



Australian Marine Parks

Quarterly Compliance Report

January, February & March 2023



Australian Government
Director of National Parks



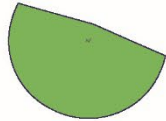
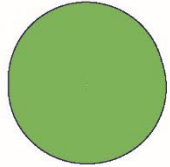
**Australian
Marine Parks**

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
USV	Uncrewed Surface Vessel
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

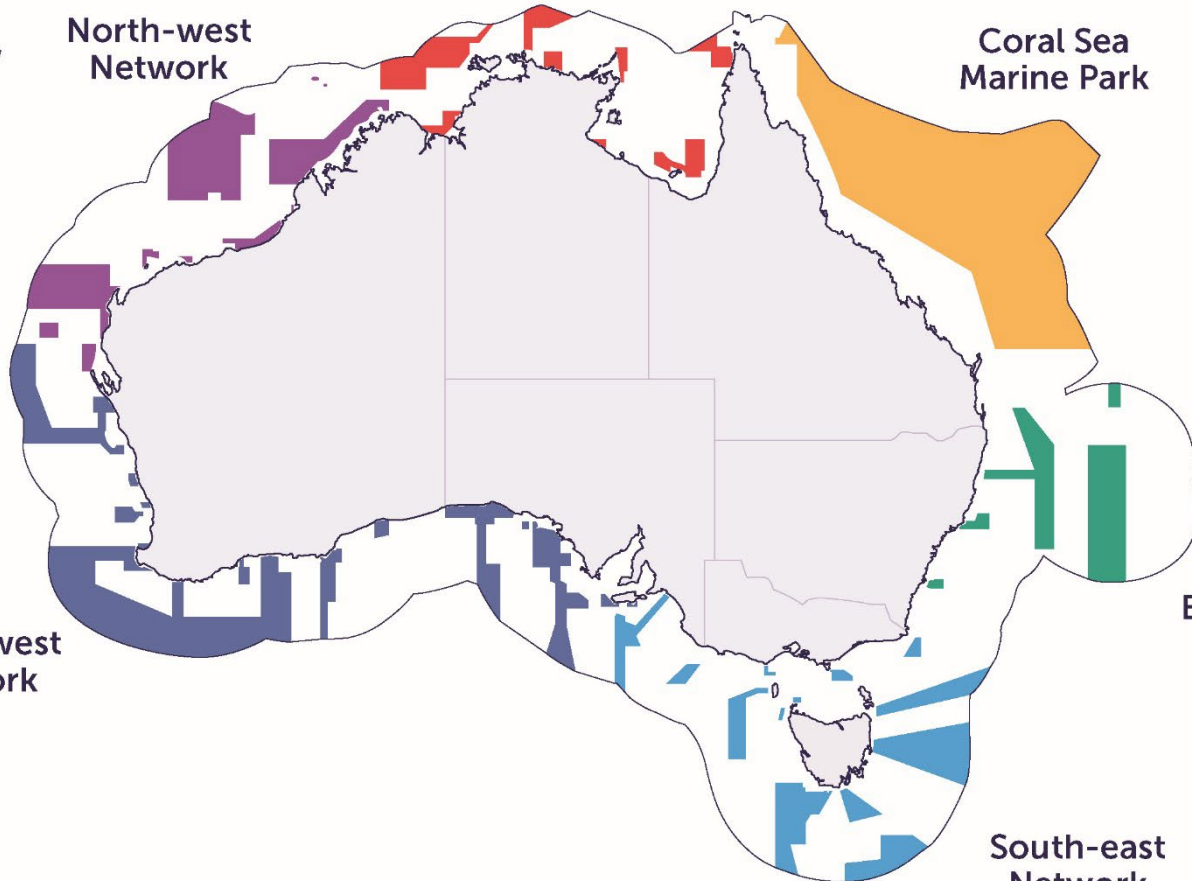
Norfolk Island

Macquarie Island



Australian Marine Parks

parksaustralia.gov.au/marine



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@dcceew.gov.au



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

Report summary



Surveillance

40 surface patrols (not including ABF continuous multi vessel presence in northern waters)
370 aerial surveillance flights
1078 VMS alerts
7 phone calls to our 1800 reporting hotline



Incidents

99 compliance incidents
1 ghost net¹
79 marine debris and pollution²



Outcomes

1 advisory letter issued
10 legislative forfeitures conducted
17 penalty infringement notices issued
7 warning notices issued
1 instances of verbal advice provided
13 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

¹ Includes ghost nets not in AMPs

² May include multiple sightings of same debris



Incidents

Authorisations

1 x research vessel self-reported operating in breach of authorisation conditions in Central East HPZ. Verbal advice provided. Date: 4 January 2023.

1 x research vessel identified by audit allegedly operating in breach of authorisation conditions in Ningaloo MP. Investigation ongoing. Date: May 2022.

1 x commercial tourism operator allegedly operating in breach of authorisation conditions in Bremer MP. NFA – Insufficient evidence. Date: 21 February 2023.

1 x charter tourism operator allegedly operating in breach of authorisation conditions in Coral Sea MP. Investigation ongoing. Date: 11 January 2023.

Commercial Fishing

1 x AFV detected by VMS transiting below 5 knots in Apollo MUZ. NFA – no breach. Date: 23 January 2023.

1 x AFV detected by VMS transiting below 5 knots in Arafura MUZ. NFA – no breach. Date: 27 February 2023.

1 x AFV detected by VMS transiting below 5 knots in Coral Sea NPZ. NFA – minor breach. Date: 6 January 2023.

2 x AFVs detected by VMS transiting below 5 knots Coral Sea HPZ. 2 x NFA – no breach. Date: 9 February 2023.

1 x AFV detected by VMS transiting below 5 knots in Flinders NPZ. NFA – no breach. Date: 14 January 2023.

1 x AFV detected by VMS on three separate occasions transiting below 5 knots in Freycinet RUZ. Advisory letter issued. Dates: 10, 16 & 24 February 2023.

5 x AFVs detected by VMS transiting below 5 knots in Freycinet RUZ. 4 x NFA – minor breach, 1 x NFA – no breach. Dates: 12, 13 & 28 February and 11 & 27 March 2023.

2 x AFVs detected by VMS transiting below 5 knots in Freycinet MUZ. 2 x NFA – no breach. Dates: 27 February and 12 March 2023.

1 x AFV detected by VMS on two separate occasions transiting below 5 knots in Great Australian Bight SPZ. NFA – minor breach. Dates: 24 January and 8 February 2023.

1 x AFV detected by VMS on two separate occasions transiting below 5 knots in Huon MUZ. NFA – minor breach. Dates: 12 January and 13 February 2023.

1 x AFV detected by VMS transiting below 5 knots in Jervis HPZ. NFA – no breach. Date: 27 February 2023.

2 x AFVs detected by VMS transiting below 5 knots in Murray SPZ. 1 x NFA – minor breach, 1 x investigation ongoing. Dates: 1 & 2 February 2023.

1 x AFV detected by VMS on two separate occasions transiting below 5 knots in Oceanic Shoals MUZ. NFA – no breach. Dates: 8 & 29 January 2023.

1 x AFV detected by VMS transiting below 5 knots in Oceanic Shoals MUZ. NFA – no breach. Date: 11 February 2023.

1 x AFV detected by VMS transiting below 5 knots in Oceanic Shoals HPZ. NFA – minor breach. Date: 29 January 2023.

1 x AFV detected by VMS transiting below 5 knots in Oceanic Shoals NPZ. NFA – minor breach. Date: 1 March 2023.

1 x AFV detected by aerial surveillance allegedly fishing in Pimpernel Rock NPZ. NFA – no breach. Date: 3 January 2023.

1 x AFV detected by VMS transiting below 5 knots in Twilight SPZ. Investigation ongoing. Date: 7 December 2022.

1 x AFV detected by VMS transiting below 5 knots in Tasman Fracture NPZ. NFA – minor breach. Date: 14 February 2023.

2 x AFVs detected by VMS transiting below 5 knots in West Cape York HPZ. NFA – no breach. Dates: 8 & 21 January 2023.

2 x AFVs detected by VMS transiting below 5 knots in West Cape York SPZ. NFA – minor breach. Dates: 15 February and 29 March 2023.

1 x AFV detected by VMS transiting below 5 knots in West Cape York NPZ. NFA – no breach. Date: 10 March 2023.

1 x AFV detected by VMS transiting below 5 knots in Zeehan MUZ. NFA – no breach. Date: 19 March 2023

Recreational Fishing

16 x recreational fishing vessels identified by USV surveillance allegedly fishing within the Two Rocks NPZ. 5 x NFA – insufficient evidence, 1 x warning notice issued, 10 x investigations ongoing. Date: January 2023.

3 x recreational fishing vessels identified by surface patrol allegedly fishing within the Two Rocks NPZ. 3 x PINs issued. Dates: 5 & 26 January and 5 February 2023.

2 x recreational fishing vessels identified by aerial patrol allegedly fishing within the Pimpernel Rock NPZ. 2 x warning notices issued. Dates: 12 & 28 January 2023.

Foreign Fishing

13 x FFVs sighted by aerial surveillance and surface patrol within Argo-Rowley Terrace MUZ and NPZ. Response was requested, resulting in 1 x legislative forfeiture of catch and gear.

1 x FFV sighted by surface patrol within Ashmore Island SZ. Response was requested, resulting in legislative forfeiture of catch and gear.

7 x FFVs sighted by aerial surveillance and surface patrol within Ashmore Reef RUZ and SZ. Response was requested resulting in 3 x legislative forfeitures of catch and gear.

2 x FFVs sighted by aerial surveillance within Cartier Island SZ. Response was requested, resulting in 1 x legislative forfeiture of catch and gear.

1 x FFV conducting transit passage through Christmas Island NPZ.

7 x FFVs sighted by aerial surveillance and surface patrol within Kimberley MUZ. Response was requested, resulting in 3 x legislative forfeiture of catch and gear and 1 x vessel was seized and disposed of.

4 x FFVs sighted by aerial surveillance within Mermaid Reef NPZ.

2 x FFVs sighted within Oceanic Shoals MUZ.

Ghost Nets

1 x ghost net sighted IVO Cocos Keeling MP.

Marine Pollution and Debris

8 x FADs sighted by aerial surveillance in Argo-Rowley Terrace MP.

4 x FADs sighted by aerial surveillance in Ashmore Reef MP.

42 x FADs sighted by aerial surveillance in Christmas Island MP.

9 x FADs sighted by aerial surveillance in Cocos Keeling MP. 1 x recovered.

4 x FAD sighted by aerial surveillance in Kimberley MP.

2 x FADs sighted by surface patrol in Lord Howe MP. 1 x recovered.

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

Other Investigations

1 x AFV detected by VMS on multiple occasions transiting below 5 knots in Heard Island/McDonald Island SZ. Referred to Australian Antarctic Division. Date: March 2023.



Outcomes

Legislative Forfeitures

1 x legislative forfeitures performed by AFMA on a FFV in Argo-Rowley Terrace MUZ.

1 x legislative forfeitures performed by AFMA on a FFV in Ashmore Island SZ.

3 x legislative forfeitures performed by AFMA on FFVs in Ashmore Reef SZ and RUZ.

1 x legislative forfeitures performed by AFMA on a FFV in Cartier Island SZ.

4 x legislative forfeitures performed by AFMA on FFVs in Kimberley MUZ with 2 x vessels seized and disposed of.

Penalty Infringement Notices

1 x PIN issued to a researcher identified by surface patrol in Ashmore Reef RUZ. Date: 26 November 2022.

5 x PINs issued to recreational fishers identified by aerial surveillance fishing in Cod Grounds NPZ. Dates: 10, 24, 26 & 28 December 2022.

1 x PIN issued to a commercial fisher identified by aerial surveillance in Oceanic Shoals HPZ. Date: 19 February 2022

7 x PINs issued to recreational fishers identified by surface patrol in Two Rocks NPZ. Dates: 28 & 30 December 2022, 5 January and 5 February 2023.

Warning Notices

Warning notices issued to 3 x recreational fishers identified by aerial surveillance allegedly fishing in Pimpernel Rock NPZ. Dates: 26 December 2022 and 12 & 28 January 2023.

Warning notice issued to 1 x recreational fisher identified by USV surveillance allegedly fishing in Two Rocks NPZ. Date: 20 January 2023.

Warning notices issued to 3 x recreational fishers identified by surface patrol allegedly fishing in Two Rocks NPZ. Dates: 28 & 30 December 2022.

Verbal Advice

Verbal advice provided to 1 x research vessel operating in breach of authorisation conditions in Central East HPZ. Date: 4 January 2023.

Ongoing Investigations

1 x recreational fishing vessel sighted by aerial surveillance allegedly fishing in Cod Grounds NPZ. Date: 24 December 2022.

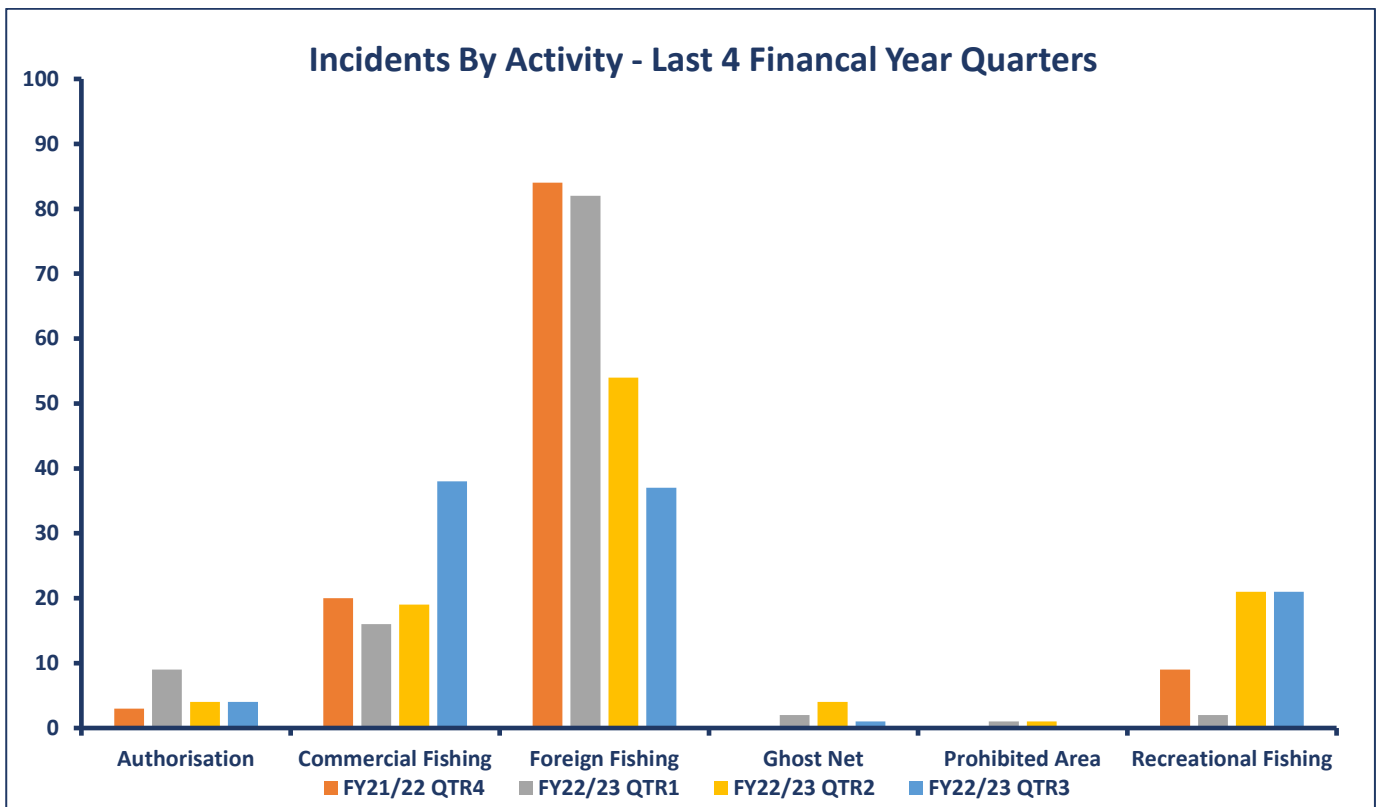
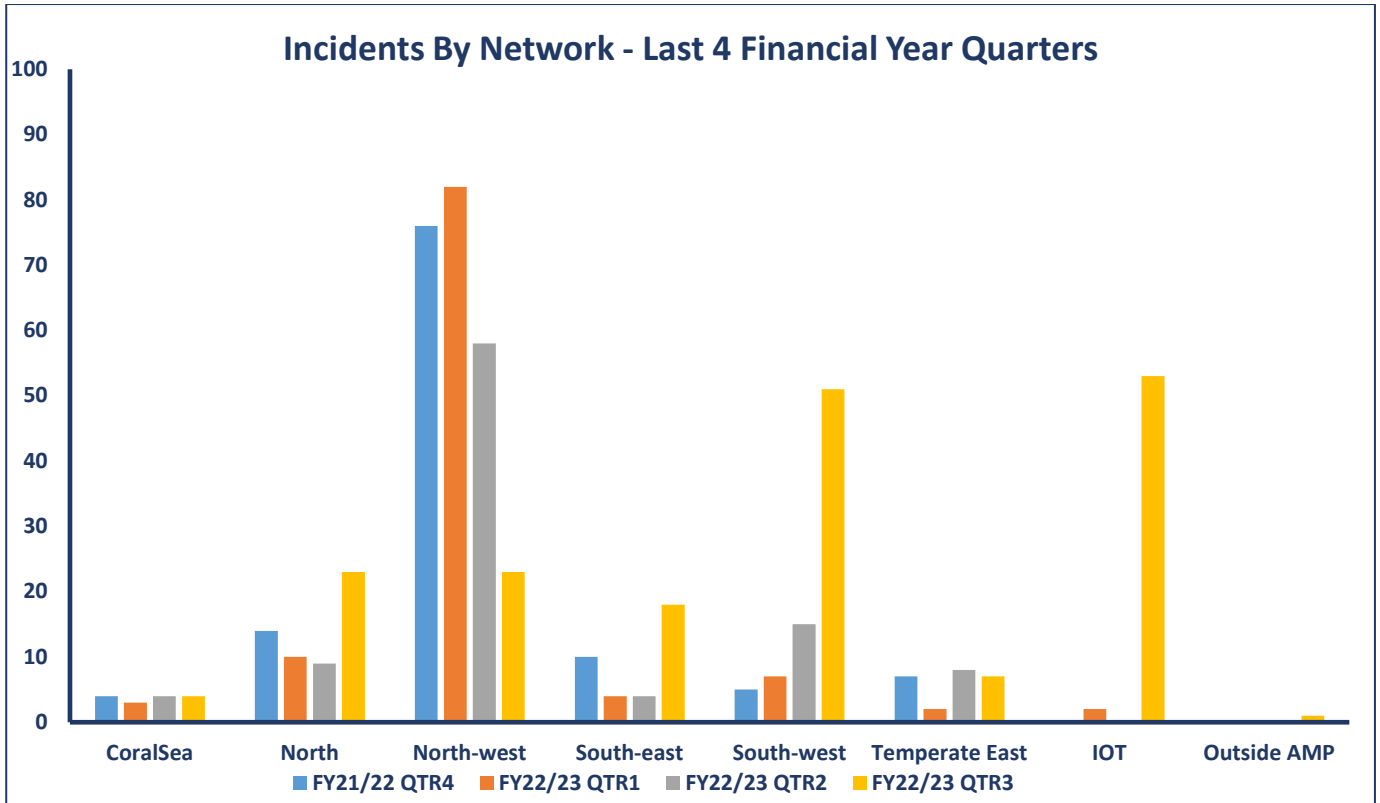
1 x commercial vessel ran aground and subsequently refloated in Moore Reef NPZ. Date: 18 December 2022.

1 x commercial fishing vessel detected by VMS allegedly fishing in Murray SPZ. Date: 2 February 2023.

10 x recreational fishing vessels identified by USV surveillance allegedly fishing in Two Rocks NPZ. Date: January 2023.

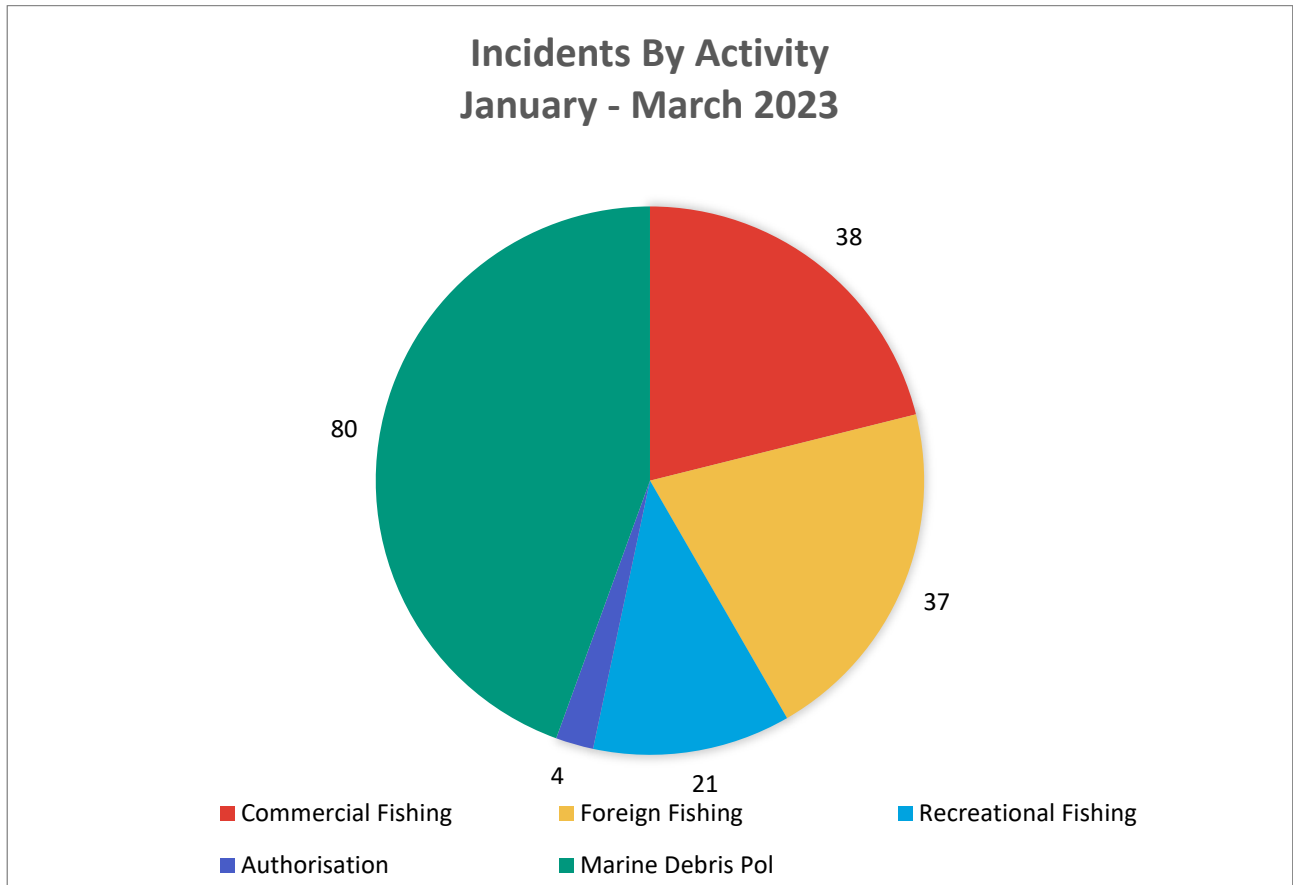
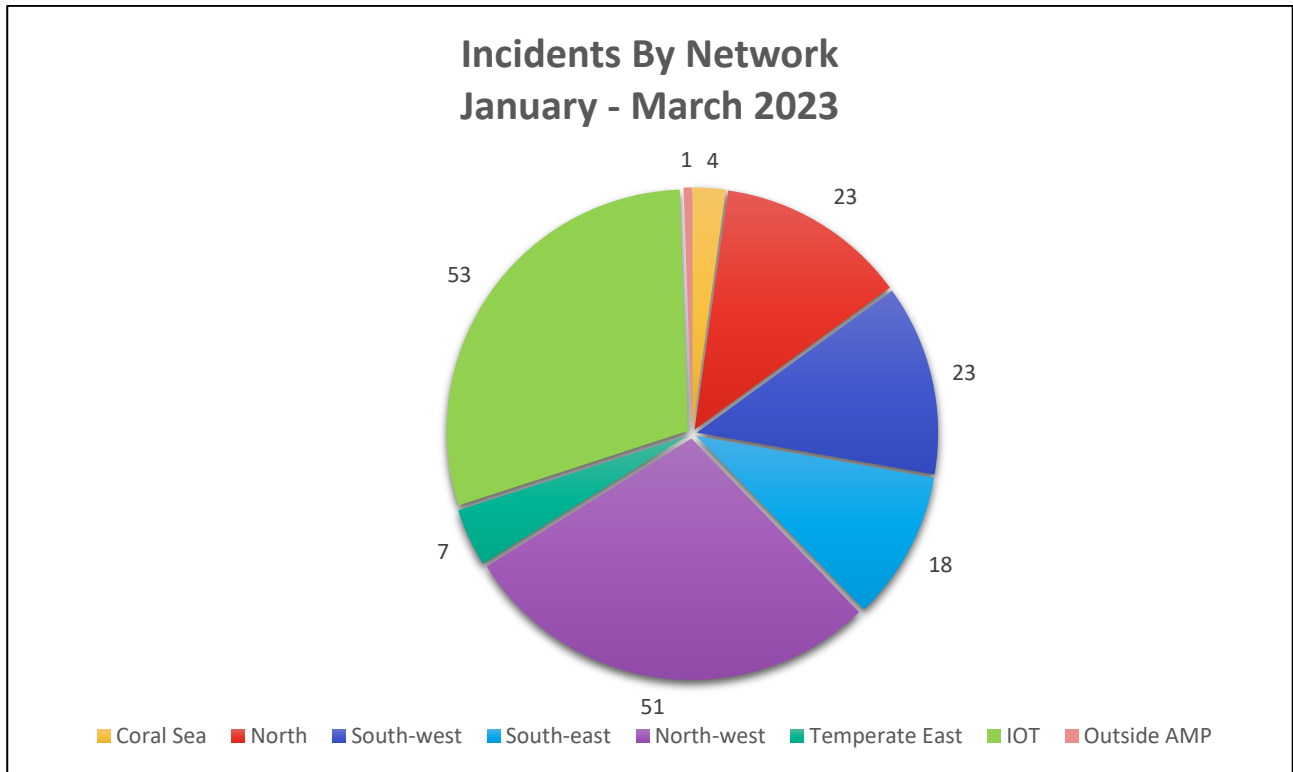


Statistics



Network Summary

January to March 2023



	North	Coral Sea	Temperate East	South-east	South-west	North-west	IOT	Totals
Compliance Incidents	13	4	5	18	23	35	1	99
Ghost Nets	-	-	-	-	-	-	1	1
Marine Debris and Pollution (in AMPs)	10	1	2	-	-	16	51	79
RFIs	-	-	9	1	14	1	-	25
Cases (commenced in quarter)	-	1	3	1	17	1	-	23
Educational Boardings	-	-	-	-	-	-	-	0
Warning Notices	-	-	3	-	4	-	-	7
Advisory Letters	-	-	-	1	-	-	-	1
Verbal Advice	-	-	1	-	-	-	-	1
PINs	1	-	5	-	10	1	-	17
Civil Litigation (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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