



Australian Government

Australian Fisheries Management Authority

Regulator Performance Framework

Self-Assessment 2019-20



Contents

| | |
|--|----|
| Self-Assessment 2019-20 | 1 |
| 1 Introduction | 3 |
| 1.1 Functions | 3 |
| 1.2 Impacts of COVID-19..... | 3 |
| 2 Methodology..... | 5 |
| 2.1 Approach | 5 |
| 2.2 Review of supporting evidence | 5 |
| 3 Self-Assessment..... | 11 |
| 3.1 Results of the Self-Assessment | 11 |
| 4 Feedback on self-assessment..... | 19 |

| Version | Updates | Approver |
|---------|---------------|---------------|
| V1.0 | October 2020 | Robert Gehrig |
| V2.0 | November 2020 | Wez Norris |
| V3.0 | December 2020 | Wez Norris |

1 Introduction

1.1 Functions

The Australian Fisheries Management Authority's (AFMA) core regulatory functions covered by the 2019-20 Regulator Performance Framework (RPF) include:

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

While these functions have not changed significantly since 2018-19, AFMA continues to pursue more effective and efficient implementation through collaboration and cooperation with industry to underpin innovative fisheries management and better targeting of programs. The Australian Bureau of Agricultural and Resource Economics and Sciences most recent fishery statistics indicate that the annual gross value of Commonwealth fisheries production (GVP), that is the landed value of product has been maintained at around \$400 million. This is despite operational disruptions and value-chain collapse across a number of fisheries in the latter half of the financial year due to bushfires and COVID-19. In addition, for the seventh consecutive year, no fish stocks managed solely by AFMA were subject to overfishing, 2019-20 has seen AFMA continue to deliver solidly against its objectives.

At the same time, this positive performance has been delivered with reduced regulatory burden and increased management streamlining. A total of 65 initiatives to cut red tape for Commonwealth fishers have now been, or are being, implemented. Some of the red tape reduction initiatives include:

- increasing the use of digital systems for the delivery of services, for example e-logs, e-CDRs and online licensing
- simplifying and streamlining licensing arrangements for Commonwealth and Torres Strait fishers
- reviewing and removing management measures that have been superseded or become redundant over time.

1.2 Impacts of COVID-19

Like many sectors, Commonwealth fisheries experienced significant upheaval in the second half of 2019-20 due to COVID-19 with the impacts likely to be felt for quite some time. In response to COVID-19, AFMA implemented its *Pandemic Response Plan* in March 2020. The plan operates in conjunction with the *AFMA Business Continuity Plan* and outlines AFMA's response to a pandemic by defining pandemic phases according to the World Health Organisation and agency and staff responsibilities under each phase. AFMA also established a Pandemic Incident Management

Team (PIMT). The PIMT is chaired by the Chief Operating Officer and comprises a membership of critical staff from all three AFMA branches. The PIMT is responsible for assessment of pandemic phases under the AFMA *Pandemic Response Plan* and to ensure actions required under each phase are taken.

The CEO closed the AFMA office in Darwin on Wednesday 25 March 2020, Lakes Entrance on Friday 27 March 2020 and Canberra and Thursday Island on Monday 30 March 2020. AFMA's ICT mobility enabled an almost seamless transition to working from home arrangements across the agency. Access to AFMA offices throughout the COVID-19 pandemic was restricted to those staff whose attendance at the office was critical to maintain essential functions for the agency. Plans for transition back to work in the office began in late June 2020. New and emerging risks and mitigations continue to be monitored during AFMA staff transition to offices and worksites.

Due to the restrictions on travel and implementation of working from home arrangements, AFMA instituted a range of mechanisms to help to maintain its overall compliance and enforcement program across Commonwealth fisheries. These included:

- increased numbers of desktop audits/inspections in place of in field inspections
- enhanced use of CCTV capabilities to monitor vessel offloads in key ports
- enhanced focus on VMS compliance including increased checking and enforcement
- increased engagement with State agencies assisting in completing essential inspections on Commonwealth and foreign vessels
- collaboration with international partners to mitigate emerging fisheries risks under international frameworks
- participated in virtual joint coordination centres for the running of multilateral coordinated patrols and operations
- delivery of capacity building and training packages by virtual means
- promoted the use of alternative or additional means of monitoring and independent verification (such as electronic monitoring).

AFMA's regulatory decision-making was also impacted by the pandemic. Both AFMA Management and the AFMA Commission encountered numerous issues – and requests from industry – which required some flexibility and innovation in normal decision-making processes and parameters. AFMA was successful in minimising COVID-driven impacts on fishing opportunities and efficiencies while still complying with our legislated objectives.

AFMA implemented the Government's Levy Relief Package and, levy payments for 2019-20 in relation to Commonwealth fisheries and the Torres Strait Prawn Fishery that were due on or after 1 April 2020, were not collected by AFMA and levies already received were refunded.

As at the end of 2019-20, all AFMA offices remained closed. Results of all staff working remotely and reduction on field duties during COVID-19 will be reported in the 2020-21 reporting period, but it is fair to say that AFMA staff were well served by the agency's ICT technology, and staff responded positively and proactively to the challenges of the new work environment. AFMA continued to deliver a full range of regulatory services to the Commonwealth fishing industry, albeit at reduce capacity, and were able to undertake functions and decision making as well as absorbing additional workload directly related to the pandemic crisis.

2 Methodology

2.1 Approach

AFMA prepared its self-assessment for 2019-20 by collating information from:

- internal management information systems
- records of consultations with stakeholders (minutes of meetings, correspondence, submissions on matters where AFMA issued invitations to comment)
- AFMA's operating plans and procedures
- reports produced for internal or external consumption
- AFMA's internal and external webpages including social media platform
- targeted surveys related to information distributed on the AFMA website
- recent internal audits.

The Business Partnership and Strategy team coordinated the data captured and prepared the self-assessment. AFMA's Executive confirmed that the self-assessment accurately represented AFMA's regulatory operations and performance during 2019-20.

2.2 Review of supporting evidence

As part of our continuous improvement efforts for addressing regulatory impacts, AFMA sought feedback on its 2017-18 and 2018-19 Regulator Performance Framework self-assessment from our independent reviewer, the Commonwealth Fisheries Association (CFA). As there were no issues raised by CFA on AFMA's metrics in either external validation process, AFMA proposed the same performance metrics and external validation process for this 2019-20 report. The Minister for Agriculture, Drought and Emergency Management, the Hon David Littleproud MP agreed with the proposed performance metrics and validation process on 10 December 2020.

Table 1 Metrics for the 2019-20 Regulator Performance Framework for AFMA

| Key performance indicator | | Performance measures | Evidence |
|---------------------------|---|---|--|
| 1 | Regulators do not unnecessarily impede the efficient operation of regulated entities. | 1.1 Demonstrated understanding of the operating environment for the regulated entities through efficient consultative mechanisms. | 1.1.1 Commission meetings in fishing ports and associated industry participant meetings or visits. |
| | | | 1.1.2 Fishing industry representatives including recreational and Indigenous fishers, scientific experts, AFMA Commissioners and other appropriate stakeholders participate in Management Advisory Committee and Resource Assessment Group meetings. |
| | | | 1.1.3 Regular consultation with the Commonwealth Fisheries Association. |
| | | 1.2 Reduction in cost and time of transacting with AFMA. | 1.2.1 More than 90% of transactions delivered online through GoFish. |
| | | | 1.2.2 Since 2013 a total of 65 red tape reduction initiatives have either been completed or progressed. |
| | | | 1.2.3 Introduced e-logs for fisheries data logging have significant reduction in the time and cost of fishermen involved with the old paper-based logbooks. |
| | | | 1.2.4 As a result of COVID-19, implement a levy relief package for Commonwealth fishers. |
| | | 1.3 Efficient and effective AFMA business processes. | 1.3.1 Satisfaction with AFMA's online systems for submitting and managing applications – through online feedback and complaints. |

| Key performance indicator | | Performance measures | Evidence |
|---------------------------|---|---|---|
| | | | 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. |
| | | | 2.1.4 Prompt responses to stakeholders' query/ reaction on social media, such as AFMA Facebook page where important AFMA news is regularly posted. |
| | | 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. |
| 3 | Actions undertaken by regulators are proportionate to the regulatory risk being managed | 3.1 Risk management frameworks and policies are | 3.1.1 Relevant risk frameworks that are applied to decision making, made accessible to regulated entities. |

| Key performance indicator | | Performance measures | Evidence |
|---------------------------|---|---|---|
| | | in place and regularly reassessed ¹ . | 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 Strategic Internal Audit Plan 2017-19 and 2020-22. |
| | | | 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. |
| 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 Delivering the fisheries element to Australia's civil maritime surveillance and enforcement program. |

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

| Key performance indicator | | Performance measures | Evidence |
|---------------------------|--|--|---|
| | | | 4.2.3 Development and implementation of AFMA's International Compliance and Engagement program. |
| | | | 4.2.4 Prosecution of illegal foreign fishers. |
| | | | 4.2.5 Providing specialist compliance advice for international meetings and other for a. |
| | | | 4.2.6 Participating in coordinated international patrols in our EEZ and High Seas and helping capacity building in neighbouring countries. |
| | | 4.3 Facilitate electronic submission of key data systems (Logbooks, Vessel Monitoring Systems and Licensing). | 4.3.1 On-line systems are available to regulated entities. |
| | | | 4.3.2 Increase in uptake and use of electronic business solutions. |
| 5 | Regulators are open and transparent in their dealings with regulated entities. | 5.1 Improve transparency of actions. | 5.1.1 Statement of reasons for major AFMA decisions published within 2 weeks of decision. |
| | | | 5.1.2 Performance against regulatory service requirements in the AFMA Client Service Charter published annually. |
| | | | 5.1.3 Compliance policy, risk methodology and compliance program published on the AFMA website. |
| | | | 5.1.4 Compliance focus feature articles and operational outcomes published on AFMA website and Facebook page. |

| Key performance indicator | | Performance measures | Evidence |
|---------------------------|--|---|---|
| | | | 5.1.5 Introduced co-management arrangements in certain fisheries created opportunities for stakeholders' direct involvement in resource management. |
| | | 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 regularly reviewed. |
| | | 5.3 Performance information is published. | 5.3.1 Performance against regulator and AFMA's corporate plan and annual report are published on AFMA website. |
| | | | 5.3.2 Stock Status reports published by ABARES and made available on the AFMA website. Updates are made to the fishery and species pages using revised data. |
| 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. |
| | | | 6.1.3 Shifting management responsibilities solely from AFMA to the stakeholders through co-management arrangements in some fisheries. |
| | | 6.2 Engagement with the Department of Agriculture, Water and the Environment on the development or amendment of regulatory frameworks. | 6.2.1 Executive meetings between AFMA and the Department of Agriculture, Water and the Environment. |
| | | | 6.2.2 Participate in regular deregulation and legislative reform working groups with Department of Agriculture, Water and the Environment. |

3 Self-Assessment

AFMA's detailed self-assessments against the six Regulator Performance Framework key performance indicators (KPIs) indicate some issues from 2018-19 have been addressed, such as redeveloping AFMA's website on the GovCMS (drupal) platform to bring it in line with "WCAG 2.0 Level Double AA" for accessibility and improved security, and improving the clarity, consistency and timely distribution of advice on our decisions.

AFMA's assessment indicates delivery on all of the six KPIs, with AFMA's efforts for regulatory improvement including work on:

- The new data capture platform which streamlines internal processes vastly reducing the manual administrative overheads associated with data capture and entry. The more uptake of the Agency Data Capture (ADC) platform across Commonwealth fisheries will present opportunities for AFMA to refocus its resourcing efforts from data entry to data analytics, further building on the high level of service already offered, by allowing more proactivity and anticipating the needs of our stakeholders.
- Continuing expansion of co-management arrangements that add value to the management of fisheries and are cost effective for industry and AFMA. The co-management measures increase stewardship outcomes in the fishery and provide valuable information which will enhance future management decisions.

3.1 Results of the Self-Assessment

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

Performance measure is **met** by AFMA:

- Client Service Charter which sets out the services and standards that all clients or stakeholders can expect from us. It applies to all of our fisheries administration and corporate services functions, including our licensing function. Our service charter is available on our website afma.gov.au.
- Providing an online system that operators can use to efficiently lodge applications, make payments and receive information from AFMA through 'GoFish'. Again, in 2019-20 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter. No formal complaints were received by AFMA during 2019-20.
- Identifying 65 measures aimed at reducing red tape. 41 of these measures have been implemented, five closed and another 19 are in progress.
- The opportunity to facilitate Commission meetings in fishing ports was substantially limited in 2019-20 (and will likely continue to be in 2020-21). Five Commission meetings were held. Three meetings were held in Canberra, one in Mooloolaba fishing port and the final (May) held via teleconference. The May meeting had been planned to be held in the Lakes Entrance fishing port, but this was not possible due to border closures.

Nevertheless, these meetings along with individual Commission members' participation in Management Advisory Committees (MACs) and Resource Assessment Groups (RAGs) meetings continue to create opportunities for engagement with AFMA stakeholders.

- MAC and RAG meetings that provide an effective platform for policy makers, researchers, academics, other subject matter experts, industry representatives, recreational fishing groups, and various government organisations to work together to develop fisheries management advice, particularly on sustainability and operational issues. Despite COVID-19, more meetings of these committees and groups were held during 2019-20 (36) than in 2018-19 (33), with a heavy reliance on video or teleconferencing facilities in the second part of the year.
- Ensuring a wide range of stakeholders' participation including recreational fishers in Management Advisory Committees and Resource Assessment Group meetings.
- The Government announcement in April 2020 that Commonwealth commercial fishers would not have to pay remaining Commonwealth fishing levies for 2020 meaning the levies to be collected by AFMA under the *Fisheries Management Act 1991* or the *Torres Strait Fisheries Act 1984* were waived from 1 April 2020, for the remainder of the year. See case study below.

Case Study: Levy Relief Package

As early as February 2020, it was clear that many industry participants would struggle to pay their AFMA levies. There were numerous reasons for this including border closures preventing normal fishing, social distancing making fishing and processing operations inefficient, market and trade disruptions and general demand declines as various States went through lockdowns.

On 20 March 2020, AFMA advised industry that it would be deferring levy payment in order to provide temporary assistance and to allow time for Government to consider a more comprehensive package of assistance.

In April, Government announced a Levy Relief Package provided under the *Assistance for Severely Affected Regions (Special Appropriation) (Coronavirus Economic Response Package) Bill 2020*, which made around \$10.3 million available to AFMA allowing a waiver of any further levies for all Commonwealth fisheries for the remainder of the 2019-20 year.

The package provided relief for Commonwealth concession holders from payment of:

- April and May instalments prescribed under the *Fishing Levy Amendment (2019-20 Levy Amounts) Regulations 2019 (Fishing Levy)*
- April instalment prescribed under the *Fisheries Levy (Torres Strait Prawn Fishery) Amendment (Levy Amount) Regulations 2019 (TSPF Levy)*.

The legislative implementation of the package involved seeking approval from the Finance Minister to:

- the waiver of levy instalment amounts outstanding, pursuant to section 63 of the PGPA Act totalling some \$7.9 million
- act of grace payments on behalf of the Commonwealth, pursuant to section 65 of the PGPA Act for levy amounts already receipted for relevant levy instalments totalling some \$2.5 million.

Approvals under the PGPA Act s63 and s65 were received from the Assistant Minister for Finance, Charities and Electoral Matters on 8 May 2020. AFMA worked with its Commonwealth concession holders to ensure the timely refund of levy instalment amounts already paid, some \$2.5 million. Commonwealth concession holders were asked to complete a 'reimbursement of levy form' detailing all necessary information to ensure that refund requests could be verified for accurate and fast payment into their nominated bank accounts. The first payment batch of 'refunds', totalling some \$2.1 million was processed on 15 May 2020 with remaining refunds processed regularly as verified. All Commonwealth concession holders were refunded before 30 June 2020. All debt waivers, totalling some \$7.9 million were processed in May 2020.

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

Performance measure is **met** by AFMA. AFMA's targeted communication with the commercial fishing sector includes:

- Regular formal and informal discussion and correspondence between fishery managers and industry members, particularly with fishery-specific industry bodies.
- The AFMA Commission invites written submissions from all industry bodies to each of its meetings. AFMA Management provides commentary on these submissions and the Commission considers both in a standing agenda item. The Commission Chair generally responds to each submission noting any issues of particular interest or contention.
- Industry representatives are invited to address AFMA Commission meetings.
- The AFMA CEO and Commission Chair participate in CFA roundtable meetings, providing an opportunity for sharing priorities and key issues. In 2019-20, the Chair and CEO participated in both CFA roundtables, held in Hobart and Melbourne respectively.
- MACs and RAGs continue to provide an excellent platform for two-way communication between key stakeholders and AFMA. 36 meetings were held in 2019-20.
- Fisheries officers provided face to face education sessions on rules and regulations while undertaking field duties.

More generally, AFMA continues to improve general communication through means such as:

- Migrating its website to a new content management system and the look and feel of the site was updated to improve the user experience and bring it in line with Australian Government guidelines including WCAG 2.0. However, an accessibility audit conducted in-house found the website had some significant structural issues for accessibility and these are being addressed through redeveloping the site.
- Migrating the Protected Zone Joint Authority (PZJA) website to a new content management system and the look and feel of the site was updated to improve the user experience and bring it in line with Australian Government guidelines including WCAG 2.0. However, an accessibility audit conducted in-house found the website had some significant structural issues for accessibility and these are being addressed through redeveloping the site.
- Regularly reviewing and updating content on the websites is regularly reviewed and updated to ensure currency.
- Compliance focus feature articles and operational outcomes were published on AFMA Website and Facebook page.
- Responding to media enquiries and enquiries through other communication channels are responded to in line with the AFMA Client Service Charter.

- Subscriptions to AFMA's news items are increasing (1934 current subscribers).
- Facebook page continuing to prove an effective channel for AFMA. As at 30 June 2020, AFMA's page had 5150 likes and 5560 followers. This is an interactive, live platform that allows stakeholders to communicate with AFMA.
- Developing a Stakeholder Engagement Framework was developed to ensure that all engagement (both formal and informal) is structured, clear, targeted and effective. The Commission is working through the Framework and the annual Communications Plan to provide feedback and potential focus areas for the direction of AFMA communication and engagement.

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

Performance measure is **met** by AFMA:

- Identifying and mitigating risks through applying risk registers to ensure AFMA systems are maintained appropriately. During 2019, a review and update of the Risk Management Framework was completed aligning AFMA with ISO 31000 (2018). This work included review and update of the Operational and Strategic Risk Registers and convening the Risk Management Committee. In 2020, AFMA has maintained a strong focus on managing the impact of COVID-19 on business operations, strategic planning and organisational risk profile.
- Ensuring that risk management activities are developed in consultation with industry and publicised to support common understanding and appropriate application. Some examples of working with industry include:
 - Continued dedicated focus on risk in fishery management decision making, particularly in regard to harvest strategy settings that aim to minimise the risks of fish stocks departing from agreed target reference points and/or breaching agreed limit reference points. Within such decision making, risks are assessed against the overall costs of mitigating them in different ways (referred to as risk:cost:catch).
 - AFMA's actions in regard to broader environmental and ecosystem management are also informed heavily by risk considerations, primarily through the Ecological Risk Assessments. Protected species interactions continue to remain a focus for AFMA. We worked with the South East trawl industry to develop new arrangements to minimise interactions between trawl gear and seabirds. Restrictions on discarding of biological material in high risk zones of the fishery were introduced in 2019, coupled with an exemption process that incentivised fishers to develop other ways to reduce interactions.
 - AFMA continues to embrace co-management opportunities with the Commonwealth fishing industry. Successful co-management may reduce regulatory burden on fishers, build industry capacity and contribute to efficient and cost-effective management of the fishery.
 - AFMA also entered into a formal co-management arrangement with the South-East trawl fishery industry, which saw the formation of the Seine and Trawl Advisory Group. This Group will provide advice to AFMA on operational aspects of the Commonwealth Trawl Sector to better inform fisheries management decisions. These co-management measures add value to the management of the fishery and are cost effective for industry and AFMA. Co-management arrangements increase

stewardship outcomes in the fishery and provide valuable information which will enhance future management decisions.

- Developing and implementing the 2019-20 National Compliance and Enforcement Program, which aims to effectively deter illegal fishing in Commonwealth fisheries and the Australian Fishing Zone and consisted of four major components:
 - Communication and Education
 - General Deterrence
 - Targeted Risk
 - Maintenance.
- Developing and implementing the International Compliance and Engagement Program which sets out the strategies and responses to address foreign Illegal, Unreported and Unregulated fishing in Australian waters and on the high seas where Australia has an interest. The main components are:
 - Communications
 - Enforcement Operations
 - Stakeholder Engagement
 - Capability and Development
 - Targeted Threat Program
- Regularly reviewing key AFMA approaches to risk management and timely actioning of audit and review outcomes. AFMA's Audit and Risk Committee oversights the Strategic Internal Audit Plan (SIAP) 2017-2019 and endorsed the SIAP for 2020-22 during the reporting period. All agreed audits were completed in 2019-20 and ANAO's audit of Financial Statements was completed and signed off without qualification.

4. Compliance and monitoring approaches are streamlined and coordinated

Performance measure is **met** by AFMA:

- Targeting compliance activities to high risk areas and making use of other regulatory agencies' capabilities to complement those of AFMA.
- Continuing to expand the use of electronic systems including e-monitoring and e-logs. During 2019-20 over 65 per cent of Commonwealth vessels submitted data using e-logs up from 48 per cent in 2018-19.
- Maintaining focused actions and high visibility amongst operators, AFMA continued to encourage voluntary compliance rather than having to always take enforcement action against conscious non-compliance. Due to travel restrictions imposed during the COVID-19 lockdown, the number of physical inspections decreased by 28 percent compared to the 356 boat and 146 fish receiver premises inspections conducted in 2018-19. High levels of compliance were observed with 92 per cent of inspections not requiring any further action. As a result, for domestic compliance, three on the spot fines (Commonwealth Fisheries Infringement Notice), 21 issued warnings, 17 cautions, one court conviction and 115 matters requiring no further action in 2019-20.
- Investigating and prosecuting the crew from four illegal foreign fishing vessels apprehended across Australia's northern waters. This number continues the downward trend with a total of five apprehensions in the 2018-19 financial year, 14 apprehensions in the 2017-18 financial year and 15 in 2016-17.
- Participating in bilateral and multilateral maritime surveillance operations – including, a patrol with the French to the Southern Ocean, the annual Australia, France, New Zealand

and the United States of America fisheries surveillance operation on the high seas in the Pacific and four Pacific Islands Forum Fisheries Agency (FFA) multilateral operations involving the deployment of AFMA officers to provide training and on-water technical and capacity support, as well as sharing expertise in the coordination of aerial surveillance and surface patrol assets. See case study below.

- Supplying Vessel Monitoring System (VMS) compliance services to other states and territory fisheries agencies.

Case study: Operation Nasse 2019

For the past five years, Australia, France, New Zealand and the United States of America have cooperated in monitoring, control and surveillance fisheries operations in the high seas areas of the south west Pacific Ocean. The objective is to monitor compliance with the Conservation and Management Measures (CMMs) of the Western and Central Pacific Fisheries Commission (WCPFC). These multilateral operations provide a unique opportunity for fisheries officers to gather information on how WCPFC CMMs work in practice as well as enabling vessel operators to seek advice and information on WCPFC CMMs.

Over time, fisheries officers have seen an increase in the presence and use of turtle and seabird mitigation devices demonstrating a commitment and willingness by the fishing crews' and flag States to comply with WCPFC CMMs. In addition to other verification tools such as observers and electronic monitoring, high seas boarding and inspection activities also ensure that requirements relating to vessel level reporting are met. In particular, the reporting of reliable and accurate catch and effort data will remain a focus of these operations as this information is critical to support WCPFC decision making and to measure compliance with vessel level reporting obligations.

During this operation a total 19 fishing vessels were boarded and inspected and a further six were subject to radio interrogation. Thirteen suspected breaches across nine vessels were detected and reported to the flag States of the fishing vessels for further investigation.

This operation highlights the value of multilateral cooperation and the outcomes enhance regional approaches to sustainably manage fisheries resources, critical to both Australia and our Pacific neighbours.

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

Performance measure **met** by AFMA:

- The targeted communications listed above, in metric 3, all result in a high degree of transparency between AFMA and key stakeholders. AFMA's main consultative and advisory fora (Commission meetings, MACs, RAGs) all provide opportunity for industry to understand AFMA's perspective and to provide information and advice to the decision-making process.
- Improving the transparency of AFMA actions through reporting to stakeholders and posting of information on the AFMA website and AFMA Facebook page. AFMA continues to meet our commitment to be transparent for the benefit of interested regulated entities.
- Collecting stakeholder feedback through various channels and addressing concerns in relevant policy and decision making including direct responses from AFMA Commission Chair to industry regarding their concerns about fishery concerns.
- Providing regular compliance reports to the Commonwealth Fisheries Association and state fisheries agencies.
- Publishing detailed performance information in AFMA's Annual Report, including the Annual Performance Statement, and on its website. Stock status information is also included in the Annual Report.
- Developing a new data capture platform to streamline internal processes has vastly reducing the manual administrative overheads associated with data capture and entry. See case study on Agency Data Capture below.

Case study: Agency Data Capture – Simplifying data sharing

In 2019-20 AFMA undertook the ADC project to improve the quality and exchange of fisheries data and enable AFMA to deliver more digital services to the Commonwealth fishing industry.

The project modernised AFMA's data sharing capabilities through the use of APIs, aligning AFMA with the Australian Government's Digital Transformation Strategy.

ADC enables AFMA to extend the use of digital logbooks to more fishers. Receiving data digitally improves data quality and enables its timely use in decision making as well as deriving cost efficiencies for the fishing industry. ADC is also being trialled for digital catch disposal records (CDRs). Digitising CDRs will allow verified catch information to be integrated into AFMA's databases faster, simplifying data sharing and enhancing decision making.

ADC was developed as an agency wide data sharing platform, allowing AFMA to integrate with external partners, such as our vessel monitoring system provider and other government agencies. The platform will provide seamless data sharing opportunities in the future with other services, including scientific research, meeting our reporting obligations under international bodies, such as regional fisheries management organisations, and finally contributing towards whole of government initiatives.

AFMA will continue to invest in expanding this platform to streamline the collection and collation of all fisheries management data, enabling AFMA to continue making cost effective management decisions based on near real-time data. The ADC platform presents an opportunity for AFMA to refocus resourcing efforts from data entry to areas such as data

analytics. Further building on the high level of service already offered, the platform allows more proactivity in decision making and anticipating the needs of our stakeholders.

This digital transformation will see AFMA service enhancement in the effective and efficient management and monitoring of commercial Commonwealth and Torres Strait fishing, ensuring Australian fish stocks and our fishing industry are viable now and in the future.

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

Performance measure is **met** by AFMA:

- During 2019-20, AFMA released a new draft Exploratory Fishing Policy for stakeholder and public consultation. An efficient Exploratory Fishing Policy will encourage fishers to explore and develop new fishing resources. The new draft simplifies the process of exploring new resources based on balancing risk and cost while using AFMA's Ecological Risk Management framework. It is expected to encourage fisher-led exploration and development of Commonwealth resources through increased transparency and management of ongoing rights.
- In addition to public consultation, seeking comments from MACs and RAGs, the CFA and the Department of Agriculture, Water and the Environment. AFMA engaged closely with the Department of Agriculture, Water and the Environment-led process to develop the Commonwealth Fisheries Resource Sharing Framework. A discussion paper was released for public comment in May 2020. The consultation will inform the drafting of a framework to guide decision making and ensure equitable access among commercial, recreational and Indigenous fishers to Commonwealth fisheries resources.
- In 2019-20, AFMA initiated two independent processes to review (and eventually remove) unnecessary fishery management provisions. These processes cover the trawl sectors of the South Eastern Shark and Scalefish Fishery and Torres Strait fisheries (with an initial focus on Tropical Rock Lobster).
- Providing regular updates to the Commonwealth fishing industry regarding disruptions to our business operations through to operating practices during the peak of COVID-19 by creating a designated section on the AFMA website for pandemic related updates. Key information was also distributed through phone calls, emails, letters, SMS and through AFMA's Facebook channel.
- Engaging relevant stakeholders in significant changes to the fisheries management and regulatory framework. During 2019-20, AFMA developed and finalised the First Nations People Acknowledgement Guide. The guide is not designed to be comprehensive and will evolve as AFMA further develops its engagement and acknowledgement of Australia's First Nations Peoples. With regional offices in the Torres Strait, Darwin and Lakes Entrance and our home office in Canberra, AFMA has connections with a broad range of Australia's First Nations Peoples. This guide sets out how, when developing policies, programs and services, AFMA will acknowledge the knowledge and contribution of First Nations Peoples. The approach ensures that our work is delivered with respect and sensitivity to the experiences and perspectives of First Nations Peoples. As well as providing guidance for the use of Acknowledgement and Welcome to Country, the guide includes information on key ceremonial and commemorative dates and where relevant, how AFMA celebrates these events. The guide has been designed to assist staff, AFMA Commissioners and AFMA Chairs and members of advisory committees, in understanding

our approach and expectations with regard to the recognition aspects of Indigenous affairs.

4 Feedback on self-assessment

The CFA was invited to review the content of this report and provide advice as to whether it:

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

The CFA response indicated agreement with the methodology and the findings of the self-assessment. The CFA provided the following comments:

- The CFA is appreciative of the early provision of the report and notes the importance to acknowledge the diversity of Commonwealth fisheries, which all have unique regulatory and operating environments. As a consequence, each fishery is likely to have a different experience when dealing and working with AFMA. However we understand that the regulatory structures require the input or response from the recognised peak body.
- From the CFA perspective we support the reporting/assessments within the document provided and acknowledge that AFMA's engagement and communications have improved on last year, and given the challenges of 2020 this is a big positive.
- At the MAC level; AFMA, researchers and industry have adapted well and managed to deliver against their objectives despite the challenging circumstances. It will be interesting to see how the MACs adapt in the medium term given the pros and cons of virtual meetings. As with the regulatory experience, some fisheries will have varying levels of satisfaction with the MAC process, which is a reflection of a host of factors and not just AFMA performance.

The CFA also expressed interest in how industry feedback could be structured in future years to ensure it is given in a manner or forum that will lead to meaningful and practical improvements.



Wez Norris
Chief Executive Officer