

Inspection of Australian Fishing Vessels Unloading in Foreign Ports

Fisheries Management Policy



Australian Government
Australian Fisheries Management Authority

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1 Background

1.1 Purpose

The purpose of this policy is to provide guidance and direction on the inspection of Australian Fishing Vessels (AFV) unloading in foreign ports. The Australian Fisheries Management Authority (AFMA) is committed to ensuring accountability to the fishing industry and to the Australian community in AFMA's management of fisheries resources.

The benefits of compliance with this policy will be increased certainty in the accuracy of catches landed in foreign ports and increased mitigation of Illegal, Unregulated and Unreported fishing risks.

This policy is written within the context of the *Fisheries Management Act 1991*.

1.2 About AFVs Unloading in Foreign Ports

In the past, AFVs landing in foreign ports has only occurred in a small number of instances and AFMA has developed vessel specific arrangements to mitigate compliance and monitoring risks. Notably, AFVs unloading in Mauritius are monitored by authorised Mauritian Government officials as part of the Toothfish *Dissostichus* Catch Documentation (DCD) scheme and unloads in New Zealand have been monitored by New Zealand Ministry of Primary Industries at the request of AFMA compliance.

However, the capability of foreign ports to carry out effective fisheries inspections on Australian fishing vessels varies considerably between ports, as not all ports have the capacity to conduct inspections to AFMA's standards.

The current low number of Australian fishing vessels unloading in foreign ports could increase and may involve landings in foreign ports with limited or no capability to carry out inspections of unloads. AFMA faces the risk of damage to its reputation if a false or inaccurate landing or similar incident is exposed to wider scrutiny (media, NGOs etc.). AFMA may be required to justify and identify what effective controls it has in place to monitor or verify the accuracy of catches landed in foreign ports.

AFVs in foreign ports

AFMA requires 48 hours prior notice if a vessel intends to unload in a foreign port. The vessel must provide AFMA with its name and international distinguishing symbol, the proposed foreign port of unloading, the estimated time and date the boat will arrive at the port and quantities of all species on board the boat.

In accordance with conditions imposed on fishing concessions pursuant to sections 22 and 32 of the *Fisheries Management Act 1991*, the following conditions apply:

- ensure all fishing gear remains stowed and secured when transiting through any other country's exclusive economic zone
- where the boat has entered any foreign fishing jurisdiction from the high seas for the intention of mooring in port, the boat must travel to port by the most direct route

possible, unless approval for fishing within the jurisdiction has been obtained from that country in respect of the boat

- where the boat leaves any foreign port, the boat must travel directly to the high seas by the most direct route possible unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat
- not to partake in fishing activity within any foreign fishing jurisdiction during a trip unless approval for fishing within that jurisdiction has been obtained from that country in respect of the boat
- not to partake in any unloading activity within any foreign port unless an approval for unloading within that foreign port has been obtained from that country in respect of the boat and
- cooperates with inspections by foreign fisheries officers authorised by other signatories to the United Nations Fish Stocks Agreement.

2 Objectives, Scope and Policy

2.1 Objectives

To provide transparency and equality for industry, this policy outlines the process for monitoring the unloading of AFVs in foreign ports.

Implementation of a formalised procedure for foreign port monitoring will help AFMA achieve its legislative objectives through regulatory mechanisms that are consistent with Government policy. The relevant objectives are:

- ensuring that the exploitation of fisheries resources and the carrying on of any related activities are conducted in a manner consistent with the principles of ecologically sustainable development (which include the exercise of the precautionary principle), in particular the need to have regard to the impact of fishing activities on non-target species and the long-term sustainability of the marine environment; and
- mitigating the risk of Illegal, Unregulated and Unreported fishing by Australian vessels.

2.2 Scope

This policy covers arrangements concerning Commonwealth-managed fisheries for AFV's unloading in foreign ports.

This policy does not cover fisheries managed by the Protected Zone Joint Authority under the *Torres Strait Fisheries Act 1984* or fisheries managed by the States or Territories of Australia.

2.3 Policy

Notification of Intent to Unload

Upon notice to AFMA from a vessel that intends to unload in a foreign port, AFMA will conduct a risk analysis to determine the capacity and capabilities of the intended port of unload to monitor and verify the landed catch, consistent with Australian legislation. The risk based analysis will also consider the prior history of the concession holder and any intelligence that may pertain to the vessel or its area of operation.

AFMA response where there is a low risk identified

Where there is a low compliance risk identified (determined through but not limited to an assessment of; the boats area of operation, Regional Fisheries Management Organisation (RFMO) requirements and prior compliance history of the boat/operator) and AFMA is satisfied with the arrangements to monitor the unload at the intended foreign port, AFMA has no additional requirements for inspection.

Where AFMA is invoiced by the Country for any services carried out during the monitoring of the unload, this cost will be recovered from the vessel through a fee for service system.

AFMA response where there is a high risk identified

Where AFMA considers that the arrangements to monitor the unload at the foreign port are inconsistent with Australian legislation, AFMA will deploy officers to monitor the unload.

All costs associated with unload inspection, including travel and labour costs, will be cost recovered from the vessel operator through a fee for service system.

Fee for service inspections

AFMA's Cost Recovery Implementation Statement (CRIS) provides information on how AFMA implements cost recovery for the management of fisheries. It is available at www.afma.gov.au. The CRIS puts the activity of inspection in the fee for service category.

A fee for service involves the direct invoicing of individual concession holders for the costs directly associated with their activity.

Fee for service arrangements are best suited to the cost recovery of expenses that are derived from and/or benefit an individual rather than the fishery as a whole.

3 Roles, Responsibility and Review

3.1 Roles and Responsibilities

The following roles and responsibilities of stakeholders are listed below:

Role	Responsibility
AFMA Fishery Manager	Ensure that new and existing operators adhere to the policy. Continue to communicate policy and rules to industry to increase self-compliance levels.
AFMA Compliance	Ensure that inspections undertaken by AFMA Fisheries Officers are conducted in accordance with AFMA policies and procedures, including this policy. Continue to communicate policy and rules to industry to increase voluntary compliance levels.
Industry operator	Ensure that all catches unloaded at foreign ports, including quota stocks, are accurately recorded in their catch disposal records and fishing logbooks. Fully comply with inspections and requests of fishery officers.

3.2 Policy Owner

Executive Manager, Fisheries.

3.3 Policy Review

This policy will be reviewed after a period of five years or earlier as required, from its commencement.

4 Policy Approval

This policy was approved by the AFMA Chief Executive Officer on [date].