°36.367'S and 175°16.000'E; and
- (t) then proceeding in a generally westerly then northerly direction along the mean high-water mark to the starting point at North Cape (at 34°24.741'S and 173°02.833'E).

2 Temporary exemption for fishing trip underway when these regulations first apply

- (1) This clause applies if—
 - (a) monitored fishing is done from a vessel in circumstances described in clause 1(1); and
 - (b) the monitored fishing is done on or after the date specified in clause 1(1) as the date on and from which these regulations apply to monitored fishing in those circumstances; and
 - (c) the vessel started the fishing trip on which the monitored fishing is done before the date specified in clause 1(1); and
 - (d) these regulations have never previously applied in relation to the vessel as a result of the application of the provisions of this schedule (including the provisions of this schedule as they were immediately before 30 November 2022).
- (2) While the vessel is at sea on that fishing trip, the permit holder under whose permit the vessel is fishing, and the master of the vessel, need not comply with these regulations.
- (3) The exemption expires at the end of the fishing trip.

Michael Webster,
Clerk of the Executive Council.

Notes**1 General**

This is a consolidation of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Fisheries Amendment Act 2022 (2022 No 56): section 25