



Australian Marine Parks

Quarterly Compliance Report

July, August, September 2023



Australian Government
Director of National Parks



Australian
Marine Parks

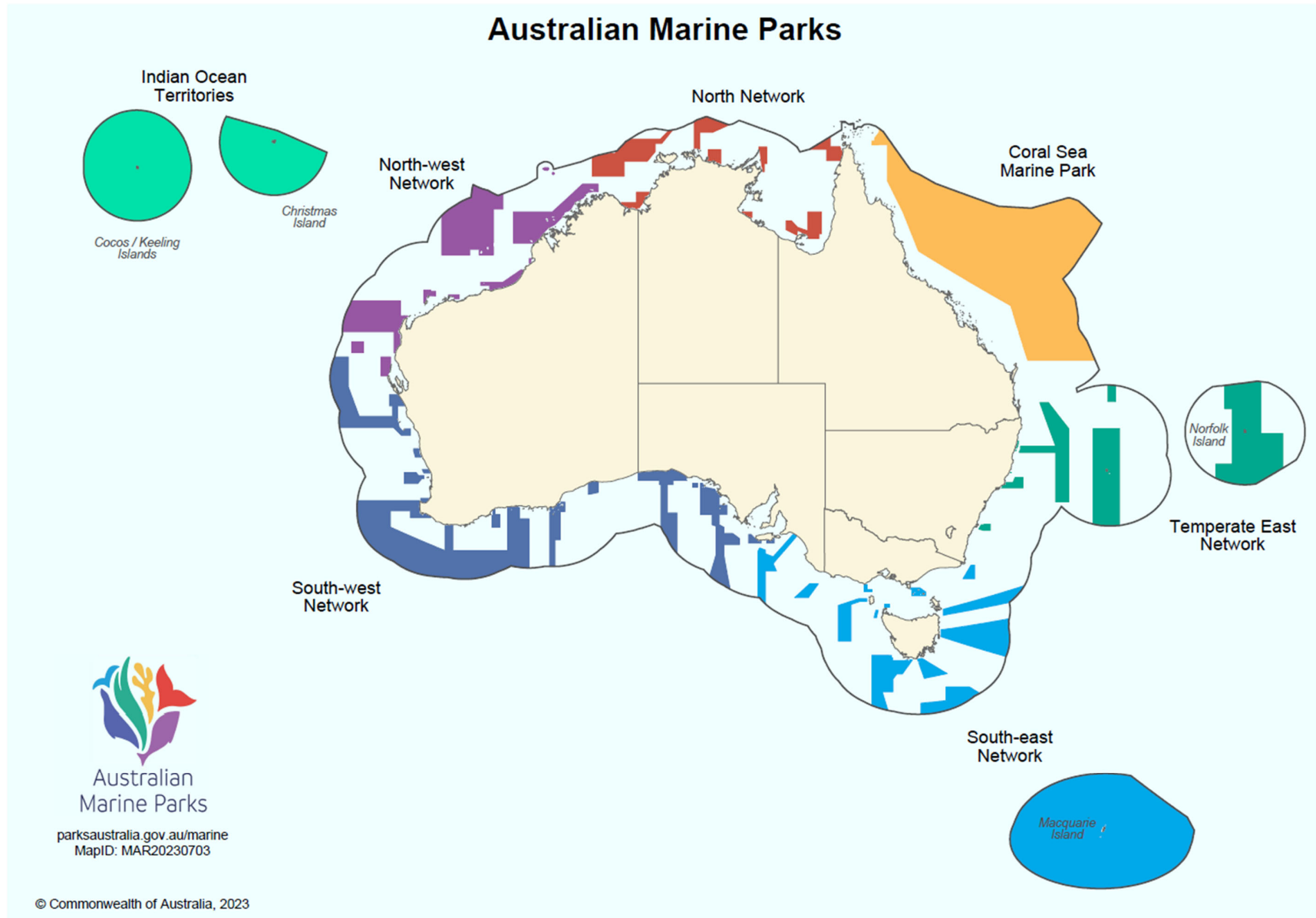
Glossary and Abbreviations

Term/ Abbreviation	Explanation
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
USV	Uncrewed Surface Vessel
VMS	Vessel Monitoring System

Term/ Abbreviation	Explanation
Foreign Aerial Sighting - NFA	An FFV sighted by an aerial surveillance asset, with no legal grounds to be in the area sighted. Whilst Parks Australia will request a surface asset to respond to the sighting where appropriate, no further action is taken or recorded due to the nature of the sighting and aerial surveillance.
Seize Catch/Gear	An FFV that has been physically interdicted and had its fishing equipment and catch seized prior to being directed to exit the AEEZ.
Seize Catch/Gear – Vsl Confiscated	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 and destroyed.
Transit Passage	An FFV exercising its legal right to transit the AEEZ in the most direct route with fishing gear and equipment stowed.
Educate and disembark	An FFV that has been physically interdicted and found through investigation to a) be operating in accordance with the law or b) has insufficient evidence present to prove an offence.
Apprehension	An FFV that has been physically interdicted and had its crew apprehended. The crew is returned to the Australian mainland and face prosecution in an Australian court. The vessel, its fishing equipment and catch is forfeit to the commonwealth.
Flag State Referral	Evidence and information are provided via diplomatic channels to the registered Flag State of the vessel, along with a request for the Flag State to take appropriate action in accordance with their obligations and commitments under various international agreements and membership to Regional Fisheries Management Organisations (RFMO).
NFA – Minor breach	NFA Minor breach refers to incidents in which the offence is relatively minor, the vessel is not fishing, and no further action is required. For example, a vessel has polled below 5kts in a NPZ, but the poll is only marginally below 5kts, the first or last poll in the marine park, a part of a direct transit and the vessel has not recently been flagged for similar activity.
Verbal Advice	Verbal advice is the lowest form of administrative action available and is reserved for minor infractions where there is confidence that the alleged offence is minor, was unintentional and the alleged offender is unlikely to wilfully reoffend with the appropriate information and knowledge made available to them.
Advisory Letter	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 there is a reasonable chance or likelihood of recidivism.
Warning Notice	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.
Infringement Notice	An Infringement Notice is an official document issued for non-compliance that provides an alleged offender the opportunity to

Term/ Abbreviation	Explanation
	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.
Authorisation Terminated	Under r.17.12 of the EPBC Regulations, a delegate may, by written notice, cancel a permit issued by the Director. Under r.17.2, cancellation may be actioned if a holder contravenes a condition of a permit; or there are reasonable grounds for believing that a holder is likely to contravene a condition; or if an application for a permit that has been issued were being considered again, the permit would not be issued.
Civil Penalty	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	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 – Insuff Evidence	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.

OFFICIAL



OFFICIAL

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.
- **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



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

Report summary



Surveillance

62 surface patrols (not including ABF continuous multi vessel presence in northern waters)
 831 aerial surveillance flights
 1196 VMS alerts
 5 phone calls to our 1800 reporting hotline
 23 phone calls received by the AMP duty officer¹



Incidents

6 authorisations
 98 foreign fishing
 1 commercial fishing
 11 commercial fishing transit
 1 recreational fishing
 1 prohibited area
 2 ghost nets²
 8 marine debris³



Outcomes

10 legislative forfeitures on FFVs
 1 educate and disembark of FFV
 1 infringement notices issued
 2 warning notices issued
 2 advisory letters issued
 4 instances of verbal advice provided



Statistics

Incidents per network – July, August, September
 Incidents per activity – July, August, September

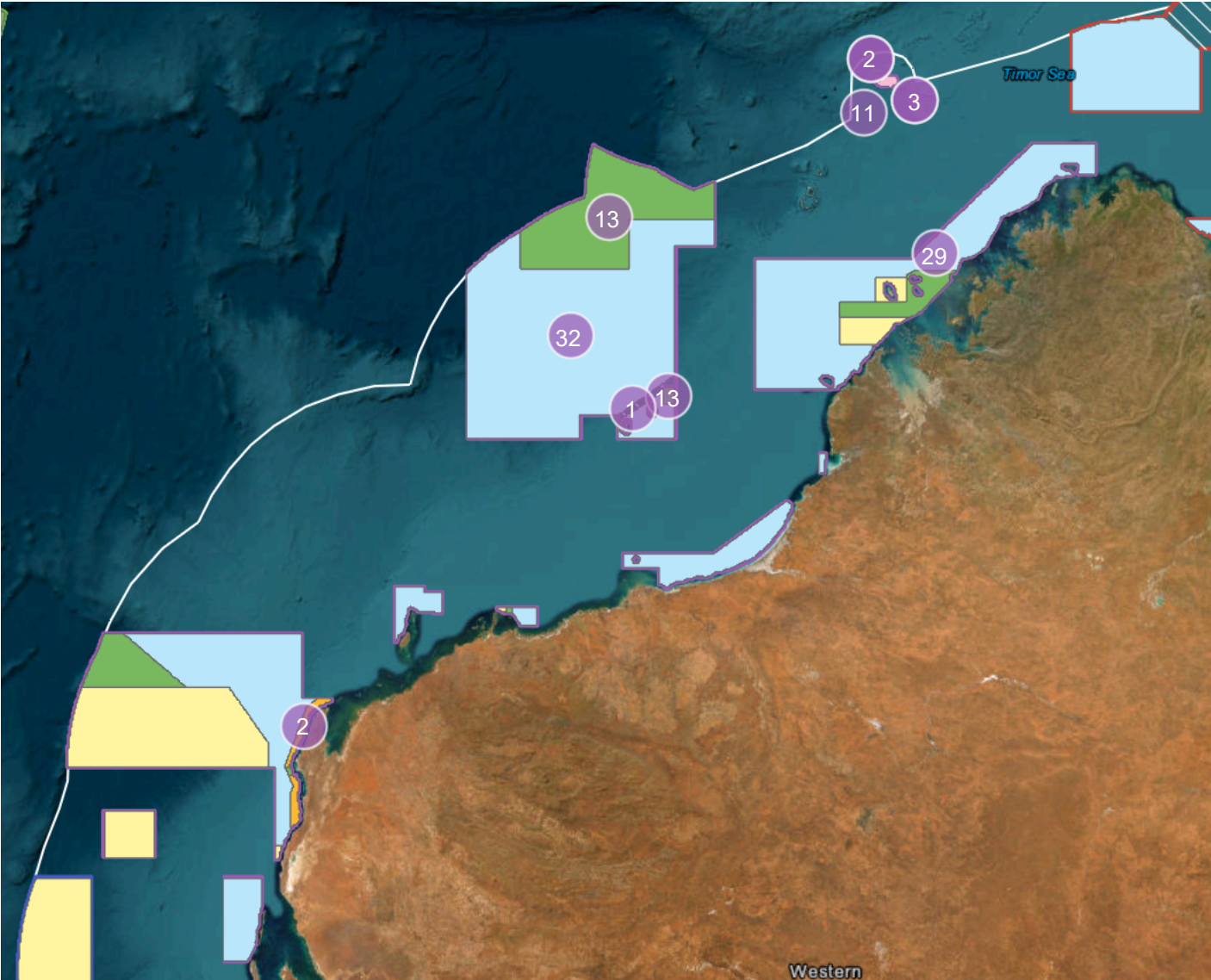
¹ Calls received to the AMP duty officer from external government agencies, service providers, authorization holders and the general public etc.

² Includes ghost nets not in AMPs

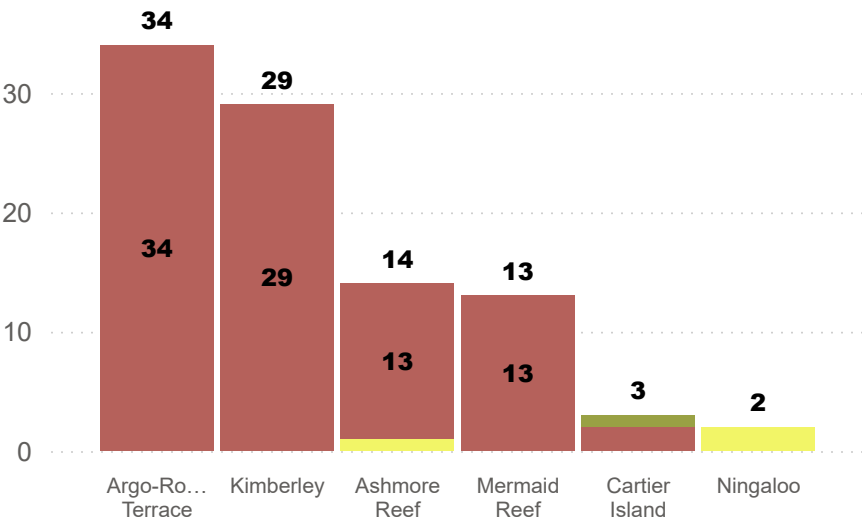
³ May include multiple sightings of same debris

North-west

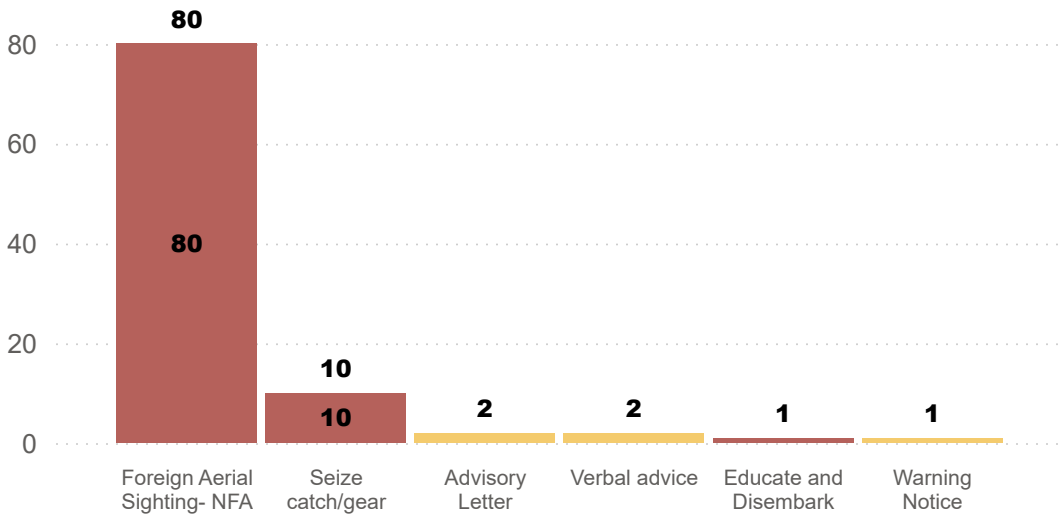
There are 13 marine parks off the coast of Western Australia that make up the North-west Network. These parks cover 335,341 km² and some are popular destinations for fishing, snorkelling, diving and boating. These marine parks also support tourism, commercial fishing, mining, and shipping activities which contribute to economic growth, employment and social wellbeing in coastal towns and communities.



Incidents



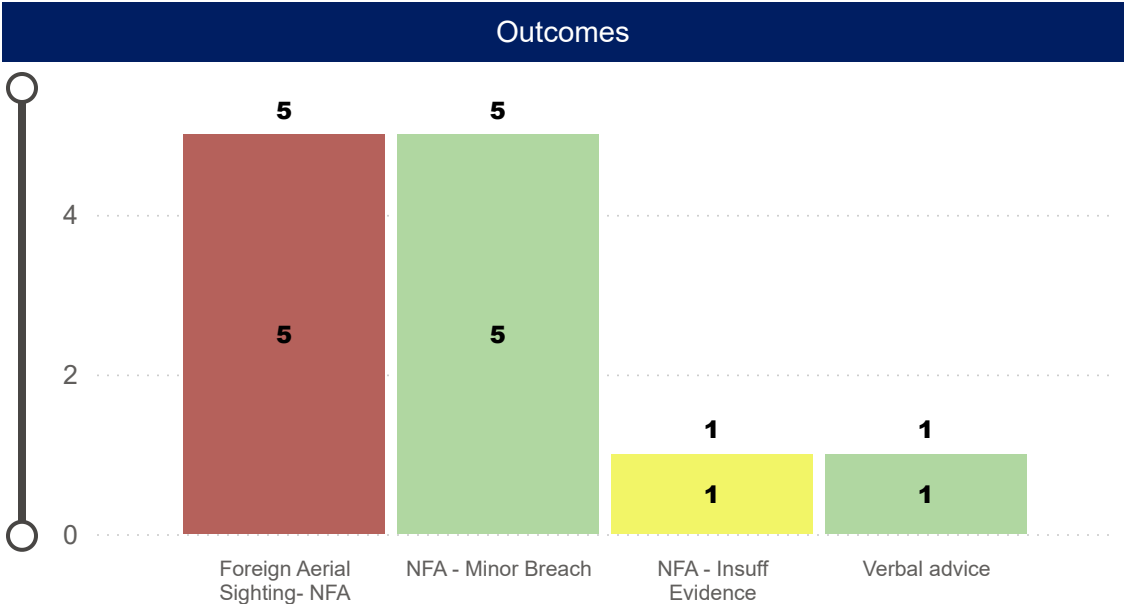
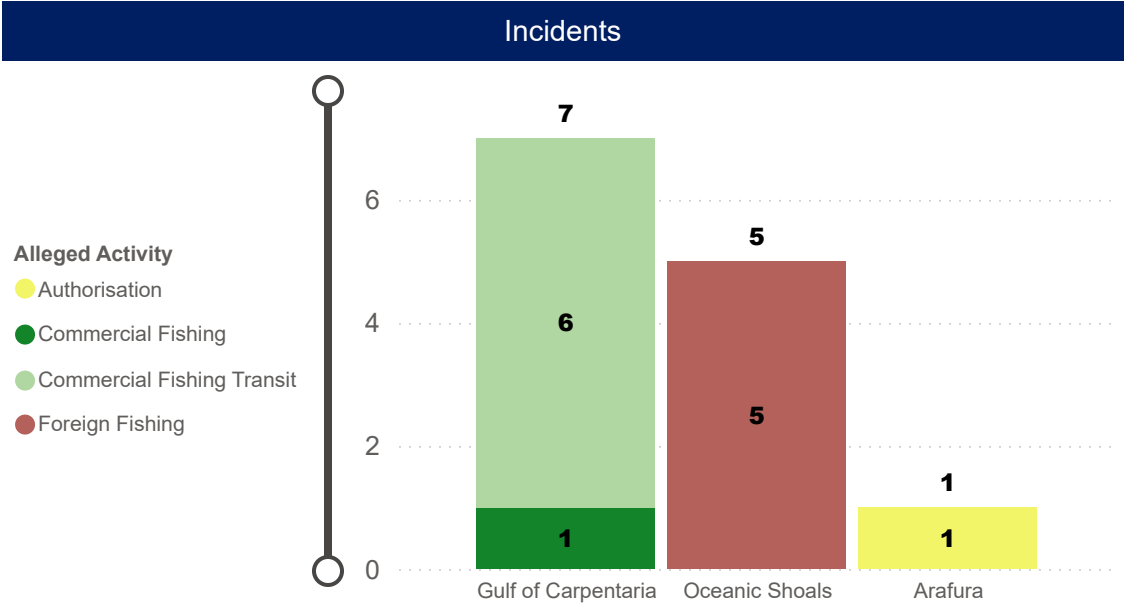
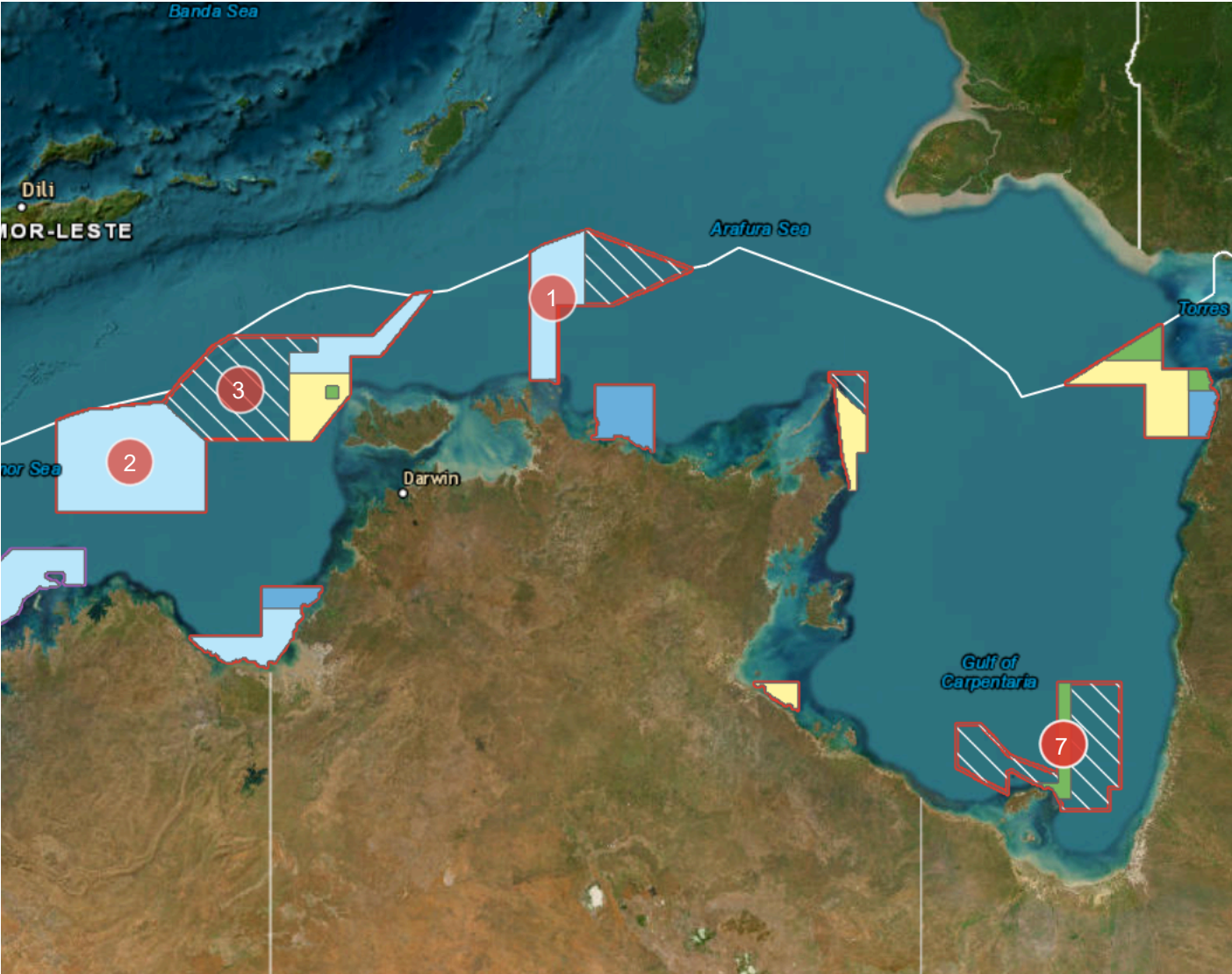
Outcomes



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North

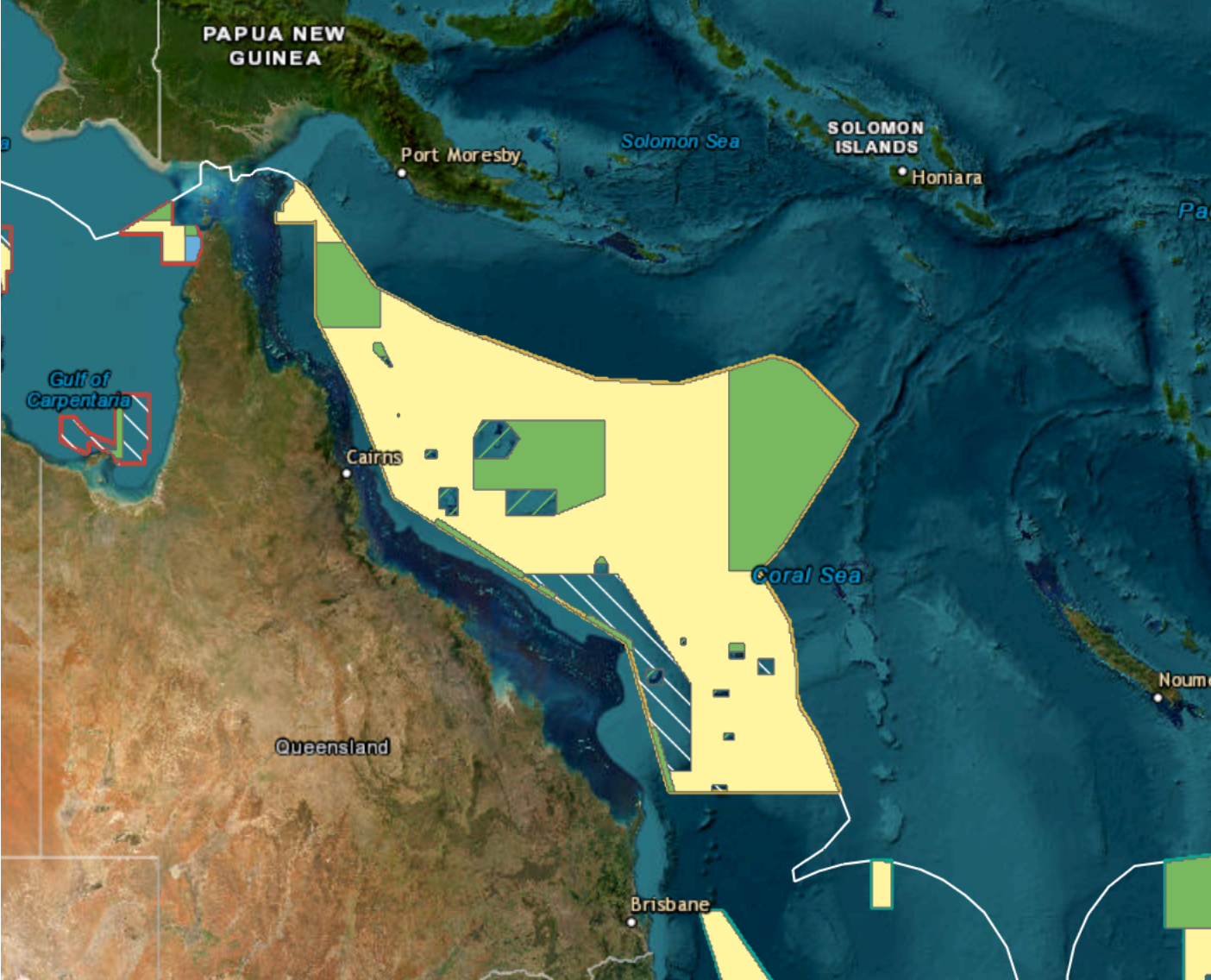
There are 8 marine parks off the coast of the Northern Territory, Queensland and Western Australia that make up the North Network. These parks cover 157,480 km² and some are popular destinations for fishing, snorkelling, diving and boating. These marine parks also support tourism, commercial fishing, mining, and shipping activities which contribute to economic growth, employment and social wellbeing in coastal towns and communities.



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Coral Sea

The Coral Sea Marine Park is located in Commonwealth waters, immediately east of the Great Barrier Reef Marine Park, covering 989,836 km². The marine park is popular for fishing, snorkelling, diving and boating. The marine park also supports tourism, commercial fishing, mining, and shipping activities which contribute to economic growth, employment and social wellbeing in coastal towns and communities



Nothing Significant to Report

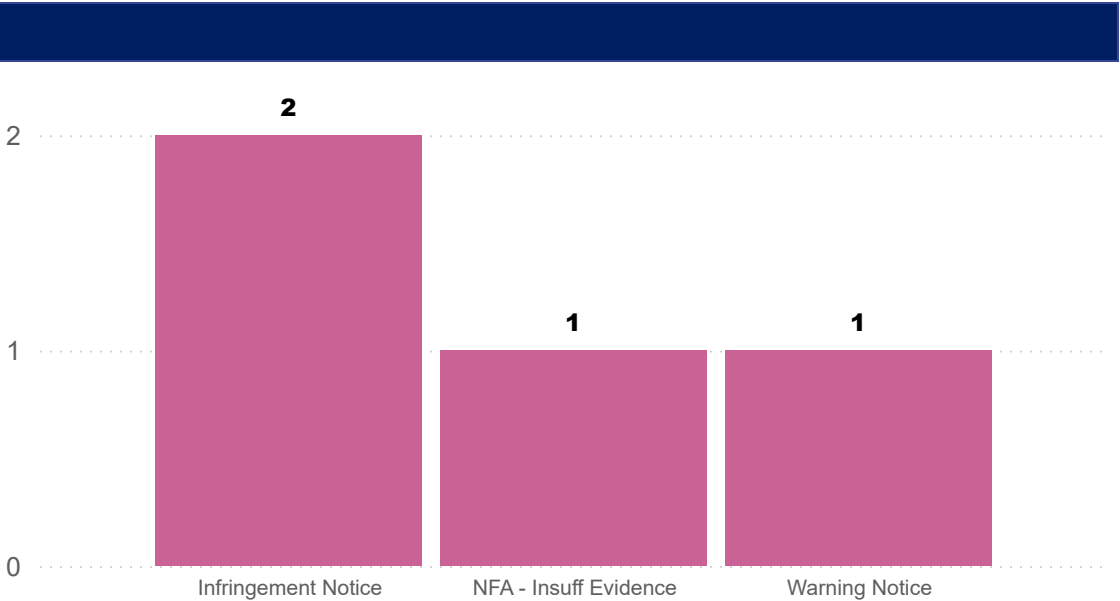
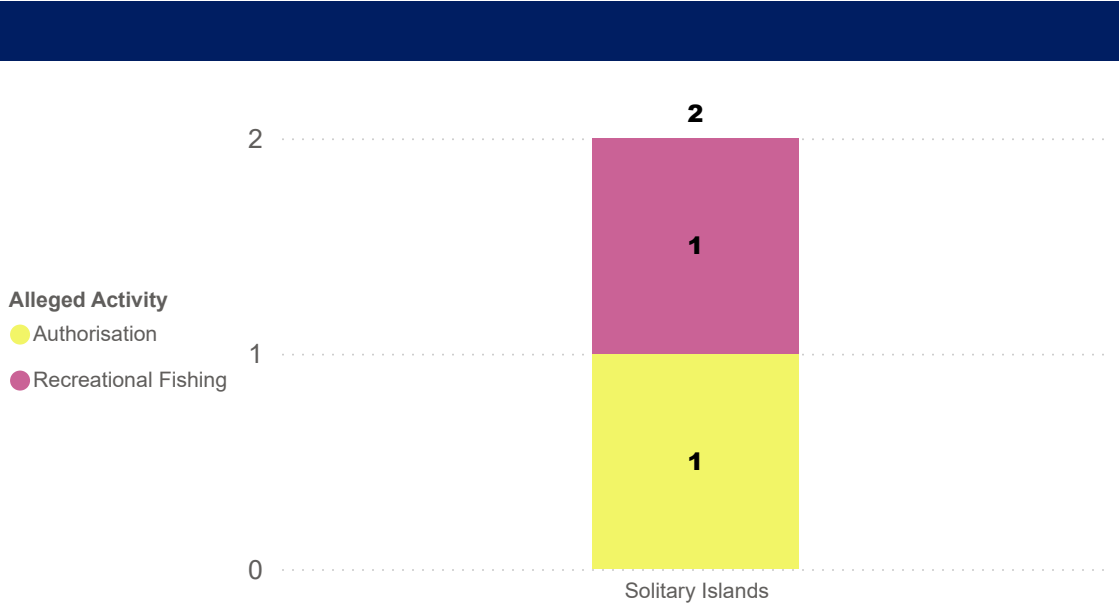
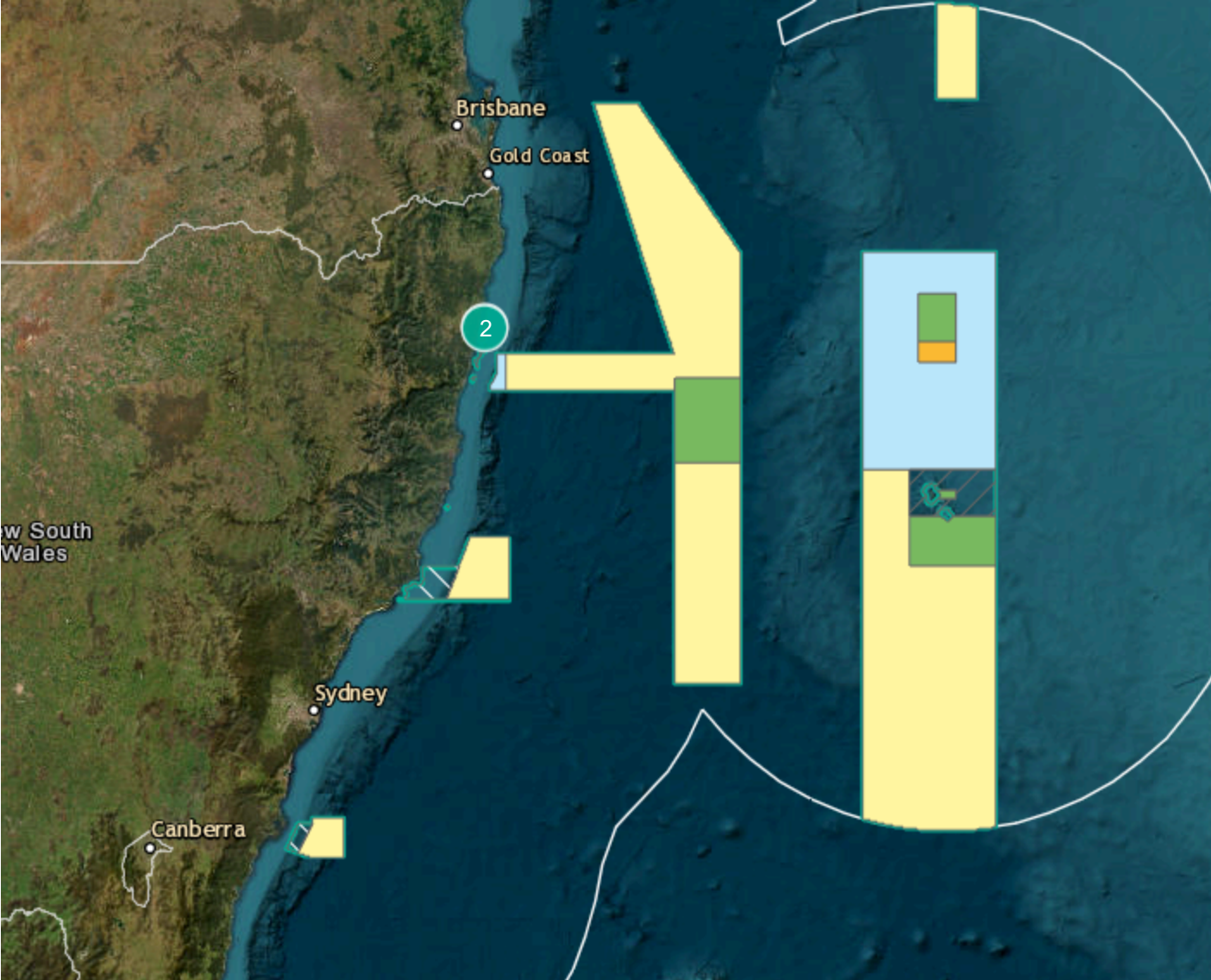
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Temperate East

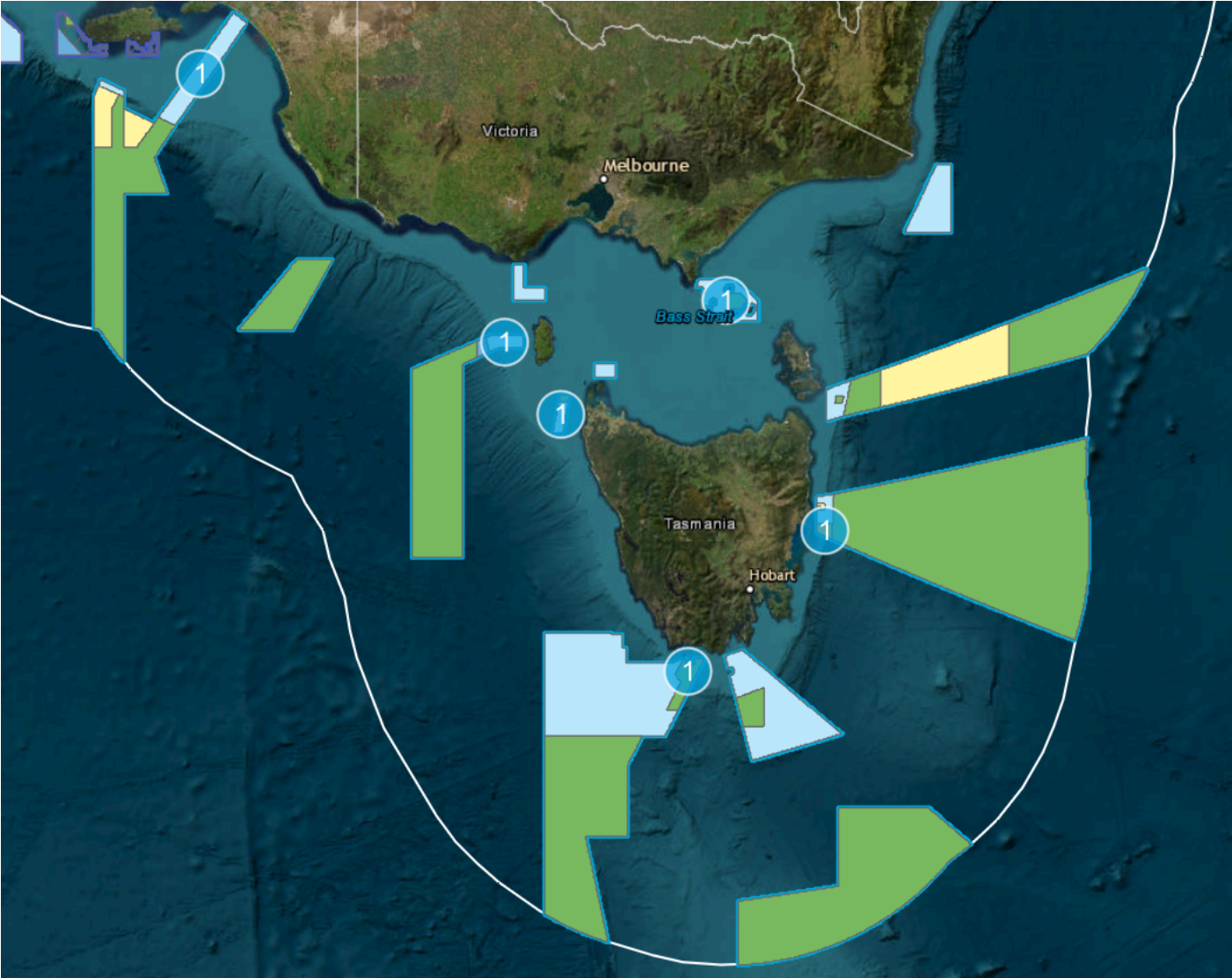
There are eight marine parks that make up the Temperate East Network off the coast of New South Wales and Queensland, including waters around Lord Howe and Norfolk Islands. These parks cover 383,339 km² and some are popular destinations for fishing, snorkelling, diving and boating. These marine parks also support tourism, commercial fishing, mining, and shipping activities which contribute to economic growth, employment and social wellbeing in coastal towns and communities.



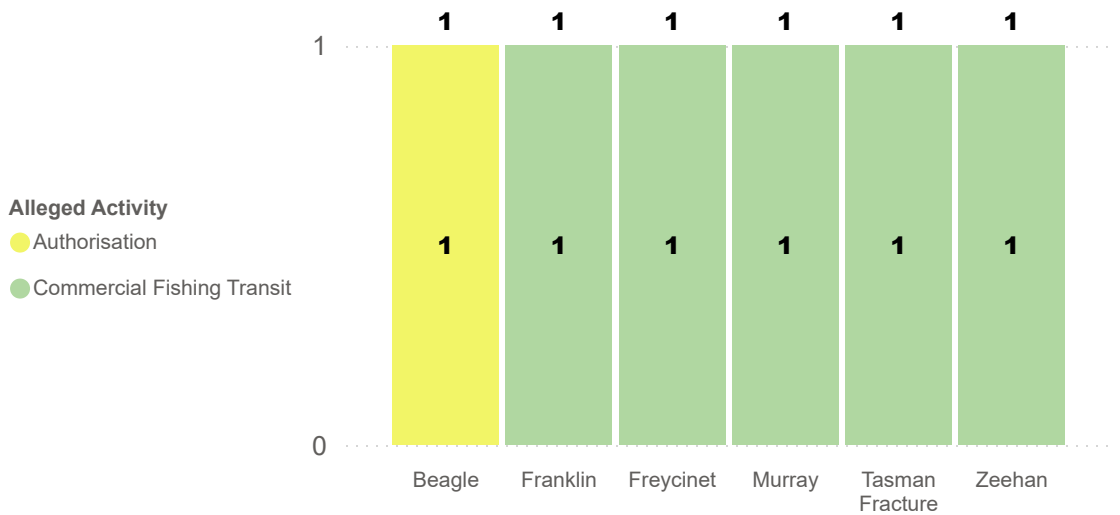
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South-east

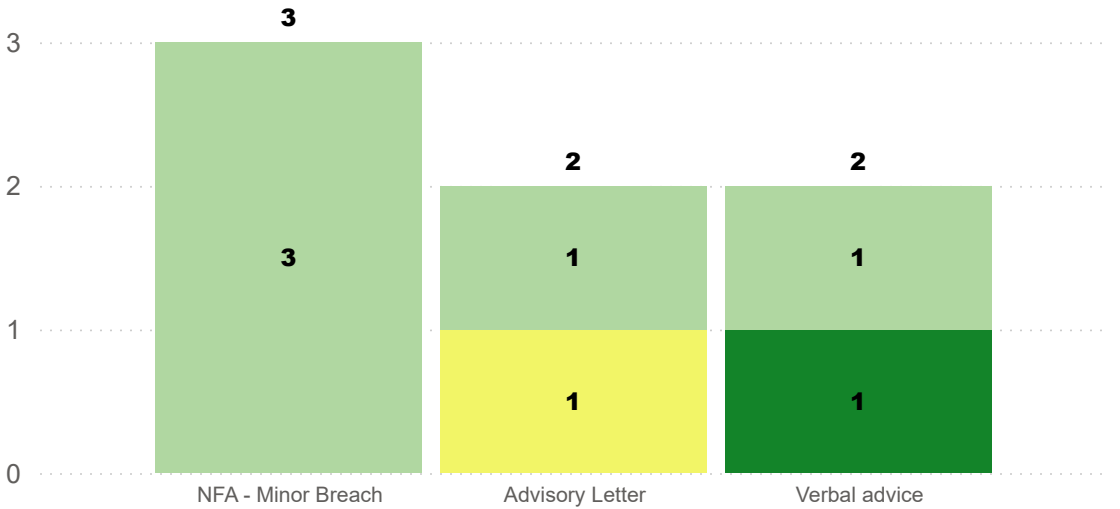
There are 14 marine parks off the coast of South Australia, Tasmania, and Victoria, and in the Southern Ocean, that make up the South-east Network. These parks cover 701,927 km². They protect examples of incredible habitats. ecosystems of the Network feature unique and rare species, such as large black coral trees, oceanic golden kelp forests, deep-sea eels and Port Jackson shark aggregations and support threatened species, including the pygmy blue whale, shy and wandering albatross, and the southern elephant seal.



Alleged Activity



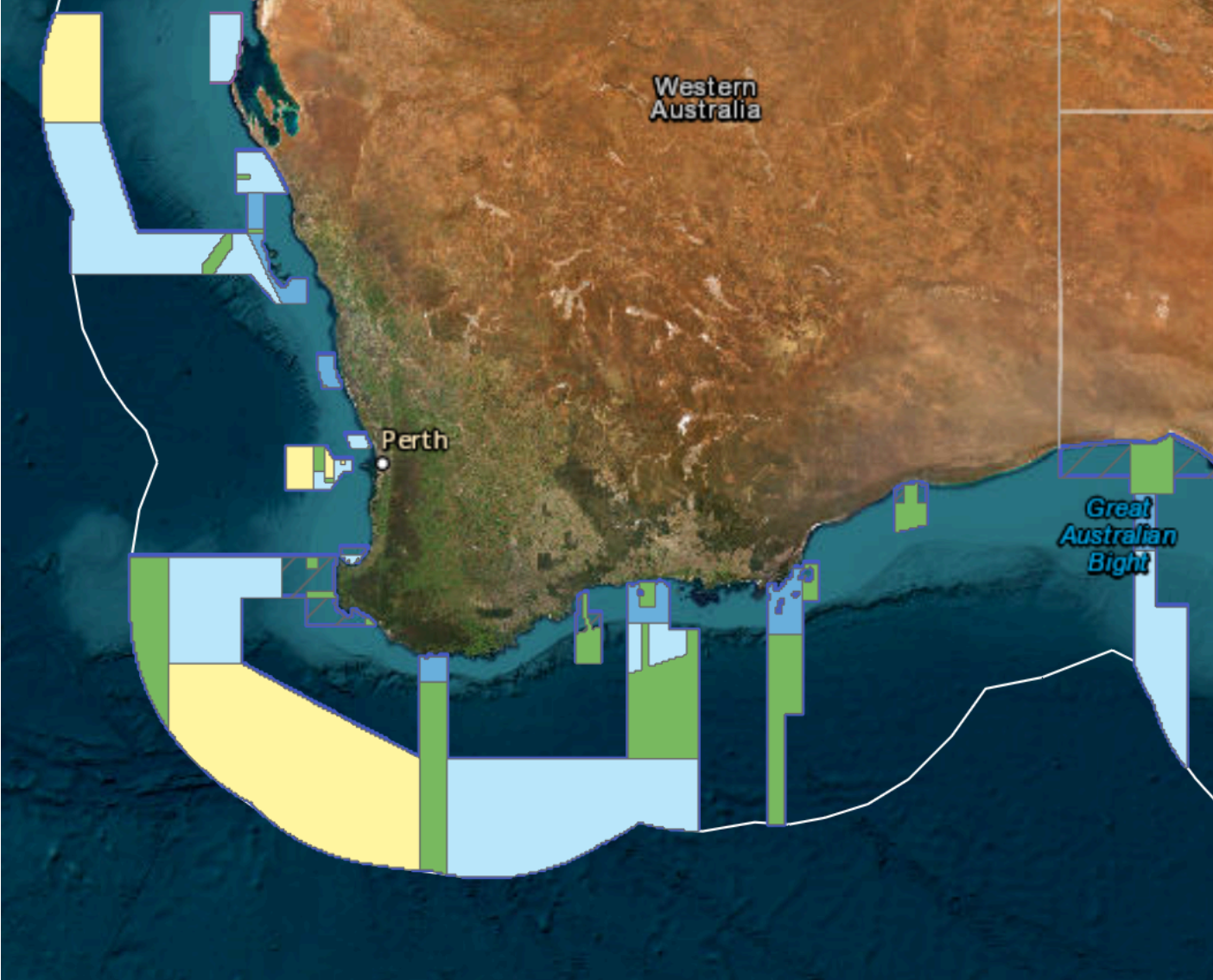
Outcomes



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South-west

There are 14 marine parks off the coast of South Australia and Western Australia that make up the South-west Network. These parks cover 508,371 km² and some are popular destinations for fishing, snorkelling, diving and boating. These marine parks also support tourism, commercial fishing, mining, and shipping activities which contribute to economic growth, employment and social wellbeing in coastal towns and communities.



Incidents

Nothing Significant to Report

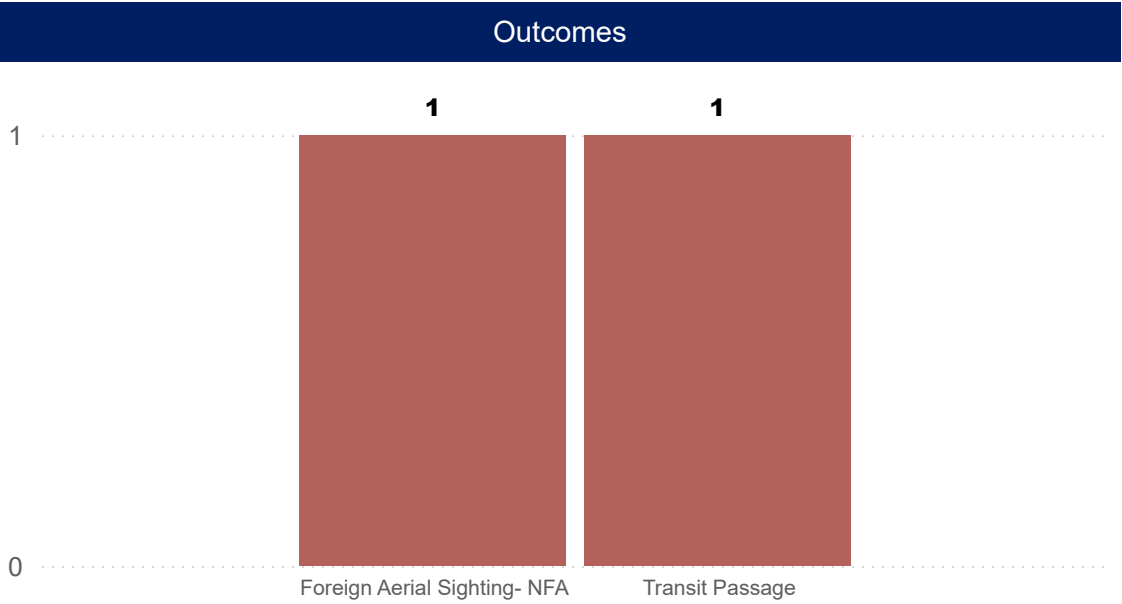
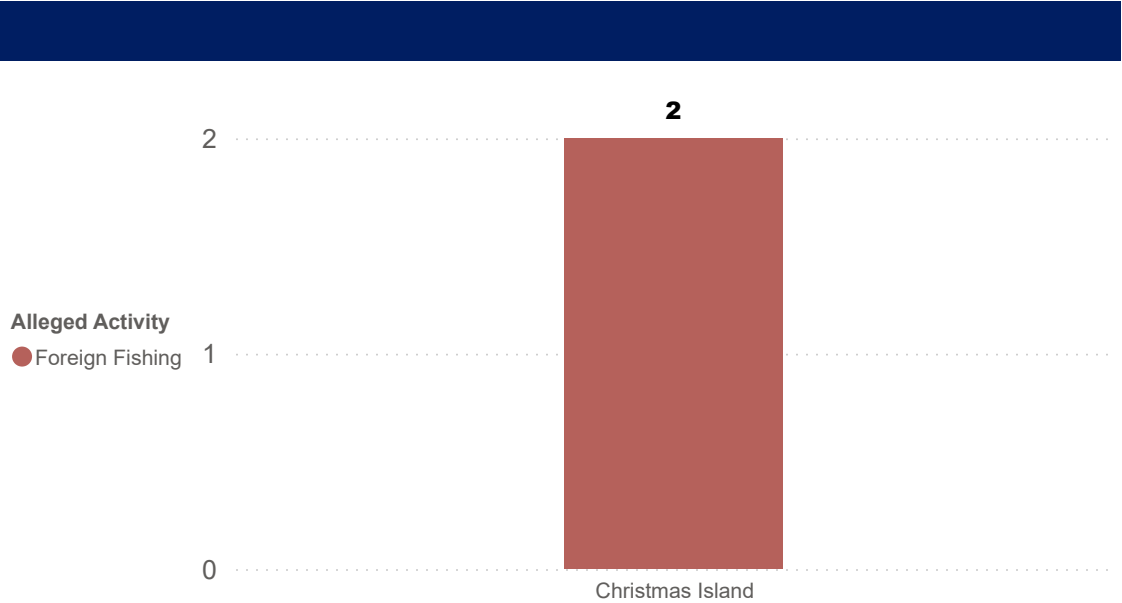
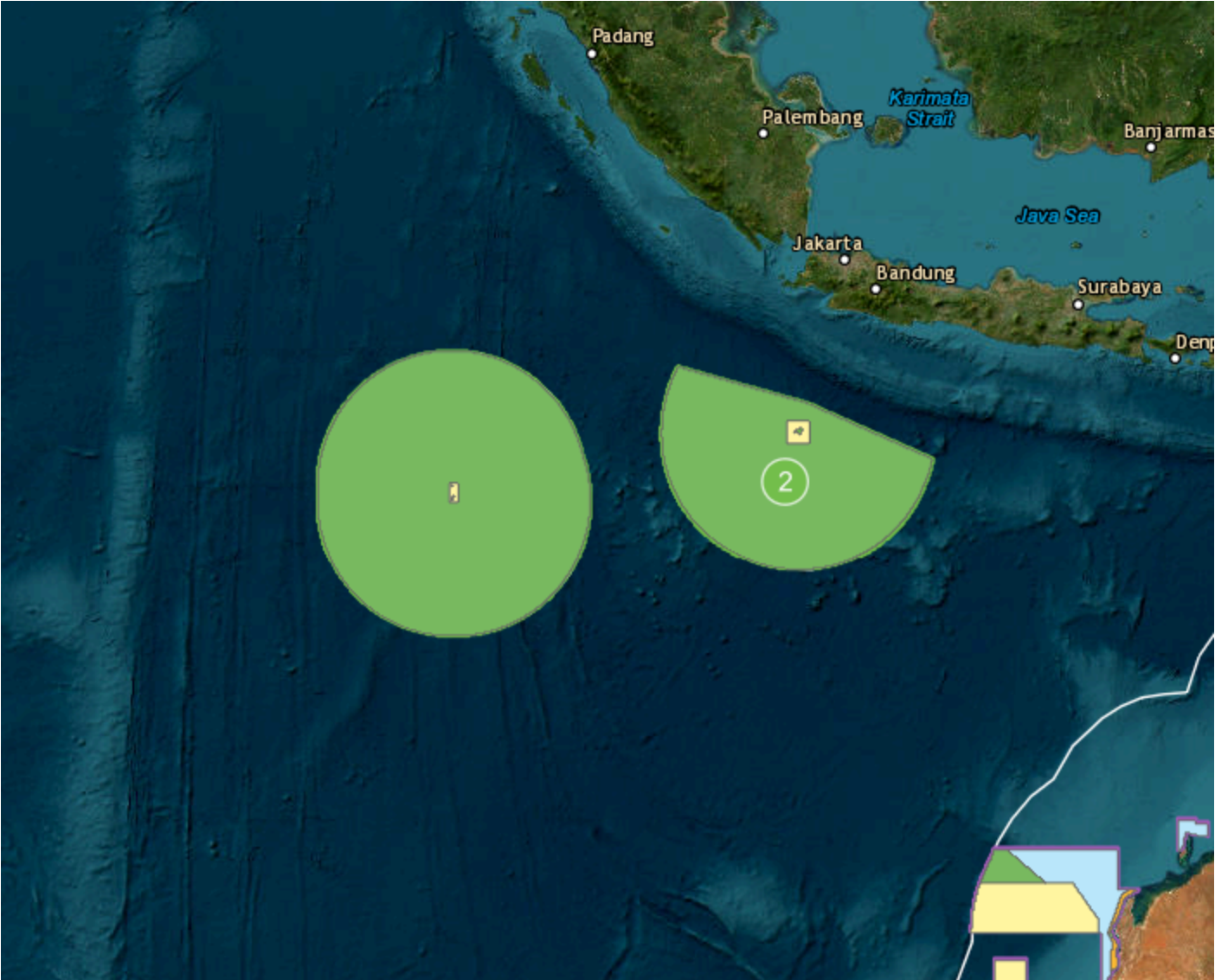
Outcomes

Nothing Significant to Report

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Indian Ocean Territories

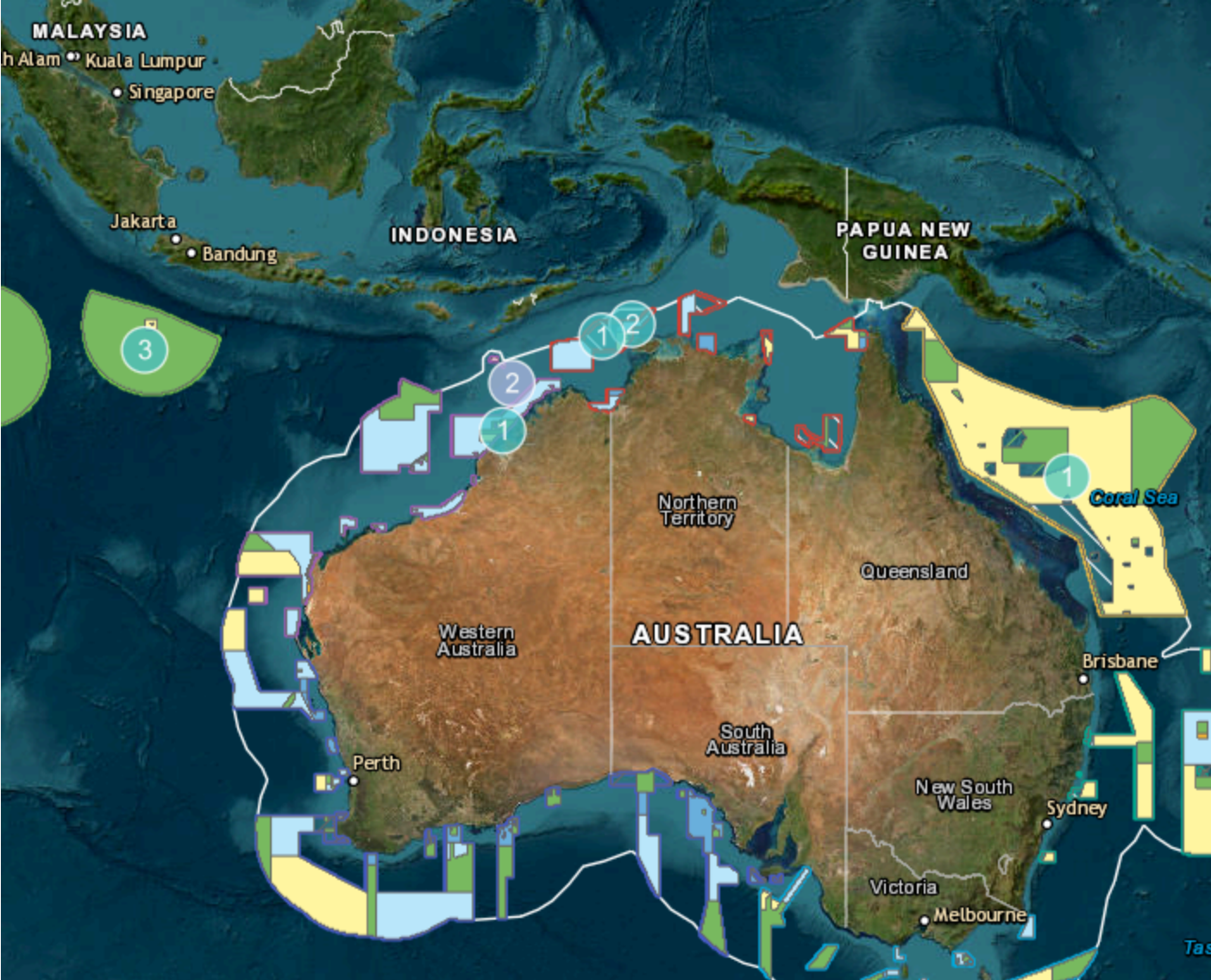
Covering 744,070 square kilometres of remote deep water ocean and inshore reef and lagoon habitats, Christmas Island Marine Park and Cocos (Keeling) Islands Marine Park are the two newest marine parks in the national network of Australian Marine Parks. Established in March 2022, these marine parks help protect the unique marine environments of Australia's Indian Ocean Territories (IOT) and support positive social and economic outcomes for local communities and other marine users.



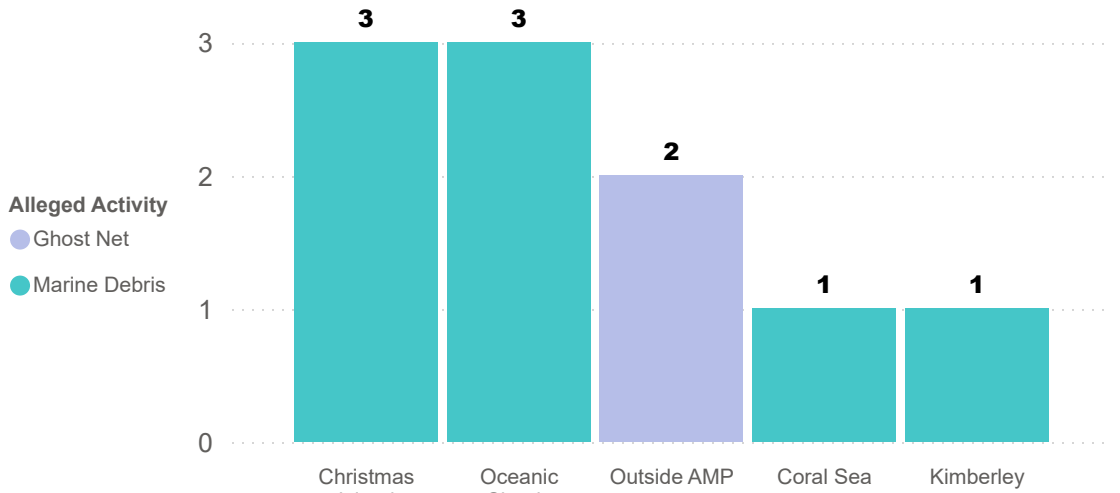
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Marine Debris & Ghost Nets

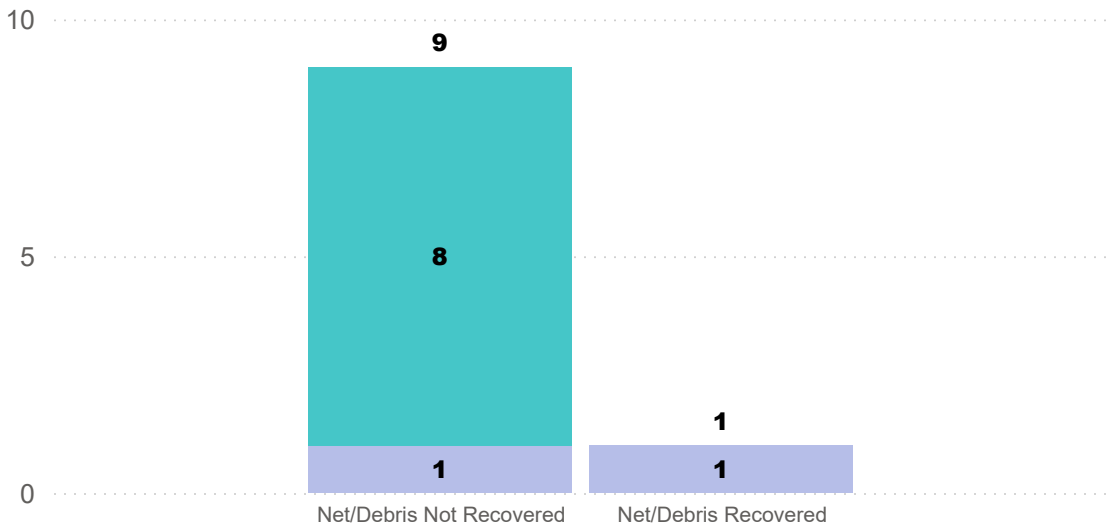
Marine Debris and Ghost Nets are common terms for any abandoned, lost and discarded fishing gear – it can also be referred to as ‘Ghost Gear’ or ‘Derelict Fishing Gear’. Ghost gear can include ropes, nets, lines, traps or any other materials used in fishing operations. Addressing the issue of ghost nets is another step the Australian Government is taking to protect our marine environment for the benefit of all Australians now and into the future.



Incidents



Outcomes



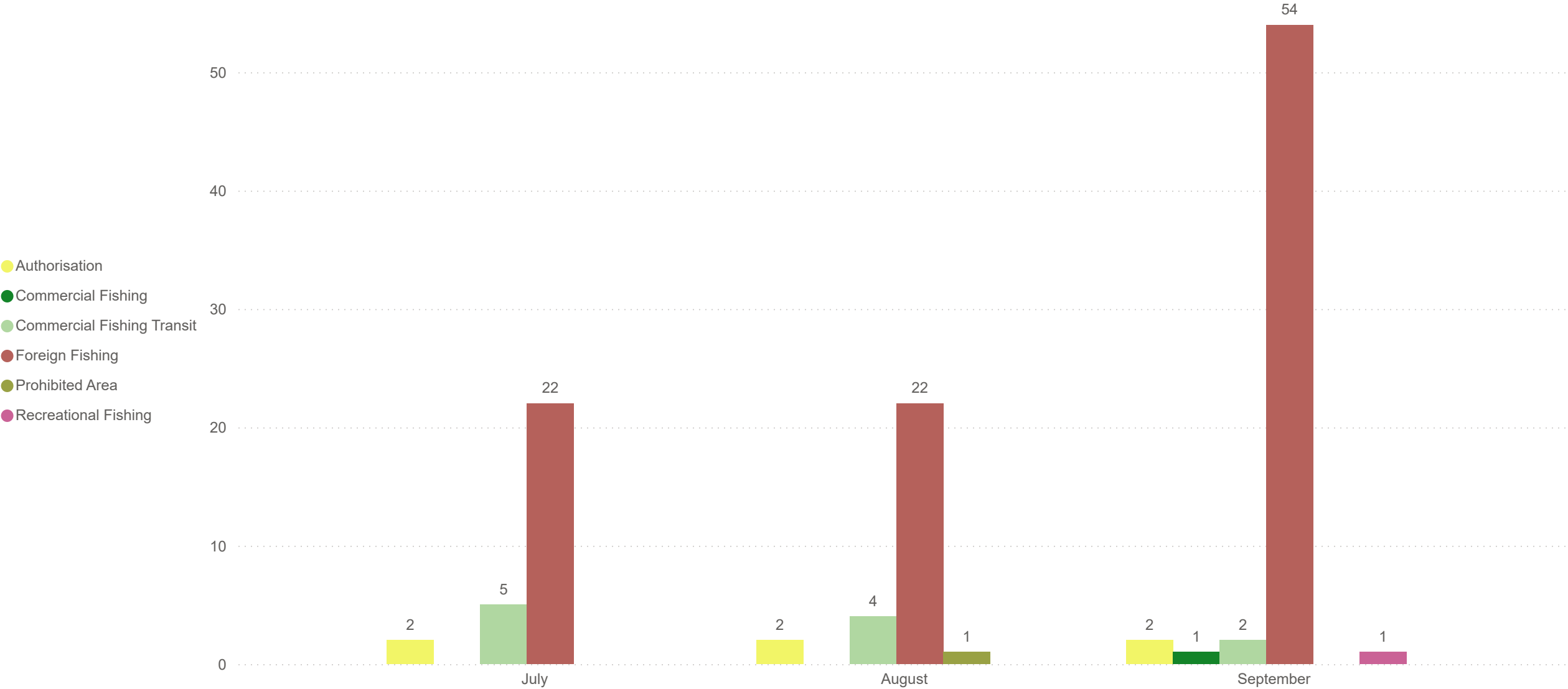
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Statistics

Reported statistics refer to compliance incidents only and do not refer to instances of Marine Debris and Ghost Nets.

Incidents By Month This Quarter

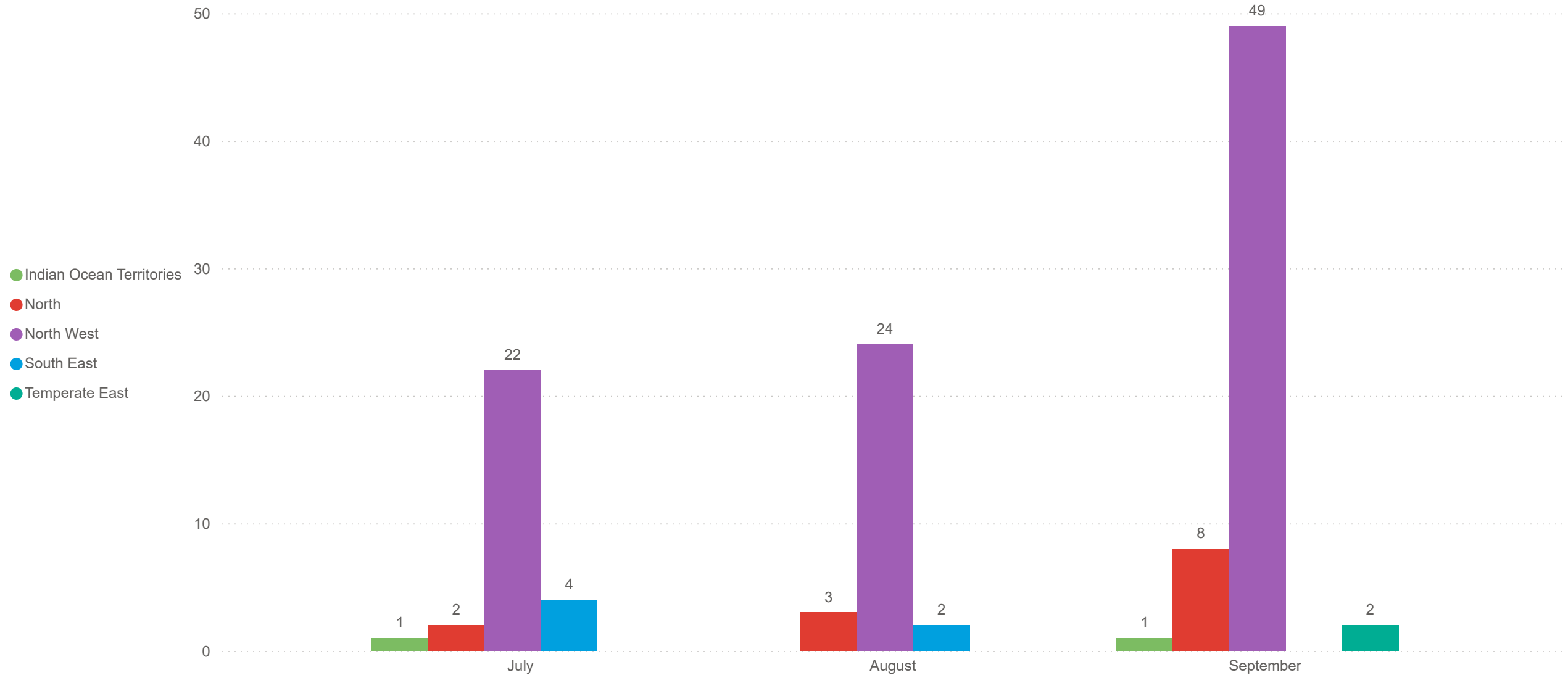




Statistics

Reported statistics refer to compliance incidents only and do not refer to instances of Marine Debris and Ghost Nets.

Incidents By Network This Quarter



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.



Giant Australian Cuttlefish swimming above a rocky reef habitat in the Jervis Bay Marine Park.
Photo: © David Harasti.

parksaustralia.gov.au/marine

