



## Australian Marine Parks

# Quarterly Compliance Report

April, May & June 2022



**Australian Government**  
**Director of National Parks**



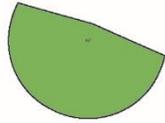
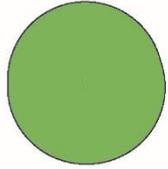
**Australian  
Marine Parks**

# Abbreviations

| 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                         |
| VMS          | Vessel Monitoring System   |

# Australian Marine Parks

Cocos (Keeling) Islands Marine Park



Christmas Island Marine Park

North-west Network

North Network

Coral Sea Marine Park

South-west Network

Temperate East Network

South-east Network

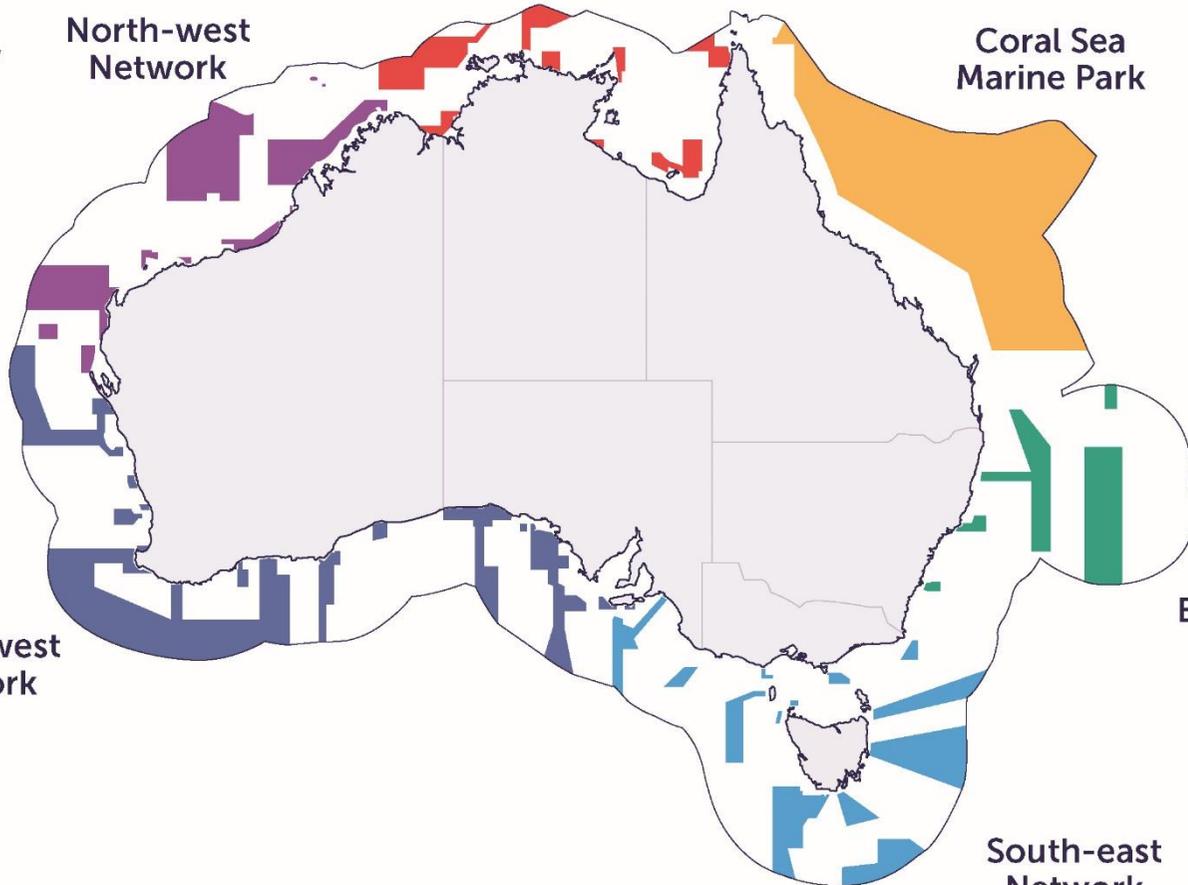
Norfolk Island

Macquarie Island



Australian Marine Parks

[parksaustralia.gov.au/marine](http://parksaustralia.gov.au/marine)



| 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     | Pimpernel Rock   | 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.
- **Criminal actions** – are used when offences involve significant environmental harm, serious intent or recklessness or repeat serious offenders. A person issued with a penalty infringement notice may elect to not pay an infringement notice and to have the matter heard in court.

## Compliance information sensitivities

Due to the nature and sensitivity of the information used to create this document, some information including maritime patrols and aerial surveillance frequency and location have not been included or aggregated to protect the tactics, methodology and integrity of PA's compliance program and our various partner agencies.

## Reporting illegal activity

If you witness or know about any illegal activity within an AMP, we urge you to report this activity.

All reports are completely voluntary and anonymous. If you chose to include your personal details, you may be contacted to provide more/greater details about your report.

You can report in one of two ways:

1. via our reporting hotline on **1800 852 975** where you can talk to one of our Marine Compliance Officers
2. via an email to [marine.compliance@awe.gov.au](mailto:marine.compliance@awe.gov.au)



Schooling bigeye trevally in the Coral Sea.  
Photo: Parks Australia.

# Report summary



## Surveillance

52 surface patrols (not including ABF continuous multi vessel presence in northern waters)  
517 aerial surveillance flights  
1551 VMS alerts  
3 phone calls to our 1800 reporting hotline



## Incidents

116 compliance incidents  
32 marine debris sightings<sup>1</sup>



## Outcomes

1 civil case finalised  
26 legislative forfeitures conducted  
3 penalty infringement notices  
2 warning notices  
4 advisory letters  
8 ongoing investigations



## Statistics

Last 12 months by quarter – incidents per network  
Last 12 months by quarters – incidents per activity  
Last quarter – incidents per activity  
Last quarter – incidents per network  
Last quarter – incident table

<sup>1</sup> May include multiple sightings



## Incidents

### Authorisations

1 x vessel identified by public report potentially in breach of authorisation conditions in Bremer MP. Verbal advice provided. Date: 5 April 2022.

1 x charter vessel detected by aerial surveillance within Mermaid Reef NPZ without authorisation. Advisory letter issued. Date: 14 June 2022.

1 x charter vessel detected by surface patrol within Ashmore Reef RUZ without authorisation. Verbal advice provided and temporary authorisation issued. Date: 9 June 2022.

### Commercial Fishing

4 x AFVs detected by VMS transiting below 5 knots in Great Australian Bight SPZ. 2 x minor breach – NFA, 1 x advisory letter issued and 1 x investigation ongoing. Dates: 9 & 10 April / 9, 24 & 30 May / 11 & 12 June 2022.

5 x AFVs detected by VMS transiting below 5 knots in Flinders MUZ. 3 x no breach – NFA, 1 x minor breach – NFA and 1 x investigation ongoing. Dates: 9, 19, 23 & 28 April / 17 & 20 June 2022.

1 x AFV detected by VMS transiting below 5 knots in Freycinet MUZ. Minor breach – NFA. Date: 20 April 2022.

1 x AFV detected by surface patrol in Arnhem SPZ. Insufficient evidence to pursue – NFA. Date: 29 April 2022.

2 x AFVs detected on VMS transiting below 5 knots in Coral Sea MP. 1 x minor breach – NFA and 1 x investigation ongoing. Dates: 1 & 12 May and 4 June 2022.

1 x AFV detected by VMS transiting below 5 knots in Macquarie Island SZ. Minor breach – NFA. Date: 2 May 2022.

1 x AFV detected by VMS transiting below 5 knots in Zeehan MUZ. Minor breach – NFA. Date: 9 May 2022.

1 x AFV detected by VMS transiting below 5 knots in Beagle MUZ. Minor breach – NFA. Date: 10 May 2022.

1 x AFV detected by VMS transiting below 5 knots in Tasman Fracture NPZ. Minor breach – NFA. Date: 21 May 2022.

1 x AFV detected by VMS transiting below 5 knots in Oceanic Shoals HPZ. Minor breach – NFA. Date: 1 June 2022.

2 x AFVs detected by VMS transiting below 5 knots in Gulf of Carpentaria NPZ. 1 x minor breach – NFA and 1 x investigation ongoing. Date: 18 June 2022.

## **Recreational Fishing**

5 x recreational fishing vessels identified by surface patrol and aerial surveillance potentially fishing within Pimpernel Rock NPZ. 1 x PIN issued; 1 x warning notice issued; 1 x advisory letter issued, and 2 x investigations ongoing. Dates: 5, 18 & 29 April and 25 May 2022.

2 x recreational fishing vessels identified by aerial surveillance potentially fishing within Cod Grounds NPZ. Investigations ongoing. Date: 15 & 19 April 2022.

2 x recreational fishing vessels identified by aerial surveillance within Coral Sea MP. No breach, NFA. Date: 30 May 2022.

## **Foreign Fishing**

29 x FFVs sighted by aerial surveillance and surface patrol within Argo-Rowley Terrace MUZ. Response was requested, resulting in 5 x legislative forfeitures of catch and gear and 1 x vessel seized and disposed of.

20 x FFVs sighted by aerial surveillance and surface patrol within Ashmore Reef SZ. Response was requested, resulting in 12 x legislative forfeitures of catch and gear and 1 x vessel seized and disposed of.

13 x FFVs sighted by aerial surveillance and surface patrol within Kimberley MUZ. Response was requested, resulting in 3 x legislative forfeitures of catch and gear.

10 x FFVs sighted by aerial surveillance within Mermaid Reef NPZ. Response was requested, resulting in 5 x legislative forfeitures of catch and gear and 2 x vessels seized and disposed of.

10 x FFVs sighted by aerial surveillance within Oceanic Shoals SPZ and MUZ. Response was requested, resulting in 1 x legislative forfeiture of catch and gear.

1 x FFV sighted by aerial surveillance transiting West Cape York NPZ. Response was requested, no assets were available to respond.

1 x FFV sighted by aerial surveillance within Cartier Island SZ. Response was requested, no assets were available to respond.

## **Marine Debris**

10 x FADs sighted by aerial surveillance in Cocos Keeling Islands NPZ.

9 x FADs sighted by aerial surveillance in Christmas Island NPZ and HPZ.

7 x FADs sighted by aerial surveillance in Oceanic Shoals MP.

5 x FADs sighted by aerial surveillance in Argo-Rowley Terrace NPZ.

1 x FAD sighted by aerial surveillance in Ashmore Reef SZ.



## Outcomes

### Civil Cases

1 x AFV identified conducting commercial fishing activity in Oceanic Shoals MUZ from 4 to 10 September 2018. The penalty handed down by the Federal Court is as follows:

- The respondents pay to the Commonwealth of Australia a pecuniary penalty pursuant to s 481 of the EPBC Act for the contravention of s 354(1)(f) of the EPBC Act in the sum of \$95,000.
- The respondents pay a contribution to the applicant's costs of the proceeding as agreed in the sum of \$17,500.

### Legislative Forfeitures

12 x legislative forfeitures performed by AFMA on FFVs in Ashmore Reef Sanctuary Zone, and 1 x vessel seized and disposed of.

5 x legislative forfeitures performed by AFMA on FFVs in Mermaid Reef NPZ, and 2 x vessels seized and disposed of.

5 x legislative forfeitures performed by AFMA on FFVs in Argo-Rowley Terrace MUZ, and 1 x vessel seized and disposed of.

3 x legislative forfeitures performed by AFMA on FFVs in Kimberley MUZ.

1 x legislative forfeiture performed by AFMA on an FFV in Oceanic Shoals SPZ.

### Penalty Infringement Notices

2 x PINs issued to recreational fishers identified by aerial surveillance fishing in Cod Grounds NPZ. Date: 10 December 2021 & 15 April 2022.

1 x PIN issued to recreational fisher identified by aerial surveillance fishing in Pimpernel Rock NPZ. Date: 29 April 2022.

### Warning Notices

1 x warning notice issued to recreational fisher identified by aerial surveillance anchored in Pimpernel Rock NPZ. Date: 18 April 2022.

1 x warning notice issued to recreational fisher identified by aerial surveillance potentially fishing within Cod Grounds NPZ. Date: 19 April 2022.

### Advisory Letters

1 x advisory letter issued to organisation self-reported conducting activities without authorisation in the North-west Network. Date: July 2021.

1 x advisory letter issued to organisation conducting activities without authorisation in the Coral Sea Network. Date: 10 August 2021.

1 x advisory letter issued to recreational fishing vessel sighted by surface patrol and aerial surveillance in Pimpernel Rock NPZ. Date: 5 April 2022.

1 x charter vessel detected by aerial surveillance within Mermaid Reef NPZ without authorisation. Advisory letter issued. Date: 14 June 2022.

### **Ongoing Investigations**

1 x AFV detected by VMS potentially fishing in West Cape York NPZ. Date: 7 February 2022.

1 x AFV sighted by aerial surveillance potentially fishing in Oceanic Shoals HPZ. Date: 19 February 2022.

2 x recreational fishing vessels identified by aerial surveillance potentially fishing within Pimpernel Rock NPZ. Dates: 5 April & 25 May 2022.

1 x AFV detected by VMS transiting below 5 knots in Coral Sea MP. Date: 4 June 2022.

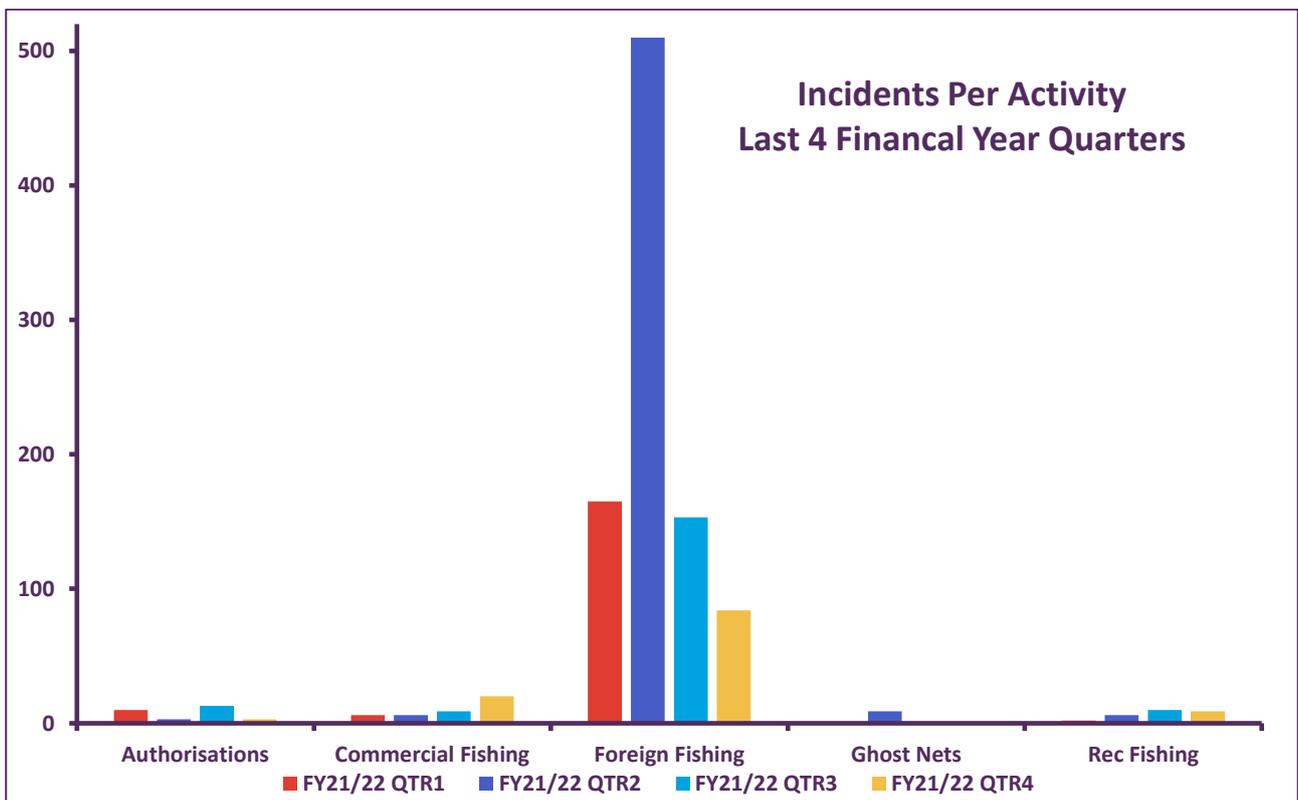
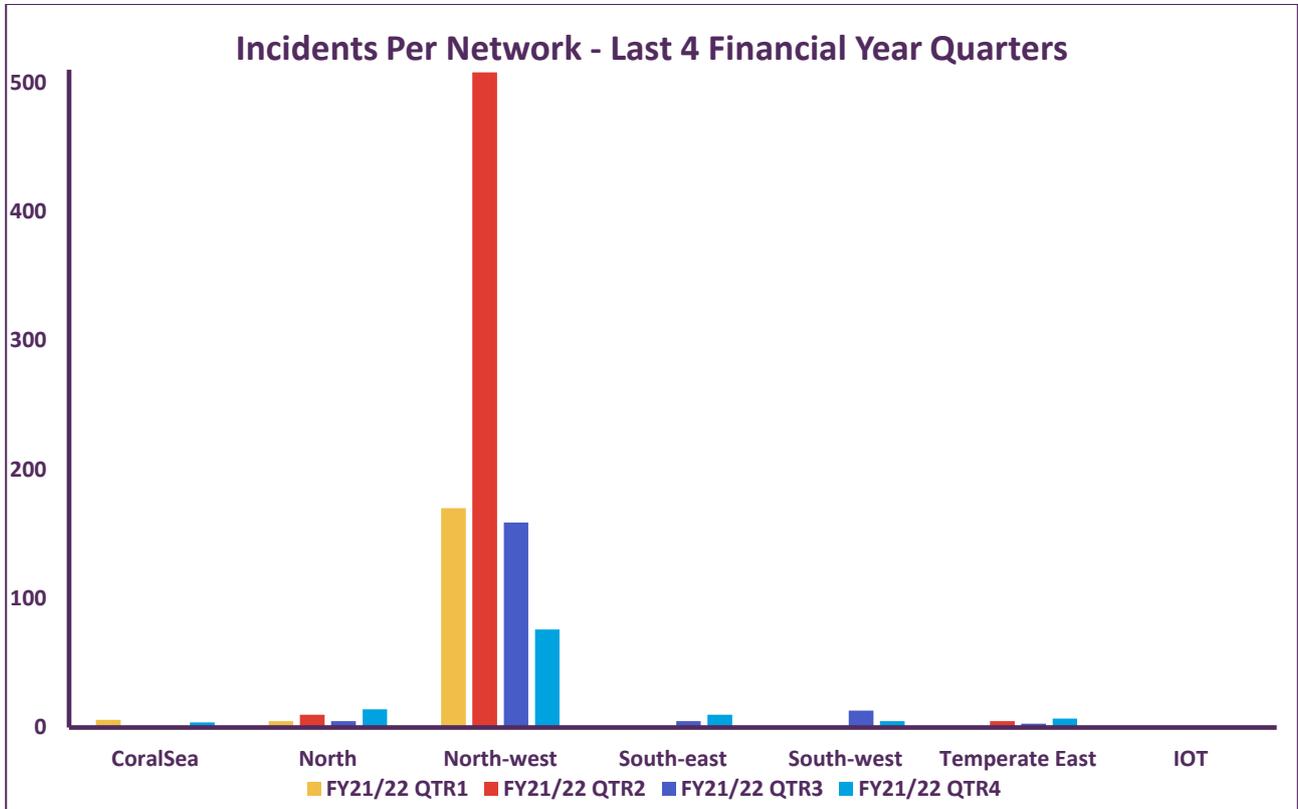
1 x AFV detected by VMS transiting below 5 knots in Great Australian Bight SPZ. Date: 11 June 2022.

1 x AFV detected by VMS transiting below 5 knots in Gulf of Carpentaria NPZ. Date: 18 June 2022.

1 x AFV detected by VMS transiting below 5 knots in Flinders MUZ. Date: 20 June 2022.

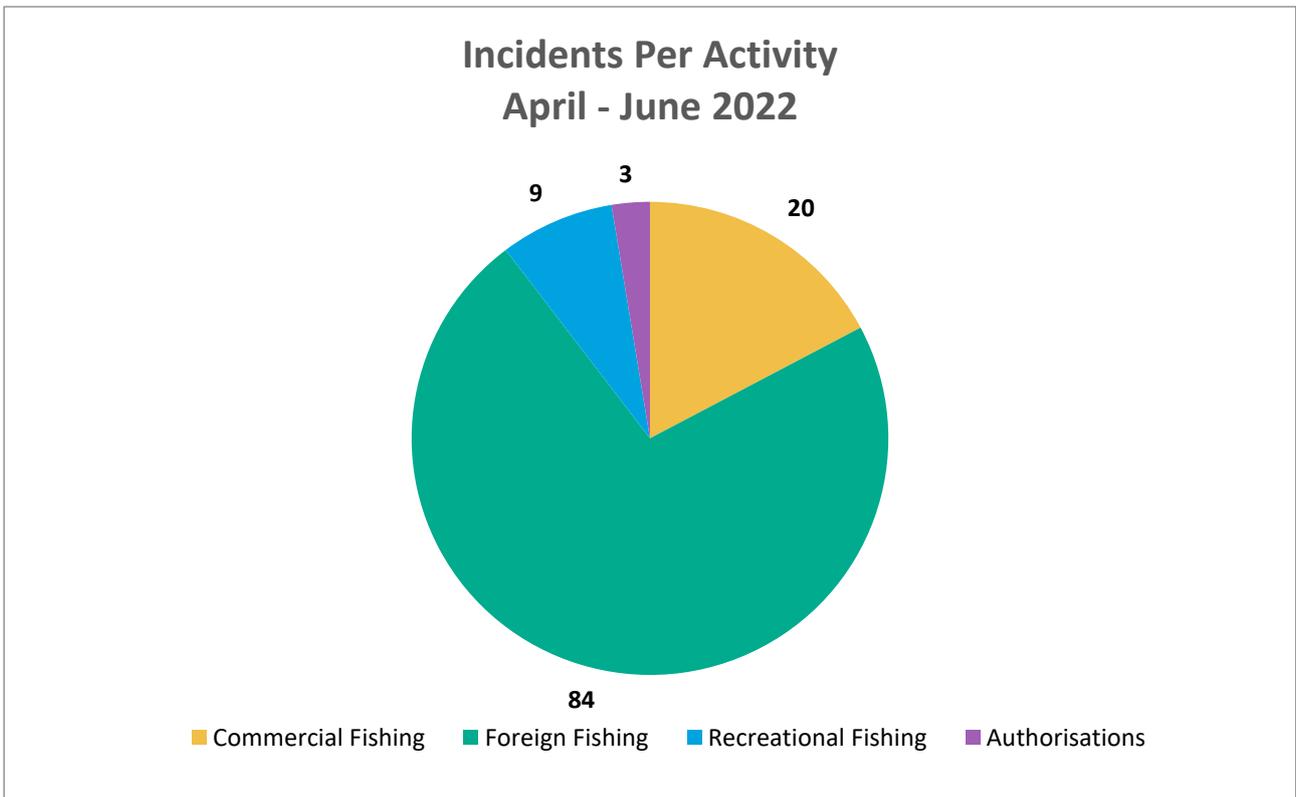
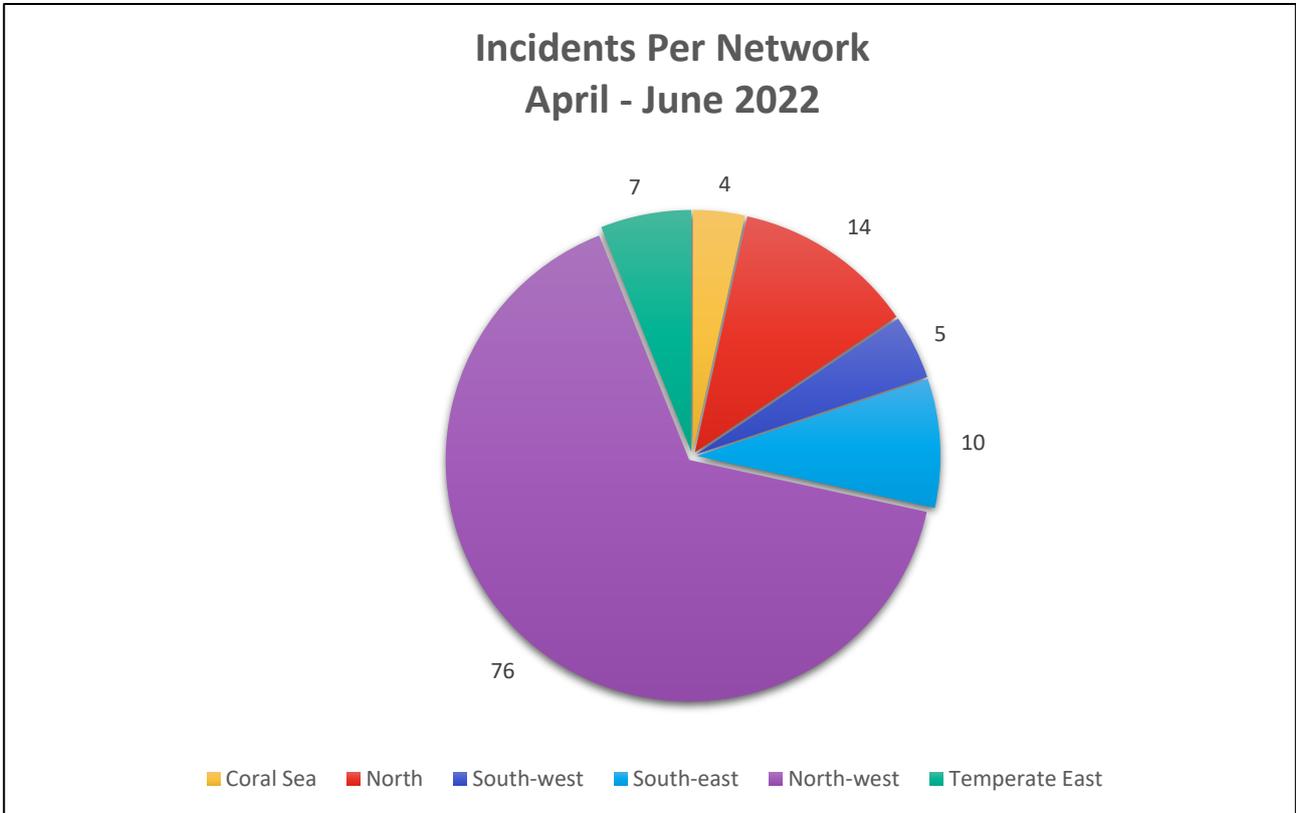


# Statistics



# Network Summary

April to June 2022



|  | North | Coral Sea | Temperate East | South-east | South-west | North-west | IOT | Totals |
|--|-------|-----------|----------------|------------|------------|------------|-----|--------|
| <b>Compliance Incidents</b>                    | 14    | 4         | 7              | 10         | 5          | 76         | -   | 116    |
| <b>Ghost Nets</b>                              | -     | -         | -              | -          | -          | -          | -   | 0      |
| <b>Marine Debris</b> (in AMPs)                 | 8     | -         | -              | -          | -          | 5          | 6   | 19     |
| <b>RFIs</b>                                    | 2     | 1         | 1              | 1          | 2          | -          | -   | 7      |
| <b>Cases</b> (commenced in quarter)            | 4     | 4         | 7              | 10         | 5          | 2          | -   | 32     |
| <b>Educational Boardings</b>                   | -     | -         | -              | -          | -          | -          | -   | 0      |
| <b>Warning Notices</b>                         | -     | -         | 2              | -          | -          | -          | -   | 2      |
| <b>Advisory Letters</b>                        | -     | 1         | 1              | -          | -          | 2          | -   | 4      |
| <b>PINs</b>                                    | -     | -         | 3              | -          | -          | -          | -   | 3      |
| <b>Civil Litigation</b> (commenced in quarter) | -     | -         | -              | -          | -          | -          | -   | 0      |



# Appendix: footnotes

## 1 VMS alerts

The Parks alert service is a free tool established in partnership with AFMA aimed at avoiding non-compliance in AMPs. When a vessel enters an AMP where the nominated primary gear type is not allowed, an alert message is sent to PA and to the fishing vessels nominated contact via email and/or as an SMS message to a nominated phone. PA conducts assessments of all VMS alerts and takes appropriate action if illegal activity is suspected. Fishing vessels must transit at more than 5 knots through an AMP NPZ.

## 2 RFI notices

When PA suspects that a breach of the EPBC Act may have occurred, a request for information (RFI) may be sent to the alleged offender allowing them the opportunity to explain their actions, in accordance with natural justice principles.

An investigation into suspected offences may highlight the need for additional information and RFI's may be used to obtain information for this purpose.

## 3 FFVs in prohibited areas and educational boardings

The traditional fishing practices of Indonesian fishers are recognised in a memorandum of understanding (MOU) between Australia and Indonesia. The MOU allows fishing of a specified area, adjacent to the Ashmore Reef and Cartier Island Marine Parks (Sanctuary Zones), by Indonesian fishers using traditional means (sail powered) for specific species. Vessels are not permitted to enter Sanctuary Zones; however, variable weather conditions and force majeure situations may impact on sail powered vessels leading to illegal transit through prohibited areas.

MBC conducts investigative boardings of FFVs in the MOU box to ensure compliance with Australian laws. FFVs found to be compliant with Australian laws will generally be provided with educational materials. Non-compliant FFVs may be issued warnings for minor breaches whereas more serious matters may lead to criminal prosecutions and forfeiture/destruction of the fishing vessel involved in the offence.

AFMA leads investigations and prosecutions into illegal fishing matters in AMPs with support from PA for EPBC Act offences.



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