



Australian Government
Australian Fisheries Management Authority



National Compliance and Enforcement Program

2021–22

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Front cover photos, top to bottom:

Steaming southern ocean, photo courtesy AFMA

Bass Strait Central Zone Scallops, photo courtesy AFMA

Port state measures inspection - Japanese vessel, photo courtesy AFMA

AFMA officers inspecting fishing vessel Hoshin Maru 62 and Hoshin Maru 35

during port state measures inspection of Japanese vessel, photo courtesy AFMA

Southern bluefin tuna, photo courtesy seapic.com

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Abbreviations

Abbreviation	Explanation
AFZ	Australian Fishing Zone
BaU	Business as Usual
CDRs	Catch Disposal Records
CRMT	Compliance Risk Management Team
e-monitoring	Electronic monitoring system
<i>The FM Act</i>	<i>Fisheries Management Act 1991</i>
<i>The FMR 2019</i>	<i>Fisheries Management Regulations 2019</i>
FRP	Fish Receiver Permit
GD	General Deterrence
MRAI	Multiple Risk Aggregation Index
NCPU	AFMA's National Compliance Planning Unit
NGOs	Non-Government Organisations
NIU	AFMA's National Intelligence Unit
OMC	AFMA's Operational Management Committee
RFMO	Regional Fisheries Management Organisation
<i>The Policy</i>	<i>National Compliance and Enforcement Policy</i>
SFR	Statutory Fishing Right
TEP	Threatened, Endangered and Protected
TAC	Total Allowable Catch
TAE	Total Allowable Effort
TSF	Torres Strait Fisheries
<i>The TSFA Act</i>	<i>Torres Strait Fisheries Act 1984</i>
<i>The TSFR 1985</i>	<i>Torres Strait Fisheries Regulations 1985</i>
TSO	Temporary Switch Off Order
VMS	Vessel Monitoring System



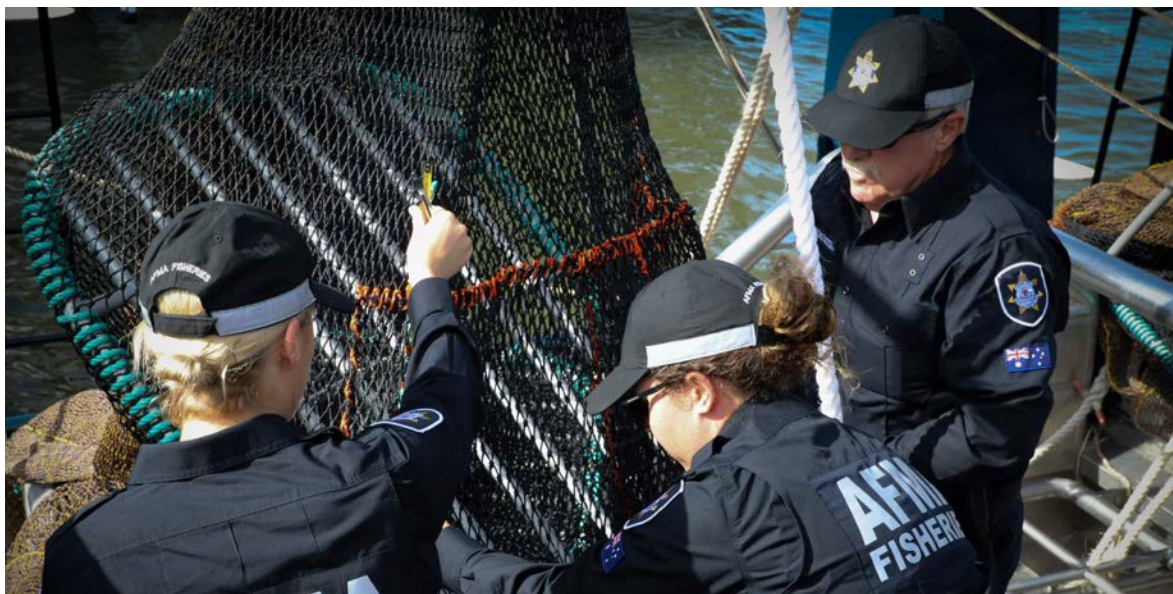
1. Introduction



Photos top to bottom:
Drone shot of Lakes Coop, photo courtesy AFMA
Torres Strait TRL inspection, photo courtesy AFMA
Elephant fish, photo courtesy seapic.com

The Australian Fisheries Management Authority's (AFMA) National Compliance and Enforcement Policy (the Policy) aims to:

'Effectively deter illegal fishing in Commonwealth fisheries and the Australian Fishing Zone'



AFMA fisheries officers inspecting turtle excluder devices on Northern Prawn Fishery Trawlers, photo courtesy AFMA

In order to achieve this objective, AFMA uses a risk based National Compliance and Enforcement Program to deliver cost effective and efficient fisheries compliance services.

The 2021–22 program has four major components:

1. Communication and Education
2. General Deterrence
3. Targeted Risks and
4. Maintenance.

A key component of the 2021–22 compliance and enforcement program is the development and delivery of communications and education strategies that assist industry in understanding their obligations as well as demonstrating to the general public the actions taken by AFMA to protect Australia's fisheries resources.

The General Deterrence program in 2021–22 will consist of a series of inspections and patrols targeting identified high risk ports, boats and fish receiver premises.

The Targeted Risk program for 2021–22 will focus on the risks of:

- Failure to record bycatch discards
- Domestic Vessels landing Catch in Foreign Ports
- Quota evasion
- Torres Strait Fisheries

Each targeted risk will be the focus of a Compliance Risk Management Team (CRMTs) who will develop and implement multifaceted strategies designed to assess, address and control each risk so as to reduce them to acceptable levels.

In addition, previously 'treated' risks will remain the focus of Maintenance programs. These include:

- failure to have a AFMA Vessel Monitoring System (VMS) or Electronic Monitoring (e-monitoring) system on board or have it operating at all times
- quota reconciliation
- closure monitoring
- failure to report interaction/retention of protected or prohibited species and
- bycatch mishandling

The four components of the program, including the targets within the 'targeted risk' component program, will have clear and discernible aims, objectives and, importantly documented performance measures to enable their effectiveness to be measured.

Together, the 2021–22 program will provide a sound framework for the delivery of effective compliance and monitoring within Commonwealth domestic fisheries.

1.1 Why is compliance important to the industry?

Commonwealth domestic fisheries rules and regulations are designed to protect:

- the public resource (e.g. fish stocks)
- the value of access rights and
- the broader environment

Non-compliance with the rules and regulations can have significant consequences. Immediate consequences for operators include fines, suspensions and prosecutions. However, there are more significant environmental impacts, such as the impact of fishing operations on spawning grounds or other significant marine features which may result in the closure of areas and/or fisheries. Non-compliance can lead to instability and ultimately undermine the value and viability of Australia's fishing industry.

1.2 AFMA's approach

In accordance with the objectives as set out in the AFMA National Compliance and Enforcement Policy (the Policy), AFMA is continuing with its risk based compliance and enforcement program in 2021–22. The risk based approach includes targeted risk programs based on biennial risk assessments and ongoing monitoring and maintenance (business as usual (BaU)).

1.2.1 Risk Assessments

The 2021–23 risk assessment was undertaken in May 2021 and included consultation with key stakeholders. Ongoing monitoring and review will be undertaken during the course of the year to ensure that any new or emerging risks are identified and managed effectively.

1.2.2 Monitoring fisheries operations

AFMA monitors the compliance of concession holders with fisheries regulations across Commonwealth fisheries. Non-compliance, through contravention of the *Fisheries Management Act 1991* (the *FM Act*), *Torres Strait Fisheries Act 1984* and related legislative instruments, is identified through the analysis of various information sources, including:

- the general public
- the fishing industry
- non-government organisations
- other State and Commonwealth government agencies
- AFMA's dedicated information lines (e.g. CRIMFISH – 1800 274 634)
- regular, random and/or targeted patrols
- inspections, monitoring (including electronic monitoring) and surveillance
- audits
- targeted analysis and/or investigations and
- observations by AFMA fisheries officers.

AFMA will also continue to build strategic partnerships with other agencies to maximise cooperation in fisheries law enforcement.

1.2.3 Maintenance programs

AFMA's maintenance programs ensure that previously significant risks do not re-emerge and pose a threat to the sustainability of the fishery. Currently maintenance programs are in place in relation to:

- Quota reconciliation,
- fishing/navigating in closed areas,
- bycatch mishandling
- failing to report Threatened, Endangered and Protected (TEP) Species Interactions, and
- compliance with VMS and e-monitoring requirements

These will continue to be monitored as maintenance or BaU programs.



2. Communication and Education Program

Photos top to bottom:
Port state measures inspection - Japanese vessel, photo courtesy AFMA
Tropical rock lobster underwater, photo courtesy Alamy Stock Photo
Flying over Torres Strait Islands – reef, photo courtesy AFMA

2.1 Background

AFMA recognises that communication and education are critical components of any successful compliance and enforcement program. Engaging with stakeholders assists in maximising voluntary compliance and ensures that the fishing industry have an understanding and a stake in the measures that affect them.

The 2021–22 National Compliance Communication and Education Strategy will be consistent with the goals of AFMA's broader communication strategy and may be supplemented by specific targeted programs established to address key risks.

2.2 National Compliance Education & Communication

2.2.1 Aims/Objectives

Consistent with AFMA's objectives and functions, the 2021–22 National Compliance Communication and Education Strategy aims to:

- highlight to industry and the broader public the risks being targeted in 2021–22
- demonstrate AFMA's commitment to enforcing fisheries regulations
- reduce any misconception by premeditated offenders that they won't be caught
- educate industry, other direct stakeholders and the general public about the impacts of non-compliance on fisheries sustainability and industry viability and
- increase industry's willingness and capacity to comply with the relevant requirements.

2.2.2 Methods

2.2.2.1. *AFMA website and Facebook Page*

The AFMA website and Facebook page will be the central point for stakeholders seeking information about AFMA's fisheries and compliance framework and activities.

The monitoring and enforcement page of AFMA's website contains key information that assists industry meeting their obligations and will be updated regularly to ensure the information is accurate and up to date. The AFMA Facebook page will be the main medium to provide regular messaging on compliance issues and updates on AFMA compliance activities.

In addition to publishing the annual National Compliance and Enforcement Program, regular (monthly) articles will be published on the website detailing compliance activities in relation to the area(s) of focus.

2.2.2.2. Media/Social releases

The National Compliance team will prepare media releases and Facebook posts on:

- targeted enforcement program(s)
- court outcomes and/or penalties and
- the results of any major/joint operations.

Media releases will be distributed to subscribers to AFMA's media releases and relevant regional and national media outlets depending on the nature/localities of the item of interest. Media releases will also be shared on [AFMA's Facebook page](#).

2.2.2.3. Targeted SMS

SMS messaging will be used as part of monthly targeted campaigns to remind concession holders and skippers of their obligations and to advise of monthly compliance targets.

2.2.2.4. In-field education

Fisheries officers will use the opportunity during in-field inspections to reinforce AFMA's areas of focus, including providing technical advice/support to operators to ensure they are aware of their obligations under fisheries legislation. Infield activities also provide an opportunity for industry to raise matters of concern with officers and to discuss possible solutions to enhance the management of the fishery.



3. General Deterrence Program

Photos top to bottom:
Black teatfish underwater, photo courtesy AFMA
NPF turtle excluder device Inspections, photo courtesy AFMA
Trevally school

3.1 Background

In addition to the Risk Treatment program(s), AFMA maintains a General Deterrence (GD) program. By maintaining a general presence across Australia's ports, AFMA discourages members of the fishing community who do not wish to comply with the rules and regulations in each fishery from undertaking unlawful activity.

AFMA's presence also reassures those who are complying, that non-compliant activity is likely to be detected. Officers can also assist those wishing to comply by providing advice and/or instruction on their responsibilities.

To ensure the general deterrence/presence role is maintained, the GD Program will consist of a series of inspections and patrols designed to target identified high risk ports, boats and fish receiver premises.

3.2 Aim

To encourage compliance, and deter non-compliance, by providing a high visual profile presence of fisheries officers in port.

3.3 Objectives

The key objectives of the program are to;

1. To maintain a high visual presence, particularly in high and moderate risk ports
2. To conduct a comprehensive program of inspections with a particular focus on high risk boats and fish receivers.
3. 100% of vessels and FRP operators, with adverse inspection outcomes, are re-inspected within 3 months of the original adverse inspection
4. To maximise voluntary compliance through the application of innovative compliance approaches and education.

3.4 Methodology

In port and at-sea/aerial patrols will be planned during the 2021–22 year to target the 'high risk' ports, fish receiver premises (FRP), and boats. This will maintain a visible presence at each of the 30 plus ports used by the Commonwealth fleet.



4. Targeted Risk Program



Photos top to bottom:
Vessel being filled with ice, Lakes Entrance,
photo courtesy AFMA
Fish on ice, photo courtesy AFMA
Southern bluefin tuna, photo courtesy seapic.com

4.1 Background

In accordance with the [National Compliance and Enforcement Policy](#), AFMA has adopted a risk based compliance approach. This approach enables AFMA's resources to be deployed to target areas when required and where most effective. It involves a series of steps to identify and assess non-compliance risks and then apply appropriate actions to mitigate these risks.

The methodology utilised for risk analysis is detailed in AFMA's [National Compliance Risk Assessment Methodology 2021–23](#).

Compliance Risk Management Teams (CRMTs) are formed in response to risks identified by the biennial risk assessment and prioritised for action (in the annual compliance program) by the Operational Management Committee (OMC).

The 2021–23 domestic compliance risk assessment identified risks across Commonwealth fisheries that were assessed as moderate/high and high. The identified risks were further discussed by the OMC with four risks prioritised for treatment.

The prioritised risks to be the focus of the 2021–22 program are:

- Failure to record discarded bycatch in logbooks (risk rating: moderate)
- Domestic Vessels landing Catch in Foreign Ports (risk rating: moderate)
- Torres Strait Fisheries (risk rating: moderate)
- Quota evasion (risk rating: moderate/high)

4.2 Compliance Risk Management Teams (CRMTs)

AFMA's CRMTs are multidisciplinary, and/or multi-agency, teams created to develop and implement the treatment programs to address identified priority risks. The CRMT composition is determined by the nature of the risk being addressed and/or the type of program needed to address the risks.

The OMC determines the makeup of the CRMTs on a case-by-case basis; however, a CRMT will typically consist of:

- Fisheries officers
- Intelligence officers
- Planning officers and
- Fisheries management officers.

CRMTs may also include AFMA staff from other disciplines (such as Environment, IT, Policy or Media staff), staff members from relevant external agencies (e.g. Department of Agriculture, Water and the Environment, State agencies etc.) and/or industry representatives. A CRMT team leader will be appointed to manage the overall team and to act as a representative for the team at OMC meetings as required.

4.3 Failure to record bycatch discards

4.3.1 Background

AFMA is committed to bycatch reduction, improved protection for vulnerable and threatened species and minimising any adverse impacts of fishing on the marine environment. Commercial fishing may result in incidental catch or interaction with species that are not retained for sale or are not able to be sold (non-commercial) and is discarded.

AFMA encourages the fishing industry to play an active role in bycatch management, through reporting and logbook requirements, developing and implementing codes of practice, supporting research, developing and trialling mitigation devices and undertaking education and extension within and across industry sectors.

Failing to report bycatch discards places constraints on data, therefore presenting significant challenges to bycatch management. Failure to manage bycatch discards may have a negative impact on the status of marine life including mammals, reptiles, seabirds, sharks and bony fishes. Some species populations may be detrimentally impacted when subject to additional mortality from fishing and other sources.

4.3.2 Aim

To decrease the incidence of, and therefore the risk associated with non-reporting of bycatch in all Commonwealth fisheries through a targeted education, monitoring and enforcement program.

Wherever possible, the fishing industry should be actively incentivised through fisheries management to continually lower their rates of bycatch. Without proper reporting of bycatch rates it is difficult for AFMA to monitor how effective mitigation tools are performing to avoid and minimise interactions with bycatch and reduce risk to bycatch populations across Commonwealth fisheries.

4.3.3 Objectives

The key objectives of the program are to;

1. Complete baseline measurements within the fishery
2. To undertake a comprehensive education and communication program with industry to outline the risk of non-reporting of bycatch.
3. To develop and implement effective legislative arrangements to prevent/control non-reporting of bycatch.
4. To implement an effective enforcement regime.

4.3.4 Methodology

It is proposed to take a four phase approach to address the issue of non-reporting of bycatch.

- Phase one complete baseline measurements within all fisheries
- Phase two will be a targeted education program
- Phase three will involve the development and implementation of conditions designed to prevent, and allow enforcement action to be taken in regards to, the non-reporting of bycatch.
- Phase four will involve a targeted enforcement operation.

4.4 AFVs landing Catch in Foreign Ports

4.4.1 Background

Australian Fishing Vessels (AFVs), particularly those fishing in Australia's Antarctic Territories, routinely land their (domestic) catch in foreign ports such as Mauritius and New Zealand. Due to this, these vessels are not regularly inspected by Australian (AFMA's) fisheries officers, instead Australia relies on foreign officials to undertake these inspections on Australia's behalf, and in accordance with international agreements such as;

- Food and Agriculture Organisation (FAO) of the United Nations, Agreement on Port State Measures (PSMA), and
- Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Conservations Measures (10–2, 10–3)

There is a risk that inspection routines and programs, undertaken by foreign officials, do not meet the needs of the Domestic Inspection program and/or the requirements for AFVs under Australia's international obligations. There is an additional risk that foreign inspections may identify breaches of international fisheries management measures and result in Australian product being denied entry into international markets.

4.4.2 Aim

To ensure all catch landed in foreign ports by AFVs meets Australian and International inspection, audit and documentation requirements.

4.4.3 Objectives

To ensure Australia implements its flag State responsibilities effectively by monitoring the activities of AFVs to the point where product enters the market.

To build effective partnerships with foreign officials and fishing authorities that ensure appropriately robust inspection regimes for AFVs landing catch in Foreign Ports.

4.4.4 Methodology

In order to ensure appropriately robust inspection regimes for AFVs landing catch in Foreign Ports the CRMT team will;

- Work to establish closer working relationships with officials in the key foreign ports of landing for AFVs (Mauritius and New Zealand)
- Undertake joint inspections of AFVs with foreign officials (in the foreign) ports of landing every two years
- Undertake desktop Audits of AFV trips ending in foreign ports
- Respond, as required, to information provided by officials in port States in relation to suspected breaches of international fisheries management measures.

4.5 Torres Strait Fishery (TSF)

4.5.1 Background

AFMA has responsibility for the delivering the domestic fisheries compliance functions in the Torres Strait. The major Torres Strait fisheries are Tropical Rock Lobster (TRL), Prawn, Beche De Mer (BDM) and Finfish. The TRL and Finfish fisheries are quota fisheries, with the TRL fishery also subject to a sectoral split between Traditional Inhabitant Boat (TIB) license holders and Transferable Vessel Holder (TVH) licenses. The TVH sector are non-traditional inhabitant owner / operators.

The Torres Strait Fishery (TSF) is unique in that it is managed by the Torres Strait Protected Zone Joint Authority (PZJA) and is complex in nature. It is a mix of several commercial and traditional fisheries, utilised by a mix of participants (Traditional Inhabitants, non-traditional inhabitants, and Papua New Guineans), and managed by a mix of agents (the Protected Zone Joint Authority (PZJA), National Fisheries Authority Papua New Guinea (NFA) and AFMA).

Fisheries within the TSPZ are subject to the provisions of the *Torres Strait Fisheries Act 1984 (TSFA)*, which differs to provisions the *Fisheries Management Act 1991 (FMA)*. The *TSFA* and *Torres Strait Fisheries Regulations 1985*, are currently being amended in some respects to improve consistency between the TSFA and FMA in future years.

AFMA has recently increased its staffing resources in Thursday Island to improve capability in the the management and compliance of Torres Strait Fisheries. Other changes such as moving to mandatory reporting by the traditional inhabitant sector and, VMS on all licensed boats are subject to stakeholder consultation, should these changes be introduced in coming years it will be a major step forward in the better management the TSF.

4.5.2 Aim

To decrease the risk of non-compliance in the Torres Strait Fishery.

4.5.3 Objectives

The key objectives of the program are to;

- Complete baseline measurements within the fishery
- Develop and undertake a targeted education, monitoring and enforcement program based on the results of the measurements
- Measure the success of the targeted education, monitoring and enforcement program.

4.5.4 Methodology

It is proposed the TSF will undertake a multi-faceted approach to decreasing compliance risks in the Torres Strait. The approach aims to utilise a step by step approach of increased treatments or penalties relative to the significance of the offence. The foundation of AFMA's enforcement approach is education and helping willing operators to comply with management arrangements, targeted education and monitoring and enforcement.

4.5.4.1. Education

A focus on increasing compliance education in the Torres Strait Fishery through:

- Developing and publishing an updated TSF management arrangements booklet, which will provide a comprehensive and contemporary educational guideline for operators who are willing to comply
- Develop printed educational material for immediate mail out focusing on high risks
- Develop a compliance education material for use by fisheries officers in pre-season and island visits focusing on high risks

4.5.4.2. Monitoring and enforcement

A focus on specific TSF risks by fishery is being developed this year rather than the addressing of generic risks across all the TS Fisheries previously.

Proposed legislative and policy amendments to better the monitoring and enforcement of the TSFA are in progress.

4.6 Quota Evasion CRMT

4.6.1 Background

AFMA is responsible for effectively managing Commonwealth fisheries to achieve ecological and economic sustainability. As part of this responsibility, AFMA administers a program for recording the take of quota species.

4.6.1.1. What is quota evasion?

Quota evasion is recognised as fraud against the Commonwealth; fraud is an act, which dishonestly obtains a benefit, or causes a loss, by deception or other means. All Commonwealth fishers are required to accurately report their catch to AFMA through the Catch Disposal Records (CDRs). Quota evasion is the deliberate misreporting, or non-reporting, of the weight and species of catch caught in Commonwealth waters.

4.6.1.2. Why is quota evasion a risk?

Quota managed fisheries are largely dependent on the reliability and accuracy of information provided by fish receiver premises through the CDRs. Without reliable, accurate and honest information, the quota regime cannot operate effectively and this may have detrimental impacts on the ongoing sustainability of the natural resources.

4.6.2 Aim

To decrease the incidence of, and therefore the risk associated with, quota evasion through a series of targeted treatment programs.

4.6.3 Objectives

The key objectives of the program are to;

- To develop and implement data analysis tools/mechanisms to identify targets of interest for quota evasion
- To conduct a regular surveillance program(s) to provide indicators as to the current level of quota evasion and identify targets of interest for quota evasion and
- To continue to deliver targeted education and communication items focusing on the risk of quota evasion.

4.6.4 Methods

In addition to preventative measures undertaken as part of the general deterrence program, the quota evasion CRMT will develop and/or conduct:

- automated data matching techniques to provide indicators/incidences of possible quota evasion and
- an ongoing quota evasion 'surveillance program' to search for incidences and assess the quantum, of quota evasion in quota managed fisheries.

Any identified targets will be routinely referred to the Operations team for investigation. In addition, an annual assessment of the likely quantum of quota evasion will be made using analysis of surveillance information.



5. Maintenance Program

Photos top to bottom:

AFMA officers inspecting fishing vessel Hoshin Maru 62 and Hoshin Maru 35 during port state measures inspection of Japanese vessel, photo courtesy AFMA

AFMA fisheries officer masked up, photo courtesy AFMA

Yellowfin tuna, photo courtesy Alamy Stock Photo

5.1 Background

Since the establishment of the risk based program in 2009, there has been a number of identified risks which were prioritised for treatment (in previous years) and addressed through specific risk treatment programs.

These risks are considered to have been addressed to a manageable level but it was identified that the risks should be continuously monitored through established maintenance or 'Business as Usual' (BaU) programs.

The risks currently subject to BaU programs are:

- quota reconciliation
- closure monitoring and
- Vessel Monitoring System (VMS) and e-monitoring
- Bycatch mishandling
- Threatened, Endangered and Protected (TEP) interactions
- Audit program.

5.2 Business as Usual programs

5.2.1 Quota reconciliation

The Quota Administration Policy sets out the AFMA principles for quota administration arrangements in Commonwealth fisheries that support AFMA in achieving its objectives under the *Fisheries Management Act 1991*.

Quota reconciliation is monitored by the National Compliance Operations team as per the 28 day quota reconciliation policy and process and is a BaU program. Under this policy, all Commonwealth fisheries using quota arrangements under the *Fisheries Management Act 1991* are subject to a 28 day reconciliation model which requires the concession holder(s) to balance within season over-catches within 28 days on a per species basis.

Enforcement principles and procedures will be applied if the concession holder(s) have exceeded the reconciliation period. AFMA aims to promote voluntary compliance and deter, detect and enforce those who do not comply.

5.2.2 Closure monitoring

Compliance with closures, whether implemented via a direction or temporary order, is required under the conditions of fishing concessions. Fishing in a closure is a breach of permit condition(s) which is an offence under s95(1) of the *Fisheries Management Act 1991* and regulation 86 of the *Fisheries Management Regulations 2019*.

AFMA implements spatial closures for a variety of purposes. They are in place to protect fragile ecosystems, to protect particular species or to restrict fishing effort to particular areas of a fishery at particular times of the year.

AFMA will continue to educate fishers through the 'show cause' process. Concession holder(s) are requested to provide an explanation of their identified activity and remind operators that AFMA may take enforcement action if the explanation provided is unsatisfactory.

5.2.3 Failing to report Threatened, Endangered and Protected (TEP) Species Interaction

Failing to report interactions with protected species (especially TEP species), or the retention of prohibited take species, can have ramifications on the sustainability of the fishery in the long term. Non reporting of interactions can result in underestimates of the mortality rates due to fishing, and can also lead to an underestimate of the overall population of those species. Inaccurate information on catches can result in total allowable catches that are too optimistic.

In addition to e-monitoring reviews being conducted to detect incidences, AFMA will continue to work with industry stakeholders to identify impediments and issues relating to the identification and/or reporting of interactions, in order to ensure industry have all the tools and resources necessary to accurately report all interactions.

5.2.4 Bycatch Mishandling

AFMA collects visual information from fishing vessels via observers and e-monitoring. As a result of this monitoring, AFMA has become aware of instances of inappropriate handling of fish bycatch.

As part of its role in ensuring sustainable fisheries, AFMA and industry are taking measures to reduce the amount of fish bycatch in Commonwealth fisheries. Inappropriate handling of fish bycatch can significantly reduce the chances of the fish's survival and may result in long term impacts on the sustainability of bycatch species.

There is a risk across Commonwealth fisheries that operators may mishandle fish bycatch, detrimentally affecting their chances of survival and the long term sustainability of fish stocks.

In response to the rising number of bycatch mishandling reports, AFMA commenced in 2016 a targeted education and monitoring and enforcement program. These conditions were implemented in October 2016 and were accompanied by a set of Bycatch Handling Principles and an instructional video was produced and published on the AFMA website and social media.

AFMA will continue to educate fishers through the 'show cause' process. Concession holder(s) are requested to provide an explanation of their identified activity and in the process are reminded that AFMA may take enforcement action if the explanation provided is unsatisfactory.

5.2.5 Vessel Monitoring System (VMS) and E-Monitoring

5.2.5.1. VMS

In 2007, AFMA introduced the compulsory requirements for all Commonwealth endorsed fishing boats to be fitted with a VMS.

VMS is used continuously for compliance and resource purposes, AFMA requires Commonwealth operators to have fitted a working VMS unit to their endorsed fishing boat. Section 9D of the Fisheries Management Regulations 2019 and Section 42B of the Fisheries Management Act 1991 apply to fishing concessions.

5.2.5.2. E-monitoring

E-monitoring (EM) is capable of monitoring and recording fishing activities, AFMA reviews this footage in order to verify the accuracy of logbook data. It can accurately monitor fishing operations and has the ability to improve scientific data collection. It currently operates across the Eastern and Western Tuna and Billfish, Small Pelagic Fishery and Gillnet Hook and Trap fisheries with the data crucial to the management of these Commonwealth fisheries.

E-monitoring systems are complex and there are numerous identified non-compliant (intentionally or un-intentionally) ways an operator may be non-compliant. AFMA's Monitoring and Surveillance section will monitor and assess via daily monitoring with any non-compliance identified.

Any identified non-compliance issue will be assessed and the operator contacted with all severe matters being fully investigated.



6. Performance Assessment



Photos top to bottom:
Southern bluefin tuna weight sampling, photo courtesy AFMA
Bass Strait Central Zone Scallops, photo courtesy AFMA
Yellowfin tuna, photo courtesy123rf.com

6.1 Internal review and audit program

In accordance with the National Compliance and Enforcement Policy, AFMA recognises that a critical part of the National Compliance and Enforcement Program is to undertake regular and systematic reviews into the performance of its initiatives. Identifying how successes were achieved sets a solid foundation in designing, and sometimes refining, compliance initiatives.

6.1.1 Aim

To systematically review initiatives undertaken within the National Compliance and Enforcement Program. These reviews will identify successes in these initiatives, but importantly look to define how these successes were achieved. These reviews will contribute to the understanding of what initiatives are successful, and for what reason.

6.1.2 Objectives

To increase the effectiveness and success of initiatives within the National Compliance and Enforcement Program.

6.1.3 Review and audit program

AFMA proposes to undertake internal reviews and audits of two compliance initiatives per year. The threshold band will be one internal review or audit per year.

6.2 Program Targets

Due to the nature of compliance programs, it is inherently difficult to assess their effectiveness in terms of outcomes. As a result, the effectiveness of the program (i.e. how well the program is meeting its aims and objectives) will be assessed through the use of multiple outcome targets wherever possible, as well as input and output targets where a suitable 'outcome target' was not able to be identified. It is recognised and expected that not all performance targets or thresholds will be met due to the changing nature of risks and changes in fisheries practices.

In addition, and in recognition of the flexibility required to ensure effective targeting of prioritised risks (and the particular impact that required flexibility has on the resources available for other programs), an acceptable 'threshold band' has also been set for each target.

6.3 Education and Communication Performance Targets

Forum	Description	Target	Threshold band
AFMA website	2021–22 Compliance and Enforcement Program published on website	July 2021	August 2021
	Identified 2021–22 priority risks detailed on website	July 2021	August 2021
	Monthly 'Compliance Focus' feature articles published on website/social media	One per month	–
Media releases	Media releases issued for all 'Major Operations', 'Targeted Programs', 'Compliance Focus' items and court outcomes (convictions, other)	100%	80%
Education Targets			
Pre-season briefings	Fisheries officers conduct education sessions at pre-season briefings	100%	75–100%
In-field education	Conduct one on one education with operators during routine inspections	75	50–75

6.4 General Deterrence Performance Targets

6.4.1 Port attendance (Objective 1) performance targets

Target	Target	Threshold band
To undertake a minimum of three in port patrols (inspections) in 100% of the 'high risk' ports annually	100% (3 ports)	80–100% (1–3 ports)
To undertake a minimum of one in port patrol (inspection) in 100% of the 'moderate risk' ports annually	100% (10 ports)	80–100% (5–10 ports)
A minimum of 40 in port patrols conducted annually	>=40 port visits	30–39 port visits
A minimum of 50 inspection days annually	>=50 inspection days	40–49 inspection days
A minimum inspection rate of 3 per day	>=3/day	2.5–3/day
100% of vessels and FRP operators, with adverse inspection outcomes, are re-inspected within 3 months of the original adverse inspection.	100%	>80%

6.4.2 Boat Inspections (Objective 2) performance targets

Target	Target	Threshold band
To inspect 100% of 'High Risk' boats (on one or more occasions) annually	100% (10 Boats)	75–100% (5–10 boats)
To inspect a minimum of 25% of all (nominated) boats (on one or more occasions) annually	>=25% (>=90 Boats)	20–24% (72–89 Boats)
A minimum of 150 boat inspections conducted annually	>=150 Boats	120–149 Boats inspected

6.4.3 Voluntary compliance targets (Objective 3) performance targets

Target	Target	Threshold band
No further action was required in 95% of inspections (boat, fish receiver premises and at sea)	95%	85–95%

6.5 Targeted Risks Performance Targets

6.5.1 Failure to report discards

Target	Descriptor	Target	Threshold band
Less than 20 detected incidents of non-reporting, or under reporting of quota species discarded	All quota species discarded to be reported as required, with no detected incidents of quota species discards unreported	<20 year	<40 year
Less than 20 detected incidents of non-reporting of non-quota species discarded	All non-quota species discarded to be reported as required, with no detected incidents of non-quota species discards unreported	<20 year	<40 year

6.5.2 AFVs landing boats in foreign ports

Target	Descriptor	Target	Threshold band
Conduct joint inspections of AFVs in foreign ports	Undertake joint inspections of AFVs landing catch in foreign ports	1 / Country / 2yrs	1 / Country / 3yrs
Undertake desktop audits of AFV trips ending in foreign ports	Undertake a desktop audits of AFV trips ending in foreign ports	1 / AFV / year	3 landings / year

6.5.3 Quota evasion performance targets

Program area	Description	Target	Threshold band
High risk operators identified on a regular and routine basis	Data matching and analysis will be used to identify those boats (operators) found to have the most indicators suggesting Quota Evasion may be taking place (i.e. they are the highest risk)	Identified monthly	Identified annually
Quota evasion detection analysis techniques regularly reviewed	A review of the data will be used to identify/detect quota evasion	Identified monthly	Identified annually
Routine covert surveillance program has been developed which targets quota evasion	Covert surveillance undertaken on landings by quota fishery operators	30	15

6.5.4 Torres Strait Fishery

Target	Target	Threshold band
To undertake a minimum of 30 boat inspections annually	100% (30 boats)	75–100% (20–25 boats)
To undertake a minimum of 20 fish receiver inspections annually	100% (20 FRPs)	75–100% (15–20 FRPs)
A minimum of 12 at-sea patrols conducted annually	12 Patrols	8–12 Patrols
Port/Freight Hub audit visits annually	12 audit visits	10–12 audit visits
Targeted Operations	5	3–5

6.6 BaU Performance Targets

6.6.1 28 Day quota reconciliation

Target	Descriptor	Target	Threshold band
Less than 2 incidents per month of failing to reconcile quota	Less than two operators per month require investigation/action in respect to failing to meet 28 day quota reconciliation requirements	<2 per month	<10 month

6.6.2 VMS/e-monitoring BaU performance targets

Target	Descriptor	Target	Threshold band
98% of boats fully compliant with VMS requirements	98% of nominated boats are fitted with VMS units and the units are reporting at a rate greater than 12 polls per day, or have a valid Temporary Switch Off (TSO) approval	>=98%	95–98%
Nil incidents of boats non-compliance with EM requirements	Nil incidents detected of non-compliance with EM requirements	<5	<20

6.6.3 Closure monitoring performance targets

Target	Descriptor	Target	Threshold band
Less than five (5) incidents per year	Less than five (5) incidents per year of suspected breaches of AFMA managed fisheries closures	<5 per year	<10 per year

6.6.4 Internal review and audit program

Target	Descriptor	Target	Threshold band
Two internal reviews or audits of compliance initiatives within the National Compliance and Enforcement Program	Two internal reviews or audits of compliance initiatives within the National Compliance and Enforcement Program	2 per year	1 per year

6.6.5 Bycatch mishandling

Target	Descriptor	Target	Threshold band
Incidents of bycatch mishandling reduced to zero	There are no detected incidents of bycatch mishandling requiring investigation	<15	<25 year

6.6.6 Failure to report TEP interaction/retention performance targets

Target	Descriptor	Target	Threshold band
Less than 10 detected incidents of non-reporting of TEP species interactions	All interactions with TEP species reported as required, with no incidents of unreported interactions requiring investigation	<10	<20 year
Less than 5 detected incidents of prohibited take species being retained	There are no detected incidents of prohibited (take) species (e.g. lobster, morwong etc.) requiring investigation	<5 year	<20 year
Less than 10 detected incidents of 'live and vigorous' (conservation dependent) prohibited take bycatch species retained	There are no detected incidents of live and vigorous (conservation dependent) species being retained (e.g. mako shark, school shark etc.) requiring investigation	<10 year	<20 year



7. Previous Performance

Photos top to bottom:
Fishing Vessel Lakes Entrance, photo courtesy AFMA
Port state measures inspection – AFMA officers and Japanese crew – Sydney 2021, photo courtesy AFMA
Hawksbill Sea Turtle (*Eretmochelys imbricata*) swimming over a Coral Reef Great Barrier Reef Coral Sea website, photo courtesy Alamy Stock Photo

An assessment of previous years' performance has been undertaken against the 2021–2022 NCEP targets. However, in some instances data may not have been collected, or is not able to be analysed, in such a way so as to provide historical assessment(s).

7.1 Communication/education

Description	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
Compliance and Enforcement Program published on website	July	August	✓ Target met	✓ Target met	✓ Target met	✓ Within Threshold	✓ Within Threshold
Priority Risks detailed on website	July	August	✓ Target met	✓ Target met	✓ Target met	✓ Within Threshold	✓ Within Threshold
Monthly 'Compliance Focus' feature articles published on website – one per month	12/12	>9/12	✓ 12/12	✓ 12/12	✓ 12/12	✓ 11/12	✓ 12/12
Media releases issued for all 'Major Operations', 'Targeted Programs' and court outcomes	100%	80%	✓ 100% (1/1)	✓ 100% (1/1)	✓ 100% (5/5)	✓ 100% (5/5)	✓ 100% (1/1)
Fisheries officers conduct education sessions at all pre-season briefings	100%	80%	✓ 100% (4/4)	✓ 100% (4/4)	✓ 100% (6/6)	✓ 100% (4/4)	✓ 100% (3/3)
Conduct one on one education with operators during routine inspections	75	50–75	✓ 133	✓ 206	✓ 356	✓ 289	✓ 295

Key:

✓ Target met

✓ Within Threshold

✗ Outside threshold

7.2 General deterrence performance targets

7.2.1 Port Attendance (Objective 1)

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
To undertake a minimum of three in port patrols (inspections) in 100% of the 'high risk' ports annually	100% (3 ports)	33%–100% (1–3 ports)	66% (2)	100% (3)	100% (3)	100% (3)	100% (3)
To undertake a minimum of one in port patrol (inspection) in 100% of the 'moderate risk' ports annually	100% (10 ports)	80–100% (5–10 ports)	100% (10)	100% (10)	100% (10)	100% (10)	100% (10)
A minimum of 40 in port patrols conducted annually	>=40 port visits	30–39 port visits	35	78	231	143	182
A minimum of 50 inspection days annually	>=50 inspection days	40–49 inspection days	74	100	154	123	148

7.2.2 Boat Inspections (Objective 2)

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
A minimum inspection rate of 3 per day	>=3/day	2.5–3/day	3.6	3.1	3.1	3.1	3.2
To inspect 100% of 'High Risk' boats (on one or more occasions) annually	100% (10 Boats)	50–100% (5–10 Boats)	60% (6)	70% (7)	80% (8)	100% (10)	100% (10)
To inspect a minimum of 25% of all (nominated) boats (on one or more occasions) annually	>=25%	20–24%	39% (133/339)	41% (153/377)	58% (212/364)	54% (198/367)	61% (217/358)
A minimum of 150 boat inspections conducted annually	>=150 Boats Inspected	120–149 Boats inspected	181	206	356	289 (Incl. 83 Desktop)	344 (Incl. 49 Desktop)

Key:

Target met

Within Threshold

Outside threshold

7.2.3 Voluntary Compliance targets (Objective 3)

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
No further action was required in 95% of inspections	95%	85–95%	✓ 91% (299/328)	✓ 90% (280/308)	✓ 92% (461/502)	✓ 92% (348/377)	✓ 89% (431/484)
100% of vessels and FRP operators, with adverse inspection outcomes, are re-inspected within 3 months of the original adverse inspection	100%	>80%	N/A	N/A	N/A	N/A	✗ 42% (6/14)

7.3 Targeted Risks Performance Targets

7.3.1 Quota evasion performance targets

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
High risk operators identified on a regular and routine basis	Identified monthly	Identified annually	✓ Annual	✓ Annual	✓ Annual	✓ Annual	✓ Annual
Quota evasion detection analysis techniques regularly reviewed	Identified monthly	Identified annually	N/A	N/A	✓ Annual	✓ Annual	✓ Annual
Conduct Routine covert surveillance targeting quota evasion	=>30 Landings Surveilled	15–29 Landings Surveilled	N/A	N/A	N/A	N/A	✗ 9

Key:

✓ Target met

✓ Within Threshold

✗ Outside threshold

7.3.2 Failure to report discards

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
All incidents of quota species discarded reported as required, with no detected incidents of bycatch discards unreported	<20year	<40 year	N/A	N/A	N/A	N/A	N/A
All incidents of non-quota species discarded reported as required, with no detected incidents of bycatch discards unreported	<20 year	<40 year	N/A	N/A	N/A	N/A	N/A

7.3.3 Domestic boats landing boats in foreign ports

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
Undertake joint inspections of AFVs landing catch in foreign ports	1 / Country / 2yrs	1 / Country / 3yrs	N/A	N/A	N/A	N/A	N/A
Undertake a desktop audit of AFVs landing in foreign ports	1 / AFV / year	3 / year	N/A	N/A	N/A	N/A	N/A

7.3.4 Torres Strait

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
To undertake a minimum of 30 boat inspections annually	100% (30 boats)	75–100% (20–25 boats)	N/A	N/A	✓ 48	✓ 39	✓ 26
To undertake a minimum of 20 fish receiver inspections annually	100% (20 FRPs)	75–100% (15–20 FRPs)	N/A	N/A	✓ 28	✓ 33	✓ 45
A minimum of 12 at-sea patrols conducted annually	12 Patrols	8–12 Patrols	N/A	N/A	✓ 16	✓ 14	✓ 10
Port/Freight Hub audit visits annually	12 audit visits	10–12 audit visits	N/A	N/A	✓ 15	✓ 27	✓ 45
Targeted Operations	5	3–5	N/A	N/A	✓ 8	✓ 5	✓ 4

Key:

✓ Target met

✓ Within Threshold

✗ Outside threshold

7.4 Maintenance Programs – Business as Usual (BaU)

7.4.1 Failure to report interaction / retention of protected or prohibited species¹

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
All interactions with TEP species reported as required, with no detected incidents of interactions unreported requiring investigation	<10	<20 year	✔ 11	✔ 7	✔ 6	✔ 6	✔ 12
There are no detected incidents of prohibited (take) species (e.g. lobster, morwong etc.) requiring investigation	<5 year	<20 year	✔ 5	✔ 5	✔ 2	✔ 1	✔ 1
There are no detected incidents of live and vigorous (conservation dependent) species being retained (e.g. mako shark, school shark etc.) requiring investigation	<10 year	<20 year	✔ 13	✔ 13	✔ 8	✔ 11	✔ 5

7.4.2 Bycatch mishandling¹

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
Incidents of bycatch mishandling, requiring investigation, reduced to zero	<15	<25 year	✔ 23	✘ 29	✔ 16	✔ 9	✔ 8

¹ Note: New method of Analysis used from 1 July 2021.

Key:

✔ Target met

✔ Within Threshold

✘ Outside threshold

7.4.3 Quota reconciliation

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
Less than two operators per month require investigation/action in respect to failing to meet 28 Day Quota reconciliation requirements	<2 per month (<24)	<10 month (<120)	✔ 2.5 (30)	✔ 2.4 (29)	✔ 0.5 (6)	✔ 1.1 (13)	✔ 1.0 (12)

7.4.4 VMS/e-monitoring

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
98% of nominated boats are fitted with VMS units and the units are reporting at a rate greater than 12 Polls per Day, or have a valid Temporary Switch Off (TSO) approval	>=98%	95–98%	✔ 97.0	✔ 96.5	✔ 96.9	✔ 96.2	✔ 96.7
Nil incidents of boats non-compliance with EM requirements	<5	<20	✔ 4	✔ 5	✔ 3	✔ 8	✔ 14

7.4.5 Closure monitoring

Descriptor	Target	Threshold band	Result 16/17	Result 17/18	Result 18/19	Result 19/20	Result 20/21
Less than five (5) incidents per year of suspected breaches of AFMA managed Closures	<5 per year	<10 per year	✔ 0	✔ 1	✔ 1	✔ 2	✔ 1

Key:

✔ Target met

✔ Within Threshold

✘ Outside threshold