



## Australian Marine Parks

# Quarterly Compliance Report

October, November & December 2022



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



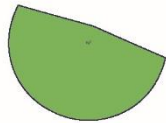
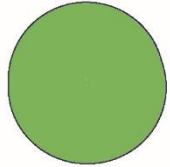
**Australian  
Marine Parks**

# 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

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

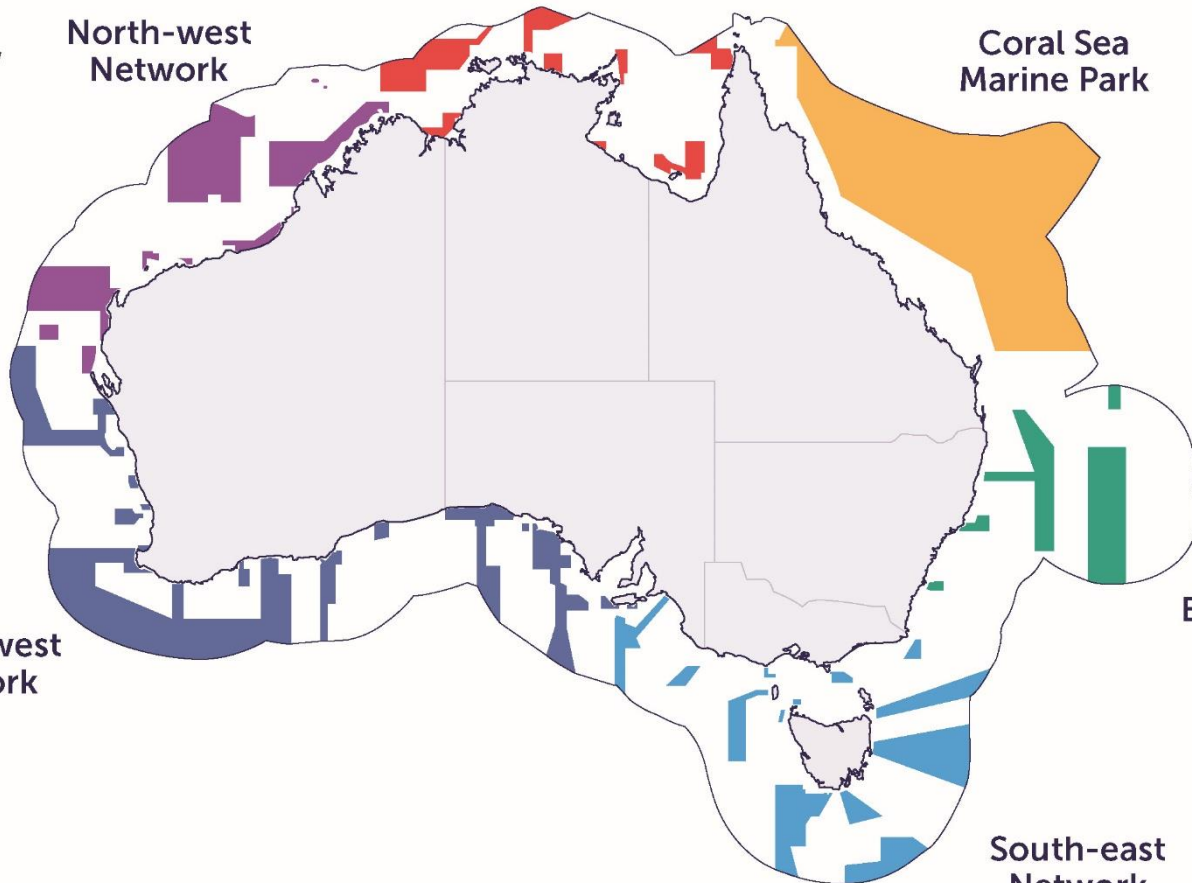
Norfolk Island

Macquarie Island



Australian Marine Parks

[parksaustralia.gov.au/marine](http://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](mailto:marine.compliance@dcceew.gov.au)



# Report summary



## Surveillance

41 surface patrols (not including ABF continuous multi vessel presence in northern waters)  
466 aerial surveillance flights  
1007 VMS alerts  
7 phone calls to our 1800 reporting hotline



## Incidents

98 compliance incidents  
4 ghost nets<sup>1</sup>  
43 marine debris and pollution<sup>2</sup>



## Outcomes

26 legislative forfeitures conducted  
5 penalty infringement notices issued  
8 warning notices issued  
3 instances of verbal advice provided  
17 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

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

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



## Incidents

### Authorisations

1 x research vessel self-reported operating in breach of authorisation conditions in Argo-Rowley Terrace NPZ. Warning notice issued. Date: 2 October 2022.

1 x charter vessel potentially in breach of authorisation conditions in Coral Sea HPZ. NFA – no breach. Date: 26 November 2022.

1 x commercial media company in breach of authorisation conditions in Dampier NPZ. Verbal advice provided. Date: 10 October 2022.

1 x charter vessel detected by VMS transiting below 5 knots in Lord Howe NPZ. NFA – minor breach. Date: 19 October 2022.

### Commercial Fishing

1 x AFV detected by VMS investigated for transit speed in Arafura MUZ. NFA – no breach. Date: 9 November 2022.

3 x AFVs detected by VMS transiting below 5 knots in Coral Sea NPZ. 2 x NFA – minor breach and 1 x NFA – no breach. Date: 13 & 26 November 2022.

1 x AFV detected on two occasions by VMS transiting below 5 knots in East Gippsland MUZ. Verbal advice provided. Dates: 6 & 7 November 2022.

1 x AFV detected on two occasions by VMS transiting below 5 knots in Flinders MUZ. NFA – minor breach. Dates: 8 & 11 December 2022.

1 x AFV detected by VMS transiting below 5 knots in Franklin MUZ. NFA – minor breach. Date: 30 October 2022.

1 x AFV detected by VMS investigated for transit speed in Great Australian Bight SPZ. NFA – no breach. Date: 26 October 2022.

1 x AFV detected on two occasions by VMS transiting below 5 knots in Gulf of Carpentaria NPZ and SPZ. NFA – minor breach. Date: 1 November 2022.

1 x AFV detected by VMS investigated for transit speed in Ningaloo RUZ. Verbal advice provided. Date: 9 October 2022.

1 x AFV detected by VMS investigated for transit speed in Oceanic Shoals MUZ. NFA – no breach. Date: 31 December 2022.

1 x AFV detected on two occasions by VMS transiting below 5 knots in Tasman Fracture NPZ. NFA – minor breach. Dates: 6 October 2022 & 19 December 2022.

1 x AFV detected by VMS investigated for transit speed in Wessel HPZ. NFA – no breach. Date: 7 November 2022.



2 x AFVs detected by VMS investigated for transit speed in West Cape York HPZ. NFA – no breach. Dates: 22 October & 22 December 2022.

1 x AFV detected by VMS VMS investigated for transit speed in West Cape York SPZ . NFA – no breach. Date: 31 October 2022.

2 x AFVs detected by VMS transiting below 5 knots in West Cape York NPZ. Investigations ongoing. Dates: 19 & 22 December 2022.

1 x AFV detected by VMS investigated for transit speed in Western Eyre SPZ. NFA – no breach. Date: 28 December 2022.

## **Recreational Fishing**

6 x recreational fishing vessel identified by aerial surveillance potentially fishing within the Cod Grounds NPZ. Investigations ongoing. Dates: 10, 24, 26 & 28 December 2022.

1 x recreational fishing vessel identified by surface patrol potentially fishing within the Dampier NPZ. Warning notice issued. Date: 24 November 2022.

1 x recreational fishing vessel identified by aerial surveillance potentially fishing within Pimpernel Rock NPZ. Investigation ongoing. Date: 26 December 2022.

13 x recreational fishing vessels identified by surface patrol potentially fishing within Two Rocks NPZ. 4 x infringement notices issued, 3 x warning notices issued, 1 x NFA – insufficient evidence and 5 x ongoing investigations. Dates: 6 November 2022, 3, 28 & 30 December 2022.

## **Foreign Fishing**

16 x FFVs sighted by aerial surveillance and surface patrol within Argo-Rowley Terrace MUZ and SPZ. Response was requested, resulting in 3 x legislative forfeitures of catch and gear. 2 x vessels were seized and disposed of.

26 x FFVs sighted by aerial surveillance and surface patrol within Ashmore Reef SZ and RUZ. Response was requested, resulting in 19 x legislative forfeitures of catch and gear. 3 x vessels were seized and disposed of.

1 x FFV sighted by aerial surveillance within Cartier Island SZ.

4 x FFVs sighted by aerial surveillance and surface patrol within Kimberley NPZ and MUZ. Response was requested, resulting in 2 x legislative forfeitures of catch and gear. 1 x vessel was seized and disposed of.

7 x FFVs sighted by aerial surveillance and surface patrol within Mermaid Reef NPZ. Response was requested, resulting in 2 x legislative forfeitures of catch and gear.

## **Ghost Nets**

1 x ghost net sighted IVO Arnhem MP. Tracker attached for monitoring and potential recovery.

3 x ghost nets sighted in Gulf of Carpentaria MP. Ghost nets recovered.

## **Marine Pollution and Debris**

3 x FADs sighted by aerial surveillance in Argo-Rowley Terrace NPZ.

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

26 x FADs sighted by aerial surveillance in Cocos Keeling MP.

1 x FAD sighted by aerial surveillance in Kimberley MUZ.

2 x FADs sighted by aerial surveillance and surface patrol in Oceanic Shoals MUZ and SPZ.

### **Other Investigations**

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



## **Outcomes**

### **Legislative Forfeitures**

3 x legislative forfeitures performed by AFMA on FFVs in Argo-Rowley Terrace MUZ and SPZ, with 2 x vessels seized and disposed of.

19 x legislative forfeitures performed by AFMA on FFVs in Ashmore Reef SZ and RUZ, with 3 x vessels seized and disposed of.

2 x legislative forfeitures performed by AFMA on FFVs in Kimberley MUZ and NPZ, with 1 x vessel seized and disposed of.

2 x legislative forfeitures performed by AFMA on FFVs in Mermaid Reef NPZ.

### **Penalty Infringement Notices**

4 x PINs issued to recreational fishers identified by surface patrol fishing in Two Rocks NPZ. Dates: 6 November, 3 & 30 December 2022.

1 x PIN issued to a commercial fisher identified by VMS fishing in West Cape York NPZ. Date: 16 March 2022

### **Warning Notices**

Warning notice issued to 1 x research vessel self-reported operating in breach of authorisation conditions in Argo-Rowley Terrace NPZ. Date: 2 October 2022.

Warning notice issued to 1 x recreational fisher identified by surface patrol potentially fishing in Cod Grounds NPZ. Date: 17 September 2022.

Warning notice issued to 1 x recreational fisher identified by surface patrol potentially fishing in Dampier NPZ. Date: 24 November 2022.

Warning notice issued to 1 x AFV detected by VMS transiting below 5 knots in Great Australian Bight SPZ. Date: 9 September 2022.

Warning notices issued to 4 x recreational fishers identified by surface patrol potentially fishing in Two Rocks NPZ. Dates: 9 September 2022; 28 & 30 December 2022.

### **Verbal Advice**

Verbal advice provided to 1 x commercial media company operating in breach of authorisation conditions in Dampier NPZ. Date: 10 October 2022.

Verbal advice provided to 1 x AFV detected on two occasions by VMS transiting below 5 knots in East Gippsland MUZ. Dates: 6 & 7 November 2022.

Verbal advice provided to 1 x AFV detected by VMS travelling below 5 knots in Ningaloo RUZ. Date: 9 October.

### **Ongoing Investigations**

6 x recreational fishing vessels sighted by aerial surveillance potentially fishing in Cod Grounds NPZ. Dates: 10, 24, 26 & 28 December 2022.

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

1 x AFV sighted by aerial surveillance potentially fishing in Oceanic Shoals HPZ. Date: 19 February 2022.

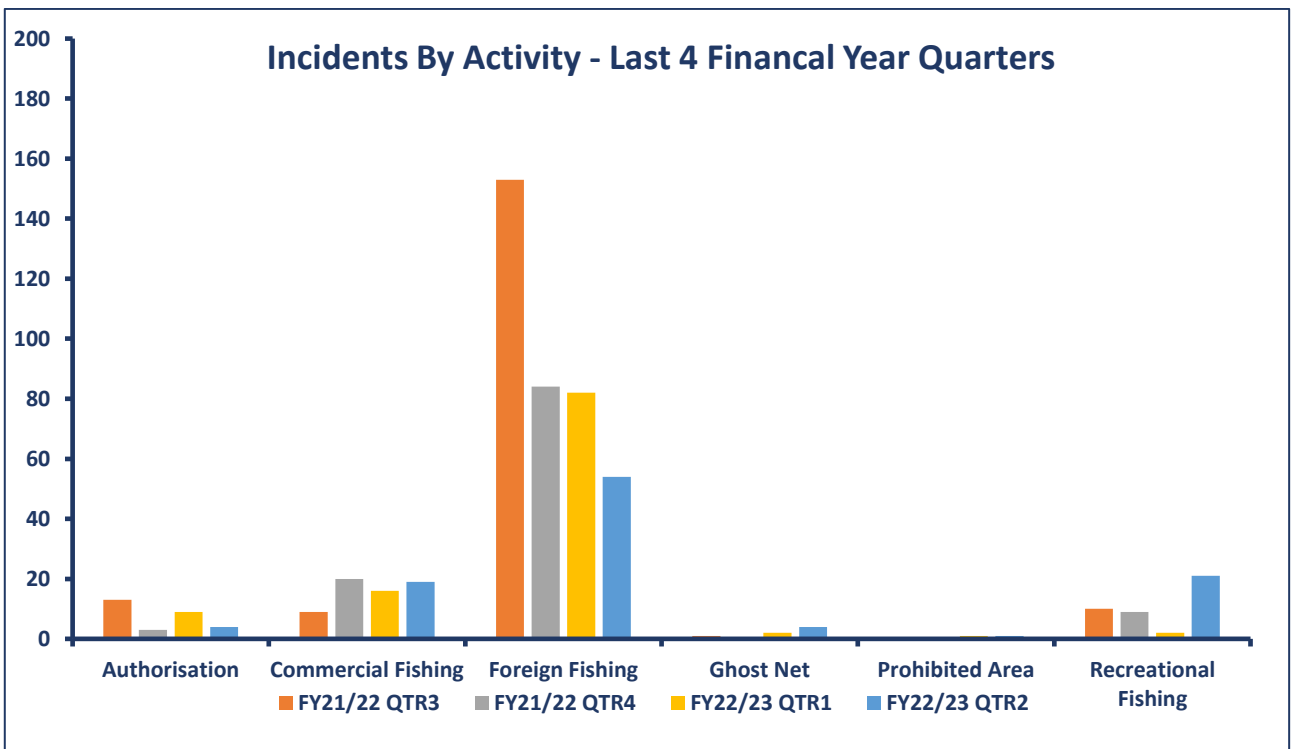
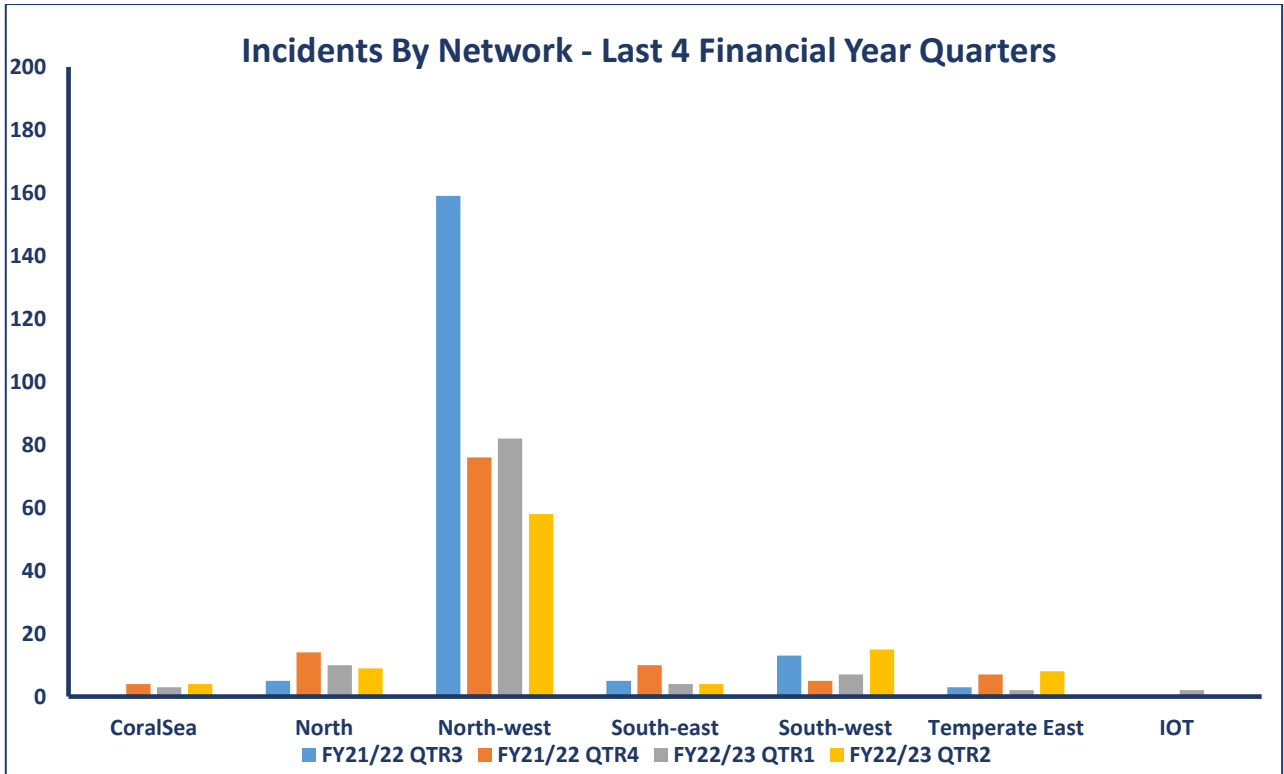
1 x recreational fishing vessel sighted by aerial surveillance potentially fishing in Pimpernel Rock NPZ. Date: 26 December 2022.

5 x recreational fishing vessels sighted by surface patrol potentially fishing in Two Rocks NPZ. Dates: 28 & 30 December 2022.

3 x recreational fishing vessels detected by VMS transiting below 5 knots potentially fishing in West Cape York NPZ. Dates: 19 & 22 December 2022.

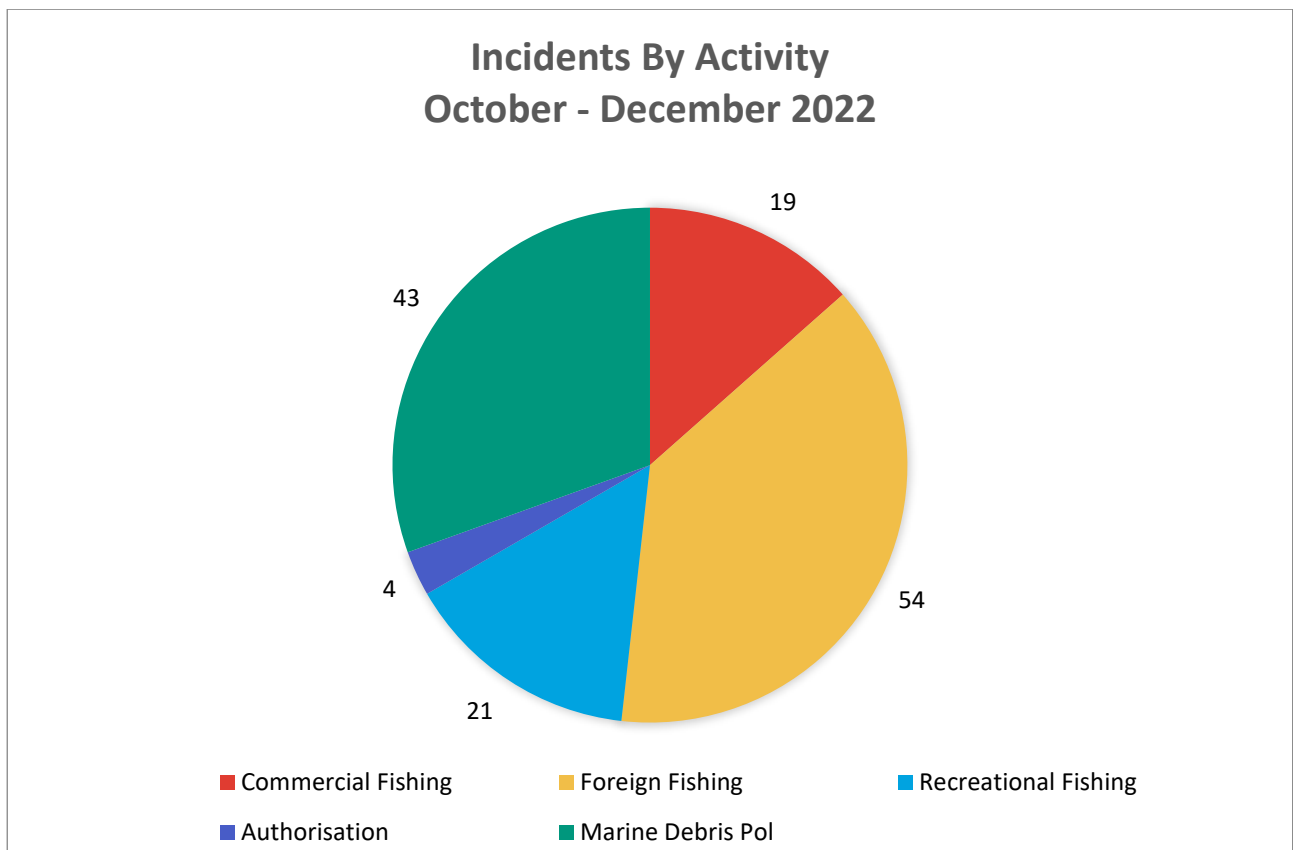
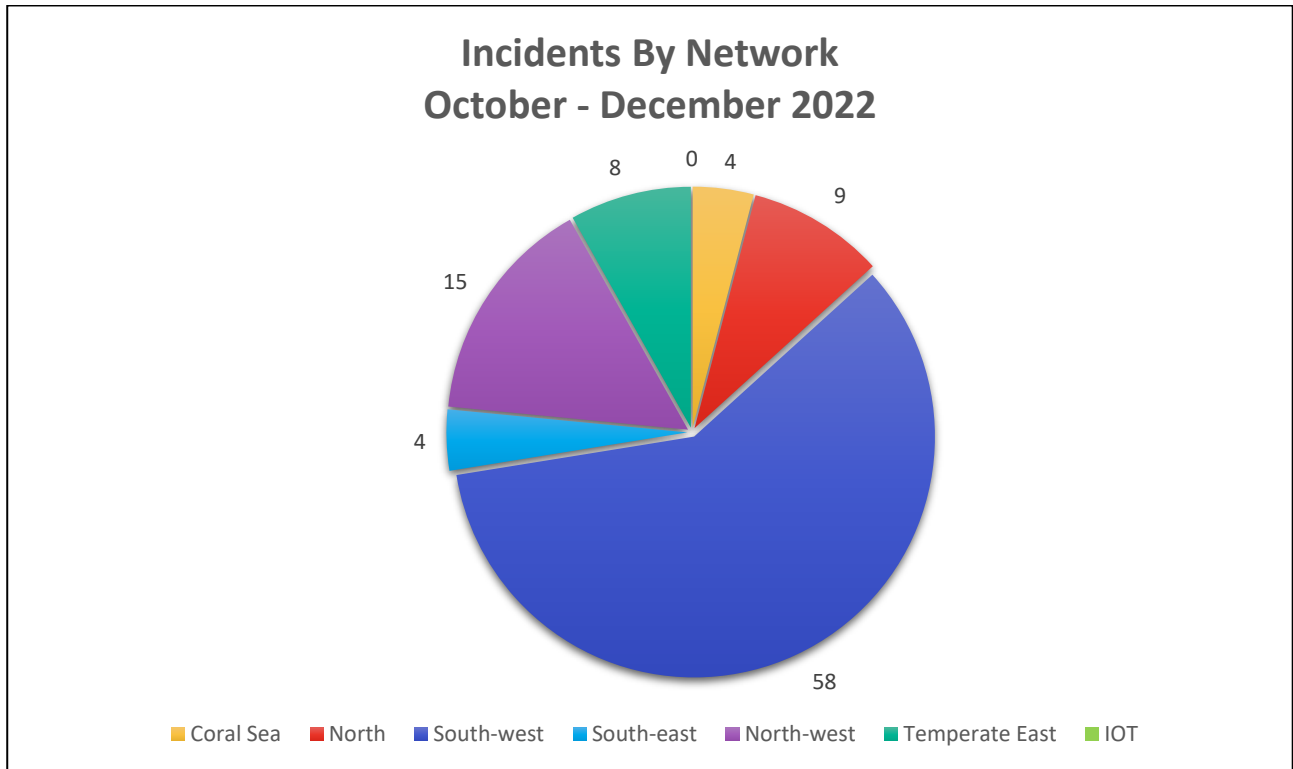


# Statistics



# Network Summary

October to December 2022



	North	Coral Sea	Temperate East	South-east	South-west	North-west	IOT	Totals
<b>Compliance Incidents</b>	9	4	8	4	15	58	0	<b>98</b>
<b>Ghost Nets</b>	3	-	-	-	-	-	-	<b>3</b>
<b>Marine Debris and Pollution</b> (in AMPs)	2	1	-	-	-	4	36	<b>43</b>
<b>RFIs</b>	-	-	-	1	3	1	-	<b>5</b>
<b>Cases</b> (commenced in quarter)	4	1	7	-	5	-	-	<b>17</b>
<b>Educational Boardings</b>	-	-	-	-	-	-	-	<b>0</b>
<b>Warning Notices</b>	-	-	1	-	5	2	-	<b>8</b>
<b>Advisory Letters</b>	-	-	-	-	-	-	-	<b>0</b>
<b>Verbal Advice</b>	-	-	-	1	-	2	-	<b>3</b>
<b>PINs</b>	1	-	-	-	4	-	-	<b>5</b>
<b>Civil Litigation</b> (commenced in quarter)	-	-	-	-	-	-	-	<b>0</b>



# 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.

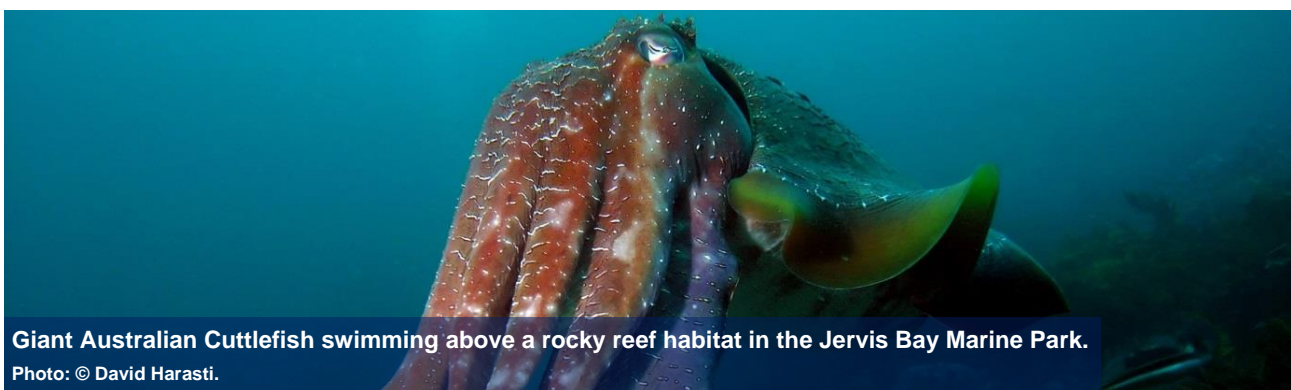
An investigation into suspected offences may highlight the need for additional information and RFI's may be used to obtain information for this purpose.

## 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.



[parksaustralia.gov.au/marine](https://parksaustralia.gov.au/marine)



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



**Australian  
Marine Parks**