



Australian Government

Australian Fisheries Management Authority

Client Service Charter 2009

Foreword

I'm pleased to present AFMA's Client Service Charter.

This Charter expresses our ongoing commitment to providing you with quality service. It outlines the standard of service you can expect from us, and it provides you with an opportunity to comment on our performance.

Your feedback enables us to continually improve our service and shape our communications to better meet your needs, and we also report annually on our performance against the Charter in our Annual Report.

Our service commitments complement the Australian Public Service Values and Code of Conduct. They also work to foster our agency values: professionalism, inclusiveness, integrity, innovation and accountability.

We aim to be professional, transparent and accountable in all our dealings and to maintain a strong client focus. We are committed to delivering the highest standard of client service and continually seek to improve on it.

Glenn Hurry

Chief Executive Officer

Who is this Client Service Charter for?

This Charter is for all of AFMA's clients. This includes anyone we provide a service to, who works with us in delivering results, or who has an interest in our services, including (but not limited to):

- Ministers and Parliament
- The Australian Government, state and local governments
- All fishing industry members: fishers, producers, processors and consumers
- Other interests groups, research and development organisations and rural communities.

This Charter applies to all of AFMA's fisheries administration and corporate services; including our licensing function.

NOTE: Our compliance, surveillance and enforcement activities are outside the scope of this charter.

What is AFMA?

The Australian Fisheries Management Authority (AFMA) was established as a statutory authority in February 1992 under the *Fisheries Administration Act 1991*. Our role is to manage Australia's Commonwealth fisheries on behalf of the Australian Commonwealth, in accordance with the provisions of the *Fisheries Management Act 1991*.



AFMA manages:

- fisheries within the 200 nautical mile Australian Fishing Zone (AFZ)
- to the low water mark – in some cases (by agreement with the states), and
- Australian fishers on the high seas.

As a general rule, AFMA looks after commercial fisheries from three nautical miles out to the boundary of the AFZ.

The states and the Northern Territory generally look after recreational fishing, commercial coastal and inland fishing and aquaculture.

AFMA acts as a resource manager, making sure we manage our fisheries efficiently and cost-effectively in a way that takes into account the impact of fishing activities and encourages ecologically sustainable development. At the same time, we regulate the use of these fisheries in a way that maximises their economic value and provides accountability to stakeholders and the broader Australian community.

AFMA has built a co-management approach with our stakeholders, involving them in developing policies and actions and encouraging them to share responsibility for fisheries management. Stakeholders include the commercial fishing industry, researchers, environment/conservation organisations, recreational fishing and Indigenous interests, and other government agencies.

What does AFMA do?

In managing Commonwealth fisheries resources on behalf of the Australian community and key stakeholders, we

- make and implement decisions that are consistent with our legislative objectives and functions
- are committed to a partnership approach which actively involves a range of interested parties in the process of developing and implementing fisheries management arrangements
- process licensing and entitlements transactions and collect fees and levies for all Commonwealth fisheries (excluding Torres Strait) to give effect to fisheries management arrangements
- manage a substantial data collection program through our Logbook and Observer Programs.
- in conjunction with other relevant Commonwealth agencies, enforce the provisions of the *Fisheries Management Act 1991* and the *Torres Strait Fisheries Act 1984*.
- participate as part of Australian delegations in international fora.



The service you can expect from us

GENERAL PRINCIPLES AND PRACTICES

In carrying out our work we will:

- conduct all functions in accordance with Australian Public Service Values, Code of Conduct and Australian law
- be honest, ethical and professional
- be helpful and courteous and listen to what you tell us
- use plain English
- Where requested, we will cater for those who have difficulty with the English language, and make appropriate arrangements for the aged and those with disabilities
- use open and transparent processes
- respond promptly to messages and inquiries
- provide information that is complete and accurate
- give stakeholders an opportunity for direct input into the fisheries management decision making process
- inform you about decisions that will affect you
- ensure that you are able to discuss the decisions which affect you with someone who is able to understand and respond to your concerns, and
- impartially apply relevant legislation, policy and guidelines.

NOTE: AFMA cannot provide legal or financial advice. If you have concerns about your individual legal or financial position, you should seek independent professional advice.



OUR SERVICE STANDARDS

Service delivery	What you can expect from us
All clients	
<p>General correspondence and inquiries:</p>	<ul style="list-style-type: none"> • We aim to give you a full response within 15 days of receipt in AFMA. Of course, the exact timing and content of our response will depend on each case and the complexity of the request. <p>If your inquiry is likely to take longer to deal with we will contact you within the 15 day time-frame to advise you of progress and the reasons for the delay.</p> <p>In some cases, it may not be appropriate for us to fully respond to correspondence, or reasonable to expect us to do so. For example, correspondence about legal proceedings, commercial matters, surveillance, investigations and enforcement activities may involve sensitive and restricted matters that will restrict what we can say, or prevent us from replying at all.</p> <ul style="list-style-type: none"> • We will include a date, contact name, telephone number, email address (where relevant) and file reference number (if applicable) in all correspondence we send to you.
Industry clients	
<p>Processing Commonwealth licensing and entitlements transactions:</p>	<ul style="list-style-type: none"> • We will process routine applications for leases, transfers and other dealings affecting fishing concessions within seven days of receipt, subject to you supplying us with everything we need to complete the transaction and to clearance being obtained from other State licensing authorities, where relevant. Where applications are more complex, we will write to you within seven working days of receipt to confirm receipt of your application and advise an expected response date. We will maintain contact with you and continue to advise you of the status of your application, and • If all necessary aspects of an application including fees and charges, catch and logbook returns and applicable concessions are not fulfilled or supplied at the time of application, AFMA will attempt to contact you at least two times over a period of fifteen days to resolve any outstanding issues. After this time, if any issues are not resolved, AFMA will return the applicant to the client. • We will advise you of your rights of review and avenues for appeal, if applicable.



Service delivery	What you can expect from us
<p>In collecting and disseminating catch, effort and other information through our Logbook Program:</p>	<ul style="list-style-type: none"> • We will provide logbooks relating to existing logbook programs within seven days of receiving a request to do so. • Subject to privacy and confidentiality requirements, we will provide business owners or permit holders with compilations of the information that they have provided to us, within ten days of receiving a request to do so. This service will necessarily depend on the completeness of our records and data sources. If we are unable to respond to your request within that time, we will inform you as soon as possible. • We will provide compilations of logbook data, subject to confidentiality arrangements, within 45 days of receiving a request to do so. If we are unable to respond to your request within that time, we will inform you as soon as possible, and • We will protect the confidentiality of information recorded in logbooks and not disclose that information unless authorised or required to do so by law or in consultation with the information provider.
<p>When providing professional Observer services to domestic and foreign fishing vessels operating within the AFZ and subject to arrangements for the nature of the observer's functions being satisfactorily addressed beforehand:</p>	<ul style="list-style-type: none"> • We will provide trained, competent observers for domestic vessels within ten days of a request to do so and within 21 days of requests for vessels in foreign ports. • We will ensure that our observers: <ul style="list-style-type: none"> ○ forward samples collected while at sea within three days of returning to port, and ○ provide reports about their activities and observations at sea within five weeks of returning to AFMA following completion of a cruise. This timeframe may be subject to change where observers have collected large amounts of data.



Your rights

As a client of AFMA, you have the legal right to:

- have your privacy respected - the *Privacy Act 1988* protects an individual's personal information and requires that we use the information only for the purpose for which it was provided, protect the confidentiality of such information and do not disclose that information to any person or organisation unless we have your consent or are required by law to do so.
- access information that we hold about you - the *Freedom of Information Act 1982* gives you the right to have access to information that we hold about you subject to certain conditions.
- bring any deficiencies in AFMA's administration to the attention of the Commonwealth Ombudsman.
- have certain fisheries management decisions reviewed - most of our fisheries management decisions have statutory rights of review under the *Fisheries Management Act 1991* and AFMA will advise you of these rights when making a decision affecting you. Depending on the nature of the decision, you may also have the right to make an application to the Federal Court for judicial review under the *Administrative Decisions (Judicial Review) Act 1977*.

However, as AFMA is not able to provide legal advice in these matters, you should refer any decisions to your independent legal advisor/s as to the existence and nature of such rights.

Your responsibilities

You can help us to help you by:

- providing your queries to us in writing
- giving us accurate information within a reasonable timeframe
- ensuring that forms and documents are completed fully and in detail
- giving us advance notice of any request for information or assistance so that we can plan to meet your request on time, and
- treating our staff courteously.

When paying licensing and levy fees, we suggest using online banking for convenient electronic funds transfer.

We also recommend taking advantage of AFMA's online services, including GOFish and Quotaboard to assist fishers in managing their fishing operations:

GOFish – is AFMA's password protected online system for accessing current statements on quota. It enables fishers to transact online and obtain instant online access to their current quota holdings, including full history of quota transactions conducted during the current season. For more information see: <http://www.afma.gov.au/GOFish/default.htm>

Quotaboard – is an online quota trading classifieds board which allows you to browse or advertise Commonwealth quota, statutory fishing rights (SFRs) or permits to buy, lease or sell. For more information see: www.quotaboard.afma.gov.au



How to make a complaint

We value your feedback. If you are not satisfied with the service you received or the behaviour of our staff, we encourage you to:

STEP 1: Tell the employee with whom you are dealing the nature of your dissatisfaction or concern.

STEP 2: If you are not satisfied with their response, you may ask to speak to a senior manager or request to speak to the staff member's supervisor in person or by phone with a view to resolving your concerns immediately.

STEP 3: If you are still not satisfied or would like to provide suggestions or comments, please contact:

ATTN: COMPLAINTS & FEEDBACK

Mr Peter Witheridge
Executive Secretary
Australian Fisheries Management Authority
Telephone: (02) 6225 5576
Fax: (02) 6225 5300
Email : complaints@afma.gov.au

There is no financial charge for making a complaint. All complaints will be dealt with confidentially, impartially and effectively. Where appropriate, complaints will be fully investigated.

If you don't speak English very well, help is available through the **Translating and Interpreting Service (TIS)** on **131 450**. If you are hearing, sight or speech impaired, a **TTY Service** is available through the **National Relay Service** on **133 677**.

Addressing your concerns

In addressing your concerns we will:

- acknowledge receipt of your complaint in writing within five working days
- where appropriate, ensure that a full, impartial, and timely investigation of your complaint is undertaken by someone who has not previously been involved in the matter
- provide adequate protection for information collected during the formal complaint process to preserve the confidentiality of all parties concerned in the process, and
- within 20 working days of receipt of your formal complaint, provide you with a full and detailed explanation of how and why any decision was made.



External Review

If you are not satisfied with how we have handled any complaint that you have made, you can refer the matter to the Commonwealth Ombudsman.

You may also ask a friend or relative, a Member of Parliament, legal representative or a welfare or community group to assist you with a complaint or ask them to make a complaint on your behalf.

Complaints can be made in writing, by phone, in person or by using their [online complaint form](#)

Office of the Commonwealth Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

Phone 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Compliments and feedback

We value your compliments, complaints and feedback. If you have any suggestions or comments about this Service Charter or our associated feedback management processes, please contact:

Mr Peter Witheridge
Executive Secretary
Australian Fisheries Management Authority
Box 7051
Canberra Business Centre ACT 2610
Phone: 1300 723 621
Fax: 02 6225 5300
Email : feedback@afma.gov.au

Or submit your feedback anonymously online at: www.afma.gov.au/feedback

This charter, and more about how we handle complaints and compliments, is available on our website at: www.afma.gov.au



REVIEW OF AFMA DECISIONS

If you are dissatisfied with an AFMA decision

If you are unhappy with the process or outcome of an AFMA decision. There are two main avenues for review:

Merits review: If you feel that AFMA made an incorrect decision, you should investigate your right to a Merits review.

Judicial review: If you feel that the AFMA decision was unlawful in process or outcome, you should investigate your right to a judicial review.

Merits review

A person affected by a *relevant decision* made by AFMA who is dissatisfied with the decision may seek a reconsideration of that decision by AFMA. A relevant decision is defined in section 165(1) of the *Fisheries Management Act 1991*. AFMA is obliged where it makes such a relevant decision to inform you of this right of review.

Applications for reconsideration of a relevant decision must be made within 21 days after being notified by AFMA of the decision, or if an extension is sought within that 21 period, such further time as allowed by AFMA. They must further set out the reasons for making the request.

AFMA must within 45 days of receiving the request, reconsider the relevant decision and may make a decision in substitution of the relevant decision, whether on the same terms or not, or revoke the relevant decision. AFMA must then inform you of the result of the reconsideration and provide you with reasons for its decision. AFMA's decision on reconsideration is known as a reviewable decision.

Where AFMA makes a reviewable decision, subject to the *Administrative Appeals Act 1975*, a person whose interests are affected by the decision may make an application to the Administrative Appeals Tribunal for a review of the decision. As with relevant decisions, when AFMA provides you with notice of a reviewable decision it is obliged to advise you of this right of review.

Merits review – decisions as to whom the grant of SFR's is to be made

A person who is dissatisfied with a decision by AFMA or a Joint Authority as to the person or persons to whom statutory fishing rights is to be made and is registered as an eligible person in relation to the grant of a fishing right to which the decision relates may subject to the *Fisheries Management Act 1991* apply to the Statutory Fishing Rights Allocation Review Panel for a review of that decision.

The application must:

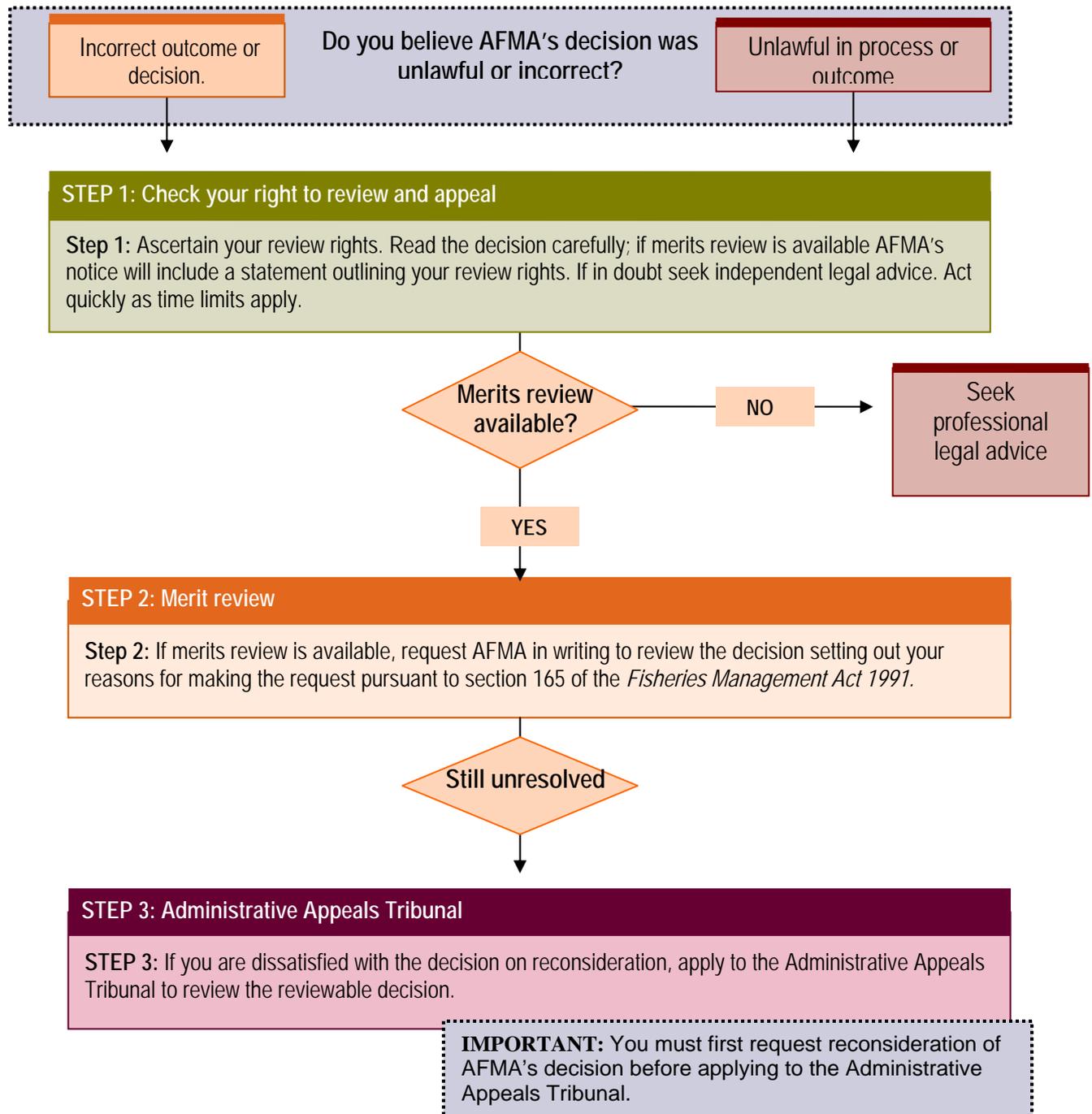
- include details of the decision
- clearly outline the nature of the requested review, and
- include reasons why the review is sought.

Judicial review

Depending on the nature of the decision, you may also have the right to make an application to the Federal Court for judicial review of the decision under the *Administrative Decisions (Judicial Review) Act 1977* and/or the *Judiciary Act 1903*. You should seek independent legal advice as to the existence and nature of such rights.



Your right to review



Review and evaluation of the Client Service Charter

We will review this Charter regularly to ensure that it remains relevant.

Every year, we evaluate our service delivery against the standards we have set in this Service Charter and report on our performance in our Annual Report.

AFMA contacts

Canberra Office

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73 Northbourne Avenue
CIVIC ACT 2600

Postal address

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Canberra BC
CANBERRA ACT 2610

Enquiries

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Fax: (02) 6272 5175
AFMA Direct: 1300 723 621

Darwin Office

Street address

Level 6
NT House
22 Mitchell Street
DARWIN NT 800

Postal address

GPO Box 131
DARWIN NT 0801

Enquiries

Telephone: (08) 8943 0333
Fax: (08) 8942 2897

Thursday Island Office

Street address

Level 2
Pearls Building
38 Victoria Parade
THURSDAY ISLAND
QLD 4875

Postal address

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QLD 4875

Enquiries

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