



Australian Government
Australian Fisheries Management Authority

Regulator Performance Framework Self-Assessment 2017-18



1 Introduction

The Australian Fisheries Management Authority's (AFMA) core regulatory functions covered by the 2017-18 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.
- detect and prosecute illegal foreign fishers.
- promoting compliance with Australian fishing laws and relevant international fishing obligations and standards through education and enforcement operations.

While these functions have not changed since 2016-17, AFMA continues to pursue their more effective and efficient implementation through increased stakeholder engagement and better targeting of programs. With the Gross Value of Production for Commonwealth fisheries forecast steady at around \$380 million and no fish stocks managed solely by AFMA assessed as subject to overfishing (for the fifth year running), 2017-18 has seen AFMA deliver solidly against its objectives. At the same time, this positive performance has been delivered with reduced regulatory burden and increased management streamlining. 55 initiatives to cut red tape for Commonwealth fishers have now been, or are being, implemented, and AFMA has out-performed the cumulative Consumer Price Index by some \$31.9 million (as at 2017-18) and will aim to continue to meet this commitment while ensuring legislative objectives are pursued.

2 Methodology

2.1 Approach

AFMA prepared its self-assessment for 2017-18 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 etc);
- AFMA's operating plans and procedures;
- reports produced for internal or external consumption;
- AFMA's internal and external webpages including social media platform;
- targeted surveys related to information distributed on the AFMA website;
- recent audits; and
- information directly from stakeholders through port visits.

The 2017 AFMA stakeholder perceptions survey was not undertaken in 2018 but is intended to be conducted in March 2019 (and every two years subsequently). This reflects the need to give AFMA regulatory changes time to be recognised by stakeholders and also spreads the costs of undertaking this exercise for AFMA as a small agency with limited resources.

In late 2017, AFMA self-commissioned a review by two independent reviewers, Mr Doug Smith (Tempo Strategies) and Mr Peter Neville (Peter J Neville and Associates), to provide expert advice on cost-effective ways AFMA's performance could be improved in pursuit of best practice. This would also include identification of opportunities and options for future AFMA management of Commonwealth fisheries.

To elicit stakeholder views on AFMA's performance and assist the agency to position itself in the future, the review included interviews with some 50 identified stakeholders from Commonwealth and State agencies, industry and industry associations, researchers/consultants, and environmental NGOs.

Preliminary results suggest that respondents see AFMA as an effective and efficient organisation. Its fisheries management approach is science-based and seen to be consistent with international best practice, particularly as it relates to target species. The agency is well regarded as a professional organisation that is approachable and responsive, as well as being open to discussions about new approaches and ideas. Overall, stakeholders were very positive about AFMA's operations and performance, though noting that it works in a complex and challenging environment and will require a stronger and clearer focus in the future to effectively address all of its legislative objectives and the broadened agenda (and stakeholder base) that government and the community are requiring of AFMA.

The review outcomes will be formally considered by the AFMA Executive and Commission in October 2018.

The Executive Secretariat coordinated the data capture and preparation of the self-assessment. AFMA's Executive confirmed that the self-assessment accurately represents AFMA's regulatory operations and performance during 2017-18.

2.2 Review of supporting evidence

As part of its continuous improvement processes for regulatory impacts, AFMA reviewed its 2016-17 RPF measures and supporting evidence. This review identified that adjustments to a number of supporting evidence elements were required to reflect changes in relevance or availability.

Examples include:

- replacing a quantitative number of Management Advisory Committee and Resource Assessment meetings with a focus on broad stakeholder participation (Evidence 1.1.2 in Attachment 1);
- adding an additional element (Evidence 1.2.3 in Attachment 1) to reflect the introduction of electronic data gathering AFMA provides for the electronic reporting (e-reporting) of catch information by fishers. E-reporting enhances the efficiency of data collection and reduces the reporting burden placed on individuals;
- replacing a basic review date measure with a qualitative assessment of the accuracy and currency of website information and guidance (Evidence 2.1.1 in Attachment 1);
- adding an additional element (Evidence 5.1.5 and 6.1.3 in Attachment 1) on co-management arrangements to encourage greater industry responsibility for minimising the effects of fishing. This is another approach by AFMA that can increase the cost effectiveness of fisheries management. Such arrangements often reflect a maturing industry that has a strong industry body and the capacity to take on responsibilities previously undertaken by government; and
- broadening the reference to four executive meetings each year to reflect the ongoing engagement of AFMA executive with the Department of Agriculture and Water Resources (Evidence 6.2.1 in Attachment 1).

The amended AFMA Regulator Performance Framework for 2017-18 is at Attachment 1.

2.3 Case studies

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

3 Self-assessment

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

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

1. responding to a self-review in June 2017 of AFMA's website that identified some significant structural issues for accessibility. AFMA is now redeveloping the website on the GovCMS (drupal) platform, which will meet "WCAG 2.0 Level Double AA" for accessibility and improve security;
2. responding to the feedback from AFMA's Stakeholder Perceptions Survey that was undertaken in March 2017 and is intended to be repeated every two years;
3. increasing the timeliness in publishing AFMA management decisions for stakeholders;
4. better reflecting the long-term ecologically sustainable development of Australia's fisheries resources for all users - commercial, recreational and Indigenous. Changes to the *Fisheries Management Act 1991* in November 2017 clarified the expectations on use and access to Commonwealth resources; and
5. applying electronic monitoring (e- monitoring) where it is proven to be cost effective and efficient to do so. In most cases this is where a higher (greater than 5-10 per cent) level of monitoring is required and where biological data collection by crew/observers can complement cameras. The data collection tool allows AFMA to implement a variety of new management approaches including individual bycatch accountability, fish and bycatch handling requirements and in the future, image recognition.

The results of AFMA's 2017 Stakeholder Perceptions Survey (available on the AFMA website) suggested that respondents were generally more positive than negative (half satisfied, a quarter dissatisfied) about AFMA, with particular strengths being seen in AFMA's service delivery and its friendly, knowledgeable and responsive staff. Perceptions will be more formally tested again in 2019 with another survey to complement AFMA's ongoing stakeholder engagement through consultation, engagement and reporting. Development of a Standard Operating Procedure (SOP) for stakeholder consultation is also well underway.

In the meantime, AFMA has increased the extent and messaging of communications with industry to make stakeholders more aware of consultation opportunities and encouraging increased levels of participation. For example, AFMA finalised its two year review of the Small Pelagic Fishery Scientific Panel following consultation with key industry and scientific stakeholders and the public between November 2017 and February 2018. As a result, the AFMA Commission concluded that there was a need to:

- maintain the focus of Research Advisory Groups (RAGs) on the scientific, economic and other expert advice AFMA and the Commission require in order to make informed decision regarding a fishery; and
- retain the benefits from a broader forum to engage interested stakeholders.

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

Table 1 Self-assessment summary

RPF Key Performance Indicator	Results
<ul style="list-style-type: none"> • Regulators do not unnecessarily impede the efficient operation of regulated entities 	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> • implementing three more red tape reduction initiatives in 2017-18 (55 initiatives have now been or are being implemented since 2015). • maintaining business efficiency with industry through online services (licensing, data logging, reporting) and monitoring. During 2017–18 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 the reporting period. • ensuring a wide range of stakeholders’ participation in management advisory committee and resource assessment group meetings, as well as finalisation of the trial of the Small Pelagic Fishery Scientific Panel that enables more stakeholders to engage in the advisory process while maintaining a focus on scientific and economic advice. • organising a number of major decision making meetings (AFMA Commission) close to industry at different fishing ports. <p><i>Case study: Fishery Management Strategy at Attachment 2.</i></p>
<ul style="list-style-type: none"> • Communication with regulated entities is clear, targeted and effective 	<p>Performance measure is partly met by AFMA:</p> <ul style="list-style-type: none"> • providing up to date information and quality guidance materials that are accessible to the fishing industry. • providing interactive feedback to stakeholders through social media such as AFMA’s Facebook page. <ul style="list-style-type: none"> • however, an accessibility audit self-review found that AFMA’s website had some significant structural issues for accessibility. Responses to these are being addressed through redeveloping the website. • extensive consultation on major changes to AFMA policies. <p><i>Case Study: AFMA broadens its information availability on public domain at Attachment 3.</i></p>

RPF Key Performance Indicator	Results
<ul style="list-style-type: none"> • Actions undertaken by regulators are proportionate to the regulatory risk being managed 	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> • identifying and mitigating risks through applying risk registers to ensure AFMA systems are maintained appropriately. • ensuring that risk management activities are developed in consultation with industry and publicised to support understanding and appropriate application. • regularly reviewing key AFMA approaches to risk management. • timely actioning of audit and review outcomes. <p><i>Case study: Mako Sharks management in the Eastern Tuna and Billfish Fishery at Attachment 4.</i></p>
<ul style="list-style-type: none"> • Compliance and monitoring approaches are streamlined and coordinated 	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> • targeting compliance activities to high risk areas and making use of other regulatory agencies' capabilities to complement those of AFMA. • supplying VMS compliance services to other states and territory fisheries agencies. • Ecological Risk Assessments (ERAs) have been done for specific fisheries. • expanding AFMA services close to industry stakeholders' operations at Lakes Entrance, Victoria. • electronic systems including e-monitoring and e-logs continue to expand. • as at August 2018, approximately 45 per cent of Commonwealth vessels (131 of 300 vessels) have submitted data using e-logs. From 1 January 2019, this requirement will apply to all boats that have fished 50 days or more in the current or previous fishing season or those that have an electronic monitoring system installed. • by 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. <p><i>Case study: Australia and Vietnam collaboration to stamp out IUU fishing at Attachment 5.</i></p>

RPF Key Performance Indicator	Results
<ul style="list-style-type: none"> Regulators are open and transparent in their dealings with regulated entities 	<p>Performance objective is met by AFMA:</p> <ul style="list-style-type: none"> improving the transparency of its actions through reporting to stakeholders and posting of information on the AFMA website and AFMA Facebook page. 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 the fishery. providing regular compliance reports to the Commonwealth Fisheries Association and state fisheries agencies. <p><i>Case study: Co-management arrangements at Attachment 6.</i></p>
<ul style="list-style-type: none"> Regulators actively contribute to the continuous improvement of regulatory frameworks 	<p>Performance measure is met by AFMA:</p> <ul style="list-style-type: none"> engaging relevant stakeholders in significant changes to the fisheries management and regulatory framework. participating in meetings with the Department of Agriculture and Water Resources and other government entities on the development or amendment of regulator frameworks. issuing five year permits in the Southern Bluefin Tuna and high seas fisheries. This enhanced security of access and value of the permit. Operator feedback has been positive with AFMA looking to issue other fisheries concession for up to five years where appropriate. co-management arrangements in some fisheries have also created better avenues for stakeholders' engagement, encourage to take more management responsibility by industry, increase the cost-effectiveness and reduce regulatory burden. 2017-18 saw a range of new initiatives to enhance the security and value of fishing concessions including: <ul style="list-style-type: none"> preventing concession transfers where a third party interest has been registered automatic granting of fishing permits providing clarity on the revocation of plans of management and the use of statutory fishing right options provisions providing clarity on the cancellation of fishing concession provisions AFMA is developing regulatory amendments to bring these into effect. <p><i>Case study: Legislative updates at Attachment 7.</i></p>

4 Feedback on self-assessment

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

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

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

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



Dr James Findlay GAICD
Chief Executive Officer

Regulator Performance Framework for 2017-18

Key performance indicator		Performance measures	Evidence
1.	Regulators do not unnecessarily impede the efficient operation of regulated entities.	1.1 Demonstrated understanding of the operating environment for the regulated entities through efficient consultative mechanisms.	1.1.1 Commission meetings in fishing ports and associated industry participant meetings or visits.
			1.1.2 Fishing industry representatives, scientific experts, 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 80% of transactions delivered on line through GoFish.
			1.2.2 Endorsed red tape reduction initiatives implemented.
			1.2.3 Introduced e-logs for fisheries data logging have significant reduction in the time and cost of fishermen involved with the old paper-based logbooks.
		1.3 Efficient and effective AFMA business processes.	1.3.1 Satisfaction with AFMA's on-line systems for submitting and managing applications – through on-line feedback and complaints.
			1.3.2 Timeframes for business processes in AFMA Client Service Charter met.
		2.	Communication with regulated entities is clear, targeted and effective.
2.1.2 Number of subscribers to the AFMA News.			
2.1.3 Website meets relevant Government online and accessibility standards.			

Key performance indicator		Performance measures	Evidence
			<p>2.1.4 Prompt responses to stakeholders' query/ reaction on social media, such as AFMA Facebook page where important AFMA news are regularly posted.</p>
		<p>2.2 Satisfaction with the quality of advice relating to AFMA decisions and assistance.</p>	<p>2.2.1 Timeframes and expectations of AFMA Client Service Charter met.</p>
			<p>2.2.2 Statement of reasons for major AFMA decisions published within 2 weeks of decision.</p>
		<p>2.3 Extent and satisfaction with AFMA consultative processes.</p>	<p>2.3.1 100% of new or major changes to policy provided to relevant stakeholders for consultation prior to finalisation.</p>
			<p>2.3.2 Satisfaction from key stakeholders about the quality of AFMA consultation through stakeholder survey.</p>
3.		<p>3.1 Risk management frameworks and policies are in place and regularly reassessed¹.</p>	<p>3.1.1 Relevant risk frameworks that are applied to decision making, made accessible to regulated entities.</p>
			<p>3.1.2 Risk management framework reviewed every 2 years.</p>
		<p>3.2 Regular Audits of key agency functions through AFMA Audit and Risk Committee, ANAO, AFMA Commission.</p>	<p>3.2.1 Annual audits completed in line with Strategic Internal Audit Plan 2017-19.</p>
			<p>3.2.2 100% of identified high priority audit recommendations addressed.</p>
		<p>3.3 National Compliance and Enforcement Policy and the National Compliance and Enforcement Program regularly reviewed.</p>	<p>3.3.1 Policy reviewed every 2 years and program reviewed annually.</p>
			<p>3.3.2 100% of relevant staff trained in risk management policies.</p>
4.	Compliance and monitoring approaches are streamlined and coordinated.	<p>4.1 Monitoring and enforcement strategies minimise costs to regulated entities.</p>	<p>4.1.1 Compliance risk assessment conducted every two years to ensure well targeted activities.</p>
			<p>4.1.2 Quantity of compliance activities conducted jointly with other regulators.</p>

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

Key performance indicator		Performance measures	Evidence
		4.2 Compliance activities are responsive to business needs of regulated entities, where relevant.	4.2.1 Compliance activities targeted on high risk areas.
			4.2.2 Participating coordinated international patrols in our EEZ and High Seas and helping capacity building in neighbouring countries.
		4.3 Facilitate electronic submission of key data systems (Logbooks, Vessel Monitoring Systems and Licensing).	4.3.1 On-line systems are available to regulated entities.
			4.3.2 Increase in uptake and use of electronic business solutions.
5.	Regulators are open and transparent in their dealings with regulated entities.	5.1 Improve transparency of actions.	5.1.1 Statement of reasons for major AFMA decisions published within 2 weeks of decision.
			5.1.2 Performance against regulatory service requirements in the AFMA Client Service Charter published annually.
			5.1.3 Compliance policy, risk methodology and compliance program published on the AFMA website.
			5.1.4 Regular compliance reports provided to peak industry bodies.
			5.1.5 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 published in annual report and on AFMA website.
5.3.2 Stock Status reports published by ABARES and on the AFMA website.			
6.	Regulators actively contribute to the continuous improvement of regulatory frameworks.	6.1 Engage Stakeholders in changes to the regulatory framework.	6.1.1 Stakeholder consultation procedures in place and reviewed regularly.

Key performance indicator		Performance measures	Evidence
			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 and Water Resources on the development or amendment of regulatory frameworks.	6.2.1 Executive meetings between AFMA and the Department of Agriculture and Water Resources.
			6.2.2 Participate in regular deregulation and legislative reform working groups with Department of Agriculture and Water Resources.

Performance measures and commentary on results

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

RPF evidence	2017-18 evidence
<p>✓ 1.1 Regular efficient consultation occurs with industry</p>	<p>AFMA continues to gain an understanding of the operating environment of regulated entities by:</p> <ul style="list-style-type: none"> • holding Commission meetings in fishing ports and associated industry representative meetings. In 2017-18, five Commission meetings were held. Three were in fishing ports - Launceston (links to Scallops, Squids and Scalefishsector) Lakes Entrance (Southern and Eastern Scalefish and Shark Fishery) and Darwin (main port Northern Prawn Fishery). These meetings along with individual Commission members' other port visits and participation in Management Advisory Committees (MACs) and Resource Assessment Groups (RAGs) meetings created opportunities for engagement with AFMA-stakeholders. • Management Advisory Committee and Resource Assessment Group meetings (37 held in 2017-18 including 3 meetings by Small Pelagic Fisheries Scientific Panel) provided an effective platform for policy makers, researchers, academics, other subject matter experts, industry representatives, representatives from recreational fishing group, representatives from indigenous fishing group and various government organisations to work together to develop fisheries management advice, particularly on sustainability and operational issues. Regular meetings of these committees and groups were held during 2017-18. Around 80 per cent of management advisory committee recommendations were accepted by the Commission in 2017-18. • the trial of the Small Pelagic Fishery Scientific Panel (experts from CSIRO, ABARES, NSW government, private company and environmental NGO) enables more stakeholders to engage in the advisory process while maintaining a focus on scientific and economic advice. • consulting with the Commonwealth Fisheries Association and other associations on major planning and policy documents.
<p>✓ 1.2 Reduction in cost and time</p>	<p>AFMA reduced the cost and time regulated entities spend transacting with us by:</p>

RPF evidence	2017-18 evidence
	<ul style="list-style-type: none"> • providing an online system that operators can use to efficiently lodge applications, make payments and receive information from AFMA through 'GoFish'. During 2017–18 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter. • implementing three more red tape reduction initiatives in 2017-18 (55 initiatives have now been or are being implemented since 2015). • as at August 2018, approximately 45 per cent of Commonwealth vessels (131 of 300 vessels) have submitted data using e-logs.
✓ 1.3 Efficient and effective AFMA business processes	<p>AFMA's Client Service Charter sets expectations for staff in responding to queries from regulated entities and conducting certain regulatory activities. During 2017-18 AFMA complied with the Charter obligations on greater than 99 per cent of occasions.</p> <p>No formal complaints were received in 2017-18.</p>

Case Study: Fishery Management Strategies

In 2017-18, AFMA took a major step towards further strengthening the way in which it plans, implements and reports on its fisheries management processes. The development of AFMA's first "Fisheries Management Strategy" (FMS) commenced in the Eastern Tuna and Billfish Fishery and the Small Pelagics Fishery, and AFMA intends that all Commonwealth fisheries will adopt FMS in the coming years.

Closely linked to each fishery Fisheries Management Plan, Fisheries Management Strategies are intended to:

- Transparently outline how AFMA is, at a detailed operational level, pursuing the objectives of the *Fisheries Management Act 1991* and associated government policies.
- Bring together in one location for each fishery, the many, previously separate, management strategies for commercial, general bycatch and protected species.
- Align planning, implementation, reporting and evaluation processes more closely with the international "gold standard" for quality management systems (ISO 9001) and in doing so, further enhance transparency, accountability and continual improvement over time.

Associated with the development of Fisheries Management Strategies will be Annual FMS Performance Reports which will outline progress made in each fishery towards meeting its management objectives. This system of planning and reporting will enhance stakeholder understanding of AFMA's management systems and increase public confidence in the sustainable management of our fisheries resources.

The development of FMS in AFMA fisheries is also anticipated to have strong benefits for the fishing industry which is increasingly looking towards independent certification schemes

(eg. Marine Stewardship Council) to increase industry market access in domestic and international markets and gain premium prices for its quality products. These schemes require that increasingly strong and auditable fisheries management practices are being implemented, and FMS will play a key role in demonstrating such practices into the future.

Performance measures and commentary on results

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

RPF evidence	2017-18 evidence
<p>* 2.1 Regulated entities are satisfied with the quality and availability of information and guidance materials</p>	<p>AFMA's website provides up to date and useful information. Subscriptions to AFMA's news items are increasing (1126 current subscribers, which is 168 more than that of previous year).</p> <p>On 5 December 2016, AFMA launched its Facebook page. As at 30 June 2018, the page had 3169 Likes and 3337 followers. This is an interactive live platform and relevant AFMA officers regularly respond to queries and comments, as required.</p> <p>Reflecting only part achievement, the accessibility audit self-review found that AFMA's website had some significant structural issues for accessibility. Responses to these are being addressed through redeveloping the website on the GovCMS (drupal) platform in 2018-19.</p>
<p>* 2.2 Regulated entities are satisfied with the quality of advice relating to AFMA's decisions and assistance</p>	<p>Major decisions by the AFMA, including those by the Commission, were generally published on AFMA's website within two weeks of the decision. Part achievement reflects occasional delays in postings.</p>
<p>✓ 2.3 Stakeholders are satisfied with AFMA's consultation processes</p>	<p>AFMA consulted with relevant stakeholders prior to all new major changes in policy that may affect industry in a significant way. Policies which AFMA sought consultation on in 2017-18 included:</p> <ul style="list-style-type: none"> • Review of the Small Pelagic Fishery Scientific Panel and Stakeholder Forum • draft Policy and Guidelines for authorising transshipping activities in Commonwealth Fisheries • proposed changes to AFMA's key policy documents Fisheries Management Paper 1 – Management Advisory Committees (FMP 1) and Fisheries Administration Paper 12 – Resource Assessment Groups (FAP 12) • Remaking of <i>Fisheries Management Regulations 1992</i>

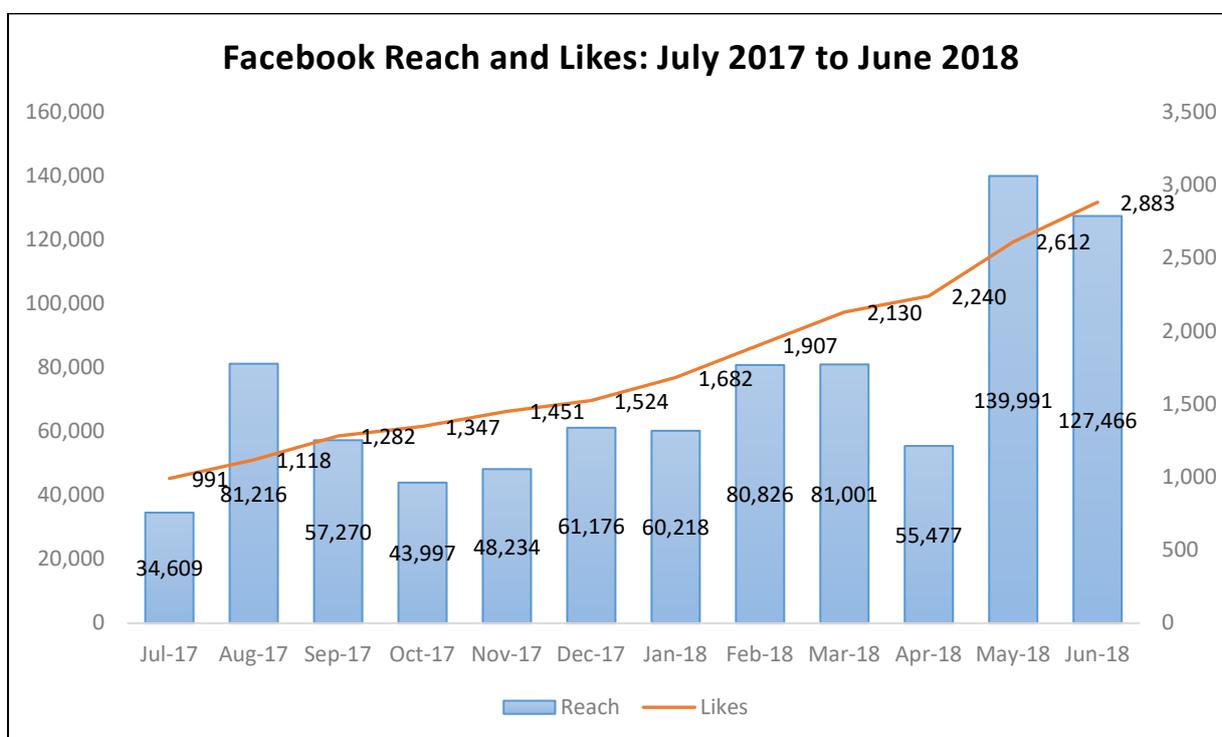
Case Study: AFMA broadens information availability

AFMA broadened its availability of fisheries and compliance information through the [AFMA website](#) and for the [PZJA website](#), via Facebook and through publication of data on data.gov.au.

The Protected Zone Joint Authority website was migrated to a new content management system and the look and feel of the site was updated to make it more accessible, bringing it in line with Australian Government guidelines.

Raw, aggregated fishing gear and effort data was published on data.gov.au, to make more AFMA data publicly available, to help and encourage researchers, scientists, businesses and students to optimise and re-use the data in projects.

AFMA’s Facebook page has seen improved reach and interactions over the past 12 months, as the Communications Section has upskilled to optimise content through videos and infographics.



Performance measures and commentary on results

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

RPF evidence	2017-18 evidence
<p>✓ 3.1 Risk frameworks are accessible and reviewed regularly</p>	<p>AFMA's risk frameworks, including the Ecological Risk Management Framework, the Compliance Risk Management Policy and AFMA's Risk Management Framework are published on AFMA's website.</p> <p>AFMA pursues the Commonwealth Policy on Fisheries Bycatch to minimise fishing-related impacts on bycatch species in a manner consistent with the principles of ecologically sustainable development and with regard to the structure, productivity, function and biological diversity of the ecosystem.</p> <p>In 2017-18, AFMA undertook a comprehensive education and communication program with industry and non-government organisations to outline the risk of bycatch mishandling. AFMA Bycatch and Compliance teams conducted three education workshops on bycatch handling in accordance with the principles in the Bycatch Handling Guide and also released an AFMA Best Practice Bycatch Handling education video.</p> <p>There were 29 identified incidents of bycatch mishandling in 2017-18 which equates to an average of 2.4 incidences per month. This is about half the average rate experienced prior to the introduction of AFMA's targeted program in October 2016. These matters resulted in the suspension of fishing concessions, warnings and education sessions.</p>
<p>✓ 3.2 Regular audits of key AFMA functions</p>	<p>AFMA's Audit and Risk Committee oversees the Strategic Internal Audit Plan – agreed audits completed. ANAO audit of Financial Statements completed and signed off without qualification.</p> <p>Internal audit recommendations did not identify that high priority (A) actions were required. Other actions completed on time and appropriately.</p>
<p>✓ 3.3 Compliance policy regularly reviewed</p>	<p>AFMA conducts a compliance risk assessment every two years to ensure that monitoring and engagement strategies are targeted where engagement with fishers is warranted.</p>

RPF evidence	2017-18 evidence
	<p>The National Compliance and Enforcement Program was reviewed, approved by the Operational Management Committee (OMC), and published in July 2017 for the 2017-18 period.</p> <p>The 2017-18 National Compliance and Enforcement Program, aims to effectively deter illegal fishing in Commonwealth fisheries and the Australian Fishing Zone and consisted of four major components:</p> <ul style="list-style-type: none"> • Communication and Education Program • General Deterrence Program • Targeted Risk Program • Maintenance Program

Case study: Management of Mako Sharks in the Eastern Tuna and Billfish Fishery

Mako sharks are listed as a migratory species under Australia’s environmental legislation the *Environment Protection and Biodiversity Conservation Act 1999*. This means that commercial fishers must take all reasonable measures to avoid injuring or harming mako sharks.

The Eastern Tuna and Billfish Fishery (ETBF) is a pelagic longline fishery that primarily targets bigeye tuna, yellowfin tuna and swordfish, but takes mako sharks as a bycatch.

There are strong management measures in place to prevent targeting of sharks in this fishery, with a 20 shark trip limit for each boat. Fishers are also banned from using wire trace to connect the hook to the mainline to minimise the shark catch.

Even though catch of mako sharks is relatively small, they are still a valuable part of the catch for commercial fishers. AFMA has developed a unique rule for mako sharks to ensure that harm to any live shark is minimised, and that dead sharks are not wasted and can be sold to Australian markets. The rule requires all mako sharks that are brought to the boat alive to be released with minimal harm. During 2017-18, 1304 of the 2005 Mako sharks caught were reported to be released alive.

The introduction of e-monitoring (a system of four cameras and a range of sensors on board a fishing vessel to monitor all fishing activities) into the ETBF has enabled AFMA to cost effectively monitor and enforce these rules. With all fishing operations being recorded by video but fishing operators not knowing which fishing operations are being monitored, the accuracy of logbooks has increased significantly. The Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) has found that reporting of species that are released, like Mako sharks, has almost doubled since the introduction of e-monitoring.

Performance measures and commentary on results

KPI: Compliance and monitoring approaches are streamlined and coordinated

RPF evidence	2017-18 evidence
<p>✓ 4.1 Monitoring and enforcement strategies minimise costs to regulated entities.</p>	<p>In 2017-18 AFMA completed its review of undercatch and overcatch provisions under our Quota Administration Policy. These provisions allow quota holders to carry-over a proportion of unused quota entitlement (undercatch) or above-quota catch (overcatch) from one season to the next.</p> <p>The review concluded that undercatch and overcatch provisions have a range of economic benefits for the operators and the fishery as well. These are primarily by softening the hard fishing season dates that can interfere with the efficiency of the quota market and providing flexibility to fishing operators when balancing their catch with quota between seasons. These arrangements can also reduce the need for monitoring and compliance for lower levels of overcatching and, should overcatching escalate, compliance action can be proportional to the risk it presents. Such fishery and management efficiencies also deliver economic benefits to the Australian community and reduce regulatory burden through reducing monitoring and compliance.</p> <p>AFMA conducts joint operations (national and international) with other regulators, in part, to minimise the impact on regulated entities of compliance activities. During 2017-18, AFMA fisheries officers undertook 78 port visits and 14 sea patrols to conduct 206 boat inspections and 102 fish receiver inspections.</p>

RPF evidence	2017-18 evidence
<p>✓ 4.2 Compliance activities are responsive to business needs of regulated entities, where relevant.</p>	<p>AFMA applies enforcement strategies that allow for a range of regulatory responses reflecting risks. In 2017-18, AFMA's performance targets for its domestic and foreign compliance operations were generally met. Maintaining focused actions and high visibility amongst domestic operators were key contributors as AFMA continued to encourage voluntary compliance, rather than to have to always take enforcement action against conscious non-compliance. This involved giving only 11 on the spot fines (Commonwealth Fisheries Infringement Notice), 22 issued warnings and 67 cautions. Four prosecutions were also undertaken.</p> <p>AFMA supports the Maritime Border Command through the provision of specialist fisheries officers both in the Australian Maritime Border Operations Centre in Canberra and on-board Australian Border Force and Royal Australian Navy patrol boats. Our efforts focused on high risk areas for incursions by illegal fishers and deterred fishers operating in close proximity to the Australian Fishing Zone (AFZ) from conducting illegal fishing operations. During 2017-18:</p> <ul style="list-style-type: none"> • A total of 14 illegal foreign fishing vessels were apprehended across Australia's northern waters. This number consisted of nine fishing vessels from Indonesia, and five fishing vessels from Papua New Guinea, which has decreased from a total of 15 apprehensions in the 2016-17 financial year and 20 in 2015-16. • In total, 85 foreign fishers were detained for illegal fishing in Australian waters, with 27 Indonesian nationals the subject of criminal prosecution in Australia, while an additional 23 PNG nationals were repatriated to Papua New Guinea for processing, where applicable, by the National Fisheries Authority. <p>AFMA regularly participates in multilateral patrols, which included:</p> <ul style="list-style-type: none"> • During 2017-18, AFMA officers participated in two coordinated patrols with the Indonesian Ministry of Marine Affairs and Fisheries (MMAF) and Indonesian BAKAMLA (Coast Guard). These patrols focused on patrolling the maritime boundary between Australia and Indonesia.

RPF evidence	2017-18 evidence
<p>✓ 4.3 Facilitate electronic submission of key data systems (Logbooks, Vessel Monitoring Systems and Licensing).</p>	<ul style="list-style-type: none"> • AFMA officers embarked on one US Coast Guard (USCG) patrol of the Federated States of Micronesia Exclusive Economic Zone and AFMA looks forward to continuing its relationship with the USCG. <p>Regulated entities benefit from online and digital facilities to help streamline and coordinate their compliance obligations. Some 25 per cent of all Commonwealth fishing vessels (a total fleet of some 300 fishing vessels in 2017-18) are now fitted with e-monitoring. The systems that continue to have significant use include:</p> <ul style="list-style-type: none"> • the e-log book system (45 percent of boats in 2017-18). • the vessel monitoring system (used on all vessels in the Commonwealth fishing fleet). • the e-licensing system (80 percent in 2017-18).

Case study: Australia and Vietnam Collaboration to Stamp Out Illegal, Unreported and Unregulated (IUU) Fishing

Since 2016, pressure on local fish stocks and regional instability saw Vietnamese fishing operators travelling further afield in order to target high value stocks such as beche de mer, sharkfin and giant clam. Increased numbers of Vietnamese fishing vessels were caught illegally fishing in Australian waters as well those waters of our neighbouring countries to our north and in the Pacific. Such activities not only threaten the sustainability of fish stocks and adversely impact the marine environment, but also require significant effort and resources to detect, apprehend and prosecute offenders, along with disposal of their boats and repatriation of the crews. In recognition of the fact that a collaborative solution to the problem was needed, Australia and Vietnam signed a Memorandum of Understanding (MOU) aimed at strengthening bilateral relations and combating illegal fishing in the Asia Pacific region.

Under this MOU, in December 2017, Australia delivered a joint Public Information Campaign (PIC) with the Vietnamese Ministry for Agriculture and Rural Development (MARD). The PIC aimed to emphasise to fishing communities in Vietnam that those who do the wrong thing face financial penalties, potential gaol time and the potential destruction of their fishing boats.

Over 200 fishers and officials attended the information sessions. Nearly all of those who attended were from the coastal villages and home ports where the illegal fishers are based. Joint presentations with the Vietnamese authorities promoted a united stand against illegal fishing. The workshops also gained a lot of attention from local and national media.

In the two years leading up to the workshops 14 Vietnamese fishing vessels were apprehended in the Australian Fishing Zone, with a total of 180 fishers convicted. Since December 2017 there were no further apprehensions or sightings of Vietnamese vessels operating illegally in Australian waters or in the Pacific.

This program was funded by the Department of Foreign Affairs and Trade (DFAT).



Performance measures and commentary on results

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

RPF evidence	2017-18 evidence
<p>* 5.1 Improved transparency of actions.</p>	<p>AFMA demonstrates a commitment to be transparent in its operations for the benefit of interested regulated entities by publishing the Chairman’s report on each AFMA Commission meeting within two weeks of the meeting. Part performance reflects occasional publishing delays.</p> <p>AFMA publishes performance information with regard to meeting Client Service Charter requirements in its Annual Report. In 2017–18 more than 99 per cent of licensing correspondence and transactions submitted by concession holders were dealt with in accordance with our Client Service Charter.</p> <p>During 2017-18, AFMA reviewed and completed the following documents which were published on the Website:</p> <ol style="list-style-type: none"> 1. National Compliance and Enforcement Policy 2017 – endorsed and available on the AFMA web. 2. National Compliance and Enforcement Program – approved and available on the AFMA web. 3. Conducted the 2017-19 Risk Assessment. National Compliance Risk Assessment Methodology. The 2017-19 document was completed and available on the AFMA web. <p>Co-management arrangements in some fisheries have also created better avenues for stakeholders’ engagement, encourage to take more management responsibility by industry, increase the cost-effectiveness and reduce regulatory burden.</p>
<p>✓ 5.2 Feedback mechanisms are available for regulated entities to use</p>	<p>AFMA provides mechanisms for fishers to provide feedback to AFMA in regard to regulatory activities, including meetings with industry associations and port visits with groups of industry operators.</p> <p>In response to the results of stakeholder survey (conducted in March 2017), AFMA is pursuing a number of increased AFMA-stakeholder interactions including:</p> <ol style="list-style-type: none"> 1. increased port visits. 2. increasing extent and messaging of communications-ongoing.

RPF evidence	2017-18 evidence
<p>✓ 5.3 AFMA publishes performance information</p>	<p>Each year AFMA publishes detailed performance information in its Annual Report, including the Annual Performance Statement, and on its website. Stock status information is also included in the Annual Report.</p> <p>The 2016-17 Self-assessment of AFMA's Regulatory Performance Report was accepted without comment and published on the AFMA website.</p>

Case Study: Co-management arrangements

Co-management arrangements to encourage greater industry responsibility for minimising the effects of fishing and are another approach by AFMA to increase the cost-effectiveness of fisheries management. It often reflects a maturing industry that has a strong industry body and the capacity to take on responsibilities previously undertaken by government. The Northern Prawn Fishery, which is the Commonwealth's most valuable fishery, continues to work with AFMA to build its capacity and engagement in fisheries management through co-management.

During 2017-18, the NPF Industry group partnered with AFMA to undertake scientific trials of new bycatch reduction devices that will be rolled out over the next two years and deliver up to a 40 per cent reduction in fish bycatch. The NPF Industry group also managed the supply of wild-caught black tiger prawns used for broodstock by Australian prawn farmers farmers and continued to provide other services, such as data collection, crew-member observing for protected species and the tendering process for providing a vessel on which to conduct the annual scientific monitoring program. NPF Industry also undertook pre-season, in-port briefing of skippers and crews about the fishery regulations that must be complied with. Other Commonwealth fisheries, including the Southern and Eastern Scalefish and Shark Fishery, the Great Australian Bight Trawl Fishery and the Bass Strait Central Zone Scallop Fishery are also working more closely with AFMA to identify opportunities and to engage in co-management. The South East Trawl Fishing Industry Association and AFMA will complete a new co-management arrangement in 2018-19, and discussions with the scallop industry are also in progress.

AFMA will complete its assessment of all key Commonwealth fisheries to engage in co-management during 2018-19. This will provide an evidence base to determine where to expand existing arrangements and/or create new ones in future where it is mutually beneficial for industry and AFMA, noting that some regulatory roles will always be the purview of government.

Performance measures and commentary on results

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

RPF evidence	2017-18 evidence
<p>✓ 6.1 Stakeholder engagement in regulatory changes</p>	<p>AFMA embeds the culture of engagement with our stakeholders by incorporating consultation into all significant changes to regulatory frameworks. In 2017-18 these consultations included:</p> <ul style="list-style-type: none"> • Social aspects of ecological sustainable development <ul style="list-style-type: none"> • Authorising transshipping in Commonwealth Fisheries • Remaking of Fisheries Management Regulations <p>Shifting management responsibilities in some fisheries solely from AFMA to the industry are creating avenues for more stakeholders' engagement. A Standard Operating Procedure (SOP) for stakeholder engagement is well underway for achieving best outcomes in stakeholder consultation.</p> <p>AFMA also continues monthly compliance releases on risk targets and/or information for fishers, including pre-season briefing sessions.</p>
<p>✓ 6.2 Engagement with the Department of Agriculture and Water Resources on the development/amendment of regulator frameworks</p>	<p>During 2017-18 AFMA's Chief Executive Officer had weekly meetings with Department of Agriculture and Water Resources and executives of some portfolio agencies. The meetings allowed the Chief Executive Officer to understand and contribute to the strategic development of regulatory frameworks relevant to AFMA's operations.</p> <p>The General Manager, Corporate Services Branch participated in regular deregulation and legislative reform working groups with Department of Agriculture and Water Resources representatives.</p> <p>The Executive Manager, Fisheries worked with the Department of Agriculture and Water Resources and the Department of Environment and Energy on drafting of the revised Commonwealth Harvest Strategy Policy and Bycatch Strategy Policy.</p>

Case Study: Legislative update

AFMA is focused on the long-term ecologically sustainable development of Australia's fisheries resources for all users - commercial, recreational and indigenous. Changes to the *Fisheries Management Act 1991* in November 2017 emphasised the changing expectations on use and access to Commonwealth fisheries. AFMA is now working to reflect these legislative changes in management policies and arrangements and operational practices.

Another area of legislative focus during 2017-18 has been our review in light of the sunseting of three legislative instruments relating to the management of Commonwealth fisheries namely the *Fisheries Management Regulations 1992*, the *Fisheries (Administration) Regulations 1992* and the *Fisheries Management (Southern Bluefin Tuna Fishery) Regulations 1995*. These existing regulations, amongst other things, outline the geographic areas for fisheries, obligations for Commonwealth concession holders, fees payable and the framework that supports the issuing of infringement notices. Potential changes proposed aim to streamline AFMA's current ability to enforce obligations, thereby improving management effectiveness and reducing the regulatory burden on industry. Public consultation has largely supported AFMA's proposals and finalisation of the amendments is now underway.

In addition, a second tranche of legislation to modernise the penalty provisions in the *Fisheries Management Act 1991* by adopting the *Regulatory Powers (Standard Powers) Act 2014* and provide additional compliance tools for AFMA is underway.