



Australian Marine Parks

Quarterly Compliance Report

JANUARY, FEBRUARY and MARCH 2020



Australian Government
Director of National Parks



**Australian
Marine Parks**

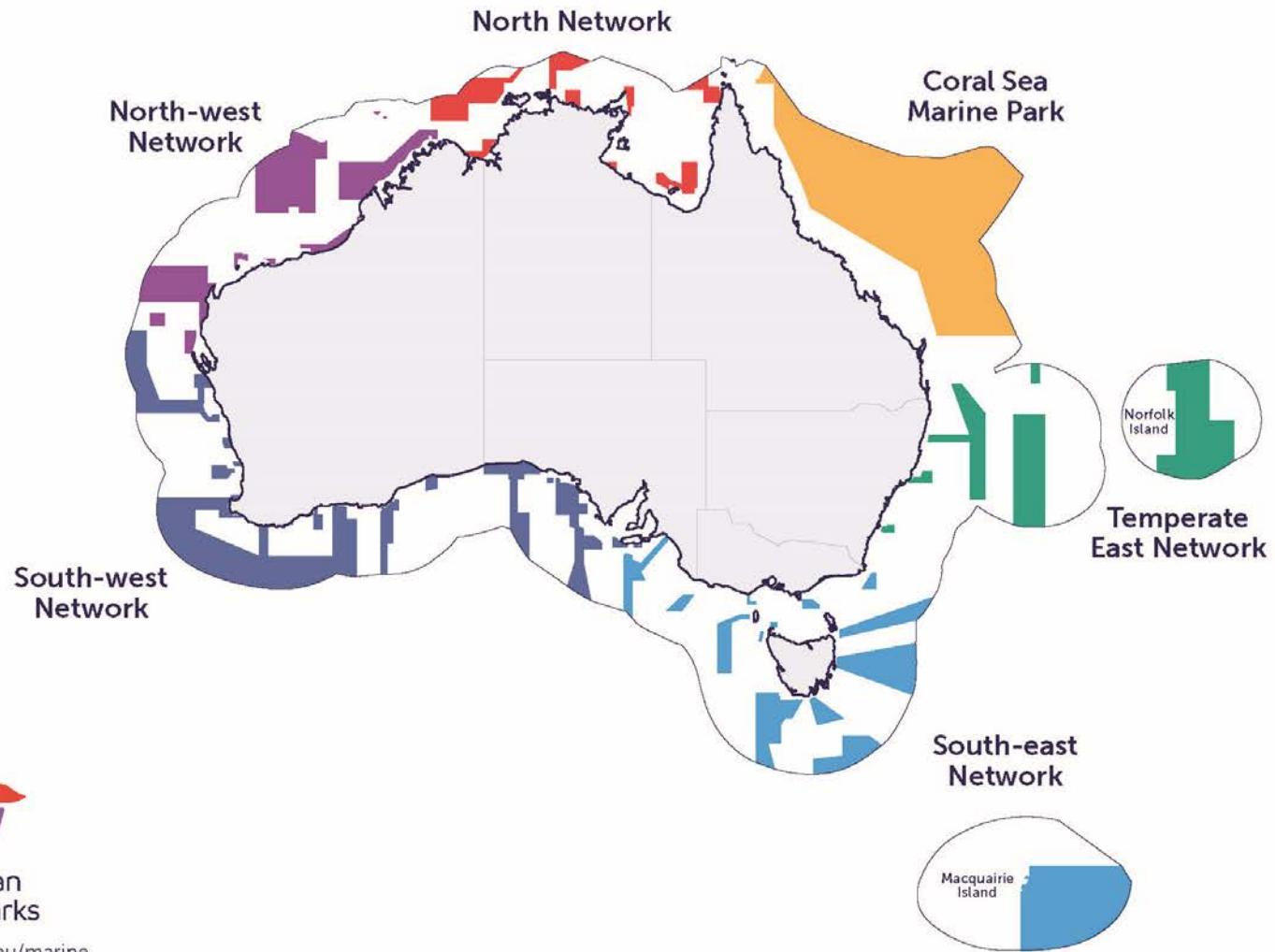
Abbreviations

Abbreviation	Explanation
ABF	Australian Border Force
AFMA	Australian Fisheries Management Authority
AFV	Australian Fishing Vessel
AMP	Australian Marine Park
AMSA	Australian Maritime Safety Authority
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
VMS	Vessel Monitoring System

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Compliance program

Introduction

Parks Australia's (PA) compliance programme aims to achieve high levels of compliance by marine park users with the rules set out in the management plans. The programme 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's) are detected through a number of sources, including:

- **Aerial surveillance** – Maritime Border Command (MBC), the Australian Maritime Safety Authority (AMSA), PA charter flights, State Government partnership arrangements.
- **Vessel patrols** – Australian Border Force (ABF)/MBC, State Government partnership arrangements.
- **Vessel Monitoring System** – Australian Fisheries Management Authority (AFMA), State Government partnership
- **Acoustic monitoring** – Sound Traps
- **Direct reporting** – General public (1800 calls or emails), reports from State or Commonwealth agencies

Enforcement response

Deterrence of illegal activity through appropriate enforcement actions is essential and is guided by the Enforcement Guidelines for Commonwealth Marine Protected Areas. Enforcement actions are taken commensurate with the severity of the offence and include:

- **Administrative actions** – used for minor offences and include, warning notices, Infringement notices, cancellation of a permit or approval.
- **Civil actions** – used to reflect the need for economic deterrence to non-compliance and seek to redress the harm done as a result of contraventions. Civil actions are initiated by the Minister and heard in the Federal Court.
- **Criminal action** – is taken 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 or location has 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, however, 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 Park Officers, or;
2. via an email to marine.compliance@awe.gov.au



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

Report summary

	<h2>Surveillance</h2> <p>28 surface patrols 500 aerial surveillance flights 796 VMS alerts¹</p>
	<h2>Incidents</h2> <p>19 compliance incidents 4 marine debris sightings 1 ghost net – outside AMP</p>
	<h2>Ongoing matters</h2> <p>3 investigations</p>
	<h2>Outcomes</h2> <p>1 civil prosecution finalised 9 warning letters issued 1 infringement notice issued 1 advisory letter issued 4 NFA Notable incidents</p>
	<h2>Statistics</h2>



Incidents

AFV

- 1 x incident of a commercial fishing vessel identified by VMS alert operating in the Oceanic Shoals HPZ

Recreational fishing

- 2 x incidents of recreational fishing vessel operating within the Pimpernel Rock NPZ
- 1 x incident of recreational fishing vessel operating in the Cod Grounds NPZ
- 10 x incidents of recreational fishing vessels operating in the Two Rocks NPZ

Authorisations

- 1 x report received of buoys and ropes inside the Bremer Bay Marine Park. The buoys and ropes were used for the purpose of filming and drifted inside the Marine Park. The operator was not authorised to conduct this activity – Date: 20 March
- 2 x whale watching charter vessels identified by surface patrols operating within the Ningaloo Recreational Zone
- 1 x charter vessel identified by aerial surveillance operating without Authorisation within the Coral Sea HPZ
- 1 x tanker vessel identified by aerial surveillance cleaning deck with discolouration of water within the Argo-Rowley Terrace MPA

Ghost net

- 1 x ghost nets identified by aerial surveillance outside the Oceanic Shoals MPA

Environmental sightings

No environmental sightings during the reporting period

Marine debris

- 3 x marine debris sightings in the Oceanic Shoals MPA
- 2 x marine debris sightings in the Arafura MPA
- 2 x marine debris sightings in the Ashmore Reef Sanctuary Zone
- 1 x marine debris sighting in the Argo-Rowley NPZ
- 1 x marine debris sighting in the Cartier Reef Sanctuary Zone



Ongoing matters

Investigations

- 1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Argo-Rowley Terrace MUZ and Mermaid Reef NPZ – Dates 28 to 30 June 2019
- 1 x AFV identified by VMS alert is being investigated for conducting commercial fishing activity within the Huon MUZ – Date: 17 March 2019
- 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

Penalty infringement notice

- 1 x infringement notice was issued to recreational fishers identified by aerial surveillance operating within the Cod Grounds NPZ

Civil litigations

- 1 x case relating to a longline AFV conducting commercial fishing activity within the Flinders NPZ in June 2017 appeared before the Federal Court. Hearing completed on 4 March with penalty handed down as follows:
 - the respondents pay to the Commonwealth of Australia a pecuniary penalty pursuant to s 481 of the EPBC Act for the contravention of s 354(1)(f) of the EPBC Act in the sum of \$81,900
 - the respondents pay to the Commonwealth of Australia a pecuniary penalty pursuant to s 481 of the EPBC Act for the contravention of s 354(1)(f) of the EPBC Act in the sum of \$12,000
 - the respondents pay the applicant's costs of the proceeding as agreed in the sum of \$42,500

Warning letters

- 9 x warning letters were issued recreational fishers operating within the Two Rocks NPZ
- 1 x warning letter was issued to a recreational fisher operating within the Pimpernel Rock NPZ

Advisory letters

- 1 x advisory letter was issued to the master of a recreational charter vessel identified by aerial surveillance conducting unauthorised activity within the Coral Sea HPZ

Request for information notices

Nil RFI's were sent to individuals seeking explanations for suspected illegal activity in AMPs. RFIs are an important step in Parks Australia's investigative process and are issued consistent with natural justice and compliance principles

Verbal Advice

- 1 x verbal warning was given to a recreational fisherman (not in control of the vessel) conducting fishing activity within the Two Rocks NPZ

NFA

4 x matters were assessed as requiring no further action due to insufficient evidence of offences or the circumstances involved with the incident

Educational boarding's³

No educational boarding's were conducting in the reporting period.

Notable Incidents

10 x incidents of recreational fishing vessels operating in the Two Rocks NPZ

During planned DPIRD compliance patrols on 5 January, a significant number of incidents of illegal recreational fishing were identified in the Two Rocks MP National Park Zone (NPZ). DPIRD officers reported that public awareness of the marine park and marine park rules was very low following the patrols.

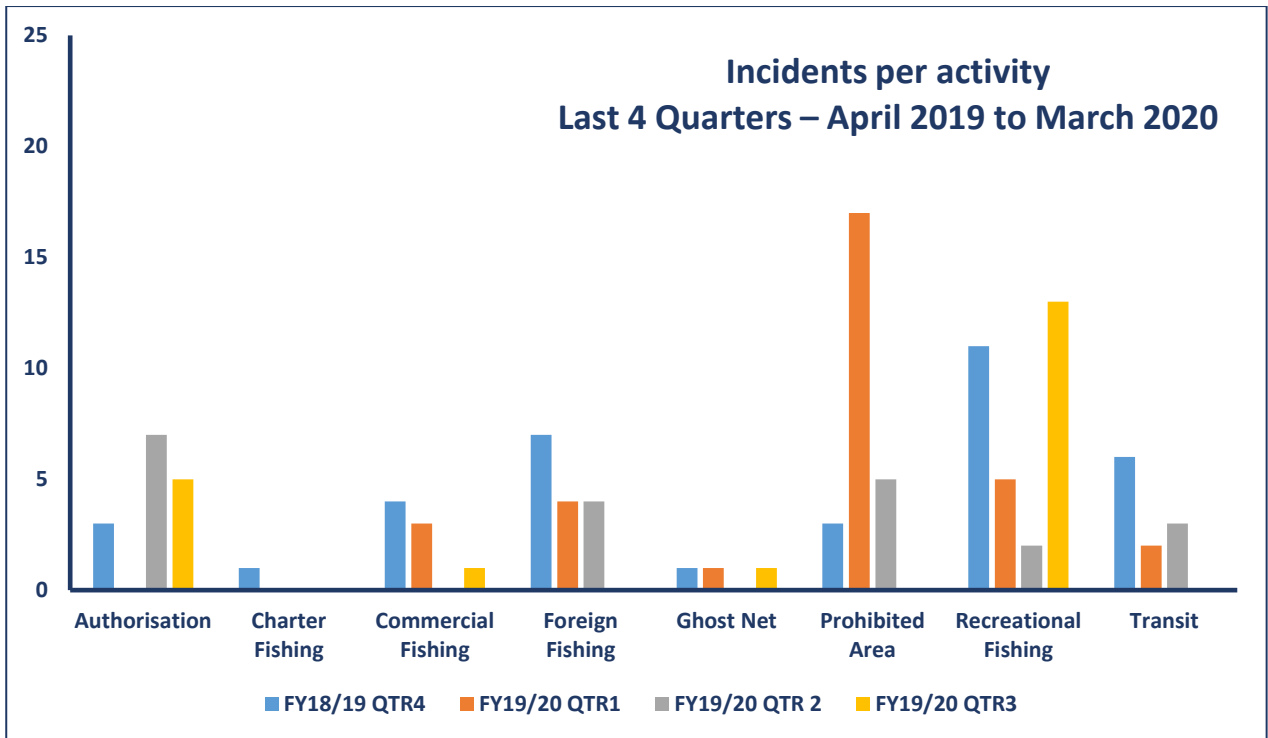
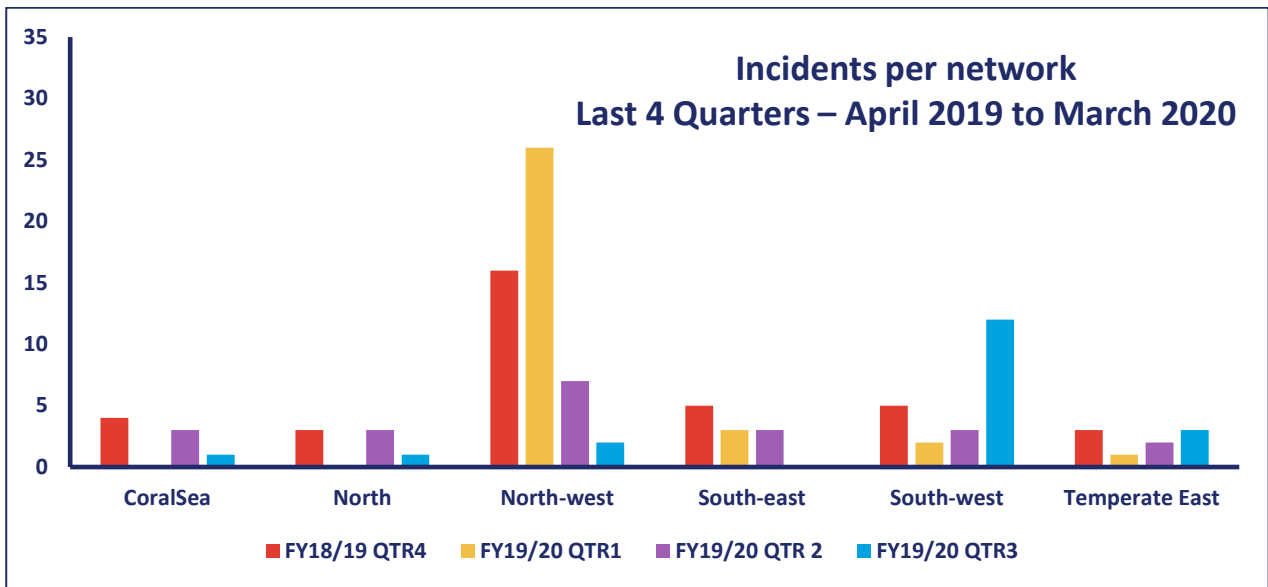
Warning letters were sent to those identified during the patrols.

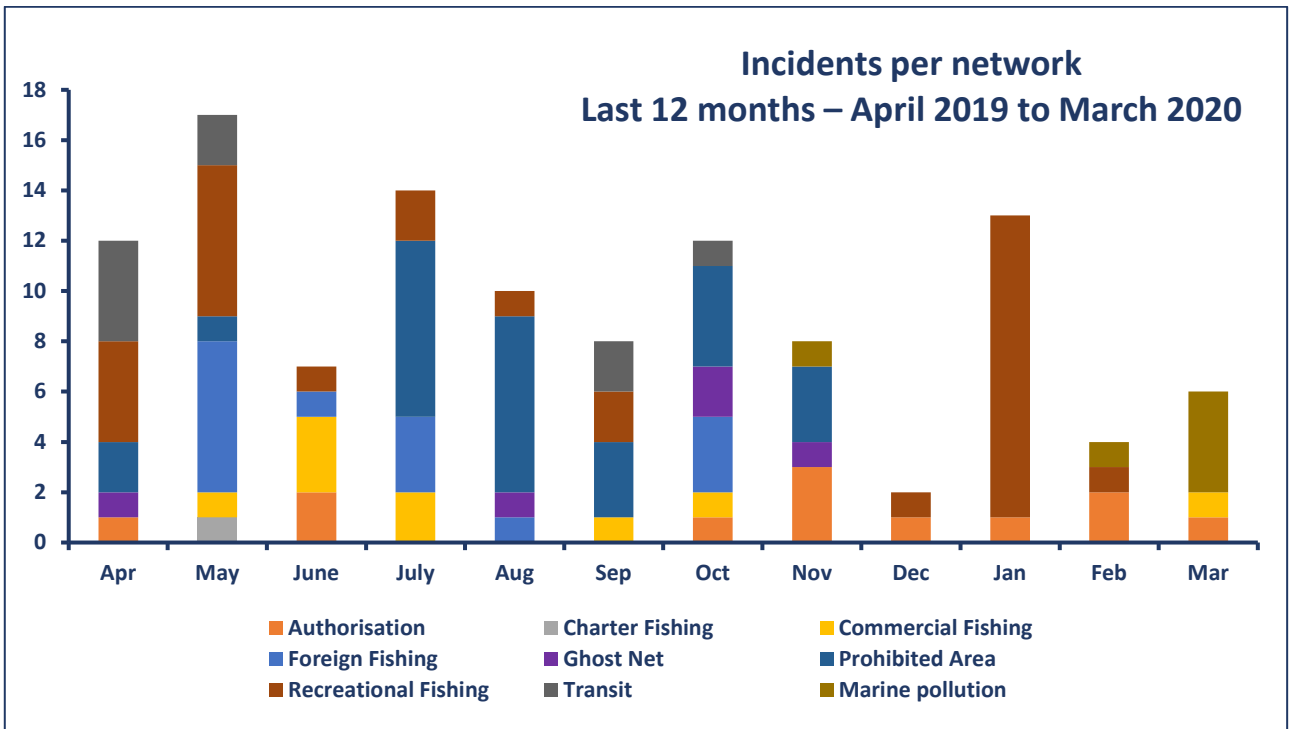
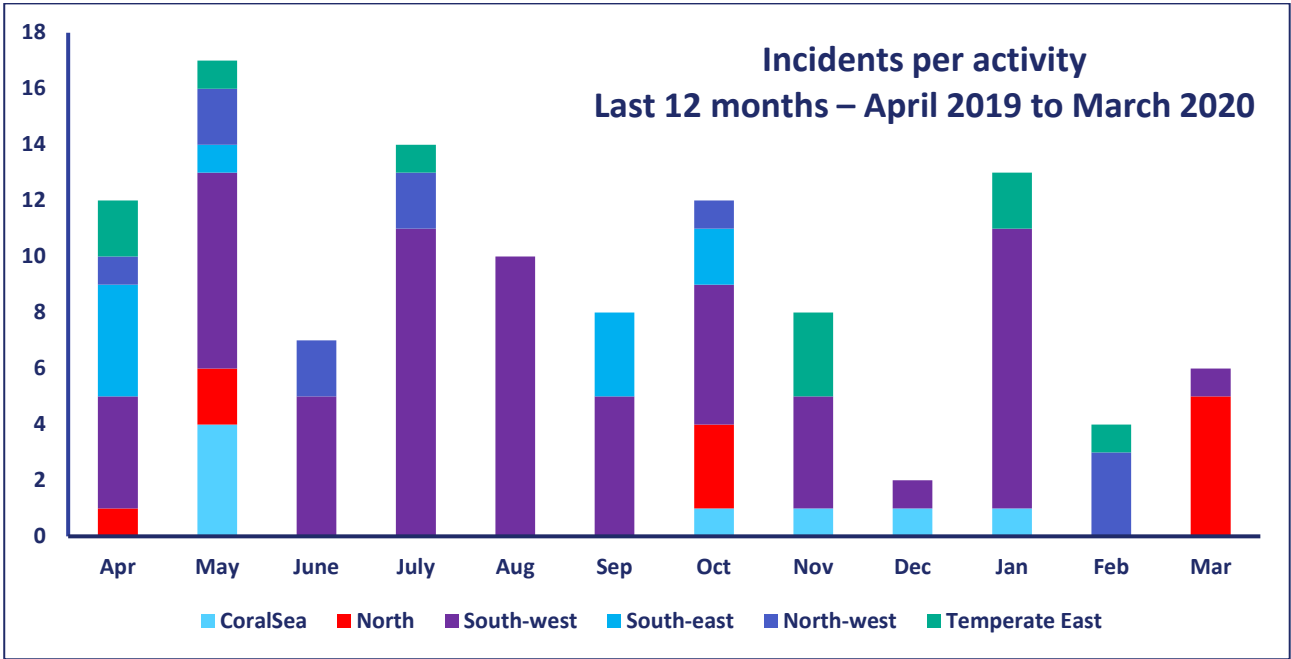
Marine Parks Compliance Officers travelled to Western Australia to promote public awareness of the of Two Rocks NPZ during the Australia Day weekend.



Statistics

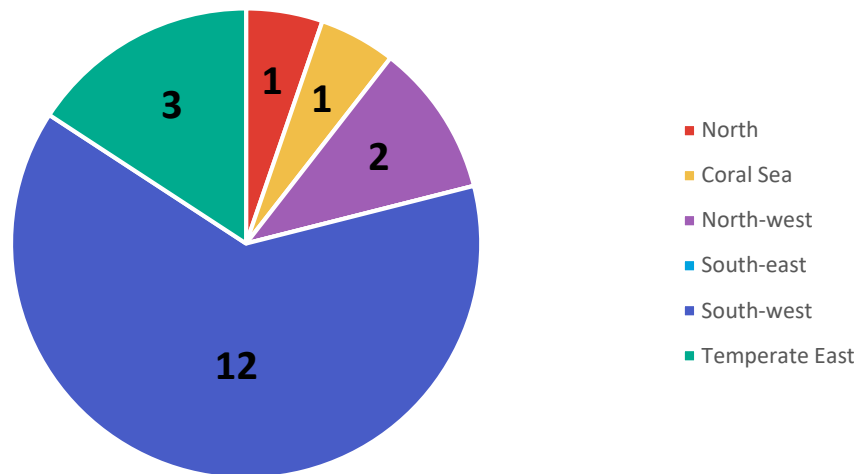
Please note: Prohibited area offences are generally sail powered vessels transiting that may require no compliance action unless other non-compliant activities are observed



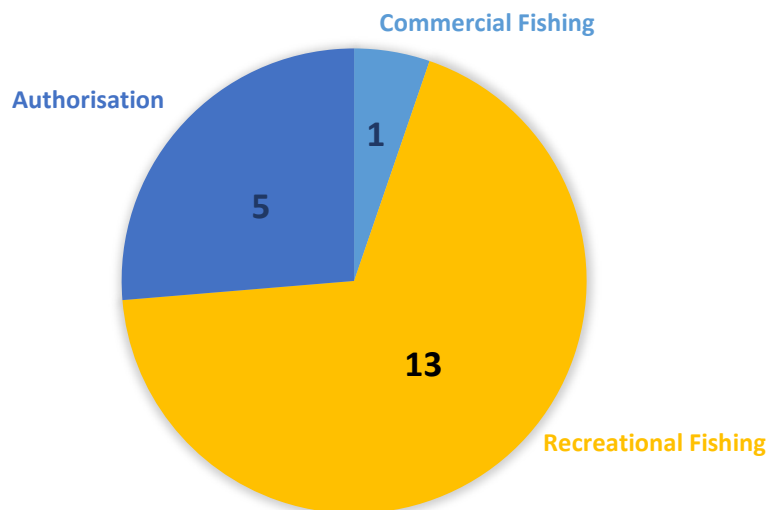


Quarterly incidents

**Incidents per network
January to March 2020**



**Incidents per activity
January to March 2020**



Network summary

Incidents Per Network January to March 2020

	North	Coral Sea	Temperate East	South-east	South-west	North-west	Totals
Compliance Incidents	1	1	3	0	12	2	19
Ghost Nets (in AMP)	0	0	0	0	0	0	0
Marine Debris (in AMP)	5	0	0	0	0	0	5
RFI's	0	0	1	0	0	0	1
Investigations (commenced in quarter)	0	0	0	0	0	0	0
Educational Boarding's	0	0	0	0	0	0	0
Warning Notices	0	0	1	0	9	0	10
NFA	1	0	0	0	0	3	4
PIN's	0	0	0	0	0	0	0
Civil Litigation (commenced in quarter)	0	0	0	0	0	0	0



Nautilus shell on the beach of Lihou Reef in the Coral Sea Commonwealth Marine Reserve.
Photo: © Andy Warmbrunn.

Appendix: footnotes

1 VMS alerts

The Parks alert service is a free tool established in partnership with AFMA aimed at avoiding non-compliance in AMP's. 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 an assessment 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 FFV's in prohibited areas and educational boardings

The traditional fishing practices of Indonesian fishers are recognised in an 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 boarding's 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, 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 AMP's with PA's support for *EPBC Act* offences.



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

Photo: © David Harasti.

Photo credits:

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