



**Australian Marine Parks**

# **Quarterly Compliance Report**

**July, August, September 2023**



**Australian Government**  
**Director of National Parks**



**Australian  
Marine Parks**

# Glossary and Abbreviations

| Term/ Abbreviation                   | Explanation                                                                                                                   |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>ABF</b>                           | Australian Border Force                                                                                                       |
| <b>AFMA</b>                          | Australian Fisheries Management Authority                                                                                     |
| <b>AFV</b>                           | Australian Fishing Vessel                                                                                                     |
| <b>AMP</b>                           | Australian Marine Park                                                                                                        |
| <b>AMSA</b>                          | Australian Maritime Safety Authority                                                                                          |
| <b>BBT</b>                           | Papua New Guinea open narrow dingy style vessel                                                                               |
| <b>EPBC Act</b>                      | <i>Environment Protection and Biodiversity Conservation Act 1999</i>                                                          |
| <b>FAD</b>                           | Fish Aggregating Device                                                                                                       |
| <b>FFV</b>                           | Foreign Fishing Vessel                                                                                                        |
| <b>HPZ</b>                           | Habitat Protection Zone                                                                                                       |
| <b>IVO</b>                           | In vicinity of                                                                                                                |
| <b>MARPOL</b>                        | Maritime Pollution                                                                                                            |
| <b>MBC</b>                           | Maritime Border Command                                                                                                       |
| <b>MP</b>                            | Marine Park                                                                                                                   |
| <b>MUZ</b>                           | Multiple Use Zone                                                                                                             |
| <b>NAVHAZ</b>                        | Navigational Hazard                                                                                                           |
| <b>NFA</b>                           | No Further Action                                                                                                             |
| <b>NPZ</b>                           | National Park Zone                                                                                                            |
| <b>PA</b>                            | Parks Australia                                                                                                               |
| <b>PIN</b>                           | Penalty Infringement Notice                                                                                                   |
| <b>RFI</b>                           | Request for Information                                                                                                       |
| <b>ROI</b>                           | Record of Interview                                                                                                           |
| <b>RUZ</b>                           | Recreational Use Zone                                                                                                         |
| <b>SPZ</b>                           | Special Purpose Zone                                                                                                          |
| <b>SZ</b>                            | Sanctuary Zone                                                                                                                |
| <b>Type 1</b>                        | Indonesian traditional fishing vessel 1 sail                                                                                  |
| <b>Type 2</b>                        | Indonesian traditional fishing vessel 2 sails                                                                                 |
| <b>Type 3</b>                        | Indonesian motorised fishing vessel under 20m                                                                                 |
| <b>Type 4</b>                        | Indonesian motorised fishing vessel over 20m                                                                                  |
| <b>USV</b>                           | Uncrewed Surface Vessel                                                                                                       |
| <b>VMS</b>                           | Vessel Monitoring System                                                                                                      |
| <b>Foreign Aerial Sighting - NFA</b> | FFVs sighted by aerial surveillance within an AMP and not considered to be conducting transit passage are referred to ABF for |

| Term/ Abbreviation                        | Explanation                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | response. When a response asset is not provided, no further action (NFA) is recorded.                                                                                                                                                                                                                                                                                                                |
| <b>Seize Catch/Gear</b>                   | An FFV that has been physically interdicted and had its fishing equipment and catch seized prior to being directed to exit the AEEZ.                                                                                                                                                                                                                                                                 |
| <b>Seize Catch/Gear – Vsl Confiscated</b> | An FFV that has been physically interdicted and had its fishing equipment and catch seized prior to crew being consolidated on another vessel and ordered to exit the AEEZ. The vessel is then forfeit to the commonwealth.                                                                                                                                                                          |
| <b>Transit Passage</b>                    | An FFV exercising innocent passage to transit the AEEZ with fishing gear and equipment stowed.                                                                                                                                                                                                                                                                                                       |
| <b>Educate and disembark</b>              | An FFV that has been physically interdicted and found through investigation to be operating in accordance with the law.                                                                                                                                                                                                                                                                              |
| <b>Apprehension</b>                       | An FFV that has been physically interdicted and had its crew apprehended. The crew is returned to the Australian mainland to face prosecution in an Australian court. The vessel, its fishing equipment and catch is forfeit to the commonwealth.                                                                                                                                                    |
| <b>Flag State Referral</b>                | Evidence and information are provided via diplomatic channels to the registered Flag State of the vessel, requesting the Flag State to take appropriate action in accordance with international or regional agreements.                                                                                                                                                                              |
| <b>NFA – Minor breach</b>                 | NFA Minor breach refers to incidents in which the offence is relatively minor, the vessel is not fishing, and no further action is required.                                                                                                                                                                                                                                                         |
| <b>Verbal Advice</b>                      | Verbal advice is reserved for minor infractions where the alleged offence is minor, unintentional and the alleged offender is unlikely to wilfully reoffend.                                                                                                                                                                                                                                         |
| <b>Advisory Letter</b>                    | An advisory letter forms a formal written record of advice in relation to an alleged offence. Advisory letters are issued in conjunction with verbal advice and are reserved for infractions where the alleged offence is minor in nature and a formal written advice is appropriate.                                                                                                                |
| <b>Warning Notice</b>                     | A Warning Notice is an official document issued for non-compliance that warns the offender about the alleged offence and outlines the potential penalties. The Notice does not impose a fine on the alleged offender, rather it explains that further breaches may result in a harsher punishment such as issuing a Penalty Infringement Notice or more significant penalties including prosecution. |
| <b>Infringement Notice</b>                | An Infringement Notice is an official document issued for non-compliance that provides an alleged offender the opportunity to                                                                                                                                                                                                                                                                        |

**Term/ Abbreviation****Explanation****Authorisation****Terminated****Civil Penalty****Criminal Proceedings****NFA – Insuff Evidence**

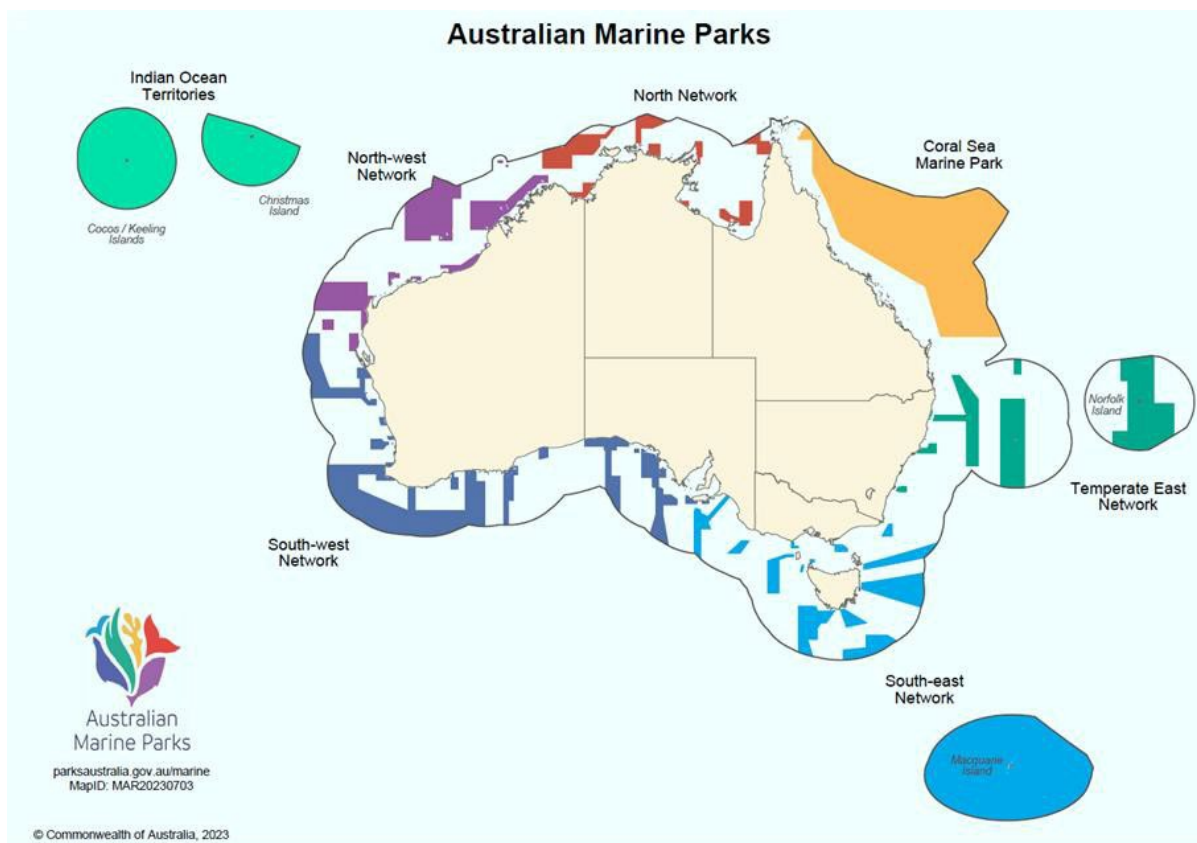
settle the alleged matter without going to court. The notice penalises the offender for an alleged offence, however if the penalty is paid the alleged offender's criminal liability is discharged.

Under r.17.12 of the EPBC Regulations, a delegate may, by written notice, cancel a permit issued by the Director.

Civil penalties reflect the need for economic deterrence to non-compliance and seek to redress the harm done by contraventions. Civil actions initiated by the Minister are heard in the Federal Court.

Criminal proceedings are pursued when, the alleged offence resulted in a significant environmental harm, significant recklessness or intent was involved in perpetrating the offending act, previous administrative or civil enforcement responses have not deterred the person from repeating contravention, or an alleged offender has elected not to pay an infringement notice and to have the matter heard in court.

NFA – Insufficient Evidence, an outcome reserved for incidents in which it appears an offence has occurred however the available evidence or quality of evidence is insufficient to effectively prove an offence has occurred.



| 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     |                  | 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.

# Report summary

## Surveillance

- 62 surface patrols
- 831 aerial surveillance flights
- 1196 VMS alerts
- 5 phone calls to our 1800 reporting line
- 23 phone calls received by the AMP duty officer

## Incidents

- 98 Foreign Fishing incidents detected
- 11 Commercial Fishing Transit incidents detected
- 7 Authorisation incidents detected
- 5 Commercial Fishing incident detected
- 1 Recreational Fishing incident detected
- 2 Ghost Net incidents detected<sup>1</sup>
- 8 Marine Debris incidents detected<sup>2</sup>

## Outcomes

- 10 Seize catch/gear
- 5 instances of verbal advice
- 4 Advisory Letters issued
- 2 Infringement Notices issued
- 2 Warning Notices issued
- 1 Authorisation terminated
- 1 educate and disembark of FFV
- 1 Transit Passage
- 1 Ghost Net/Marine Debris recovered

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<sup>1</sup> Includes ghost nets not in AMPs

<sup>2</sup> May include multiple sightings of same debris

# Incidents Occurring During the Reporting Period

## Authorisations

- 1 Authorisation incident detected in Arafura Marine Park, Multiple Use Zone in August 2023 resulting in NFA - Insuff Evidence.
- 1 Authorisation incident detected in Ashmore Reef Marine Park, Recreational Use Zone in August 2023 resulting in Verbal advice.
- 1 Authorisation incident detected in Beagle Marine Park, Multiple Use Zone in July 2023 resulting in Advisory Letter.
- 1 Authorisation incident detected in Ningaloo Marine Park, Recreational Use Zone in July 2023 resulting in Verbal advice.
- 1 Authorisation incident detected in Ningaloo Marine Park, Recreational Use Zone in September 2023 resulting in NFA - Insuff Evidence.
- 1 Authorisation incident detected in Norfolk Marine Park, Special Purpose Zone (Norfolk) in August 2023 resulting in NFA - No Breach.
- 1 Authorisation incident detected in Solitary Islands Marine Park, Multiple Use Zone in September 2023 resulting in Investigation Ongoing.

## Commercial Fishing

- 1 Commercial Fishing incident detected in Gulf of Carpentaria Marine Park, National Park Zone in September 2023 resulting in Infringement Notice.
- 1 Commercial Fishing incident detected in Hunter Marine Park, Habitat Protection Zone in July 2023 resulting in NFA - No Breach.
- 1 Commercial Fishing incident detected in Solitary Islands Marine Park, Multiple Use Zone in July 2023 resulting in NFA - No Breach.
- 1 Commercial Fishing incident detected in Western Eyre Marine Park, Multiple Use Zone in August 2023 resulting in NFA - No Breach.
- 1 Commercial Fishing incident detected in Zeehan Marine Park, Multiple Use Zone in July 2023 resulting in NFA - No Breach.

## Commercial Fishing Transit

- 1 Commercial Fishing Transit incident detected in Franklin Marine Park, Multiple Use Zone in August 2023 resulting in Advisory Letter.
- 1 Commercial Fishing Transit incident detected in Freycinet Marine Park, Recreational Use Zone in July 2023 resulting in NFA - Minor Breach.
- 1 Commercial Fishing Transit incident detected in Gulf of Carpentaria Marine Park, National Park Zone in August 2023 resulting in NFA - Minor Breach.
- 1 Commercial Fishing Transit incident detected in Gulf of Carpentaria Marine Park, National Park Zone in August 2023 resulting in Verbal advice.
- 2 Commercial Fishing Transit incidents detected in Gulf of Carpentaria Marine Park, National Park Zone in July 2023 resulting in NFA - Minor Breach.
- 2 Commercial Fishing Transit incidents detected in Gulf of Carpentaria Marine Park, National Park Zone in September 2023 resulting in NFA - Minor Breach.
- 1 Commercial Fishing Transit incident detected in Murray Marine Park, Multiple Use Zone in July 2023 resulting in NFA - Minor Breach.
- 1 Commercial Fishing Transit incident detected in Tasman Fracture Marine Park, Marine

National Park Zone in July 2023 resulting in Verbal advice.

- 1 Commercial Fishing Transit incident detected in Zeehan Marine Park, Multiple Use Zone in August 2023 resulting in NFA - Minor Breach.

## Foreign Fishing

- 2 Foreign Fishing incidents detected in Argo-Rowley Terrace Marine Park, Multiple Use Zone in July 2023 resulting in Foreign Aerial Sighting- NFA.
- 8 Foreign Fishing incidents detected in Argo-Rowley Terrace Marine Park, Multiple Use Zone in August 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Argo-Rowley Terrace Marine Park, Multiple Use Zone in August 2023 resulting in Seize catch/gear.
- 21 Foreign Fishing incidents detected in Argo-Rowley Terrace Marine Park, Multiple Use Zone in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Argo-Rowley Terrace Marine Park, National Park Zone in August 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Argo-Rowley Terrace Marine Park, Special Purpose Zone (Trawl) in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Recreational Use Zone in July 2023 resulting in Educate and Disembark.
- 1 Foreign Fishing incident detected in Ashmore Reef Marine Park, Recreational Use Zone in July 2023 resulting in Foreign Aerial Sighting- NFA.
- 5 Foreign Fishing incidents detected in Ashmore Reef Marine Park, Sanctuary Zone in July 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Ashmore Reef Marine Park, Sanctuary Zone in July 2023 resulting in Seize catch/gear.
- 3 Foreign Fishing incidents detected in Ashmore Reef Marine Park, Sanctuary Zone in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Cartier Island Marine Park, Sanctuary Zone in July 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Cartier Island Marine Park, Sanctuary Zone in September 2023 resulting in Seize catch/gear.
- 1 Foreign Fishing incidents detected in Christmas Island Marine Park, National Park Zone in July 2023 resulting in Transit Passage.
- 1 Foreign Fishing incident detected in Christmas Island Marine Park, National Park Zone in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 6 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in July 2023 resulting in Foreign Aerial Sighting- NFA.
- 5 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in August 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in August 2023 resulting in Seize catch/gear.
- 14 Foreign Fishing incidents detected in Kimberley Marine Park, Multiple Use Zone in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Kimberley Marine Park, Multiple Use Zone in September 2023 resulting in Seize catch/gear.

- 2 Foreign Fishing incidents detected in Mermaid Reef Marine Park, National Park Zone in July 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Mermaid Reef Marine Park, National Park Zone in August 2023 resulting in Foreign Aerial Sighting- NFA.
- 1 Foreign Fishing incident detected in Mermaid Reef Marine Park, National Park Zone in August 2023 resulting in Seize catch/gear.
- 7 Foreign Fishing incidents detected in Mermaid Reef Marine Park, National Park Zone in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 2 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Multiple Use Zone in September 2023 resulting in Foreign Aerial Sighting- NFA.
- 3 Foreign Fishing incidents detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in September 2023 resulting in Foreign Aerial Sighting- NFA.

### **Ghost Nets**

- 1 Ghost Net incident detected in Outside AMP Marine Park, Outside AMP in September 2023 resulting in Net/Debris Not Recovered.
- 1 Ghost Net incident detected in Outside AMP Marine Park, Outside AMP in September 2023 resulting in Net/Debris Recovered.

### **Marine Debris**

- 2 Marine Debris incidents detected in Christmas Island Marine Park, National Park Zone in August 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Christmas Island Marine Park, National Park Zone in September 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incidents detected in Coral Sea Marine Park, Habitat Protection Zone in September 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Kimberley Marine Park, National Park Zone in August 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Oceanic Shoals Marine Park, Multiple Use Zone in August 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Oceanic Shoals Marine Park, Multiple Use Zone in September 2023 resulting in Net/Debris Not Recovered.
- 1 Marine Debris incident detected in Oceanic Shoals Marine Park, Special Purpose Zone (Trawl) in September 2023 resulting in Net/Debris Not Recovered.

### **Recreational Fishing**

- 1 Recreational Fishing incident detected in Solitary Islands Marine Park, National Park Zone in September 2023 resulting in Warning Notice.

## **Incidents Previously Reported but Finalised During the Reporting Period**

### **Authorisations**

- 1 Authorisation incident previously reported in Coral Sea Marine Park, Habitat Protection Zone (Reefs) and finalised in July 2023 resulting in Authorisation Terminated.
- 2 Authorisation incidents previously reported in Mermaid Reef Marine Park, National Park

Zone and finalised in July 2023 resulting in Advisory Letter.

- 1 Authorisation incident previously reported in Ningaloo Marine Park, Recreational Use Zone and finalised in September 2023 resulting in Warning Notice.

### **Commercial Fishing**

- 1 Commercial Fishing incident previously reported in Murray Marine Park, Special Purpose Zone and finalised in July 2023 resulting in Verbal advice.

### **Recreational Fishing**

- 2 Recreational Fishing incidents previously reported in Solitary Islands Marine Park, National Park Zone and finalised in August 2023 resulting in Infringement Notice.
- 1 Recreational Fishing incident previously reported in Solitary Islands Marine Park, National Park Zone and finalised in August 2023 resulting in NFA - No Breach.
- 1 Recreational Fishing incident previously reported in Solitary Islands Marine Park, National Park Zone and finalised in August 2023 resulting in Warning Notice.
- 1 Recreational Fishing incident previously reported in Solitary Islands Marine Park, National Park Zone and finalised in July 2023 resulting in NFA - Insuff Evidence.

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