



**Australian Government**

**Australian Fisheries Management Authority**

# Port State Measure Agreement - Australia

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# Objectives

- **Overview of the Port State Measures Agreement (PSMA)**
- **The PSMA Workings**
- **The PSMA/RPOA at Work**
- **Australia and the PSMA**



# Illegal, Unreported and Unregulated (IUU) Fishing

- IUU continues as it is profitable to Illegal Operators
- Unfortunately it is extremely detrimental to the flag States and Ports which are targeted by IUU Operators
- Flag States can make as little as USD\$300 through the issuing of Licences and Registration of IUU Vessels
- Offshore IUU operators make profits of millions and millions of USD\$\$
- The costs involved in IUU fishing continue to rise, the implications for states which inadvertently support IUU fishing is rising



# Illegal, Unreported and Unregulated (IUU) Fishing

- Cost involved in IUU fishing continue to rise
  - Loss of Revenue
  - Costs in combating IUU (Patrol Vessels etc)
- The implications for States which support IUU fishing are increasing
- Move towards Trade Measures and Economic Sanctions
  - European Union (EU) applying trade bans, “Red Cards”, on States not taking measures to combat IUU



# IUU and Development of the PSMA

The PSMA is a result of long and ongoing Regional and International cooperation:

- 1982 UN Convention on Law of the Sea
- 1993 FAO Compliance Agreement
- 1995 UN Fish Stocks Agreement
- 1995 FAO Code of Conduct for Responsible Fisheries
- 2001 IPOA IUU
- 2005 FAO Model Scheme on Port State Measures
- 2007 Commitment to developing a binding instrument
- 2009 Agreement on Port State Measures



## What are “Port State Measures”

- Port State Measures are taken by a country pursuant to its sovereign authority over its internal waters, including its ports.
- ‘Port State’ authority provides a basis for actions to be taken against foreign flagged vessels, as opposed to a country’s ‘flag state authority’ over its own vessels





## Concept – The PSMA and IUU Fishing

- Port State Control – The FRONTLINE in the IUU battle
- The effect of the PSMA is to close Ports to IUU fishing Operators and Deny their ability to profit from IUU Fishing
- Prevent, deter, eliminate IUU Fishing and thereby ensure the long-term conservation and sustainable use of living marine resources
- Objective of the PSM Agreement is to “prevent illegally caught fish from entering international markets through ports”



# The PSMA Workings: So what kind of measures can a Port State take?

- Restriction of :
  - Entry into port
  - Use of port
  - Access to port services
- Inspection
- Other enforcement action
- Port States have broad authority to take such measures, subject to certain limitations, including *force majeure*







# The PSMA Workings: Article 7 – Designation of Ports

- Port States designate and Publicise the Ports to which foreign flagged vessels may seek entry
  - This enables Port States the possibility of limiting entry
- Ensure, to the greatest extent possible, sufficient capacity to conduct inspections in those Ports





# The PSMA Workings:

## Article 8 – Advance Request for Port Entry

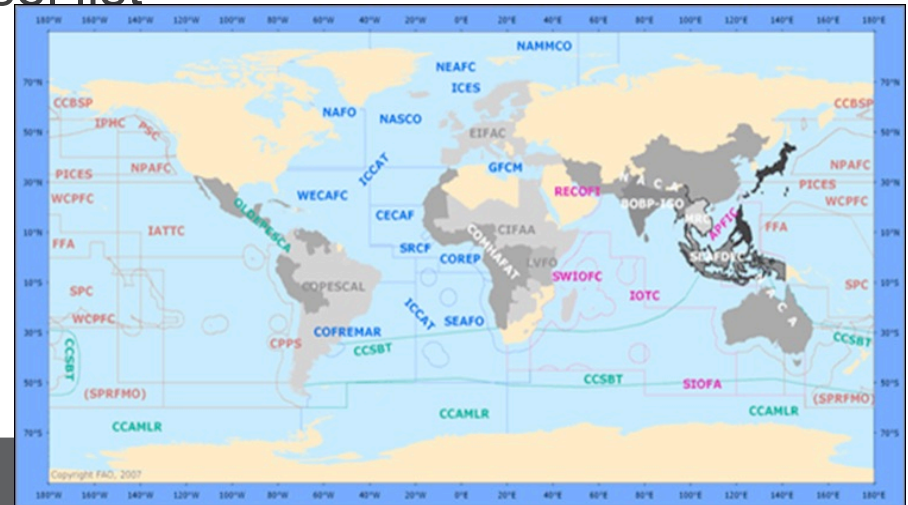
- Annex A – Minimum Information required sufficiently in advance to allow for Examination of its suitability for Entry
  - Each Port State determines what is considered sufficient but most request 72 hours





# The PSMA Workings: Article 9 – Port Entry

- Port States make determination based on information requested of requesting fishing vessel
  - Port States communicate Authorisation or Denial of Port Entry
- Fishing vessel is required to present Authorisation upon arrival in Port
- DENY PORT ENTRY if there is sufficient proof of IUU fishing or fishing-related activities in support of such fishing -- in particular when the vessel is on an RFMO's IUU vessel list







## The PSMA Workings: Deny use of port if:

- Invalid authorisation for fishing or fishing related activities required by flag state
- Invalid authorisation for fishing or fishing related activities required by coastal state





## The PSMA Workings: Deny use of port if:

- Clear evidence fish on board taken in contravention of applicable requirements
- Flag State does not confirm within reasonable time (upon request of port state) fish onboard was taken in accordance with applicable requirements







# The PSMA Workings: Notification of Denial

- Promptly notify Flag State of Fishing vessel
- As appropriate notify:
  - Relevant Coastal States
  - RFMOs
  - Relevant International Organisations





# The PSMA Workings: Article 11 – Use of Ports

Where a vessel that should have been denied port entry is in port for any reason it must be denied the use of port for landing, transshipping, packaging and processing of fish and access to port services.

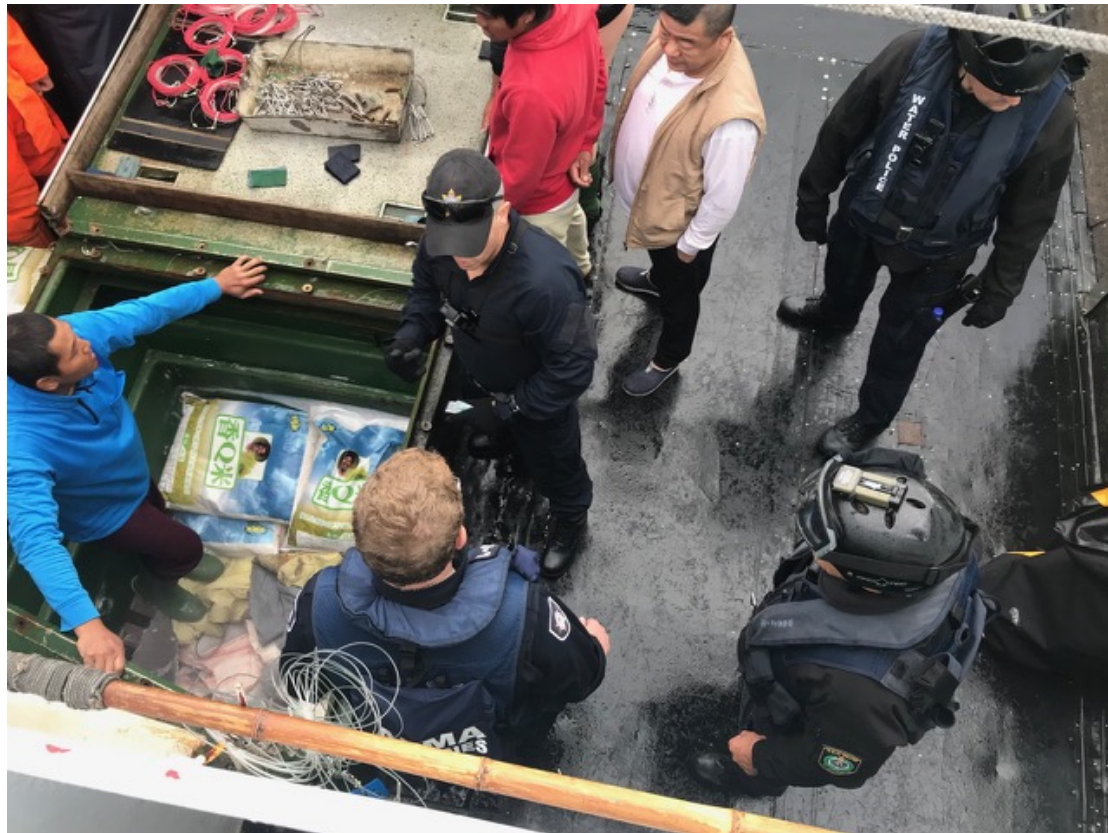






# The PSMA Workings: Article 11 – Use of Ports

- When a vessel has entered port, deny use of port for:
  - Landing, transhipping, packaging & processing of fish not previously landed
  - Other port services – refuelling, resupplying, maintenance and dry docking





# The PSMA Workings: Article 12 - Inspections

- Port States may allow entry for enforcement purposes
- Inspection or other appropriate actions can be as effective as Denial of Port Entry for combating IUU fishing
- Level of Inspections “sufficient to achieve the objectives” of the Agreement
- Priority given to:
  - Vessels denied entry or access to port services
  - Requests from other relevant Parties, States or RFMOs
  - Clear grounds for suspecting IUU fishing or fishing related activities





# The PSMA Workings: Article 20 – Role of Flag States

- Require cooperation with inspections
- Investigate IUU activity detected during inspections
- Take enforcement action where appropriate and share information about action taken
- Ensure flagged vessels are subject to measures that are effective in combating IUU fishing







# The Must-Have's of the PSMA

- Robust National Legislation in place
- Information Sharing
  - Ability to gather appropriate information
  - Mechanisms to share information including Data Exchange
- Appropriately Trained Officers to conduct Inspections and Investigations
- Interdepartmental Cooperation
  - Understanding their role under the PSMA
  - Information sharing



# The importance of Regional Cooperation

- Regional and International cooperation is integral to the Port State Control is a hefty tool against IUU
- Several of the key PSMA Articles focus on developing networks of regional cooperation to identify IUU target vessels and prevent them from entering ports





# Case studies – RPOA initiatives to combat IUU utilising the PSMA



## Case Study 1 – IUU Vessel PION (November 2011)

8 November 2011

- sighted high seas
- noted name change from IUU listed *BIRD* to *PION*

25 November 2011

- Australia communication to RPOA

2 December 2011

- RPOA notifies members





## Case Study 2 - IUU Vessel PION (February 2012)

27 January 2012 - Sighted by Australian Surveillance flight

31 January 2012 - Notification sent to RPOA

1 February 2012 - RPOA Notification alerting Members

3 February 2012 - vessel accessed Penang, Malaysia

3 February 2012 - Request from MMEA for assistance  
with investigation

4 February 2012 - AFMA officers travel to Penang

5 February 2012 - Vessel inspected by MMEA & AFMA

19 February 2012 - PION requests access to Singapore

20 February 2012 - Singapore inspects vessel – papers show  
discharge of fish in Penang on  
16-17 February - no fish onboard.

8 March 2012 - Singapore advice to RPOA, CCAMLR & AFMA



Australian Wildlife Forensic Services  
Murdoch University, 90 South Street, Murdoch, WA, 6150  
Phone: +61 (0)11 8 9360 2312 or +61 (0)11 8 9360 2906  
Email: [wildlife@forensics@gmail.com](mailto:wildlife@forensics@gmail.com)  
Web Address: [www.wildlife@forensics.com.au](http://www.wildlife@forensics.com.au)

### DNA IDENTIFICATION OF SAMPLE

DATE:	27 February 2012
CASE:	WFL12-04 (Agency Case Number 01-201250)
ORGANISATION:	Australian Fisheries Management, Darwin Foreign Compliance Operations, Level 6, 22 Mitchell Street, Darwin, Northern Territory, 0820.
DESCRIPTION OF ITEM:	On 14 February 2012 the Australian Wildlife Forensic Services received a fish tissue sample stored in 20% DMSO tissue preservative.
NUMBER OF ITEMS:	One
SAMPLE NUMBER:	WF12-04-1 (tissue from a fish)
REQUESTED ANALYSIS:	An investigative species identification of the sample by mitochondrial DNA analysis not intended for legal proceedings.
DNA ANALYSIS:	Fish DNA was successfully isolated (extracted) from sample WF12-04-1. Mitochondrial DNA was amplified from two genes (16S and Cytochrome oxidase I) according to our lab's standard operating procedures (available upon request). Comparisons of the 16S and Cytochrome oxidase I DNA sequence data obtained from sample WF12-04-1 with the National Centre for Biotechnology Information (NCBI) database yielded a 100% and 99.8% match to <i>Dissostichus eleginoides</i> , respectively.
COMMON NAME:	Patagonian toothfish, Chilean sea bass.
SCIENTIFIC NAME:	Perciformes, Nototheniidae, <i>Dissostichus eleginoides</i> .





## Case Study 2 - IUU Vessel PERLON (February 2012)



**13 February 2012: Australia alerted RPOA**



## Case Study 2 - IUU Vessel PERLON (February 2012)

- FV PERLON requested port access to Singapore Port on 20 February 2012
- Port access was denied. PERLON claimed SOLAS (engineering problems)
- Singapore offered an independent assessment of engineering repairs
- PERLON declined port access and departed without gaining access





## Case Study 2 - IUU Vessel PERLON (May 2015)

- In April 2015, following a boarding of the vessel by the then Australian Customs and Border Protection Service officers, the AFMA/ABF were able to use the RPOA networks to alert South East Asian countries of the possible arrival of this vessel into their ports... which resulted in the initial detention of the *Perlon* by Malaysian authorities.
- On 20 May 2015 FV PERLON was apprehended in Malaysia transshipping to a Barge with refrigerated shipping containers, this was being moved by a Kiribati licenced Tug Boat.
- AFMA Officers assisted Malaysia with the Boarding and Investigation of this vessel
- A Malaysian court fined the master and the crew of the *Perlon* approx AUD \$600,000 and ordered forfeiture of the catch valued at approx AUD \$1.8 million.



**6 August 2015**

**Media release from The Hon Peter Dutton Minister for Immigration and Border Protection and Senator the Hon Richard Colbeck Parliamentary Secretary to the Minister for Agriculture.**

*“Today’s outcome is a great result and would not have been possible without the relationships we have built with our neighbouring countries through initiatives such as the RPOA on IUU fishing and international authorities working together to share information and take action.”*

*“This is yet another demonstration of international cooperation successfully leading to IUU fishers being stopped.”*

*“Malaysia is an important regional ally in the fight against IUU fishing and we are proud to work in very close partnership stamping out such trade in our region. I would like to extend my thanks to Malaysian authorities for their efforts on this matter and say that we look forward to working with them on similar cases in the future,” Senator Colbeck said.*







## Case Study 3 - IUU Vessel Viking (February 2016)



- Through the RPOA-IUU network, Australia working with Indonesia identified that the Southern Ocean IUU vessel “Viking” was in Indonesia
- February 2016 - Indonesian Authorities detained the Viking and sunk it







## Where are the Southern Ocean IUU vessels now?

IUU Vessel	Location
FV Yongding	Detained: Cabo Verde, Africa.
FV Songhua	Detained: Cabo Verde, Africa.
FV Kunlun	Detained: Dakar, Senegal, Africa <i>(after absconding from authorities in Thailand).</i>
FV Viking	Apprehended and destroyed: Indonesia.
FV Perlon	Unknown. Not believed to be fishing was detained and fined in Malaysia
FV Thunder	Sunk off West African coast.
FV STS-50	Apprehended and destroyed: Indonesia
FV Nika	Detained and ongoing Investigation: Indonesia



# Australia and the PSMA:

## Legislative Framework

- Australian Fisheries legislation already allowed or provisions under the Port State Measures Agreement
- *Fisheries Management Act 1991*, Section 94 (Port Permits)
- Australia has robust legislation in place to deny port entry where sufficient proof of IUU Fishing has taken place
- All foreign fishing vessels wishing to enter an Australian Port must submit a Port Permit application
- Information provided will be cross checked before any permit will be issued
- If sufficient proof of IUU fishing exists the Permit will be revoked
- AFMA has trained Inspectors to conduct inspections of foreign fishing vessels entering its ports



# Australia and PSMA: Facts Relating to Ports

- Australia's current position is not to license foreign fishing vessels
  - Domestically Australian fisheries are considered fully exploited
    - For the past 5 years no fishery is overfished or subject to overfishing
- Entry into Australian Ports by foreign fishing vessels are minimal
  - Every Port in Australia is a designated Port
- Over the last 5 years only 20 vessels have arrived in Australian Ports and been inspected
- These vessels have predominately been those operating in the Southern Ocean (Not IUU vessels)



# Australia and the PSMA: Mechanism for Interagency Cooperation

- AFMA is a client of the Civil Maritime Surveillance program co-ordinated by Maritime Border Command (MBC)
  - MBC – Australian Defence Force and Australian Border Force
  - AFMA has officers embedded in MBC, as well as Australian Federal Police
- All Government Departments involved in maritime security are a part of the Civil Maritime Surveillance program
- AFMA is the lead agency on all incidents involving Foreign Fishing Vessels
- Information Gathering and most inspections require information sharing between Australian agencies, and the inspections often happen concurrently



# Australia and the PSMA: Port Permitting Process

- All foreign fishing vessels seeking access to an Australian port must submit an application for a port permit and supporting documents to AFMA's Port Permit team at least seven days before port entry.
- Upon receipt of a permit application the Port Permit team will inform the AFMA's National Surveillance and Response Unit (NSR) to coordinate operation analysis. This includes:
  - Vessel background checks, including vessel registrations and IUU listings on RFMOs
  - Intel Checks, AIS information, VMS (where possible)
  - Links to IUU vessels/companies





# Australia and the PSMA: Port Permitting Process

- Once all the information about the vessel is collated, the matter is referred to AFMA's Operational Management Committee (OMC)
  - The OMC will consider recommendations for refusal of port permit along with any additional information from other sources that may be relevant
  - Also consider next course of action
- If a vessel is on an IUU list, or suspected of engaging in IUU activity, NSR shall recommend directly to the Port Permit team that a Port Permit be denied
  - Unless whilst consultation with relevant line areas it is determined that there is value in granting the vessel a port permit



**Note:** Please complete the form in black or blue ink. If you need more space for any of your answers, please attach a separate sheet. If an item does not apply, write 'not applicable'.

Guidelines for Operators Seeking Access to Australian Ports under Section 94 of the Fisheries Management Act 1991 are available to assist in the completion of this form. The Guidelines can be accessed on AFMA's website at [www.afma.gov.au](http://www.afma.gov.au) or by contacting AFMA.

**PART A – Vessel Master's details**

**1. Name of the vessel Master**

Click here to enter text.

**2. Nationality**

Click here to enter text.

Passport number

Click here to enter text.

**3. Contact details**

Postal address

Click here to enter text.

Click here to enter text.

Click here to enter text. Postcode text

Phone number

Click here to enter text.

Mobile/Satphone number

Click here to enter text.

Fax number

Click here to enter text.

Email address

Click here to enter text.

**PART B – Fishing Master's details**

**4. Name of the fishing Master**

Click here to enter text.

**5. Nationality**

Click here to enter text.

Passport number

Click here to enter text.

**PART C – Boat details**

**6. Name of boat**

Click here to enter text.

**7. Boat type (use ISSCFV codes provided in the Guidelines)**

Click here to enter text.

**8. Boat dimensions (in metres)**

Length: enter text here

Beam: enter text here

Draft: enter text here

**9. Description of boat (including details of any external identification or markings, colour scheme, gross register tonnage and regional fisheries management organisation (RFMO) ID number, if applicable)**

Click here to enter text.

Click here to enter text.

Click here to enter text.

Click here to enter text.

Click here to enter text.



Please attach a photograph of the boat.

**10. International Maritime Organization (IMO) ID number**

Click here to enter text.

**11. International radio call sign**

Click here to enter text.

**12. Current flag State(s) (use ISO 3166-1 alpha-3 codes provided in the Guidelines)**

Click here to enter text.

**13. Certificate of Registry ID number**

Click here to enter text.

**14. Previous boat name(s)**

Click here to enter text.

**15. Previous flag State(s) (use ISO 3166-1 alpha-3 codes provided in the Guidelines)**

Click here to enter text.

**16. Boat home port**

Click here to enter text.

**17. Vessel Monitoring System (VMS)**

**Note:** It is a condition of a Port Permit that the boat must carry and operate an AFMA type-approved VMS on the boat at all times whilst in Australian jurisdiction, unless AFMA has approved other arrangements for monitoring the position of the boat.

Does the boat have a VMS?

No

Yes

If Yes, is it National  or RFMO  or both

**18. Type of VMS unit**

Click here to enter text.

VMS unit ID number

Click here to enter text.



Please attach both the completed Data Network Identifier Download (DNID) Agreement Form and Inmarsat Distress Alert (IDA) Contact Details Form.

**19. Number of crew members onboard**

Click here to enter text.



Please attach a crew list giving the name, nationality, passport number and date of birth of each crew member.

**PART D – Port details**

**20. Give details of the ports to which access is requested**

**a) Port Name**

Click here to enter text.

Estimated Date Enter date here

Estimated Time Enter time here

Estimated Date Enter date here

Estimated Time Enter time here

**Reason(s) for port access**

Click here to enter text.

Click here to enter text.

**b) Port Name**

Click here to enter text.

Estimated Date Click here to enter text.

Estimated Time Click here to enter text.

Estimated Date Click here to enter text.

Estimated Time Click here to enter text.

**Reason(s) for port access**

Click here to enter text.

Click here to enter text.

**c) Port Name**

Click here to enter text.

Estimated Date Enter date here

Estimated Time Enter time here

Estimated Date Enter date here

Estimated Time Enter time here

**Reason(s) for port access**

Click here to enter text.

Click here to enter text.

**21. Last port of call**

Click here to enter text.

Date of departure Click here to enter text.

**22. Next port of call**

Click here to enter text.

Estimated date of arrival Enter date here

**PART E – Fishing authorisations held**

**23. Details of fishing authorisations held**

**a) Authorisation type**

Click here to enter text.

Authorisation ID number Click here to enter text.

Issuing authority Click here to enter text.

Date of expiry Enter date here

**b) Authorisation type**

Click here to enter text.

Authorisation ID number Click here to enter text.

Issuing authority Click here to enter text.

Date of expiry Enter date here

**24. Area and scope of authorisations**

Click here to enter text.

Click here to enter text.

Click here to enter text.

**25. Species and quota authorised (use FAO species codes provided in the Guidelines)**

Click here to enter text.

Click here to enter text.

Click here to enter text.

**26. Fishing gear authorised (use ISSCFG codes provided in the Guidelines)**

Click here to enter text.



[Click here to enter text.](#)  
[Click here to enter text.](#)

**PART F – Species information**

27. Total fish species and products on board including the form of the product e.g. whether processed and if so, how (use FAO species codes provided in the Guidelines)

[Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)

28. Catch location

[Click here to enter text.](#)  
[Click here to enter text.](#)

29. Processed weight and equivalent live weight

[Click here to enter text.](#)  
[Click here to enter text.](#)

30. Type and quantity of catch to be offloaded

[Click here to enter text.](#)

**PART G – Transhipment information**

31. Details of relevant transhipment authorisations

a) Authorisation type [Click here to enter text.](#)  
 Authorisation ID number [Enter Text here.](#)  
 Issuing authority [Click here to enter text.](#)  
 Date of expiry [Click here to enter a date.](#)

b) Authorisation type [Click here to enter text.](#)  
 Authorisation ID number [Enter Text here.](#)  
 Issuing authority [Click here to enter text.](#)  
 Date of expiry [Click here to enter a date.](#)

32. Transhipment concerning donor boat(s)

Note: Where there have been transhipments concerning more than one donor boat, please provide details on a separate sheet and attach.

Date of transhipment [Click here to enter a date.](#)  
 Location of transhipment [Click here to enter text.](#)  
 Name of donor boat [Click here to enter text.](#)

Flag State of donor boat (use ISO 3166-1 alpha-3 codes provided in the Guidelines) [Click here to enter text.](#)

Certificate of Registry ID number of donor boat [Click here to enter text.](#)

Species transhipped including the form of the product e.g. whether processed and if so, how (use FAO species codes provided in the Guidelines) [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)

Catch location [Click here to enter text.](#)  
 Total quantity transhipped [Click here to enter text.](#)

**PART H – Vessel owner’s details**

33. Name of the vessel owner [Click here to enter text.](#)

34. Postal address [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#) Postcode [text](#)

**PART I – Beneficial owner’s details**

35. Name of the beneficial owner [Click here to enter text.](#)

36. Postal address [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#) Postcode [text](#)

**PART J – Vessel operator’s details**

37. Name of the vessel operator [Click here to enter text.](#)

38. Postal address [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#) Postcode [text](#)

**PART K – Agent’s details**

39. Name of Agent [Click here to enter text.](#)

40. Contact details  
 Postal address [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#) Postcode [text](#)

Phone number [Enter Text here.](#)  
 Mobile number [Enter Text here.](#)  
 Fax number [Enter Text here.](#)  
 Email address [Enter Text here.](#)

**PART L – Applicant’s details**

41. Name of Applicant [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#)

42. Contact details  
 Postal address [Click here to enter text.](#)  
[Click here to enter text.](#)  
[Click here to enter text.](#) Postcode [text](#)

Phone number [Enter Text here.](#)  
 Mobile number [Enter Text here.](#)  
 Fax number [Enter Text here.](#)  
 Email address [Enter Text here.](#)

**PART M – Declaration by Agent/Applicant**

**IMPORTANT**  
 Please read ‘Who can sign this form’ on page 5 before completing this Declaration.  
 Giving false or misleading information is a serious offence.  
 I, the Agent detailed in PART K or the Applicant detailed in PART L:

- a) apply for the grant of a Port Permit in respect of the boat described in PART C, and
- b) declare that the information provided on this form is, to the best of my/our knowledge, true and correct.

Signature [Click here to enter text.](#)  
 Date [Click here to enter a date.](#)  
 Full Name [Click here to enter text.](#)

Position held (if applicable) [Click here to enter text.](#)

In the presence of (Full name of Witness) [Click here to enter text.](#)  
 Signature of Witness [Click here to enter text.](#)

**Checklist of attachments**

- The attachments to this application are:
- Photograph of the boat clearly showing any external identification and distinguishing markings/symbols
  - Data Network Identifier Download (DNID) Agreement Form
  - Inmarsat Distress Alert (IDA) Contact Details Form
  - Crew List



# Australia and the PSMA: Port Permitting Process

- Granting access to an suspicious vessel may be recommended under the PSMA whereby entry of the vessel into port may be granted “exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing“ (Article 9(5))
- NSR, in consultation with relevant line areas, shall put forward a recommendation to OMC regarding additional monitoring arrangements, including port inspection if appropriate. NSR shall be responsible for monitoring the vessel while in the Australian waters





# Vessel Monitoring in Australian Waters

- AFMA may choose to enforce that the vessel is tracked by VMS for the duration that the vessel is in Australian waters
- The vessel owner must consent to this monitoring and complete this form.
- This is usually a condition of port entry



## Data Network Identifier Download Agreement

DNID

DA (Jul 13) Page 1 of 1

This form should be completed to authorise the Australian Fisheries Management Authority (AFMA) to electronically monitor a vessel's Automatic Location Communicator (ALC) unit and disseminate data from it in accordance with AFMA policy.

There is no fee for this transaction.

### What you need to do

Post or fax this completed form to:

Australian Fisheries Management Authority  
Box 7051  
Canberra Business Centre, ACT 2610  
AUSTRALIA

Fax: +61 2 6225 5440  
Phone: +61 2 6225 5555  
Email: [portpermit@afma.gov.au](mailto:portpermit@afma.gov.au)

### Who can sign this form?

**Trading Name** – All individual or corporate owners of a trading name must be specified as the applicants and all sign this form.

**Companies** – A company may sign in any manner (including under seal) authorised by s127 of the Corporations Act 2001.

**Co-Holders** – If the concession is in more than one name (partnership or otherwise), all holders must sign this form. If there are more than two holders please attach and date a separate sheet.

**Powers of Attorney** – If a party signs under a Power of Attorney the attorney must state 'Signed for (name of principal) by his/her/their/its attorney (name of attorney) pursuant to Power of Attorney Register number (number or date if not required to be registered in that State) who states that he/she has no notice of the revocation of the power'. A copy of the registered power should accompany this form.

**Trusts** – The beneficial interests in any trust will not be recognised

### Privacy information

The Australian Fisheries Management Authority (AFMA) is authorised to collect the information provided on this form under the Fisheries Management Act 1991. Information is collected pursuant to our data collection functions under the Fisheries Administration Act 1991 (section 7).

Consistent with AFMA's objectives and/or functions and/or powers, the information provided may be disclosed to:

- Australian, State and Territory governments and agencies involved in the enforcement of law;
- Australian and international fisheries research and management organisations;
- foreign governments in support of domestic and international obligations in relation to fisheries management, research and compliance; and
- Australian, State and Territory governments and agencies involved in emergency services.

For more information about privacy please contact AFMA on 1300 723 621.

### PART A – Vessel details

Inmarsat mobile number (IMN)

Serial number

Mini-C Unit Inmarsat serial number (e.g. 4TT045FC050D)

### PART B – Equipment type

Manufacturer

Model

Software version

### PART C – Vessel details

Vessel name

Distinguishing symbols

Vessel IMO Number

### PART D – Vessel contact details

Name

Address



Postcode enter text

Phone number

Mobile phone/Satphone

Email



Fax number

### PART E – Authorisation

As the owner of the Automatic Location Communicator (ALC) described above, I hereby authorise the Australian Fisheries Management Authority (AFMA) to electronically monitor the unit and disseminate data from it in accordance with AFMA policy.

Signature and date

Full Name



## Decision on Whether to Inspect

- If the vessel is granted entry, the OMC shall determine whether a *PSMA* inspection should be conducted, having regard to the objective of the *PSMA* (Article 2), its application (Article 3) and the levels and priorities for inspections required by Article 12
- The decision to undertake a boat inspection shall involve consideration of the following, but not be limited to:
  - area of waters of the fishing voyage;
  - fishing method;
  - target species;
  - history of the vessel;
  - requests by other government agencies, including foreign governments
- When a decision to undertake a vessel inspection has been made, AFMA may contact the flag State of the vessel, and may invite the flag State to participate in the inspection



# Boarding and Inspection Procedures

- Fisheries officers conduct *PSMA* inspections in accordance with Article 13 and Annex B of the *PSMA*. If there is conflict between the fisheries officers' powers under the *FMA* or *TSFA* and the powers under the *PSMA*, the Australian legislation shall take precedence.
  - However, officers should give due regard to the requirements of the *PSMA*, recording accurate information in notebooks for any decision to divert from the requirements of the *PSMA*
  - Vessel inspections are conducted under the *Maritime Powers Act 2013*
- Consistent with all vessel inspections, prior to boarding a vessel officers must conduct an infield activity risk assessment to determine if it is safe to board
  - All inspections are conducted in accordance with AFMA's Workplace Health and Safety (WHS) policies and procedures
  - Inspections must be conducted in a fair, transparent and non-discriminatory manner, and all possible effort be made to avoid unduly delaying the vessel and inadvertently affecting the quality of the catch



# Inspection Procedures

- Fisheries Officers must:
  - Verify that the vessel identification documentation onboard, including owner of the vessel is true, and accurate, including through appropriate contacts with the flag State or international records of the vessel
  - Verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organisation (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation
  - Verify, to the extent possible, that the authorisations for fishing and fishing related activities are true, and accurate, and consistent with the information provided in accordance with the Application for a Port Permit





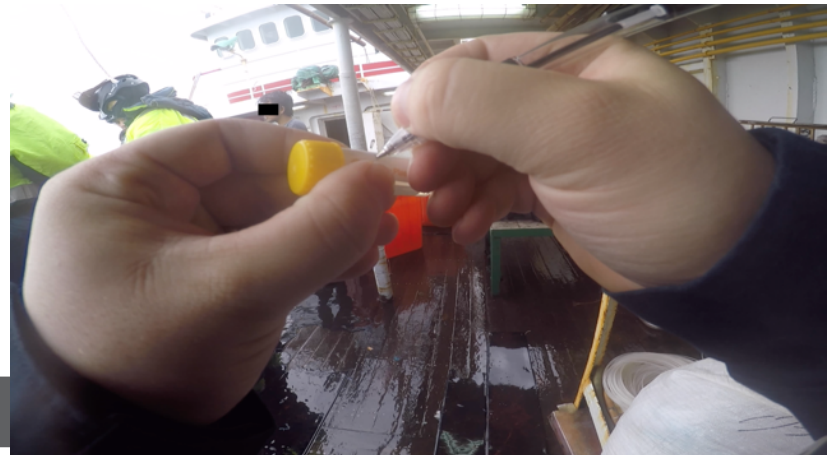
## Inspection Procedures cont...

- Fisheries Officers must:
  - Review all other relevant documentation and records held on board, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant RFMOs
    - Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora
  - Examine all relevant fishing gear on board, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that it conforms with the conditions of the authorisations
    - This is confirming that the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers conform with applicable regulations and the markings correspond to those authorised for the vessel;



# Inspection Procedures cont...

- Fisheries Officers must:
  - Verify where the fish were caught, to the extent possible
  - Examine freezer holds to verify the catch on board against the catch logs
    - The examination may include inspections of product type and determination of nominal weight
      - This can include DNA sampling if need to determine the species.
    - Where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds.





# Post-Inspection Procedures

- Following the inspection, if there are clear grounds to believing that the vessel has engaged in IUU fishing, it shall be recommend that the permit be revoked to prevent the vessel seeking access to port services.
  - Other enforcement action may also be taken such as seizing the vessel or an RFMO referral to black list the vessel
- If the port permit is revoked, the vessel or the vessel's representative will be informed of the revocation, and the relevant flag State will be advised of the actions, noting Articles 11 and 18 of the PSMA



# Post-Inspection Procedures - Reporting

- The results of the vessel inspection are transmitted to the flag State of the and, as appropriate, to relevant Parties and States, including:
  - those States for which there is evidence that the boat has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and
  - the State of which the vessel's master is a national; and
  - relevant RFMOs; and
  - FAO and other relevant international organisations
- Transmission may require the preparation of diplomatic cables. Where possible, transmission should be via electronic means in accordance with Article 16 of the *PSMA*.
  - Care should be taken with personal information collected during the course of an inspection and shall only be disclosed in accordance with AFMA's Information Disclosure Policy





# Australia and the PSMA: On-going Challenges

The 3 main challenges in achieving interagency cooperation under the PSMA in Australia:

1. Communication between agencies
2. Level of commitment between agencies
3. Completion of tasks in a timely manner



# Questions?

