



Australian Marine Parks

Quarterly Compliance Report

October, November, December 2023



Australian Government
Director of National Parks



**Australian
Marine Parks**

Glossary and Abbreviations

Term/ Abbreviation	Explanation
ABF	Australian Border Force
AFMA	Australian Fisheries Management Authority
AFV	Australian Fishing Vessel
AMP	Australian Marine Park
AMSA	Australian Maritime Safety Authority
BBT	Papua New Guinea open narrow dingy style vessel
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
FAD	Fish Aggregating Device
FFV	Foreign Fishing Vessel
HPZ	Habitat Protection Zone
IVO	In vicinity of
MARPOL	Maritime Pollution
MBC	Maritime Border Command
MP	Marine Park
MUZ	Multiple Use Zone
NAVHAZ	Navigational Hazard
NFA	No Further Action
NPZ	National Park Zone
PA	Parks Australia
PIN	Penalty Infringement Notice
RFI	Request for Information
ROI	Record of Interview
RUZ	Recreational Use Zone
SPZ	Special Purpose Zone
SZ	Sanctuary Zone
Type 1	Indonesian traditional fishing vessel 1 sail
Type 2	Indonesian traditional fishing vessel 2 sails
Type 3	Indonesian motorised fishing vessel under 20m
Type 4	Indonesian motorised fishing vessel over 20m
USV	Uncrewed Surface Vessel
VMS	Vessel Monitoring System
Foreign Aerial Sighting - NFA	FFVs sighted by aerial surveillance within an AMP and not considered to be conducting transit passage are referred to ABF for

Term/ Abbreviation	Explanation
	response. When a response asset is not provided, no further action (NFA) is recorded.
Seize Catch/Gear	An FFV that has been physically interdicted and had its fishing equipment and catch seized prior to being directed to exit the AEEZ.
Seize Catch/Gear – Vsl Confiscated	An FFV that has been physically interdicted and had its fishing equipment and catch seized prior to crew being consolidated on another vessel and ordered to exit the AEEZ. The vessel is then forfeit to the commonwealth.
Transit Passage	An FFV exercising innocent passage to transit the AEEZ with fishing gear and equipment stowed.
Educate and disembark	An FFV that has been physically interdicted and found through investigation to be operating in accordance with the law.
Apprehension	An FFV that has been physically interdicted and had its crew apprehended. The crew is returned to the Australian mainland to face prosecution in an Australian court. The vessel, its fishing equipment and catch is forfeit to the commonwealth.
Flag State Referral	Evidence and information are provided via diplomatic channels to the registered Flag State of the vessel, requesting the Flag State to take appropriate action in accordance with international or regional agreements.
NFA – Minor breach	NFA Minor breach refers to incidents in which the offence is relatively minor, the vessel is not fishing, and no further action is required.
Verbal Advice	Verbal advice is reserved for minor infractions where the alleged offence is minor, unintentional and the alleged offender is unlikely to wilfully reoffend.
Advisory Letter	An advisory letter forms a formal written record of advice in relation to an alleged offence. Advisory letters are issued in conjunction with verbal advice and are reserved for infractions where the alleged offence is minor in nature and a formal written advice is appropriate.
Warning Notice	A Warning Notice is an official document issued for non-compliance that warns the offender about the alleged offence and outlines the potential penalties. The Notice does not impose a fine on the alleged offender, rather it explains that further breaches may result in a harsher punishment such as issuing a Penalty Infringement Notice or more significant penalties including prosecution.
Infringement Notice	An Infringement Notice is an official document issued for non-compliance that provides an alleged offender the opportunity to

Term/ Abbreviation**Explanation****Authorisation****Terminated****Civil Penalty****Criminal Proceedings****NFA – Insuff Evidence**

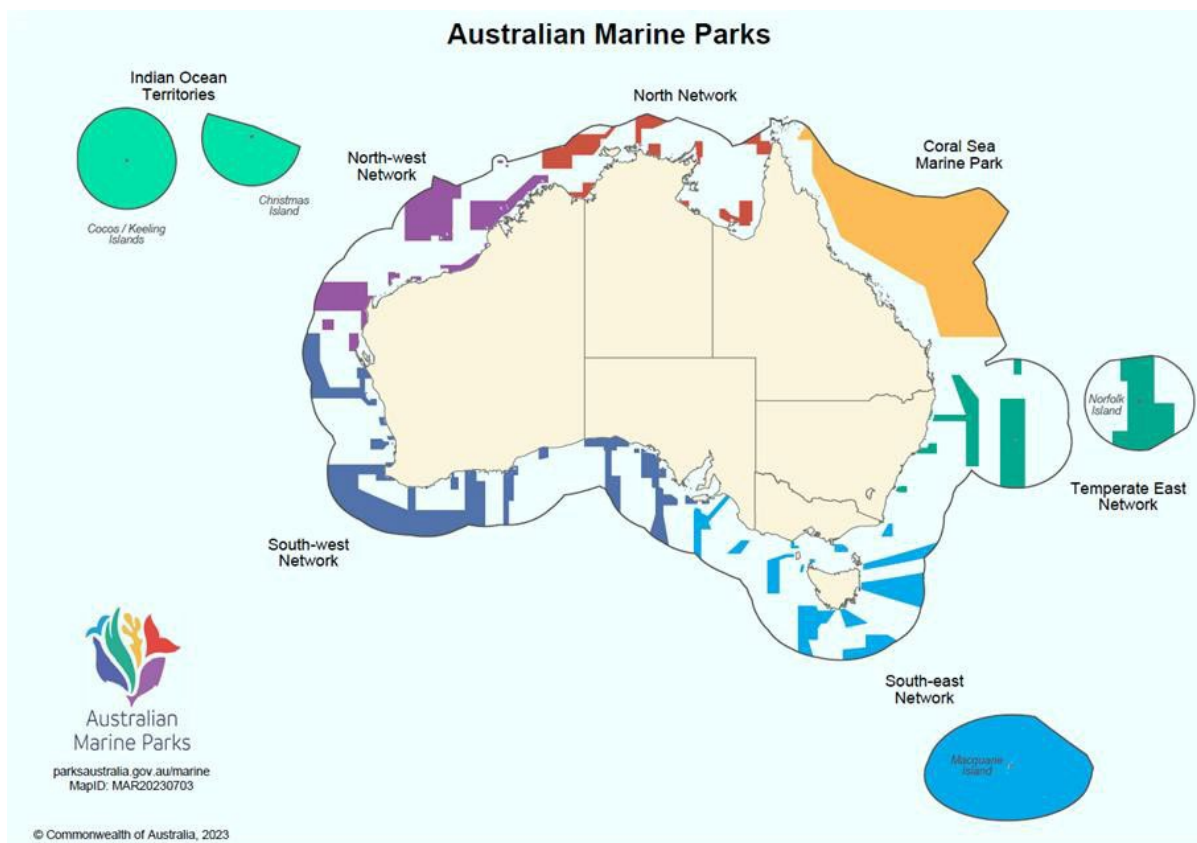
settle the alleged matter without going to court. The notice penalises the offender for an alleged offence, however if the penalty is paid the alleged offender's criminal liability is discharged.

Under r.17.12 of the EPBC Regulations, a delegate may, by written notice, cancel a permit issued by the Director.

Civil penalties reflect the need for economic deterrence to non-compliance and seek to redress the harm done by contraventions. Civil actions initiated by the Minister are heard in the Federal Court.

Criminal proceedings are pursued when, the alleged offence resulted in a significant environmental harm, significant recklessness or intent was involved in perpetrating the offending act, previous administrative or civil enforcement responses have not deterred the person from repeating contravention, or an alleged offender has elected not to pay an infringement notice and to have the matter heard in court.

NFA – Insufficient Evidence, an outcome reserved for incidents in which it appears an offence has occurred however the available evidence or quality of evidence is insufficient to effectively prove an offence has occurred.



North	Coral Sea	Temperate East	South-east	South-west	North-west	Indian Ocean Territories
Arafura	Ashmore Reef	Central Eastern	Apollo	Abrolhos	Argo-Rowley Terrace	Christmas Island
Arnhem	Bougainville Reef	Cod Grounds	Beagle	Bremer	Ashmore Reef	Cocos (Keeling) Islands
Gulf of Carpentaria	Cato Reef	Gifford	Boags	Eastern Recherche	Carnarvon Canyon	
Joseph Bonaparte Gulf	Coral Sea	Hunter	East Gippsland	Geographe	Cartier Island	
Limmen	Coringa Herald Cays	Jervis	Flinders	Great Australian Bight	Dampier	
Oceanic Shoals	Diane Bank	Lord Howe	Franklin	Jurien	Eighty Mile Beach	
Wessel	Flinders Reefs	Norfolk	Freycinet	Murat	Gascoyne	
West Cape York	Fraser Seamount	Solitary Islands	Huon	Perth Canyon	Kimberley	
	Frederick Reefs		Macquarie Island	Southern Kangaroo Island	Mermaid Reef	
	Holmes Reefs		Murray	South-west Corner	Montebello	
	Kenn Reefs		Nelson	Twilight	Ningaloo	
	Lihou Reef		South Tasman Rise	Two Rocks	Roebuck	
	Marion Reef		Tasman Fracture	Western Eyre	Shark Bay	
	Mellish Reef		Zeehan	Western Kangaroo Island		
	Moore Reefs					
	Osprey Reef					
	Saumarez Reefs					
	Shark Reef					
	Tregrosse Reefs					
	Vema Reef					
	Willis Islets					
	Wreck Reefs					

Compliance program

Introduction

Parks Australia's (PA) compliance program aims to achieve high levels of compliance by marine park users with the rules set out in the management plans. The program implements strategies and undertakes compliance actions that focus on achieving voluntary compliance through improving awareness and prevention, effective detection (surveillance and monitoring) and deterrence outcomes. The application of these strategies is informed using a risk-based approach, which enables the targeting of compliance priorities with informed decision-making and responses.

Risk assessments

Compliance risk assessments are undertaken on a biennial basis for each network of marine parks and the Coral Sea Marine Park to identify compliance risk sources and assess priorities. This information informs the preparation of biennial network compliance plans, which in turn define the suite of actions that are to be undertaken by PA to address compliance risks.

Incident detection and activity monitoring

Compliance incidents in Australian Marine Parks (AMP) are detected through a number of sources including:

- **Aerial surveillance** – Maritime Border Command (MBC), the Australian Maritime Safety Authority (AMSA), PA charter flights and state government partnership arrangements
- **Vessel patrols** – Australian Border Force (ABF) / MBC and state government partnership arrangements
- **Vessel Monitoring System** – Australian Fisheries Management Authority (AFMA) and state government partnership arrangements
- **Acoustic monitoring** – Sound traps
- **Direct reporting** – General public (1800 calls or emails) and reports from state or Commonwealth agencies.

Enforcement response

Deterrence of illegal activity through appropriate enforcement action is essential and is guided by the Enforcement Guidelines for Commonwealth Marine Protected Areas. Enforcement action is taken commensurate with the severity of the offence and may include:

- **Administrative actions** – are used for minor offences and includes warning notices, advisory letters, infringement notices or cancellation of a permit or approval.
- **Civil actions** – are used to reflect the need for economic deterrence to non-compliance and seeks to redress the harm done as a result of contraventions. Civil actions are initiated by the Minister and heard in the Federal Court.

Report summary

Surveillance

- 41 surface patrols
- 897 aerial surveillance flights
- 1325 VMS alerts
- 4 phone calls to our 1800 reporting line
- 19 phone calls received by the AMP duty officer

Incidents

- 171 Foreign Fishing incidents detected
- 12 Recreational Fishing incidents detected
- 6 Commercial Fishing Transit incidents detected
- 5 Authorisation incidents detected
- 0 Ghost Net incidents detected
- 8 Marine Debris incidents detected

Outcomes

- 15 Seize catch/gear
- 9 Infringement Notices issued
- 2 FFV seizures
- 2 Warning Notices issued
- 2 educate and disembark of FFV
- 2 Advisory Letters issued
- 1 FFV apprehension
- 1 Ghost Net/Marine Debris Recovered
- 1 instance of verbal advice
- 1 flag state referral to foreign government

Incidents Occurring During the Reporting Period

Authorisations

- 1 Authorisation incident detected in Coral Sea Marine Park, National Park Zone in November 2023 resulting in Advisory Letter.
- 1 Authorisation incident detected in Hunter Marine Park, Habitat Protection Zone in November 2023 resulting in NFA - No Breach.
- 1 Authorisation incident detected in Ningaloo Marine Park, Recreational Use Zone in November 2023 resulting in Advisory Letter.
- 1 Authorisation incident detected in Oceanic Shoals Marine Park, Multiple Use Zone in November 2023 resulting in NFA - No Breach.
- 1 Authorisation incident detected in Perth Canyon Marine Park, Multiple Use Zone in November 2023 resulting in NFA - Minor Breach.

Commercial Fishing Transit

- 1 Commercial Fishing Transit incident detected in Flinders Marine Park, Multiple Use Zone in December 2023 resulting in NFA - Minor Breach.
- 1 Commercial Fishing Transit incident detected in Solitary Islands Marine Park, National Park Zone in November 2023 resulting in Verbal advice.
- 3 Commercial Fishing Transit incidents detected in Tasman Fracture Marine Park, Marine National Park Zone in December 2023 resulting in NFA - Minor Breach.
- 1 Commercial Fishing Transit incident detected in Western Eyre Marine Park, National Park Zone in December 2023 resulting in NFA - Minor Breach.

Foreign Fishing

- 1 Foreign Fishing incident detected in Argo-Rowley Terrace Marine Park, Multiple Use Zone in October 2023 resulting in Foreign Aerial Sighting- NFA.
- 5 Foreign Fishing incidents detected in Argo-Rowley Terrace Marine Park, Multiple Use Zone in October 2023 resulting in Seize catch/gear.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Sanctuary Zone in October 2023 resulting in Educate and Disembark.
- 3 Foreign Fishing incidents detected in Ashmore Reef Marine Park, Sanctuary Zone in October 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Sanctuary Zone in October 2023 resulting in Seize catch/gear.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Sanctuary Zone in October 2023 resulting in Seize catch/gear - Vsl Confiscated.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Sanctuary Zone in November 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Sanctuary Zone in November 2023 resulting in Seize catch/gear.
- 4 Foreign Fishing incidents detected in Ashmore Reef Marine Park, Sanctuary Zone in December 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Christmas Island Marine Park, National Park Zone in October 2023 resulting in Flag State Referral.
- 1 Foreign Fishing incident detected in Christmas Island Marine Park, National Park Zone in November 2023 resulting in Educate and Disembark.
- 1 Foreign Fishing incident detected in Christmas Island Marine Park, National Park Zone in

November 2023 resulting in Transit Passage.

- 1 Foreign Fishing incident detected in Cocos (Keeling) Islands Marine Park, National Park Zone in October 2023 resulting in Transit Passage.
- 41 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in October 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in October 2023 resulting in Seize catch/gear.
- 37 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in November 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Kimberley Marine Park, Multiple Use Zone in November 2023 resulting in Seize catch/gear.
- 1 Foreign Fishing incident detected in Kimberley Marine Park, Multiple Use Zone in December 2023 resulting in Apprehension.
- 9 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in December 2023 resulting in Foreign Aerial Sighting- NFA.
- 2 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in December 2023 resulting in Seize catch/gear.
- 1 Foreign Fishing incident detected in Kimberley Marine Park, National Park Zone in October 2023 resulting in Foreign Aerial Sighting- NFA.
- 2 Foreign Fishing incidents detected in Kimberley Marine Park, National Park Zone in November 2023 resulting in Foreign Aerial Sighting- NFA.
- 2 Foreign Fishing incidents detected in Mermaid Reef Marine Park, National Park Zone in October 2023 resulting in Seize catch/gear.
- 1 Foreign Fishing incident detected in Mermaid Reef Marine Park, National Park Zone in December 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Multiple Use Zone in November 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Multiple Use Zone in December 2023 resulting in Foreign Aerial Sighting- NFA.
- 23 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in October 2023 resulting in Foreign Aerial Sighting- NFA.
- 16 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in November 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in December 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in December 2023 resulting in Seize catch/gear - Vsl Confiscated.

Marine Debris

- 1 Marine Debris incident detected in Ashmore Reef Marine Park, Sanctuary Zone in November 2023 resulting in Net/Debris Recovered.
- 1 Marine Debris incident detected in Christmas Island Marine Park, Habitat Protection Zone in November 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Christmas Island Marine Park, National Park Zone in October 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Cocos (Keeling) Islands Marine Park, National Park Zone in October 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Oceanic Shoals Marine Park, Multiple Use Zone in

October 2023 resulting in Net/Debris Not Recovered.

- 1 Marine Debris incident detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in December 2023 resulting in Net/Debris Not Recovered.
- 2 Marine Debris incidents detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in October 2023 resulting in Net/Debris Not Recovered.

Recreational Fishing

- 2 Recreational Fishing incidents detected in Cod Grounds Marine Park, National Park Zone in November 2023 resulting in Infringement Notice.
- 2 Recreational Fishing incidents detected in Cod Grounds Marine Park, National Park Zone in December 2023 resulting in Infringement Notice.
- 1 Recreational Fishing incident detected in Geographe Marine Park, National Park Zone in October 2023 resulting in Warning Notice.
- 1 Recreational Fishing incident detected in Solitary Islands Marine Park, National Park Zone in October 2023 resulting in Warning Notice.
- 1 Recreational Fishing incident detected in Solitary Islands Marine Park, National Park Zone in November 2023 resulting in Infringement Notice.
- 1 Recreational Fishing incident detected in Solitary Islands Marine Park, National Park Zone in November 2023 resulting in NFA - Insuff Evidence.
- 2 Recreational Fishing incidents detected in Two Rocks Marine Park, National Park Zone in October 2023 resulting in Infringement Notice.
- 1 Recreational Fishing incident detected in Two Rocks Marine Park, National Park Zone in November 2023 resulting in Infringement Notice.
- 1 Recreational Fishing incident detected in Two Rocks Marine Park, National Park Zone in December 2023 resulting in Infringement Notice.

Incidents Previously Reported but Finalised During the Reporting Period

Authorisations

- 1 Authorisation incident previously reported in Solitary Islands Marine Park, Multiple Use Zone and finalised in October 2023 resulting in Warning Notice.

Recreational Fishing

- 1 Recreational Fishing incident previously reported in Solitary Islands Marine Park, National Park Zone and finalised in November 2023 resulting in Warning Notice.