



Onboard cameras: Guidelines for NZFCF and SNZ Inshore members

8 September 2023

You have, or will shortly have, Government owned cameras installed on your vessel to verify your reporting of catch (and disposals) as well as protected species interactions. This document seeks to inform you about which government agencies could have access to onboard camera footage, and what their video analysts are looking for.

The New Zealand Federation of Commercial Fishermen (NZFCF) and SNZ Inshore Council have been liaising with Fisheries New Zealand (FNZ) to develop the guidelines analysts will use to determine acceptable or unacceptable practice and behaviour, and when to involve other agencies.

These guidelines are provided in this document and are accurate as of September 2023. We expect them to change over time and will keep you informed.

1. OUR CALL TO ACTION

Cameras are like having an MPI fisheries observer on your vessel, around the clock. This document is our call to action for you to:

- **Be aware of your, your skipper's and your crew's various responsibilities while fishing**
- **Take a hard look at what happens on your vessel and what cameras will capture, and**
- **Take corrective action before you are potentially penalised for an offence.**

For further information please contact either:

- Doug Loder (NZFCF President): nzfcf@seafood.co.nz
- Laws Lawson (Chair Inshore Council): laws@inshore.co.nz

2. CAMERA INSTALLATION SUMMARY

All vessels, using the following fishing methods, will have cameras installed by February 2025:

- Trawl vessels less than or equal to 32 metres in length, except those targeting scampi,
- Set net vessels greater than or equal to 8 metres in length, and
- Surface longline, bottom longline, purse seine and Danish seine.

[More information is available on the MPI website on timings of each tranche.](#)

3. WHAT HAPPENS TO THE CAMERA FOOTAGE

All footage will be digitally transferred from a vessel to MPI, for partial review by FNZ video analysts. Footage for review will be selected based on a combination of:

- Random selection,
- Selection where there are known risks, such as risks to protected species,
- Selection based on analysis of electronic reporting and geo-spatial position reporting.

Video analysts review footage and record data on fish catch, discards, protected species captures and the use of protected species mitigation measures. The data recorded by the video reviewer is then checked against your electronic reporting data to check for any significant differences or gaps.

Any suspected breaches of fisheries regulations observed by analysts are referred to Fisheries Compliance. Some clips may be shared with other Government agencies, for example, clips of protected species captures may be shared with the Department of Conservation if necessary for species identification; any footage shared with DOC in these circumstances is limited to the timeframes / cameras with the animal in view, with the faces of any crew members visible in the footage blurred.



FISHERIES-RELATED REFERRALS

Referrals to fisheries compliance officials will be made when an analyst suspects they have detected one or more of the following offences:

- **Unreported protected species interactions**
- **Unsatisfactory electronic monitoring footage, due to:**
 - Unintentional or deliberate obstruction of camera views
 - Not maintaining or cleaning cameras (that can be accessed)
 - Improper use of light: too little or too much light could result in a low-quality image
- **Illegal discards / returns to the sea:**
 - Quota Management System (QMS) fish returned without an exception instrument
 - QMS fish returned in breach of exception instrument terms and conditions
- **Illegal retentions:**
 - QMS fish that are below minimum legal size (MLS)
 - QMS fish subject to former Schedule 6 requirements to return to the sea
 - QMS fish where an exception instrument requires their return to the sea
 - Salmon
 - Marlin (any species)
- **Shark finning** – retaining fins but without shark body
- **Prohibited fishing gear usage**
- **Non-use of regulated mitigation measures**
- **Missing electronic monitoring footage or missing electronic reporting**

To note: The above breaches can attract enforcement action, such as:

- Formal warnings,
- Infringement fees up to a maximum of \$3,000 per minor illegal discard breach,
- Fines on conviction of up to \$10,000 for more serious illegal discarding breaches, or
- Fines on conviction, depending on the nature and severity of the offence, of up to a maximum of \$100,000 or \$250,000 or imprisonment for up to five years.

Depending on the nature and severity of the offence, forfeiture of the catch, the vessel and fishing gear, and any quota held may occur, in addition to fines.

FNZ Compliance has committed itself to continuing its VADE approach.



CONSERVATION-RELATED REFERRALS

Referrals to the Department of Conservation, and potentially to the MPI Animal Welfare division, will be made when an analyst suspects they have detected one or more of the following offences:

- **Failure to report a capture of a protected species**
- **Retention of any part of a protected species, unless otherwise permitted or required to do so by the department and**
- **Intentional and unnecessary killing or infliction of an injury to a protected species, unless otherwise permitted or required to do so by the Department.**

The penalty for the taking of absolutely or partially protected marine wildlife, or for injuring or harming protected marine wildlife is:

- Imprisonment for a maximum of two years,
- A maximum fine of \$250,000, or
- Both imprisonment and a fine.

Fishers can defend these offences if the accidental or incidental killing or injuring of any marine wildlife occurs while fishing under the Fisheries Act, and if the killing or injuring is reported (on by-catch returns) and the judge accepts that defence.

However, if the killing or injuring is not reported a fisher shall be liable on conviction to a maximum fine of \$10,000 for the non-reporting offence. Additionally, the offence of killing or injuring protected marine wildlife may be liable for imprisonment for a maximum term of two years, or to a maximum fine of \$250,000, or both.



MARITIME-RELATED REFERRALS

Referrals to Maritime New Zealand will be made when an analyst suspects they have detected one or more of the following offences:

Unnecessary danger caused by the holder of a maritime document / dangerous activity involving ships or maritime product. This may include:

- Unnecessarily putting a vessel and its crew at risk due to poor seamanship
- Crew fighting,
- Crew using tools or equipment inappropriately in a way that could cause danger or harm,
- Using vessel equipment in dangerous activities outside of its designated use, and
- Consumption of substances on board the vessel resulting in subsequent behaviour that puts people at risk.

Breaches of maritime law:

- Watchkeeping
- Maintenance of maritime rules

Garbage disposal overboard:

- Any synthetic/man-made material including glass bottles
- Food waste that can only be discarded if the vessel is further than 3 nautical miles (nm) from land, and the food waste has been through a grinder, or the vessel is further than 12nm from land.

To note:

- If a fisher recovers a synthetic or man-made object from the sea, they are required to bring the object to land and not return it to the sea.
- Reviews of surveys, tickets and other MNZ required certification will be undertaken by shore-based MPI or MNZ officers.
- If a document holder is deemed to have caused unnecessary danger or risk to any other person or to any property by doing, omitting to do, causing or allowing to be done such an action, irrespective of whether or not in fact any injury or damage occurs, then they have committed an offence and are liable, on conviction:
 - i. In the case of an individual, to imprisonment for a maximum term of 12 months or a maximum fine of \$10,000.
 - ii. In the case of a body corporate, to a fine not exceeding \$100,000.
 - iii. In any case where commercial gain is involved, to an additional penalty of three times the assessed commercial gain.



HEALTH AND SAFETY-RELATED REFERRALS

Referrals to Maritime New Zealand will be made when an analyst suspects they have detected a potential breach of New Zealand maritime health and safety or related legislation.

MNZ is responsible for the application of Health and Safety at Work Act requirements in the marine space. Breaches generally arise from unsafe gear or practices causing risk or injuries to crew and can include the following:

Unsuitable personal protection equipment (PPE) used for work duties:

- Not wearing head protection when overhead haulers or net rollers are being used
- Not wearing enclosed boots when working around machinery or heavy objects on deck
- Not wearing a life jacket or safety ropes where the perceived risk of harm is high, eg, extremely rough seas or when climbing down a stern ramp
- Not using appropriate PPE while processing fish.

Equipment failure causing injury:

- Decaying ropes or lines snapping under load
- Winch blocks failing
- Vessel or fishing machinery / equipment malfunctioning or failing, eg brakes, winches, cranes, engines, hydraulics.

Machinery being operated without the correct protection:

- Crew sustaining injury from a winch without guards
- Crew sustaining injury from a conveyor without guards.

Inadequate safety provisions and training:

- Unsecured equipment and fishing gear injuring crew
- Unsafe lifting and moving of bulky / heavy items.

To note: An offence does not require an injury to be incurred. The failure to provide a safe working environment through practices, safety gear, machinery safety protection and training also constitutes an offence.

Penalties under the Health and Safety at Work Act include:

- Offence of reckless conduct in respect of duty, eg:
 - Without reasonable excuse, engages in conduct that exposes any individual, to whom that duty, is owed to a risk of death or serious injury or serious illness; and
 - Is reckless as to the risk to an individual of death or serious injury or serious illness.
- An individual who is not a PCBU (a person conducting a business or undertaking) or an officer of a PCBU, may be convicted to a maximum term of imprisonment of five years or a fine not exceeding \$300,000.
- An individual who is a PCBU or an officer of a PCBU, may be convicted to a maximum term of imprisonment of five years or a maximum fine of \$600,000, or both.
- Offences of not undertaking duties related to the management and mitigation of risk can attract fines, on conviction, of up to \$300,000 if a PCBU or \$150,000 if not a PCBU.



ANIMAL WELFARE-RELATED REFERRALS

Referrals could be made to MPI Animal Welfare officers when an analyst suspects any animal is handled in a manner that causes unnecessary harm or is killed in a way that is not a part of normally-accepted fishing practices.

Examples of normally accepted handling practice:

- Due to volume and vessel operations, it is normal practice to leave fish alive in the pound while sorting the catch rather than kill them individually before sorting
- Fish can be moved (with feet or an implement) or thrown by crew for the purpose of sorting and storing of catch
- Fish spiked through the brain
- Where fish are struck on the head or are swung onto a hard object to kill them, the crew should check the fish is dead
- Dressing sharks, dogfish, elephant fish ie: finning and tailing the shark and then dispatching it quickly by completing the final cut through the spine behind the head before removing the belly flap.
- The main artery between the gills is cut with a knife while the fish is alive causing the fish to quickly bleed out and die
- Releasing live sharks and turtles in the water by cutting the branch line as close to the eye of the hook as is safe for the crew
- Returning a seal or sealion to the sea by pushing it off the vessel with a pole or using a hose.

Examples of unacceptable handling practice:

- Fish are struck, swung onto an object, stomped on or kicked by a crew member with no attempt made to confirm the fish has been killed
- Indiscriminate use of a knife or a spike on a fish with no controlled attempt to hit the brain or cut a main artery
- A body part of a fish is removed causing suffering and a prolonged death without killing the fish in a timely manner
- Fish, that are to be disposed of, not being returned to the sea promptly
- Deliberate acts of cruelty, mutilation
- Cutting the jaw of a live shark to remove the hook and then returning the fish to the sea
- Releasing live protected species (eg, seabirds or marine mammals) in an inhumane manner and/or delaying the release for no good reason.

To note: Fish caught in a wild state are subject to the provisions of the Animal Welfare Act. A person who wilfully ill-treats an animal in a wild state is liable on conviction to imprisonment for a maximum term of five years, or to a maximum fine or \$100,000, or both and a body corporate to a maximum fine of \$350,000.

A fisher can successfully defend an offence in court, if the court is satisfied that the alleged conduct is, or is part of, a generally accepted practice in New Zealand for the catching or killing of fish and marine mammals.



NZ POLICE-RELATED REFERRALS

Any potential criminal offence witnessed when reviewing footage will be referred to the NZ Police. This includes potential crimes against persons, against property and against law and order.