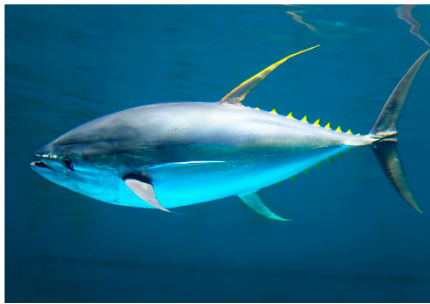




Australian Government
Australian Fisheries Management Authority



INTERNATIONAL COMPLIANCE AND ENGAGEMENT PROGRAM

2020–2022

[AFMA.gov.au](https://www.afma.gov.au)

 /AustralianFisheriesManagementAuthority

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Front cover photos:

Top row: AFMA fisheries officer prepares to conduct monitoring boarding courtesy AFMA

2nd row: Operation Nasse group photo, photo courtesy AFMA

Yellowfin tuna, photo courtesy Wang Tom /123rf.com

AFMA fisheries officer during Operation Nasse photo courtesy AFMA

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Abbreviations

Table 1: Abbreviations

Abbreviation	Explanation
AFMA	Australian Fisheries Management Authority
AFZ	Australian Fishing Zone
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Commission for the Conservation of Southern Bluefin Tuna
DFAT	Department of Foreign Affairs and Trade
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organization of the United Nations
FFA	Pacific Islands Forum Fisheries Agency
FFV	Foreign Fishing Vessel
HSBI	High Seas Boarding and Inspection. [Equivalent to System of Inspection under CCAMLR]
ICMM	International Conservation and Management Measure, as defined by the <i>Fisheries Management Act 1992</i> (Cth)
IFMM	International Fisheries Management Measure, as defined by the <i>Fisheries Management Act 1992</i> (Cth)
IFMO	International Fisheries Management Organisation, as defined by the <i>Fisheries Management Act 1992</i> (Cth)
IOTC	Indian Ocean Tuna Commission
IUU	Illegal, Unreported and Unregulated for the purpose of this document relates solely to foreign fishing vessels
MBC	Maritime Border Command
NTSA	Niue Treaty Subsidiary Agreement
OMC	AFMA's Operational Management Committee
RPOA-IUU	Regional Plan of Action to Promote Responsible Fishing Practices including Combating Illegal, Unreported and Unregulated Fishing in the Region [South East Asia]
SIOFA	Southern Indian Ocean Fisheries Agreement
SPRFMO	South Pacific Regional Fisheries Management Organisation
UNCLOS	<i>1982 United Nations Convention on the Law of the Sea</i>
WCPFC	Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean



1. Executive Summary



Photos top to bottom: AFMA fisheries officer on patrol Warrior Reef, photo courtesy AFMA
Fisheries officer on patrol near Heard Island photo courtesy AFMA
Operation Kurukuru 2019 photo courtesy The Pacific Island Forum Fisheries Agency (FFA)

Australia's multifaceted program to combat international Illegal, Unreported and Unregulated (IUU) fishing includes effective enforcement and monitoring, regional cooperation, diplomatic representations and engagement measures such as capacity building, education and outreach programs. Working in concert, a multifaceted strategy ensures Australia is able to readily respond to threats in an efficient and cost effective manner.

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

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

- Communications – AFMA will use a range of communication methods to inform stakeholders of its international engagement and regional efforts to deter IUU fishing. This element includes communications involving AFMA's participation in regional activities and the development and delivery of targeted public information campaigns and communications.
- Enforcement operations – AFMA will use risk based approaches in deploying fisheries officers and tasking of Australian assets and patrols in detecting and deterring IUU fishing in the AFZ and adjacent waters. Surveillance information collected by Australia in waters adjacent to the Australia's AFZ will be shared with our neighbouring countries and regional fisheries bodies. In addition, AFMA will deploy fisheries officers on partner assets under arrangements to provide an enforcement capability in waters where Australia has an interest. This component includes port based activities.
- Strategic engagement – AFMA will seek to engage in key international fora in order to share our fisheries knowledge and experience, and to promote and progress approaches that are consistent with the outcome to detect and deter illegal fishing in the AFZ and for stocks important to Australian fisheries. AFMA will also share information with other flag, coastal, or port States in order to collaborate and address global IUU threats.
- Capability development – AFMA will provide subject matter fisheries expertise with the view to collectively increasing regional, national and officer level capacity to undertake effective fisheries MCS. This element will involve working alongside counterparts in coordinating regional fisheries operations, delivering formal training programs, and participating in multilateral and bilateral maritime operations including at sea and port inspections.

- Targeted threat response – AFMA will assess, address and control agreed priority IUU threats in waters adjacent to the AFZ. The targeted threat responses for 2020–22 will focus on the following threats in relation to fishing vessels operating on the high seas adjacent to the AFZ:
 - Misreporting of catch and bycatch interactions
 - Non-compliance with International Fisheries Management Organisation (IFMO) Vessel Monitoring System (VMS) conditions and
 - Non-compliance with IFMO bycatch mitigation requirements.

2. Introduction



Photos top to bottom:

AFMA officer supervising a freezer entry, photo courtesy AFMA
Southern Bluefin Tuna, photo courtesy Michael Patrick O'Neill/
BluePlanetArchive.com

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

2.1 Australia's multifaceted approach

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

IUU fishing is a persistent threat and has long been recognised by regional fisheries bodies as undermining agreed approaches to conserve and manage fish stocks. As such, States (either individually or as part of a multilateral forum) implement a range of measures that seek to detect and deter IUU fishing. By its very nature, IUU fishing is dynamic and hard to quantify and a broad brush approach is not always appropriate without understanding the assumptions (and drivers) that underpin a theoretical quantification of IUU. Australia has a long history of actively pursuing and promoting measures to deter IUU fishing, both in the Australian Exclusive Economic Zone (EEZ) and regionally and implements and advocates for a multifaceted approach that recognises the dynamic and diverse nature of IUU fishing. Responses to IUU fishing require ongoing and persistent effort and collaboration in order to understand the context and drivers behind IUU fishing.

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

Illegal foreign fishing in Australia's northern waters is at historically low levels. However an enduring threat remains, posed by foreign vessels fishing in waters adjacent to the Australian Fishing Zone. Illegal fishing for beche de mer remains a threat in the Coral Sea as well as on Warrior Reef and around Saibai Island in the Torres Strait. Illegal foreign fishing for toothfish in the Heard Island and McDonald Islands in the Southern Ocean remains low as a result of sustained efforts involving port States, flag States and States with nationals that control and benefit from the activities of these vessels.

Australia's multifaceted approach includes:

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

2.2 The importance of international compliance and engagement

Non-compliance with the rules and regulations adopted by IFMOs can have significant consequences on the ongoing environmental sustainability and economic viability of international fisheries.

The depletion of highly migratory, shared and straddling fishing stocks is ecologically damaging and poses a risk to food security throughout the region.

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

IUU fishing undermines the sustainability and economic viability of fisheries nationally, regionally and globally. In 2016 it was estimated that more than 306,000 tonnes of fish were harvested or transhipped involving IUU activity in Pacific tuna fisheries. This equates to approximately US\$616 million per annum.¹ Notably, unlicensed fishing directly accounted for only 4 per cent of the estimated overall volume,² with other IUU fishing activities attributed to sources such as misreporting of catch, non-compliance with other license conditions, and post-harvest IUU activities (including transhipping).

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

2.3 International legal framework

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

1 MRAG Asia Pacific (2016). Towards the Quantification of Illegal, Unreported and Unregulated (IUU) Fishing in the Pacific Islands Region, url: <https://www.ffa.int/files/FFA%20Quantifying%20IUU%20Report%20-%20Final.pdf>.

2 Ibid.

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

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

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

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

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

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

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

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

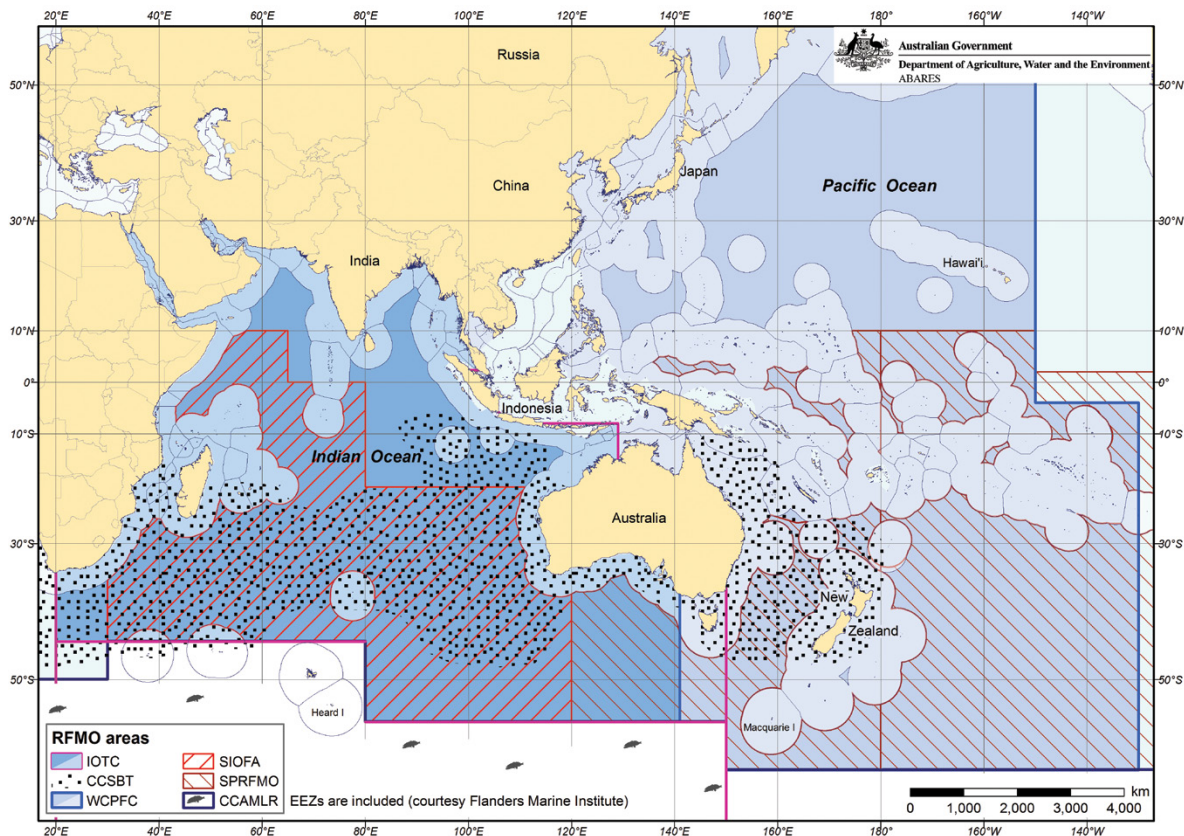
5 Established in accordance with the *Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean*.

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

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

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

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



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

Figure 1: Areas of competence for international fisheries management organisations.

In addition to these organisations, there are a number of other international and regional fisheries bodies (RFBs), treaties and arrangements that AFMA must have regard to as part of its fisheries management and regulation. These include, but are not limited to, the:

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

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

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

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

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

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

2.4 AFMA's approach

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

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

This program sets out AFMA's strategies and responses to address IUU fishing in Australian waters and on the high seas where Australia has an interest. It works in concert with the objectives and framework of AFMA's *National Compliance and Enforcement Policy* and complements the *National Compliance and Enforcement Program*, which sets out activities undertaken by AFMA in relation to Australia's Commonwealth fisheries.

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

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

AFMA is continuing to deliver a risk based international compliance and engagement program in 2020–22. The five components of the program are:

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

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

2.5 Stakeholder engagement

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

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

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



3. Communications



Photo credit top to bottom:
Southern Ocean Operation with French Navy, photo courtesy AFMA
Ghost net artwork made from ghost net retrieved by ABF and AFMA, photo courtesy AFMA
AFMA Officer with US Coast Guard on board the Sequoia

3.1 Background

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

3.2 Aims

The communication program will:

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

3.3 Methodology

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

3.3.1 AFMA website

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

3.3.2 Media releases

Media releases will cover:

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

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

3.3.3 Social media

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

3.3.4 Public information campaigns

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

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



**AFMA
FISHERIES**

4. Enforcement Operations



Photo credit top to bottom:
Back of AFMA fisheries officer uniform, photo courtesy ABF
Operation Gannet, photo courtesy ABF
Receiving foreign Fish Aggregating Device for disposal,
photo courtesy AFMA

4.1 Background

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

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

4.2 Aim

The enforcement operations program will:

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

4.3 Methodology

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

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

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

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

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

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

4.3.2 Prevent and deter IUU fishing in the Torres Strait

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

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

4.3.3 Prevent and deter IUU fishing in the Southern Ocean

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

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

4.3.4 Prevent and deter IUU on the High Seas

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

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

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

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

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



5. Capability Development and Supplementation



Photo credit top to bottom:

Apprehended FFVs coming into Darwin Harbour, photo courtesy AFMA

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

AFMA receiving abandoned fishing net for disposal, photo courtesy AFMA

5.1 Background

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

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

5.2 Aim

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

5.3 Objectives

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

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

5.4 Methodology

AFMA's activities with respect to addressing IUU activities in the Pacific Ocean, currently funded in part by Department of Foreign Affairs and Trade (ROU 73616) and in part by the Department of Defence (Pacific Maritime Security Program), will continue to provide practical and technical training as part of:

- Certificate IV in Fisheries Enforcement and Compliance, delivered through the University of the South Pacific. Since 2015, AFMA officers have provided training to officers from Pacific Island countries as part of this course
- Certificate IV in Coastal Fisheries and Aquaculture Compliance, delivered through the University of the South Pacific in collaboration with the Pacific Community (SPC)
- Australian Defence Force's Pacific Maritime Security Program through the Australian Maritime College and
- Requests for technical assistance from FFA members via the NTSA.

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

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

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

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

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

6. Strategic Engagement



Photo credit top to bottom:

Southern Ocean patrol photo courtesy AFMA

FFV apprehended in northern Australian waters, photo courtesy ABF

Joint operation with US Coast Guard, photo courtesy AFMA

6.1 Background

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

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

6.2 Aim

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

6.3 Objectives

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

6.4 Methodology

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

AFMA contributes to Australia's annual reports to IFMOs on the implementation of agreed measures. Until end of 2020, AFMA will continue to support the work completed by the WCPFC Electronic Reporting and Electronic Monitoring Working Group, particularly in relation to the implementation of electronic monitoring.

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



7. Targeted threat response



Photo credit top to bottom:

Operation Kurukuru 2019 boarding, photo courtesy AFMA

AFMA fisheries officer Southern Ocean patrol, photo courtesy AFMA

Patagonian toothfish, photo courtesy AFMA

7.1 Background

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

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

- Misreporting of catch and bycatch interactions
- Non-compliance with IFMO VMS conditions and
- Non-compliance with IFMO bycatch mitigation conditions.

7.2 Misreporting of catch and bycatch interactions

7.2.1 Background

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

7.2.2 What is considered misreporting of catch?

Misreporting refers to the recording of incorrect weights, quantities, species composition or landed states. Catches may be misreported accidentally due to difficulties in species identification, working conditions or carelessness. Misreporting may be done deliberately for any number of reasons, including influencing catch and interaction records, or incidentally, through poorly estimated or recorded catch. Misreporting includes, but is not limited to, the non-reporting of bycatch or protected species interactions (for example sharks or turtles), the retention of prohibited take species, high grading of catch, and the misreporting of catch species composition. Non-reporting of discards is of particular concern as unreported discards are not taken into account in terms of total mortality in a fishery and if significant, may skew stock assessments and analyses. Fishers may attempt to increase their economic return by deliberately discarding small, damaged or less valuable fish (a process known as 'high grading'), therefore avoiding having to pay for less valuable catch as part of their annual entitlement or as port landing fees.

IFMOs and RFBs, such as the WCPFC and SPRFMO, require members to submit their catch and effort data to centralised bodies. SPC works directly with its members to collect catch and effort data directly from foreign fishing vessels that fish under access agreements. This data is then used to inform management decisions including scientific analyses such as stock assessments, or the planning and coordination of MCS activities.

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

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

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

7.2.4 Aim

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

7.2.5 Objectives

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

7.2.6 Methodology

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

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

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

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

7.3 Non-compliance with vessel monitoring system requirements

7.3.1 Background

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

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

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

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

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

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

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

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

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

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

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

7.3.4 Aim

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

7.3.5 Objectives

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

7.3.6 Methodology

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

AFMA will continue to engage with flag States and IFMOs to ensure robust VMS monitoring procedures are in place. As noted above, it can be difficult to identify where the reporting breakdown is occurring. AFMA will provide technical assistance to strengthen these procedures.

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

7.4.1 Background

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

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

Failure to meet measures agreed by IFMOs and RFBs by the vessel or the flag State poses a threat to the marine environment, and may result in flag States being found non-compliant with measures adopted by IFMOs.

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

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

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

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

7.4.4 Aim

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

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

7.4.5 Objectives

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

7.4.6 Methodology

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

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

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

8. Performance assessment

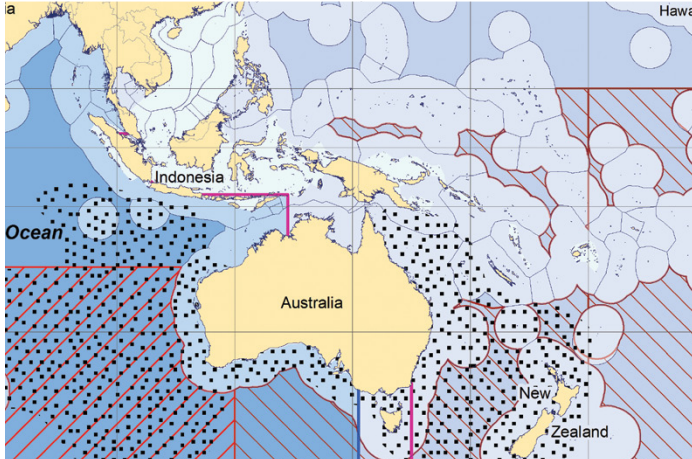


Photo credit top to bottom:

AFMA officer inspecting the freezer of a fishing vessel
Map compiled by ABARES from information supplied
by the RFMOs included in the map. EEZs were
supplied by the Flanders Marine Institute, Belgium.
AFMA fisheries officer, photo courtesy AFMA

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

Table 2: Performance Assessment

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