



Australian Government

Australian Fisheries Management Authority

Regulator Performance Framework

Self-Assessment 2018-19



Contents

Self-Assessment 2018-19	1
1 Introduction.....	3
2 Methodology.....	3
2.1 Approach.....	3
2.2 Review of supporting evidence	5
3 Self-assessment.....	9
3.1 Results of the self-assessment	10
4 Feedback on self-assessment	17

Version	Updates	Approver
V1.0	November 2019	Andrew Pearson
V.2.0	December 2019	Wez Norris

1 Introduction

The Australian Fisheries Management Authority's (AFMA) core regulatory functions covered by the 2018-19 Regulator Performance Framework (RPF) include:

- developing fishery management policies, regulations and other arrangements for Commonwealth fisheries;
- licensing fishing operators in Commonwealth fisheries;
- monitoring, control and surveillance of Commonwealth domestic fishery operators;
- the detection and prosecution of illegal foreign fishers;
- engaging with stakeholders on the responsible management of fisheries; and
- promoting compliance with Australian fishing laws and relevant international fishing obligations and standards through education and enforcement operations.

While these functions have not changed significantly since 2017-18, AFMA continues to pursue their more effective and efficient implementation through collaboration and cooperation with industry to underpin innovative fisheries management and better targeting of programs. With the Gross Value of Production for Commonwealth fisheries forecast steady at around \$400 million (\$380 million in 2018-19) million and for the sixth consecutive year, no fish stocks managed solely by AFMA subject to overfishing, 2018-19 has seen AFMA deliver solidly against its objectives.

At the same time, this positive performance has been delivered with reduced regulatory burden and increased management streamlining. A total of 61 initiatives to cut red tape for Commonwealth fishers have now been, or are being, implemented. In 2018-19, two key initiatives involving industry led data collection in the Gillnet Hook and Trap (GHAT) sector, and data sharing arrangements with the South East Trawl Fishing Industry Association (SETFIA) were successfully implemented creating efficiencies in data collection and exchange. AFMA has also out-performed the cumulative Consumer Price Index by some \$46 million (as at 2018-19) and will aim to continue to meet this commitment while ensuring legislative objectives are pursued.

2 Methodology

2.1 Approach

AFMA prepared its self-assessment for 2018-19 by collating information from:

- an independent stakeholder perceptions survey conducted by an external consultant;
- internal management information systems;
- records of consultations with stakeholders (minutes of meetings, correspondence, submissions on matters where AFMA issued invitations to comment etc);
- AFMA's operating plans and procedures;
- reports produced for internal or external consumption;
- AFMA's internal and external webpages including social media platform;
- targeted surveys related to information distributed on the AFMA website

- recent audits; and
- information directly from stakeholders through port visits.

Compared with the 2017 survey, the 2019 AFMA stakeholder perceptions survey involved expanded targeting of the numbers and spread of stakeholders, reflecting our efforts to promote engagement with commercial, recreational and indigenous fishers. A total of 229 out of 1,933 identified stakeholders responded to the survey. The survey sought to measure:

- Overall stakeholder satisfaction
- AFMA's decision making
- Service delivery
- AFMA's domestic compliance program
- AFMA's communication and consultation with its stakeholders.

The survey results build on our initial stakeholder survey in 2017. We intend to continue to conduct such surveys every two years. This will allow AFMA's regulatory changes time to be recognised by stakeholders and will also spread the costs of undertaking this exercise for AFMA as a small agency with limited resources.

Results suggest:

- **Overall satisfaction:** the 2019 stakeholder satisfaction with AFMA's performance is largely consistent with 2017 results: half were satisfied overall and about a third was dissatisfied. However, commercial fishing operator satisfaction was significantly lower than other stakeholders.

Stakeholders were most satisfied with AFMA 'communication and consultation'; this score increased compared to 2017. Satisfaction with AFMA 'decision making' was lowest, but in line with 2017 results.

- **Decision Making:** A third was satisfied with AFMA's decision making. Dissatisfaction was mainly driven by relatively low agreement with consistency, clear explanation of rationale for decision making and openness and transparency about decisions.
- **Compliance Program:** Two-fifths were satisfied with AFMA's compliance and enforcement activities, in line with 2017 results. However, confidence in AFMA's ability to detect instances of non-compliance with quotas, gear or Statutory Fishing Rights has dropped in 2019.
- **Service Delivery:** Just over half was satisfied with AFMA service delivery. Less stakeholders had direct contact with AFMA in the past twelve months than in 2017. Ratings for interactions with AFMA staff remained relatively high.
- **Communications and Consultations:** About two-thirds were satisfied with AFMA's communication and consultation activities. The majority agreed that they would benefit from participating in industry-related conferences and workshops and from port visits and community meetings. The AFMA website content is considered accurate, relevant and easy to use.

The Executive Secretariat coordinated the data capture and preparation of the self-assessment. AFMA's Executive confirmed that the self-assessment accurately represents AFMA's regulatory operations and performance during 2018-19.

2.2 Review of supporting evidence

As part of our continuous improvement efforts for addressing regulatory impacts, AFMA sought feedback on its 2017-18 Regulator Performance Framework self-assessment from our independent reviewer, the Commonwealth Fisheries Association (CFA). As there were no issues raised by CFA on AFMA's metrics in this 2017-18 external validation process, AFMA proposed the same performance measures for this 2018-19 report. This approach was approved by the Minister for Agriculture, Senator the Hon Bridget McKenzie.

Table 1 Metrics for the 2018-19 Regulator Performance Framework for AFMA

Key performance indicator		Performance measures	Evidence
1	Regulators do not unnecessarily impede the efficient operation of regulated entities.	1.1 Demonstrated understanding of the operating environment for the regulated entities through efficient consultative mechanisms.	1.1.1 Commission meetings in fishing ports and associated industry participant meetings or visits.
			1.1.2 Fishing industry representatives including recreational and indigenous fishers, scientific experts, AFMA Commissioners and other appropriate stakeholders participate in Management Advisory Committee and Resource Assessment Group meetings.
			1.1.3 Regular consultation with the Commonwealth Fisheries Association.
		1.2 Reduction in cost and time of transacting with AFMA.	1.2.1 More than 90% of transactions delivered on line through GoFish.
			1.2.2 Since 2013 a total of 61 red tape reduction initiatives have either been completed or progressed.
			1.2.3 Introduced e-logs for fisheries data logging have significant reduction in the time and cost of fishermen involved with the old paper-based logbooks.
		1.3 Efficient and effective AFMA business processes.	1.3.1 Satisfaction with AFMA's on-line systems for submitting and managing applications – through on-line feedback and complaints.

Key performance indicator	Performance measures	Evidence
		<p>1.3.2 Timeframes for business processes in AFMA Client Service Charter met.</p>
2	<p>2.1 Satisfaction with quality and availability of information and guidance materials.</p>	<p>2.1.1 Online website regulatory information and guidance is accurate and current.</p>
		<p>2.1.2 Number of subscribers to the AFMA News.</p>
		<p>2.1.3 Website meets relevant Government online and accessibility standards.</p>
		<p>2.1.4 Prompt responses to stakeholders' query/ reaction on social media, such as AFMA Facebook page where important AFMA news are regularly posted.</p>
	<p>2.2 Satisfaction with the quality of advice relating to AFMA decisions and assistance.</p>	<p>2.2.1 Timeframes and expectations of AFMA Client Service Charter met.</p>
		<p>2.2.2 Statement of reasons for major AFMA decisions published within 2 weeks of decision.</p>
<p>2.3 Extent and satisfaction with AFMA consultative processes.</p>	<p>2.3.1 100% of new or major changes to policy provided to relevant stakeholders for consultation prior to finalisation.</p>	
	<p>2.3.2 Satisfaction from key stakeholders about the quality of AFMA consultation through stakeholder survey.</p>	
3	<p>3.1 Risk management frameworks and policies are in place and regularly reassessed¹.</p>	<p>3.1.1 Relevant risk frameworks that are applied to decision making, made accessible to regulated entities.</p>
		<p>3.1.2 Risk management framework reviewed every 2 years.</p>

¹ These include the Compliance Risk Assessment, Ecological Risk Assessment, Ecological Risk Management, Human Resource Risk Management, Observer Risk Management Assessment and Risk-Catch-Cost Trade-off for Fisheries.

Key performance indicator		Performance measures	Evidence
		3.2 Regular Audits of key agency functions through AFMA Audit and Risk Committee, ANAO, AFMA Commission.	3.2.1 Annual audits completed in line with Strategic Internal Audit Plan 2017-19.
			3.2.2 100% of identified high priority audit recommendations addressed.
		3.3 National Compliance and Enforcement Policy and the National Compliance and Enforcement Program regularly reviewed.	3.3.1 Policy reviewed every 2 years and program reviewed annually.
			3.3.2 100% of relevant staff trained in risk management policies.
4	Compliance and monitoring approaches are streamlined and coordinated.	4.1 Monitoring and enforcement strategies minimise costs to regulated entities.	4.1.1 Compliance risk assessment conducted every two years to ensure well targeted activities.
			4.1.2 Quantity of compliance activities conducted jointly with other regulators.
		4.2 Compliance activities are responsive to business needs of regulated entities, where relevant.	4.2.1 Compliance activities targeted on high risk areas.
			4.2.2 Participating coordinated international patrols in our EEZ and High Seas and helping capacity building in neighbouring countries.
		4.3 Facilitate electronic submission of key data systems (Logbooks, Vessel Monitoring Systems and Licensing).	4.3.1 On-line systems are available to regulated entities.
			4.3.2 Increase in uptake and use of electronic business solutions.
5	Regulators are open and transparent in their dealings with regulated entities.	5.1 Improve transparency of actions.	5.1.1 Statement of reasons for major AFMA decisions published within 2 weeks of decision.
			5.1.2 Performance against regulatory service requirements in the AFMA Client Service Charter published annually.

Key performance indicator	Performance measures	Evidence
		<p>5.1.3 Compliance policy, risk methodology and compliance program published on the AFMA website.</p>
		<p>5.1.4 Regular compliance reports provided to peak industry bodies.</p>
		<p>5.1.5 Introduced Co-management arrangements in certain fisheries created opportunities for stakeholders' direct involvement in resource management.</p>
	<p>5.2 Feedback mechanisms are in place and used to improve service to regulated entities.</p>	<p>5.2.1 Advice from complaints and feedback mechanisms, including stakeholder survey, is regularly reviewed.</p>
	<p>5.3 Performance information is published.</p>	<p>5.3.1 Performance against regulator and AFMA's corporate plan published in annual report and on AFMA website.</p>
		<p>5.3.2 Stock Status reports published by ABARES and on the AFMA website.</p>
<p>6 Regulators actively contribute to the continuous improvement of regulatory frameworks.</p>	<p>6.1 Engage Stakeholders in changes to the regulatory framework.</p>	<p>6.1.1 Stakeholder consultation procedures in place and reviewed regularly.</p>
		<p>6.1.2 Significant changes to AFMA regulatory frameworks involve stakeholder consultation.</p>
		<p>6.1.3 Shifting management responsibilities solely from AFMA to the stakeholders through Co-management arrangements in some fisheries.</p>
	<p>6.2 Engagement with the Department of Agriculture on the development or amendment of regulatory frameworks.</p>	<p>6.2.1 Executive meetings between AFMA and the Department of Agriculture.</p>
		<p>6.2.2 Participate in regular deregulation and legislative reform working groups with Department of Agriculture.</p>

However, given changes in AFMA's activities, this review, in some cases, draws on different supporting evidence. Examples include (Table 1 above):

- replacing a quantitative number of Management Advisory Committee and Resource Assessment meetings with a focus on broad stakeholder participation (Evidence 1.1.2);
- adding an additional element (Evidence 1.2.3) to reflect the introduction of electronic data gathering AFMA provides for the electronic reporting (e-reporting) of catch information by fishers. E-reporting enhances the efficiency of data collection and reduces the reporting burden placed on individuals;
- replacing a basic review date measure with a qualitative assessment of the accuracy and currency of website information and guidance (Evidence 2.1.1);
- adding an additional element (Evidence 5.1.5 and 6.1.3) on co-management arrangements to encourage greater industry responsibility for minimising the effects of fishing. This is another approach by AFMA that can increase the cost effectiveness of fisheries management. Such arrangements often reflect a maturing industry that has a strong industry body and the capacity to take on responsibilities previously undertaken by government; and
- broadening the previous reference to four executive meetings each year to reflect the ongoing engagement of AFMA executive with the Department of Agriculture (Evidence 6.2.1).

3 Self-assessment

Overall, AFMA's performance, as reflected in the results between the 2019 and 2017 Stakeholder Perceptions Surveys, suggests that stakeholder satisfaction remains largely consistent. Respondents were generally more positive than negative (half satisfied, a quarter dissatisfied) about AFMA, with particular strengths being seen in AFMA's communications and consultations. Even satisfaction with AFMA 'decision making', which was ranked as the lowest of our four key functional elements (Communications 3.8 (out of 5), Service delivery (3.5), Compliance and enforcement (3.3), and Decision making (2.9)), was still in line with the 2017 survey results.

AFMA's detailed self-assessments against the six Regulator Performance Framework key performance indicators (KPIs) indicate a similar outcome. While we have addressed some aspects from 2018, such as redeveloping AFMA's website on the GovCMS (drupal) platform to bring it in line with "WCAG 2.0 Level Double AA" for accessibility and improved security, we are still working to improve the clarity, consistency and timely distribution of advice on our decisions.

As a result, AFMA assesses that we are delivering on four of the six KPIs, with the remaining two (*Communication with regulated entities is clear, targeted and effective, and Regulators are open and transparent in their dealings with regulated entities*), being partly met. AFMA achieved 13 of the 17 performance measures that evidence positive regulator performance. The remaining four measures were achieved in part, with AFMA's efforts for regulatory improvement now including work on:

- Public perceptions and issues of social licence in management decision making to address greater recreational fishing participation and pressures for transparency, greater engagement and easier access to information. AFMA released a position statement on *How AFMA considers the social aspects of the ecologically sustainable development*

principles in the management of Commonwealth Fisheries and is following up with actions to progress.

- Technology growth as an enabler for better monitoring, cost effective enforcement and streamlining stakeholder services, and also as a challenge through improved fishing efficiency.
- While progress on engaging with the recreational sector is advancing well, Indigenous engagement has been slower reflecting the complex array of multiple Land Councils and communities that overlap Commonwealth fisheries, and the challenge of identifying the most effective approach to engagement.

3.1 Results of the self-assessment

1. KPI: Regulators do not unnecessarily impede the efficient operation of regulated entities

Performance measure is met by AFMA:

- Providing an online system that operators can use to efficiently lodge applications, make payments and receive information from AFMA through 'GoFish'. During 2018–19 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter. No formal complaints were received by AFMA during 2018-19.
- Since 2013, AFMA has identified 65 measures aimed at reducing red tape. 38 of these measures have been implemented, four closed and another 23 are in progress.
- Holding Commission meetings in fishing ports and associated industry representative meetings. In 2018-19, five Commission meetings were held. Three were in fishing ports - Darwin (a major port for the Northern Prawn Fishery), Sydney (major seafood market) and Hobart (links to scallops, squid and scalefish sectors). These meetings along with individual Commission members' other port visits and participation in Management Advisory Committees (MACs) and Resource Assessment Groups (RAGs) meetings created opportunities for engagement with AFMA-stakeholders.
- MAC and RAG meetings (33 held in 2018-19) provided an effective platform for policy makers, researchers, academics, other subject matter experts, industry representatives, recreational fishing groups, and various government organisations to work together to develop fisheries management advice, particularly on sustainability and operational issues. Regular meetings of these committees and groups were held during 2018-19.
- While AFMA is ensuring a wide range of stakeholders' participation including recreational fishers in Management Advisory Committees and Resource Assessment Group meetings, Indigenous engagement has been slower reflecting the challenge of identifying the most effective approach to engagement.

From the 2019 Stakeholder Survey, more than half of the respondents indicated that they were either satisfied (41 per cent) or very satisfied (12 per cent) with the service provided by AFMA, while less than 20 per cent were either dissatisfied (10 per cent) or very dissatisfied (8 per cent).

2. KPI: Communication with regulated entities is clear, targeted and effective

Performance measure is partly met by AFMA:

- The AFMA website was migrated to a new content management system and the look and feel of the site was updated to improve the user experience and bring it in line with Australian Government guidelines including WCAG 2.0. Subscriptions to AFMA's news items are increasing (1158 current subscribers). However, an accessibility audit conducted in-house found AFMA's website had some significant structural issues for accessibility and these are being addressed through redeveloping the site.
- Facebook continues to prove an effective channel for AFMA. As at 30 June 2019, AFMA's page had 4119 likes and 4326 followers. This is an interactive, live platform that allows stakeholders to communicate with AFMA.

The 2019 survey results indicated that approximately half of stakeholders agreed that AFMA clearly communicates how regulations affect them and that AFMA does a good job of translating legal obligations into practical guidance. However, as indicated by lower levels of survey support (only around 35 per cent), AFMA still has further work to do around providing adequate opportunities for input on regulation development and consultation with appropriate people.

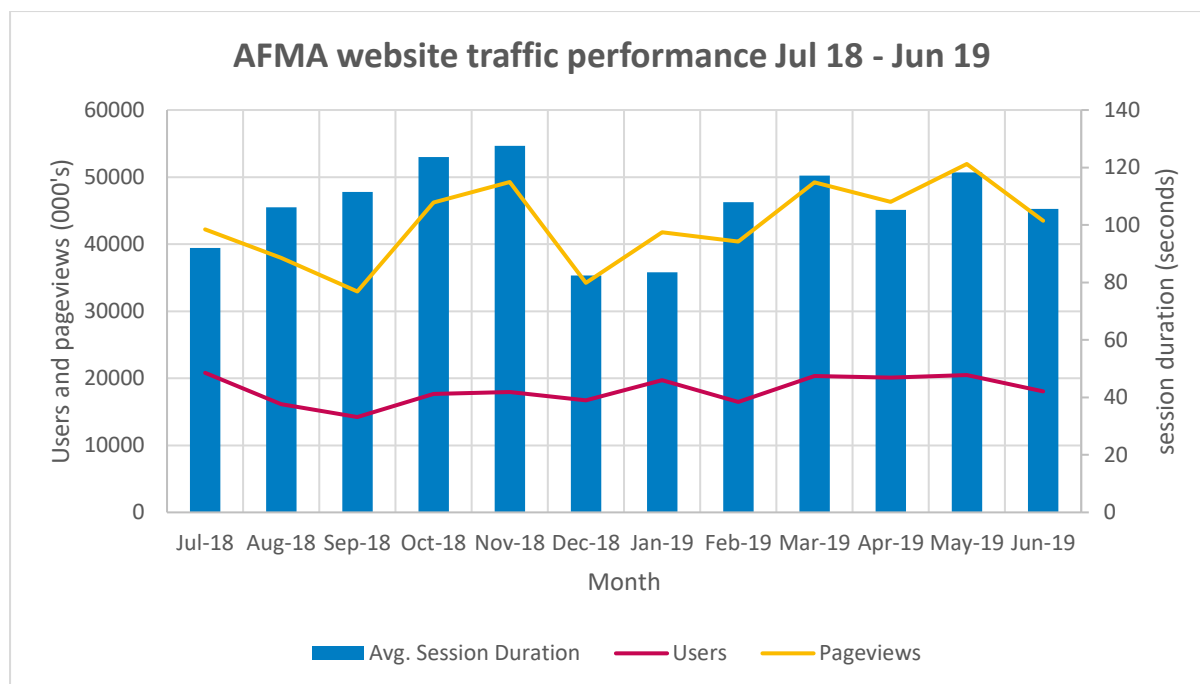
Also of positive note from the 2019 survey was that the ratings for interactions with AFMA staff remained relatively high, although there was a decline in satisfaction with helpfulness of staff, timely processing of issues and issues resolution compared to 2017.

Case Study: AFMA website: refresh focuses on user experiences

AFMA continues to make fisheries and compliance information available through the AFMA website, the Protected Zone Joint Authority (for the Torres Strait) website, the AFMA Facebook and through publication of data on data.gov.au.

In September 2018, the AFMA website was migrated to a new content management system and the look and feel of the site was updated to improve the user experience and bring it in line with Australian Government guidelines.

The feedback on the new website has been positive with improved usability making information easier to access for a wide range of audiences. Analytics over the last financial year support the benefit of the redesign with the website seeing a slow and steady increase in page views since its relaunch.



3. KPI: Actions undertaken by regulators are proportionate to the regulatory risk being managed

Performance measure is met by AFMA:

- Identifying and mitigating risks through applying risk registers to ensure AFMA systems are maintained appropriately.
- Ensuring that risk management activities are developed in consultation with industry and publicised to support understanding and appropriate application. For example, in 2018-19, AFMA undertook a review of the Small Pelagic Fishery and the gillnet fishery dolphin mitigation strategy to ensure that trigger levels and settings were achieving the goal of minimal impact on dolphins in these fisheries, with initial data indicating success against that goal. Work with the midwater trawl sector regarding marine mammal bycatch reduction supported this outcome.
- Completing a review of the 2018-19 National Compliance and Enforcement Program, which aims to effectively deter illegal fishing in Commonwealth fisheries and the Australian Fishing Zone and consisted of four major components:
 - Communication and Education
 - General Deterrence
 - Targeted Risk
 - Maintenance.
- Regularly reviewing key AFMA approaches to risk management and timely actioning of audit and review outcomes. AFMA's Audit and Risk Committee oversees the Strategic Internal Audit Plan. All agreed audits were completed in 2018-19 and ANAO's audit of Financial Statements was completed and signed off without qualification.

While AFMA's risk frameworks and policies are in place and actioned, the 2019 survey does highlight stakeholder concern that AFMA appropriately recognises the impacts our risk management decisions. The increase in agreement levels between 2017 and 2019 that AFMA does understand these impacts was a positive, although only slight.

AFMA will be reflecting on this further as part of our regulatory improvement commitment, especially as commercial fishing operators seemed less supportive.

4. KPI: Compliance and monitoring approaches are streamlined and coordinated

Performance measure is met by AFMA:

- Targeting compliance activities to high risk areas and making use of other regulatory agencies' capabilities to complement those of AFMA.
- Supplying Vessel Monitoring System (VMS) compliance services to other states and territory fisheries agencies.
- Expanding AFMA services close to industry stakeholders' operations at Lakes Entrance, Victoria.
- Continuing to expand the use of electronic systems including e-monitoring and e-logs continue to expand eg. as at September 2019, approximately 48 per cent of Commonwealth vessels (146 of 303 vessels) submitted data using e-logs.
- Maintaining focused actions and high visibility amongst operators, AFMA continued to encourage voluntary compliance rather than having to always take enforcement action against conscious non-compliance. As a result, for domestic compliance, only four on the spot fines (Commonwealth Fisheries Infringement Notice), 21 issued warnings and 33 cautions were given in 2018-19. One prosecution was also undertaken.

The 2019 survey indicated that nearly three-quarters of the respondents either agreed (45 per cent) or strongly agreed (26 per cent) that AFMA ensures licence holders are aware of their regulatory obligations in Commonwealth waters while a further 14 per cent were neutral.

Case study: Thwarting the high seas tuna plunderers — regional efforts to protect tuna and billfish stocks from illegal fishing

Protecting Australia's tuna and billfish stocks starts well beyond the national borders. Many of the tuna and billfish species important to Australia's fisheries occur over large areas of ocean and are targeted by the commercial fleets of many nations. Managing and monitoring these stocks relies on international cooperation and recent developments in electronic surveillance technology have provided some additional tools to assist flag States in monitoring their fleets.

Australia's commercial tuna longline fisheries have among the strongest monitoring and compliance systems in the world, but monitoring of international longline fleets, particularly on the high seas, outside of Australia's jurisdiction pose big risks to stock sustainability.

Given the migratory nature of these species, unreliable data relating to fishing activity in waters adjacent to Australia can have flow-on implications for the availability of tuna and billfish to Australia's recreational and commercial fishers.

Unknown numbers

One of the biggest threats is fishing by licensed longline boats that under-report, misreport and/or do not report catch. As scientific assessments of tuna and billfish population health

rely heavily on fisheries catch and biological data, if a large proportion of fish are being taken without being recorded, managers could think the stocks are healthy when they are not, and fail to take action in time.

In contrast to regional purse seine fisheries, which have 100 per cent human observer coverage, most of the large distant-water tuna longline fleets in the Pacific Ocean have very low observer coverage, especially on the high seas. In addition to limited space, working conditions on many of these boats are often cramped and in some cases, can be considered unsafe for human observers.

With electronic monitoring on all longline fleets in the south-eastern Pacific region, managers would be far better informed of the catch of tuna and billfish, and keep fishing pressure to sustainable levels.

Enhanced monitoring for all

AFMA's multifaceted program to combat illegal fishing includes monitoring, control, surveillance and enforcement activities such as capacity building, education and outreach programs. AFMA routinely participates in regional monitoring control, surveillance and enforcement operations involving counterparts from many Pacific island countries as well as the United States, France, New Zealand, Indonesia and Timor Leste.

A key initiative that AFMA, the broader Australian Government and our Pacific island country partners are working on is supporting the roll-out of electronic logbook reporting and electronic monitoring (a system of video cameras) on tuna longline fleets in the region.

Australia implemented electronic monitoring on 100 per cent of boats in its domestic Eastern Tuna and Billfish Fishery in 2015 and strong momentum is building for this to occur in domestic longline fisheries across the region. Eight Pacific island nations have implemented or are trialling electronic monitoring in their fleets. Recognition of the benefits of electronic monitoring is driving the development of regional standards to support consistent monitoring of vessel activities. Electronic monitoring systems are able to collect a range of routine data on fishing activity, are able to work 24 hours a day and the footage can be viewed multiple times to ensure accurate data is available to our scientists and compliance officers.

5. KPI: Regulators are open and transparent in their dealings with regulated entities

Performance objective is partly met by AFMA:

- Improving the transparency of AFMA actions through reporting to stakeholders and posting of information on the AFMA website and AFMA Facebook page. While AFMA continues to meet our commitment to be transparent for the benefit of interested regulated entities, part performance reflects occasional delays beyond the two week target.
- Collecting stakeholder feedback through various channels and addressing concerns in relevant policy and decision making including direct responses from AFMA Commission Chair to industry regarding their concerns about fishery concerns eg. school whiting and pink ling.

- Providing regular compliance reports to the Commonwealth Fisheries Association and state fisheries agencies.
- Publishing detailed performance information in AFMA's Annual Report, including the Annual Performance Statement, and on its website. Stock status information is also included in the Annual Report.

However, the 2019 survey results suggest that AFMA has still more work to do on transparent communications. While some 50 per cent of respondents indicated that they agreed that AFMA is basing its decisions on sound factors (science and the legislative framework), some 30 per cent did not agree that AFMA decisions were being made with appropriate transparency, a clear rationale and consistency.

Case study: Co-management in Commonwealth fisheries

Co-management in fisheries can be described as an arrangement where roles and responsibilities are shared by government and primary stakeholders for the efficient and sustainable management of the fishery. AFMA has tested its own and industry's capacity to co-manage Commonwealth fisheries, working closely with a number of fishery groups over the past decade. This included an extensive trial of co-management in a partnership with the Fisheries Research and Development Corporation, the Northern Prawn Fishery Industry and the Great Australian Bight Industry Association.

During 2018–19, we entered into co-management agreements with the Southern Shark Industry Alliance for crew-collected biological data and the South East Trawl Fishing Industry Association for obtaining coordinated industry advice and species-specific management for pink ling and snapper. The Northern Prawn Fishery Industry Pty Ltd has built an extensive co-management arrangement with us since the initial trial in 2009 and is keen to continue demonstrating its capacity to take responsibility for the sustainability of the fishery.

The AFMA Commission, at its meeting in June 2019, agreed that after 10 years of experience working with these Commonwealth fisheries and seeing good results, it was time to develop a Fisheries Management Paper (FMP) on co-management. The FMP, which will be developed through 2019–20, will provide the needed guidance to Commonwealth fishery groups contemplating the benefits of taking on a greater role in the management of their fisheries. The AFMA Commission has considered the risks and believes that these can be effectively managed to achieve mutual benefits for government, the public and commercial fishers.

Fishery groups with a strong internal management and administration, good representation and leadership and shared vision with AFMA for ecologically and economically sustainable management are well positioned for co-management. Co-management can be comprehensive or simple and it works well where each party is able to use its respective expertise to achieve good outcomes. These include better operational policies, greater efficiency and cost-effectiveness and strengthened working relationships. While we can never abrogate our responsibilities, it can empower the fishing industry to share the load.

6. KPI: Regulators actively contribute to the continuous improvement of regulatory frameworks

Performance measure is met by AFMA:

- Engaging relevant stakeholders in significant changes to the fisheries management and regulatory framework. In 2018-19, such consultations included:
 - social aspects of ecological sustainable development
 - undercatch and overcatch provisions for fishing quota to continue
 - an assessment of costs and benefits of discarded fish being deducted from an operator's fishing quota
 - authorising transshipping in Commonwealth Fisheries
 - revisions to Fisheries Administration Paper 12 and Fisheries Management Paper 1.
- Participating in meetings with the Department of Agriculture and other government entities to ensure the impacts of policy proposals and developments were appropriately recognised.
- Issuing five year permits in the Southern Bluefin Tuna and high seas fisheries to enhance security of access and value of permits. Operator feedback has been positive with AFMA looking to issue other fisheries concession for up to five years where appropriate.
- Finalising review and amendment of the *Fisheries Management Regulations 2019* that included an initiative to enhance the security and value of fishing concessions through preventing concession transfers where a third party interest has been registered.

4 Feedback on self-assessment

The Commonwealth Fisheries Association (CFA) was invited to review the content of this report and provide advice as to whether it:

- agrees with the methodology employed for the self-assessment; and
- agrees with the findings of the self-assessment.

The CFA comments and AFMA response is at **Attachment A**. The CFA response raises a number of issues that will need to be explained or worked through. This is the first time such feedback has been received, and most of the issues are easily addressed.



Wez Norris
Chief Executive Officer

ATTACHMENT A: CFA VALIDATION FOR REGULATOR PERFORMANCE FRAMEWORK SELF-ASSESSMENT

KPI elements	Based on results presented in the 2018-19 report			
	Agree	Disagree	Comments	AFMA Response
KPI 1: AFMA did not unnecessarily impede the efficient operation of regulated entities		✓	<ul style="list-style-type: none"> • Would agree to partly-met, depends on how you perceive necessary/unnecessary. • CRIS process poor and needs immediate improvement. • There is an improvement in understanding of our operating environment. However, we still hold concerns regarding the staffing issues and where the next generation of fisheries managers are coming from. • Regional office in Lakes has been received well and working well. 	<ul style="list-style-type: none"> • Agree that this is a subjective criterion (and is not set by AFMA). • AFMA conducts a review of the CRIS every year, providing a draft CRIS and budget (per fishery) for CFA comment. In recent years the CFA has not provided any feedback to AFMA during this process. AFMA CEO and Chair met with CFA Roundtable in August 2019, where concerns about the transparency of AFMA's budget process were raised and discussed. AFMA reiterated to the CFA that despite opportunities that were offered to input to in the budget process in recent years, the CFA had not done so. Regardless, AFMA is committed to more inclusive opportunities in the development of the 2020/21 budget. • AFMA notes (whilst not directly relevant to this KPI), the CFA comments relating to staffing issues and succession planning, were raised and discussed at the CFA Roundtable.

ATTACHMENT A: CFA VALIDATION FOR REGULATOR PERFORMANCE FRAMEWORK SELF-ASSESSMENT

<p>KPI 2: AFMA's communication with regulated entities was clear, targeted and effective</p>	<p>✓</p>		<ul style="list-style-type: none"> • Agree that this is partly-met. • Communication has improved during the latter part of the year. • Website generally difficult to navigate and is regularly altered. • Written responses to correspondence generally considered to be poor. 	<ul style="list-style-type: none"> • AFMA notes that its revamped Website (launched September 2018) scored highly in the 2019 AFMA Stakeholder Perception survey with the website content considered accurate, relevant and easy to use. AFMA updates the website regularly with the latest information and supports through social media, newsletters and direct email channels to stakeholders to ensure industry know where to find the information they need. • AFMA will seek greater detail from CFA on responses to correspondence to future drive improvement.
<p>KPI 3: Actions undertaken by AFMA are appropriate to the regulatory risk being managed</p>	<p>✓</p>		<ul style="list-style-type: none"> • Actions by AFMA are often influenced by other agencies – it often the case that their actions are not appropriate to the regulatory risk. 	<ul style="list-style-type: none"> • AFMA is unclear to the exact drivers of this comment, however there are two specific issues that it may refer to: <ul style="list-style-type: none"> ○ At the August 2019 meeting CFA raised concerns about the direct and indirect cost of AFMA management of Threatened, Endangered and Protected species, and it was noted that these standards are driven by general community expectations and the requirements for EPBC Act certification;

ATTACHMENT A: CFA VALIDATION FOR REGULATOR PERFORMANCE FRAMEWORK SELF-ASSESSMENT

				<ul style="list-style-type: none"> ○ There is a specific issue with AFMA’s seabird management in the trawl fishery intersecting with AMSA’s requirements for vessel safety. • AFMA seeks to work with other agencies to ensure that inconsistencies are minimised and regulatory action is appropriate.
KPI 4: AFMA’s compliance and monitoring approaches were streamlined and coordinated	✓		<ul style="list-style-type: none"> • No compliance reports received by CFA since at least April. • EM program needs to be reviewed to ensure cost efficient. 	<ul style="list-style-type: none"> • AFMA notes that the departure of the previous CFA Chief Executive Officer led to uncertainty in the continued provision of compliance reports. This will be resumed should the CFA find the reports useful. • AFMA’s Electronic Monitoring (EM) Program is under continual review to ensure it cost effective in meeting the data needs of fisheries. AFMA also works with government and non-government partners to assist in the development of innovative solutions to reduce future program cost. Consistent with the Australian Governments Artificial Intelligence (AI) road map, this includes partnering with the CSIRO to assist in the development of AI tools to reduce video review costs.
KPI 5: AFMA was open and transparent in its			<ul style="list-style-type: none"> • Agree that more work to be done. • As above - No compliance reports received by CFA since at least April. 	<ul style="list-style-type: none"> • AFMA consulted with the fishing industry on the need to incorporate fish counts into logbooks to support verification of logbook data. This

ATTACHMENT A: CFA VALIDATION FOR REGULATOR PERFORMANCE FRAMEWORK SELF-ASSESSMENT

dealings with regulated entities	✓		<ul style="list-style-type: none"> • There are direct examples of where AFMA was not open i.e. recording of fish numbers required when all measures are in weights. 	<p>method is used across fisheries with EM, including the Eastern & Western Tuna and Billfish, Southern Bluefin Tuna and Gillnet, Hook and Trap fisheries.</p> <ul style="list-style-type: none"> • In relation to the GHAT, South East Management Advisory Committee (SEMAC) supported the South East Trawl Fishing Industry Association and the Gillnet, Hook and Trap Fishery Manager to develop a paper for SEMAC consideration on the history, rationale and cost of obtaining piece counts using EM in the GHAT fishery.
KPI 6: AFMA actively contributed to the continuous improvement of regulatory Frameworks	✓		<ul style="list-style-type: none"> • Agree that AFMA's intentions are positive. More work still to be done. • Regarding MAC/RAG processes, these can be cumbersome and complex and as a result not effective – SEMAC 	<ul style="list-style-type: none"> • AFMA notes that SEMAC is the only example where specific concerns have been raised by industry. It is a complicated fishery to be overseen by a single MAC, although it is worth noting that the decision to roll four MACs in to a single entity was based on industry concerns about the costs of multiple MACs. • AFMA signed a co-management arrangement with SETFIA and provides funds for a Seine and Trawl Advisory Group to be managed by SETFIA as a way of streamlining and simplifying the work of SEMAC.