



Australian Marine Parks

Quarterly Compliance Report

January, February & March 2022



Australian Government
Director of National Parks



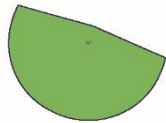
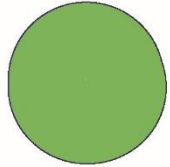
**Australian
Marine Parks**

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

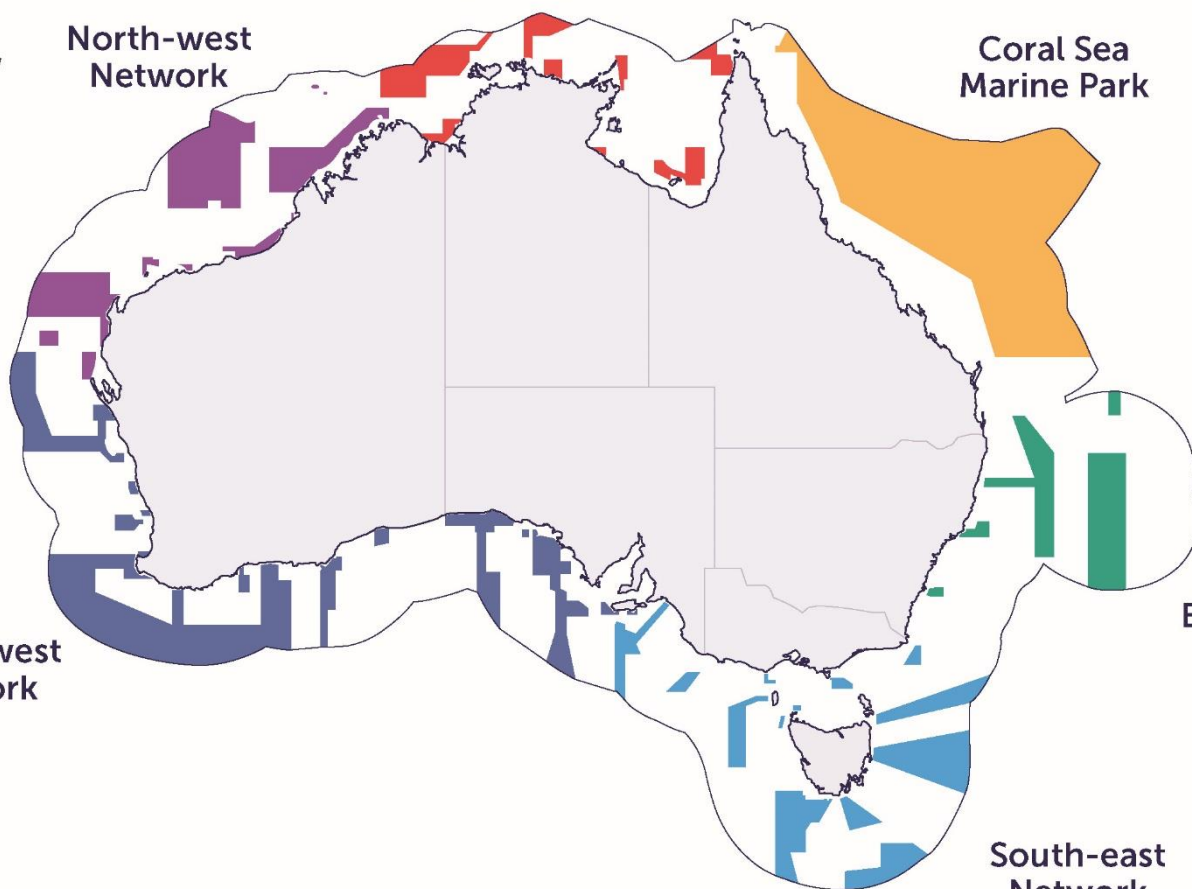
Norfolk Island

Macquarie Island



Australian Marine Parks

parksaustralia.gov.au/marine



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@awe.gov.au



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

Report summary



Surveillance

21 surface patrols (not including ABF continuous multi vessel presence in northern waters)
428 aerial surveillance flights
1222 VMS alerts
7 phone calls to our 1800 reporting hotline



Incidents

185 compliance incidents
19 marine debris sightings¹
1 ghost net sighting²



Ongoing matters

1 ongoing case



Outcomes

44 legislative forfeitures conducted
2 penalty infringement notices
12 warning notices
8 advisory letters
7 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

¹ May include multiple sightings

² Includes ghost nets not in marine parks



Incidents

Authorisations

1 x authorised recreational fishing vessel in breach of authorisation conditions operating in Elizabeth Reef RUZ. Warning notice issued. Date: 14 January 2022.

2 x commercial tourism operators potentially conducting activities without valid authorisation in Ningaloo RUZ. No breach identified, no further action. Date: 17 January 2022.

3 x commercial tourism operators potentially conducting activities without valid authorisation in Ningaloo RUZ. 2 x warning notices issued. Date: 17 January 2022.

3 x commercial tourism operators potentially in breach of their authorisation conditions within Bremer RUZ. Advisory letters issued. Date: 24 and 27 January 2022.

1 x recreational fishing vessel in breach of authorisation conditions operating in Elizabeth Reef RUZ. Advisory letter issued. Date: 3 February 2022.

1 x commercial vessel conducting research without authorisation within Arafura MP. Advisory letter issued. Date: 22 February 2022.

1 x organisation conducting research without valid authorisation in the North-west Marine Park Network. Advisory letter issued. Date: 04 March 2022.

1 x organisation conducting research without valid authorisation in Oceanic Shoals Marine Park. Advisory letter issued. Date: 17 March 2022.

Commercial Fishing

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

1 x AFV detected by VMS potentially fishing in South-west Corner Marine Park. No breach identified, no further action. Date: 23 February 2022.

1 x AFV identified by VMS alert potentially fishing within Gulf of Carpentaria NPZ. Investigation ongoing. Date: 26 February 2022.

1 x AFV sighted by aerial surveillance potentially fishing in Oceanic Shoals NPZ. Investigation ongoing. Date: 03 March 2022.

2 x AFVs detected by VMS transiting below 5 knots in Flinders MUZ. Minor breaches, no further action. Date: 23 & 24 March 2022.

2 x AFVs detected by VMS potentially fishing in Zeehan MUZ. No breach identified, no further action. Dates: 23 and 26 March 2022.

1 x AFV detected by VMS transiting below 5 knots in Freycinet MUZ. Minor breach, no further action. Date: 26 March 2022.

Recreational Fishing

9 x recreational fishing vessels identified by surface patrols fishing within Two Rocks NPZ. Warning notices issued. Dates: 20 and 28 December 2021, 25 February and 9 March 2022.

1 x recreational fishing vessel sighted by aerial surveillance fishing within Pimpernel Rock NPZ. PIN issued. Date: 26 January 2022.

Foreign Fishing

91 x FFVs sighted by aerial surveillance and surface patrols within the Argo-Rowley Terrace MUZ. Response was requested, resulting in 23 x legislative forfeitures of catch and gear and 4 x vessels seized and disposed of.

35 x FFVs sighted by aerial surveillance and surface patrols within the Ashmore Reef SZ. Response was requested, resulting in 16 x legislative forfeitures of catch and gear and 2 x vessels seized and disposed of.

14 x FFVs sighted by aerial surveillance and surface patrols within the Mermaid Reef NPZ. Response was requested, resulting in 4 x legislative forfeitures of catch and gear and 1 x vessel seized and disposed of.

7 x FFVs sighted by aerial surveillance and surface patrols within the Argo-Rowley Terrace SPZ. Response was requested, resulting in 1 x legislative forfeiture of catch and gear.

3 x FFVs sighted by aerial surveillance and surface patrols within the Argo-Rowley Terrace NPZ. Response was requested, however no assets were available.

3 x FFVs sighted by aerial surveillance and surface patrols within the Cartier Island SZ. Response was requested, however no assets were available.

Ghost Nets

1 x ghost net reported in vicinity of Limmen MP. Retrieval was requested, however no assets were available to respond.

Marine Debris

8 x FADs sighted by aerial surveillance within Oceanic Shoals MUZ and SPZ. Retrieval was requested, 1 FAD was recovered.

6 x FADs sighted by aerial surveillance within Cocos Keeling NPZ.

2 x FADs sighted by aerial surveillance within Cartier Island SZ. Retrieval was requested, however no assets were available.

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

1 x FAD sighted by aerial surveillance within Ashmore Reef SZ. 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

23 x legislative forfeitures performed by AFMA on FFVs in Argo-Rowley Terrace MUZ, and 4 vessels seized and disposed of.

16 x legislative forfeitures performed by AFMA on FFVs in Ashmore Reef Sanctuary Zone, and 2 vessels seized and disposed of.

4 x legislative forfeitures performed by AFMA on FFVs in Mermaid Reef NPZ, and 1 vessel seized and disposed of.

1 x legislative forfeiture performed by AFMA on an FFV in Argo-Rowley Terrace SPZ.

Penalty Infringement Notices

2 x PINs issued to recreational fishers identified by aerial surveillance fishing in Pimpernel Rock NPZ. Date: January 2022.

Advisory Letters

1 x advisory letter issued to yacht reminding them of booking requirements for mooring in the Mermaid Reef NPZ. Date 30 October 2021.

1 x advisory letter issued to AFV self-reported fishing within Coral Sea HPZ. Date: 9 November 2021.

1 x advisory letter issued to yacht reminding them of their obligations while transiting Cod Grounds NPZ. Date: 6 December 2021.

1 x advisory letter issued to an authorised recreational fishing vessel in breach of their authorisation conditions operating in Elizabeth Reef RUZ. Date: January 2022.

3 x advisory letters to commercial tourism operators reminding them of their authorisation conditions for operating in Bremer MP. Date: 23 January 2022.

1 x advisory letter issued to an organisation conducting research without valid authorisation in Oceanic Shoals Marine Park. Date: March 2022.

Warning Notices

2 x warning notices issued to commercial tourism operators conducting activities without valid authorisation in Ningaloo MP. Date: various incidents in 2021.

9 x warning notices issued to recreational fishers identified by surface patrols within Two Rocks NPZ. Date: 20 & 28 December 2021, 25 February 2022 & 9 March 2022.

1 x warning notice issued to authorised recreational fishing vessel in breach of their authorisation conditions operating in Elizabeth Reef RUZ. Date: 14 January 2022.

Ongoing Investigations

1 x organisation conducting activities without authorisation in Coral Sea MP. Investigation ongoing. Date 10 August 2021.

1 x AFV sighted by aerial surveillance potentially fishing within Oceanic Shoals NPZ. Date: 26 September 2021.

1 x recreational vessel sighted by aerial surveillance fishing within Cod Grounds NPZ. Investigation ongoing. Date: 10 December 2021.

1 x commercial fishing vessel potentially fishing within West Cape York NPZ. Investigation ongoing. Date: 07 February 2022.

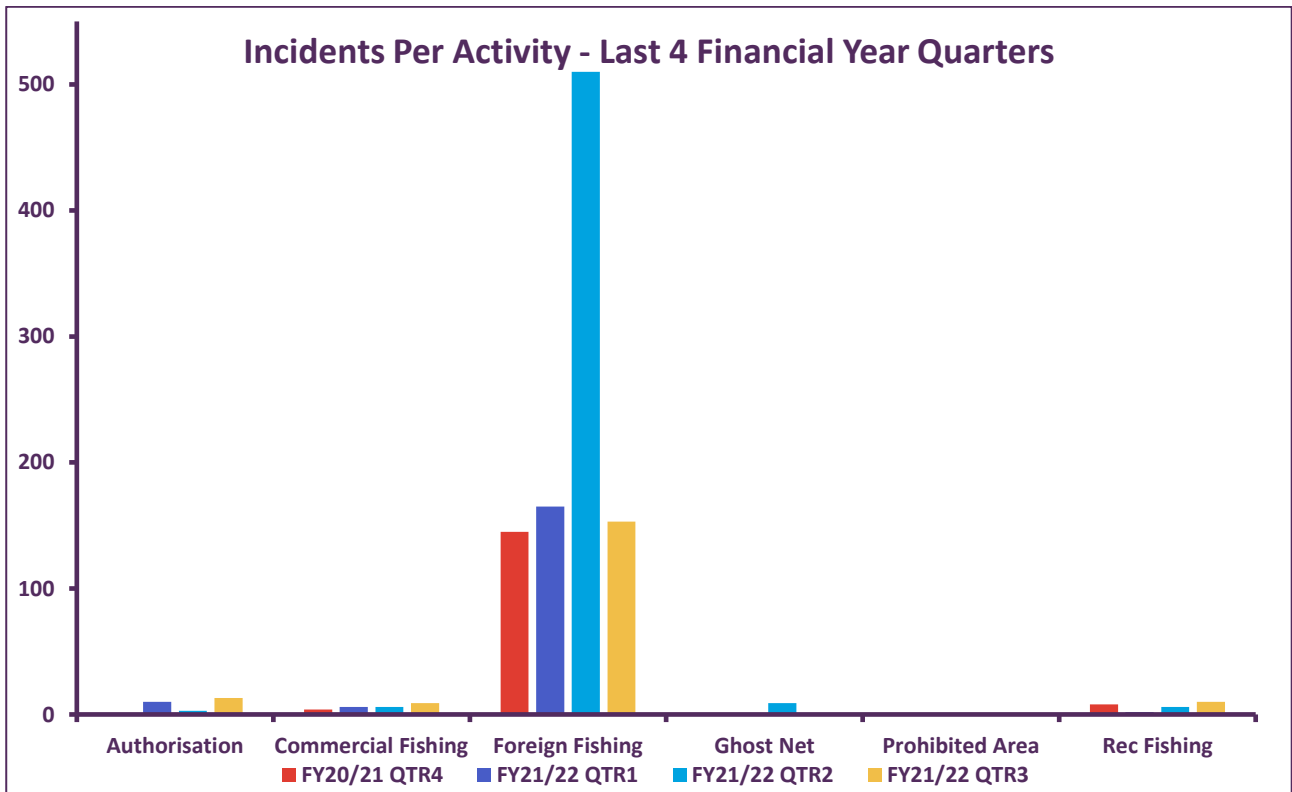
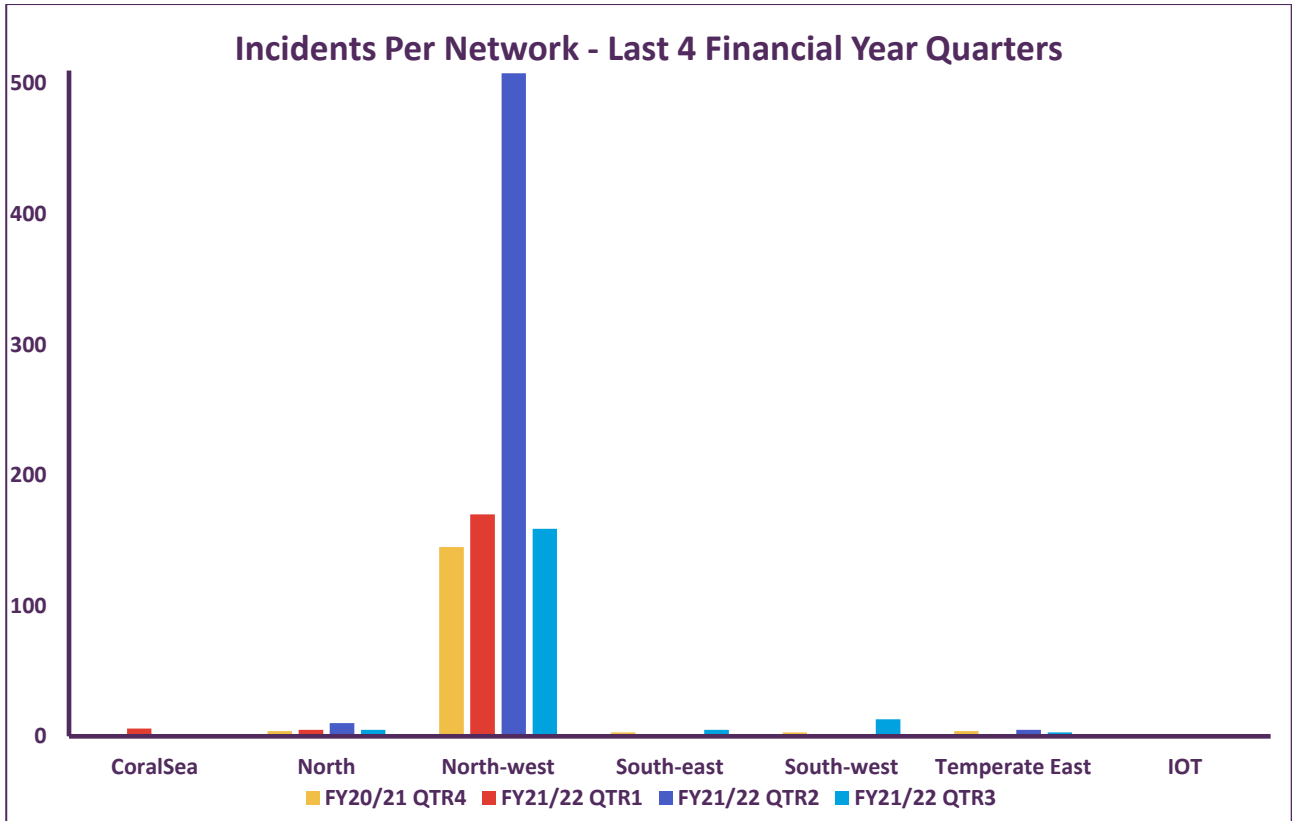
1 x AFV sighted by aerial surveillance potentially fishing in Oceanic Shoals HPZ. Investigation ongoing. Date: 19 February 2022.

1 x commercial fishing vessel potentially in breach of class approval conditions within Gulf of Carpentaria NPZ. Investigation ongoing. Date: 25 February 2022.

1 x AFV sighted by aerial surveillance potentially fishing in Oceanic Shoals NPZ. Investigation ongoing. Date: 03 March 2022.

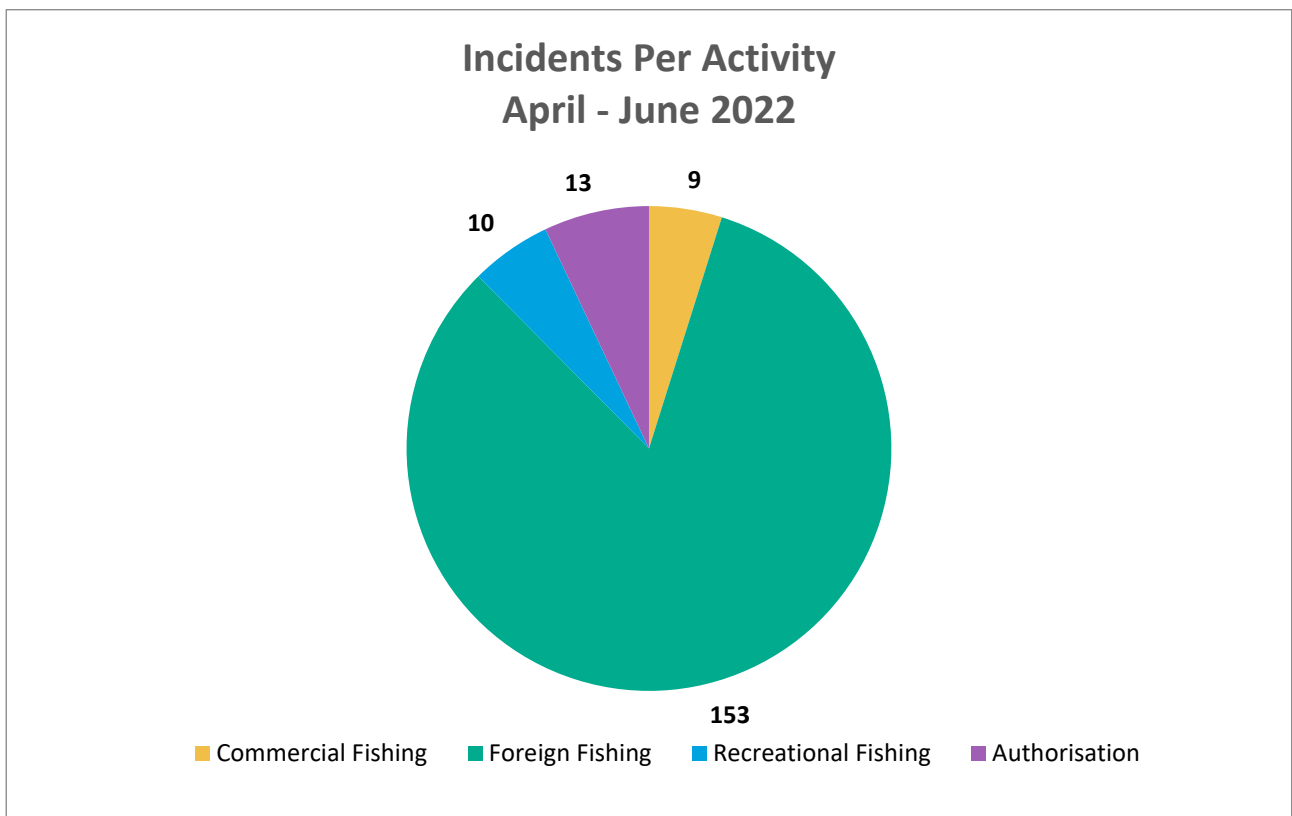
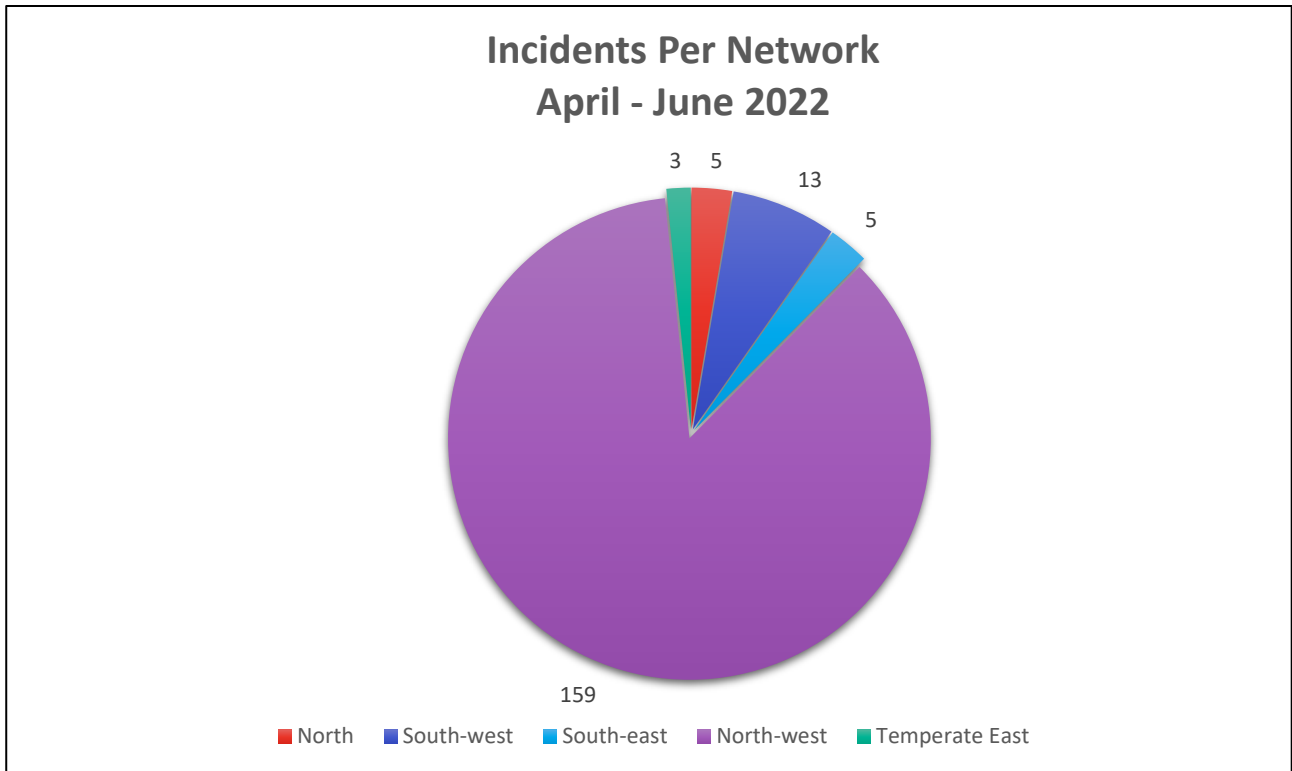


Statistics



Network Summary

January to March 2022



	North	Coral Sea	Temperate East	South-east	South-west	North-west	IOT	Totals
Compliance Incidents	5	-	3	5	13	159	-	185
Ghost Nets	1	-	-	-	-	-	-	1
Marine Debris (in AMP)	8	-	-	-	-	5	6	19
RFIs	1	-	1	-	9	-	-	11
Cases (commenced in quarter)	5	-	3	5	13	6	-	32
Educational Boardings	-	-	-	-	-	-	-	0
Warning Notices	-	-	1	-	9	2	-	12
Advisory Letters	1	1	2	-	3	1	-	8
PINs	-	-	2	-	-	-	-	2
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 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.



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