



Australian Marine Parks

Quarterly Compliance Report

October, November & December 2021



Australian Government
Director of National Parks

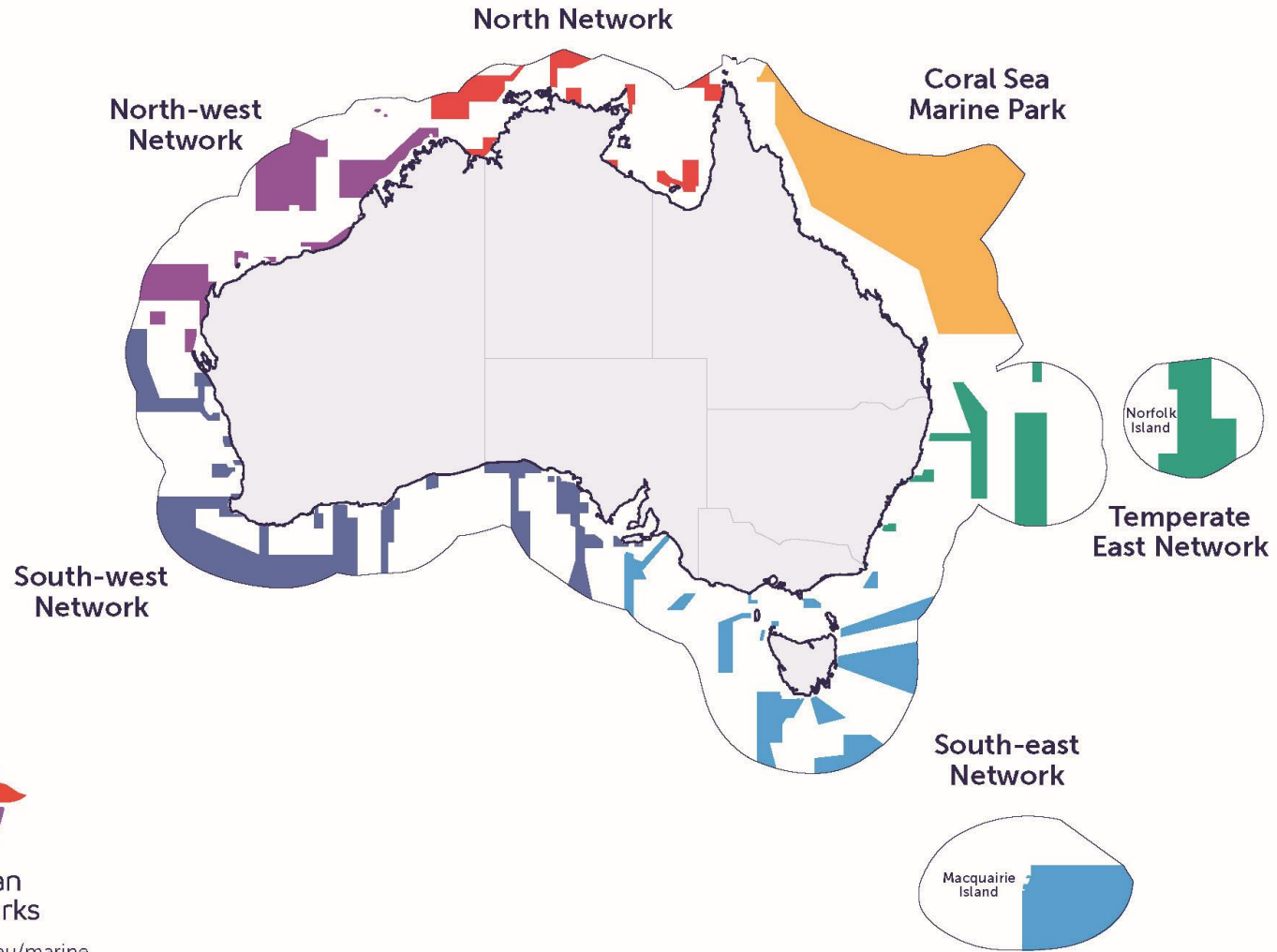


**Australian
Marine Parks**

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



Report summary



Surveillance

26 surface patrols (not including ABF patrols)
457 aerial surveillance flights
1231 VMS alerts
8 phone calls to our 1800 reporting hotline



Incidents

525 compliance incidents
5 marine debris sightings
9 ghost net sightings¹



Ongoing matters

1 ongoing case



Outcomes

129 legislative forfeitures conducted
6 penalty infringement notices
1 advisory letter
6 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 Includes ghost nets not in marine parks



Incidents

Authorisations

1 x charter fishing vessel sighted by aerial surveillance potentially fishing within Argo-Rowley Terrace SPZ. Investigation identified no evidence of a breach, no further action. Date: 28 October.

2 x yachts moored without mooring booking in Mermaid Reef NPZ. Investigations ongoing. Date: 13 November.

Commercial fishing

2 x AFV sighted by aerial surveillance potentially fishing within West Cape York HPZ. Investigation identified no evidence of a breach, no further action. Date: 2 October.

1 x AFV identified by VMS alert potentially fishing within Wessel HPZ. Investigation identified no evidence of a breach, no further action. Date: 5 October.

1 x AFV identified by VMS alert potentially fishing within Oceanic Shoals MUZ. Investigation identified no evidence of a breach, no further action. Date: 9 October.

1 x AFV self-reported potentially fishing within Coral Sea HPZ. Investigation ongoing. Date: 9 November.

Charter Fishing

1 x PIN issued to charter vessel identified by surface patrol fishing within Two Rocks NPZ. Date: 23 October.

Recreational Fishing

1 x recreational fishing vessel sighted by aerial surveillance fishing within Oceanic Shoals NPZ. Vessel unable to be identified, no further action. Date: 15 October.

3 x PINs issued to recreational fishing vessels sighted by aerial surveillance fishing within Pimpernel Rock NPZ. Date: 5 and 9 November.

2 x recreational fishing vessels sighted by aerial surveillance fishing within Cod Grounds NPZ. Investigations ongoing. Date: 6 and 10 December.

Foreign Fishing

243 x FFV's sighted by aerial surveillance and surface patrol within the Argo-Rowley Terrace MUZ. Response was requested, resulting in 34 x legislative forfeitures of catch and gear and 11 vessels seized and disposed of.

84 x FFV's sighted by aerial surveillance and surface patrol within the Mermaid Reef NPZ. Response was requested, resulting in 20 x legislative forfeitures of catch and gear and 1 vessel seized and disposed of.

69 x FFV's sighted by aerial surveillance and surface patrol within the Argo-Rowley Terrace SPZ. Response was requested, resulting in 36 x legislative forfeitures of catch and gear.

48 x FFV's sighted by aerial surveillance and surface patrol within the Cartier Island SZ. Response was requested, resulting in 14 x legislative forfeitures of catch and gear, 1 vessel seized and disposed of and 1 x educational boarding.

36 x FFV's sighted by aerial surveillance and surface patrol within the Ashmore Reef SZ and RUZ. Response was requested, resulting in 22 x legislative forfeitures of catch and gear and 1 x vessel seized and disposed of.

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

12 x FFV's sighted by aerial surveillance within the Kimberley MUZ. Response was requested, resulting in 1 x legislative forfeiture of catch and gear.

5 x FFV's sighted by aerial surveillance within Oceanic Shoals SPZ. Response was requested, resulting in 2 x legislative forfeitures of catch and gear.

Ghost Nets

3 x ghost nets sighted by aerial surveillance IVO Cartier Island. Retrieval was requested, however no assets were available.

3 x ghost nets sighted by aerial surveillance IVO Oceanic Shoals MP. Retrieval was requested, however no assets were available.

1 x ghost net sighted by aerial surveillance in Argo-Rowley Terrace NPZ and Kimberley MUZ. Ghost net was retrieved on 29 November.

1 x ghost net sighted by aerial surveillance IVO Mabuiag Island. Retrieval was requested, however no assets were available.

1 x ghost net sighted by aerial surveillance IVO West Cape York MP. Retrieval was requested, however no assets were available.

Marine debris

5 x FADs sighted by aerial surveillance within Argo-Rowley Terrace MUZ and NPZ. Retrieval was requested, however no assets were available.



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

36 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Argo-Rowley Terrace SPZ.

34 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Argo-Rowley Terrace MUZ, and 11 vessels seized and disposed of.

22 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Ashmore Island SZ and RUZ, and 1 vessel seized and disposed of.

20 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Mermaid Reef NPZ, and 1 vessel seized and disposed of.

14 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance and surface patrol in the Cartier Island SZ, 1 vessel seized and disposed of and 1 x educational boarding.

2 x legislative forfeitures performed by AFMA on FFVs sighted by aerial surveillance in Oceanic Shoals MUZ.

1 x legislative forfeiture performed by AFMA on an FFV sighted by aerial surveillance in the Kimberley MUZ.

Penalty Infringement Notices

3 x PINs issued to recreational fishers identified by aerial surveillance fishing in Pimpernel Rock NPZ.

2 x PINs issued to recreational fishers identified by aerial surveillance fishing in Cod Grounds NPZ.²

1 x PIN issued to charter fishing company identified by surface patrol fishing in Two Rocks NPZ.

Advisory Letters

1 x incident of commercial filming operator identified as in breach of their Media Permit reporting obligations in the Norfolk Island SPZ.³

Ongoing Investigations

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

1 x AFV self-reported potentially fishing within Coral Sea HPZ. Investigation ongoing. Date: 9 November.

2 x yachts moored without authorisation in Mermaid Reef NPZ. Investigations ongoing. Date: 13 November.

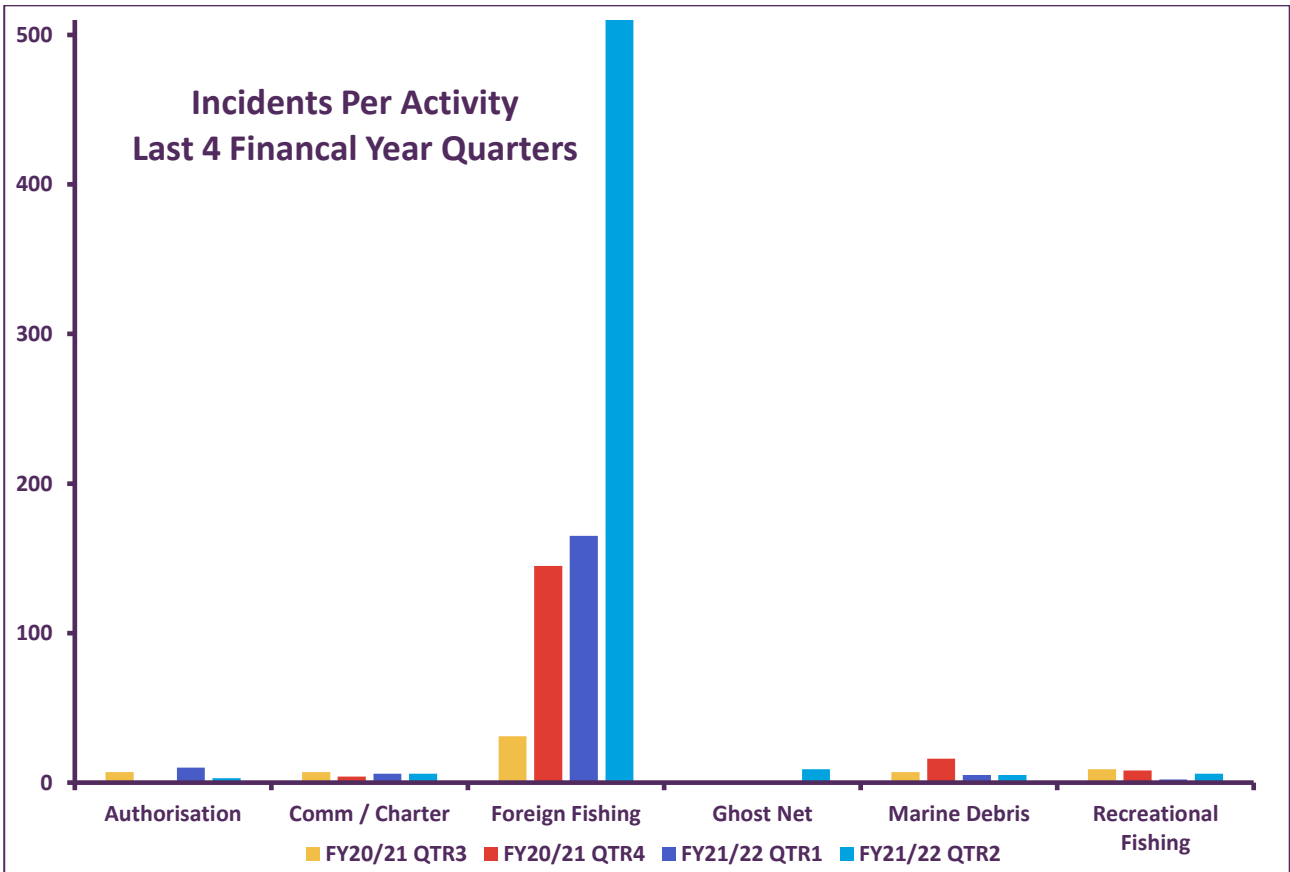
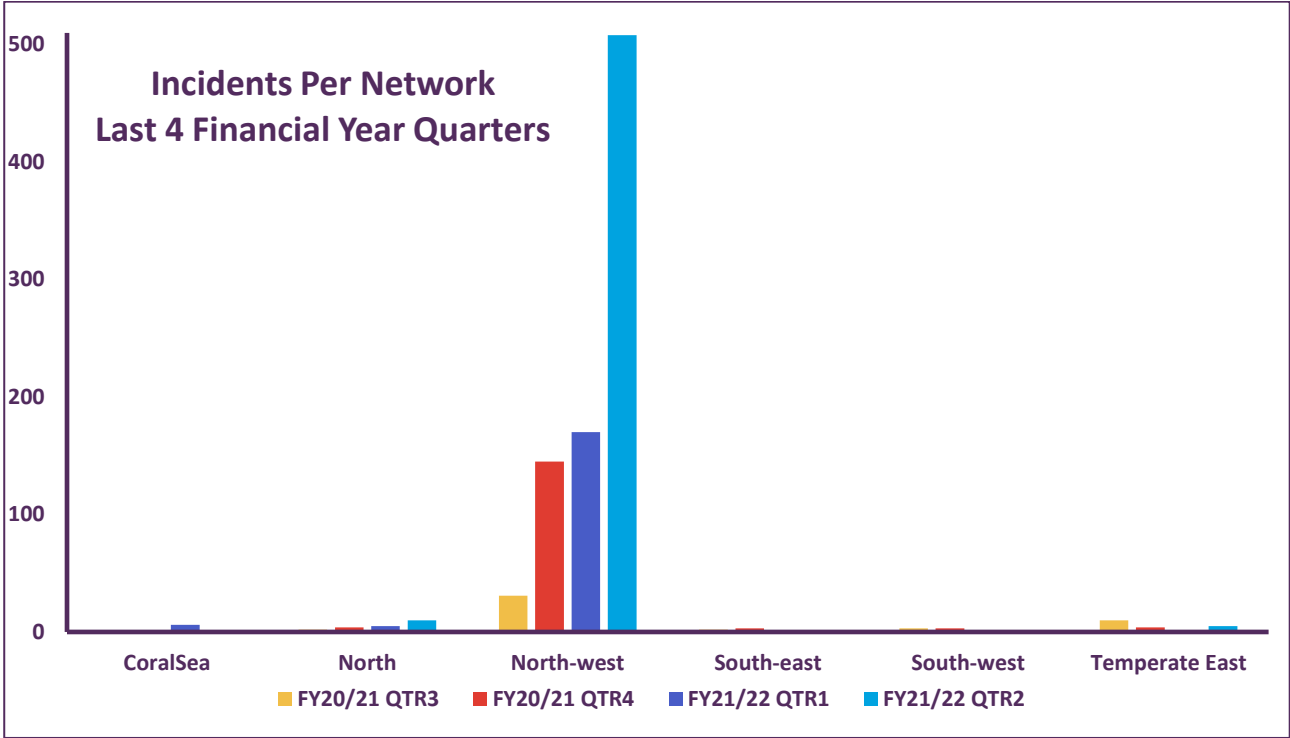
2 x recreational fishing vessels sighted by aerial surveillance fishing within Cod Grounds NPZ. Investigations ongoing. Dates: 6 and 10 December.

² Incident occurred in September 2021. Investigation finalised and PINs issued in December 2021.

³ Parks notified of incident in August 2021. Investigation finalised and advisory letter issued in November 2021.

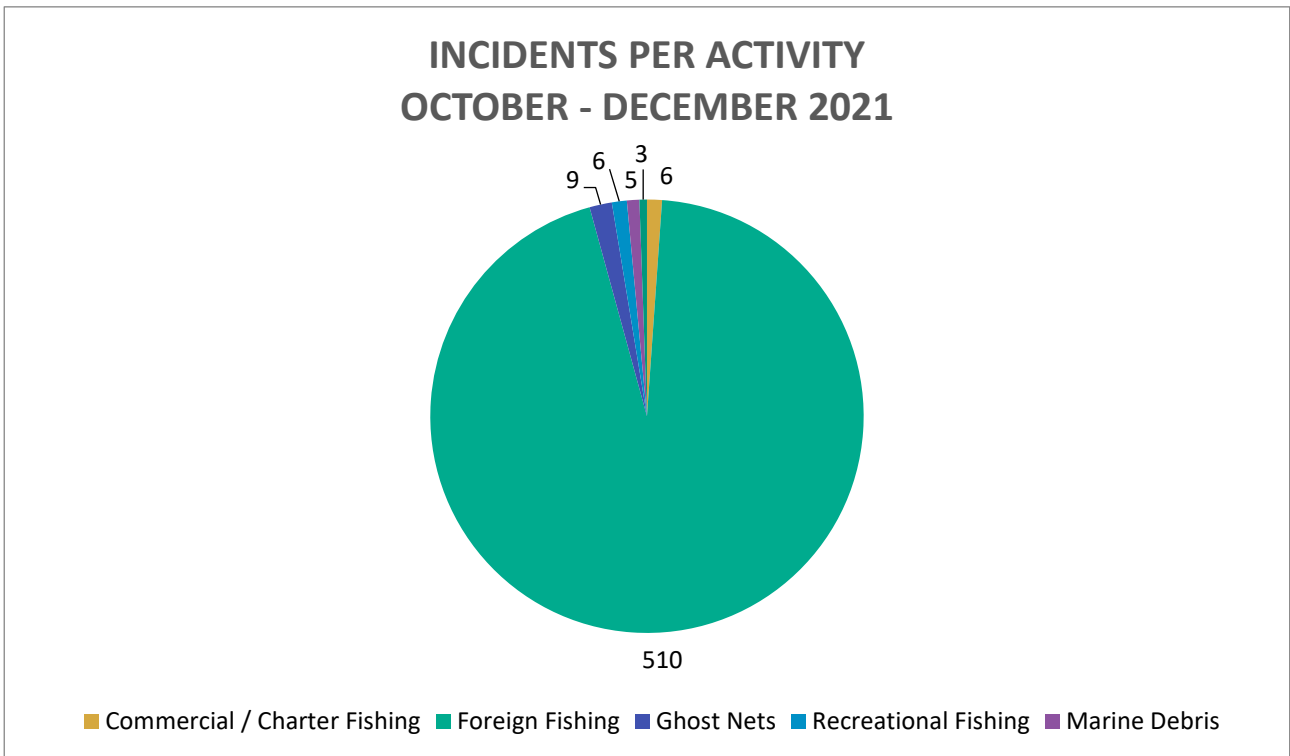
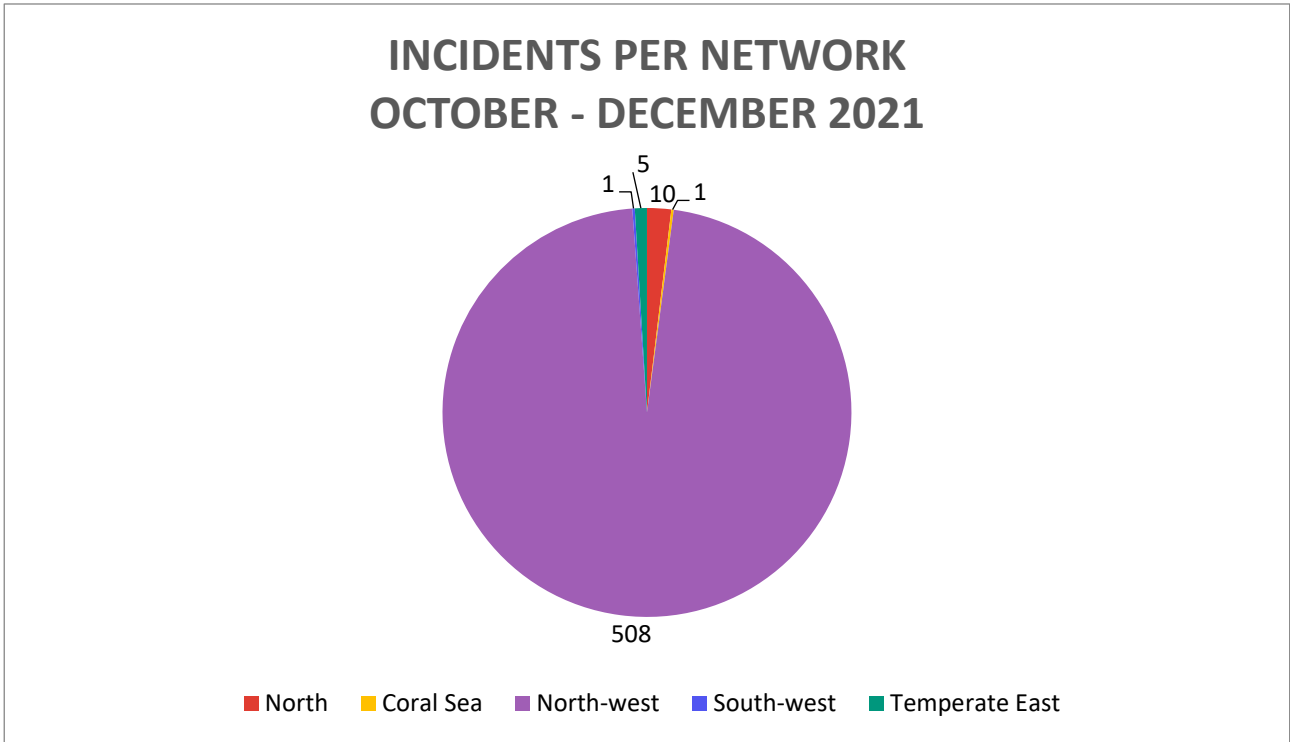


Statistics



Network Summary

October to December 2021



| | North | Coral Sea | Temperate East | South-east | South-west | North-west | Totals |
|---|-------|-----------|----------------|------------|------------|------------|------------|
| Compliance Incidents | 10 | 1 | 5 | | 1 | 508 | 525 |
| Ghost Nets | 5 | | | | | 4 | 9 |
| Marine Debris (in AMP) | | | | | | 5 | 5 |
| RFIs | | | | | | | - |
| Cases (commenced in quarter) | | | | | | | - |
| Educational Boardings | | | | | | 1 | 1 |
| Warning Notices | | | | | | | - |
| Advisory Letters | | | | | | | - |
| PINs | | | 5 | | 1 | | 6 |
| 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.



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