

Version
as at 6 October 2023



Fisheries (Electronic Monitoring on Vessels) Regulations 2017

(LI 2017/156)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 10th day of July 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 297 and 304 of the Fisheries Act 1996 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	3
2 Commencement	3
3 Interpretation	3
3A Meaning of monitored fishing	5
4 Transitional, savings, and related provisions	5
5 Regulations do not apply to tenders used for purse seining	5

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.

**Part 1
Installation and use of electronic monitoring equipment**

Obligations of permit holders

6	Electronic monitoring equipment must be installed on vessels	5
7	Video recording and associated information must be provided to chief executive	6

Obligations of permit holders and masters of vessels

8	Regulations 9 to 11 apply to permit holders and masters of vessels	6
9	Monitored fishing, transportation, and associated information must be recorded	6
10	Electronic monitoring equipment must be maintained	7
11	Chief executive must be notified of technical failure, etc	7

General obligation

12	Electronic monitoring equipment must not be interfered with or obstructed	8
----	---	---

Chief executive's powers

13	Circulars specifying requirements relating to electronic monitoring	8
14	Exemptions	10

**Part 2
Vessel-specific monitoring plans**

15	Obligation to comply with vessel-specific monitoring plans	10
----	--	----

Submission and approval of vessel-specific monitoring plans

16	When vessel-specific monitoring plans must be submitted to chief executive	11
17	Contents of vessel-specific monitoring plans	11
18	Process for approval of vessel-specific monitoring plans	11
19	Decisions on approval of vessel-specific monitoring plans	12
20	Monitored fishing prohibited pending implementation of vessel-specific monitoring plans	12

Obligation of permit holders to inform masters

21	Permit holders must take reasonable steps to inform masters of certain matters	13
----	--	----

Amendments required by chief executive

22	Amendments that chief executive may require	13
23	Amendments required by chief executive after vessel-specific monitoring plans approved	13
24	Circumstances where monitored fishing prohibited pending implementation of amended vessel-specific monitoring plans	14

	<i>Amendments voluntarily submitted by permit holders</i>	
25	Permit holders may submit amended vessel-specific monitoring plans	14

Part 3 Offences

26	Offences and penalties	15
27	Defences	15

Infringement offences

28	Infringement offences	16
29	Infringement notices	16
30	Infringement offence reminder notices	16

	Schedule 1	17
	Transitional, savings, and related provisions	

Regulations

1 Title

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

2 Commencement

These regulations come into force on 1 October 2018.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Fisheries Act 1996

associated information means the information specified in a circular as information that must be detected and recorded under regulation 9(1)(d)

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

bycatch mitigation measure means a measure or device adopted or used for the purpose of preventing, or reducing the likelihood of, fish, aquatic life, or seaweed being caught by fishing that is not intended to catch that fish, aquatic life, or seaweed

circular means a circular issued by the chief executive under regulation 13

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

electronic monitoring equipment means the equipment described in regulation 6(1)

fishing trip or **trip** has the meaning given by regulation 3 of the Fisheries (Reporting) Regulations 2017

hand-gathering has the meaning given by regulation 9 of the Fisheries (Amateur Fishing) Regulations 2013

monitored fishing has the meaning given by regulation 3A

permit means a fishing permit issued under section 91 of the Act or a high seas fishing permit issued under section 113H of the Act

permit holder means—

- (a) a person who holds a fishing permit issued under section 91 of the Act;
- (b) a person who holds a high seas fishing permit issued under section 113H of the Act

purse seining means the use of a purse seine net as defined by regulation 3 of the Fisheries (Commercial Fishing) Regulations 2001

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.

Regulation 3 **bottom longlining**: inserted, on 30 November 2022, by regulation 4 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 3 **Danish seining**: inserted, on 30 November 2022, by regulation 4 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 3 **monitored fishing**: inserted, on 30 November 2022, by regulation 4 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 3 **set netting**: inserted, on 30 November 2022, by regulation 4 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 3 **surface longlining**: inserted, on 30 November 2022, by regulation 4 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 3 **trawling**: inserted, on 30 November 2022, by regulation 4 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

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*.

Regulation 3A: inserted, on 30 November 2022, by regulation 5 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

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.

Regulation 5: replaced, on 30 November 2022, by regulation 6 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Part 1

Installation and use of electronic monitoring equipment

Obligations of permit holders

6 Electronic monitoring equipment must be installed on vessels

- (1) A permit holder must ensure that, when a vessel is used for monitored fishing under the permit holder's permit, the vessel has electronic monitoring equipment comprising—
- (a) 1 or more video cameras; and
 - (b) any sensors or other devices needed to detect and record associated information; and

- (c) an electronic system that is capable of recording the video and associated information; and
 - (d) any electrical systems, components, or software needed to support the things described in paragraphs (a) to (c).
- (2) The permit holder must ensure that the electronic monitoring equipment—
 - (a) complies with any technical requirements specified in a circular; and
 - (b) is installed in accordance with any requirements specified in a circular.
- (3) A video camera need not be capable of recording sound.

Regulation 6(1): amended, on 30 November 2022, by regulation 7 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

7 Video recording and associated information must be provided to chief executive

For each fishing trip on which monitored fishing is done using a vessel, the permit holder under whose permit the monitored fishing is done must provide to the chief executive or a person authorised by the chief executive the video and associated information recorded under regulation 9(1)—

- (a) no later than the 15th day of the month after the month in which the fishing trip ends; and
- (b) in accordance with any requirements specified in a circular.

Regulation 7: amended, on 6 October 2023, by regulation 92 of the Fisheries Amendment Regulations 2023 (SL 2023/243).

Regulation 7: amended, on 30 November 2022, by regulation 8 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Obligations of permit holders and masters of vessels

8 Regulations 9 to 11 apply to permit holders and masters of vessels

The following persons must ensure that the obligations set out in regulations 9 to 11 are complied with:

- (a) the permit holder who holds the permit under which the vessel is fishing; and
- (b) the master of the vessel.

9 Monitored fishing, transportation, and associated information must be recorded

- (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.
- (2) The video recording must enable the chief executive to, with reasonable accuracy and to the extent specified in a circular,—
 - (a) identify—
 - (i) the type of fish or other animal that is aquatic life taken or transported; and
 - (ii) the types and features of fishing gear used; and
 - (iii) any bycatch mitigation measures adopted or used; and
 - (b) estimate the size and quantity of the fish or other animal that is aquatic life taken, returned, abandoned, processed, sorted, or transported.
- (3) Any requirements in a circular issued under regulation 13(1)(f) must be complied with.

Regulation 9 heading: amended, on 30 November 2022, by regulation 9(1) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 9(1): replaced, on 30 November 2022, by regulation 9(2) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 9(2): replaced, on 1 November 2022, by section 25 of the Fisheries Amendment Act 2022 (2022 No 56).

10 Electronic monitoring equipment must be maintained

- (1) A vessel's electronic monitoring equipment must be maintained so that the equipment—
 - (a) is able to produce video recordings of sufficient quality to enable regulation 9(2) to be met; and
 - (b) is able to accurately detect and record the associated information; and
 - (c) works reliably.
- (2) The maintenance must be done in accordance with any requirements specified in a circular.

11 Chief executive must be notified of technical failure, etc

- (1) As soon as practicable after a person becomes aware that the person is unable to comply with a requirement under any of regulations 7, 9, and 10 due to a mechanical or technical failure of electronic monitoring equipment, the person must notify the chief executive or a person authorised by the chief executive that the person is unable to comply with the requirement and of the reason.
- (2) The notice must be given in accordance with any requirements specified in a circular.

Regulation 11(1): amended, on 6 October 2023, by regulation 93 of the Fisheries Amendment Regulations 2023 (SL 2023/243).

General obligation

12 Electronic monitoring equipment must not be interfered with or obstructed

A person must not interfere with the electronic monitoring equipment, or obstruct the view from a camera, on a vessel in a way that prevents or hinders compliance with a requirement under this Part.

Chief executive's powers

13 Circulars specifying requirements relating to electronic monitoring

- (1) The chief executive may issue, amend, or revoke circulars for 1 or more of the following purposes:
 - (a) specifying, for the purpose of regulation 6(2)(a), technical requirements for electronic monitoring equipment, including requirements for how video recordings and associated information must be stored (for example, on a hard drive or by transmission to a remote data storage facility):
 - (b) specifying, for the purpose of regulation 6(2)(b), requirements for the installation of electronic monitoring equipment, for example, requirements relating to—
 - (i) the location and number of video cameras:
 - (ii) the location and number of sensors or other devices:
 - (iii) a video camera's required field of view:
 - (iv) the location and capacity of lights to illuminate the activities being recorded:
 - (c) specifying, for the purpose of regulation 7(b), requirements for providing video recordings and associated information to the chief executive, for example, requirements relating to—
 - (i) the kind of device or computer operating system that must be used:
 - (ii) the computer file format of video recordings or associated information:
 - (iii) specifications for the encryption and security of those computer files:
 - (d) specifying, for the purpose of regulation 9(1)(d),—
 - (i) the associated information that must be recorded (for example, the date, time, and location of fishing or readings from sensors that monitor the fishing gear used):

- (ii) how and when the associated information must be recorded:
 - (e) specifying, for the purpose of regulation 9(2), the extent to which the matters described in that regulation must be capable of being identified or estimated, for example,—
 - (i) the level of taxonomic or other classification at which fish, aquatic life, or seaweed must be capable of being identified:
 - (ii) the types and features of fishing gear that must be capable of being identified:
 - (iii) the bycatch mitigation measures, including a type or feature of a measure, that must be capable of being identified:
 - (iv) whether the quantity of fish, aquatic life, or seaweed must be capable of being estimated in terms of weight or numbers:
 - (v) whether a matter need not be capable of being identified or estimated at all:
 - (f) specifying, for the purpose of regulation 9(3), requirements relating to—
 - (i) activities on a vessel that may hinder or assist compliance with regulation 9(2), for example,—
 - (A) requirements relating to catch handling practices:
 - (B) requirements specifying areas on a vessel where activities must be carried out or areas that must be kept clear:
 - (C) requirements relating to the use of lights to illuminate activities being recorded:
 - (D) requirements relating to the operation of the electronic monitoring equipment generally:
 - (ii) the performance of electronic monitoring equipment under marine operating conditions:
 - (g) specifying, for the purpose of regulation 10(2), requirements for the maintenance of electronic monitoring equipment:
 - (h) specifying, for the purpose of regulation 11(2), requirements for giving notice of a mechanical or technical failure.
- (2) Before issuing, amending, or revoking a circular, the chief executive must consult, to the extent practicable in the circumstances, any persons considered by the chief executive to be representative of the classes of persons likely to be substantially affected by the circular.
- (3) A circular issued under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this regulation

Publication	The maker must:	LA19 ss 73, 74(1)(a),
	• publish it on a website maintained by, or on behalf of, the maker	Sch 1 cl 14

	• if a circular is amended, publish an up to date version of it as amended	
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116
<i>This note is not part of the secondary legislation.</i>		

Regulation 13(3): replaced, on 28 October 2021, by regulation 34 of the Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248).

14 Exemptions

- (1) The chief executive may exempt a person or vessel from compliance with all or any of the requirements under this Part if the chief executive—
 - (a) is satisfied that it is unreasonable or impracticable for the person or vessel to comply with those requirements; and
 - (b) is satisfied that the exemption is no broader than is reasonably necessary to address the matters giving rise to the exemption; and
 - (c) has had regard to the purpose of these regulations.
- (2) An exemption—
 - (a) must be in writing; and
 - (b) must specify a date on which it expires; and
 - (c) may be granted subject to any conditions that the chief executive may reasonably impose; and
 - (d) may be amended or revoked to reflect changed circumstances.

Part 2 Vessel-specific monitoring plans

15 Obligation to comply with vessel-specific monitoring plans

- (1) If a vessel-specific monitoring plan has been approved for a vessel under this Part, the following persons must ensure that the plan is complied with:
 - (a) the permit holder who holds the permit under which the vessel is used for monitored fishing; and
 - (b) the master of the vessel.
- (2) If a requirement specified in a vessel-specific monitoring plan is different from a requirement specified in a circular, the permit holder and master need not ensure compliance with the requirement in the circular.

Regulation 15(1)(a): amended, on 30 November 2022, by regulation 10 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Submission and approval of vessel-specific monitoring plans

16 When vessel-specific monitoring plans must be submitted to chief executive

- (1) This regulation applies if the chief executive has reason to believe that, in relation to a particular vessel, there have been 2 or more breaches of regulation 9 or 10 within the immediately preceding 12 months.
- (2) The chief executive may, by written notice to the permit holder under whose permit the vessel is used for monitored fishing, require the permit holder to submit a vessel-specific monitoring plan.
- (3) The notice must—
 - (a) identify the alleged breaches and set out the reasons for the chief executive's decision to require the permit holder to submit a plan; and
 - (b) set out the matters that the plan must address.

Regulation 16(2): amended, on 30 November 2022, by regulation 11 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

17 Contents of vessel-specific monitoring plans

- (1) A vessel-specific monitoring plan may specify any requirements that may be specified in a circular, including requirements relating to—
 - (a) the capacity of a device used to store video recordings and associated information;
 - (b) the number and placement of video cameras;
 - (c) practices for checking the proper functioning of electronic monitoring equipment;
 - (d) the maintenance of electronic monitoring equipment;
 - (e) catch handling practices;
 - (f) areas that must be kept clear to ensure that a video camera has an unobstructed field of view.
- (2) A requirement specified in a vessel-specific monitoring plan may be different from (including more stringent than) a requirement that is specified in a circular.

18 Process for approval of vessel-specific monitoring plans

- (1) The process for approving a vessel-specific monitoring plan is as follows:
 - (a) the chief executive must decide whether to approve a plan within 30 days after receiving it from a permit holder;
 - (b) the chief executive may require the permit holder to amend the plan or provide additional information if the chief executive considers that the amendment or information is needed to satisfy the test under regulation 19 (*see regulation 22 for the amendments that may be required*);

- (c) as soon as practicable after deciding whether to approve the plan, the chief executive must give the permit holder written notice of—
 - (i) the decision; and
 - (ii) if the decision is not to approve the plan, the reasons for the decision.
- (2) If the chief executive requires the permit holder to amend the plan or provide additional information,—
 - (a) the chief executive must notify the permit holder in writing of—
 - (i) the required amendment or information; and
 - (ii) a reasonable period in which the permit holder must provide the amended plan or required information; and
 - (b) the period described in subclause (1)(a) stops running when the chief executive gives notice under paragraph (a) of this subclause and starts again when the chief executive receives the amended plan or required information; and
 - (c) the chief executive may decide not to approve the plan if an amended plan or the required information is not received by the end of the period notified under paragraph (a)(ii) of this subclause.

19 Decisions on approval of vessel-specific monitoring plans

The chief executive must approve a vessel-specific monitoring plan if the chief executive is satisfied that compliance with the vessel-specific monitoring plan—

- (a) is practicable; and
- (b) will materially assist compliance with regulation 9 or 10 (as relevant).

20 Monitored fishing prohibited pending implementation of vessel-specific monitoring plans

- (1) A vessel that is the subject of a notice under regulation 16 must not be used for monitored fishing during a period that—
 - (a) starts on a date specified in the notice (which must be no earlier than 5 working days after the notice is sent); and
 - (b) ends when the chief executive notifies the permit holder in writing that he or she is satisfied that an approved vessel-specific monitoring plan has been implemented.
- (2) The prohibition does not apply if—
 - (a) the chief executive has given notice of his or her intention to place observers on the vessel under section 224(1) of the Act; and
 - (b) the required number of observers are on board the vessel.

Regulation 20 heading: amended, on 30 November 2022, by regulation 12(1) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 20(1): amended, on 30 November 2022, by regulation 12(2) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Obligation of permit holders to inform masters

21 Permit holders must take reasonable steps to inform masters of certain matters

- (1) A permit holder who receives a notice under regulation 16 or 23 must take all reasonable steps to inform any master of the vessel to which the notice relates of—
 - (a) the notice; and
 - (b) whether the prohibition under regulation 20 or 24 applies.
- (2) After receiving notice that a vessel-specific monitoring plan or an amended plan is approved for the vessel, the permit holder must take all reasonable steps to make a copy of the plan or amended plan available to any master of the vessel.

Amendments required by chief executive

22 Amendments that chief executive may require

For the purposes of regulations 18(1)(b) and 23(2), the chief executive may require only that a vessel-specific monitoring plan be amended to contain matters that may be specified in a plan under regulation 17.

23 Amendments required by chief executive after vessel-specific monitoring plans approved

- (1) This regulation applies if the chief executive considers that the circumstances for which a vessel-specific monitoring plan has been approved have changed in a way that would prevent the plan from meeting the test under regulation 19 if it were applied again.
- (2) The chief executive may, by written notice to the permit holder under whose permit the vessel is used for monitored fishing, require the permit holder to amend the plan.
- (3) The notice must—
 - (a) set out the reasons for the chief executive's decision to require the permit holder to submit an amended plan; and
 - (b) set out the matters that the amended plan must address.
- (4) The permit holder must submit an amended plan within 30 days after a date specified in the notice (which must be no earlier than 5 working days after the notice is sent).

- (5) Regulations 18 and 19 apply in relation to the amended plan as if it were a new plan required under regulation 16 (and with any other necessary modifications).

Regulation 23(2): amended, on 30 November 2022, by regulation 13 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

24 Circumstances where monitored fishing prohibited pending implementation of amended vessel-specific monitoring plans

- (1) A vessel that is the subject of a notice under regulation 23 must not be used for monitored fishing if—
- (a) the permit holder who receives the notice fails to comply with regulation 23(4); or
 - (b) the chief executive decides not to approve the amended vessel-specific monitoring plan submitted by the permit holder.
- (2) The chief executive must notify the permit holder in writing if the prohibition applies.
- (3) The prohibition—
- (a) starts on a date specified in the notice under subclause (2) (which must be no earlier than 5 working days after the notice is sent); and
 - (b) ends when the chief executive notifies the permit holder in writing that he or she is satisfied that an approved amended vessel-specific monitoring plan has been implemented.
- (4) The prohibition does not apply if—
- (a) the chief executive has given notice of his or her intention to place observers on the vessel under section 224(1) of the Act; and
 - (b) the required number of observers are on board the vessel.

Regulation 24 heading: amended, on 30 November 2022, by regulation 14(1) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Regulation 24(1): amended, on 30 November 2022, by regulation 14(2) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Amendments voluntarily submitted by permit holders

25 Permit holders may submit amended vessel-specific monitoring plans

- (1) A permit holder may, at any time after a vessel-specific monitoring plan is approved, submit an amended plan to the chief executive for approval.
- (2) Regulations 18 and 19 apply in relation to the amended plan as if it were a new plan required under regulation 16 (and with any other necessary modifications).

Part 3 Offences

26 Offences and penalties

- (1) A person commits an offence if the person fails to comply with any of regulations 6, 7, 9 to 12, 15, 20, 21, and 24.
- (2) A person who commits an offence against this regulation is liable on conviction—
 - (a) to a fine not exceeding \$100,000; and
 - (b) if the offence is a continuing offence, to a further fine not exceeding \$1,000 for each day on which the offence continues.
- (3) Conduct that constitutes an offence under regulation 28 does not constitute an offence under this regulation.

27 Defences

- (1) It is a defence to a prosecution for an offence against regulation 26 if the defendant proves that 1 or more of the defences set out in this regulation apply.

General defence

- (2) The first defence is that—
 - (a) the offence occurred as a result of an accident, or a mechanical or technical failure (other than a mechanical or technical failure of a nature that could have been avoided with adequate maintenance); and
 - (b) the defendant acted reasonably in the circumstances.

Electronic monitoring equipment fails after fishing trip starts

- (3) The second defence relates to a failure to comply, in respect of a fishing trip, with any of regulations 7, 9, and 10. The defence is that—
 - (a) the failure arose only because of a mechanical or technical failure of electronic monitoring equipment (other than a mechanical or technical failure of a nature that could have been avoided with adequate maintenance) that occurred after the start of the fishing trip; and
 - (b) the defendant complied with regulation 11; and
 - (c) the defendant took all reasonable steps to repair the equipment.

Master not aware of vessel-specific monitoring plan or need for one

- (4) The third defence relates to a master's failure to comply with regulation 15, 20, or 24. The defence is that the master did not know, and could not reasonably have been expected to know, of—
 - (a) the existence of the approved vessel-specific monitoring plan, in the case of a breach of regulation 15; or

- (b) the circumstances giving rise to the application of the prohibition under regulation 20 or 24, in the case of a breach of regulation 20 or 24.

Infringement offences

28 Infringement offences

- (1) A person commits an infringement offence for the purposes of sections 260A to 260C of the Act if the person fails to comply with regulation 7(a), but provides to the chief executive the video recordings and associated information required by that regulation—
 - (a) in a period starting on the 16th day of the month in which the video and associated information is due and ending on the 20th day of that month;
 - (b) in a period starting on the 21st day of the month in which the video and associated information is due and ending on the 15th day of the following month.
- (2) A person who commits an infringement offence—
 - (a) against subclause (1)(a) is liable to—
 - (i) an infringement fee of \$400; or
 - (ii) a fine imposed by a court not exceeding \$800;
 - (b) against subclause (1)(b) is liable to—
 - (i) an infringement fee of \$750; or
 - (ii) a fine imposed by a court not exceeding \$1,500.

29 Infringement notices

An infringement notice issued under section 260A of the Act for an infringement offence against these regulations must be in the form set out in Schedule 2 of the Fisheries (Infringement Offences) Regulations 2001.

30 Infringement offence reminder notices

An infringement offence reminder notice issued under section 260B of the Act for an infringement offence against these regulations must be in the form set out in Schedule 3 of the Fisheries (Infringement Offences) Regulations 2001.

Schedule 1

Transitional, savings, and related provisions

r 4

Schedule 1: replaced, on 30 November 2022, by regulation 16 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Part 1

Provisions relating to these regulations as made

Schedule 1 Part 1: replaced, on 30 November 2022, by regulation 16 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

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
31 October 2023	Set netting or trawling	North, East, and South Coast South Island
16 January 2024	Surface longlining	Any area
26 June 2024	Bottom longlining	Fishery management area 1—Auckland (East)
3 December 2024	Bottom longlining or trawling	Any area
28 February 2025	Set netting, purse seining, or Danish seining	Any area

- (1A) Despite subclause (1), the requirements of these regulations that relate to monitored fishing using set netting or trawling in the North, East, and South Coast of the South Island, as in force immediately before the close of 20 September 2023, continue to apply in relation to a person or vessel if the person or vessel—
- (a) was required to comply with those requirements at that time; and
 - (b) was not exempted from those requirements or was only exempted from those requirements due to equipment failure.
- (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 direc-
tion 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 eastern-
most 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).

Schedule 1 clause 1: replaced, on 30 November 2022, by regulation 16 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Schedule 1 clause 1(1): amended, on 21 September 2023, by regulation 4(1) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207).

Schedule 1 clause 1(1): amended, on 21 September 2023, by regulation 4(2) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207).

Schedule 1 clause 1(1): amended, on 21 September 2023, by regulation 4(3) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207).

Schedule 1 clause 1(1): amended, on 21 September 2023, by regulation 4(4) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207).

Schedule 1 clause 1(1): amended, on 21 September 2023, by regulation 4(5) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207).

Schedule 1 clause 1(1A): inserted, on 21 September 2023, by regulation 4(6) of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207).

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.

Schedule 1 clause 2: replaced, on 30 November 2022, by regulation 16 of the Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 13 July 2017.

Notes

1 *General*

This is a consolidation of the Fisheries (Electronic Monitoring on Vessels) Regulations 2017 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 Regulations 2023 (SL 2023/243): Part 7

Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2023 (SL 2023/207)

Fisheries Amendment Act 2022 (2022 No 56): section 25 (as amended by Fisheries Amendment Act 2022 (2022 No 56))

Fisheries (Electronic Monitoring on Vessels) Amendment Regulations 2022 (SL 2022/187)

Legislation Act (Sub-delegated Secondary Legislation) Regulations 2021 (LI 2021/248): regulation 34