



Australian Marine Parks

Quarterly Compliance Report

October, November and December 2020



Australian Government
Director of National Parks

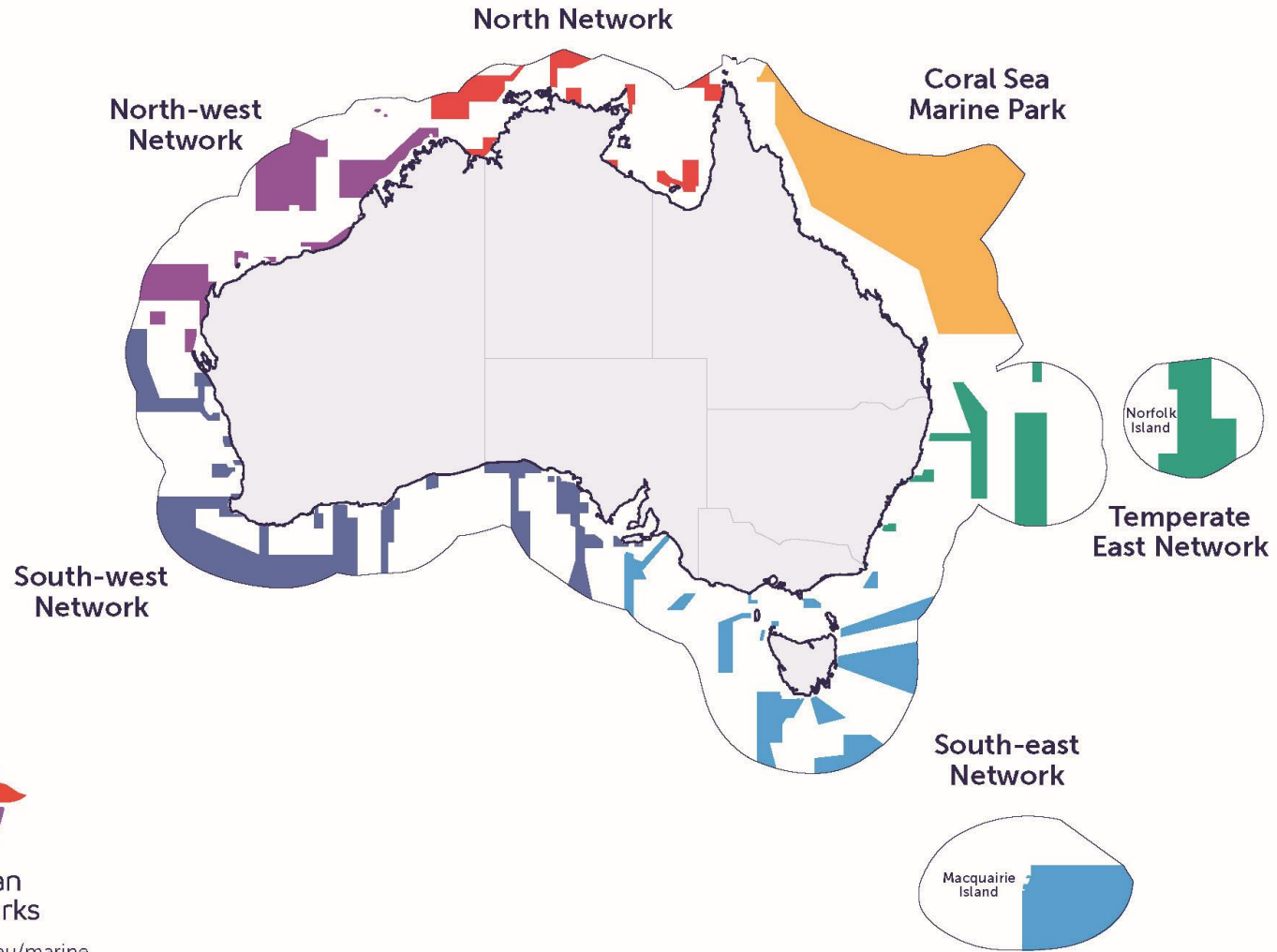


**Australian
Marine Parks**

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
NSWDPI	NSW Department of Primary Industries
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
VMS	Vessel Monitoring System

Australian Marine Parks



Australian
Marine Parks

parksaustralia.gov.au/marine

North	Coral Sea	Temperate East	South-east	South-west	North-west
Arafura	Ashmore Reef	Central Eastern	Apollo	Abrolhos	Argo-Rowley Terrace
Arnhem	Bougainville Reef	Cod Grounds	Beagle	Bremer	Ashmore Reef
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	Central Eastern	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				
	Tregosse 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 and evaluations are undertaken on an annual 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 annual 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 (AMPs) are detected through a number of sources, including:

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

Enforcement response

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

- **Administrative actions** – used for minor offences and include, warning notices, Infringement notices, cancellation of a permit or approval.
- **Civil actions** – used to reflect the need for economic deterrence to non-compliance and seek to redress the harm done as a result of contraventions. Civil actions are initiated by the Minister and heard in the Federal Court.
- **Criminal action** – is taken 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 or location has 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, however, 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, or;
2. via an email to marine.compliance@awe.gov.au



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

Report summary



Surveillance

41 surface patrols
504 aerial surveillance flights
719 VMS alerts



Incidents

29 compliance incidents
4 marine debris sightings
6 ghost nets¹



Ongoing matters

4 cases
2 investigations ongoing (not including incident included as a case)



Outcomes

1 Legislative forfeiture (seized gear and catch)
5 infringement notices issued
2 warning letters issued
5 advisory notices issued
3 educate and disembark
9 no further action



Statistics

Last 12 months by quarter - incidents per network
Last 12 months by quarters - incidents per activity
Last 12 months by month - incidents per network
Last 12 months by month - incidents per activity
Last quarter - incidents per activity
Last quarter - incidents per network
Last quarter – Incident table

¹ Inc ghost nets not in marine parks



Incidents

Authorisation

1 x permit holder investigated for breach of permit conditions for non-reporting of FAD deployment and FAD detachment in Ningaloo RUZ. Date: 1 October

1 x self-report from Government agency for conducting research within marine parks without obtaining a research permit. Date 7 October²

2 x commercial tourism/charter fishing companies sighted by aerial surveillance operating without authorisation in the Coral Sea. Date: 21 October

1 x permit holder investigated for leaving tender unattended at mooring point at Mermaid Reef. Date: 22 October

1 x report of game fishing club potentially non-compliant with FAD reporting conditions in Perth Canyon. Date 18 November

1 x charter operator conducting commercial activity in Coral Sea HPZ without a permit. Date: 4 December

Commercial fishing

1 x commercial fishing vessel identified by daily checks of VMS potentially operating in the Wessel NPZ. Date: 30 November

1 x commercial fishing vessel identified by daily checks of VMS potentially operating in the West Cape York NPZ. Date: 10 December

1 x commercial fishing vessel identified by daily checks of VMS potentially operating in the Huon MUZ. Date: 30 November

Foreign Fishing

1 x Type II sighted in the Ashmore Reef Sanctuary Zone by aerial surveillance. Vessel appeared to have lines in the water. Response was requested and vessel was approached. Decision to educate and release. Date: 16 October

1 x Type III sighted in the Oceanic Shoals SPZ by aerial surveillance. Vessel appeared to have gear in water and a response was requested. Vessel was boarded outside marine park on following day and gear/catch was seized by ABF. Date: 21 October

² Due to operating in multiple marine parks, this incident has not been included in graph 'By Network' below

2 x Type II's sighted in the Carter Marine Park SZ with lines in the water. Vessels were approached by MBC when outside the marine park. Vessels were educated and requested to leave area. Date: 23 October

2 x Type II's sighted in the Cartier Marine Park SZ by aerial surveillance, 1 seen with line trailing. Response requested but no assets were available. 26 October.

1 x Type II sighted in the Ashmore Reef Sanctuary Zone by aerial surveillance. Response was requested and vessel was approached. Vessel notified they were unable to move from area due to nil wind in area and moved on asap. No fishing detected. Date: 12 November

2 x Type III's sighted in the Arafura SPZ by aerial surveillance. Response was requested from MBC. Date: 26 November

1 x Type III sighted in the Ashmore Reef Sanctuary Zone by patrol vessel. Vessel was educated and escorted from Zone by MBC. Date: 28 November

1 x Type III sighted by patrol vessel within the Ashmore Reef SZ. Vessel was approached but had left area when patrol arrived. Type III later resighted outside the marine park and educated. Date: 13 December

1 x Type II sighted by aerial surveillance in the Ashmore Reef SZ. A response was requested however no assets were available at the time. Date: 30 December

2 x Type II's sighted by aerial surveillance in the Ashmore Reef SZ. 1 vessel was approached and educated. NFA action taken. Date: 31 December

Recreational Fishing

1 x recreational fishing vessel detected by surface patrol fishing in the Pimpernel Rock NPZ. Master was issued with a PIN. Date: 8 October

1 x recreational fishing vessel detected by aerial surveillance fishing in the Cod Grounds NPZ. Master was issued with a PIN. Date: 11 October

1 recreational fishing vessel detected by aerial surveillance fishing in the Pimpernel Rock NPZ. Master issued PIN and was subsequently withdrawn. Date: 11 October

1 x recreational fishing vessel detected by surface patrol fishing in the Two Rocks NPZ. Master was issued with a PIN and passenger issued with a Warning. Date 10 October

1 x recreational vessel detected by surface patrol in the Cod Grounds NPZ. Master was issued with a PIN. Date 30 December

Marine debris

1 x group of floating buoys detected by aerial surveillance in the Oceanic Shoals HPZ. The buoys were determined to be used by research organisation that had become unattached with responsible authority alerted. Date: 14 October

1 x FAD detected by aerial surveillance in the Oceanic Shoals MUZ. Response was requested for retrieval. Date: 9 November

1 x FAD detected by aerial surveillance in the Argo-Rowley Terrace MUZ. Response was requested for retrieval but no assets available. Date: 30 November

1 x Mooring Buoy sighted inside Tregrosse Reef in the Coral Sea MP. A response was requested however nil assets were available. Date: 17 December

Ghost nets

2 x ghost nets sighted by aerial surveillance (not within marine park) near each other. Response requested for collection and AFMA organised a contractor for collection however the net was unable to be relocated. Date: 23 October

2 x ghost nets sighted by aerial surveillance. 1 within the Arafura SPZ and 1 outside Arafura Marine Park. Response was requested on both ghost nets and awaiting on advice for collection. 30 October

1 x ghost net resighted by aerial surveillance within the Arafura SPZ. Response requested and awaiting on advice for collection. 5 November

1 x ghost net resighted by aerial surveillance (not in MP) between Oceanic Shoals and Arafura MPs. Response was requested and AFMA looking at have contractor for retrieval. Date 13 November (likely resighted on 17 December)



Ongoing matters

Cases

- 1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Argo-Rowley Terrace MUZ and Mermaid Reef NPZ – Dates 28 to 30 June 2019.
- 1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Huon MUZ – Date: 17 March 2019.
- 1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Oceanic Shoals MUZ – Dates: 4 to 10 September 2018.
- 1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Huon MUZ – Date: 30 November 2020



Whale Shark in the Ningaloo Marine Park near Exmouth.
Photo: © Erik Schlögl.



Outcomes

Legislative Forfeiture

1 x Type III was boarded by ABF after being sighted within Oceanic Shoals SPZ on previous day. Gear and catch were seized by AFMA, and vessel directed to leave area.

Penalty Infringement Notices

1 x recreational fishing vessel detected by surface patrol fishing in the Pimpernel Rock NPZ.

1 x recreational fishing vessel detected by aerial surveillance fishing in the Pimpernel Rock NPZ³.

1 x recreational fishing vessel detected by aerial surveillance fishing in the Cod Grounds NPZ.

1 x recreational fishing vessel detected by surface patrol fishing in the Cod Grounds NPZ⁴.

1 x recreational fishing vessel detected by surface patrol fishing in the Two Rocks NPZ. Master was issued with a PIN and passenger issued with a Warning.

Warning Notice

1 x permit holder issued Warning Notice for breach of permit conditions for non-reporting of FAD deployment and FAD detachment in Ningaloo RUZ.

1 x warning issued to FFV sighted by aerial surveillance in the Ashmore Reef SZ.

Advisory Notice

1 x advisory notice issued to Government agency who self-reported as having conducted research activities within a marine park without obtaining a research permit.

3 x advisory notices issued to commercial tourism/charter fishing companies sighted by aerial surveillance operating without authorisation in the Coral Sea⁵.

1 x advisory notice issued to operator who was reported to have left tender vessel unattended at mooring point over several days, in breach of permit conditions.

³ PIN issued and subsequently withdrawn

⁴ Issued in January 2021

⁵ 1 notice issued in January 2021

Education

2 x FFVs approached by surface patrol just outside the Cartier Island SZ (after being initially sighted within the marine park) and educated on rules of the marine park.

1 x Type III sighted by patrol vessel within the Ashmore Reef SZ. Vessel was approached but had left area when patrol arrived. Type III later resighted outside the marine park and educated.

1 x FFV approached by surface patrol inside the Ashmore Reef SZ.

NFA

2 x NFA for FFVs sighted by aerial surveillance in the Cartier Island SZ.

2 x NFA for FFVs sighted by aerial surveillance in the Ashmore Reef SZ.

2 x NFA for FFVs sighted by surface patrol in the Ashmore Reef SZ.

2 x NFA for FFVs sighted by aerial surveillance in the Arafura SPZ.

1 x NFA for game fishing club reports on potential non-compliance with FAD reporting conditions in Perth Canyon.

Ongoing investigation

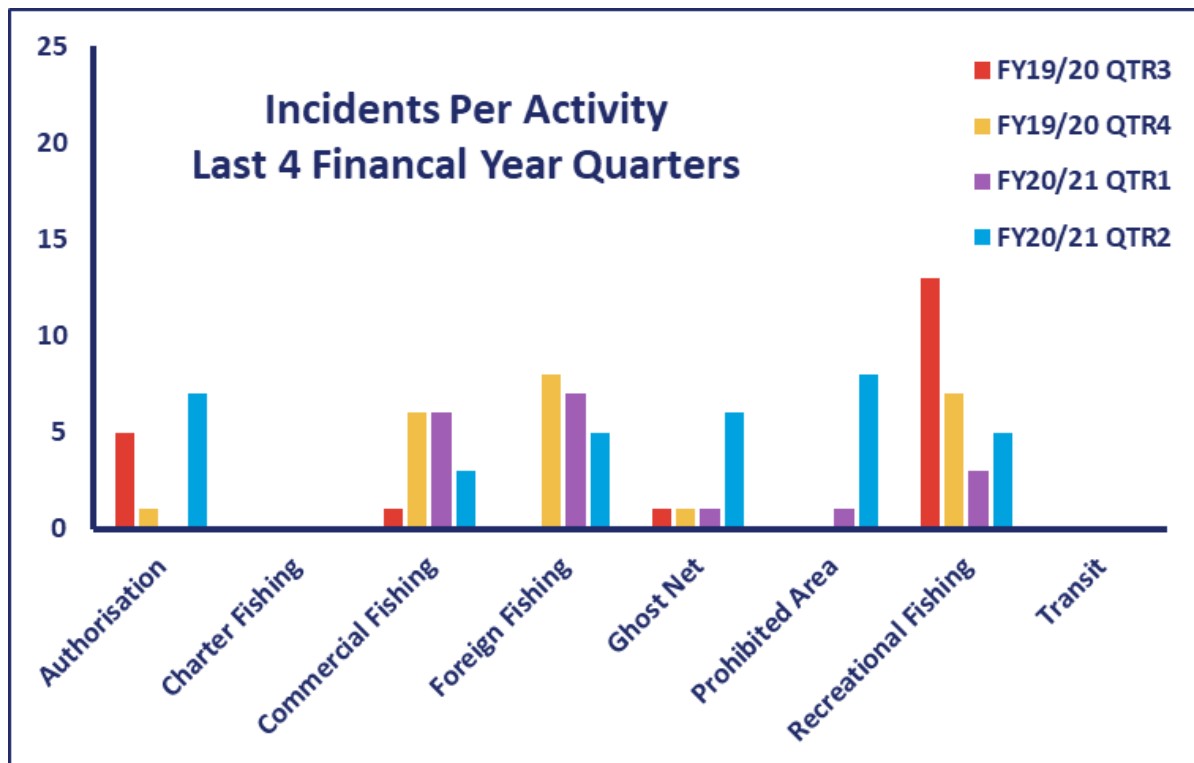
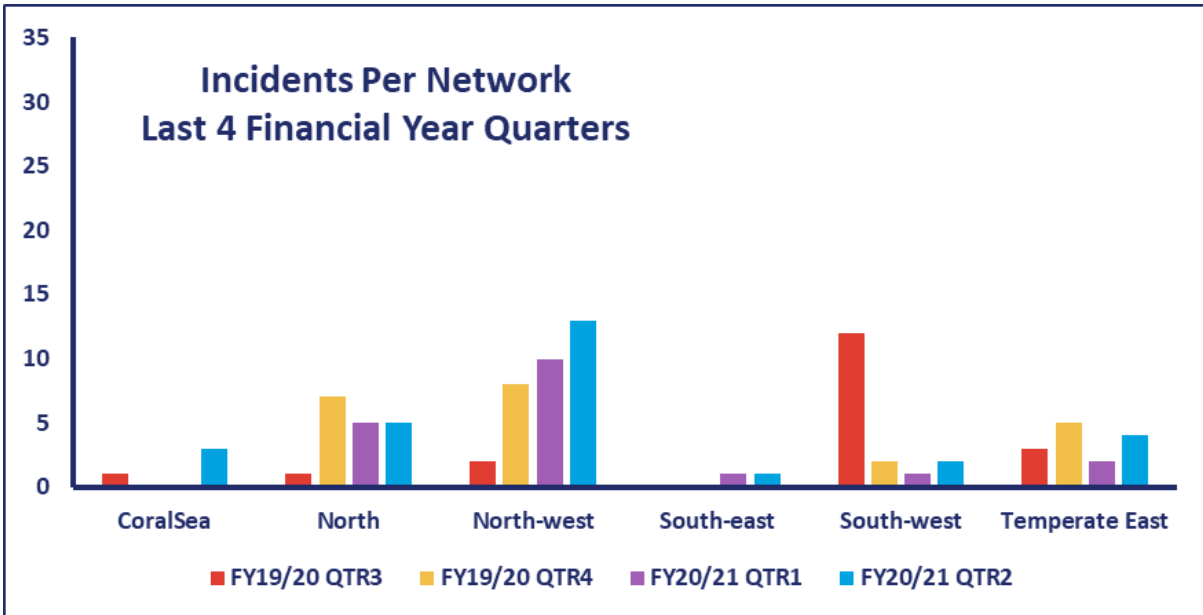
1 x commercial fishing vessel identified by daily checks of VMS potentially operating in the West Cape York NPZ.

1 x commercial fishing vessel identified by daily checks of VMS potentially operating in the Wessel NPZ.

1 x commercial fishing vessel identified by daily checks of VMS potentially operating in the Huon MUZ.

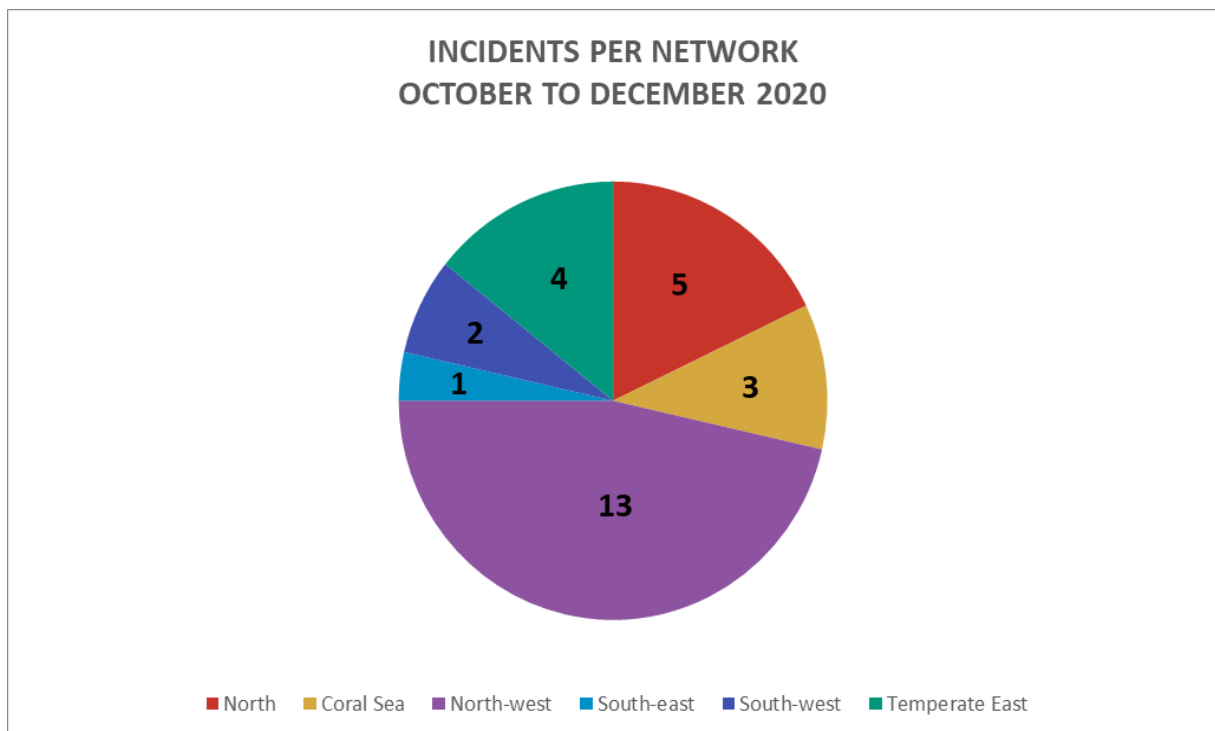
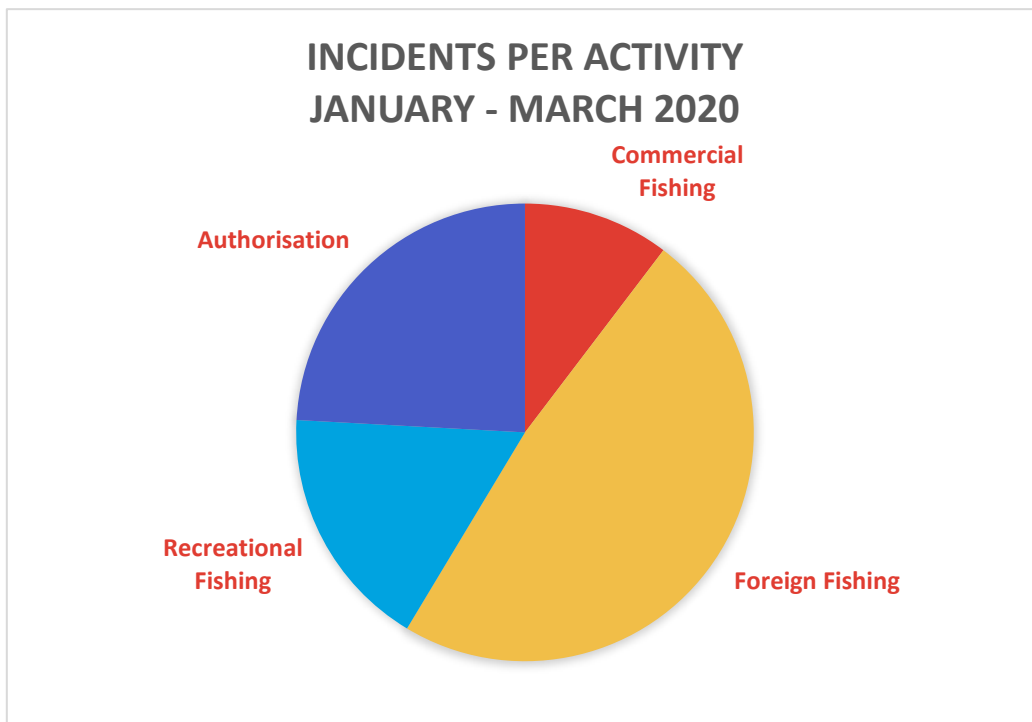


Statistics



Network summary

Incidents Per Network October to December 2020



	North	Coral Sea	Temperate East	South-east	South-west	North-west	Totals
Compliance Incidents	5	3	4	1	2	13	29*
Ghost Nets (in AMP)	2						2
Marine Debris (in AMP)	2	1				1	4
RFIs							
Cases (commenced in quarter)				1			
Educational Boarding's						4	4
Warning Notices						2	2
NFA (not inc. notable incidents)					1	8	9
PINs			4		1		5
Civil Litigation (commenced in quarter)							-

* 1 incident occurred in multiple parks and is not included in the breakdown by Network but added as incident



Nautilus shell on the beach of Lihou Reef in the Coral Sea Commonwealth Marine Reserve.

Photo: © Andy Warmbrunn.

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 boarding's

The traditional fishing practices of Indonesian fishers are recognised in an 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 boarding's 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, 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 PAs support for EPBC Act offences.



Giant Australian Cuttlefish swimming above a rocky reef habitat in the Jervis Bay Marine Park.

Photo: © David Harasti.

parksaustralia.gov.au/marine



Australian Government
Director of National Parks



**Australian
Marine Parks**