



Australian Marine Parks

Quarterly Compliance Report

July, August & September 2021



Australian Government
Director of National Parks

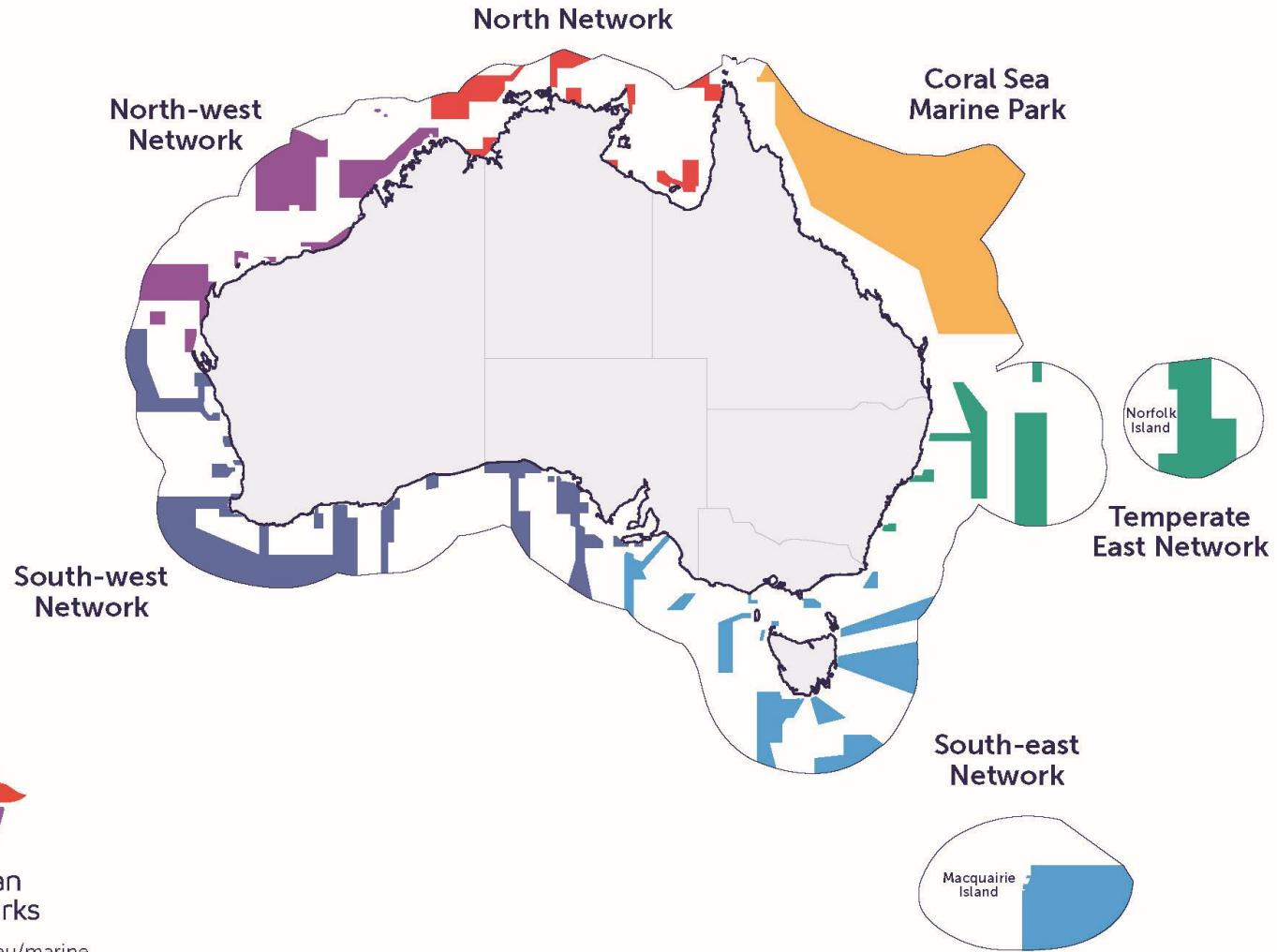


**Australian
Marine Parks**

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



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		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 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 (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



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

Report summary



Surveillance

17 surface patrols (not including ABF patrols)
626 aerial surveillance flights
1216 VMS alerts
1 phone call to our 1800 reporting hotline



Incidents

183 compliance incidents
5 marine debris sightings
1 ghost net sighting¹



Ongoing matters

1 ongoing case



Outcomes

67 legislative forfeitures conducted
3 penalty infringement notices issued
1 warning notice issued
8 advisory letters issued
4 ongoing investigations
6 requests for information (RFI)



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

¹ Inc ghost nets not in marine parks



Incidents

Authorisations

1 x vessel identified by public report to be conducting unauthorised research activity within Ashmore Reef SZ. Date: 8 October 2018.

1 x charter fishing vessel not on authorised vessel list was sighted in Montebello MUZ by aerial surveillance. Vessel has now acquired authorisation. Date: 11 August 2021.

1 x charter fishing vessel later identified by Parks Australia as conducting non-authorised commercial media activity within Kenn Reef MP. Vessel was issued with an advisory letter. Date: 15 September.

3 x commercial charter operators identified by Parks Australia as conducting activities without a licence in Ningaloo MP. Operators were issued with advisory letters. Date: 23 September.

4 x commercial charter operators identified by Parks Australia as advertising activities within the Coral Sea MP without authorisation. Operators were issued with advisory letters. Date: 28 September.

Commercial fishing

1 x commercial vessel identified by VMS alert potentially trawl fishing within Oceanic Shoals HPZ. Insufficient evidence of an offence being committed. No further action. Date: 8 July.

1 x commercial fishing vessel identified by VMS alert potentially longline fishing within Kenn Reefs HPZ. Insufficient evidence of an offence being committed. No further action. Date: 12 July.

1 x commercial fishing vessel identified by VMS alert potentially auto-longline fishing within Abrolhos HPZ. Insufficient evidence of an offence being committed. No further action. Date: 23 July.

1 x AFV identified by VMS alert potentially in breach of transit conditions within Oceanic Shoals MUZ. Insufficient evidence of an offence being committed. No further action. Date: 27 August.

1 x AFV sighted by aerial surveillance potentially fishing within Oceanic Shoals NPZ. Investigation ongoing. Date: 26 September.

1 x AFV sighted by aerial surveillance potentially fishing within West Cape York HPZ. Investigation ongoing. Date: 30 September.

Recreational Fishing

1 x recreational fishing vessel sighted by aerial surveillance fishing within Oceanic Shoals NPZ. Unable to identify the vessel. No further action. Date: 3 August.

1 x recreational fishing vessel sighted by aerial surveillance fishing within Cod Grounds NPZ. Investigation ongoing. Date: 25 September.

Foreign Fishing

45 x FFV's sighted by aerial surveillance and surface patrol within the Cartier Island SZ. Response was requested, resulting in 17 x legislative forfeitures of catch and gear and 3 x educational boardings.

43 x FFV's sighted by aerial surveillance and surface patrol within the Mermaid Reef NPZ. Response was requested, resulting in 24 x legislative forfeiture of catch and gear.

41 x FFV's sighted by aerial surveillance and surface patrol within the Argo Rowley Terrace MUZ. Response was requested, resulting in 9 x legislative forfeitures of catch and gear.

26 x FFV's sighted by aerial surveillance and surface patrol within the Ashmore Reef SZ. Response was requested, resulting in 16 x legislative forfeitures of catch and gear and 2 x educational boardings.

5 x FFV's sighted by aerial surveillance and surface patrol within the Argo Rowley Terrace NPZ. Response was requested, resulting in 1 x legislative forfeiture of catch and gear.

2 x FFV's sighted by aerial surveillance and surface patrol within the Argo Rowley Terrace SPZ. Response was requested, however nil assets were available.

2 x Type III sighted by aerial surveillance within Oceanic Shoals SPZ. Response was requested, however nil assets were available.

1 x FFV's sighted by aerial surveillance within the Kimberley MUZ. Response was requested, however nil assets were available.

Ghost nets

1 x ghost net sighted by aerial surveillance north of the Kimberley MUZ. Response was requested, however it was unable to be retrieved. Date: 19 September.

Marine debris

1 x FAD was sighted by aerial surveillance within the Argo-Rowley Terrace NPZ. Retrieval was requested, but no assets were available. Date: 7 July.

1 x small wooden boat mast was sighted by aerial surveillance adrift in the Kimberley MUZ. Date: 21 August.

2 x FADs were sighted by aerial surveillance within Argo-Rowley Terrace NPZ. Retrieval was requested, but no assets were available. Date: 28 September.

1 x FAD was sighted by aerial surveillance within Argo-Rowley Terrace NPZ. Retrieval was requested, but no assets were available. Date: 29 September.



Ongoing matters

Cases

1 x AFV identified by VMS alert and air surveillance allegedly conducting commercial fishing activity within the Oceanic Shoals MUZ in 2018. Legal proceedings have commenced in this matter.



Outcomes

Legislative Forfeitures

24 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Mermaid Reef NPZ.

17 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Cartier Island SZ.

16 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Ashmore Island SZ.

10 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Argo Rowley Terrace MUZ, SPZ and NPZ.

Penalty Infringement Notices

2 x PINs were issued to recreational fishing vessels sighted by aerial surveillance fishing in the Pimpnel Rock NPZ. Date issued: 6 and 20 July.²

1 x PIN was issued to a recreational fishing vessel sighted by aerial surveillance fishing in the Cod Grounds NPZ. Date issued: 5 July.³

Warning Notices

1 x Warning Notice issued to an AFV commercial fishing operator as vessel identified as operating below 5 knots in the Kimberley MUZ. Date: 13 July.

² Incidents occurred in April and June 2021, investigation finalised and PINs issued in July 2021

³ Incident occurred in June 2021, investigation finalised and PIN issued in July 2021

Advisory Letters

1 x charter fishing vessel later identified by Parks Australia as conducting unauthorised commercial media activity within Kenn Reef MP. Vessel was issued with an advisory letter. Date: 15 September.

4 x commercial charter operators identified by Parks Australia as advertising activities within the Coral Sea MP without authorisation. Operators were issued with advisory letters. Date: 28 September.

3 x commercial charter operators identified by Parks Australia as conducting activities without a licence in Ningaloo MP. Operators were issued with advisory letters. Date: 23 September.

Ongoing investigations

1 x commercial filming operator identified as possibly in breach of their Media Permit reporting obligations in the Norfolk Island SPZ. Investigations are ongoing.

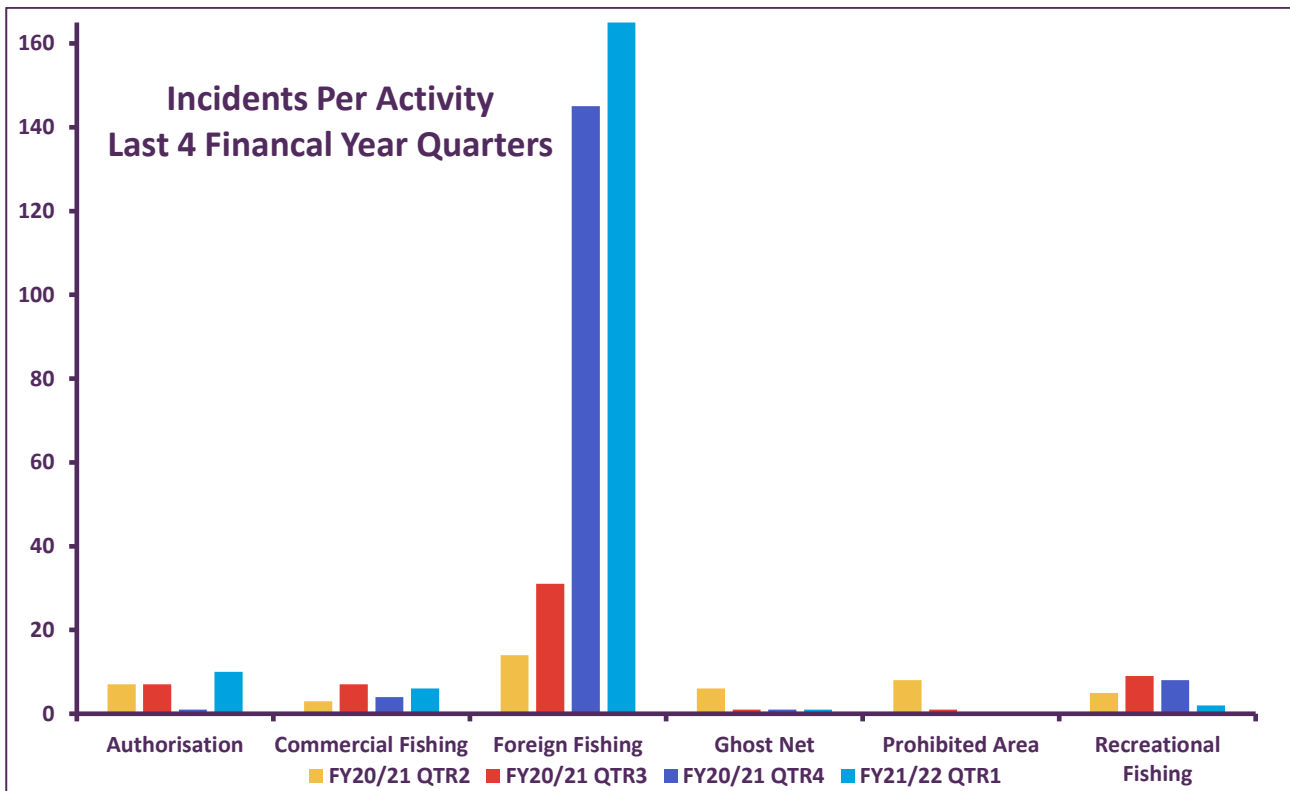
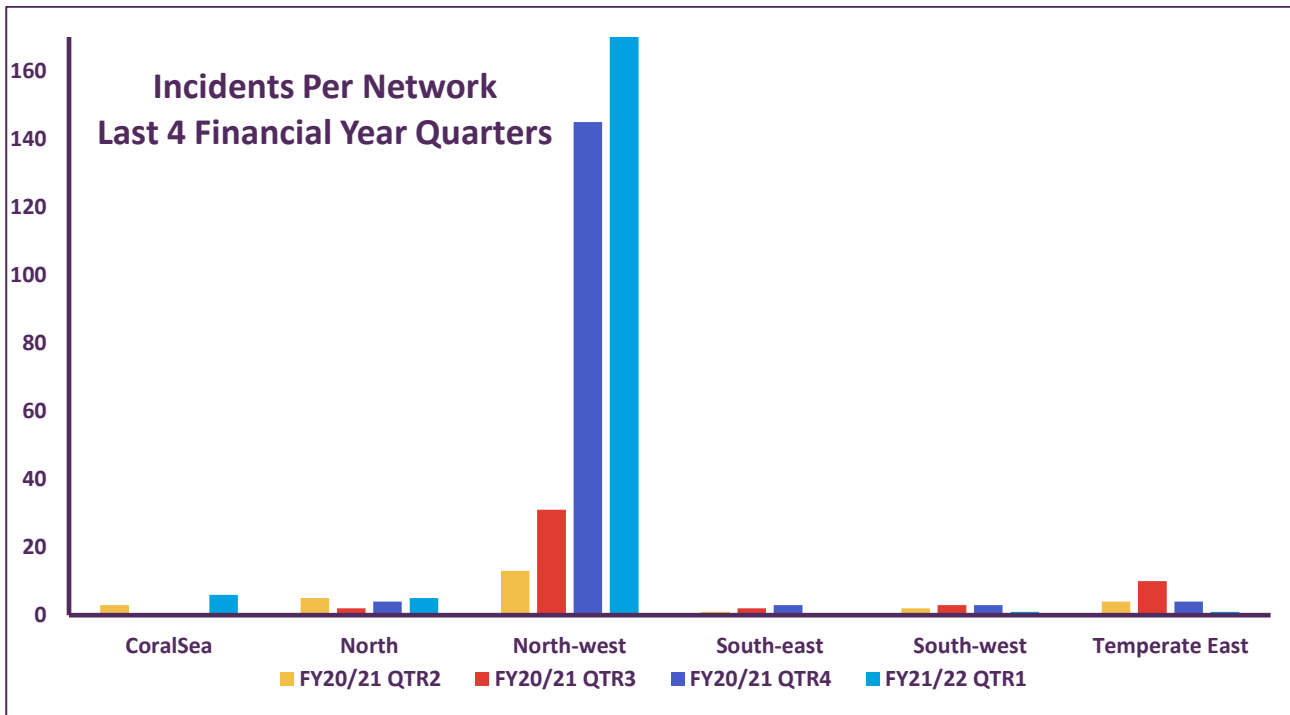
1 x AFV sighted by aerial surveillance potentially fishing within Oceanic Shoals NPZ. Investigation ongoing. Date: 26 September.

1 x AFV sighted by aerial surveillance potentially fishing within West Cape York HPZ. Investigation ongoing. Date: 30 September.

1 x recreational fishing vessel sighted by aerial surveillance fishing within Cod Grounds NPZ. Investigation ongoing. Date: 25 September.

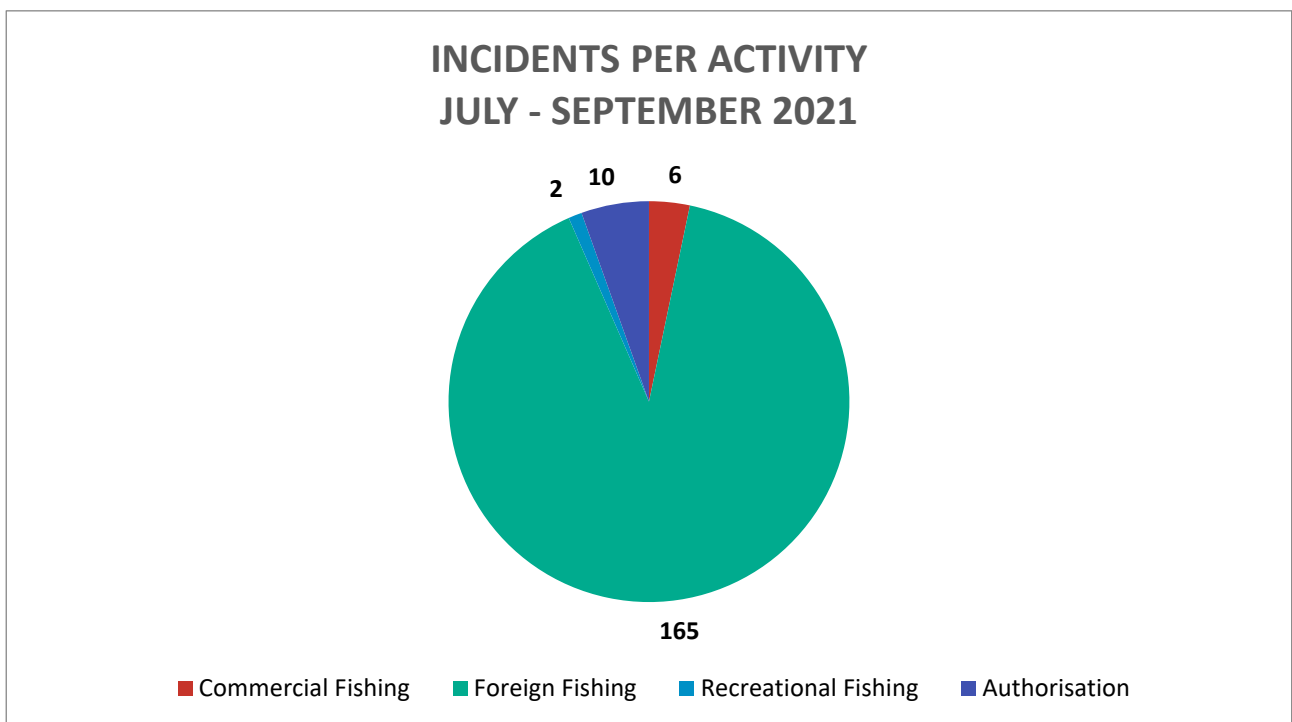
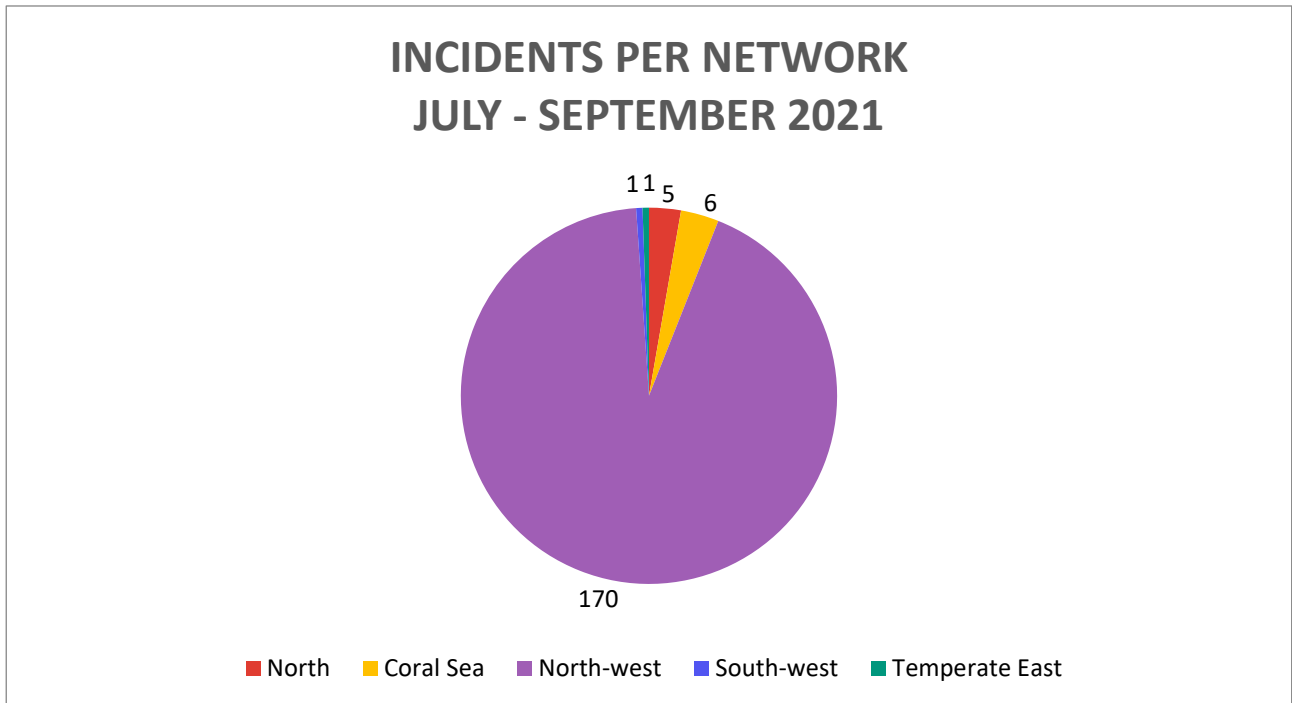


Statistics



Network summary

July to September 2021



	North	Coral Sea	Temperate East	South-east	South-west	North-west	Totals
Compliance Incidents	5	6	1		1	170	183
Ghost Nets						1	1
Marine Debris (in AMP)						5	5
RFIs							-
Cases (commenced in quarter)	1						1
Educational Boardings						5	5
Warning Notices						1	1
Advisory Letters		5				3	8
PINs			3				3
Civil Litigation (commenced in quarter)							-



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 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.



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

Photo: © David Harasti.

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