



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

AUSTRALIA - COUNTRY REPORT

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SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **Australia** is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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AUSTRALIA – COUNTRY REPORT



FAO landings (2013): 155,401 tonnes

Fisheries contribution to GDP (2012): 0.1%

Law of the Sea (Ratification / Accession): 5th October 1994

Coastline: 25,760 km

EEZ Area: 6,048,681 km² (Mainland, Tasmania and minor islands)

RFMO Membership: CCAMLR, CCSBT, IOTC, SPRFMO, WCPFC

Patrolling Agencies: Australia Navy, Australian Border Force
Australian Fisheries Management Authority

Rank	Priority for maritime security tasks
1.	Human Trafficking
2.	Illegal Fishing
3.	Narcotics & Arms Smuggling

SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (maritime patrol aircraft, inshore and offshore patrol vessels) to effectively patrol fisheries resources within its EEZ?

Score: 8

Score Range: 7-8

Australia has sufficient infrastructure to effectively manage and patrol fishery resources in Commonwealth managed fisheries and Antarctic jurisdictions (Jane 2012; IISS 2013; McCaffrie 2014). Australia Border Force has a 24x7 Command Centre with a sophisticated fleet of patrol boats and maritime patrol aircraft including 8 Cape Class patrol boats (*Cape St George* (ACT), *Cape Byron* (NSW), *Cape Nelson* (Victoria), *Cape Sorell* (Tasmania), *Cape Jervis* (SA), *Cape Leveque* (WA), *Cape Wessel* (NT), *Cape York* (Queensland) and 2 Cutters (*ABFC Ocean Shield*, *ABFC Thaiyak*) for maritime security operations within the Australian EEZ. Recently, the Royal Australian Navy (RAN) received first of the two 58m cape class offshore patrol boats, *Cape Fourcroy* from Austral Shipyard (IHS 2017).

With third largest EEZ in the world, patrolling an 8.1-million km² area requires effective use of both surface and aerial patrolling assets to deter illegal fishing. In this context, Australia deserves commendation for getting new patrol vessels in relation to perceived threat from illegal fishing activities within its EEZ, esp., in offshore waters. This strategy of fighting forced foreign incursions with military prowess (Woolner 2001; Letts 2000) has paid off leading to decline in illegal incursions along northern coastline (Australian Customs 2011). However, significant challenges remain (Warner 2012) in some provincial subsistence and recreational fisheries (Abalone, rock lobsters) due to shortage of adequate financial and manpower resources. See AFMA (2011b); DAFF (2005); OECD (2012) and Davis *et al.*, (2004) documents for more information. The Fisheries Legislation Amendment Act of 2008 gives more authority and power to Customs and Border protection officers in apprehending illegal fishing vessels and to create a strong deterrence for Australian citizens who are implicated in illegal fishing offences overseas (OECD 2012, 2013).

2. Does the country have adequate trained officers to conduct MCS operations?

Score: 7

Score Range: 7-8

Australia has adequate trained manpower in Australian Border Force, Australian Navy and AFMA to conduct fisheries surveillance operations in Commonwealth managed fisheries, but shortage of officers is reported in certain provincial fisheries (Pramod and Pitcher 2006). By mid-2011, AFMA employed 184 staff, including 27 fishery observers for monitoring Commonwealth fisheries (AFMA 2014).

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 8

Score Range: 7-8

Yes, to a large extent. All vessels that intend to fish on the high seas need a permit and need to report their positions and catches on a regular basis. Australia is signatory to the FAO Compliance Agreement. See Woolner (2001); Pramod and Pitcher (2006); Gurney (2016) documents for more information. There are no reported violations from Australian flagged fishing vessels operating in RFMOs and on the high seas. Australia has also actively pursued vessels illegally fishing in CCAMLR convention area and passed information on movement of pirate vessels to other coastal states.

4. What proportion of fishing vessels is equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?

Score: 5

Score Range: 3-5

300 Commonwealth fishing vessels licensed to operate in Australian waters are equipped with VMS transponders (98% coverage for Commonwealth licensed vessels as of 2014 (WCPFC 2015a; Patterson *et al.*, 2012). However, several states (Qld, SA, & WA) also have VMS requirements for portions of their fleets (Tod Spencer, *pers.comm.*, 2013).

In the past compliance with reporting requirements were below expected targets for Commonwealth vessels (AFMA 2011a). Up to 500 fishing vessels are monitored by AFMA in 10 different commercial fisheries (FAO 2015).

124 vessels operating in IOTC region are equipped with VMS transponders (IOTC 2010). All Australian fishing vessels operating in SPRFMO are equipped with VMS tracking devices and send reports to AFMA (SPRFMO 2015).

5. **What percentage of fishing vessels (>20 m OAL) is monitored through onboard observers at sea (for major commercial fish stocks)?**

Score: 5

Score Range: 3-5

Low coverage and varied performance in provincial fisheries; Commonwealth fisheries have relatively better coverage. Commercial fisheries in commonwealth and state managed fisheries are monitored through onboard observers (Pramod and Pitcher 2006). In 2011, AFMA observers monitored 6.3% of hook and lines deployed in the domestic longline fishery, with null coverage in the purse seine fishery (Patterson *et al.*, 2012). In 2013, Australia had 100% observer coverage for trawlers operating in SPRFMO convention area (SPRFMO 2015). In 2014, Australia had 2.8% observer coverage for longliners operating in WCPFC convention area (WCPFC 2015a). See AFMA (2009) report for more information. Since July 2015, AFMA has also implemented Electronic Monitoring on 75 fishing vessels in the shark gillnet and tuna longline fisheries (Burns 2016).

Observer targets are set in observer days by fishery. However, the collection of data differs across a number of fisheries. Examples of data collected include length frequencies, otoliths, sexing, life status, gut content, gonad stage, weights, methods and locations. The program achieved a total of 2504 sea days across 19 different fisheries including 853 days in the Integrated Scientific Monitoring Program (which includes the Great Australian Bight Trawl Fishery, and Southern and Eastern Scalefish and Shark Fishery), 474 days in the Eastern Tuna and Billfish Fishery, 70 days in the Western Tuna and Billfish Fishery, 504 days at Heard Island and 125 at Macquarie Island. The observer program has seen a large turn around in industry co-operation since the last report was written in 2009 (Mike Yates, *pers.comm.*, 2013).

SECTION 2: INSPECTIONS

6. **How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?**

Score: 7.5

Score Range: 7-8

Existing data suggests very good surveillance to deter foreign fishing vessel incursions into the northern Australian EEZ in commonwealth managed fisheries, but more data on number of fisheries inspections in state managed

commercial and recreational sectors is needed before arriving at any concrete conclusions for the whole EEZ.

We have separate foreign and domestic compliance regimes. Foreign - The Australian Border Force (ABF) conducts surveillance and maritime patrols focused on the seven identified maritime threats, illegal exploitation of natural resources (IENR) is one of the threats. ABF surveillance and patrolling is not conducting activity solely for IENR and is tasked to report against all threats. Under the Foreign compliance regime targets for at-sea patrols and aerial surveillance is an ABF responsibility (see below). All (100%) foreign fisheries violations are detected by aerial or surface assets as no port activity is conducted as part of this programme (Glen Salmon, *pers.comm.*, 2016).

Measure	2014-15 Estimated Actual	2015-16 Budget	2016-17 Forward year 1	2017-18 Forward year 2	2018-19 Forward year 3
Aerial surveillance coverage (square nautical miles)	--	--	--	--	--
Contracted aircraft and Royal Australian Air Force assets (square nautical miles) ¹	146.0m	136.0m	136.0m	129.0m	129.0m
Commercial contracted satellite (square nautical miles) ²	9.6m	9.6m	9.6m	9.6m	9.6m
ACV Ocean Shield surveillance (patrol days) ^{2,3}	172	300	300	300	180
Ashmore vessel (station and steaming days) ⁵	320	320	320	320	320
Marine unit (patrol days) ⁶	2,400	2,400	2,400	2,400	2,400
Northern waters surveillance ACV Triton (Patrol days) ⁴	308	--	--	--	--
Number of apprehensions of illegal foreign fishing vessels ³	45	45	45	45	45
Number of illegal foreign fishers apprehended and processed	400	400	400	400	400

Note: Targets relating to deliverables across the forward estimates have been developed on the basis of the operational risks and environment that existed when the 2015-16 Portfolio Budget Statements were developed. Due to the dynamic nature of the operational environment, future targets may need to be varied depending on the risks faced at that time.

TEU = twenty-foot equivalent unit.

- The targets are based on the contribution made by both DIBP and Defence Force assets. The reduction in 2015-16 and 2016-17 reflects the cessation of funding for 2,000 aerial surveillance hours delivered by Reims aircraft in 2014-15. The targets for 2014-15 onwards are based on the premise that funding for increased surveillance hours will be fully allocated to the Dash-8 aircraft with the reduction in 2017-18 reflecting the cessation of this additional funding.
- Deliverable for 2014-15 comprises 92 patrol days for the ACV Ocean Protector and 80 days for the ADV Ocean Shield. Funding for ACV Ocean Protector will terminate 31 December 2014.
- Funding for the ongoing enhanced Ocean Shield programme will be considered at a future date.
- Programme will terminate in December 2014.
- Ashmore Guardian was deployed near-permanently at the Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve until December 2013. The vessel will be replaced by ACV Thaiyak.
- In addition to the marine unit assets, on any given day, the Australian Navy provides seven of the fourteen Armidale class patrol boats in support of Operation Resolute. Another two boats can also be made available on request.

In the Commonwealth managed fisheries, 136 foreign fishing vessels were boarded and 26 vessels were detained for the FY 2013-14 (Australian Customs 2014). The Customs National Marine Unit (CNMU) with its fleet of eight Bay-

class patrol boats provide approximately 2400 sea days of patrolling every year (Australian Customs). During 2005-2006, CNMU provided 2467 vessel sea days, with 76.2 percent of its effort in northern Australia, 14.1 percent on east coast, 5.5 percent on west coast and 4.2 per cent on south coast (Australian Customs 2006). Some marine parks and offshore closed areas receive very little enforcement leading to high levels of illegal fishing in such locations (Woodford 2015; Mclean *et al.*, 2011).

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 8

Score Range: 7-8

Aerial surveillance is very effective in most jurisdictions, especially in offshore waters. Australia has a relatively good coverage of approx. 21,000 hours of aerial surveillance each year (Australian Customs 2007). Aerial surveillance is expected to be strengthened in future through acquisition of new maritime patrol aircraft to replace the ageing P-3C Orion aircraft (Kelly 2012; Schofield *et al.*, 2006).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 7

Score Range: 7-8

Australian Customs undertake inspections for export and import of fish and other seafood products. 4% of Commonwealth fishing vessels landed catches, 166 boats and 84 fish receiver facilities were inspected during the 2013-14 financial year (AFMA 2014b). During the year 2011-2012, a total of 116 in-port & 27 at-sea inspections were undertaken in Australia (ANAO 2013). During 2010-2011 period, AFMA officers conducted checks at 23 ports inspecting 176 vessels, and 40 fish receiving facilities, which equated to 39% of Commonwealth fleet inspected at least once during this period (AFMA 2011b). In the Eastern Tuna and Billfish Fishery (ETBF) catch disposal records completed by both fisher and the licensed fish receiver are used to cross-check landed catches at dockside and prevent logbook under-reporting of weights for species (WCPFC 2015a). See AFMA (2011b); Pramod and Pitcher (2006); Anon (2014) documents for more information.

Domestic - Most offences are detected through monitoring systems (VMS/EM, Logbooks, Quota monitoring) these are identified from office based staff and then investigated as necessary. The next most prevalent means of detection is through port inspections, subsequently a small

percentage (<5%) of offences are detected by aerial or sea patrols (due to their low frequency) – (Glen Salmon, *pers.comm.*, 2016).

PSMA Status: FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Signed on April 27, 2010; Ratified on 20 July 2015).

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catch inspections) on a regular basis?

Score: 7

Score Range: 5-7

Varied performance in recreational and state managed fisheries; Effective in some Commonwealth fisheries, but gaps exist for monitoring fish stocks in many state managed fisheries within Australian EEZ. Violations in recreational fisheries deserve attention in recent years (Pramod *et al.*, 2008). See Nevill (2010) and Nevill (2012) documents for more information.

*Many of the poorly managed & data poor fisheries consistently do not show up in national fisheries performance assessments and stock status reports; hence the risk ratings are very much flawed and do not give a complete picture esp., for Australian commonwealth fish status reports (Anon, *pers.comm.*, 2015).*

During the year 2011-2012, a total of 27 fish receiver (processor) inspections were conducted in commonwealth-managed fisheries. Despite good compliance with fisheries regulations, some provinces such as Queensland have witnessed a spike in number of illegal fishing incidents. The number of fines, cautions and successful prosecutions increased from 91 fines, 67 cautions and 26 prosecutions in 2008 to 146 fines, 147 cautions and 34 court prosecutions in 2009 (Anon 2010a). In 2009, a total of 25,789 hours of patrols were conducted in Queensland (Anon 2010a). See Pramod and Pitcher (2006) for more information. Compliance is not effective in all jurisdictions with some jurisdiction facing persistent problems with poachers (Davis *et al.*, 2004; Mclean *et al.*, 2011; Williamson *et al.*, 2014). The Queensland Boating and Fisheries Patrol carried out 43,687 inspections resulting in 1094 fines/prosecutions during the year 2009 (Anon 2010c). Six new mobile patrols (4WD) equipped with hi-tech equipment have been added to existing two mobile patrols in the state of Western Australia (Anon 2010d).

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 8

Score Range: 7-8

Australia is signatory to UN Fish Stocks Agreement (Ratified on December 23, 1999). Transshipments are well regulated and controlled in Australian fisheries (Pramod and Pitcher 2006; Patterson *et al.*, 2012). No transshipments are reported in the ETBF fisheries for the WCPFC convention area in 2014 (WCPFC 2015a).

There is very little transshipment activity allowed in Australian waters, most product is landed and received prior to export, landings are subject to regular compliance inspections and associated documentation is required for audit purpose. All commonwealth fishing vessels are required to have an operational VMS system and some fisheries are required to have E-reporting and E-monitoring. The only transshipments at the domestic level are the Northern Prawn Fishery (NPF), catcher boats tranship to a mothership/freezer boat and the catch is landed in Australia, this is an input based fisher and this lowers the risk of misreporting to avoid quota reduction. The NPF transshipment documentation and total landings are subject to audit. With regards to the tuna, Antarctic and high seas permit fisheries (WTBF, WSTF, ETBF, ESTF, SBTF, HIMI, HSP) we report annually and/or on a case by case basis to the WCPFC, IOTC, CCSBT, CCAMLR, SIOFA and SPRFMO on transshipment activities. There were no vessels in these fisheries authorised to tranship fish at sea in 2015 and there were no at sea transshipments of fish in 2015 – this has been the case for a number of years. There was one transshipment at sea of gear and personnel in the HIMIF in 2015, but not fish. Approval for transshipment at sea is granted on a case by case basis, but there would be strict conditions attached to reflect RFMO requirements (e.g. carriage of observers, prior notifications, additional documentation/reporting) (Glen Salmon, *pers.comm.*, 2016).

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 5

Score Range: 3-5

Regular inspections are in place for both domestic and commonwealth fisheries to prevent fishing gear violations through checks at dockside, roadblocks and inspections at sea (Pramod and Pitcher 2006). Number of

inspections varies in provincial fisheries. See Williamson *et al.*, (2014); Jackson *et al.*, (2016) for more information.

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 7.5

Score Range: 7-8

Australia has a robust fisheries regulatory regime supported with compliance measures to identify and to curtail illegal fishing practices. All RFMO - CMMs and International agreements that Australia is party to are enshrined in Australian national laws (Glen Salmon, *pers.comm.*, 2016).

The 1991 Fisheries Management Act is the main national legislation for fisheries management in Australian waters. In 2014, Australia adopted a second NPOA on IUU Fishing. Australia has ratified the UN Port State Measures Agreement on 20 July 2015, UN Fish Stocks Agreement on 23 December 1999 and FAO Compliance Agreement on 19 August 2004. See Pramod and Pitcher (2006); Clark (2011); Green and McKinlay (2009); Nevill *et al.*, (2012); ANAO (2013); Woolner (2013); AFMA (2014a); OECD (2015); Marchal *et al.*, (2016); Noonan and Williams (2016); McLoughlin and Rayns (2010) reports for more information.

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	No

RFMO	Year of the assessment	Compliant	Partially compliant	Not Compliant	Source
CCAMLR	2013	Yes			CCAMLR (2014)
CCSBT	2013		Yes		CCSBT (2014)
IOTC	2014		Yes		IOTC (2015a)
SPRFMO	2014	Yes			SPRFMO (2015)
WCPFC	2013		Yes		WCPFC (2015b)



Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at pramod.raju@gmail.com to provide any feedback).

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