



Australian Marine Parks

Quarterly Compliance Report

July, August & September 2023



Australian Government
Director of National Parks

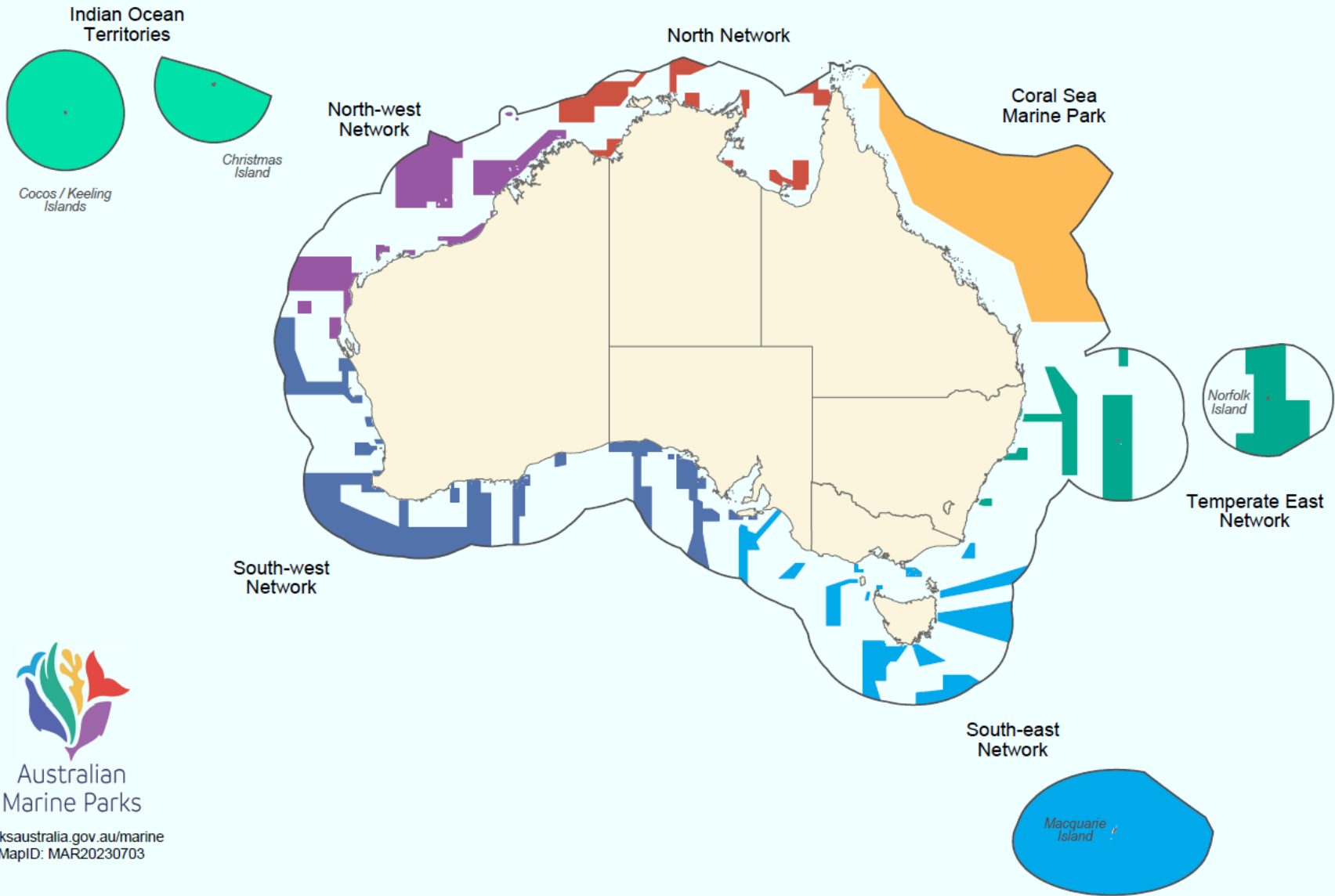


**Australian
Marine Parks**

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
USV	Uncrewed Surface Vessel
VMS	Vessel Monitoring System

Australian Marine Parks



Australian Marine Parks

parksaustralia.gov.au/marine
MapID: MAR20230703

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.

Report summary



Surveillance

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



Incidents

5 authorisations
98 foreign fishing
12 commercial fishing
1 recreational fishing
2 ghost nets²
8 marine debris³



Outcomes

9 legislative forfeitures conducted
1 authorisation terminated
2 penalty infringement notices issued
2 warning notices issued
4 advisory letters issued
5 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 and authorisation holders.

² Includes ghost nets not in AMPs

³ May include multiple sightings of same debris

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



Authorisations

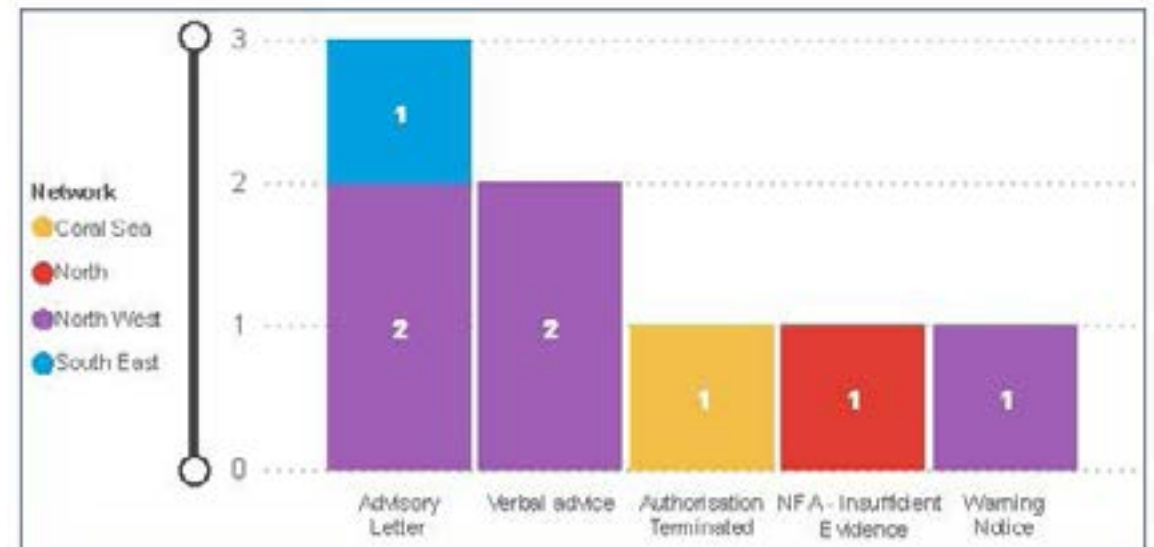
The authorisation offence category refers to allowable activities identified in Marine Parks which are being conducted without a valid authorisation/permit or in contravention of the conditions associated with an issued authorisation/permit.



Summary

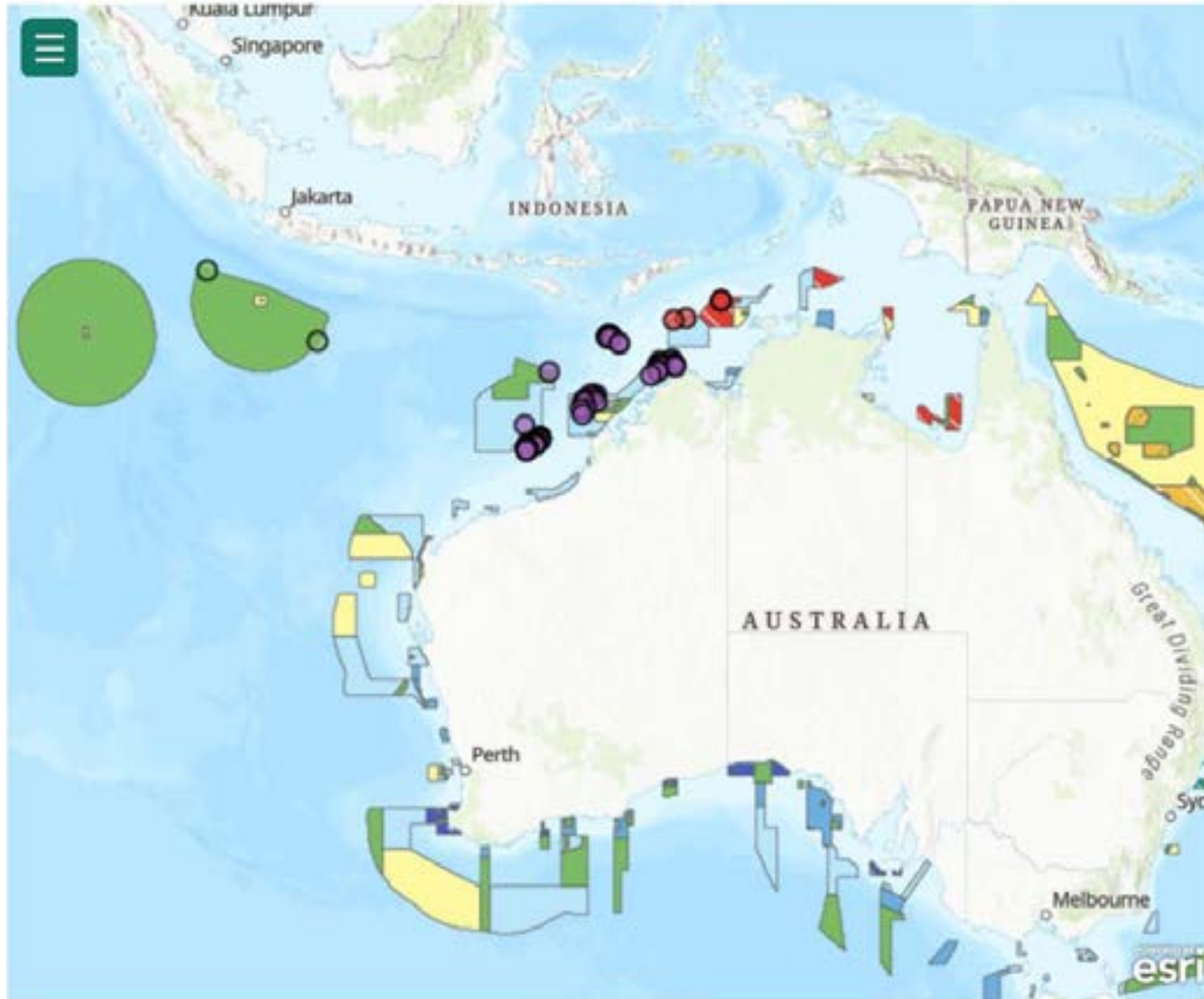
- 1 x Authorisation holder reported potentially in breach of authorisation conditions in Arafura MP - NFA - Insufficient evidence
- 1 x Authorisation holder reported potentially in breach of authorisation conditions in Ashmore Reef RUZ - Verbal advice provided.
- 1 x Authorisation holder reported potentially in breach of authorisation conditions in Beagle MP - Advisory letter issued.
- 1 x Authorisation holder reported potentially in breach of authorisation conditions in Ningaloo RUZ. - Verbal advice provided.
- 1 x Authorisation holder detected by USV in Solitary Islands MUZ. -Investigations ongoing.
- 1 x Authorisation holder issued with a termination notice for being in breach of their authorisation conditions in the Coral Sea NPZ.
- 1 x Warning notice issued to an authorisation holder in Ningaloo RUZ for being in breach of their authorisation conditions.
- 2 x Advisory letters issued to authorisation holders reported to be in breach of authorisation conditions in Mermaid Reef NPZ.
- 3 x FFVs sighted by aerial surveillance within Oceanic Shoals MUZ.

Outcome



Foreign Fishing

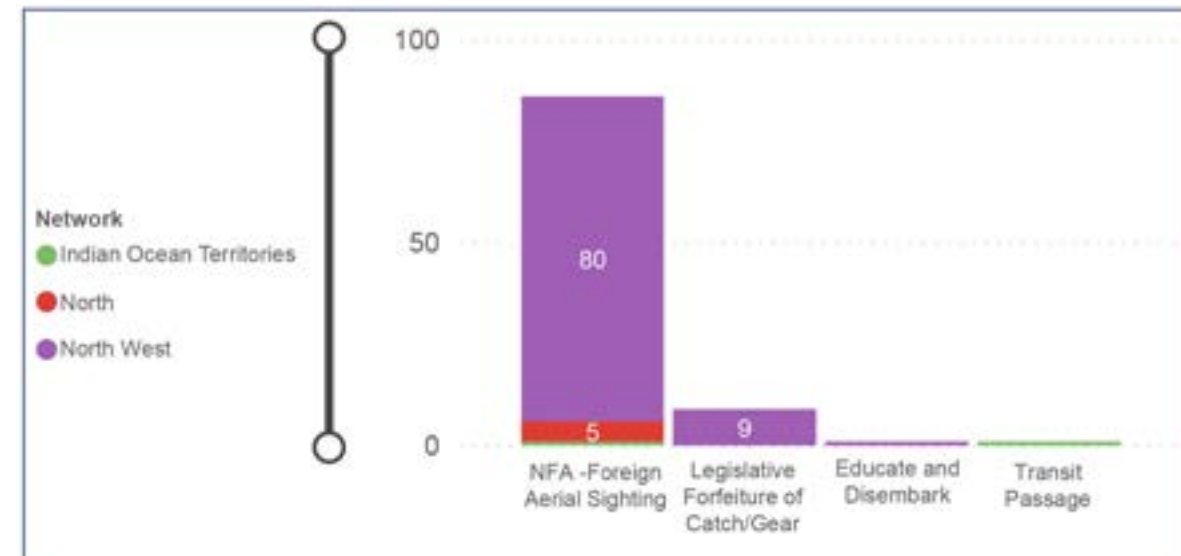
Foreign fishing vessels are detected by aerial surveillance or surface patrol vessels. Non-compliant FFVs may be subject to forfeiture/destruction of fishing vessel/equipment and/or prosecution. AFMA in conjunction with MBC have the primary responsibility for response to FFVs in the AEEZ.



Summary

- 33 x FFVs sighted by aerial surveillance within Argo-Rowley Terrace MUZ
- 1 x FFV sighted by surface patrol within Argo-Rowley Terrace MUZ-Legislative forfeiture of catch and gear.
- 1 x FFV sighted by aerial surveillance within Ashmore Reef HPZ.
- 1 x FFV sighted by aerial surveillance within Ashmore Reef RUZ. -Disembark and educate
- 11 x FFVs sighted by aerial surveillance and surface patrol within Ashmore Reef SZ -3 x Legislative forfeitures of catch and gear.
- 2 x FFVs sighted by aerial surveillance and surface patrol within Cartier Island SZ. -1 x Legislative forfeiture of catch and gear.
- 2 x FFVs sighted by aerial surveillance within Christmas Island NPZ. -1 x Transit passage.
- 29 x FFVs sighted by aerial surveillance and surface patrol within Kimberley MUZ. - 4 x Legislative forfeitures of catch and gear.
- 13 x FFVs sighted by aerial surveillance and surface patrol within Mermaid Reef NPZ.
- 1 x Legislative forfeiture of catch and gear
- 2 x FFVs sighted by aerial surveillance within Oceanic Shoals SPZ.
- 3 x FFVs sighted by aerial surveillance within Oceanic Shoals MUZ.

Outcome



Commercial Fishing

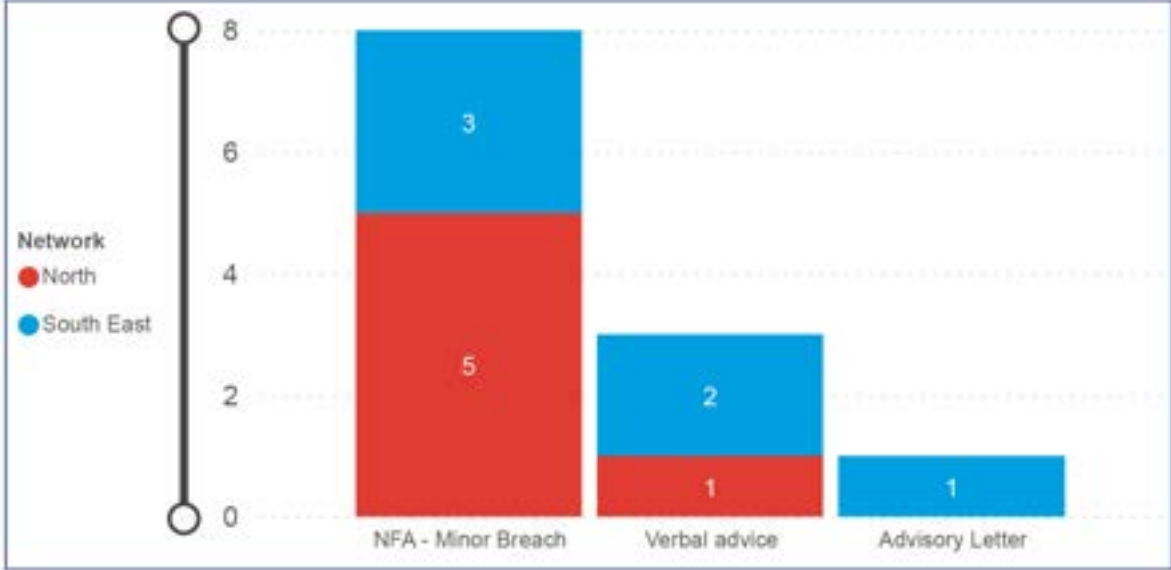
The 'Commercial Fishing' offence category refers to vessels potentially in breach of their class approval or fishing without a valid approval/authorisation.



Summary

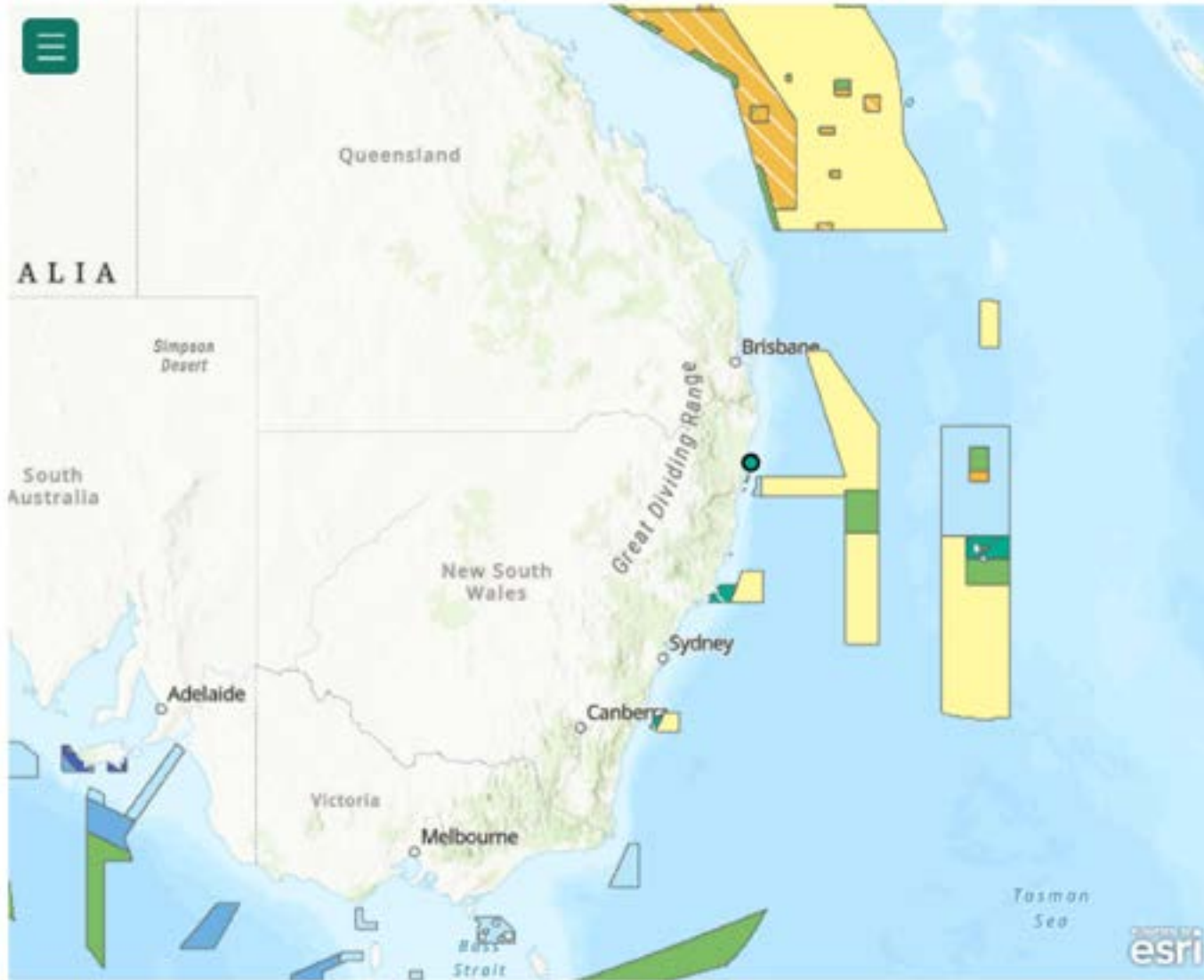
- 1 x AFV detected by VMS transiting below 5 knots in the Franklin MUZ.-Advisory letter issued.
- 1 x AFV detected by VMS transiting below 5 knots in Freycinet RUZ.-NFA - Minor breach.
- 7 x AFVs detected transiting below 5 knots in Gulf of Carpentaria NPZ.-5 x NFA - Minor breach, 1 x Verbal advice, 1 x Investigations ongoing.
- 1 x AFV detected by VMS transiting below 5 knots in Murray MUZ.-NFA - Minor breach.
- 1 x AFV detected by VMS transiting below 5 knots Tasman Fracture NPZ.-Verbal advice provided.
- 1 x AFV detected by VMS transiting below 5 knots in Zeehan MUZ.-NFA - Minor breach.
- Verbal advice provided to 1 x commercial fisher detected by VMS transiting below 5 knots in Murray SPZ.
- 3 x FFVs sighted by aerial surveillance within Oceanic Shoals MUZ.

Outcome



Recreational Fishing

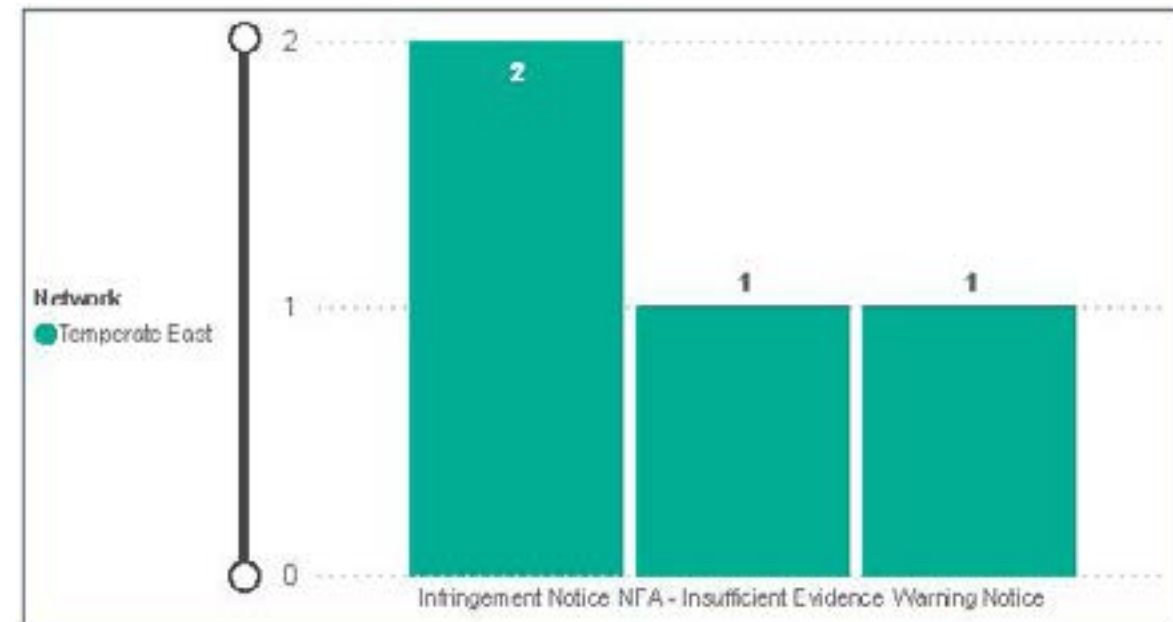
Recreational fishing is allowed in all zones in Australian Marine Parks, except Sanctuary Zones and National Park Zones, which are “no-take”. Recreational fishing compliance incidents are most commonly detected through aerial surveillance and surface patrols.



Summary

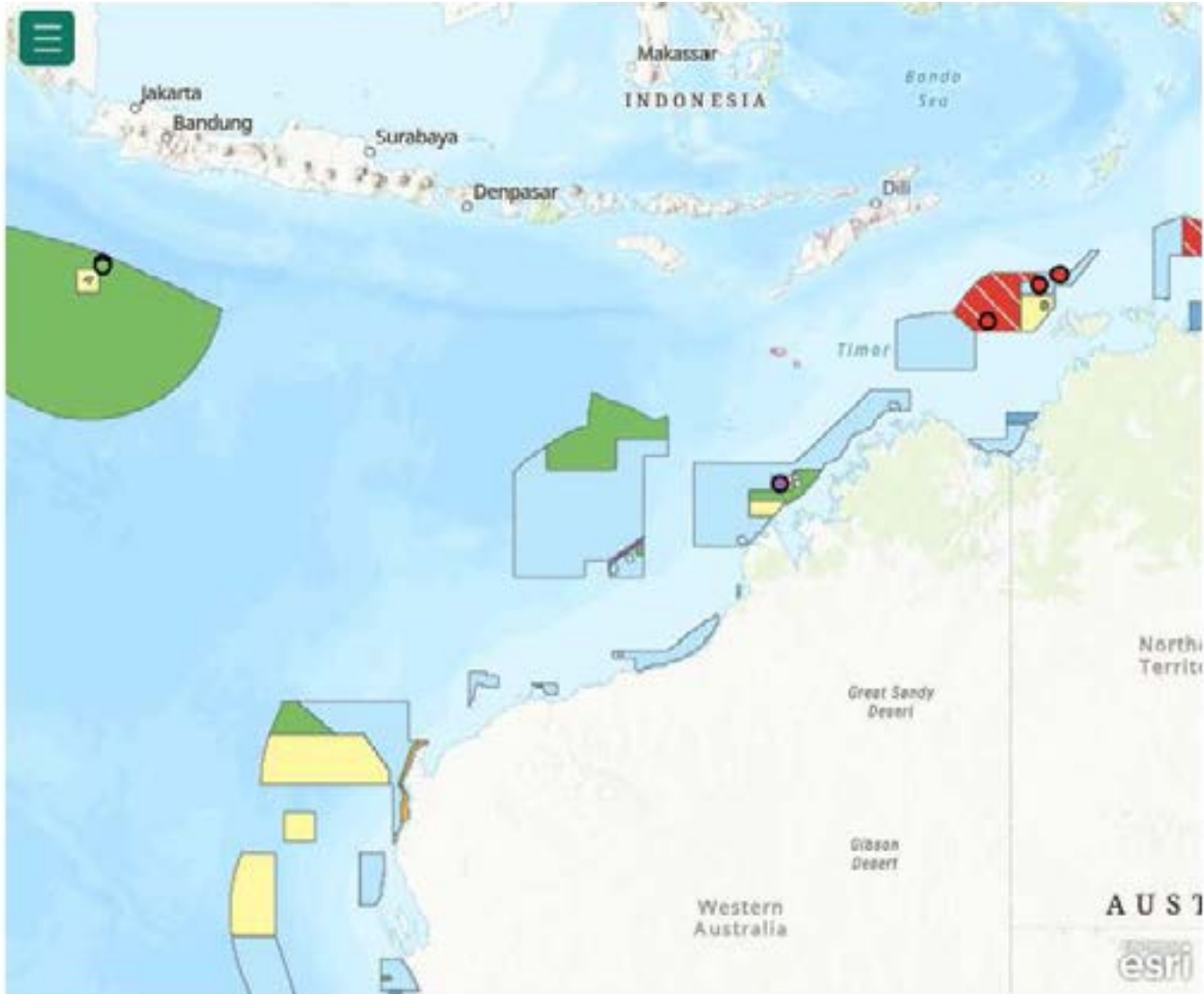
- 1 x Recreational fishing vessel identified by public report allegedly fishing within Solitary Islands NPZ.
- Investigations ongoing.
- 2 x PINs issued to recreational fishers identified by aerial surveillance fishing in Solitary Islands NPZ.
- 1 x Warning notice issued to a recreational fisher identified by aerial surveillance fishing in Solitary Islands NPZ.
- 1 x NFA - Insufficient evidence outcome in relation to a previously reported recreational fishing incident.

Outcome



Marine Pollution and Debris

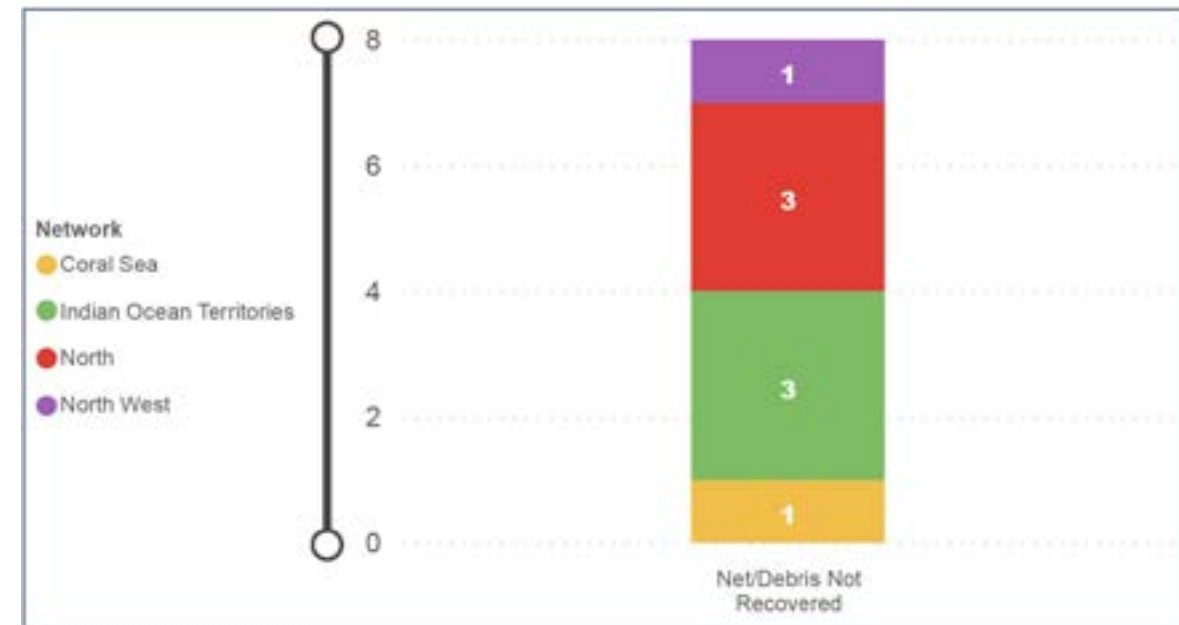
Marine and land-based activities have potential to result in marine pollution which may impact on marine park values. Pollution includes the emission of noise or light, marine debris (for example, plastics and lost fishing gear), and discharge of oil, chemicals or waste.



Summary

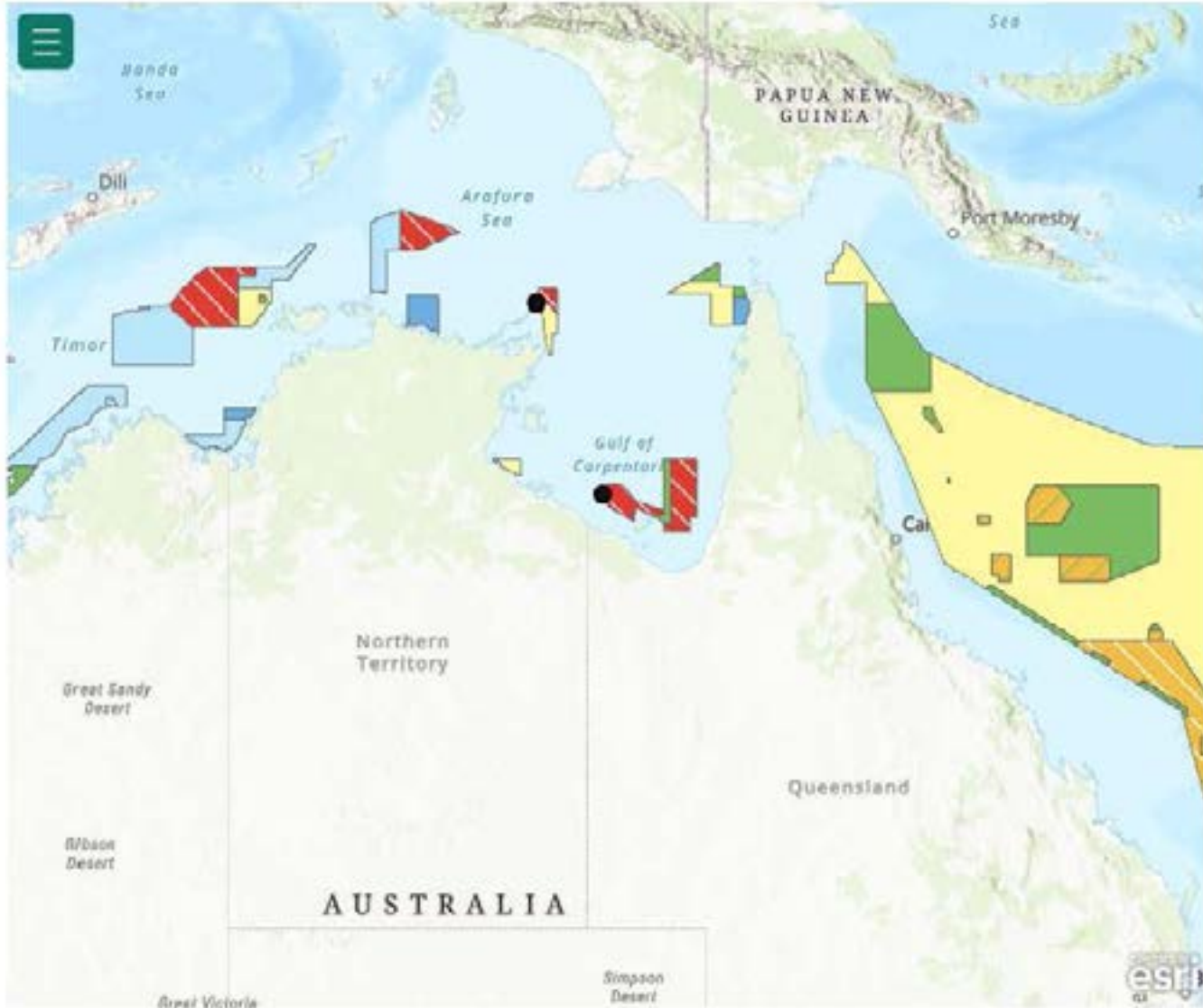
- 3 x FADs sighted by aerial surveillance in Christmas island NPZ.
- 1 x FAD sighted by aerial surveillance in Coral Sea HPZ.
- 1 x FAD sighted by aerial surveillance in Kimberley NPZ.
- 1 x FAD sighted by aerial surveillance in Oceanic Shoals SPZ.
- 2 x FADs sighted by aerial surveillance in Oceanic Shoals SPZ.

Outcome



Ghost nets

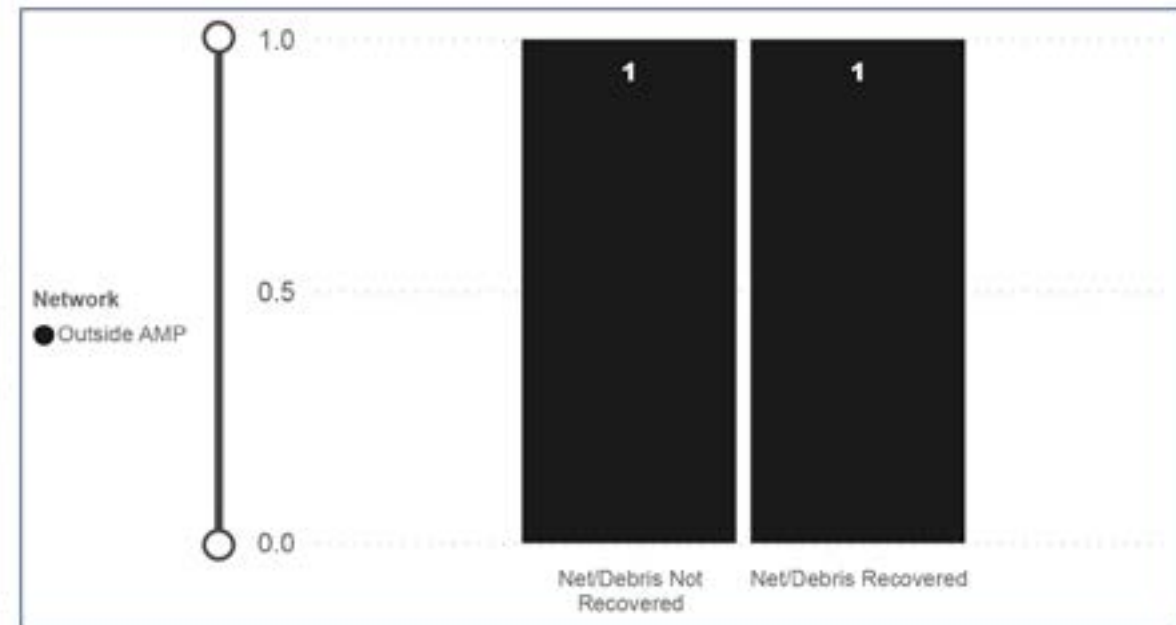
Ghost nets can be kilometres long and weigh up to several tonnes. Once lost or discarded, they can drift for hundreds of kilometres unchecked, causing injury or death to the many marine species that become entangled in them.



Summary

- 2 x Ghost nets sighted outside AMPs
- 1 x Net recovered

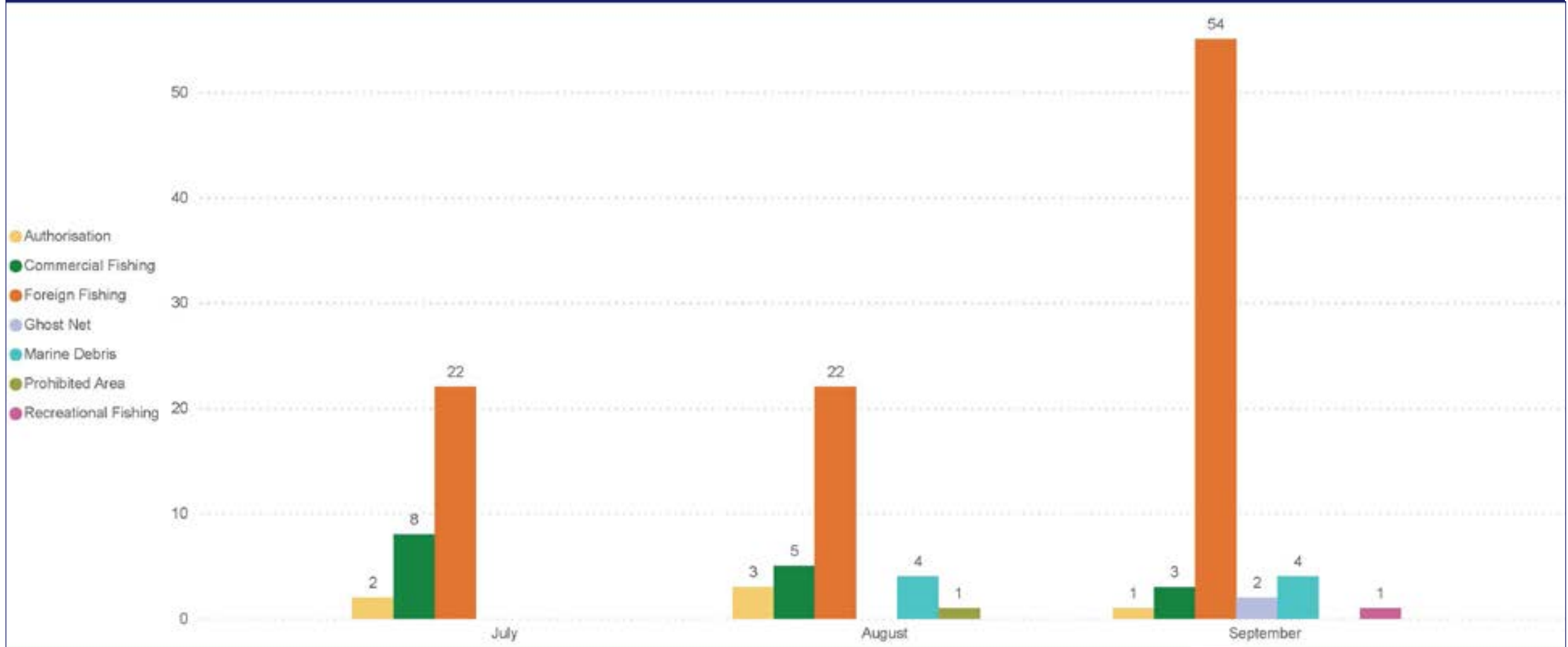
Outcome





Statistics

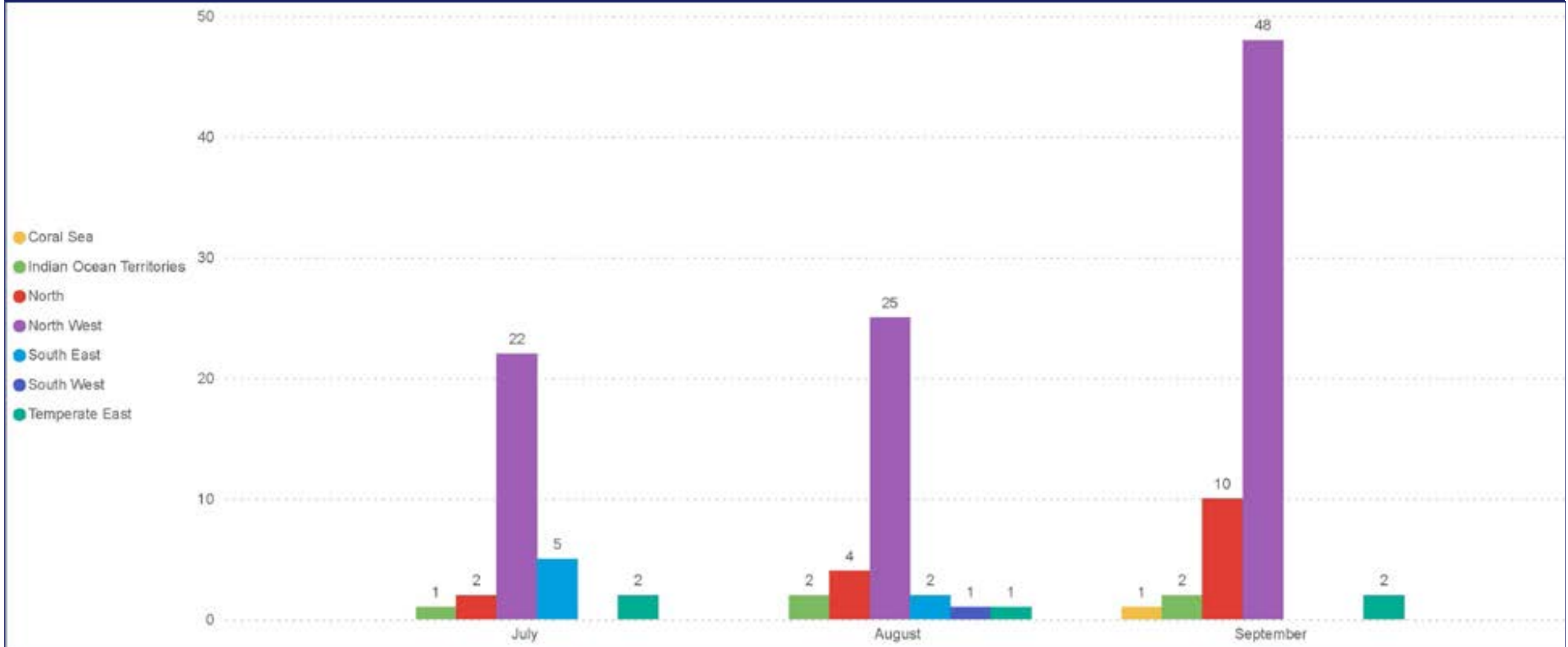
Incidents By Month This Quarter





Statistics

Incidents By Network This 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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