



Australian Government

Australian Fisheries Management Authority

# Maritime law enforcement: illegal foreign fishing in Australia - an operational perspective

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Protecting **our** fishing future

## Introduction

### Australian Fisheries Management Authority (AFMA)

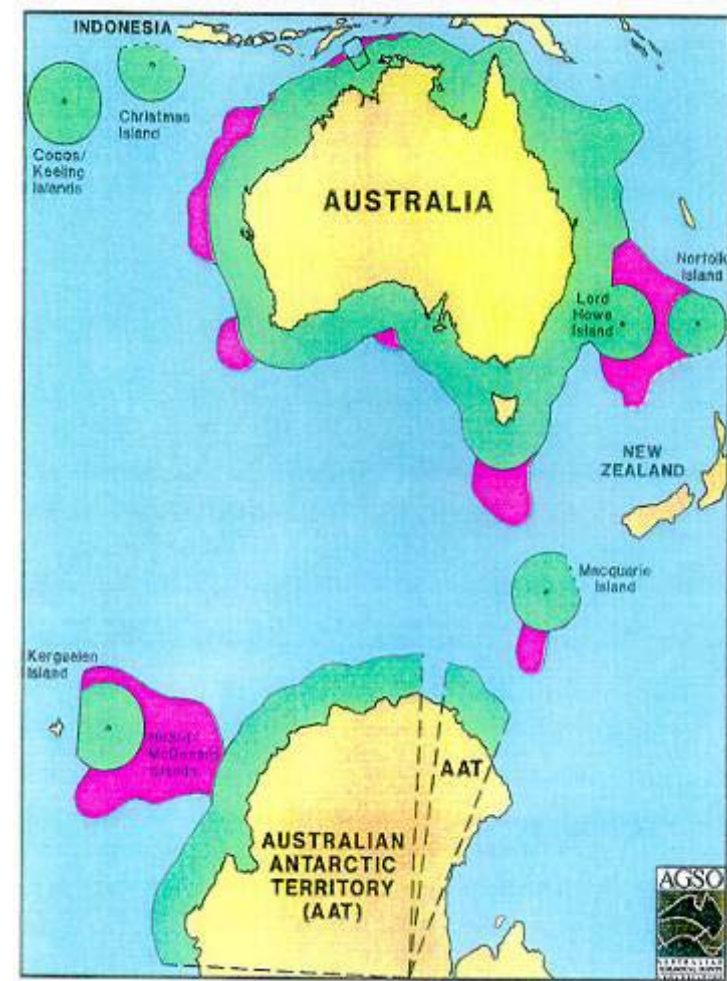
- *Fisheries Management Act 1991*
- *Torres Strait Fisheries Act 1984*

# Australian Fishing Zone (AFZ)

3<sup>rd</sup> largest in world-nearly 9 million km<sup>2</sup>

3-200nm off territorial sea baseline

External territories, e.g. Christmas Island and Heard and McDonald Islands (HIMI)



## Three key points

1. ENFORCEMENT STRATEGY “GET THE BOAT”
2. INTERNATIONAL COOPERATION
3. DYNAMIC LEGISLATIVE ENVIRONMENT



## Overfishing - a global problem

- Capture of wild fish for human consumption approx 20 million tonnes p/a in 1960, approx 84.5 million tonnes p/a in 2002
- Sophisticated, efficient fishing methods
- Global expansion of effort = stock depletions

## Illegal, Unreported and Unregulated (IUU) Fishing

### **ILLEGAL** FISHING:

- Unauthorised foreign fishing within EEZs
- Vessels flagged to RFMO member states violating rules

### **UNREPORTED** FISHING:

- Catch within EEZs not reported or misreported
- High seas catches not reported or misreported to authorities

### **UNREGULATED** FISHING:

- High seas fishing by stateless vessels or vessels flagged to RFMO non-members, violating rules of RFMO

## IUU fishing on the high seas

- **Global value of IUU fishing between US\$4.2b - US\$9.5b**
- **US\$1.25 b high seas IUU estimate**
- **Plus social and economic impacts**

## IUU in Australia's southern waters

- Heard and McDonald Islands (HIMI)
- Patagonian Toothfish
- CCAMLR
- 2001-02 legal catch limit was 2500 tonnes
- IUU estimate 2001-02 was 3489 tonnes (121% legal take)
- Organised crime



## Organised crime in southern ocean

- **VMS tampering**
- **Flag hopping**
- **Re-naming / changing colours**
- **Hiding identification markings**
- **Fleets of 3-4 vessels active in area (shared risk)**
- **High masted radar (30nm range)**
- **Falsified CDS documentation**
- **Transshipping to legal vessels**
- **Suspicious of observer complicity**



Crew of unidentified illegal fishing vessel currently being pursued by Greenpeace in the Southern Ocean  
Photo: Gavin Newman / Greenpeace

## Apprehensions in Australia's southern waters

- ***Salvora:*** October 1997
- ***Aliza Glacial:*** October 1997
- ***Big Star:*** February 1998
- ***South Tomi:*** April 2001
- ***Lena:*** February 2002
- ***Volga:*** February 2002
- ***Viarsa:*** August 2003
- ***Maya V:*** January 2004
- ***Taruman:*** September 2005

## IUU in Australia's northern waters

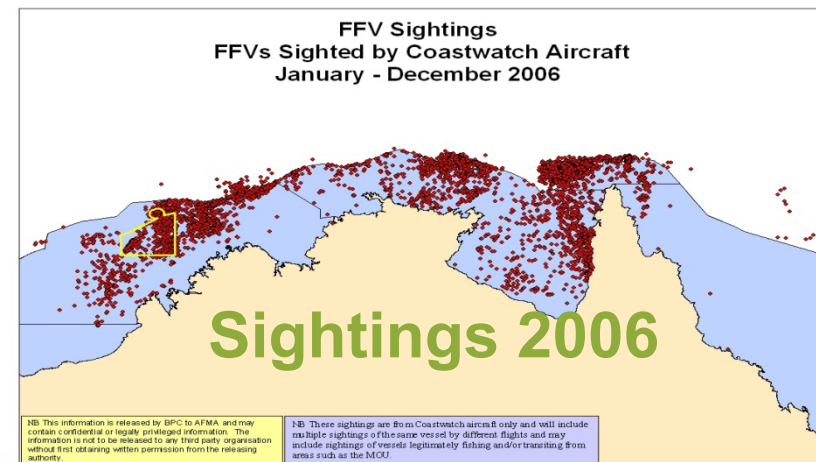
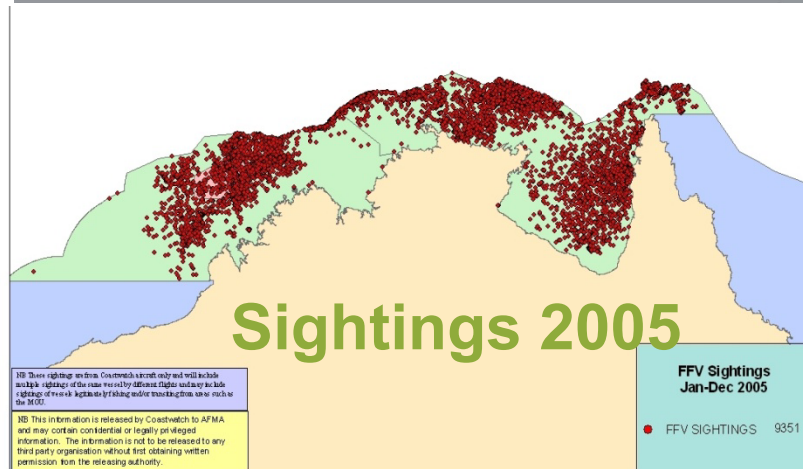
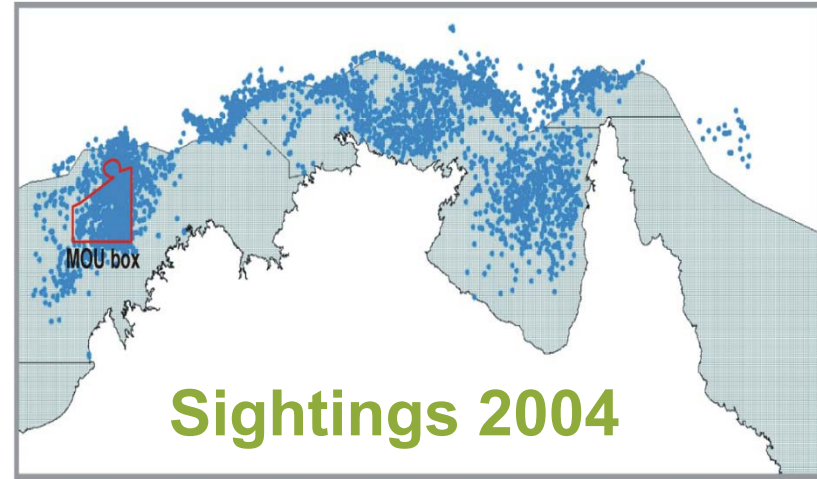
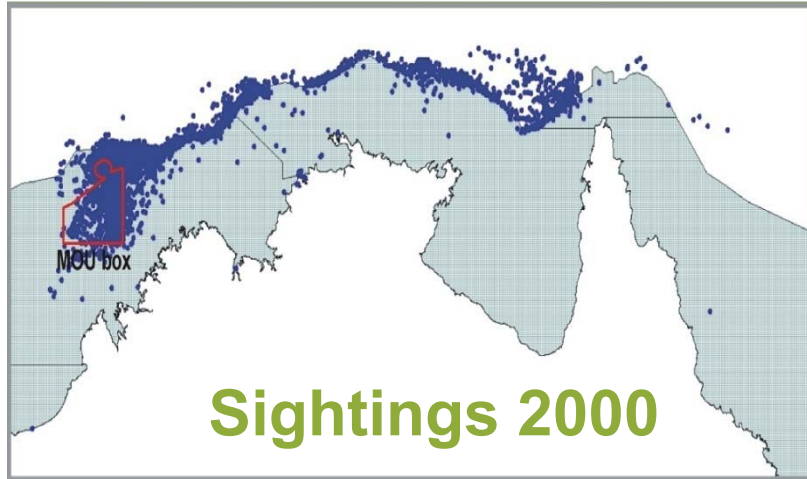
- **Challenges integrity of Australia's northern border**
- **Quarantine risks**
- **Public health, economic and environmental impacts**
- **Majority Indonesian boats targeting sharkfin, reef fish, trochus and trepang (sea cucumber)**
- **Australian waters attractive**
- **High international prices**



## Enforcement (after arrival in port)

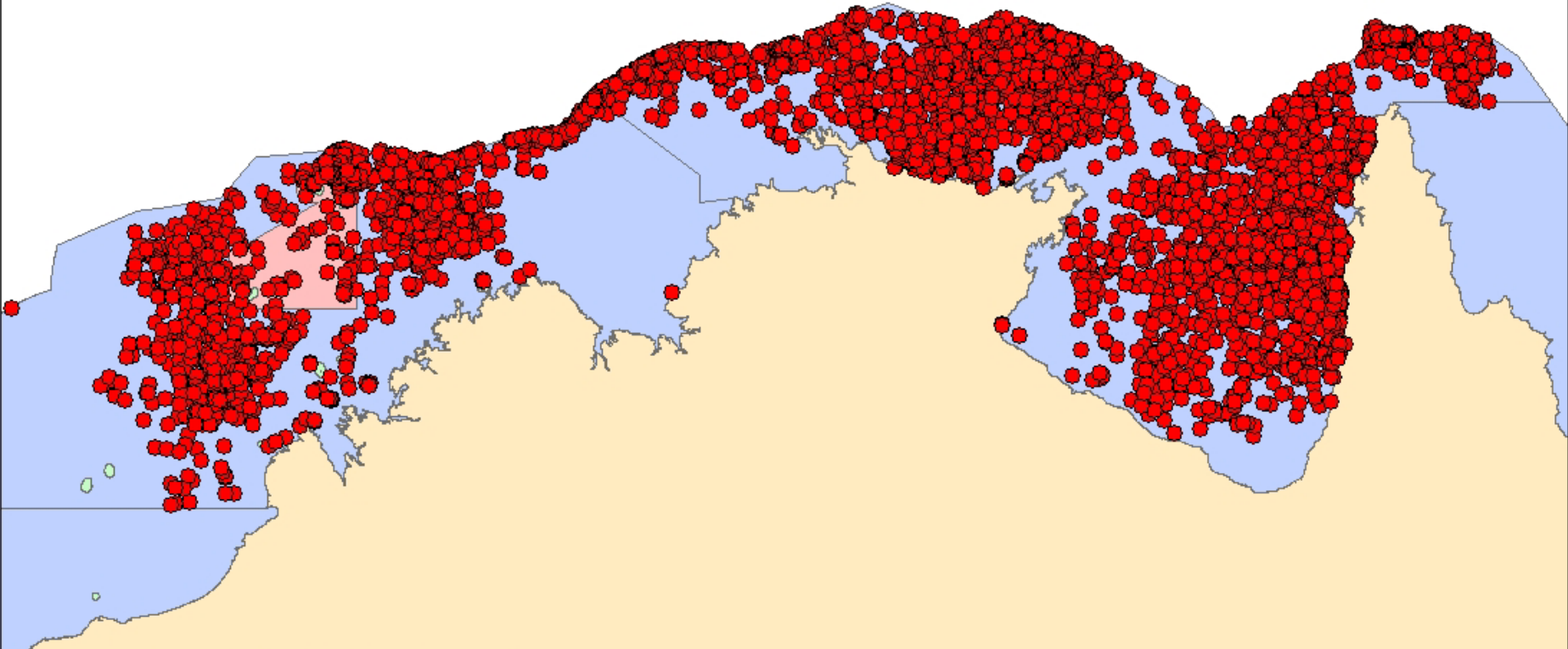
- **Crews detained**
- **Vessels moored and seized (quarantine inspections)**
  - available for release under bond
- **AFMA investigates and charges may be laid**
  - master and repeat offenders
  - remaining crew repatriated home
- **Offenders prosecuted / convicted**
  - max penalties \$550,000 and \$825,000 (boats > 25m)
- **Vessels forfeited**
  - Subject to claim in Federal court

# Sightings of FFVs



# Illegal Foreign Fishing - Northern Waters

**FFV Type 3 Sightings Only - Areas 1, 6, & 7**  
**FFVs Sighted by Coastwatch Aircraft**  
**July 2005 - June 2006**



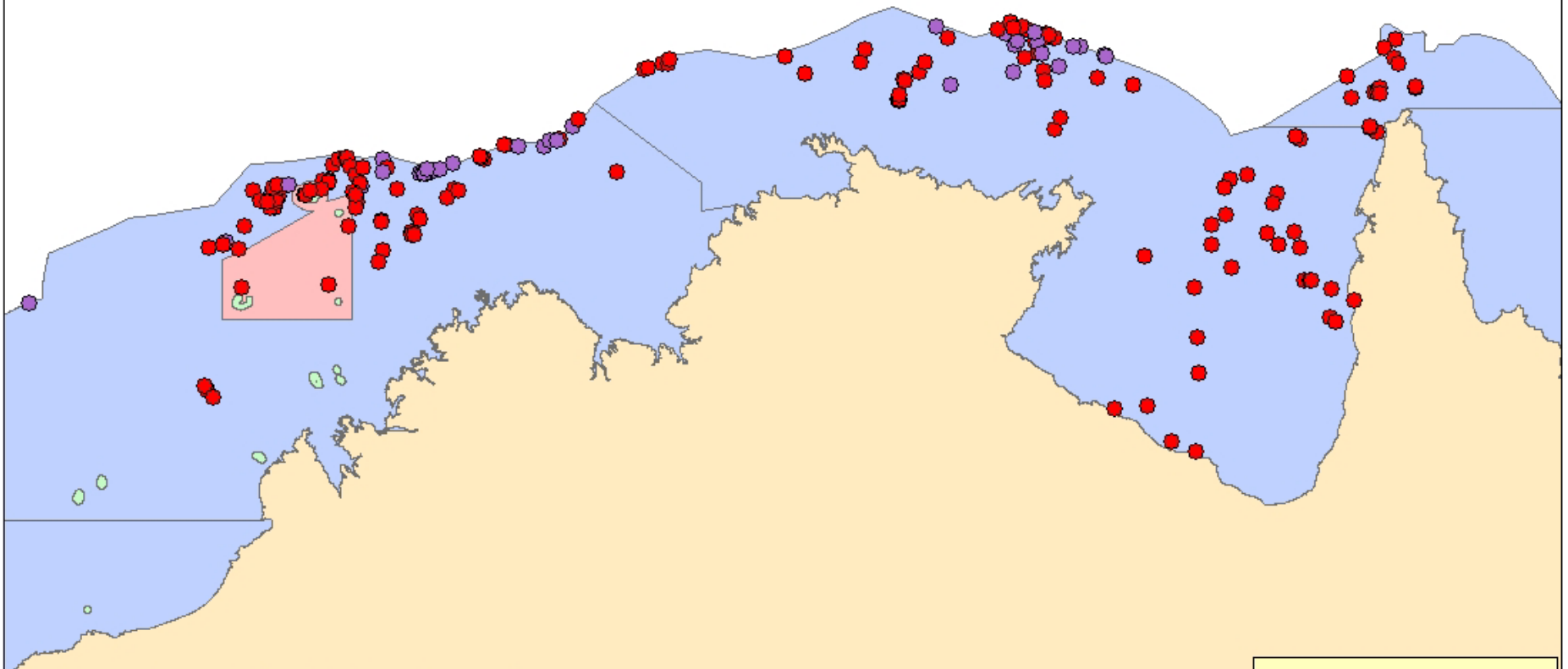
NB This information may contain confidential or legally privileged information. The information is not to be released to any third party organisation without first obtaining written permission from the releasing authority.

NB These sightings are from Coastwatch aircraft only and will include multiple sightings of the same vessel by different flights.

Vessel Type	
● Type 3	TOTAL - 5725

# Illegal Foreign Fishing - Northern Waters

**FFV Type 3 & Type 4 Sightings Only - Areas 1, 6, & 7**  
**FFVs Sighted by Coastwatch Aircraft**  
**January 2007 - June 2007**



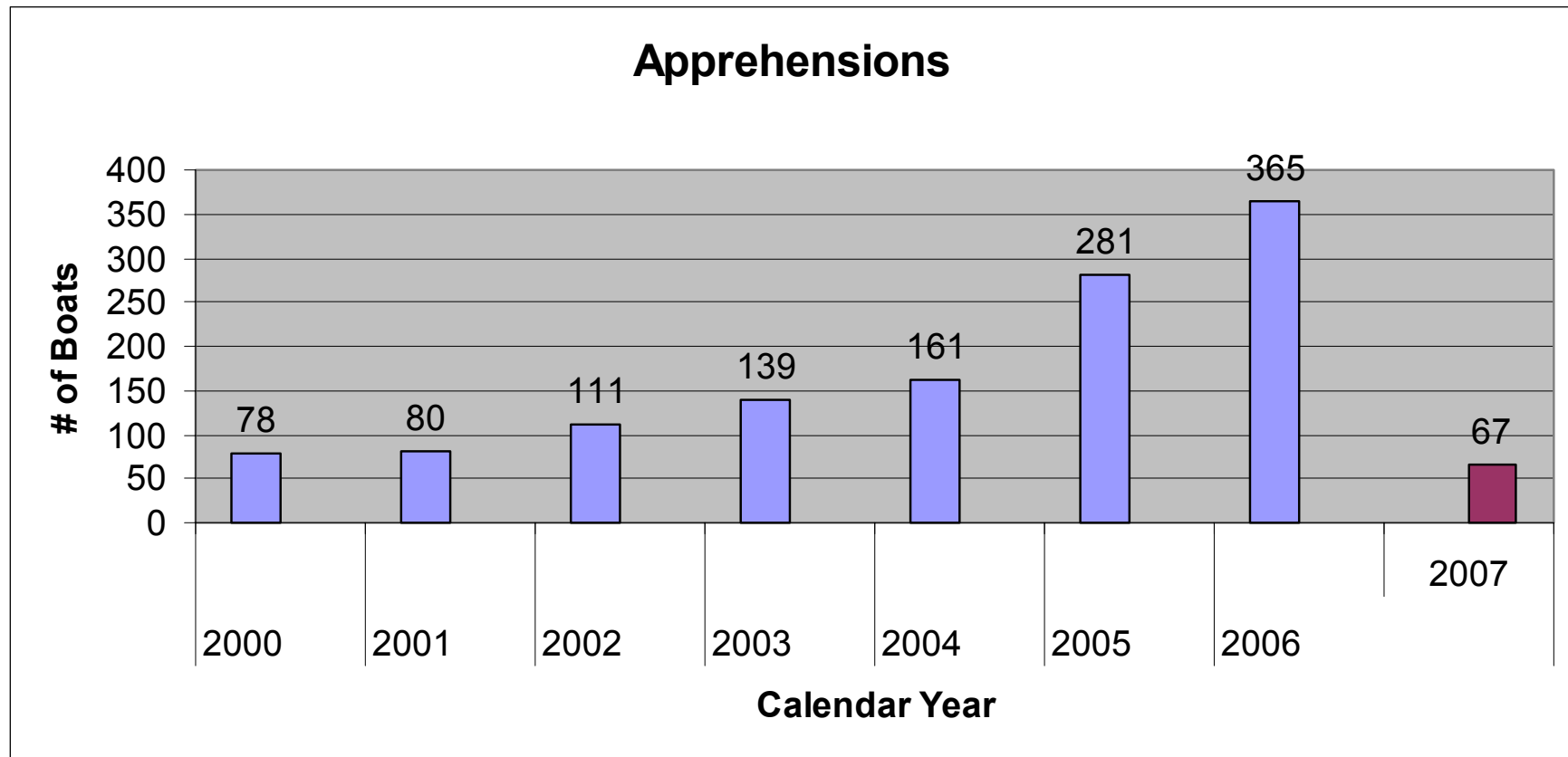
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NB At the time of compiling this data it is possible that not all Post Mission Reports were available, which may influence the results.

Vessel Type	
● Type 3	170
● Type 4	46
<b>TOTAL -</b>	<b>216</b>

# Apprehensions and total Interceptions 2000-2007



## Enforcement strategy

- Driver of illegal activity is financial returns (\$\$\$ profit)
- Primary deterrence aimed at increasing cost and reducing incentive



# International Co-operation

- **Obligations under international law**
- **International MCS network**
- **International agreements and Regional Fisheries Management**

## **Organisations**

- Catch documentation systems
- Vessel monitoring systems
- Blacklists for IUU vessels
- Boarding and inspection regimes
- **Port and market state measures**



# International enforcement co-operation

Joint patrols with French navy

*Viarsa* hot pursuit and apprehension

*Taruman*



## Bilateral and regional arrangements

- **Bilateral co-operation**
- **Capacity building**
- **Education/information**
- **Joint study on IUU fishing**
- **Regional Plan of Action on Responsible Fishing Practices**



## Legislative amendments

- Automatic forfeiture of boats, catch and gear
- Forfeiture under *Fisheries Management Act* precedence over *Admiralty Act*
- Custodial penalties within territorial sea
- Increased maximum penalties
- Reasonable costs of hot pursuit in setting bond value

## Key points

- **Global problem involving organised crime on commercial scale**
- **Enforcement strategy “Get the boat”**
- **International co-operation essential to enforcement activities and other deterrent measures**
- **Need for dynamic legislative environment to keep enforcement effective**



## The South Tomi

