



Australian Government
Australian Fisheries Management Authority

Regulator Performance Framework Self-Assessment 2016-17



1 Introduction

The Australian Fisheries Management Authority's (AFMA) core regulatory functions covered by the 2016-17 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.
- monitoring, control and surveillance of foreign fishers.
- promoting compliance with Australian fishing laws and relevant international fishing obligations and standards through education and enforcement operations.

These functions have not changed since 2015-16 and AFMA continues to effectively and efficiently implement them. As a result, for the fourth consecutive year, no fish stocks managed solely by AFMA were subject to overfishing (a stock that is experiencing too much fishing and the removal rate from the stock is unsustainable). At the same time, this positive performance has been delivered with reduced regulatory burden and increased management streamlining. More than 50 initiatives to cut red tape for Commonwealth fishers have now been, or are being, implemented, and AFMA continues to out-perform the cumulative Consumer Price Index by some \$31.9 million (as at 2016–17)¹.

2 Methodology

2.1 Approach

AFMA prepared its self-assessment by collating information from:

- a stakeholder survey conducted by a commissioned research organisation.
- 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.
- targeted surveys related to information distributed on the AFMA website.
- recent audits.

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 2016-17.

2.2 Review of supporting evidence

In October 2016, the Agricultural Industry Advisory Council considered agricultural portfolio agencies, including AFMA, self-assessments against their 2015-16 Regulator Performance Frameworks. The Council accepted AFMA's self-assessment and made no comments. Copies of AFMA's 2015-16 Regulator Performance Framework and self-assessment are published on its website.

¹ In 2010 AFMA made a commitment to industry that it would keep cost recovery at or below the rate applied in 2005–06 once corrected for Consumer Price Index increases. Since making this undertaking in 2010, AFMA has out-performed the cumulative Consumer Price Index by some \$31.9 million (as at 2016–17) and will aim to continue to meet this commitment while ensuring legislative objectives are pursued.

As part of its continuous improvement processes for regulatory impacts, AFMA also reviewed its 2015-16 RPF measures and supporting evidence. This identified that adjustments to a number of supporting evidence elements were required to reflect changes in relevance or availability.

Examples include:

- replacing a quantitative number of Management Advisory Committee and Resource Assessment meetings with a focus on broad stakeholder participation (Evidence 1.1.2 in Attachment 1)
- replacing a basic review date measure with a qualitative assessment of the accuracy and currency of website information and guidance (Evidence 2.1.1 in Attachment 1)
- broadening the reference to four executive meetings each year to reflect the ongoing engagement of AFMA executive with the Department of Agriculture and Water Resources (Evidence 6.2.1 in Attachment 1).

The amended AFMA Regulator Performance Framework for 2016-17 is at Attachment 1.

2.3 Case studies

Short case studies of a number of AFMA's approaches to regulation are provided to further inform the key performance indicators.

3 Self-assessment

AFMA's detailed self-assessments against the six Regulator Performance Framework key performance indicators (KPIs) are at Attachments 2-7.

In summary, AFMA is delivering on five of the six KPIs, with the sixth (*Communication with regulated entities is clear, targeted and effective*), being partly met. AFMA achieved 14 of the 17 performance measures that evidence positive regulator performance. The three other measures were achieved in part, with AFMA's regulatory improvement now particularly focused on:

- responding to a review in June 2017 of AFMA's website that identified some significant structural issues for accessibility
- responding to the feedback from AFMA's Stakeholder Perceptions Survey that was undertaken in March 2017 and is intended to be repeated every two to three years.

The lack of a comprehensive stakeholder survey had been identified by AFMA in its 2015-16 self-assessment as being needed to improve the breadth of performance feedback. The results of AFMA's 2017 Stakeholder Perceptions Survey (available on the AFMA website) suggest that respondents were generally more positive than negative (half satisfied, a quarter dissatisfied) about AFMA, with particular strengths being seen in AFMA's service delivery and its friendly, knowledgeable and responsive staff.

Perceptions will be more formally tested again in two to three years with another survey to complement AFMA's ongoing stakeholder engagement through consultation, engagement and reporting.

In the meantime, a number of areas for improvement were apparent from the results, particularly better communications and engagement with the fishing industry at both association and individual level. This reflects around one third of respondents disagreeing that AFMA's decisions are made with an appropriate level of openness and transparency, and that AFMA clearly explains the rationale for decisions it takes. There is also a need to ensure that communication is appropriately targeted. Accordingly, over the next 12 months, AFMA will be increasing the extent and messaging of communications with industry to make stakeholders more aware of consultation opportunities and encouraging increased levels of participation. AFMA will also finalise its reviews of the Small Pelagic Fishery Scientific Panel and Management Advisory Committees by July 2018.

The results of the self-assessment are summarised in Table 1.

Table 1 Self-assessment summary

RPF Key Performance Indicator	Results
<p>1. Regulators do not unnecessarily impede the efficient operation of regulated entities</p>	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> • implementing six more red tape reduction initiatives in 2016-17 (50 initiatives have now been or are being implemented since 2015). • maintaining business efficiency with industry through online services (licensing, data logging, reporting) and monitoring. During 2016–17 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter). • ensuring a wide range of stakeholders’ participation in management advisory committee and resource assessment group meetings, as well as continuation of the trial of the Small Pelagic Fishery Scientific Panel that enables more stakeholders to engage in the advisory process while maintaining a focus on scientific and economic advice. • organising a number of major decision making meetings (AFMA Commission) close to industry at different fishing ports. <p>From the 2017 Stakeholder Survey, more than half of the respondents indicated that they were either satisfied (39 per cent) or very satisfied (16 per cent) with the service provided by AFMA, while a further 22 per cent were neutral.</p>
<p>Case study: Vessel Monitoring System at Attachment 2.</p>	
<p>2. Communication with regulated entities is clear, targeted and effective</p>	<p>Performance measure is partly met by AFMA:</p> <ul style="list-style-type: none"> • providing up to date information and quality guidance materials that are accessible to the fishing industry. • providing interactive feedback to stakeholders through social media, including launch of the AFMA Facebook page in December 2016. <p>From the 2017 Stakeholder Survey, nearly two thirds of respondents reported that they were either satisfied (51 per cent) or very satisfied (10 per cent) with AFMA’s communication, while a further 20 per cent were neutral. However, an accessibility audit review found that AFMA’s website had some significant structural issues for accessibility. Responses to these are currently being developed.</p>
<p>Case Study: AFMA gets social at Attachment 3.</p>	

RPF Key Performance Indicator	Results
<p>3. Actions undertaken by regulators are proportionate to the regulatory risk being managed</p>	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> • 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. • regularly reviewing key agency approaches to risk management. • timely actioning of audit and review outcomes. <p>From the 2017 Stakeholder Survey, approximately half of the respondents indicated that they either agreed (36 per cent) or strongly agreed (13 per cent) that AFMA's penalties are an effective deterrent for illegal fishing in Commonwealth waters, while a further 27 per cent were neutral. Similarly, approximately half of the respondents were either satisfied (38 per cent) or very satisfied (13 per cent) with AFMA's compliance and enforcement activities.</p>
<p>Case study: Bycatch mishandling at Attachment 4.</p>	
<p>4. Compliance and monitoring approaches are streamlined and coordinated</p>	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> • targeting compliance activities to high risk areas and making use of other regulatory agencies' capabilities to complement those of AFMA. • supplying VMS compliance services to other states and territory fisheries agencies. • electronic systems including e-monitoring and e-logs continue to expand. <p>From the 2017 Stakeholder Survey, more than three quarters of respondents indicated that they agreed (63 per cent) or strongly agreed (21 per cent) that AFMA ensures that licence holders are aware of their regulatory obligations in Commonwealth waters.</p>
<p>Case study: Enforcement strategy (domestic and foreign) at Attachment 5.</p>	
<p>5. Regulators are open and transparent in their dealings with regulated entities</p>	<p>Performance objective is met by AFMA:</p> <ul style="list-style-type: none"> • improving the transparency of its actions through reporting to stakeholders and posting of information on the AFMA website • collecting stakeholder feedback through various channels and addressing concerns in relevant policy and decision making • providing monthly compliance reports to the Commonwealth Fisheries Association and state fisheries agencies. <p>While performance measures were met, the 2017 Stakeholder Survey results suggest that AFMA has more work to do on communications - respondents indicated that while they agreed that AFMA is basing its decisions on sound factors (science and legislative framework), they were less likely to agree that AFMA is appropriately communicating the reasons for those decisions.</p>

RPF Key Performance Indicator	Results
Case study: Stakeholder survey at Attachment 6.	
6. Regulators actively contribute to the continuous improvement of regulatory frameworks	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> engaging relevant stakeholders in significant changes to the regulatory framework. participating in meetings with the Department of Agriculture and Water Resources and other government entities on the development or amendment of regulator frameworks. <p>While performance measures were met, the 2017 Stakeholder Survey results suggest that AFMA has more work to do – approximately one third of respondents disagreed that AFMA’s decisions are made with an appropriate level of openness and transparency, and that AFMA clearly explains the rationale for decisions it takes.</p>
Case study: Stakeholder consultations at Attachment 7.	

4 Feedback on self-assessment

I invite the Agriculture Industry Advisory Committee to review the content of this report and provide advice as to whether you:

- agree with the methodology employed for the self-assessment
- agree with the findings of the self-assessment.

I welcome your insights on improvements we can make to future self-assessments or our operations to better meet the needs of our stakeholders.

Andrew Pearson, Executive Secretary, is available to answer any queries you may have as you read the self-assessment. He can be contacted on 02 6225 5576.



Dr James Findlay GAICD
Chief Executive Officer

Regulator Performance Framework for 2016-17

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, scientific experts 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 80% of transactions delivered on line through GoFish.		
			1.2.2 Endorsed red tape reduction initiatives implemented.		
		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.		
			1.3.2 Timeframes for business processes in AFMA Client Service Charter met.		
		2.	Communication with regulated entities is clear, targeted and effective.	2.1 Satisfaction with quality and availability of information and guidance materials.	2.1.1 Online website regulatory information and guidance is accurate and current.
					2.1.2 Number of subscribers to the AFMA News.
2.1.3 Website meets relevant Government online and accessibility standards.					
2.2 Satisfaction with the quality of advice relating to AFMA decisions and assistance.	2.2.1 Timeframes and expectations of AFMA Client Service Charter met.				
	2.2.2 Statement of reasons for major AFMA decisions published within 2 weeks of decision.				
2.3 Extent and satisfaction with AFMA consultative processes.	2.3.1 100% of new or major changes to policy provided to relevant stakeholders for consultation prior to finalisation.				
	2.3.2 Satisfaction from key stakeholders about the quality of AFMA consultation through stakeholder survey.				

Key performance indicator		Performance measures	Evidence
3.	Actions undertaken by regulators are proportionate to the regulatory risk being managed.	3.1 Risk management frameworks and policies are in place and regularly reassessed ² .	3.1.1 Relevant risk frameworks that are applied to decision making, made accessible to regulated entities.
			3.1.2 Risk management framework reviewed every 2 years.
		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 Audit Schedule.
			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 Arrangements and Memorandums of Understanding for supply of compliance services with State and Federal Government agencies reviewed regularly.
		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.
			5.1.3 Compliance policy, risk methodology and compliance program published on the AFMA website.
			5.1.4 Regular compliance reports provided to peak industry bodies.
		5.2 Feedback mechanisms are in place and used to improve service to regulated entities.	5.2.1 Advice from complaints and feedback mechanisms, including stakeholder survey is reviewed.

² 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
		5.3 Performance information is published.	5.3.1 Performance against regulator and AFMA's corporate plan published in annual report and on AFMA website.
			5.3.2 Stock Status reports published by ABARES and on the AFMA website.
6.	Regulators actively contribute to the continuous improvement of regulatory frameworks.	6.1 Engage Stakeholders in changes to the regulatory framework.	6.1.1 Stakeholder consultation procedures in place and reviewed regularly.
			6.1.2 Significant changes to AFMA regulatory frameworks involve stakeholder consultation.
		6.2 Engagement with the Department of Agriculture and Water Resources on the development or amendment of regulatory frameworks.	6.2.1 Executive meetings between AFMA and the Department of Agriculture and Water Resources.
			6.2.2 Participate in regular deregulation and legislative reform working groups with Department of Agriculture and Water Resources.

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

Performance measures and commentary on results	
1. Regulators do not unnecessarily impede the efficient operation of regulated entities.	
RPF evidence	2016-17 evidence
<p>✓ Regular consultation occurs with industry</p>	<p>AFMA continues to gain an understanding of the operating environment of regulated entities by:</p> <ul style="list-style-type: none"> • holding Commission meetings in fishing ports and associated industry representative meetings. In 2016-17, five Commission meetings were held. Two were in fishing ports - Adelaide (links to Shark sector, Gillnet Hook And Trap sector, Great Australian Bight sector, Southern Bluefin Tuna) and Mooloolaba (main port for the Eastern Tuna and Billfish fishery). These meetings along with individual Commission members' other port visits and participation in Management Advisory Committees (MACs) and Resource Assessment Groups (RAGs) created opportunities for engagement with AFMA-stakeholders. • Management Advisory Committee and Resource Assessment Group meetings (36 held in 2016-17) provided an effective platform for policy makers, researchers, other subject matter experts, industry representatives, representatives from recreational fishing group 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 2016-17. Around 80 per cent of management advisory committee recommendations were accepted by the Commission in 2016-17. • the trial of the Small Pelagic Fishery Scientific Panel (experts from CSIRO, ABARES, NSW government, private company and environmental NGO) was continued to enable more stakeholders to engage in the advisory process while maintaining a focus on scientific and economic advice. • consulting with the Commonwealth Fisheries Association and other associations on major planning and policy documents.

Performance measures and commentary on results

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

✓ Efficient and effective AFMA business processes

AFMA reduced the cost and time regulated entities spend transacting with us by:

- providing an online system that operators can use to efficiently lodge applications, make payments and receive information from AFMA through 'GoFish'. During 2016–17 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter.
- completing six red tape initiatives, as part of the fifty initiatives that have been or are being implemented since 2015.

AFMA's Client Service Charter sets expectations for staff in responding to queries from regulated entities and conducting certain regulatory activities. During 2016-17 AFMA complied with the Charter obligations on greater than 99 per cent of occasions.

Case Study: Vessel Monitoring System

AFMA pursues prior warning, appropriate communication and education based compliance programs to reduce industry's operational burden and to maintain sustainable fish stocks in Commonwealth water. AFMA's National Compliance Operations and Enforcement Policy aims to effectively deter illegal fishing in Commonwealth fisheries and the Australian Fishing Zone through targeted risk programs with satellite based Vessel Monitoring System (VMS)³.

All Commonwealth fishing concession holders are required to have a VMS unit fitted and operating at all times. AFMA closely monitors VMS compliance rates at the individual boat level, and across the whole Commonwealth fleet. AFMA reminds operators to maintain their VMS unit and not to switch it off without approval. When the fleet-wide compliance rate drops below a certain level in two consecutive months AFMA implements compliance action. AFMA supplies VMS Compliance services to South Australia, Queensland, New South Wales, Victoria and Northern Territory fisheries agencies. AFMA also supplies VMS services to Parks Australia.

In 2016-17, AFMA's performance targets for its domestic and foreign compliance operations were generally met. Maintaining focused actions and high visibility amongst operators are key contributors as we continue to encourage voluntary compliance rather than have to always take enforcement action against conscious non-compliance. The Vessel Monitoring System compliance rates remained high with an average of 97.1 per cent, which is a small increase on 2015-16 (Figure 1) of all units being operational at any time. There was no requirement to order any boats to remain in port for VMS related issues.

³ Commencing from 1 July 2015 AFMA changed the way it assesses VMS compliance. The new method is significantly stricter, resulting in an apparent drop in VMS compliance rates.

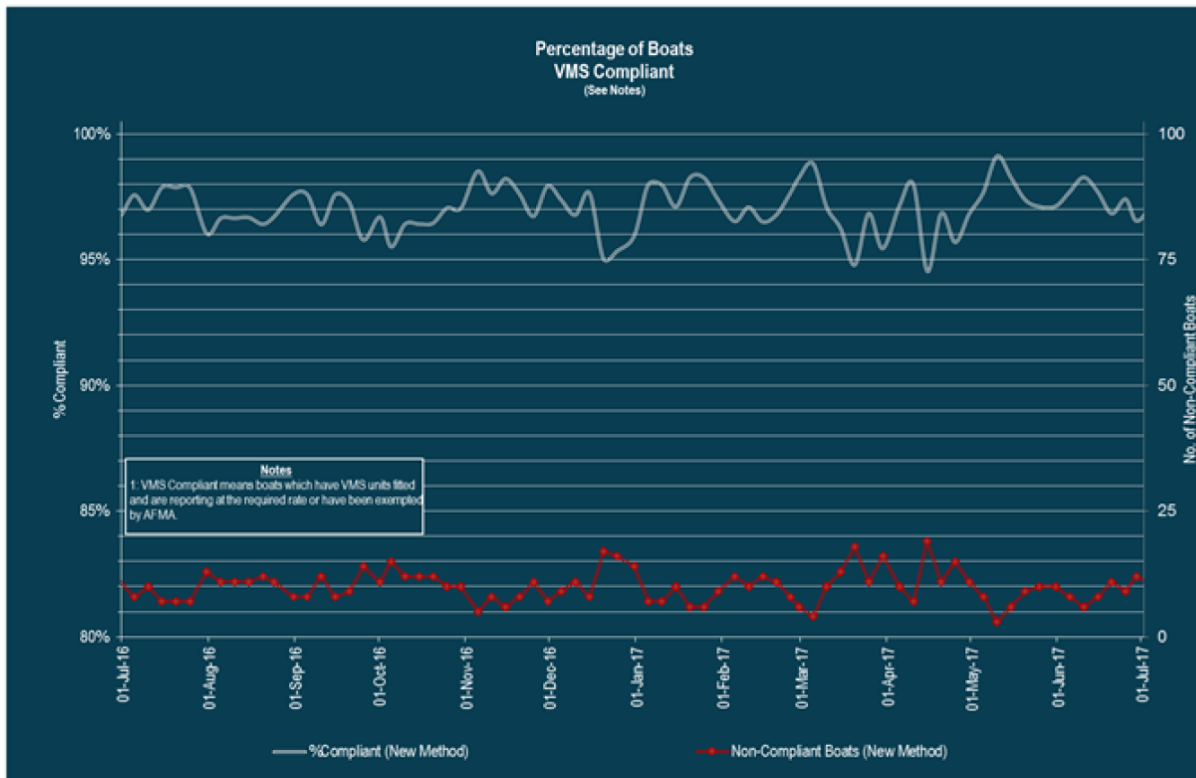


Figure 1: VMS Compliance Rates from 1 July 2016 to 30 June 2017 ('light blue' denotes compliant and 'red' denotes non-compliant)

During the year AFMA issued 15 warnings⁴, one caution⁵ and one suspension for VMS Non-compliance that reflected AFMA's intention to increase compliance rate more through education and warning than enforcement.

⁴ Warnings: Warnings are used in the circumstance of a minor event. Verbal warnings may be given by a fisheries officer where:

- the impact caused by an offence is minimal
- the breach of a legislative instrument or regulation is of a minor technical nature
- a warning is fair and appropriate
- the matter is one which can quickly and simply be addressed.

⁵ Caution: Cautions are used for more serious matters and only if the fisheries officer believes there to be prima facie evidence of an offence. Written cautions may be given by a fisheries officer where:

- the impact caused by an offence is minor
- the breach of a legislative instrument or regulation is minor or a 'first occurrence'
- a caution is fair and appropriate
- the matter is one which can quickly and simply be put right
- it is appropriate to advise the responsible party that a repeat occurrence will lead to more serious action being taken.

ATTACHMENT 3

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

Performance measures and commentary on results	
2. Communication with regulated entities is clear, targeted and effective.	
RPF evidence	2016-17 evidence
* Regulated entities are satisfied with the quality and availability of information and guidance materials	<p>AFMA's website provides up to date and useful information. Subscriptions to AFMA's news items are increasing (958 current subscribers, which is 778 more than that of previous year).</p> <p>On 5 December 2016, AFMA launched its Facebook page (refer case study below). As at 30 June 2017, the page had 916 Likes and 1007 followers. This is an interactive live platform and relevant AFMA officers regularly respond to queries and comments, as required.</p> <p>However, an accessibility audit review found that AFMA's website had some significant structural issues for accessibility. Responses to these are currently being developed.</p>
* Regulated entities are satisfied with the quality of advice relating to AFMA's decisions and assistance	<p>Major decisions by the AFMA Commission were published on AFMA's website within two weeks of the decision.</p> <p>During 2016-17 AFMA complied with AFMA's Client Service Charter obligations on greater than 99 per cent of occasions.</p> <p>AFMA received one written complaint. As the complaint required consultation with other agencies and review of historical files, we were not able to progress consideration within Client Service Charter timelines. However, this extensive analysis did enable the complaint to be well considered and a written response to be provided to the complainant.</p>
✓ Stakeholders are satisfied with AFMA's consultation processes	<p>AFMA consulted with relevant stakeholders prior to all new major changes in policy that may affect industry in a significant way.</p> <p>Policies which AFMA sought consultation on in 2016-17 included:</p> <ul style="list-style-type: none"> • Commonwealth Harvest Strategy Policy and Fisheries Bycatch Policy: Both policies are currently under review. The public consultation period for comment on the new draft policies has closed and release of the finalised policies is expected in 2017-18. • AFMA Bycatch Strategy. • Cost Recovery Implementation Strategy. • Tropical Rock Lobster Management Plan.

Case Study: AFMA gets social

In 2016-17 AFMA 'got social' for the first time with the launch of our Facebook page on 5 December 2016. Improving the awareness of Commonwealth fisheries management is essential and with more and more of our stakeholders on social media, the channel has proven successful for engagement on a variety of topics. The page has grown steadily since its launch. As at 30 June 2017, it had more than 1000 followers.

Facebook is just one of the channels used to communicate with our stakeholders in 2016-17. AFMA worked with journalists, particularly in our major regions of operation, to ensure people were aware of the work being done by AFMA across our three branches, Operations, Fisheries Management, and Corporate.

Media and stakeholders can subscribe to AFMA media releases and new stories. These channels provide up-to-date information on fisheries management issues and compliance operations undertaking in Commonwealth fisheries. Over 655 subscribers receive AFMA's media releases and AFMA news subscriptions reached 958 during the period of 2016-17. AFMA's public facing website afma.gov.au visits remained steady in 2016-17. AFMA will continue to ensure the site is updated with the latest information.

ATTACHMENT 4

KPI: Actions undertaken by regulators are proportionate to the regulator risk being managed

Performance measures and commentary on results	
3. Actions undertaken by regulators are proportionate to the regulator risk being managed.	
RPF evidence	2016-17 evidence
<p>✓ Risk frameworks are accessible and reviewed regularly</p>	<p>AFMA's risk frameworks, including the Ecological Risk Management Framework, the Compliance Risk Management Policy and AFMA's Risk Management Framework are published on AFMA's website.</p> <p>AFMA conducted the National Compliance Risk Assessment commencing March 2017 and finalised in May 2017. The assessment identifies and rates compliance risks within Commonwealth fisheries. It provides an indication of where compliance resources and activities are to be targeted to mitigate the risks of non-compliance and maintain the integrity of Commonwealth managed fisheries.</p> <p>Through education and communication including news items and infield education by fisheries officers and AFMA Bycatch staff, the development and publication of a guidebook and the introduction of conditions to all fishing concessions the incidence of bycatch mishandling reduced by 23% since October 2016.</p> <p>In 2016-17 these publications included:</p> <ul style="list-style-type: none"> • Bycatch Handling and Treatment Guide 2016/17 • Kon's Covered Fisheye Bycatch Reduction device-Northern Prawn Fishery 2016 • Shark and Ray handling practices, seabird guide (reprinted) and deepwater shark and skate identification guide (updated). <p>Monthly compliance releases on targeted risks and/or information for fishers, including pre-season briefing sessions.</p>
<p>✓ Compliance policy regularly reviewed</p>	<p>The National Compliance and Enforcement Policy review commenced during 2016-17 and was tabled at the June 2017 AFMA Commission meeting and subsequently endorsed.</p> <p>The National Compliance and Enforcement program was reviewed, approved by the Operational Management Committee (OMC) and published for the 2016-17 period in August 2016 and July 2017 for the 2017-18 respectively.</p>

Case Study: Bycatch mishandling

Unnecessary fishing mortality caused by mistreating bycatch can negatively affect both future catches and financial returns for the industry. AFMA recognises the complexities involved in the safe and effective handling of bycatch by operators in Commonwealth commercial fisheries. Thus AFMA provided 'Bycatch Handling: AFMA Bycatch handling and treatment Guide 2016/17' to assist fishers in defining the acceptable treatment of bycatch species, to ensure chances of survival. Bycatch species may include fish, crustaceans, sharks, molluscs, marine mammals, reptiles and birds. Bycatch also includes listed protected species under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The bycatch handling and treatment guide has been published on the AFMA website, and notification sent to all concession holders. This guide will be periodically reviewed in response to feedback from industry and other stakeholders.

The 2016-17 financial year saw the AFMA bycatch program undertake a number of key projects across the Northern Prawn, South East Trawl and Great Australian Bight trawl fisheries as well as working on overarching bycatch and protected species strategies for all fisheries.



Kon's Covered Fisheye's stitched into net
Photo courtesy: AFMA

In the Northern Prawn Fishery, AFMA collaborated with the Northern Prawn Fishery Industry Pty Ltd (NPF), Commonwealth Scientific and Industrial Research Organisation, A. Raptis and Sons Pty Ltd. and Tropic Ocean Prawns to undertake what was one of the largest and most successful Bycatch Reduction Device trials in the Northern Prawn Fishery since the development of turtle excluder devices in the 1990s. The trials, part of the NPF voluntary Bycatch Reduction Strategy 2015-2018, tested the industry-designed Kon's Covered Fisheye against the most commonly used square mesh panel Bycatch Reduction Device while targeting tiger prawns in the Gulf of Carpentaria.

In 2016-17, results from the trial indicated a reduction in bycatch of approximately 36 per cent with no prawn loss. The final report on the work undertaken during 2017 trialling the Kon's Covered Fisheye is available on the AFMA website.



FV Western Alliance with bafflers deployed whilst fishing

The bycatch program also undertook an extensive project, in close collaboration with industry, in the South East Trawl and Great Australian Bight Trawl fisheries, with the implementation of 'bird bafflers'. A bird baffle is a system of droppers arranged off a rigid frame to create a curtain around the area where trawl warp wires enter the water. This area is identified as the danger zone for seabirds foraging for bits of food at the back of trawl boats.

On the back of the success of these sea trials of bird bafflers, the South East Trawl Fishing Industry Association asked AFMA to strengthen seabird bycatch mitigation measures in the southern trawl fisheries to demonstrate that industry were serious about reducing seabird bycatch. AFMA subsequently mandated that, from the commencement of the 2017 fishing season, all vessels must install bird bafflers or seabird sprayers (a similar system to the bird baffle, but the 'curtain' is created by spraying jets of water around the trawl warps), or have demonstrated to AFMA that they can fish using pinkies without discarding offal whilst trawl gear was under tow.

The AFMA bycatch program undertook extensive consultation with industry, which included the development of an instructional video on how to construct bird bafflers, and in excess of 20 port visits and over 250 phone calls made.

The project was an excellent example of how government – science – industry partnerships can deliver real conservation engineering solutions.

KPI: Compliance and monitoring approaches are streamlined and coordinated

Performance measures and commentary on results	
4. Compliance and monitoring approaches are streamlined and coordinated.	
RPF evidence	2016-17 evidence
<p>✓ Monitoring and enforcement strategies minimise costs to regulated entities.</p>	<p>AFMA conducts a compliance risk assessment every two years to ensure that monitoring and engagement strategies are targeted where engagement with fishers is warranted.</p> <p>In 2016-17 assessed and developed policies included:</p> <ul style="list-style-type: none"> • National Compliance and Enforcement Policy 2017 (endorsed by the AFMA Commission at its June 2017 meeting). • National Compliance and Enforcement Program 2017-18 (approved by the Operational Management Committee (OMC) and published on AFMA's website in July 2017). • National Compliance Risk Assessment Methodology 2017-19 (approved by OMC at the May 2017 specially convened risk assessment meeting). <p>AFMA conducts joint operations (national and international) with other regulators, in part, to minimise the impact on regulated entities of compliance activities.</p> <p>Examples of this during 2016-17 included:</p> <ul style="list-style-type: none"> • AFMA conducted five domestic at sea patrols during 2016-17 in conjunction with other agencies including SA fisheries and the NSW water police. • During 2016–17, AFMA participated in 12 operations, comprising five multilateral operations, three United States Coast Guard patrols and bilateral patrols with France, Vanuatu and Indonesia, to detect and deter illegal, unreported and unregulated fishing in the Pacific. • Over 27 international vessels were boarded and inspected by AFMA fisheries officers with several boats found to be in breach of licence conditions and international obligations. AFMA officers were able to use their language skills and subject matter expertise to assist our international partners in achieving significant outcomes.

Performance measures and commentary on results

4. Compliance and monitoring approaches are streamlined and coordinated.

RPF evidence	2016-17 evidence
<p>✓ Compliance activities are responsive to business needs of regulated entities, where relevant.</p>	<p>AFMA took enforcement strategies that allow for a range of regulatory responses reflecting risks. In 2016-17, AFMA's performance targets for its domestic and foreign compliance operations were generally met. Maintaining focused actions and high visibility amongst domestic operators were key contributors as AFMA continued to encourage voluntary compliance, rather than have to always take enforcement action against conscious non-compliance, which included only 5 on the spot fines and 3 prosecutions, but 35 issued warnings and 63 cautions.</p> <p>AFMA continued to work with the Maritime Border Command to identify risk areas for illegal foreign fishing to enable the targeting of surveillance and apprehension capabilities. Outcomes included:</p> <ul style="list-style-type: none"> • IFF apprehension - A total of 15 illegal foreign fishing vessels were apprehended in 2016-17, six from Indonesia, eight from Vietnam and one from PNG. • Disposal of boats – AFMA disposed of 12 vessels at its on shore disposal facilities, two vessels sank due to unseaworthiness during return to port for investigation, and one vessel was bonded back to the owner. • Detention and prosecution - A total of 192 foreign crews were taken into detention in 2016-17. Following investigation and prosecution by AFMA, the penalties against convicted fishermen ranged from jail terms for repeat offenders and release on good behaviour bonds through to fines totalling \$110,000 for an individual. One boat was bonded back to the owner for \$300,000 and the bond forfeited.
<p>✓ AFMA provides VMS services to State and other Federal Government agencies.</p>	<p>AFMA arranged for supply of compliance services with State and Federal Government agencies, which included:</p> <ul style="list-style-type: none"> • AFMA supplies VMS Compliance services to South Australia, Queensland, New South Wales, Victoria and Northern Territory fisheries agencies. AFMA also supplies VMS services to Parks Australia. • AFMA also provides compliance services to the Northern Territory Fisheries by way of an MOU where AFMA officers undertake port inspections of Timor Reef Trap and Trawl vessels to ensure compliance with the conditions on their Northern Territory fishing licence.

Performance measures and commentary on results

4. Compliance and monitoring approaches are streamlined and coordinated.

RPF evidence	2016-17 evidence
✓ AFMA provides electronic business solutions for the use of regulated entities.	<p>Regulated entities benefit from online facilities to help streamline and coordinate their compliance obligations. Some 25 per cent of all Commonwealth fishing vessels (a total fleet of some 300 fishing vessels in 2016-17) are now fitted with e-monitoring. The systems that continue to have significant use include:</p> <ul style="list-style-type: none"> • the e-log book system (33 percent of boats in 2016-17). • the vessel monitoring system (used on all vessels in the Commonwealth fishing fleet). • the e-licensing system (67 percent in 2016-17).

Case Study: Enforcement strategy (domestic and foreign)

AFMA’s enforcement strategy for both domestic and foreign focused on actions and high visibility amongst operators as we continue to encourage voluntary compliance rather than have to always take enforcement action against conscious non-compliance.

Domestic: AFMA’s National Compliance Operations and Enforcement Policy aims to effectively deter illegal fishing in Commonwealth fisheries and the Australian Fishing Zone. In order to achieve this aim AFMA continues to use a risk based compliance and enforcement program that consists of four major components:

- communication and education
- general deterrence
- targeted risks
- maintenance.

As part of AFMA’s general domestic deterrence program during 2016-17, AFMA fisheries officers undertook 55 port visits, five sea patrols and ten aerial surveillance flights and conducted 233 boat inspections and 95 fish receiver inspections. The program saw a high level of compliance, with no breaches or further action required in 89 per cent of the inspections. While this was marginally below the program ‘target threshold’ for voluntary compliance of 90-95 per cent, we did undertake 19 per cent more boat inspections and fish receiver premises inspections during 2016-17. This would suggest a positive impact on operators by the General Deterrence Program.

Foreign: AFMA’s foreign compliance activities ensure that Australia’s fish stocks and the marine environment are not adversely affected by illegal foreign fishing. In conjunction with other Australian Government agencies we applied a multi-faceted approach to combating illegal, unreported and unregulated fishing that includes on-the-water surveillance and enforcement, in-country education, capacity building and diplomatic representations to Flag States and States with links to nationals on board illegal, unreported and unregulated vessels. Our engagement with Regional Fisheries Management Organisations and other international fora ensure that Australia’s fisheries management is consistent with actions taken regionally and internationally, particularly in relation to straddling or highly migratory stocks and in areas adjacent to the Australian Fishing Zone.

AFMA's participation in the work of these regional fishing bodies includes collaborating with other members to develop regional compliance and management measures, providing annual reports on the implementation of those measures. We also chair working groups, share information on fisheries management and compliance approaches, develop proposals and takes action to deter illegal, unreported and unregulated fishing.

During 2016-17, 15 illegal foreign fishing vessels were apprehended in the Australian Fishing Zone, which is a decrease from the 20 apprehended in 2015-16 and maintains the downward trend of foreign incursions from the 367 in one year a decade ago. This low level of incursions can be attributed to the direct deterrence provided as a result of the prosecution of offenders and confiscation and destruction of their boats; in country education and outreach programs delivered by AFMA along with regional cooperation; and, capacity building initiatives directed towards assisting our neighbours in strengthening their fisheries compliance frameworks.

During 2016–17, AFMA also participated in 12 operations, comprising five multilateral operations, three United States Coast Guard patrols and bilateral patrols with France, Vanuatu and Indonesia, to detect and deter illegal, unreported and unregulated fishing in the Pacific. Over 27 international vessels were boarded and inspected by AFMA fisheries officers with several boats found to be in breach of licence conditions and international obligations. AFMA officers were able to use their language skills and subject matter expertise to assist our international partners in achieving significant outcomes.

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

Performance measures and commentary on results	
5. Regulators are open and transparent in their dealings with regulated entities.	
RPF evidence	2016-17 evidence
<p>✓ AFMA publishes reasons for major decisions, performance against the Client Service Charter (through annual report), compliance policies and risk methodology on our website.</p>	<p>AFMA demonstrates a commitment to be transparent in its operations for the benefit of interested regulated entities by publishing the Chairman’s report on each AFMA Commission meeting within two weeks of the meeting.</p> <p>AFMA publishes performance information with regard to meeting Client Service Charter requirements in its Annual Report. In 2016–17 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter.</p> <p>During 2016-17, AFMA reviewed and completed the following documents which were published on the Website:</p> <ul style="list-style-type: none"> • National Compliance and Enforcement Policy 2017 – endorsed and available on the AFMA web. • National Compliance and Enforcement Program – approved and available on the AFMA web. • Conducted the 2017-19 Risk Assessment. National Compliance Risk Assessment Methodology. The 2017-19 document was completed and available on the AFMA web.
<p>✓ Feedback mechanisms are available for regulated entities to use</p>	<p>AFMA provides mechanisms for fishers to provide feedback to AFMA in regard to regulatory activities, including meetings with industry associations and port visits with groups of industry operators.</p> <p>AFMA Commission considered the results of stakeholder survey (conducted in March 2017) and advised that there may be potential for more focused engagement by AFMA on specific issues (refer to the case study below), as a means to improving industry understanding and perceptions. In response to this advice, AFMA is now going to take several initiatives to increase AFMA-stakeholder interactions over the next 12-18 months including:</p> <ul style="list-style-type: none"> • increased port visits. • increasing extent and messaging of communications-ongoing.
<p>✓ AFMA publishes performance information</p>	<p>Each year AFMA publishes detailed performance information in its Annual Report, including the Annual Performance Statement, and on its website.</p>

Performance measures and commentary on results	
5. Regulators are open and transparent in their dealings with regulated entities.	
RPF evidence	2016-17 evidence
	The 2015-16 Self-assessment of AFMA's Regulatory Performance Report was accepted without comment.

Case Study: Stakeholder survey.

In March 2017, AFMA undertook a stakeholder survey with the clients who were known to engage regularly with AFMA from a cross-section of the fishing sector (both commercial and recreational), government sector (federal and state government), and non-government organisations were invited to participate. The survey was conducted online. A total of 124 stakeholders responded to the survey invitation (sent to some 550 stakeholders) across all states of Australia.

The survey results showed that overall satisfaction was moderate, with half of respondents either satisfied or very satisfied, and one quarter being either dissatisfied or very dissatisfied. A particular area of strength was the positive perception of AFMA officers as friendly, knowledgeable and responsive. There was room for improvement in the consistency of information provided and expanded communications on reasons behind management decisions.

AFMA Management is now looking to pursue areas for action e.g., improving communications, particularly in relation to explaining decision-making. This will see for example, the Commission Chairman's Summary being expanded to provide more details of the rationale behind Commission decisions. Given the perception of 20 per cent of respondents that 20 per cent or more of the fish being taken in Commonwealth waters were being taken illegally, there also appears scope for increasing recognition of the effectiveness and impacts of AFMA's domestic compliance activities.

The survey indicates that while AFMA generally continues to be viewed positively by stakeholders, there is room for improvement, principally in relation to aspects of its communications and consistency of advice. Therefore, surveys are now intended to be undertaken every two to three years.

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

Performance measures and commentary on results	
6. Regulators actively contribute to the continuous improvement of regulatory frameworks.	
RPF evidence	2016-17 evidence
<p>✓ Stakeholder engagement procedures are in place, practised and reviewed regularly</p>	<p>AFMA embeds the culture of engagement with our stakeholders by incorporating consultation into all significant changes to regulatory frameworks. In 2016-17 these consultations included:</p> <ul style="list-style-type: none"> • Commonwealth Harvest Strategy Policy and Fisheries Bycatch Policy: Both policies are currently under review. The public consultation period for comment on the new draft policies has closed and release of the finalised policies is expected in 2017-18. • AFMA Bycatch Strategy. • Cost Recovery Implementation Strategy. • Tropical Rock Lobster Management Plan. <p>AFMA also continues monthly compliance releases on risk targets and/or information for fishers, including pre-season briefing sessions.</p>
<p>✓ AFMA participates in meetings with the Department of Agriculture and Water Resources on the development/amendment of regulator frameworks</p>	<p>During 2016-17 AFMA's Chief Executive Officer had weekly meetings with Department of Agriculture and Water Resources and executives of some portfolio agencies. The meetings allowed the Chief Executive Officer to understand and contribute to the strategic development of regulatory frameworks relevant to AFMA's operations.</p> <p>The General Manager, Corporate Services Branch participated in regular deregulation and legislative reform working groups with Department of Agriculture and Water Resources representatives.</p> <p>The Executive Manager, Fisheries worked with the Department of Agriculture and Water Resources and the Department of Environment and Energy on revisions to government fisheries policy including:</p> <ul style="list-style-type: none"> • Bycatch Handling and Treatment Guide 2016/17. • Drafting of the revised Commonwealth Harvest Strategy Policy and Bycatch Strategy Policy.

Case Study: Stakeholder engagement improvements.

AFMA engages with a wide variety of stakeholders before making decisions on the management of Commonwealth fisheries, including scientists, commercial fishers and fishing associations, researchers, environment and conservation organisations, recreational fishers and indigenous fishers.

During 2016-17 we achieved successful engagement through a variety of channels, including:

- Management Advisory Committees
- Resource Assessment Groups
- meetings with the Commonwealth Fisheries Association
- port visits and public meetings
- sector / issue specific meetings such as recreational fishing and the Commonwealth Marine Mammal Working Group
- our online systems such as GoFish and the Vessel Monitoring System
- SMS messaging
- our website (including news stories) and social media
- media releases
- direct mail across all major Commonwealth fisheries.

Management Advisory Committees and Resource Assessment Groups are the major source of advice to AFMA and the Commission, reflecting the experience and expertise of the range of stakeholders with interest in the fishery or fisheries. As such they play a vital role in helping us fulfil our legislative functions and effectively pursue its objectives. Regular meetings of these committees and groups were held during 2016-17. Around 80 per cent of management advisory committee recommendations are accepted by the Commission.

AFMA intends to expand engagement with stakeholders, particularly individual operators as well as industry associations. Electronic messaging and more port visits are being considered.