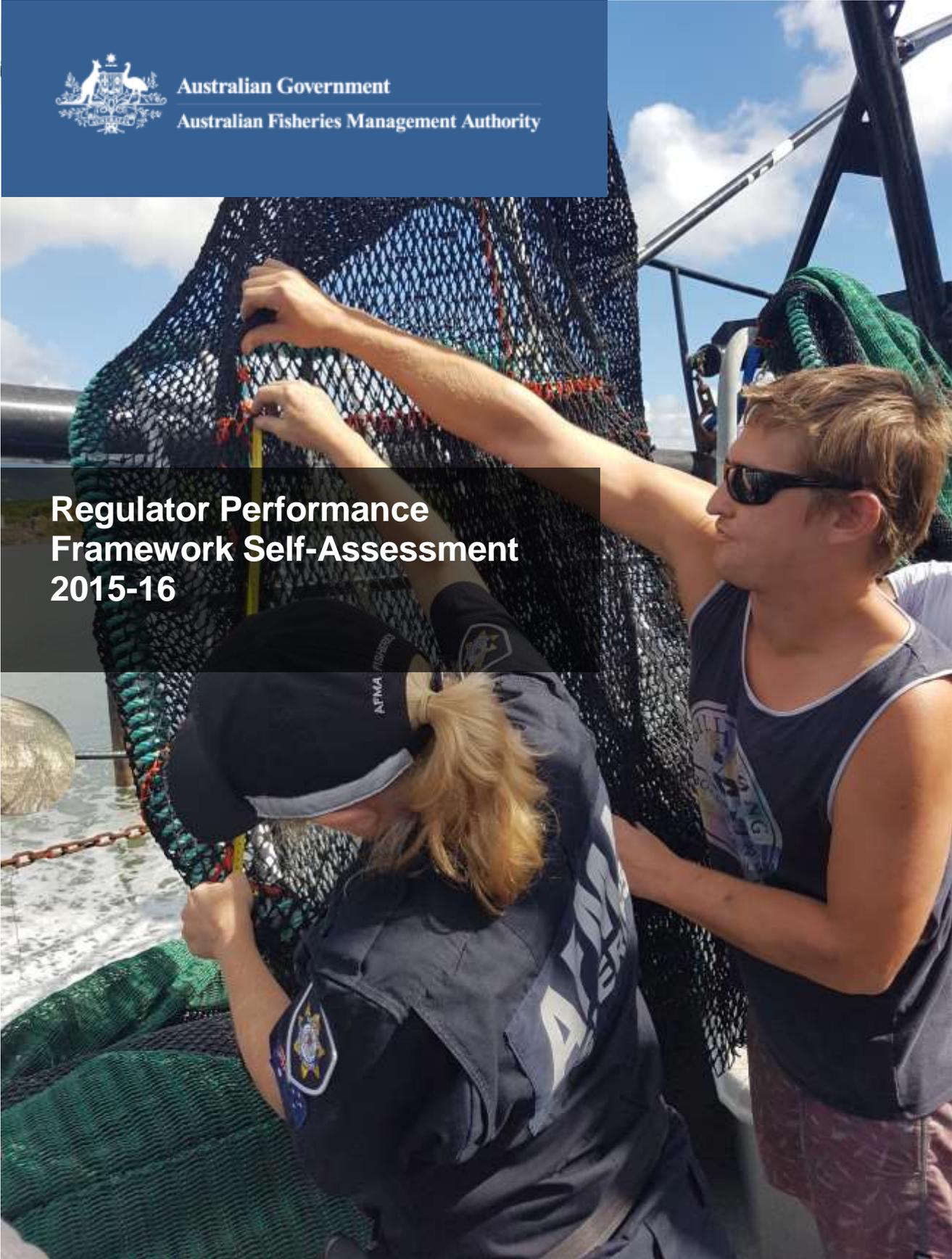




Australian Government
Australian Fisheries Management Authority



Regulator Performance Framework Self-Assessment 2015-16

1 Introduction

The Australian Fisheries Management Authority's (AFMA) core regulatory functions covered by the 2015-16 Regulator Performance Framework include:

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

The Agricultural Industry Advisory Council agreed AFMA's regulator performance framework on 17 June 2015 and the Minister for Agriculture approved it on 25 June 2015.

2 Methodology

2.1 Approach

AFMA prepared its self-assessment 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
- targeted surveys related to information distributed on the AFMA website
- recent audits.

The Executive Secretariat coordinated the data capture and preparation of the self-assessment. AFMA's Executive confirmed that the self-assessment accurately represents AFMA's regulatory operations and performance during 2015-16.

2.2 Alterations to approved evidence

The process of collecting evidence for 2015-16 has revealed that some of the originally proposed supporting evidence is not available or more limited than expected for the purpose. Some minor changes were adopted as a result of continuous improvement in our operations resulting in evidence being less relevant or not available. As an example, AFMA no longer issues the regular 'AFMA Update' publication but now delivers news items continuously via its website. The number of subscribers to the former was replaced by the number of subscribers to the latter.

More substantive issues identified are:

- AFMA did not undertake a stakeholder survey during 2015-16. AFMA is proposing to undertake a survey every two years with the first planned for 2016-17

- While AFMA has extensive engagement with stakeholders for example through management advisory committees, resource assessment groups and industry and other stakeholder consultations, process related feedback mechanisms are more limited. We are continuing to identify ways which feedback on process effectiveness and efficiency can be used to measure and improve our performance.

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 1-6**.

In summary AFMA is effectively delivering on the six KPIs. This is reflected in AFMA's achievement of 14 of the 17 performance measures that evidence positive regulator performance. The three measures that were not achieved reflect AFMA's need to improve process related feedback.

The results of the self-assessment are summarised in the following table:

Table 1 Self-assessment summary

RPF Key Performance Indicator	Results
Regulators do not unnecessarily impede the efficient operation of regulated entities	Performance measure is met by AFMA: <ul style="list-style-type: none"> • regularly consulting with industry • taking action to reduce the cost and time of transacting with AFMA • having efficient and effective business processes
Case study: Red tape reductions at Attachment 1.	
Communication with regulated entities is clear, targeted and effective	Performance measure is met by AFMA: <ul style="list-style-type: none"> • providing quality information and guidance materials that are accessible to the fishing industry • but would benefit from more work to provide process related feedback.
Case Study: Engagement on amendment of forms to record quota and gear Statutory Fishing Rights at Attachment 2.	
Actions undertaken by regulators are proportionate to the regulatory risk being managed	Performance measure is met by AFMA; <ul style="list-style-type: none"> • developing and applying risk frameworks that are accessible and reviewed regularly • regularly auditing key agency functions
Case study: Relevant risk frameworks that are applied to decision making, made accessible to regulated entities at Attachment 3.	

RPF Key Performance Indicator	Results
Compliance and monitoring approaches are streamlined and coordinated	Performance measure is met by AFMA: <ul style="list-style-type: none"> • taking action to minimise the costs of necessary monitoring and engagement • targeting compliance activities to high risk areas and making use of other regulatory agencies' capabilities to complement those of AFMA.
Case study: 2015-17 Compliance Risk Assessment at Attachment 4.	
Regulators are open and transparent in their dealings with regulated entities	Performance objective is met by AFMA: <ul style="list-style-type: none"> • improving the transparency of its actions through reporting to stakeholders and posting of information on the AFMA website • publishing performance information in its Annual Report which is available from its website • but would benefit from more work to provide further process related feedback.
Case study: AFMA Commission meeting decisions at Attachment 5.	
Regulators actively contribute to the continuous improvement of regulatory frameworks	Performance measure is met by AFMA: <ul style="list-style-type: none"> • engaging stakeholders in changes to the regulatory framework • participating in meetings with the Department of Agriculture and Water Resources and other government entities on the development or amendment of regulator frameworks.
Case study: Stakeholder engagement improvements at Attachment 6.	

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Table 2 KPI: Regulators do not unnecessarily impede the efficient operation of regulated entities

Performance measures and commentary on results	
Regulators do not unnecessarily impede the efficient operation of regulated entities.	
RPF evidence	2015-16 evidence
<p>✓ Regular consultation occurs with industry</p>	<p>AFMA continues to gain an understanding of the operating environment of regulated entities by:</p> <ul style="list-style-type: none"> • holding Commission meetings in fishing ports with associated industry representative meetings. Four Commission meetings were held in 2015-16, one was in Canberra and the other three were in Perth, Lakes Entrance and Adelaide. Commission members met with industry representatives and visited fishery operators to gain insights into their operations and AFMA's interactions with them. • conducting management advisory committee, resource assessment group and other consultative meetings for specific Commonwealth fisheries (15 management advisory committee meetings and 27 resource assessment group meetings were held in 2015-16). Industry members (as well as other members drawn from policy, research, conservation, state and territory governments, recreational fishing and research fields) participate in these meetings and provide their perspectives on issues considered in the meetings. • consulting with the Commonwealth Fisheries Association and other associations on major planning and policy documents.
<p>✓ Efficient and effective AFMA business processes</p>	<p>AFMA reduced the cost and time regulated entities spend transacting with us by:</p> <ul style="list-style-type: none"> • providing an online system that operators can use to efficiently lodge documents, make payments and receive information from AFMA (a high level of online-enabled transactions, approximately 88.6 per cent, were placed through the AFMA GoFish system during 2015-16). • fifteen endorsed red tape reduction initiatives were completed in 2015-16 (see the case study below). <p>AFMA's Client Service Charter sets expectations for staff in responding to queries from regulated entities and conducting certain regulatory activities. During 2015-16 AFMA complied</p>

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Performance measures and commentary on results	
	with the Charter obligations on greater than 95 per cent of occasions.

Case Study: Red Tape Reductions

AFMA pursues government policy on reducing unnecessary regulatory burden by cutting red tape processes and information requirements for business, and simplifying the complexity of regulations to ease the compliance burden on business.

AFMA, through its Regulatory Reform Working Group, has reviewed and reduced red tape to industry through revision of regulations, consultation on levies and modification to online information, application, reporting and payment systems. AFMA has identified 39 red tape reduction initiatives. Fifteen initiatives were finalised in 2015-16. These initiatives delivered a range of cost savings and efficiency improvements for fishing operators. Examples include:

- In July 2015, AFMA introduced the use of electronic monitoring in the Gillnet Hook and Trap, and Eastern and Western Tuna Billfish fisheries. Through the use of video and sensor data to independently validate fishery logbook information supplied by fishers, combined with electronic logbooks, AFMA is able to generate verified, accurate, near real-time fisheries data. This can be used for fisheries management decisions and to verify fishers' compliance with regulations without further engagement with the operators.
- From the opening of the Northern Prawn Fishery season in December 2015, the first and second season closure directions for the Northern Prawn Fishery were combined into a single five year direction. Previously, these directions were issued annually and separately for the banana and tiger prawn fishing seasons. This will enable fishers to plan their operations more effectively and reduce management costs.

While these red tape initiatives have increased operator efficiency by providing opportunities for streamlining procedures and reducing compliance requirements, it is not always easy to financially quantify such reductions in red tape. However process related feedback from industry has indicated that these changes have had a significant positive impact on their business.

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Table 3 KPI: Communication with regulated entities is clear, targeted and effective

Performance measures and commentary on results	
Communication with regulated entities is clear, targeted and effective.	
RPF evidence	2015-16 evidence
<p>✓ 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 (180 current subscribers).</p> <p>AFMA provides a broad range of regulatory information to assist fishers to understand their obligations and our approach to education, monitoring, detection and response.</p> <p>From 2015-16 AFMA's website met relevant government online and accessibility standards for documents loaded from July 2015.</p> <p>However AFMA will not be able to meet Web Content Accessibility Guideline (WCAG) 2.0 AA compliance for updating all historical documents due to the considerable additional resources needed to complete the task.</p>
<p>✓ Regulated entities are satisfied with the quality of advice relating to AFMA's decisions and assistance</p>	<p>Major decisions by the AFMA Commission are published on AFMA's website within two weeks of the decision.</p> <p>During 2015-16 AFMA complied with AFMA's Client Service Charter obligations on greater than 95 per cent of occasions.</p>
<p>✓ 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.</p> <p>Policies which AFMA sought consultation on in 2015-16 included:</p> <ul style="list-style-type: none"> • engagement on amendment of forms to record quota and gear Statutory Fishing Rights (see the case study below). • quota overcatch and undercatch arrangements.

AFMA Regulator Performance Framework self-assessment 2015-16**Case Study: Engagement on amendment of forms to record quota and gear Statutory Fishing Rights.**

AFMA continues to engage with stakeholders to improve operations and the regulatory arrangements applying to fisheries.

In 2015-16, following recognition of the need for more economic data to better inform decisions regarding fishers' economic returns, AFMA prepared a discussion paper. This paper was published on the AFMA website and proposed collection of quota and gear Statutory Fishing Right prices from industry.

AFMA consulted extensively with relevant stakeholders including management advisory committees, the Commonwealth Fisheries Association, the Department of Agriculture and Water Resources, the Department of the Environment, State government fisheries departments, Environmental Non-Government Organisations, recreational fishing organisation and Commonwealth fishing concession holders. AFMA advised stakeholders by letter of their proposal and directed them to our website to provide feedback.

The public comment period lasted for 10 weeks. Outcomes of this process include:

- A total of 13 individuals / groups provided written feedback on AFMA's proposal.
- A range of views were expressed with majority of stakeholder feedback being supportive.

Points raised in the stakeholder feedback were used in modifying the proposal so that the information obtained could be better understood and be more useful in pursuing AFMA's objectives.

AFMA is currently writing to stakeholders to inform them of the decision to collect prices of transferred quota, leased quota and gear Statutory Fishing Rights. AFMA is commencing the collection of these prices in September 2016 through amended e-forms for quota and gear Statutory Fishing Rights. This will deliver an easy means for concession holders to provide information.

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Table 4 KPI: Actions undertaken by regulators are proportionate to the regulator risk being managed

Performance measures and commentary on results	
Actions undertaken by regulators are proportionate to the regulator risk being managed.	
RPF evidence	2015-16 evidence
✓ Risk frameworks are accessible and reviewed regularly	<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>These documents are all reviewed over either a two year or five year period unless otherwise warranted by events in the intervening period.</p> <p>The compliance and enforcement policy and program are reviewed every two years. Compliance activities are targeted on high risk matters (see the case study below).</p> <p>Internal audits are conducted on AFMA operations, including AFMA's management of risk, where relevant in the scope of an audit, and findings are addressed in a timely manner.</p>

Case Study: Relevant risk frameworks that are applied to decision making, made accessible to regulated entities.

AFMA's risk management process assesses and ranks risks of harmful impacts to the environment from fishers and non-compliance with management arrangements. This enables AFMA to direct its resources to areas of high risk.

AFMA's risk management frameworks remain effective in support of AFMA's organisational goals. Ecological Risk Assessments inform management arrangements for all AFMA managed fisheries. The National Compliance Risk Assessment methodology uses assessed rankings of inherent and residual risk ratings, along with a compliance history, intelligence holdings and uncertainty levels associated with identified risks to determine the priority compliance risks for 2015-17.

By applying these risk frameworks AFMA ensures its responses are appropriate and effective directing limited resources towards mitigating the priority risks identified. These risks include potential threats to the organisation and the effective pursuit of its legislated objectives.

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Table 5 KPI: Compliance and monitoring approaches are streamlined and coordinated

Performance measures and commentary on results	
Compliance and monitoring approaches are streamlined and coordinated.	
RPF evidence	2015-16 evidence
<p>✓ AFMA takes action to minimise the costs of monitoring and engagement</p>	<p>AFMA conducts a compliance risk assessment every two years to ensure that monitoring and engagement strategies are targeted where engagement with fishers is warranted.</p> <p>AFMA conducts joint operations with other regulators in part to minimise the impact on regulated entities of compliance activities. Examples of this during 2015-16 include:</p> <ul style="list-style-type: none"> • a joint operation with the South Australian fisheries authorities to inspect both Commonwealth and State authorised fishing vessels from the same patrol boat. • the sharing of information from twenty three surveillance flights conducted by Parks Australia to enable AFMA to monitor compliance with sea bird interaction mitigation measures. • the provision by AFMA of Vessel Monitoring Services to State fisheries agencies and the Commonwealth Department of Environment and Energy.
<p>✓ Compliance activities target high risk areas</p>	<p>Compliance activities during 2015-16 were responsive to the business needs of regulated entities, where relevant. For example:</p> <ul style="list-style-type: none"> • during 2015-16 AFMA addressed 94 per cent of high risks as identified in the 2015-16 Annual National Compliance and Enforcement Program. • examples of joint compliance operations are provided above.
<p>✓ AFMA provides electronic business solutions for the use of regulated entities.</p>	<p>Regulated entities benefit from online facilities to help streamline and coordinate their compliance obligations. The systems that continue to have significant use include:</p> <ul style="list-style-type: none"> • the e-log book system (12 527 transactions in 2015-16) • the GPS-based vessel monitoring system (used on all 304 vessels in the Commonwealth fishing fleet) and • the e-licensing system (3 046 transactions in 2015-16). <p>Refer to the case study below.</p>

AFMA Regulator Performance Framework self-assessment 2015-16**Case Study: 2015-17 Compliance Risk Assessment**

AFMA is committed to delivering efficient and effective management processes. To support compliance monitoring AFMA has introduced:

Electronic Monitoring

Formally introduced in 2015 after 10 years of trials, electronic monitoring assists AFMA in verifying that fishers accurately report catch and all interactions they may have with protected species, also reducing costs to operators by removing requirements for on-board observers. Some 25 per cent of all Commonwealth fishing vessels (a total fleet of 304 fishing vessels in 2015-16) are now fitted with e- monitoring.

Vessel Monitoring Systems

Since 1 July 2007, it has been mandatory for all Commonwealth boats to install a vessel monitoring system. The system allows AFMA to monitor fishing activity through positional reporting and tracking. The compliance rate with the vessel monitoring system was 96.9 per cent for 2015-16.

In April 2016 AFMA held a meeting with interested State and Commonwealth stakeholders to discuss and develop technical specifications and requirements for a national vessel monitoring system. This was aimed at increasing consistency and cost-effectiveness across jurisdictions. To date two States have accepted AFMA's offer and others have indicated further interest.

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Table 6 KPI: Regulators are open and transparent in their dealings with regulated entities

Performance measures and commentary on results	
Regulators are open and transparent in their dealings with regulated entities.	
RPF evidence	2015-16 evidence
✓ AFMA publishes reasons for major decisions and policies on our website and performance against the Client Service Charter is detailed in the Annual Report.	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. Refer to the case study below. AFMA publishes performance information with regard to meeting Client Service Charter requirements in its Annual Report.
*Feedback mechanisms are available for regulated entities to use	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. However work to develop ways to capture process related feedback is ongoing. AFMA did not undertake a stakeholder survey during 2015-16 but intends to in 2016-17.
✓ AFMA publishes performance information	Each year AFMA publishes detailed performance information in its Annual Report and on its website.

Case Study: AFMA Commission meeting decisions.

AFMA is committed to transparency in its decisions and actions.

The AFMA Commission met four times in 2015-16 to decide domestic fisheries management and compliance arrangements. Commission decisions are made using advice from fishery management advisory committees and resource assessment groups. Management advisory committees and resource assessment groups are a major source of advice to AFMA, reflecting the experience and expertise in the fishery or fisheries from a range of stakeholders.

AFMA publishes chairman's summaries of key decisions taken at each Commission meeting on the AFMA website.

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Table 7 KPI: Regulators actively contribute to the continuous improvement of regulatory frameworks

Performance measures and commentary on results	
Regulators actively contribute to the continuous improvement of regulatory frameworks.	
RPF evidence	2015-16 evidence
<p>✓ Stakeholder consultation procedures are in place and reviewed regularly</p>	<p>AFMA embeds the culture of consultation with our stakeholders by incorporating consultation into operational procedures such as:</p> <ul style="list-style-type: none"> • Fisheries Management Paper Number 1 dealing with the operations of the management advisory committees was revised in October 2015. • Fishery Administration Paper Number 12 dealing with the operations of Resource Assessment Groups is reviewed every two years. <p>In both cases above there was consultation with management advisory committee and resource assessment group chairs and other stakeholders. These papers are available from AFMA's website.</p>
<p>✓ Significant changes to AFMA regulatory frameworks involve stakeholder consultation</p>	<p>AFMA consulted with relevant stakeholders on all major changes to regulatory frameworks. In 2015-16 these included:</p> <ul style="list-style-type: none"> • In preparing a proposed Cost Recovery Implementation statement (CRIS2016), AFMA consulted extensively with industry representatives including the Commonwealth Fisheries Association. The proposed CRIS2016 successfully identified opportunities to increase transparency of costs for activities delivered to the fishing industry, increasing accountability to both industry and AFMA alike. However there was insufficient time to complete the process prior to the 2016 Federal Election. • AFMA Commission approved consultations for amendments to management plans regarding the removal of requirements for operators to carry a copy of the Statutory Fishing Right extract on board. The amendments were accepted by the Minister and AFMA's IT systems now enable compliance officers to check a boat's concession in the field and as such the requirement to carry a copy of the extract is no longer required. • Fishing industry associations were consulted on the development of a compliance strategy to manage issues with the mishandling of bycatch.

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Performance measures and commentary on results	
RPF evidence	2015-16 evidence
<p>✓AFMA participates in meetings with the Department of Agriculture and Water Resources on the development/amendment of regulator frameworks</p>	<p>The acting General Manager Corporate Services Branch participated in regular deregulation and legislative reform working groups with Department of Agriculture and Water Resources representatives.</p> <p>The Executive Manager, Fisheries worked with the Department of Agriculture and Water Resources and the Department of Environment and Energy on revisions to government fisheries policy.</p> <p>During 2015-16 AFMA's Chief Executive Officer attended 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>

Case Study: Stakeholder engagement improvements.

AFMA continues to recognise the importance of stakeholder contributions in order to improve regulatory arrangements applied to fisheries.

In April 2015 AFMA sought resource assessment group and management advisory committee advice on a revised Fisheries Management Paper No.1. This paper clarified management advisory committees' roles, expectations and obligations in providing management advice to the AFMA Commission. The draft paper was also released for public comment via the AFMA website.

The revised policy document incorporates comments from stakeholders and now reflects updated advice on meeting governance arrangements for obtaining and using scientific or economic information, and accumulated informal advice from AFMA management advisory committee members and chairpersons.

In addition, in October 2015 the AFMA Commission agreed to a two year trial of an independent scientific panel, together with stakeholder forums as the way for the Commission to receive scientific and economic advice about the management of the Small Pelagic Fishery. The stakeholder forums improve transparency of management in the Fishery by providing interested stakeholders with the opportunity to consider and discuss outcomes of the scientific panel.