



Australian Marine Parks

Quarterly Compliance Report

January, February and March 2021



Australian Government
Director of National Parks

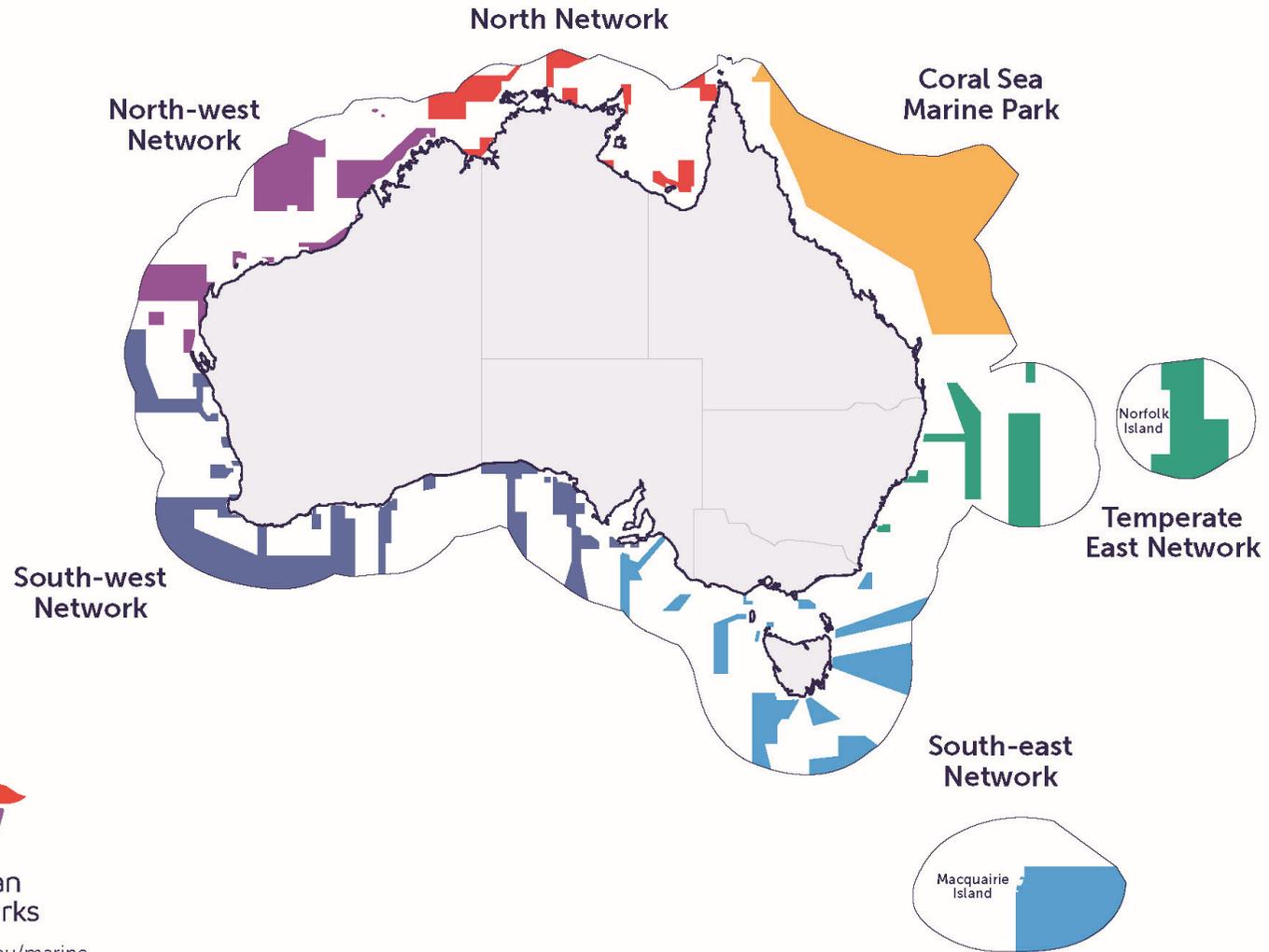


**Australian
Marine Parks**

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 | 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 (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

23 surface patrols
478 aerial surveillance flights
832 VMS alerts
1 phone call to our 1800 reporting hotline



Incidents

49 compliance incidents
7 marine debris sightings¹
1 ghost net²



Ongoing matters

1 ongoing case
4 investigations ongoing



Outcomes

6 legislative forfeitures conducted
1 vessel apprehension conducted
1 penalty infringement notice issued
9 warning notices issued
4 advisory letters issued
6 educate and disembark
26 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 possible duplicate sightings

² Inc ghost nets not in marine parks



Incidents

Authorisation

1 x permit holder suspected of conducting unauthorised research activity in the Norfolk Island Marine Park. Date: 19 January

1 x public report received on potential non-compliance with permit conditions in the Norfolk Island Marine Park. Date: 25 January

1 x self-report received for potentially conducting unauthorised research through marine parks in the South-west Network. Date: 10 February

1 x self-report received on potential non-compliance with permit conditions by company undertaking historical sampling and analysis in the Dampier Marine Park. Date: 17 February

1 x self-report received on potential non-compliance with permit conditions by industry body using fish aggravating devices in the Ningaloo Marine Park. Date: 22 February

1 x charter fishing vessel sighted by aerial surveillance conducting activity in the South West Corner SPZ without a valid permit. Date: 14 March

1 x recreational fishing vessel potentially conducting unauthorised activity IVO the Lord Howe Island Marine Park. Date: 25 March

Commercial fishing

1 x commercial fishing vessel identified by VMS alert potentially operating in the Freycinet RUZ. Date: 11 February

1 x commercial fishing vessel identified by VMS alert potentially operating in the Tasman Fracture NPZ. Date: 17 February

Foreign Fishing

1 x Type II sighted by patrol vessel within the Ashmore Reef SZ. No assets were available to respond at the time but FFV later resighted and educated. Date: January

3 x Type II's sighted by aerial surveillance within the Ashmore Reef SZ. Vessels were inspected and educated. Date January

1 x Type III sighted by patrol vessel within the Ashmore Reef SZ. Vessel was inspected and subject to a legislative forfeiture. Date: January

1 x Type II sighted by patrol vessel within the Ashmore Reef SZ. Response was requested from but no assets available to respond. Date: February

9 x Type II's sighted by aerial surveillance within the Ashmore Reef SZ. Response was requested but no assets available to respond. Date: February

1 x Type II sighted by aerial surveillance in the Cartier Island SZ. Vessel was given a warning not to enter or transit through the sanctuary zone. Date: February

3 x Type II's sighted by aerial surveillance within the Ashmore Reef SZ. Response was requested from MBC and boats escorted from area. Date: March

4 x Type II's sighted by aerial surveillance within the Ashmore Reef SZ. Response was requested but no assets available to respond. Date: March

1 x Type II sighted by aerial surveillance within the Cartier Island SZ. Response was requested with MBC performing legislative forfeiture. Date: March

1 x Type II sighted by aerial surveillance within the Cartier Island SZ. Response was requested from MBC but no assets available to respond. Date: March

1 x Type III sighted by aerial surveillance within the Ashmore Reef SZ. Response was requested with MBC performing legislative forfeiture. Date: March

1 x Type III sighted by aerial surveillance within the Cartier Island SZ. Response was requested with MBC performing legislative forfeiture. Date: March

3 x FFV Type III's sighted by aerial surveillance within the Cartier Island SZ. 1 x apprehension (and vessel disposal at sea) and 2 x legislative forfeitures performed by MBC. Date March

1 x Type IV sighted by aerial surveillance within the Arafura MUZ. NFA as boat appears to be transiting and no sign of fishing. Date: March

Recreational Fishing

1 x recreational fishing vessel inspected by DBCA fishing inside the Geographe NPZ. Date: 9 January

3 x recreational fishing vessels sighted by NSW DPI surface patrol vessel fishing within the Pimpernel Rock NPZ. Date: 13 January

2 x recreational fishing vessel sighted by NSW DPI surface patrol vessel fishing within the Pimpernel Rock NPZ. Date: 24 January

1 x recreational fishing vessel sighted by NSW DPI surface patrol vessel fishing within the Pimpernel Rock NPZ. Date: 2 February

1 x recreational fishing vessel sighted by NSW DPI surface patrol vessel fishing within the Pimpernel Rock NPZ. Date: 8 March

1 x public report received for recreational fishing vessel potentially fishing within the Tasman Fracture NPZ. 22 March

Ghost nets

1 x ghost net sighted by aerial surveillance inside the Oceanic Shoals MUZ. Response was requested but net too big for retrieval at the time with contractors organised for collection. Date: 18 January

Marine debris

1 x FAD sighted by aerial surveillance within the Tregrosse Reefs HPZ. Retrieval requested but no asset available to respond. Date: 3 February

1 x FAD sighted by aerial surveillance within the Oceanic Shoals SPZ. Retrieval requested but no asset available to respond. Date: 1 March

2 x FADs sighted by aerial surveillance within the Arafura SPZ. Retrieval requested but no asset available to respond. Date: 12 March

1 x FAD sighted by aerial surveillance within the Oceanic Shoals SPZ. Retrieval requested but no asset available to respond. Date: 17 March

2 x FADs sighted by aerial surveillance within the Kimberley MUZ. Retrieval requested but no asset available to respond. Date: 26 March



Ongoing matters

Cases

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





Outcomes

Apprehension

1 x vessel apprehension performed by MBC on Type III FFV sighted by aerial surveillance in the Cartier Island SZ

Legislative Forfeiture

1 x legislative forfeiture performed by MBC on FFV Type II sighted by aerial surveillance in the Cartier Island SZ

5 x legislative forfeitures performed by MBC on multiple FFV Type III's sighted by aerial surveillance and surface patrol in the Ashmore Reef SZ and Cartier Island SZ

Penalty Infringement Notices

1 x recreational fishing vessel inspected by NSW DPI fishing inside the Pimpernel Rock NPZ

Warning Notice

1 x AFV identified by VMS alert conducting commercial fishing activity within the Argo-Rowley Terrace MUZ and Mermaid Reef NPZ³

1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Huon MUZ⁴

1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Huon MUZ⁵

1 x recreational fishing vessel inspected by DBCA fishing inside the Geographe NPZ

1 x recreational fishing vessel inspected by NSW DPI fishing inside the Cod Grounds NPZ

3 x recreational fishing vessels inspected by NSW DPI fishing inside the Pimpernel Rock NPZ

1 x recreational fishing vessel sighted by aerial surveillance fishing inside the Pimpernel Rock NPZ

Advisory Notice

1 x recreational fishing vessel inspected by NSW DPI fishing inside the Pimpernel Rock NPZ

³ Incident occurred in June 2019, investigation finalised and warning issued in March 2021

⁴ Incident occurred in December 2020

⁴ Incident occurred in March 2019, investigation finalised and warning issued in March 2021

⁵ Incident occurred in November 2020, investigation finalised and warning issued in March 2021

1 x research vessel collecting samples within multiple marine parks in the South-west Network

1 x charter fishing vessel sighted by aerial surveillance operating inside the Coral Sea HPZ⁴

1 x commercial fishing vessel identified by VMS alert conducting activity inside the West Cape York NPZ & HPZ⁵

Education

6 x Type II's investigated inside Ashmore Reef SZ and educated to leave the area

NFA

1 x commercial fishing vessel identified by VMS alert operating in the Wessel HPZ⁶

1 x recreational fishing vessel inspected by NSW DPI fishing IVO Pimpernel Rock NPZ

2 x public report received on potential non-compliance with permit conditions by a researcher and a film maker conducting activities in the Norfolk Island Marine Park

1 x recreational fishing vessel inspected by NSW DPI fishing IVO Lord Howe Island Marine Park

1 x commercial fishing vessel sighted by aerial surveillance operating in the Freycinet RUZ

1 x commercial fishing vessel identified by VMS alert operating in Tasman Fracture NPZ

1 x public report received on potential non-compliance with permit conditions by an industry body using fish aggravating devices in the Ningaloo Marine Park

16 x FFV's sighted by aerial surveillance and surface patrol in the Ashmore Reef SZ & Cartier Island SZ

1 x commercial fishing vessel investigated for a VMS alert in the West Cape York NPZ

1 x FFV Type IV sighted by aerial surveillance transiting through the Arafura MUZ

Ongoing investigation

1 x self-report received on potential non-compliance with permit conditions by company undertaking historical sediment sampling and analysis in the Dampier Marine Park.

1 x AFV recreational fishing vessel sighted by NSW DPI surface patrol fishing in the Pimpernel Rock NPZ.

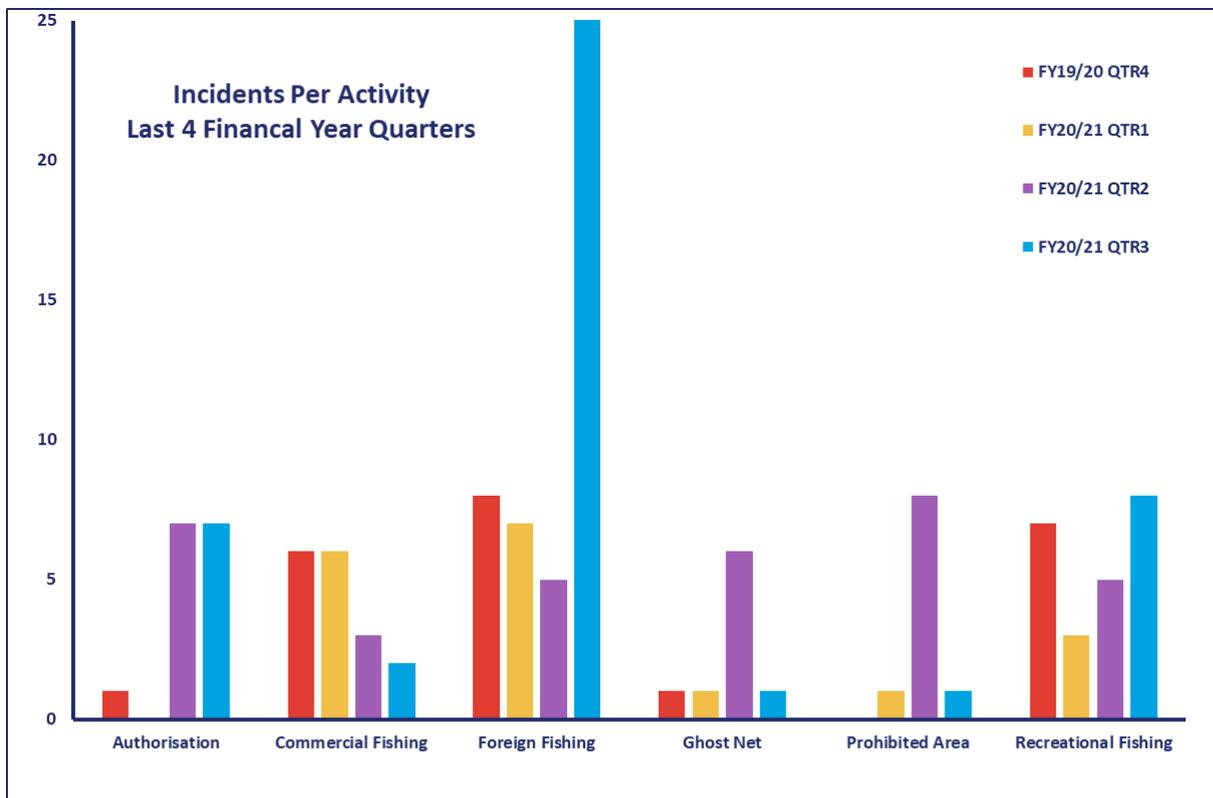
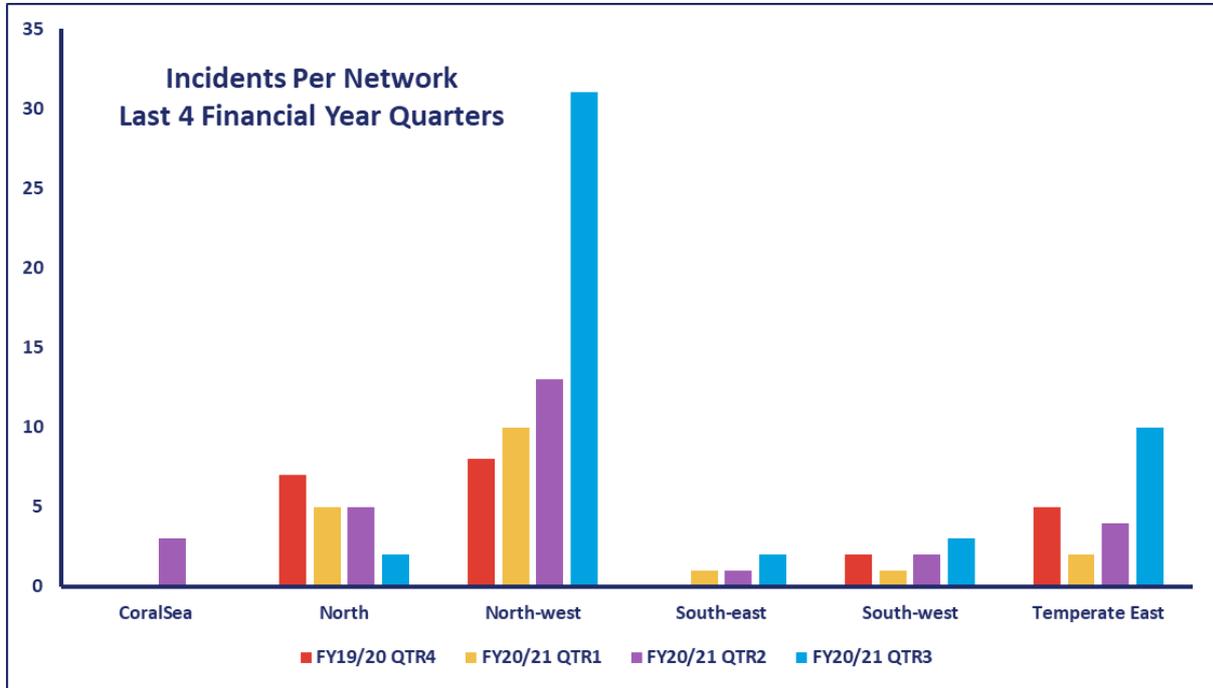
1 x charter fishing vessel sighted by aerial surveillance conducting activity in the South West Corner SPZ without a valid permit.

1 x public report received for recreational fishing vessel potentially fishing within the Tasman Fracture NPZ.

⁵ Incident occurred in November 2020

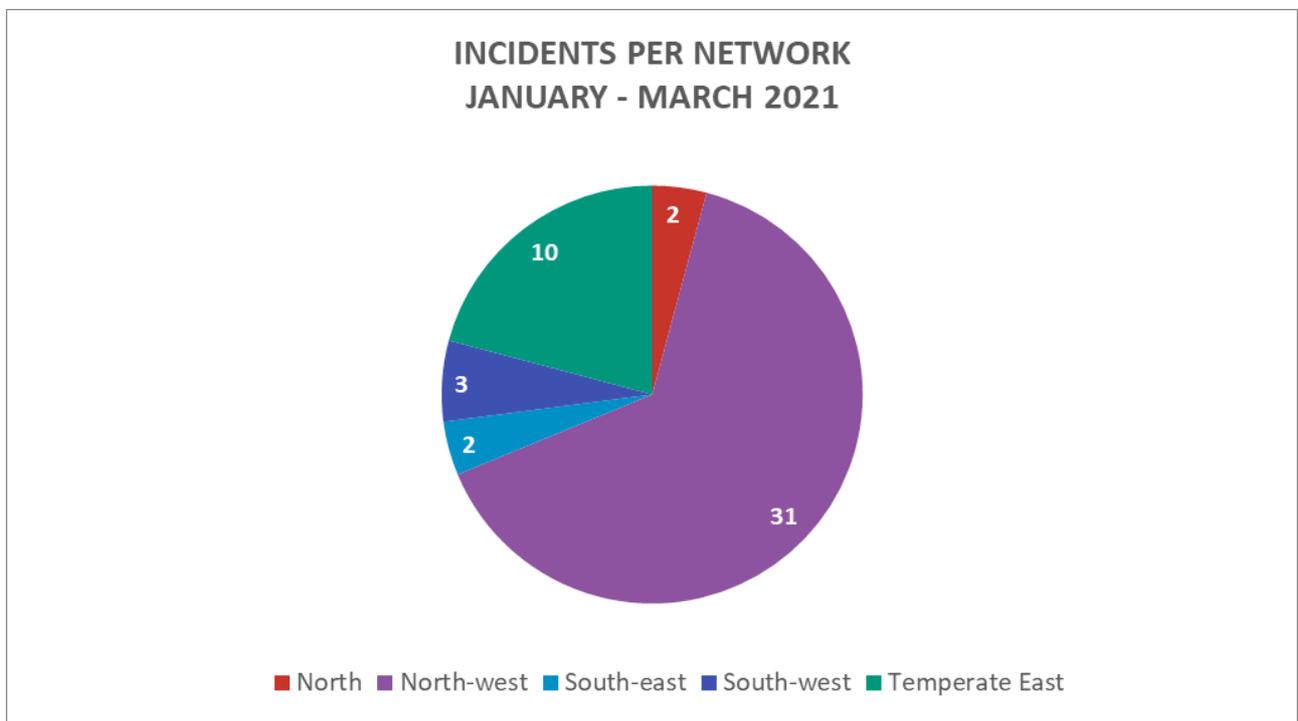
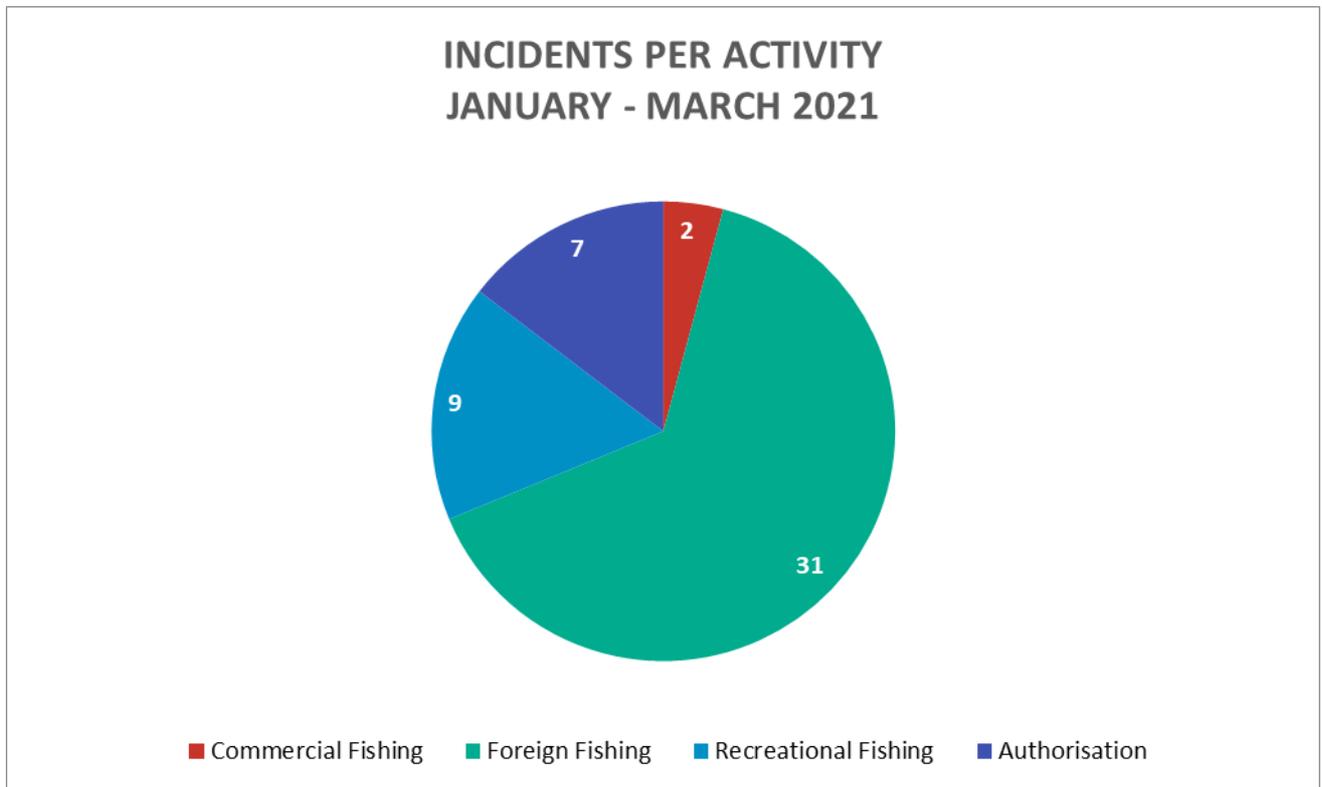


Statistics



Network summary

January to March 2021



| | North | Coral Sea | Temperate East | South-east | South-west | North-west | Totals |
|---|-------|-----------|----------------|------------|------------|------------|-----------|
| Compliance Incidents | 2 | | 10 | 3 | 3 | 31 | 49 |
| Ghost Nets (in AMP) | 1 | | | | | | 1 |
| Marine Debris (in AMP) | 4 | 1 | | | | 2 | 7 |
| RFIs | 1 | | | | | | 1 |
| Cases (commenced in quarter) | | | | | | | - |
| Educational Boarding's | | | | | | 6 | 6 |
| Warning Notices | | | 5 | 2 | 1 | 1 | 9 |
| Advisory Letters | 1 | 1 | 1 | 1 | | | 4 |
| NFA (not inc. notable incidents) | 3 | | 4 | 2 | | 17 | 26 |
| PINs | | | 1 | | | | 1 |
| 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.

parksaustralia.gov.au/marine



Australian Government
Director of National Parks



**Australian
Marine Parks**