

Australian Fisheries National Compliance Strategy **2010-2015**

Prepared by the National Fisheries Compliance Committee (NFCC)
of the Australian Fisheries Management Forum



Introduction

Australia's fisheries are a valuable natural resource. They are accessed by, and important to, sectors with diverse interests – commercial (wild catch and aquaculture), recreational, Indigenous and conservation – and they require careful and considered management.

In 2007/08, commercial fisheries production in Australia was valued at over \$2billion. Aquaculture production was valued at over \$800million. The recreational and charter fishing sectors also make a significant contribution to the economy and lifestyle of many Australians and visitors.

Commercial fisheries have value through the production chain – fishers, processors, marketers and consumers – whilst recreational and Indigenous fishers value the lifestyle and community/cultural benefits and quality experiences obtained from fishing and related activities.

There is a high level of community expectation that our fishery resources will be maintained at sustainable levels and that aquatic habitats will be protected. Above all, the community wants to be assured that incentives for illegal activity are minimised. The Commonwealth, States and Territories have legislated to this effect.

Successful fisheries management depends heavily on achieving optimal compliance. This is almost always achieved when there is close

and ongoing cooperation between fishers and compliance agencies, a high level of awareness and understanding about management techniques, and perhaps most importantly, a sense of shared responsibility and stewardship for the sustainability of marine resources.

This document outlines the strategic objectives that Australian fisheries agencies will pursue to promote voluntary compliance and create effective deterrents to illegal fishing activity. It outlines the principles that agencies under the umbrella of the National Fisheries Compliance Committee (NFCC) will use when planning the delivery of cost-effective and efficient fisheries compliance programs. It also acknowledges the need to complement Australia's National Plan of Action against Illegal Unreported and Unregulated fishing (IUU).

At the same time, it acknowledges that differences in legislation, policy and management apply across Commonwealth, State and Territory fisheries and recognises their varied nature and location.

At the heart of the Strategy is the need to achieve collective responsibility and stewardship among stakeholder groups (commercial, recreational and Indigenous fishing sectors) and the community generally.





Mission

The Optimal Level of Compliance

'...is that which holds the level of non-compliance at an acceptable level, which can be maintained at a reasonable cost while not compromising the integrity and sustainability of the resource'.

This is underpinned by the following strategic objectives:

- Maintaining productive working relationships with stakeholders and developing a partnership approach to fisheries management where possible.
- Pursuing cooperation with fisheries stakeholders to develop and implement fisheries policies and laws that identify potential risks and strategies to lessen them.
- Pursuing cooperation across jurisdictions to form effective alliances between related agencies.
- Integrating compliance strategies into fishery management arrangements at the initial planning stage.
- Combatting opportunistic as well as organised criminal involvement in fisheries.
- Ensuring that fisheries laws are administered and enforced fairly, reasonably and cost effectively for both fishers and compliance agencies.
- Maintaining the safety, effectiveness and integrity of fisheries compliance officers through training, effective policies and procedures, and accountable decision-making.

The Operating Environment

The management of most Australian fisheries is widely regarded as among the most precautionary and progressive in the world. However, significant challenges remain for compliance agencies and stakeholders alike. These include the risk of overfishing, increased involvement of organised crime in illegal fishing, growing complexity of management arrangements and constraints on compliance resources.

Some Australian commercial fisheries have significant over-capitalisation and over-capacity, resulting in economic inefficiency and reduced profitability. In the past, this has resulted in increased fishing effort and inevitably a depletion of fish stocks. Some fishers, in an effort to remain viable, contemplate breaking fisheries laws, necessitating close monitoring and surveillance by fisheries compliance officers.

Other forms of non-compliance which are prevalent and need to be dealt with include taking fish for sale without a licence, exceeding commercial and recreational entitlements, receiving and marketing product taken illegally. The emergence of organised criminal activity in some fisheries is of particular concern.

Australia's system of governance, whereby the States/Northern Territory have responsibility for certain fisheries and the Commonwealth for others, means that there are sometimes significant differences in legislation, policy and fisheries management arrangements from one jurisdiction to another. The physical size and geography of jurisdictions and variations in weather and geographic conditions also results in differing compliance strategies and deployment of resources.

There is also a need to consider the activities of recreational, Indigenous and aquaculture operators, and other users of our fisheries resources, who inevitably have a different set of rules to comply with and who present their own compliance challenges.

With cost recovery and heightened accountability, agencies responsible for fisheries compliance are increasingly being required to justify expenditure and quantify outcomes. As management arrangements continue to evolve, there is a need for an appropriate mix of training and skills, for liaison with stakeholders, and for planning and executing fisheries compliance programs.

The factors outlined above present significant challenges to governments and fisheries agencies. Other issues which influence the operating environment include:

- Strong community expectation that our fisheries resources will be wisely used and protected.
- Increased expectations among stakeholders to be consulted about matters impacting on their livelihoods and interests and to participate in the development of rules and regulations which govern fishery resources.
- The critical need for the recruitment, selection, training and retention of skilled staff together with a commitment to building their capacity and capability.
- The need for comprehensive education, advisory and extension initiatives as integral components of successful compliance programs.



Compliance Values and Behaviours

The agencies responsible for this Strategy are committed to six core values.

Value 1 Relationships and people

Develop collaborative relationships both internally and externally, built on trust and credibility.

Value 2 Working in teams

Share information and knowledge through superior systems, strategic alliances, teamwork, networking and analysis.

Value 3 Achieving results

Create an environment that encourages and recognises contribution, commitment and dedication to the achievement of the strategies outlined in this document.

Value 4 Leadership

Provide effective leadership, direction and policy advice together with the ability to:

- plan and set priorities,
- manage staff and resources efficiently,
- establish genuine partnerships with community and key stakeholder groups,
- achieve a high standard of service delivery, and
- maintain honesty and integrity as key principles in relationships.



Photo: Henrique Kwong

Value 5 Credibility and Accountability

Employ practices that ensure independence and objectivity in compliance measures, and report on achievements and outcomes.

Value 6 Safety and security

A commitment to sound occupational health and safety practices.



Photo: Henrique Kwong

Strategies

Strategy 1

Maximising Voluntary Compliance

1.1 Develop a strategic framework for 'voluntary compliance'

- 1.1.1 Define 'voluntary compliance' and its role in fisheries compliance (compared to 'deterrence').
- 1.1.2 Determine the key elements of effective voluntary compliance, targets, possible tools (e.g. practice change), communication and roles and responsibilities in voluntary compliance, and its suitability for Australia.

1.2 Develop models to provide for stakeholder engagement in compliance planning and outcomes

- 1.2.1 Scope the range of models available [noting the continuum from 'soft' involvement through to co-management].
- 1.2.2 Develop a case study to demonstrate one model of stakeholder engagement in the process of compliance planning.

1.3 Demonstrate benefits of fisheries and broader environmental management to the community

- 1.3.1 Use of positive messages to assist in educating and informing the community.
- 1.3.2 Quantify social and economic benefits of fisheries and environmental management.
- 1.3.3 Marketing of results to the community.

Strategy 2

Effective Deterrence

2.1 Ensure common understanding of the concept of 'deterrence' and its role in compliance

- 2.1.1 Define 'deterrence' and its key elements (compared to 'voluntary compliance') and document for use by all jurisdictions.
- 2.2.2 Model one or more 'sample' fisheries to determine the socio/economic benefits of effective deterrence [i.e. the loss to the offender versus the gain to the community].

2.2 Deliver the optimal mix of compliance functions appropriate for each fishery or sector

- 2.2.1 Continue use of formal risk assessment framework and encourage use across all jurisdictions.
- 2.2.2 Encourage a fishery team approach encompassing research, management and compliance expertise across individual fisheries.
- 2.2.3 Develop a model 'toolkit' for effective deterrence (e.g. legislative deterrence matched to severity and frequency crime, forfeiture of assets, proceeds etc).

2.3 Minimise organised criminal involvement in the fisheries sector

- 2.3.1 Implement recommendations, as relevant, in response to Crime in Fisheries report.

Strategy 3

Organisational capacity and capability

3.1 Position fisheries compliance in the fisheries management process

- 3.1.1 Demonstrate the mutual interdependence of fisheries compliance with fisheries research and fisheries management (i.e. the 'value add').
- 3.1.2 Seek formal endorsement across all jurisdictions of the role and need for fisheries compliance expertise to be an equal participant in the broader fisheries management process.

3.2 Develop strategic capacity to respond and adapt to changing circumstances

- 3.2.1 Determine key elements of a responsive, adaptable compliance function including identification of compliance components, specialist units and expertise (e.g. intelligence), compliance infrastructure and assets (e.g. vessels).
- 3.2.2 Promote the responsibility of all government officers in ensuring fisheries compliance and contributing to compliance outputs (e.g. intelligence).
- 3.2.3 Continue development of a national network of compliance leaders to ensure a strategic approach to compliance (through NFCC and its sub-committees).
- 3.2.4 Develop a compliance resource allocation model with a view to implementation across jurisdictions and as a complementary tool for compliance risk assessments.
- 3.2.5 Continue use of advanced technologies and methodologies to support the compliance function.

3.3 Ensure a skilled, knowledgeable and diverse workforce

- 3.3.1 Monitor skill change requirements for compliance officers and implement by way of national training framework (via NFCC).
- 3.3.2 Encourage the sharing of compliance resources across and between jurisdictions to respond to specialist compliance needs.

3.4 Ensure strong, robust policies and processes to support an effective and sustainable compliance function.

- 3.4.1 Identify means to reduce complexity and streamlining of legislation.
- 3.4.2 Continue investments in workplace health and safety.
- 3.4.3 Review workplace practices to optimise compliance investments and outcomes.
- 3.4.4 Identify mechanisms to more appropriately monitor, measure and report on compliance effectiveness and outcomes.

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Australian Fisheries Management Authority
Primary Industries and Resources (South Australia)
Department of Primary Industries (Victoria)
Department of Resources (Northern Territory)
Northern Territory Police
Department of Employment, Economic Development and Innovation (Queensland)
Queensland Boating and Fisheries Patrol
Department of Primary Industries, Parks, Water and Environment (Tasmania)
Tasmania Police
Department of Fisheries (Western Australia)
Industry & Investment NSW