



# Australian Marine Parks

## Quarterly Compliance Report

APRIL, MAY and JUNE 2020



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



**Australian  
Marine Parks**

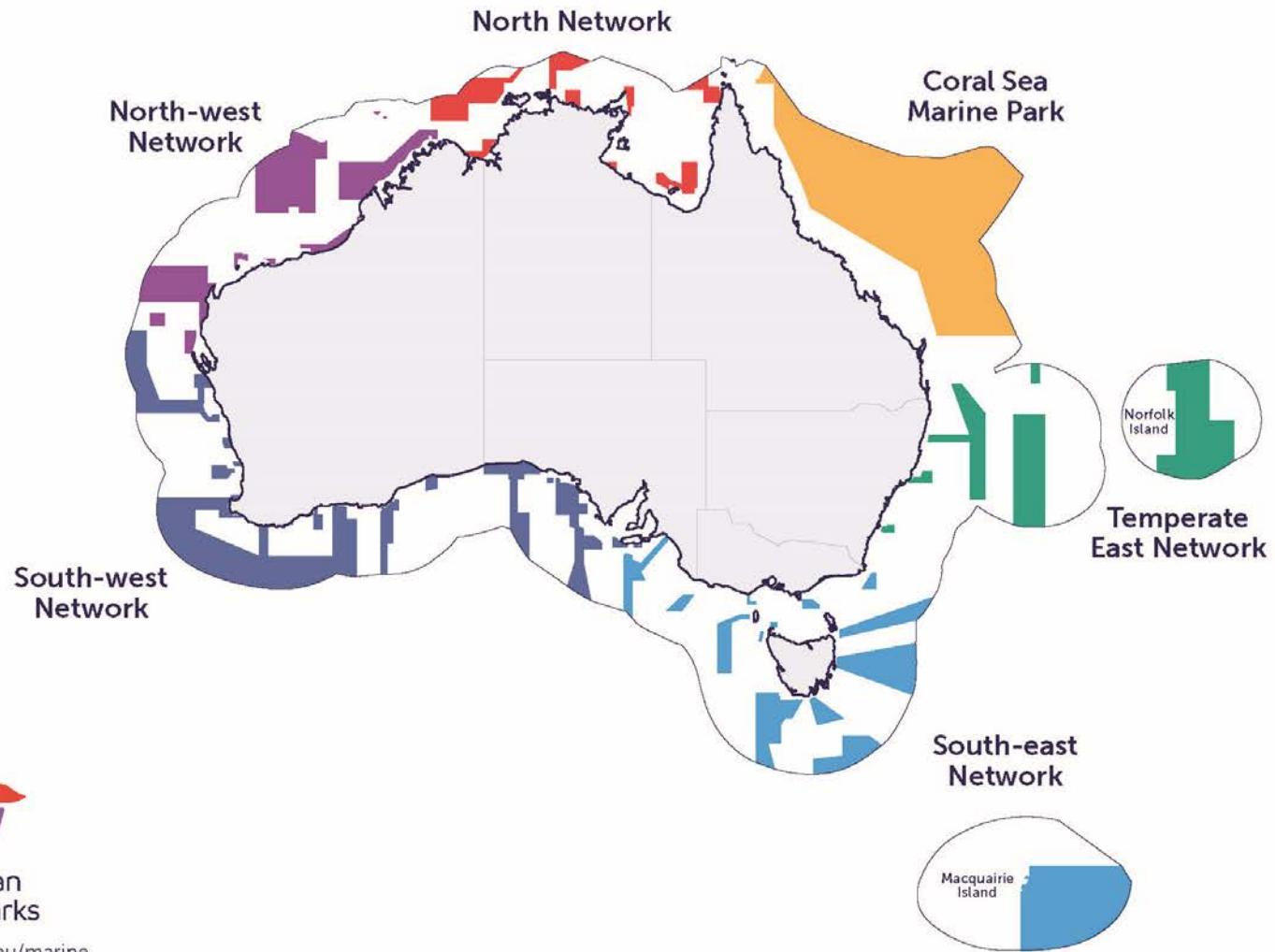
# Abbreviations

| Abbreviation | Explanation  |
|--------------|--|
| ABF          | Australian Border Force  |
| AFMA         | Australian Fisheries Management Authority                            |
| AFV          | Australian Fishing Vessel  |
| AMP          | Australian Marine Park   |
| AMSA         | Australian Maritime Safety Authority                                 |
| DRNSW        | Department of Regions New South Wales                                |
| 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   |

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# Australian Marine Parks



Australian  
Marine Parks

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

# Compliance program

## Introduction

Parks Australia's (PA) compliance programme aims to achieve high levels of compliance by marine park users with the rules set out in the management plans. The programme 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 (AMP's) 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 Park Officers, or;
2. via an email to [marine.compliance@awe.gov.au](mailto:marine.compliance@awe.gov.au)



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

# Report summary



## Surveillance

51 surface patrols  
631 aerial surveillance flights  
807 VMS alerts



## Incidents

22 compliance incidents  
4 marine debris sightings  
1 ghost net  
3 notable incidents



## Ongoing matters

3 cases  
4 investigations ongoing



## Outcomes

4 infringement notices issued  
4 warning letters issued  
16 no further action<sup>1</sup>



## Statistics

<sup>1</sup> Includes notable incidents



## Incidents

### AFV

- 1 x incident of a commercial fishing vessel identified by VMS alert operating in the Oceanic Shoals HPZ
- 1 x incident of a commercial fishing vessel identified by public report allegedly operating in the Pimpernel Rock NPZ
- 1 x incident of a commercial fishing vessel identified by aerial surveillance potentially operating in the Kimberley MUZ
- 1 x incident of a commercial fishing vessel identified by VMS alert potentially operating in the Kimberley MUZ
- 1 x incident of a commercial fishing vessel identified by aerial surveillance potentially operating in the Gulf of Carpentaria NPZ
- 1 x incident of a commercial fishing vessel identified by aerial surveillance potentially operating in the Arafura MUZ

### FFV

- 1 x incident of a foreign fishing vessel identified by aerial surveillance in the Oceanic Shoals MPA
- 2 x incidents of foreign fishing vessels identified by aerial surveillance in the Ashmore Reef Sanctuary Zone
- 2 x incidents of foreign fishing vessels identified by aerial surveillance in the Cartier Island Sanctuary Zone
- 3 x incidents of foreign fishing vessels identified by aerial surveillance in the Arafura SPZ

### Recreational fishing

- 2 x incidents of recreational fishing vessel operating within the Pimpernel Rock NPZ
- 1 x Incident of recreational fishing vessel operating in the Cod Grounds NPZ
- 1 x incidents of recreational fishing vessel operating in the Ningaloo NPZ
- 2 x incidents of recreational fishing vessels operating in the Two Rocks NPZ
- 1 x incidents of recreational fishing vessel operating in the Dampier NPZ

### Authorisations

- 1 x report received of vessel operating in the Lord Howe RUZ. Subsequent investigations determined that the vessel was authorised to conduct activity.



## Ghost net

- 1 x ghost net identified by aerial surveillance outside marine park

## Marine debris

- 1 x marine debris sighting in the Oceanic Shoals MPA
- 3 x marine debris sightings in the Argo-Rowley NPZ

## Notable incidents

- 1 x report received from a member of the public of a potential unexploded ordinance (UXO) at Elizabeth Reef. A determination has been issued to close access to Elizabeth Reef while options are being considered to render the UXO safe
- 1 x report of a mooring breaking off anchor at Macquarie Island. Parks Australia issued an authorisation to allow CSIRO to engage a vessel for retrieval of the large scientific equipment mooring
- 1 x recreational vessel running aground in Bougainville Reef. Parks Australia issued an authorisation and worked with the salvage company to enable the vessel to be successfully salvaged with no damage to the reef



Nudibranch, Ningaloo Marine Area – Commonwealth Waters (World Heritage Listed site).  
Photo: © Tony Howard.



## 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

### Penalty infringement notice

- 1 x infringement notice was issued to recreational fisher identified by surface patrol operating within the Pimpernel Rock NPZ
- 2 x Infringement notices were issued to recreational fishers operating within the Two Rocks NPZ
- 1 x infringement notice was issued to recreational fisher identified by surface patrol operating within the Dampier NPZ

### Warning letters

- 1 x warning letter were issued recreational fishers operating within the Cod Grounds NPZ
- 1 x warning letter was issued to a recreational fisher operating within the Pimpernel Rock NPZ
- 2 x warning letters were issued to recreational fishers operating within the Pimpernel Rock NPZ<sup>2</sup>

### Request for information notices

- 2 x RFI's were sent to recreational fishers operating in the Pimpernel Rock NPZ<sup>3</sup>
- 2 x RFI's were sent to recreational fishers operating in the Two Rocks NPZ
- 1 x RFI sent to recreational fisher operating in the Dampier NPZ
- 1 x RFI sent to recreational fisher operating in the Ningaloo NPZ
- 1 x RFI sent to commercial fisher potentially conducting fishing activity in the Oceanic Shoals MUZ

### NFA

- 13 x matters were assessed as requiring no further action due to insufficient evidence of offences or the circumstances involved with the incident

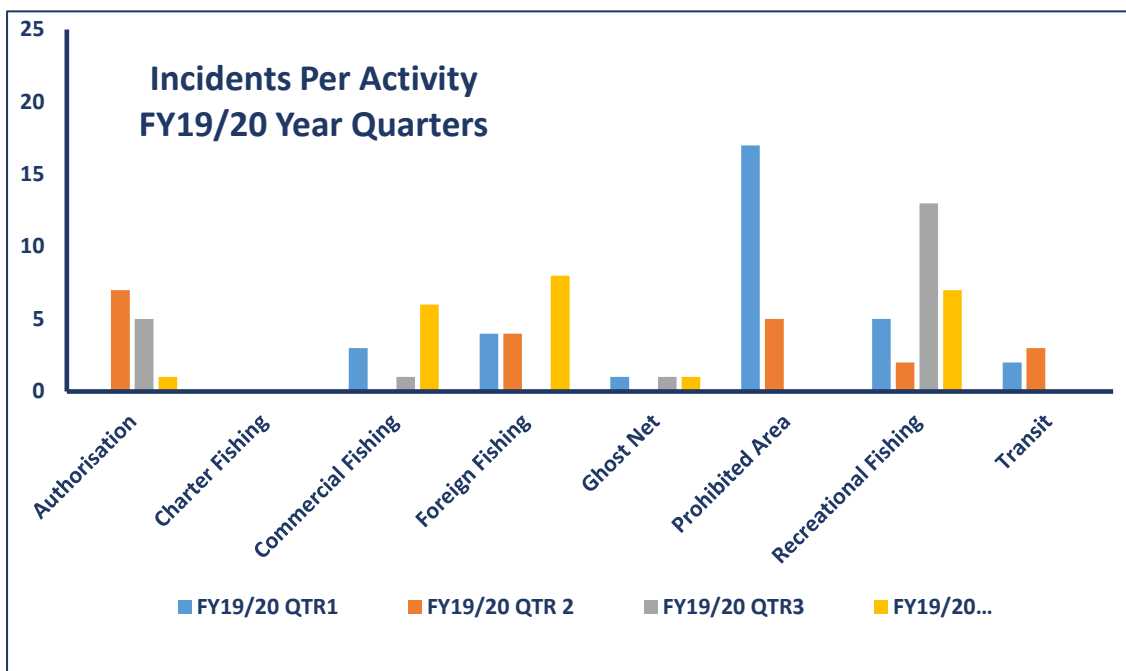
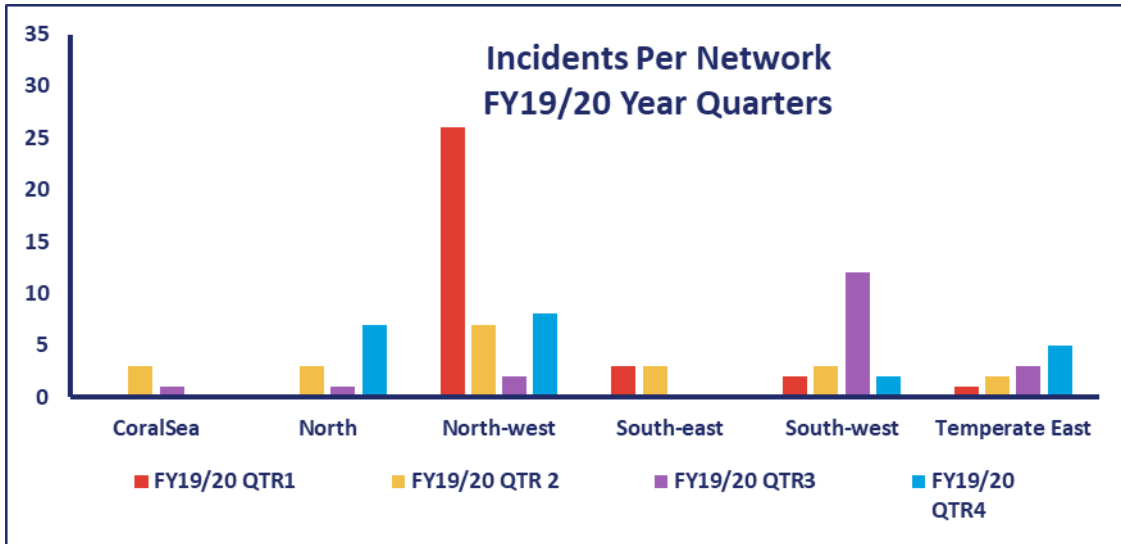
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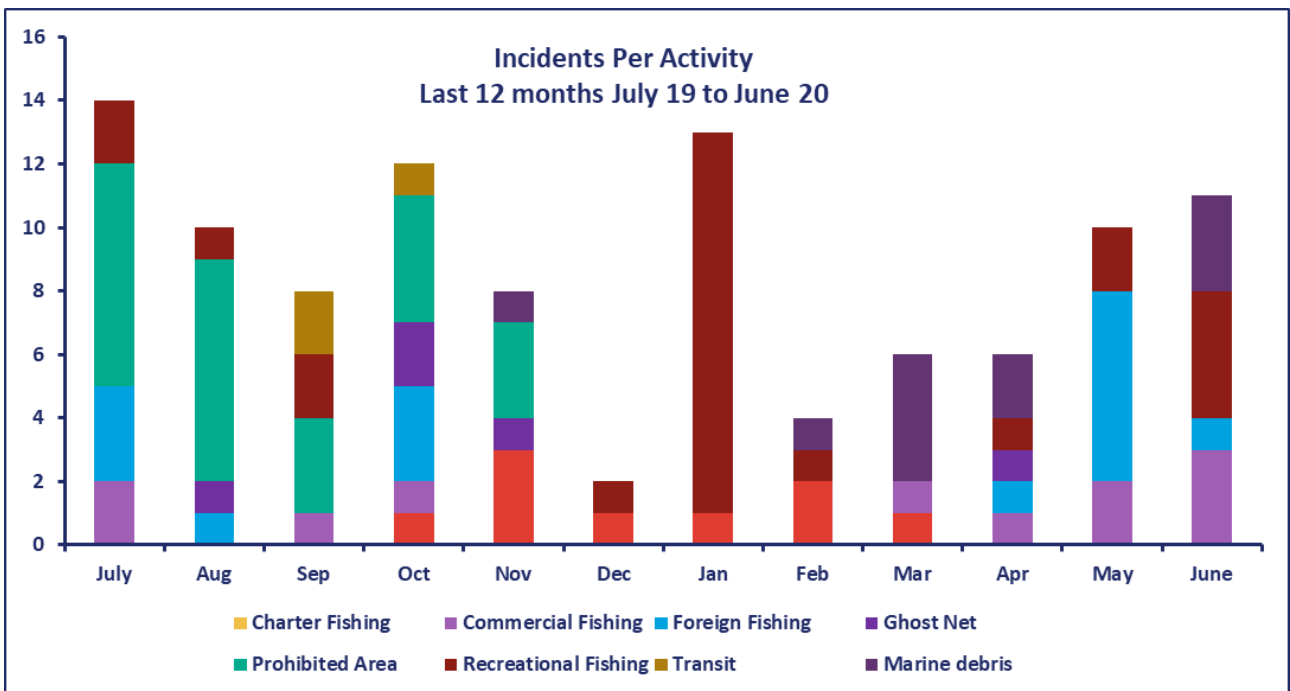
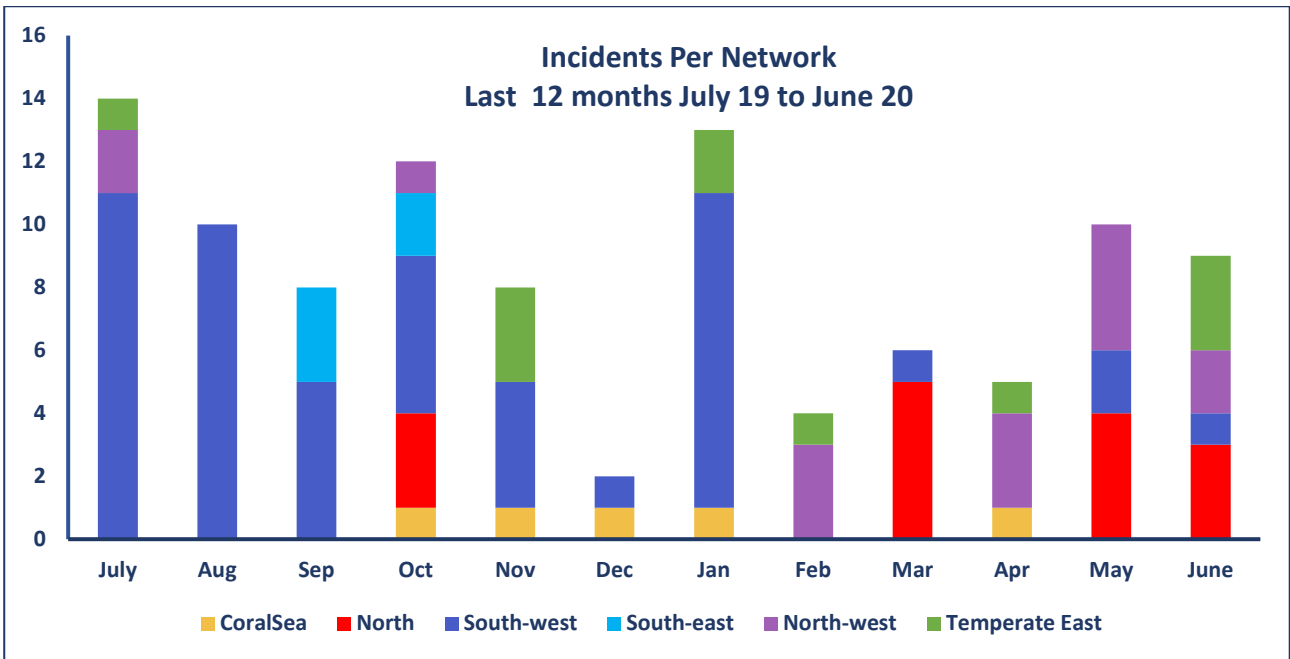
<sup>2</sup> Offence occurred in Q1 2020 with Warning Notice issued in Q2

<sup>3</sup> Multiple compliance actions can occur for the same incident – RFIs sent before compliance outcome

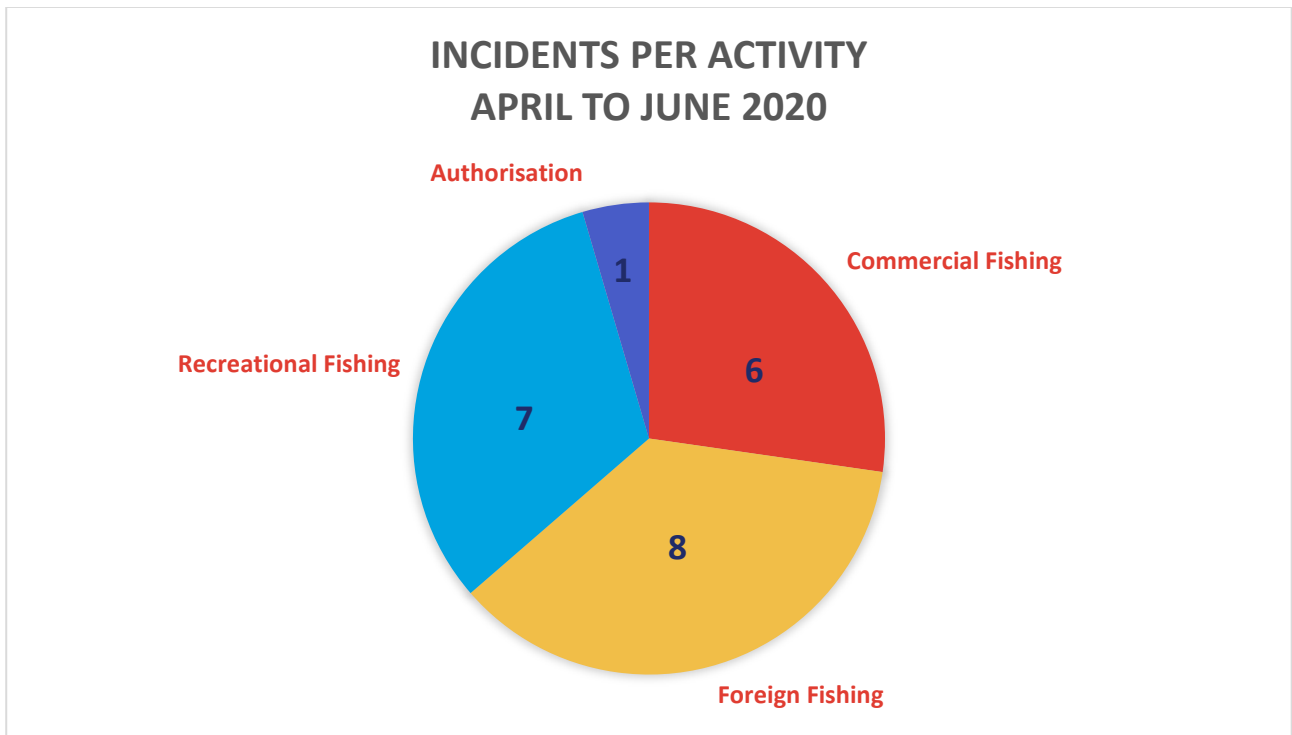
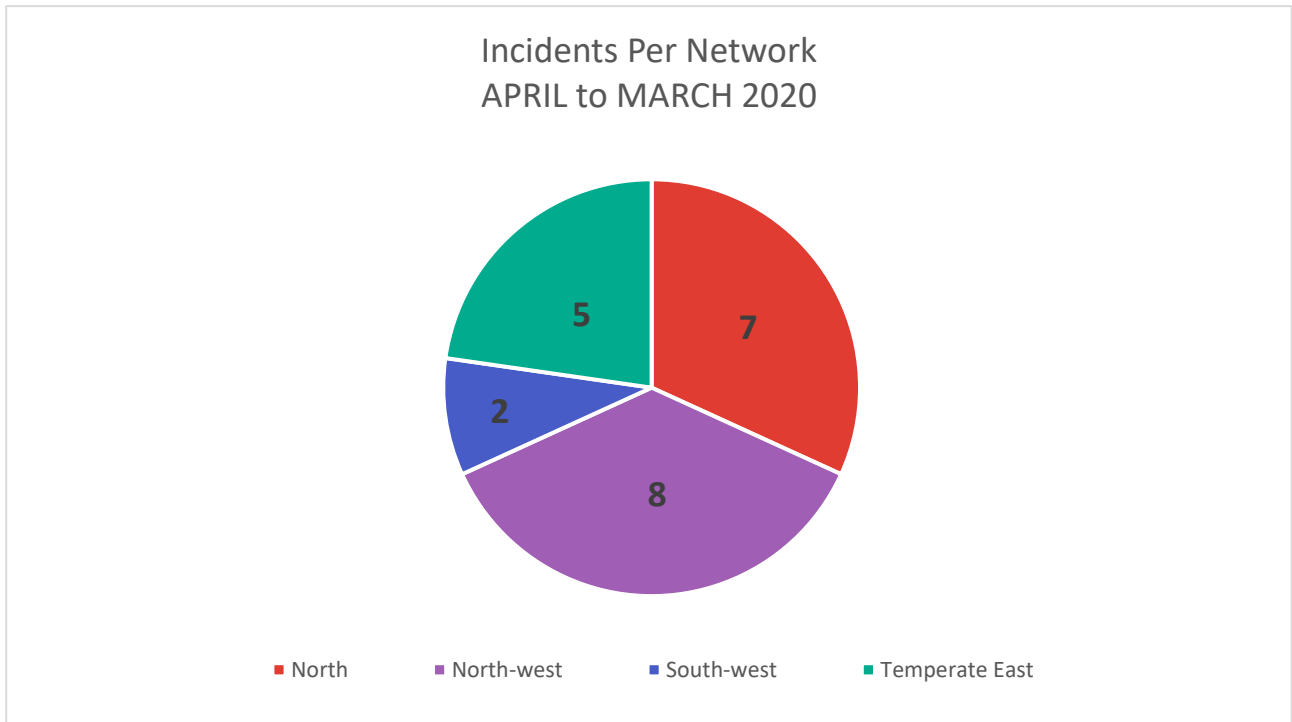


# Statistics





# Quarterly incidents





# Network summary

## Incidents Per Network April to June 2020

|  | North | Coral Sea | Temperate East | South-east | South-west | North-west | Totals |
|--|-------|-----------|----------------|------------|------------|------------|--------|
| Compliance Incidents                       | 7     |           | 5              |            | 2          | 8          | 22     |
| Ghost Nets (in AMP)                        |       |           |                |            |            |            |        |
| Marine Debris (in AMP)                     | 1     |           |                |            |            | 3          |        |
| RFI's                                      | 1     |           | 2              |            | 2          | 2          | 7      |
| Cases<br>(commenced in quarter)            |       |           |                |            |            |            |        |
| Educational Boarding's                     |       |           |                |            |            |            |        |
| Warning Notices                            |       |           | 4              |            |            |            | 4      |
| NFA  | 4     | 1         | 3              | 1          |            | 4          | 13     |
| PIN's                                      |       |           | 1              |            | 2          | 1          | 4      |
| Civil Litigation<br>(commenced in quarter) |       |           |                |            |            |            |        |



Nautilus shell on the beach of Lihou Reef in the Coral Sea Commonwealth Marine Reserve.  
Photo: © Andy Warmbrunn.



# Appendix: footnotes

## 1 VMS alerts

The Parks alert service is a free tool established in partnership with AFMA aimed at avoiding non-compliance in AMP's. 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 an assessment 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 FFV's in prohibited areas and educational boardings

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 AMP's with PA's support for *EPBC Act* offences.



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

Photo: © David Harasti.

Photo credits:

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