

RG 8 – Fisheries (Giant Crab Fishery Electronic Monitoring System) Notice 2022

About this guide

This guide is for all holders and operators of Fishery Access Licences required to have Electronic Monitoring System installed on boats used to carry out fishing activities under the licence

This guide outlines the regulatory approach the VFA will take for breaches of Electronic Monitoring System requirements and for granting temporary approvals to fish without an operating Electronic Monitoring System in special circumstances.

This guide should be read alongside the Fisheries (Giant Crab Fishery Electronic monitoring system) Notice 2022.

Document history

This guide was issued on 3 November 2022 and is based on legislation and regulations as at the date of issue.

Disclaimer

This guide does not constitute legal advice. We encourage you to seek your own professional advice to find out how the Fisheries Act and other applicable laws apply to you, as it is your responsibility to determine your obligations.

Examples in this guide are purely for illustration; they are not exhaustive and are not intended to impose or imply particular rules or requirements.

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Overview

The VFA will work collaboratively with industry to implement Electronic Monitoring System in the giant crab fishery. This will involve a focus for the first 6 months on education and facilitation (i.e., the education phase).

During this education phase, any proposed enforcement action by a fisheries officer must be approved by a VFA Regional Manager or above.

All references to a clause in this document relate to the respective clause in the Electronic monitoring fisheries notice

Requirement to have an approved Electronic Monitoring System installed – Clause 5

All active licence holders and their operators are required to have a VFA approved Electronic Monitoring System prior to commencing fishing from 15 November 2022. The System must be installed on the boat specified on the licence, to ensure compliance with the conditions of the Fisheries Notice 2022.

Requirement for using Electronic Monitoring System - Clause 6

The system must be Operated in a manner approved by the VFA as set out in the Vessel Operator's Guide EM V5 System as provided by the contractor Archipelago. For the purposes of the electronic monitoring system fisheries notice 2022, a function test must be performed prior to leaving port and the system must be actively recording during all 'fishing operations' defined as:

- Any trip during which giant crab will be targeted or;
- When additional pots have been set or are in use, exceeding the total number of pots authorised by the Western Zone Rock Lobster (WZRL) licence, but in accordance with the associated Giant Crab Access licence;

Once the total number of pots set or immersed in Victorian waters exceeds the WZRL pot limit then all pot lifts must be recorded whether targeting giant crab or not.

Requirement to provide Electronic Monitoring System data – Clause 7

The regulations require that the Electronic Monitoring System's data drive is to be exchanged and returned to the contractor Archipelago when:

- At the completion of the first trip each month
- The data drive's storage capacity is reached
- The data drive has failed systems test and a replacement data drive has been issued
- Instructed by the VFA or the contractor Archipelago

When the drive has been removed, it must be immediately packaged in a pre-addressed, pre-paid envelope provided by the contractor Archipelago and be posted or provided to the contractor Archipelago within 24 hours of returning to port or, if the data drive is not removed at sea, from removing the data drive.

A new or replacement drive must be installed by following the instructions provided by the contractor Archipelago.

Offence to interfere with Electronic Monitoring Equipment – Clause 9

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It is an offence to interfere or tamper with, or damage, the correct operation of an Electronic Monitoring System installed on a boat used when operating under a Giant Crab fishery (Western Zone) Access Licence.

The Electronic Monitoring System is owned by the VFA and must be returned in good working order at the conclusion of the trial. All installation costs and ongoing maintenance will be paid for by the VFA.

Requirements if operator cannot confirm Electronic Monitoring System is fully operational

Electronic Monitoring System non-operational prior to commencing trip

If the operator is unable to confirm the Electronic Monitoring System is fully operational, they can contact the VFA Operations Duty Officer (24 Hours) on 0419 844 781.

The Operations Duty Officer will authorise the operator to undertake a fishing trip if the installed Electronic Monitoring System is not fully operational if satisfied that there are special circumstances to justify the authorisation. In this case the Operations Duty Officer will consider special circumstances apply if satisfied that:

- the system was installed correctly and had previously been operating;
- the fisher has taken reasonable steps to have the device repaired or replaced at the next opportunity; and
- The vessel has a fully operational Vessel Monitoring System;
- the operator is low risk (i.e. has a history of compliance).

Electronic Monitoring System ceases to operate during trip

If the fisher becomes aware that the Electronic Monitoring System has ceased working during a fishing trip, they must immediately contact the Operations Duty Officer.

The Operations Duty Officer will grant approval to continue fishing if satisfied there are special circumstances justifying the granting the approval. In this case the duty officer will consider special circumstances apply if satisfied that:

- the system was operating prior to the boat leaving port; and
- The vessel has a fully operational Vessel Monitoring System; and
- the operator is low risk (has a history of compliance).

Conditions of authorisation to operate without Electronic Monitoring System fully operational

Where the Operations Duty Officer grants an authorisation to engage in fishing activities with an Electronic Monitoring System that is not fully operational, they will impose conditions on the authorisation, including that:

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- the operator only undertakes fishing activities within areas specified (reef codes or area codes);
- the operator only undertakes fishing activities while the Vessel has a fully operational Vessel Monitoring System; and
- the fisher provides a pre-landing notification by SMS.

An authorisation will only be granted for the current fishing trip. Additional authorisations must be sought for any subsequent fishing trips.

Definitions

active licence means any Giant Crab Fishery (Western Zone) Access Licence that has landed more than 1 tonne of giant crab under the licence between 1 July 2020 and 30 June 2022;

contractor means the party contracted as the VFA's agents to provide Electronic Monitoring Systems and associated services;

data drive means a component of an Electronic Monitoring System that can store electronic monitoring data and can be removed by the operator of the Electronic Monitoring System but does not include removable Random Access Memory;

Electronic Monitoring System means electronic monitoring equipment and peripheral equipment approved by the VFA, that can:

- a) Record, store and transmit details of a boat's position and activity; and
- b) Record, store and transmit details of the Electronic Monitoring System's status; and
- c) record (including visually) and store all fishing events –

but does not include a vessel monitoring system installed and operated for the purposes of regulation 77 of the **Fisheries Regulations 2019**.

fishing operation means for any fishing operation authorised under an active licence, the system must be in full power mode each time the boat departs from a port or mooring area and remain in full power mode until the fishing activity concludes.

The carrying out of any activities authorised under an active licence and includes –

- a) the using, setting, retrieving, transporting or inspecting of a rock lobster pot in or on the western rock lobster zone; and
- b) the use of a boat in or on the western rock lobster zone in connection with the carrying out of activities authorised under the licence;

licence operator has the same meaning as in the **Fisheries Regulations 2019**.