



Australian Government

Australian Fisheries Management Authority



International Compliance — AND — Engagement Program **2022-24**

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Front cover photos, left to right:

Fisheries officer prepares to conduct high seas boarding and inspection, photo courtesy AFMA

AFMA participation in Operation Nasse, photo courtesy AFMA

The Ministry of Marine Affairs and Fisheries (Indonesia) port visit to Darwin, photo courtesy AFMA

Background image: Species – Trevally school, photo courtesy AFMA

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Abbreviations

TABLE 1: Abbreviations

Abbreviation	Explanation
ABF	Australian Border Force
AFMA	Australian Fisheries Management Authority
AFZ	Australian Fishing Zone
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DFAT	Department of Foreign Affairs and Trade
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
FFV	Foreign Fishing Vessel
FMC	Fisheries Monitoring Centre
HSBI	High Seas Boarding and Inspection. [Equivalent to System of Inspection under CCAMLR]
ICMM	International Conservation and Management Measure, as defined by the <i>Fisheries Management Act 1991</i> (Cth)
IFMM	International Fisheries Management Measure, as defined by the <i>Fisheries Management Act 1991</i> (Cth)
IFMO	International Fisheries Management Organisation, as defined by the <i>Fisheries Management Act 1991</i> (Cth)
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, Unreported and Unregulated for the purpose of this document relates solely to foreign fishing vessels
MBC	Maritime Border Command
MCS	Monitoring, Control and Surveillance
NTSA	Niue Treaty Subsidiary Agreement
OMC	AFMA's Operational Management Committee
RFB	Regional Fisheries Body
RPOA-IUU	Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region [South East Asia]
SIOFA	Southern Indian Ocean Fisheries Agreement
SPC	The Pacific Community
SPRFMO	South Pacific Regional Fisheries Management Organisation
UNCLOS	<i>1982 United Nations Convention on the Law of the Sea</i>
UNFSA	<i>1995 United Nations Fish Stocks Agreement</i>
VMS	Vessel Monitoring System
WCPFC	Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean



1. Executive Summary

Photo credit left to right:

Australian Border Force CCPB Cape St George crew with gill net, photo courtesy AFMA

Fisheries officers observe foreign fishing vessel, photo courtesy AFMA

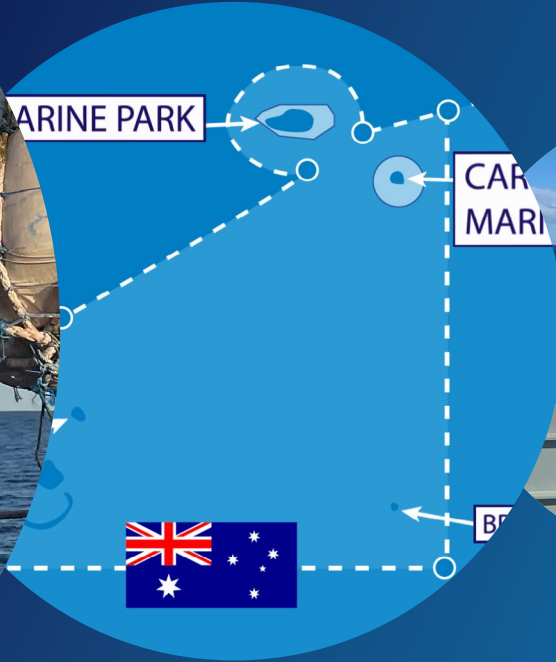
Fisheries officer observing tuna transfer, photo courtesy AFMA

Australia's multifaceted program to combat international illegal, unreported and unregulated (IUU) fishing includes effective enforcement and monitoring, regional cooperation, diplomatic representations and engagement measures such as capacity building, education and outreach programs. This approach ensures Australia is able to readily respond to IUU fishing threats in an efficient and cost-effective manner.

IUU fishing operations are highly organised, mobile and elusive, and responses need to be dynamic in order to be effective. This document describes how AFMA's engagement program uses all available approaches to address the key risks that threaten national and regional fisheries resources, including activities in the Australian Fishing Zone (AFZ) and on the high seas under the competence of International Fisheries Management Organisations (IFMOs), to which Australia is a party. In addition to effective actions within the AFZ, AFMA works closely with partners in undertaking regional engagement activities aimed at enhancing regional capacity in monitoring, control and surveillance (MCS). Regional engagement improves technical knowledge, promotes partnerships between countries in the region, and facilitates information exchanges and cooperative surveillance activity, between Australia and its neighbours. As well as safeguarding fisheries resources within the region, improving the capacity of neighbouring countries ensures that the region has the tools and networks to collectively deter IUU fishing.

AFMA's program draws on the principles of regulatory compliance and seeks to prioritise limited resources against key risk areas. The program is designed to effectively detect and deter IUU fishing in the AFZ and waters where Australia has an interest, and where IUU fishing does occur, to detect, interdict and deter IUU operators. Deterrence responses include sanctioning of vessel masters and crew and engaging States to disrupt or cut off resupply and market opportunities to IUU vessels. The program includes periodic evaluation against key performance indicators to monitor the effectiveness and efficiency of activities. The five components of the program include:

- Communications – AFMA will use a range of communication methods to inform stakeholders of its international engagement and regional efforts to deter IUU fishing. This element includes communications involving AFMA's participation in regional activities and the development and delivery of targeted public information campaigns and communications.
- Enforcement operations – AFMA will use risk based approaches in deploying fisheries officers and tasking of Australian assets and patrols in detecting and deterring IUU fishing in the AFZ and adjacent waters. Surveillance information collected by Australia in waters adjacent to the Australia's AFZ will be shared with our neighbouring countries and regional fisheries bodies. In addition, AFMA will deploy fisheries officers on partner assets under arrangements to provide an enforcement capability in waters where Australia has an interest. This component includes port based activities.
- Strategic engagement – AFMA will seek to engage in key international fora in order to share our fisheries knowledge and experience, and to promote and progress approaches that work to detect and deter illegal fishing in the AFZ and for stocks important to Australian fisheries. AFMA will also share information with other flag, coastal, or port States in order to collaborate and address global IUU threats.
- Capability development – AFMA will provide subject matter fisheries expertise with the view to collectively increasing regional, national and officer level capacity to undertake effective fisheries MCS. This element will involve working alongside counterparts in coordinating regional fisheries operations, delivering formal training programs, and participating in multilateral and bilateral maritime operations including at sea and port inspections.
- Targeted threat responses for enforcement – AFMA will assess, address and control agreed priority IUU threats in waters adjacent to the AFZ. The targeted threat responses for 2022–24 will focus on the following threats in relation to fishing vessels operating on the high seas adjacent to the AFZ:
 - Misreporting of catch and bycatch interactions;
 - Non-compliance with International Fisheries Management Organisation (IFMO) Vessel Monitoring System (VMS) conditions;
 - Non-compliance with IFMO bycatch mitigation requirements; and
 - Illegal Foreign Fishing in the AFZ.



2. Introduction

Photo credit left to right:

Fisheries officer monitoring contract vessel operations,
photo courtesy AFMA

Map of Indonesian-Australian MOU Box,
photo courtesy AFMA

Observing fishing vessel, Operation Nasse 2021,
photo courtesy AFMA

2.1 Australia's multifaceted approach

The Australian Government takes a strong stance on combatting illegal, unreported and unregulated (IUU) fishing.

IUU fishing is a persistent threat and has long been recognised by regional fisheries bodies as undermining agreed approaches to conserve and manage fish stocks. As such, States (either individually or as part of a multilateral forum) implement a range of measures that seek to address IUU fishing. IUU fishing is dynamic and hard to quantify. Therefore, regulators must understand the assumptions and drivers that underpin IUU operators. Australia has a long history of pursuing and promoting a range of measures to detect and deter IUU fishing, both in the Australian Exclusive Economic Zone (EEZ), regionally and internationally. Effective responses to IUU fishing require continuous effort and collaboration in order to understand the context and drivers behind IUU fishing.

Historically, Australia's efforts have traditionally been very successful in curtailing IUU activities within the Australian EEZ and in waters where it has an interest. However, there has been a spike in illegal activity in Australia's northern waters in recent years and there is a need to remain vigilant. Australia's fisheries are healthy and well-regulated and if an opportunity presents itself, IUU operators may seek to make incursions into Australian waters to take advantage of higher potential profits per unit of effort.

Illegal foreign fishing in Australia's northern waters is at levels not seen for 15 years. Illegal fishing for beche de mer remains a threat in the Coral Sea as well as on Warrior Reef and around Saibai Island in the Torres Strait. Illegal foreign fishing for toothfish in the Heard Island and McDonald Islands in the Southern Ocean remains low as a result of sustained efforts involving port States, flag States and States with nationals that control and benefit from the activities of these vessels.

Australia's multifaceted approach includes:

- applying effective enforcement actions involving the apprehension and confiscation of boats and prosecution of offenders;
- utilising multiple data sources in order to identify key risk areas and formulate a targeted deterrence response;
- working cooperatively and collaboratively with international partners in strengthening regional frameworks and exchanging information; and
- delivering "in country" capacity building programs to support implementation of international fisheries instruments and improve regional legislative and governance arrangements.

2.2 The importance of international compliance and engagement

Non-compliance with the rules and regulations adopted by IFMOs can have significant consequences on the ongoing environmental sustainability and economic viability of international fisheries. The depletion of highly migratory, shared and straddling fishing stocks is ecologically damaging and poses a risk to food security throughout the region.

Australia's domestic management of Commonwealth fisheries relies, in part, on effective regional management of highly migratory, shared and straddling stocks in waters adjacent to Australia. Non-compliance with fisheries regulations across the broader region impacts and potentially undermines the value and viability of the Australian fishing industry.

IUU fishing undermines the sustainability and economic viability of fisheries nationally, regionally and globally. In 2020 it was estimated that more than 192,000 tonnes of fish were harvested or transhipped involving IUU activity in Pacific tuna fisheries. This equates to approximately US\$333.5 million per annum.¹ Notably, unlicensed fishing directly accounted for only 5 per cent of the estimated overall volume,² with other IUU fishing activities attributed to sources such as misreporting of catch, non-compliance with other license conditions, and post-harvest IUU activities (including transhipping).

Australia has a long history of driving international and regional initiatives in response to IUU fishing. Australia, together with Canada, Chile, Namibia, New Zealand and the United Kingdom, was part of the Ministerially-led High Seas Task Force in the mid 2000s which recognised the threats posed by IUU fishing and the difficulties associated with getting global action. The Task Force noted that an extensive framework of international measures already existed but there was a lack of implementation or support at the State or regional level. Since that time, Australia has successfully focused its engagement on identifying IUU threats and eliminating IUU opportunities throughout fisheries regulatory frameworks. Importantly, Australia recognises the roles that flag States, port States, market States and States with nationals on board, have with respect to minimising opportunities for IUU fishing.

2.3 International legal framework

Management of highly migratory, shared and straddling stocks is guided by a range of multilateral and intergovernmental agreements. International treaties such as the *1982 United Nations Convention on the Law of the Sea Convention (UNCLOS)* and the *1995 United Nations Fish Stocks Agreement (UNFSA)*³ facilitate international cooperation regarding the management of international fisheries, fish stocks and their related environmental impacts. To give rise to these obligations, a number of IFMOs have been established with a range of mandates, including the provision of scientific advice, coordination of MCS activities, and establishment of binding international conservation and management measures (ICMMs).

1 MRAG Asia Pacific (2021). Towards the Quantification of Illegal, Unreported and Unregulated (IUU) Fishing in the Pacific Islands Region – a 2020 Update, url: <https://www.ffa.int/system/files/MRAG%20-%20FFA%20-%20IUU%20Quantification%20-%202020%20Update%20-%20final%20%281%29.docx>.

2 Ibid.

3 Full title: *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*.

For the purposes of this document, the terms as defined by the *Fisheries Management Act 1991*⁴ will be used throughout:

- “International fisheries management organisation” (IFMO): a global, regional or subregional fisheries organisation or arrangement prescribed by the regulations.
- “International conservation and management measure” (ICMM): a measure to conserve and manage one or more species of living marine resources that is adopted and applied, in accordance with the relevant rules of international law as reflected in the *1982 United Nations Convention on the Law of the Sea*:
 - a. by a global, regional or subregional fisheries organisation; or
 - b. by treaty or other international agreement.
- “International fisheries management measure” (IFMM): a measure prescribed by the regulations to give effect to a measure established by an international fisheries management organisation.

Australia is party to three IFMOs that create binding obligations for countries that share in the harvest of highly migratory species (as defined under Annex I UNCLOS):

- Western and Central Pacific Fisheries Commission (WCPFC)⁵;
- Commission for the Conservation of Southern Bluefin Tuna (CCSBT)⁶; and
- Indian Ocean Tuna Commission (IOTC).⁷

High Seas fisheries for non-highly migratory species are covered by equivalent organisations and binding agreements. Australia is party to the:

- South Pacific Regional Fisheries Management Organisation (SPRFMO)⁸;
- Southern Indian Ocean Fisheries Agreement (SIOFA); and
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR).⁹

4 See *Fisheries Management Act 1991* (Cth) s 4.

5 Established in accordance with the *Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*.

6 Established in accordance with the *Convention for the Conservation of Southern Bluefin Tuna*.

7 Established in accordance with the *Agreement for the Establishment of the Indian Ocean Tuna Commission*.

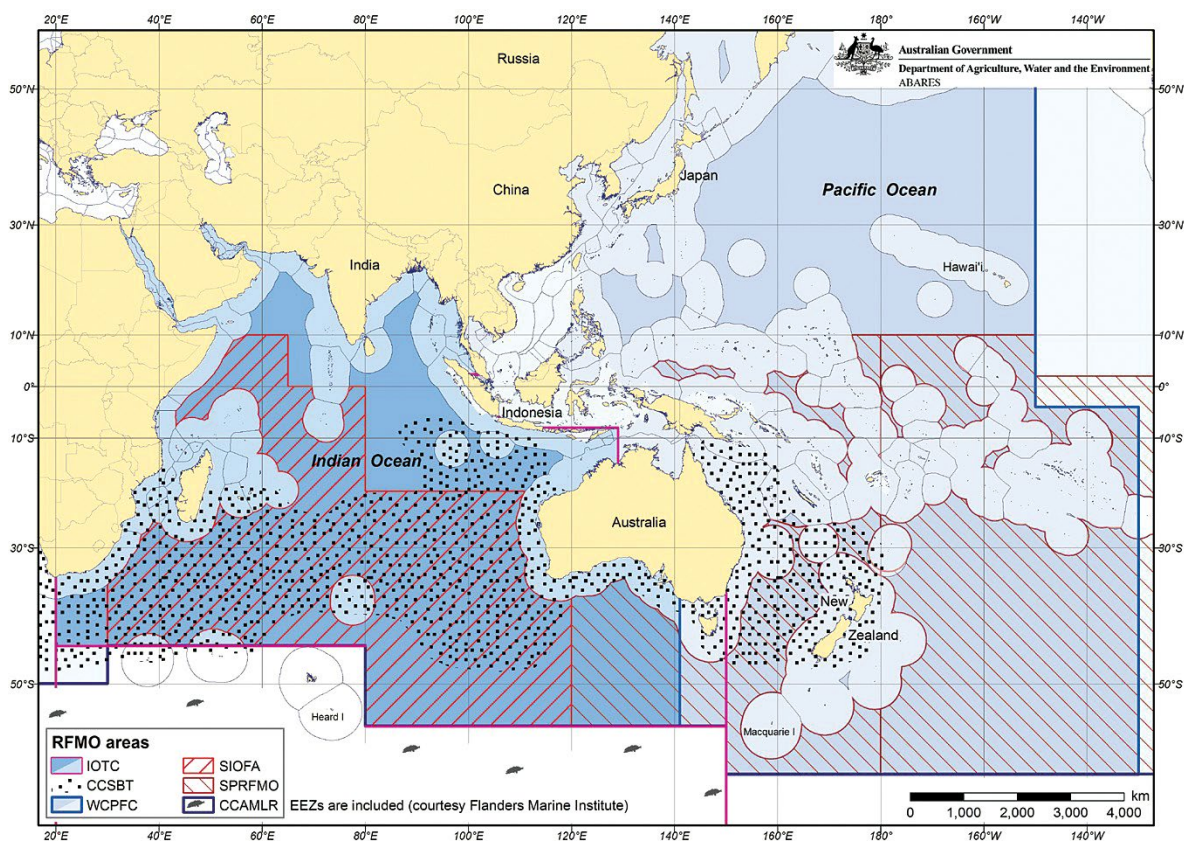
8 Established in accordance with the *Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean*.

9 Established in accordance with the *Convention on the Conservation of Antarctic Marine Living Resources*.



Photo credit:
Fisheries officers observe foreign fishing vessel
at Rowley Shoals, photo courtesy AFMA

FIGURE 1: Areas of competence for international fisheries management organisations



Source: Map compiled by ABARES from information supplied by the RFMOs included in the map. EEZs were supplied by the Flanders Marine Institute, Belgium.

In addition to these organisations, AFMA must cooperate and comply with other international and regional fisheries bodies (RFBs), treaties and arrangements as part of its fisheries management and regulation. These include, but are not limited to, the:

- Pacific Islands Forum Fisheries Agency (FFA);¹⁰
- *Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region, and subsequent Niue Treaty Subsidiary Agreement (NTSA)*;¹¹
- Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region (RPOA-IUU); and
- 2009 FAO Port State Measures Agreement.¹²

¹⁰ Established by the *South Pacific Forum Fisheries Agency Convention*.

¹¹ Full title: *Agreement on Strengthening Implementation of the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region*.

¹² Full title: *The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing*.

Australia is also party to a number of bilateral arrangements that provide for cooperation in fisheries including the:

- [Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters](#)
- [Agreement between the Government of Australia and the Government of the Republic of Indonesia Relating to Cooperation in Fisheries \(1992 Fisheries Cooperation Agreement\)](#)
- [Treaty Between Australia and the Democratic Republic of Timor-Leste Establishing Their Maritime Boundaries in the Timor Sea](#)
- [Treaty between the Government of Australia and the Government of the French Republic on cooperation in the maritime areas adjacent to the French Southern and Antarctic Territories \(TAAF\), Heard Island and the McDonald Islands](#)
- [Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands](#)
- [Arrangement Between The Government Of New Zealand And The Government Of Australia For The Conservation And Management Of Orange Roughy On The South Tasman Rise.](#)

2.4 AFMA's approach

AFMA's *International Compliance and Engagement Program* articulates AFMA's strategies and responses to monitor and eliminate IUU foreign fishing in Australian waters and on the high seas where Australia has an interest.

The *Fisheries Administration Act 1991* (Cth) outlines a range of functions in delivering against AFMA's objectives. Included in these functions is to make AFMA's fisheries management expertise available to a range of entities, including foreign countries,¹³ and to take action, in accordance with international law, to deter IUU fishing on the high seas.¹⁴

To that end, AFMA has a long history of taking action against IUU operators and in sharing its experiences and technical expertise in combating IUU fishing. Australia's efforts to monitor and eliminate illegal foreign fishing in our own waters are enhanced through cooperating with neighbouring States to strengthen fisheries management and enforcement capabilities.

AFMA's *International Compliance and Engagement Program* works in concert with the objectives and framework of AFMA's *National Compliance and Enforcement Policy* and complements the *National Compliance and Enforcement Program*, which sets out activities undertaken by AFMA in relation to Australia's Commonwealth fisheries.

¹³ See *Fisheries Administration Act 1991* (Cth) s 7(1)(g).

¹⁴ See *Fisheries Administration Act 1991* (Cth) s 7(1)(ma).

AFMA is continuing to deliver a risk based international compliance and engagement program in 2022–24. The five components of the program are:

- 1. Communication:** Improving public understanding and awareness of AFMA's MCS activities and international engagement.
- 2. Enforcement operations:** Leading and supporting enforcement operations to support fisheries MCS activities in the AFZ and high seas.
- 3. Strategic engagement:** Working closely with other Australian Government agencies in engaging with foreign States to develop and promote regional strategies to address IUU fishing.
- 4. Capability development:** Developing national and regional capacity to undertake risk responsive MCS operations to combat IUU fishing, delivered through the provision of theoretical training, on-the-job mentoring and participation in cooperative fisheries surveillance operations.
- 5. Targeted threat program:** Implementation of a risk-based compliance approach to facilitate the effective and efficient deployment of AFMA's limited resources to high-risk areas.

In addition, AFMA looks for ways to improve our systems and processes to deliver more efficient and effective fisheries MCS. This includes periodic reviews and consulting with stakeholders to identify emerging threats and solutions.

2.5 Stakeholder engagement

AFMA works with a number of partners to ensure delivery of effective fisheries MCS across the region. These partners, comprising domestic and international stakeholders, include:

- Whole of Australian Government (e.g. MBC, DFAT, DAFF and Defence);
- Global law enforcement agencies (e.g. INTERPOL);
- Intergovernmental fisheries agencies (e.g. IFMOs, FFA and the Pacific Community (SPC));
- Foreign governments; and
- Environmental Non-Government Organisations.

AFMA will continue to foster strategic partnerships with other agencies and international bodies to maximise cooperation in fisheries law enforcement.



Photo credit:
Fisheries officer conducting inspection of foreign fishing vessel,
Operation Nasse 2021, photo courtesy AFMA



3. Communications

Photo credit left to right:

Groote Eylandt ghost net retrieval, photo courtesy AFMA

Observing vessels in Operation Maccoyii, photo courtesy AFMA

Apprehended foreign fishing vessels in Darwin Harbour,
photo courtesy AFMA

3.1 Background

Publicising the program outcomes increases awareness across the international community with regards to Australia's MCS activities, and increases public understanding of AFMA's international engagement program.

3.2 Aims

The communication program will:

- highlight risks associated with fishing illegally within the AFZ;
- communicate to the international community and broader public the IUU threats being targeted by Australia in waters adjacent to the AFZ; and
- demonstrate AFMA's commitment to detecting and deterring breaches of international fisheries regulations in waters where Australia has an interest.

3.3 Methodology

AFMA will use a range of communication mediums to promote and achieve the aims outlined above.

3.3.1 AFMA website

The AFMA website is the central point for stakeholders seeking information about AFMA's compliance framework and activities. It contains key information for stakeholders, and will be updated regularly to ensure the information is timely, relevant and targeted. In addition to publishing the compliance programs, regular (quarterly) articles will be published on the website highlighting selected areas of activity for the international compliance teams.

3.3.2 Media releases

Media releases will cover:

- coordinated patrol activity outcomes;
- court outcomes following apprehension and prosecution of illegal foreign fishers; and
- significant international engagement activities and outcomes.

Media releases will be distributed to AFMA's media release subscription database and relevant regional and national media outlets, depending on the nature and locality of the item of interest.

3.3.3 Social media

Social media posts will be prepared to highlight activities such as patrols and training, as well as international compliance 'focus' items that are aimed at preventing and deterring IUU fishing activities.

3.3.4 Public information campaigns

In addition to traditional media and communication platforms, AFMA has also used targeted information campaigns to educate fishing industry and communities on the risks associated with engaging in illegal fishing. As part of these campaigns, AFMA officers communicate Australia's strong stance on illegal foreign fishing in the AFZ by conducting workshops and presentations in areas identified as the source of high levels of IUU fishing activities.

Effective communication with fishing operators, through either targeted communication campaigns, or directly with fishers as part of boarding and inspections, are integral to the targeted treatment of identified IUU threats (refer to Section 7).



Photo credit:
Fisheries officers conducting inspection,
Operation Nasse 2021, photo courtesy AFMA



4. Enforcement Operations

Photo credit left to right:

Receiving foreign fish aggregating device for disposal, photo courtesy AFMA

Operation Gannet, photo courtesy ABF

Back of AFMA fisheries officer uniform, photo courtesy ABF

4.1 Background

The enforcement operations component of the program relates to fisheries MCS activities in the:

- AFZ – surveillance and enforcement actions to deter, detect, interdict and sanction illegal foreign fishers in the AFZ, including Australian ports; and
- High Seas – boarding, inspection and surveillance activities that aim to detect and deter the use of vessels on the high seas for activities that contravene or diminish the effectiveness of ICMMs established by IFMOs. Where applicable, this includes investigation and sanctioning of Australian nationals on FFVs that operate in contravention of ICMMs and IFMMs.

4.2 Aim

The enforcement operations program will:

- enforce Australian law in relation to illegal fishing by foreign flagged vessels in the AFZ;
- detect and deter IUU fishing in the AFZ and areas of interest.

4.3 Methodology

AFMA will continue to place fisheries officers on Australian and foreign surveillance and patrol platforms to target IUU fishing threats and to meet Australia's international obligations. AFMA will also deploy fisheries officers to inspect foreign fishing vessels entering Australian ports. The program seeks to prioritise activities within the AFZ with AFMA leading on fisheries investigations and prosecution.

4.3.1 Detect and deter illegal foreign fishing in the Australian Fishing Zone

AFMA works to counter IUU fishing in the AFZ through an active program of detection, interdiction and sanctioning of illegal foreign fishers along with the forfeiture of their vessels and catch.

This program includes working with Maritime Border Command (MBC) in the risk responsive tasking and deployment of surface and air assets to protect Australia's natural resources from illegal exploitation. AFMA officers regularly embark Australian patrol vessels to conduct patrols of high risk regions and respond to sightings of suspected illegal fishing activity. This program also includes working with other agencies (i.e. AMSA) in relation to the risk profile of foreign fishing vessels seeking access to Australian ports.

Australia shares maritime boundaries with a number of countries and AFMA works closely with its near neighbours in responding to fisheries incursions. Arrangements are in place that provide for cooperation and information sharing with France (in the Pacific and Southern Oceans), Papua New Guinea, Indonesia and Timor-Leste.

Australia is experiencing an increased number of illegal foreign fishing vessel incursions in its northern waters by Indonesian fishing vessels. This increase results from a range of factors including declining economic opportunities in Indonesia resulting from COVID-19 and recent natural disasters, COVID-19 limitations to Australia's compliance and enforcement responses, and strong market demand for targeted marine resources. AFMA and MBC are monitoring the increasing IUU fishing trend closely and are implementing approaches that seek to deter fishers from illegally operating in Australian waters, while managing risks associated with COVID-19. On-the-water measures such as legislative forfeitures of fishing gear and catch, as well as the destruction of vessels at sea when appropriate, have been implemented to minimise the COVID-19 risks.

From 1 July 2021 to 8 June 2022, there have been 337 legislative forfeitures of catch and fishing equipment. These actions also include 24 vessels seized and disposed of at sea, having transferred crew onto an accompanying foreign fishing vessel.

AFMA, MBC and partner agencies continue to employ a range of approaches to increase deterrence and reduce the number of illegal incursions in accordance with Australia's holistic approach to combatting IUU fishing. These approaches include surge operations, increased bilateral engagement at a senior level such as through the Indonesia–Australia Fisheries Surveillance Forum, diplomatic representation and the development of targeted education and communication campaigns in collaboration with the Indonesian Ministry of Marine Affairs and Fisheries (Kementerian Kelautan dan Perikanan). AFMA and MBC are monitoring the increasing IUU fishing trend closely and are implementing approaches that seek to deter fishers from illegally operating in Australian waters, while managing risks associated with COVID-19. On-the-water measures such as legislative forfeitures of fishing gear and catch, as well as the destruction of vessels at sea when appropriate, have been implemented to minimise the COVID-19 risks.

AFMA officers also continue to participate in bilateral coordinated patrols and joint exercises with Indonesia. These activities, under a *Maritime Cooperation Plan of Action*, include coordinated patrol operations between the Royal Australian Navy and the Indonesian Navy (Tentara Nasional Indonesia-Angkatan Laut), and between the Australian Border Force, Indonesia's Ministry for Marine Affairs and Fisheries and the Indonesian Maritime Security Agency (Badan Keamanan Laut Republik Indonesia – BAKAMLA). These operations are designed to share training and research expertise, boosting maritime security cooperation in the vicinity of our shared maritime boundaries.

4.3.2 Detect and deter IUU fishing in the Torres Strait

Australia ratified the Torres Strait Treaty with Papua New Guinea in 1985, setting out the maritime boundaries and management of the resources in the area. Combating illegal fishing in the region assists in meeting objectives of the treaty, including protecting the traditional way of life and livelihood of the traditional inhabitants of the Torres Strait and adjacent coastal areas of both Australia and Papua New Guinea.

AFMA works closely with the Papua New Guinean National Fisheries Authority to deter IUU fishing including joint operations, investigating and assisting prosecutions.

4.3.3 Detect and deter IUU fishing in the Southern Ocean

Australia continues to be active in deterring IUU fishing in the Southern Ocean, particularly in its external territories of Heard Island and McDonald Islands and Macquarie Island. AFMA works with a range of regulatory and surveillance authorities to monitor and enforce fishing regulations in the Southern Ocean, including working directly with the French Government on the cooperative surveillance of the French and Australian maritime areas in the Southern Ocean.¹⁵ Australia has been a key player in the effective suppression of IUU fishing in this region through a combination of effective on-water enforcement, information sharing, port State measures, and regional cooperation involving port States, flag States, market States and States with nationals that benefit from IUU fishing activities.

AFMA continues to cooperate with our partners to detect and deter IUU fishing in the Southern Ocean, including sharing information with parties to the RPOA-IUU.

¹⁵ See *Treaty between the Government of Australia and the Government of the French Republic on Cooperation in the Maritime Areas Adjacent to the French Southern and Antarctic Territories (TAAF), Heard and the McDonald Islands*.

4.3.4 Detect and deter IUU on the High Seas

High Seas Boarding and Inspection (HSBI) procedures have been adopted by many IFMOs for the assessment of compliance of fishing vessels with ICMMs while at sea. SIOFA, SPRFMO and WCPFC have adopted HSBI procedures covering high seas areas of the Indian and Pacific Oceans, which includes waters adjacent to the AFZ.

AFMA officers conduct HSBI as authorised officers under both domestic and international law. When operating from an Australian patrol platform, AFMA officers act as the lead investigating officer, responsible for the recording and assessment of compliance with relevant ICMMs and IFMMs. Outcomes of the HSBI are reported to the flag State of the fishing vessel for information and further action, where appropriate. A copy of this report is also provided to the relevant IFMO Secretariat and is reviewed annually by the respective IFMO compliance committees.

Coordinated activities are undertaken throughout the year, such as *Operation Nasse*, an annual multilateral maritime surveillance operation involving France, New Zealand, the United States of America and Australia. *Operation Nasse* works to detect and deter IUU fishing and identify operators not complying with ICMMs and IFMMs in the high seas of the western and central Pacific Ocean.

AFMA will continue to engage and participate in regional fisheries enforcement operations with the aim to target regional IUU threats.



Photo credit:
Fisheries officers and Australian Defence
Force personnel with NTSA flag, Operation
Solania, photo courtesy AFMA



5. Capability Development and Supplementation

Photo credit left to right:

Provision of freezer inspection kit in Pohnpei,
photo courtesy of AFMA

Operation Aiga 2019 group photo onboard US Coast
Guard Cutter *Walnut*, photo courtesy AFMA

AFMA receiving abandoned fishing net for disposal,
photo courtesy AFMA

5.1 Background

Under the *Fisheries Administration Act 1991* (Cth), a function of AFMA is to provide technical expertise in fisheries management to partners, including other countries,¹⁶ consistent with obligations relating to the international cooperation on the conservation and management of marine living resources.¹⁷

AFMA has a long history of engagement and capability development activities with international partners and gives particular recognition to the special requirements of developing States. Activities are directed towards building national and regional capacity to undertake risk responsive MCS operations to deter IUU fishing. AFMA officers provide theoretical training, on-the-job mentoring and participate in cooperative fisheries surveillance operations in support of broader Australian Government initiatives, such as the Defence-led Pacific Maritime Security Program.

5.2 Aim

To help build regional capacity and capabilities to detect and deter IUU fishing through the provision of technical assistance in delivering targeted MCS operations.

5.3 Objectives

To achieve the above aim the program has the following objectives:

1. Enhance regional information sharing and interagency cooperation;
2. Support risk-responsive tasking of assets;
3. Increase the capacity within the region to undertake enforcement operations;
4. Ensure national and regional MCS standards are effective, compatible and harmonised;
5. Provide practical and relevant training to MCS officers as part of established training courses; and
6. Provide real-time operational support to MCS officers.

5.4 Methodology

AFMA works closely across Australian Government, regional and intergovernmental partners to plan cooperative capability development activities across a range of oceans and jurisdictions. AFMA's current priority areas for capability development and supplementation are the Pacific and South East Asia.

AFMA's activities with respect to addressing IUU activities in the Pacific Ocean provide practical and technical training as part of:

- Certificate IV in Fisheries Enforcement and Compliance, delivered through the University of the South Pacific. Since 2015, AFMA officers have provided training to officers from Pacific Island countries as part of this course;

¹⁶ See *Fisheries Administration Act 1991* (Cth) s 7(1)(g).

¹⁷ See, for example, UNCLOS Art 118 and UNFSA Art 8.

- Certificate IV in Coastal Fisheries and Aquaculture Compliance, delivered through the University of the South Pacific in collaboration with the Pacific Community (SPC);
- Australian Defence Force's Pacific Maritime Security Program through the Australian Maritime College; and
- Requests for technical assistance from FFA members via the NTSA.

AFMA works to reinforce the theoretical training through participation in cooperative enforcement activities coordinated by the FFA Secretariat. AFMA's involvement in these operations includes embedding a fisheries officer in the FFA Regional Fisheries Surveillance Centre in Honiara, Solomon Islands, for the duration of regional fisheries operations, and embarking fisheries officers on FFA member patrol platforms. Under these arrangements, AFMA officers embark in a training and mentorship role, assisting boarding parties in undertaking fisheries inspections either at sea or in port.

Under the Combating IUU Fishing and Promoting Sustainable Fisheries in Southeast Asia Program managed by the Department of Agriculture, Fisheries and Forestry, AFMA delivers a range of MCS capacity building programs and training to Southeast Asian partner countries. This includes the development and implementation of an accredited training course on MCS to fisheries officers and targeted capacity building support on MCS areas and activities to address IUU fishing.

AFMA works closely across Australian Government, regional and intergovernmental partners to plan cooperative capability development activities.

AFMA also maintains the ability to rapidly deploy officers internationally to support other countries in the investigation of high priority issues (on request).



Photo credit:
Foreign fishing vessel forfeiture,
photo courtesy AFMA



6. Strategic Engagement

Photo credit left to right:

Foreign fishing vessel apprehended in northern Australian waters, photo courtesy ABF

Joint operation with US Coast Guard, photo courtesy AFMA

Southern Ocean patrol, photo courtesy AFMA

6.1 Background

AFMA works with other Australian Government agencies to develop and promote regional strategies to address IUU fishing. Our engagement with IFMOs and other international bodies ensures that Australia's fisheries management is consistent with international standards. Our engagement also supports continual improvements to actions taken regionally and internationally in areas adjacent to the AFZ, particularly in relation to highly migratory, shared and straddling stocks.

AFMA will continue to contribute to these international processes by working with the Department of Agriculture, Fisheries and Forestry, as lead agency for international fisheries engagement, to ensure our domestic arrangements are consistent with international obligations. AFMA will target our engagement to ensure the long term sustainability of Australian fish stocks and viability of the Australian fishing industry.

6.2 Aim

To work with Australian Government agencies when engaging in key international fora to deter and eliminate IUU fishing in Australian waters and on the High Seas where Australia has an interest.

6.3 Objectives

1. To strengthen existing fisheries management and conservation arrangements;
2. To continue developing and adopting new approaches to deter IUU fishing;
3. To cooperate with other countries in responding to IUU fishing activities; and
4. To support development of MCS standards that are effective and compatible with existing arrangements.

6.4 Methodology

AFMA supports Australia's engagement at bilateral and multilateral international meetings to ensure the continued development and strengthening of measures to deter IUU fishing. This support will include, as appropriate, sharing information on fisheries management and compliance approaches, developing or commenting on new or revised proposals, chairing working groups, monitoring known IUU fishing vessels, and identifying emerging or potential IUU threats.

AFMA contributes to Australia's annual reports to IFMOs on the implementation of agreed ICMMs. AFMA continues to support the work completed by the WCPFC Electronic Reporting and Electronic Monitoring Working Group, particularly in relation to the implementation of electronic monitoring.

AFMA supports the strengthening and implementation of international treaties, through information sharing and bilateral or multilateral coordination, collaboration and representation with other flag, coastal, or port States.



7. Targeted threat response responses for Enforcement Operations

Photo credit left to right:

Australian Border Force *CCPB Cape St George* and foreign fishing vessel, photo courtesy AFMA

AFMA fisheries officers delivering FFA MCS Officer Foundation Course, photo courtesy AFMA

Foreign fishing vessel, photo courtesy AFMA

7.1 Background

AFMA uses a risk-based compliance and engagement approach, which enables AFMA's limited resources to be deployed to target areas when required and where most effective. It involves a series of steps to identify and assess the threat of non-compliance and then applying appropriate actions to mitigate these threats.

The methodology applied is consistent with the *National Compliance Risk Assessment Methodology* and was informed by AFMA's *International Compliance Data Collection and Management Plan 2018*. Certain IUU fishing activities of foreign fishing vessels operating in the high seas have been assessed as high to severe threats:

- Misreporting of catch and bycatch interactions;
- Non-compliance with IFMO VMS conditions;
- Non-compliance with IFMO bycatch mitigation conditions; and
- Illegal Foreign Fishing in the AFZ.

7.2 Misreporting of catch and bycatch interactions

7.2.1 Background

Flag States, IFMOs, RFBs and operators have adopted IFMMs and ICMMs to improve catch reporting, however poor compliance and lack of effective monitoring of High Seas fleets by flag States continue.

7.2.2 What is considered misreporting of catch?

Misreporting refers to the recording of incorrect weights, quantities, species composition or landed states. Catches may be misreported accidentally due to difficulties in species identification, working conditions or carelessness. Misreporting may be deliberate for any number of reasons, including influencing catch and interaction records, or incidental, through poorly estimated or recorded catch.

Misreporting includes, but is not limited to, the non-reporting of bycatch or protected species interactions (for example sharks or turtles), the retention of prohibited target species, high grading of catch, and the misreporting of catch species composition. Non-reporting of discards is of particular concern as unreported discards are not taken into account in terms of total mortality in a fishery and if significant, may skew stock assessments and analyses. Fishers may attempt to increase their economic return by deliberately discarding small, damaged or less valuable fish (a process known as 'high grading'), therefore avoiding having to pay for less valuable catch as part of their annual entitlement or as port landing fees.

IFMOs and RFBs require members to report a range of data relating to fishing activities to centralised bodies. This includes catch and effort data (e.g. logbook data) and also monitoring data, such as those collected at sea (e.g. during transshipment events) or in port (e.g. during transshipment or landing). These data are then used to inform management decisions including scientific analyses such as stock assessments, or the planning and coordination of MCS activities.

7.2.3 Why is failing to report retention/interaction a threat?

The misreporting of catch has serious ramifications on the sustainability of fishing and management of those species. Stock assessments are predicated on timely and reliable catch and effort data, and non-compliance with reporting requirements can result in poor estimates of mortality rates due to fishing, undermining the fidelity of these assessments.

Some species are managed via national catch limits either implemented unilaterally or agreed through IFMOs. Misreporting significantly undermines the integrity of such ICMMs.

During the COVID-19 pandemic, in response to travel restrictions and concerns over the potential impact of COVID-19 on the health and safety of crew and observers, a number of IFMOs implemented temporary measures to suspend observer requirements. These suspensions have increased the risk of misreporting in some fleets.

7.2.4 Aim

To ensure accurate reporting of all interactions with both target and non-target species to support fisheries management decisions.

7.2.5 Objectives

1. To identify, through consultation with relevant stakeholders, issues that influence non-compliance with reporting requirements;
2. To engage in international fora to develop and strengthen ICMMs relating to reporting of bycatch interactions; and
3. To improve the reporting of all interactions with target and non-target species, with a focus on timeliness and discards.

7.2.6 Methodology

AFMA works with relevant stakeholders to identify impediments relating to the identification and/or reporting of interactions, and to encourage flag States to ensure their operators have all the tools and resources necessary to accurately report all interactions. To support this, AFMA seeks to have electronic monitoring recognised as a valid data collection and verification tool for use in waters under the competence of RFMOs to which Australia is a party.

AFMA works with relevant stakeholders to develop and supply translation material to patrol vessels and flag States to facilitate HSBI.

AFMA provides assistance, where requested, to States wishing to develop their in port inspection capabilities.

AFMA seeks to use genetic testing of fish to assist officers in detecting misreporting of catch composition, for example where product substitution is occurring. AFMA officers continue to work with CSIRO in trialling in-field testing techniques to improve the ease of sampling and sampling rate. These methods will be used during at sea and port inspections to spot check and validate logbook reports. Where discrepancies are identified, AFMA shares information with relevant port and flag States.

7.3 Non-compliance with vessel monitoring system requirements

7.3.1 Background

Vessel Monitoring Systems (VMS) provide near real-time satellite positions of fishing vessels which is reported to a fisheries monitoring centre (FMC). These systems are comprised of on-board Mobile Transceiver Units, Automatic Location Communicators (ALC), and the relevant infrastructure on board associated with power, satellite transmission and onshore monitoring. For simplicity, the on-board components are referred to as 'VMS units' in this document.

The WCPFC and SPRFMO require members to direct their vessels to provide real time VMS reports to the WCPFC and SPRFMO Secretariat when fishing in the High Seas of the WCPFC¹⁸ and SPRFMO Convention Areas¹⁹. FFA members require vessels authorised to target tuna, or carry out related activities (bunkering and carrying tuna) to submit real time VMS reports to the FFA Secretariat throughout the validity of their authorisation. While IOTC requires members to provide VMS data for their vessels, at this stage that data is only collected by flag States and is not shared.

Some vessels fishing in these areas maintain a separate VMS unit that reports to their FMC. However, regardless of domestic reporting requirements, the WCPFC, FFA and SPRFMO require members to direct their vessels to regularly report position information.

7.3.2 What is considered to be non-compliance with VMS provisions?

Intentional tampering with VMS equipment in order to avoid detection can involve the wilful blocking of the unit transmitting reports to an FMC or the unauthorised duplication of position reports either via a cloned unit or deliberate interference with the information in the position reports. While manufacturers pride themselves on having safeguards in place, regulatory agencies must also take steps verify that the data being reported is authentic and non-repudiated.

Officers examine the physical status of the VMS units by checking anti-tamper seals, power and antennae cables and power supplies, and corroborate VMS unit serial numbers and registration details. Officers also liaise with WCPFC, SPRFMO and FFA Secretariats to confirm flag States are actively monitoring their vessels to ensure they are reporting as expected. This includes querying unintentional administrative or technical VMS reporting issues which officers may identify.

During regional and national operations, authorities monitor the polling of vessels and, where vessels appear to disappear or 'go dark', the vessels are identified as a high priority. Analysis of other surveillance information may identify vessels that are not reporting via VMS, further informing the plans and priorities of surface assets or other responses. Vessels that 'go dark' regularly, or whose polling rates are not consistent, are monitored and may be targeted for further action.

¹⁸ In accordance with the WCPFC CMM 2014-02, Commission Vessel Monitoring System.

¹⁹ In accordance with SPRFMO CMM 06-2018, Establishment of the Vessel Monitoring System in the SPRFMO Convention Area.

7.3.3 Why is failing to comply with VMS provisions a threat?

VMS is a key component of effective fisheries MCS. VMS data is used to verify fishing activity and is increasingly being compared against other datasets to help detect suspected IUU fishing. An effective VMS program allows fishery managers to corroborate catch and effort data, monitor the movement of vessels (including in respect of maritime boundaries), and identify vessel interactions (where fishing vessels may meet with carrier or resupply vessels). Failure to comply with VMS provisions may be considered an indicator of other IUU behaviour and, as such, vessels are identified as a high priority compliance target.

7.3.4 Aim

To ensure all fishing vessels that operate in High Seas areas adjacent to the AFZ comply with international obligations relating to VMS.

7.3.5 Objectives

1. To detect and prioritise for further action vessels that are not complying with IFMO and RFB VMS requirements;
2. To engage flag States with vessels that have been identified as persistently non-compliant with IFMO and RFB VMS requirements;
3. To provide technical assistance and support to States when requested (utilising the NTSA where appropriate);
4. To cooperate with IFMOs and RFBs to strengthen VMS processes and actions in the event potential non-compliance is identified; and
5. To decrease the incidences of confirmed VMS non-compliance.

7.3.6 Methodology

AFMA officers work with our partners to prioritise inspection of vessels identified as potentially non-compliant with VMS provisions. Where vessels are positively identified as non-compliant by Australian officials, either through on-water inspections or remotely through onshore monitoring of the VMS systems, AFMA will contact the relevant flag State and IFMO with details of the alleged offences and seek details on any flag State response.

AFMA will continue to engage with flag States and IFMOs to ensure robust VMS monitoring procedures are in place. As noted above, it can be difficult to identify the cause of VMS reporting issues. Therefore, AFMA will provide technical assistance to strengthen VMS monitoring procedures

Photo credit:
Australian Defence Force
personnel hoisting the NTSA
flag, Operation Solania,
photo courtesy AFMA



7.4 Non-compliance of tuna longline vessels with bycatch mitigation conditions

7.4.1 Background

Commercial longline tuna fisheries can have a negative impact on bycatch species without appropriate mitigation strategies in place. Bycatch of sharks, sea turtles and seabirds are of particular concern,²⁰ and IFMOs and RFBs have a range of ICMMs intended to ensure that the impact on bycatch species is reduced. These include the use of bycatch reduction devices, bycatch handling and retention requirements, and National Plans of Action pertaining to specific bycatch species.

7.4.2 What is considered non-compliance with bycatch mitigation conditions?

Vessel operators or flag States' failure to comply with ICMMs poses a threat to the marine environment, and may result in flag States being found non-compliant in IFMOs or RFBs with ICMMs. In some cases, vessels may attempt to comply with ICMMs, but fail to understand current mitigation requirements, particularly those contained within new or modified ICMMs.

All interactions with sea turtles, seabirds and shark species of concern, whether retained or discarded, must be recorded and reported to IFMOs or RFBs. Officers analyse information collected through HSBI, observer reports, VMS, catch and effort reporting, as well as any port inspections and anomalies considered for follow up action.

During HSBI, fisheries officers examine the fishing gear, freezers, product and equipment holds and ships' documents to assess compliance. When vessels are inspected within the EEZ of member States, officers work with national authorities to inspect for compliance with national legislation and regulations. Inspections also provide an opportunity to educate the fishing industry regarding their obligations.

7.4.3 Why is failing to comply with bycatch mitigation conditions a threat?

The ICMMs relating to bycatch mitigation respond to concerns about the impact of fishing on vulnerable bycatch species. Non-compliance with bycatch mitigation ICMMs places these species at a heightened threat of over exploitation or extinction.

During the COVID-19 pandemic, in response to travel restrictions and concerns over the potential impact of COVID-19 on the health and safety of crew and observers, a number of IFMOs implemented temporary measures to suspend observer requirements. These suspensions have increased the risk of non-compliance with interaction reporting and use of mitigation devices in some fleets.

7.4.4 Aim

To ensure fishing vessels and flag States comply with bycatch mitigation ICMMs adopted by IFMOs in waters adjacent to the AFZ.

20 Shelley Clarke, Mayumi Sato, Cleo Small, Ben Sullivan, Yukiko Inoue and Daisuke Ochi (2014). Bycatch in Longline Fisheries for Tuna and Tuna-like Species: A Global Review of Status and Mitigation Measures. FAO Fisheries and Aquaculture Technical Paper No 588, url: <http://www.fao.org/3/a-i4017e.pdf>

7.4.5 Objectives

1. To identify high risk vessels through analyses of compliance history and other sources of information, for further action.
2. To educate and communicate with member States and industry the importance of the following:
 - a) Report all interactions with sharks, seabirds and sea turtles as per ICMM obligations;
 - b) Adopt methods and technologies to reduce interactions with sea turtles;
 - c) Implement live release of all incidental catches of sharks in accordance with bycatch handling guidelines; and
 - d) Implement live release of seabirds in accordance with bycatch handling guidelines.
3. To decrease the incidences of confirmed non-compliance with seabird, sea turtle and shark mitigation regulations.

7.4.6 Methodology

AFMA works with relevant stakeholders to develop and supply educational material, such as translation cards, to patrol vessels and flag States to facilitate effective HSBIs. Translation cards used during inspections support non-verbal communication by including diagrams or pictures, to assist industry and crews in implementation and correct use of by-catch mitigation devices.

AFMA works with enforcement partners to prioritise inspection of vessels that have been identified as having a high likelihood of non-compliance. Where vessels are positively identified as non-compliant, AFMA will contact the flag State with details of the alleged offences and seek details on any flag State response.

AFMA will continue to engage with partners to strengthen ICMMs and IFMMs that support the effective compliance monitoring of bycatch requirements.

7.5 Illegal Foreign Fishing in the AFZ

7.5.1 Background

Illegal incursions into the AFZ by foreign fishing vessels are a violation of Australia's sovereignty over our EEZ. These incursions can result in critical impacts on the targeted stocks and the marine environment, as well as the sectors of Australian society which derive financial, cultural or personal benefits, and other benefits from these stocks and environments.

Most illegal foreign fishing occurs close to the outer reaches of the AFZ or in remote areas by vessels making opportunistic illegal incursions. Currently, this predominantly involves illegal foreign fishing vessel incursions in Australia's northern waters by Indonesian fishing vessels.

While illegal foreign fishing in the AFZ has been of lower threat for a number of years, illegal foreign fishing in Australia's northern waters is currently at levels not experienced for 15 years. This increase results from a range of factors including declining economic opportunities in Indonesia resulting from COVID-19 and recent natural disasters, COVID-19 limitations to Australia's compliance and enforcement responses, and strong market demand for targeted marine resources.

AFMA and MBC are monitoring the increasing IUU fishing trend closely and are implementing approaches that seek to deter fishers from illegally operating in Australian waters, while managing risks associated with COVID-19. On-the-water measures such as legislative forfeitures of fishing gear and catch, as well as the destruction of vessels at sea when appropriate, have been implemented to minimise the COVID-19

risks. From 1 July 2021 to 8 June 2022, there have been 337 legislative forfeitures of catch and fishing equipment. These actions also include 337 vessels seized and disposed of at sea, having transferred crew onto an accompanying foreign fishing vessel.

AFMA, MBC and partner agencies continue to employ a range of approaches to increase deterrence and reduce the number of illegal incursions in accordance with Australia's holistic approach to combatting IUU fishing. These approaches have included surge operations, increased bilateral engagement at a senior level such as through the Indonesia-Australia Fisheries Surveillance Forum, diplomatic representation and the development of targeted education and communication campaigns in collaboration with the Indonesian Ministry of Marine Affairs and Fisheries (Kementerian Kelautan dan Perikanan).

AFMA and MBC are monitoring the increasing IUU fishing trend closely and are implementing approaches that seek to deter fishers from illegally operating in Australian waters, while managing risks associated with COVID-19. On-the-water measures such as legislative forfeitures of fishing gear and catch, as well as the destruction of vessels at sea when appropriate, have been implemented to minimise the COVID-19 risks.

7.5.2 What is considered to be illegal foreign fishing?

Australia has entered into a number of treaties and arrangements which allow foreign fishing in specified areas of Australia's jurisdiction, including for traditional fishing and traditional inhabitant fishing by foreign nationals. Beyond these exceptions, under the *Fisheries Management Act 1991* (Cth) Australia prohibits foreign-registered vessels from fishing in the Australian EEZ or territorial sea without a foreign fishing licence. Any fishing conducted by a foreign vessel in the AFZ that is not properly permitted is considered illegal foreign fishing.

7.5.3 Why a threat

IUU fishing in the AFZ poses significant financial, environmental and social risks to Australia and its people. IUU fishing threatens the Australian harvest of fish stocks both within and beyond the AFZ, and thus impacts fishing industries and communities in Australia and in neighbouring countries. IUU fishing can also have serious environmental impacts as some IUU fishing operators have little regard for marine protected areas, using non-destructive fishing methods, minimising bycatch or eliminating catch of rare, threatened and protected species. In addition, vessels undertaking illegal fishing activities, particularly those operating in a coordinated manner, may pose a risk for activities related to other transnational crime threats, including drug smuggling and human trafficking.

7.5.4 Aim

To deter, detect, interdict and sanction illegal foreign fishers in the AFZ.

7.5.5 Objectives

1. Prioritise efforts to address illegal foreign fishing in areas of the AFZ at highest risk;
2. To increase the number of illegal foreign fishing vessels that are successfully detected, interdicted, and sanctioned;
3. To engage with authorities of relevant States responsible for illegal foreign fishing vessels and nationals onboard; and
4. To decrease the occurrence of foreign vessels illegally fishing in Australian waters.

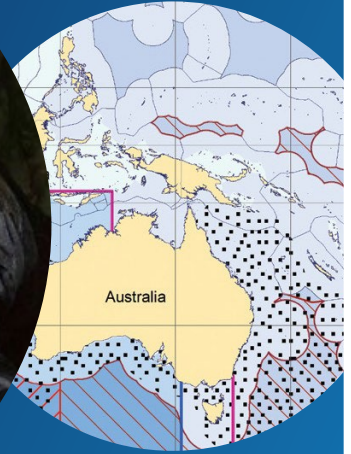
7.5.6 Methodology

AFMA, MBC and partner agencies continue to employ a range of approaches to increase deterrence and reduce the number of illegal foreign fishing vessel incursions into the AFZ. This includes targeted operations, bilateral coordinated patrols with Indonesia, increased bilateral engagement and diplomatic engagement with foreign counterparts and the delivery of targeted education and communication campaigns in relevant foreign countries. AFMA will also continue to contract and deploy assets to assist the whole of government response to IUU fishing.

AFMA and MBC are monitoring the increasing IUU fishing trend closely and are implementing approaches that seek to deter fishers from illegally operating in Australian waters, while managing risks associated with COVID-19. On-the-water measures such as legislative forfeitures of fishing gear and catch, as well as the destruction of vessels at sea when appropriate, have been implemented to minimise the COVID-19 risks.



Photo credit:
Launching boarding craft, Operation Nasse 2021,
photo courtesy AFMA



8. Performance assessment

Photo credit left to right:

AFMA fisheries officer, photo courtesy AFMA

AFMA officer inspecting the freezer of a fishing vessel, photo courtesy AFMA

Map compiled by ABARES from information supplied by the RFMOs included in the map. EEZs were supplied by the Flanders Marine Institute, Belgium.

The effectiveness of the program will be assessed through the use of outcome targets wherever possible, as well as input and output targets where a suitable 'outcome target' was not able to be identified.

TABLE 2: Performance Assessment

Strategies	Description	Target
Communications	AFMA's <i>International Compliance and Engagement Program</i> endorsed by the CEO, reviewed every two years and available on the AFMA website	100%
	Media releases for major activities and significant outcomes	100%
Enforcement Operations	Numbers of illegal foreign fishing vessels detected in Australian waters remain low.	Lower than previous 3 year average
	Disposal of apprehended foreign IUU vessels received by AFMA	100%
	Foreign fishers charged are successfully prosecuted	100%
	High risk Foreign Fishing Vessels visiting Australian ports inspected	100%
	High Seas Boarding and Inspection reports by Australian officers submitted, as required, to flag States and International Fisheries Management Organisations (IFMO)	100%
Strategic Engagement	AFMA priorities for meetings and bilateral engagement are incorporated in government briefings and negotiating frameworks	100%
	Nominations of non-compliant vessels for IUU listing are made in accordance with IFMO requirements	100%
	Australia's maintains a high compliance rate with international obligations (implemented by AFMA) as assessed in IFMOs. ²¹	90%
Capability Development	In-country programs to provide technical, policy and operational advice to build capacity are delivered	2 per year
	Participation in Forum Fisheries Agency-led cooperative training activities and multilateral maritime surveillance activities, as appropriate	4 per year
Targeted IUU Threats	Australian officers target IUU threats and engage flag States to implement remedial actions	100% of identified suspected non-compliant actions acted on

²¹ AFMA is responsible for implementing a subset of Australia's IFMO obligations. Further, each IFMO has a different mandate, compliance scheme and governance framework, therefore making holistic compliance assessment difficult to calculate. The associated 'target' is a self-imposed target set by AFMA taking into account the limitations when comparing IFMO outcomes.



Photo credit:
NSW Police Force OPV *Nemesis* conducting high
seas boarding and inspections, Operation Nasse 2021,
photo courtesy AFMA