



Australian Marine Parks

Quarterly Compliance Report

July, August and September 2020



Australian Government
Director of National Parks

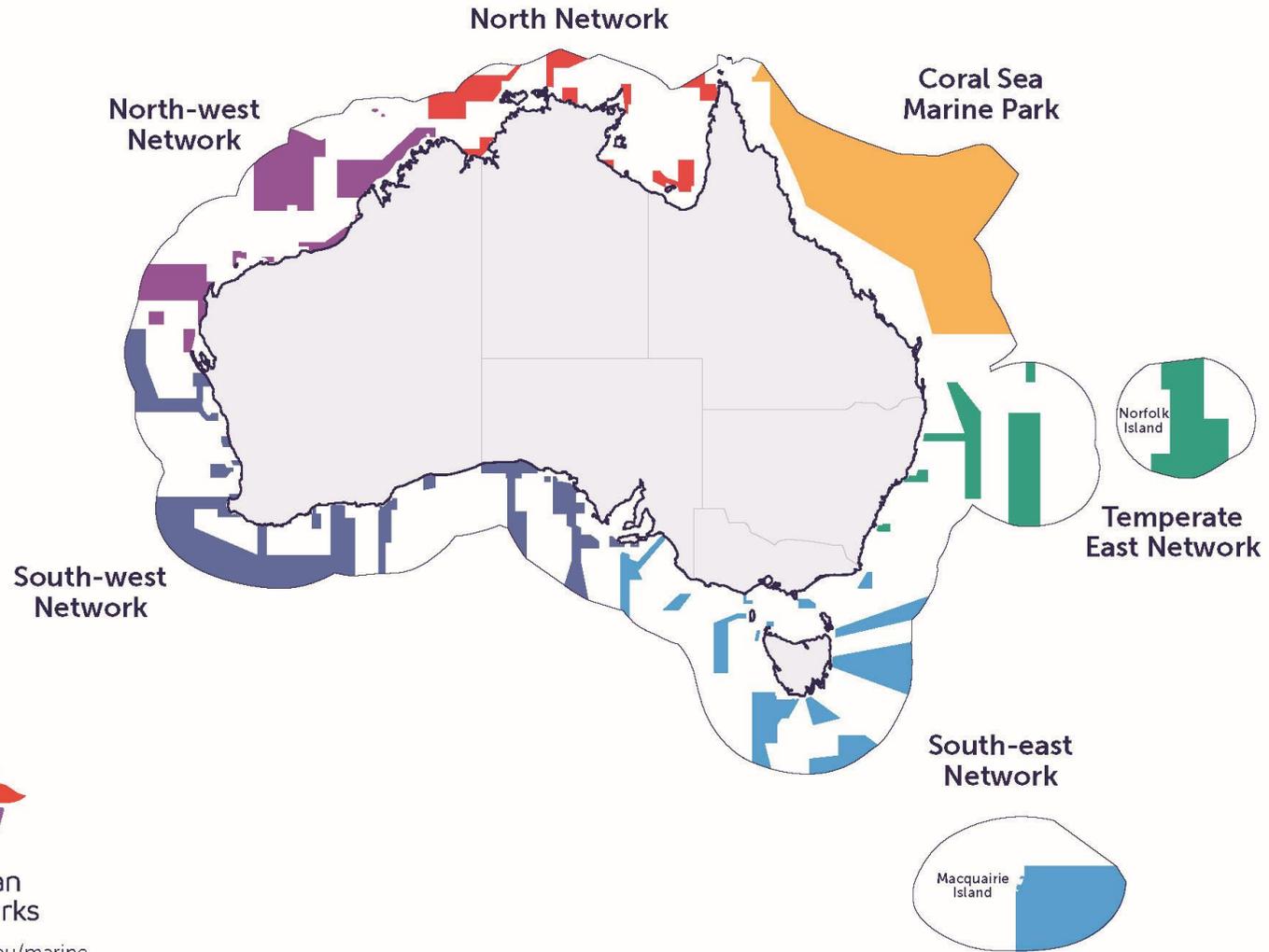


**Australian
Marine Parks**

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
NSWDPI	NSW Department of Primary Industries
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

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 (AMPs) 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 Compliance Officers, or;
2. via an email to marine.compliance@awe.gov.au



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

Report summary



Surveillance

27 surface patrols
609 aerial surveillance flights
785 VMS alerts



Incidents

18 compliance incidents
2 marine debris sightings
1 ghost net
4 notable incidents



Ongoing matters

3 cases
2 investigations ongoing



Outcomes

1 infringement notice issued
2 warning letters issued
8 no further action¹



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 Includes notable incidents



Incidents

Commercial vessels

1 x AFV detected by aerial surveillance in the Oceanic Shoals HPZ. Vessel was sighted with gear not stowed and secured while transiting. Ongoing investigation Date: 8 August.

1 x AFV detected by VMS alerts in the Oceanic Shoals MUZ travelling at speeds under 5kts. Further information was requested from NT fisheries on method and was confirmed to be use pot fishing, which is permitted in the MUZ. No further action. Date: 4 August.

1 x AFV detected by VMS alerts in the Wessel HPZ travelling at speeds under 5kts. Further information was requested from NT fisheries which determined that the vessel was transiting. No further action. Date: 10 August.

1 x AFV detected by VMS alerts in the Kimberley MUZ travelling at speeds under 5kts. The vessel was confirmed as a WA licenced vessel. No further action at this stage. Date: 10 August.

1 x AFV detected by VMS alerts in the Western Eyre NPZ travelling at speeds under 5kts. Further information was requested from AFMA. Ongoing investigation. Date: 9 September.

1 x AFV self-reported as having entered the Tasman Fracture SPZ and travelling under 5 knots. Officers investigated the incident and determined that no further action would be taken against the vessel. Date: 21 September

Foreign Fishing Vessels

3 x FFVs sighted in the Cartier Island Sanctuary Zone by aerial surveillance. Vessels appeared to be sheltering from bad weather. Re-sighted again by aerial surveillance still seeking shelter. No further action. Date: 4 July

1 x FFV sighted in the Ashmore Reef Sanctuary Zone by aerial surveillance. Vessel appeared to be transiting the western edge of the marine park. No further action requested. Date: 23 August

1 x FFV sighted in the Cartier Island Sanctuary Zone by aerial surveillance. Vessel appeared to have lines in the water. Response was requested but no assets were available. Date: 18 September.

2 x FFVs sighted in the Cartier Island Sanctuary Zone by aerial surveillance. 1 vessel appeared to have lines in the water. Responses were requested but no assets were available. Date: 23 September.

Recreational fishing

1 x recreational fishing activity identified by NSW DPI surface patrol with fishing gear not stowed in the Cod Grounds NPZ. Master was issued with a warning notice. Date: 2 July.

1 x recreational fishing vessel detected by aerial surveillance fishing within the boundary of the Pimpernel Rock NPZ. Master was issued with a warning notice. Date: 16 August.

1 x recreational fishing vessel detected by aerial surveillance fishing in the Clerke Reef sanctuary zone. Matter was referred to DPIRD for further investigation. Date: 24 September²

Ghost net

3 x ghost nets sighted outside marine parks within EEZ³.

Marine debris

1 x FAD detected by aerial surveillance in the Argo-Rowley Terrace NPZ. Response was requested but no assets were available to collect. Date: 2 September

1 x FAD detected by aerial surveillance in the Oceanic Shoals MUZ. Response was requested but no assets were available to collect. FAD has been resighted several times and movements tracked. Date: 22 September.

Notable incidents⁴

1 x unexploded ordinance (UXO) at Elizabeth Reef was disposed of by the ADF. Date: 25 September. Work is ongoing to lift the determination placed on the reef to limit access to Elizabeth Reef.

1 x FFV sighted in the vicinity of Browse Island and people observed on the Island suspected of looking for turtle eggs. No further action as insufficient evidence. Date: 20 August.

2 x FFVs sighted in vicinity of Browse Island with suspected turtle product on board. Response was requested and vessels approached for inspection. No evidence of turtle product sighted onboard. Date: 7 September.

1 x FFV sighted outside a marine park with possible small cetacean onboard. Response was requested however no asset was available. Date: 28 September.

² Incident occurred in state waters of Clerke Reef and referred to DPIRD for investigation. Not included as a 'compliance incident' for PA in graphs below

³ Likely same ghost net sighted on 3 separate occasions

⁴ Notable incidents are not included in the statistics graphs



Ongoing matters

Cases

- 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

Request for information notices

1 x RFI letter sent to a commercial fishing operator sighted by aerial surveillance conducting activity within the Oceanic Shoals HPZ

1 x RFI letter sent to commercial fishing operator identified by VMS alert conducting activity within the Oceanic Shoals HPZ⁵

Penalty Infringement Notices

1 x infringement notice sent to recreational fisher conducting fishing activity within the Ningaloo NPZ⁶

Warning letters

1 x warning letter sent to a recreational fisher conducting activity within the Pimpernel Rock NPZ

1 x warning letter sent to recreational fisher conducting activity within the Cod Grounds NPZ

Ongoing investigation

1 x ongoing investigation for commercial operator entering the Oceanic Shoals HPZ

1 x ongoing investigation for commercial operator entering the Western Eyre NPZ

NFA

1 x NFA for vessel self-reported entering Tasman Fracture SPZ

1 x NFA for vessel identified by VMS alert entering Oceanic Shoals HPZ⁷

3 x NFA for FFVs sighted by aerial surveillance in the Cartier Island SZ

1 x NFA for AFV detected by VMS alerts in the Oceanic Shoals MUZ after confirmation of fishing method by NT Fisheries.

1 x NFA for AFV detected by VMS alerts in the Wessel HPZ after determining vessel was transiting

1 x NFA for FFV sighted in the Ashmore Reef SZ

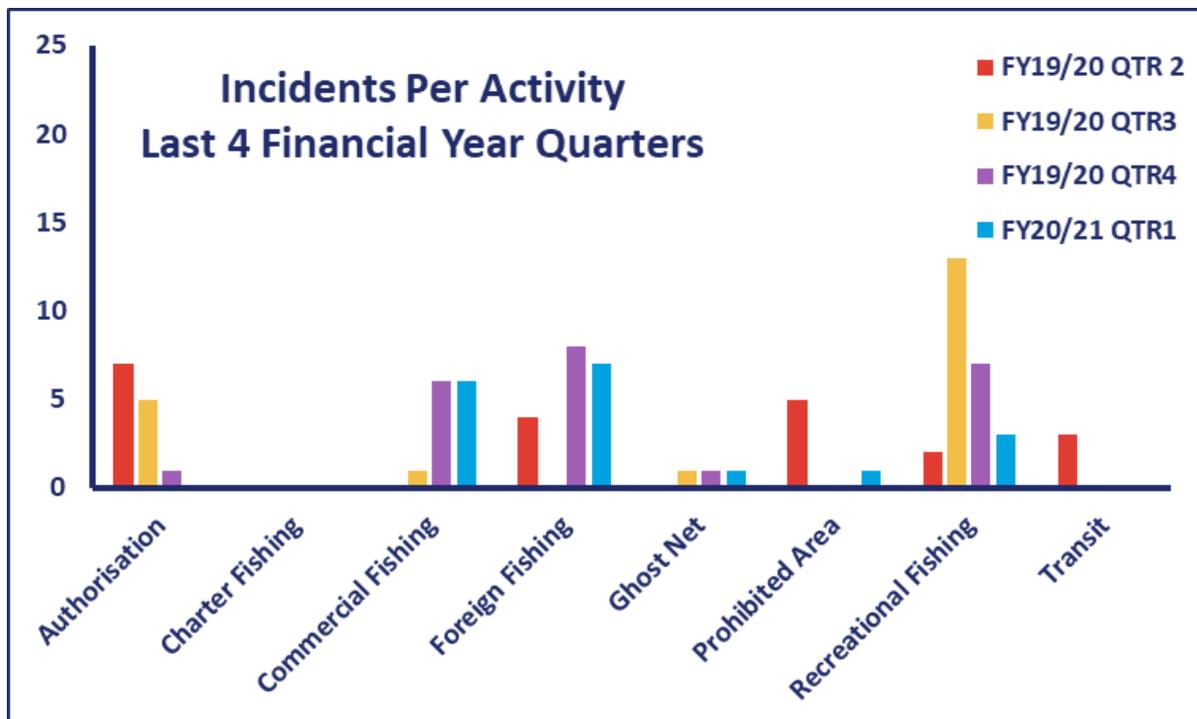
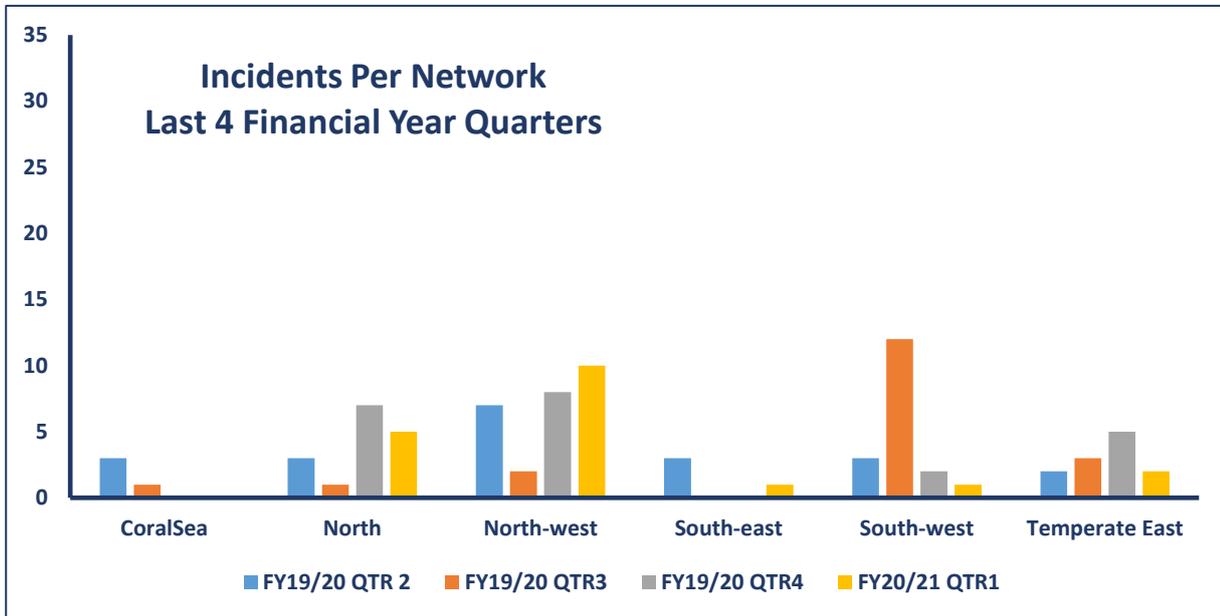
⁵ Historical review of alerts identified this incident occurring in Q2 and investigated in Q3 (investigation concluded with NFA)

⁶ Incident occurred in Q2 with PIN issued in Q3

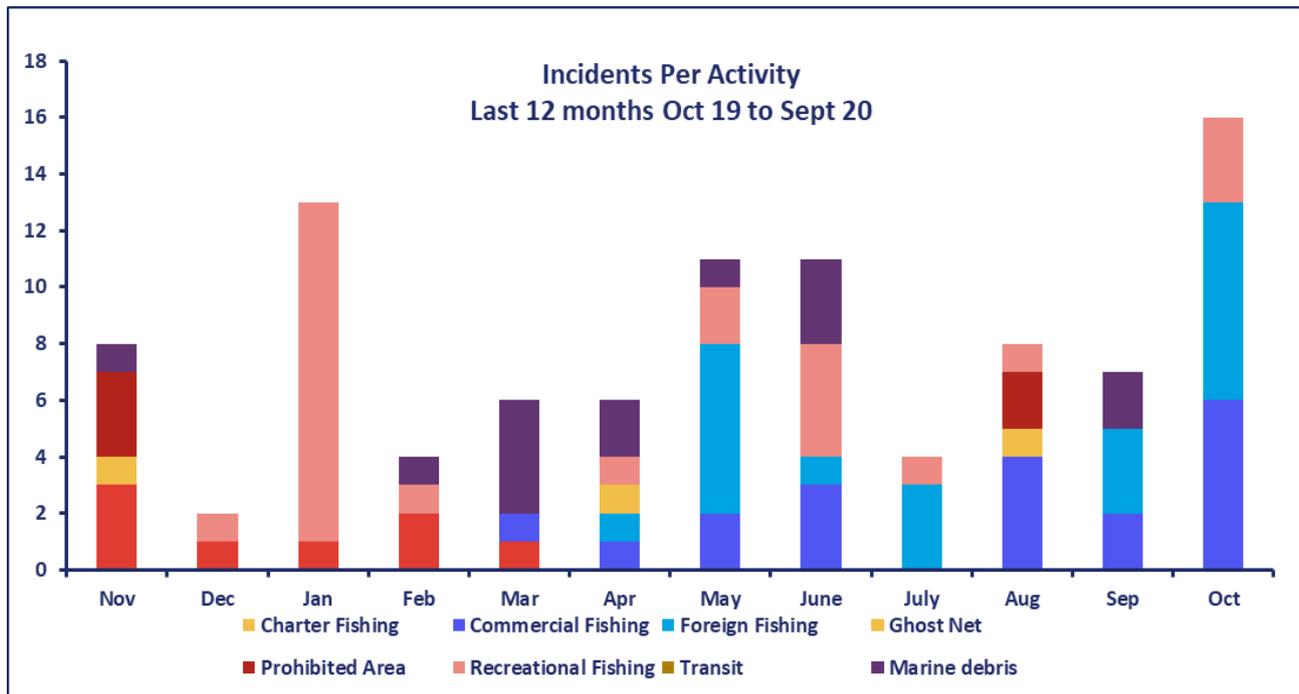
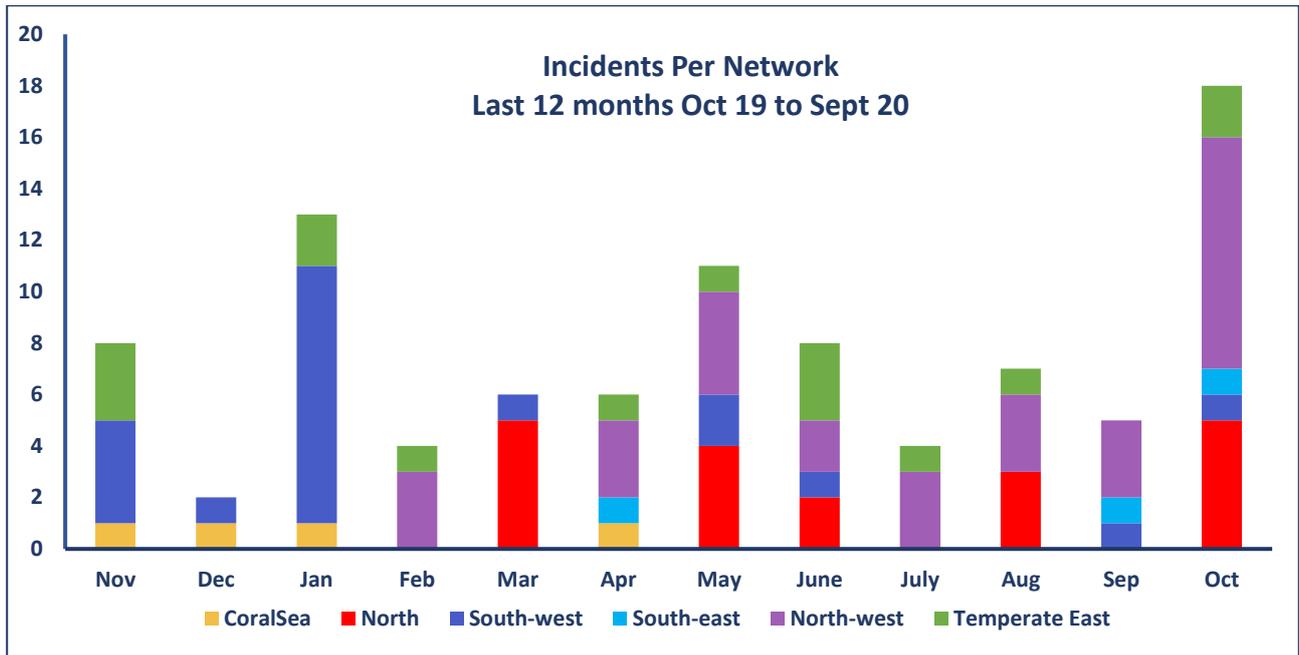
⁷ Incident occurred in Q2 and investigated in Q3



Statistics

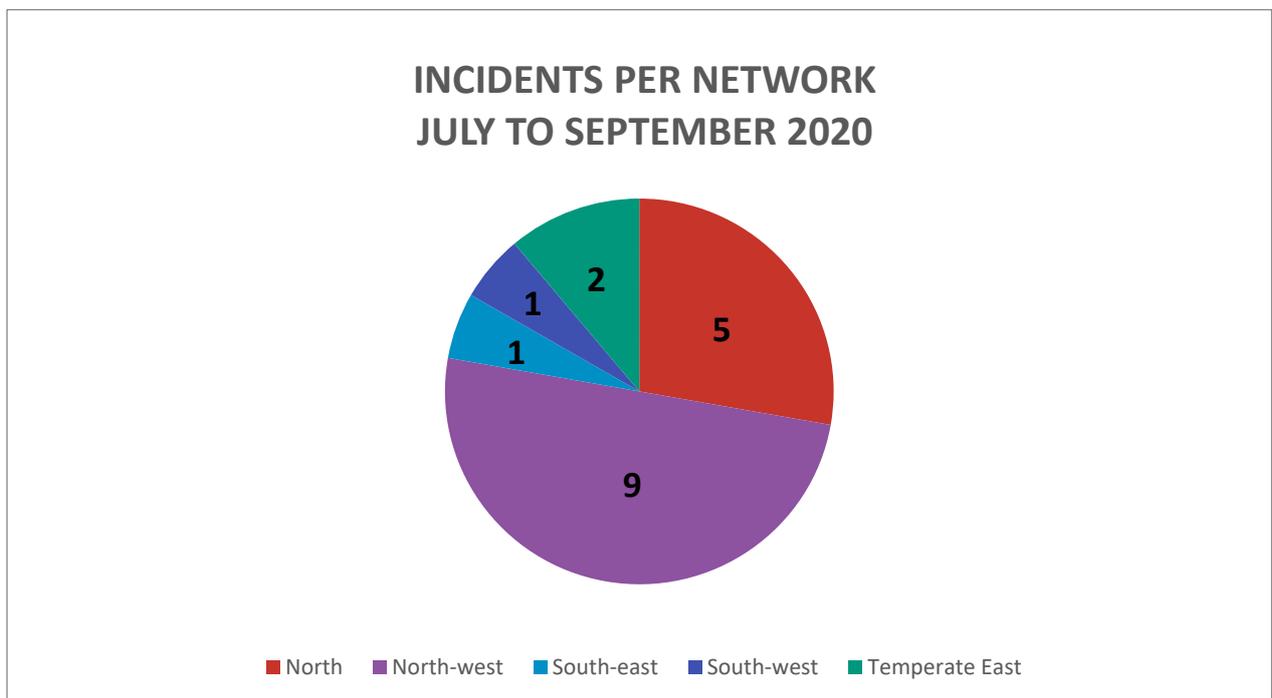
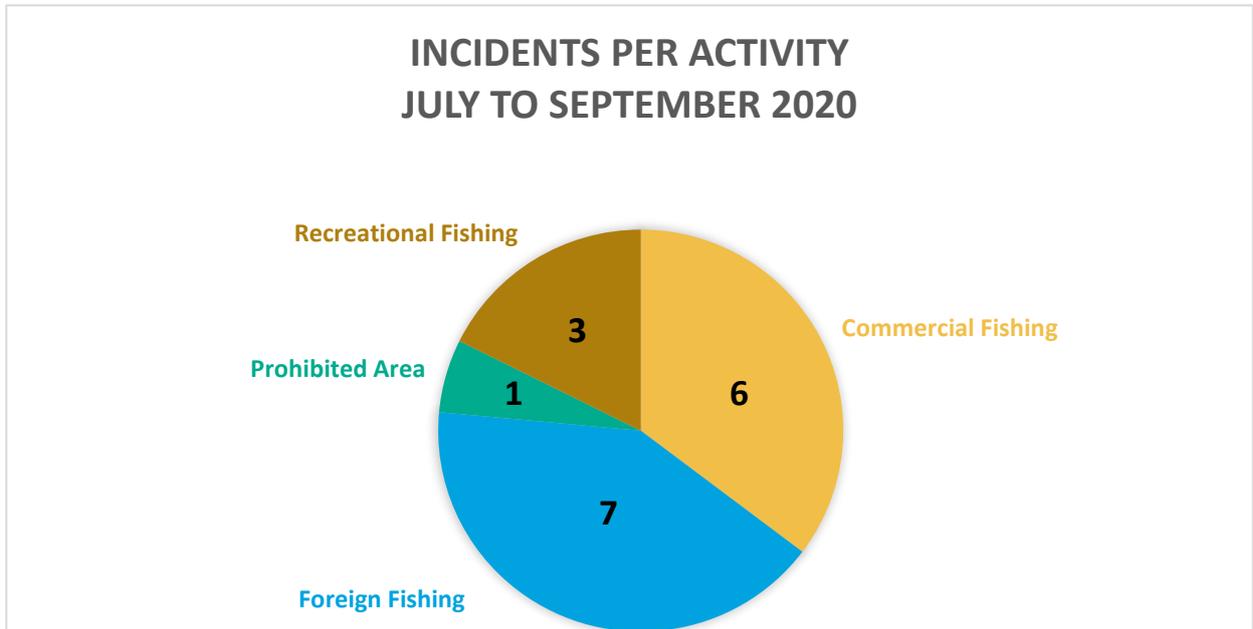


Monthly incidents



Network summary

Incidents Per Network July to September 2020



	North	Coral Sea	Temperate East	South-east	South-west	North-west	Totals
Compliance Incidents	5		2	1	1	9	18
Ghost Nets (in AMP)							
Marine Debris (in AMP)						2	1
RFIs	2						2
Cases (commenced in quarter)							
Educational Boarding's							
Warning Notices			2				2
NFA (not inc. notable incidents)	3			1		4	8
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 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 AMPs with PAs support for EPBC Act offences.



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

Photo: © David Harasti.

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