



Consultation Paper for
the commercial fishing
sector: requirement for
vessel monitoring
systems in Australian
Marine Parks



Australian Government
Director of National Parks



Australian
Marine Parks

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We acknowledge the Traditional Custodians of Australia and their continuing connection to land and sea, waters, environment and community. We pay our respects to the Traditional Custodians of the lands we live and work on, their culture, and their Elders past and present.

Consultation Paper for the commercial fishing sector: requirement for vessel monitoring systems in Australian Marine Parks*

* This Consultation Paper relates to Commonwealth Government Australian Marine Parks only.

February 2023

Note: This Consultation Paper has been released as part of a consultation process to seek feedback from fishing industry representatives to inform implementation of a requirement for vessel monitoring systems in Australian Marine Parks. Please be aware that this Consultation Paper represents the Director of National Parks' current intended approach. Input from consultation and feedback on the Consultation Paper will inform future implementation.

1. Overview

We are seeking feedback from the commercial fishing industry on issues and opportunities associated with the implementation of mandatory vessel monitoring systems (VMS) for all commercial fishing vessels that operate in, or transit through, Australian Marine Parks. The Director of National Parks (the Director) is currently considering this as a requirement of entry into parks from mid-2024 onwards.

Currently around 60 per cent of fishers active in Australian Marine Parks have a VMS unit installed as part of their fishery management requirements. Parks Australia has established arrangements with the Commonwealth and some state and territory fisheries management agencies for the use of VMS data for the purpose of facilitating and enforcing compliance in Australian Marine Parks.

The use of VMS has proven an effective and mutually beneficial tool for park managers and fishers. VMS assists park managers to monitor levels of compliance and enables fishers to receive notifications from Parks Australia's automatic alert service, helping them to avoid unintended breaches. The automatic alert service alone has achieved litigation and penalty cost savings estimated to be \$3.5 million for industry and the Australian Government yearly.

The Australian Government has awarded grants under the Electronic and Vessel Monitoring Systems Assistance Program (the grants program) to all state and Northern Territory fisheries management agencies, to increase the number of commercial fishing vessels that carry VMS within Australian Marine Parks. Fisheries management agencies have collectively received \$5.5 million in grants to cover the cost of purchase and installation of a number of VMS units and up to two years of airtime. The grants are also covering upgrades to existing VMS units, e-monitoring trials, stakeholder engagement and improvements to the functionality of states' VMS programs.

This Consultation Paper provides the rationale for why we are considering making VMS mandatory as a requirement for a commercial fishing vessel to enter an Australian Marine Park. We invite feedback from the commercial fishing sector on the proposed implementation. Written feedback is sought by 5PM on 26 May 2023 and can be provided at <https://consult.dcceew.gov.au/VMS-in-AMPs-consultation-paper>

Table 1 Timeline for the Australian Marine Parks VMS program

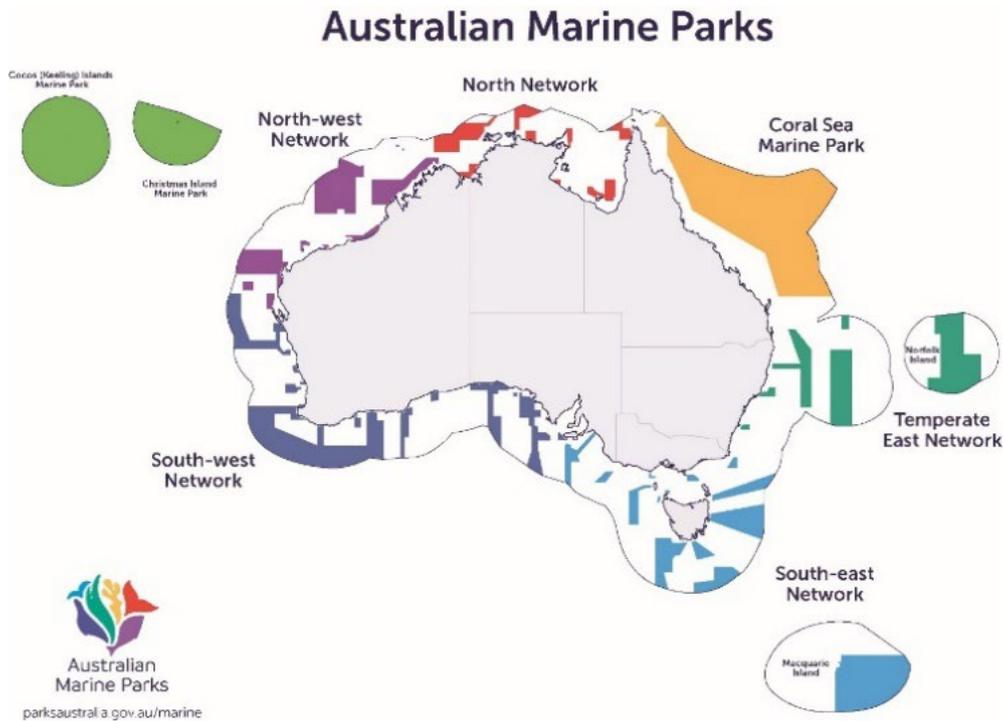
Date	Event
2016	Independent review of Commonwealth Marine Reserves recommends the Australian Government implement mandatory VMS on all commercial fishing vessels for marine park compliance
1 Jul 2018	Australian Marine Park management plans come into effect for the South-west, North-west, North and Temperate East Networks and the Coral Sea Marine Park. The management plans include a prescription on the potential for the Director to introduce a VMS requirement. Announcement of the Fisheries Assistance and User Engagement Package, including \$5.5 million for VMS and e-monitoring
20 Aug 2018	Release of Fishing Business Assistance Position Paper, outlining the Vessel Monitoring System Assistance element of the Package. Associated consultation with industry bodies
11 June 2020	The Director writes to state and Northern Territory fisheries management agencies flagging future requirement for commercial fishing vessels to have VMS
13 Oct 2021	Release of Grant Opportunity Guidelines for the Electronic and Vessel Monitoring Systems Assistance Program
16 Nov 2021	Close of applications for the Electronic and Vessel Monitoring Systems Assistance Program
May 2022	Grant funding for fisheries management agencies' VMS projects commences
Feb 2023 – end-May 2023	Consultation on the requirement for VMS – this Consultation Paper and example class approval
Jun 2023 – Aug 2023	Consideration of comments, final decision and preparation of class approvals
1 July 2024	Proposed date for VMS requirement to commence

The above timeline is indicative only and the Australian Government may vary it at its discretion.

2. Why would we mandate VMS in marine parks?

The Australian Marine Parks estate spans 3.5 million km², or 39 per cent of Australia's waters, with five regional networks, the large Coral Sea Marine Park and the recently proclaimed Indian Ocean Territories marine parks.

FIGURE 1: AUSTRALIAN MARINE PARKS MAP



Australian Marine Parks are managed by the Director under legislative management plans, which set out the objectives and rules for their management. The Director's principal mandate is to protect and conserve representative samples of Australia's unique marine environment. In certain zones of the marine parks, sustainable extractive activities like fishing are allowed subject to this primary consideration.

The statutory management plans require the Director to take actions to achieve high overall levels of compliance with the rules and, where there is non-compliance, to work to reduce the number of suspected breaches. While around 60 per cent of commercial fishers active within Australian Marine Parks carry a VMS, it is not currently a requirement of entry. From the grants program, the Director estimates that there are over 1000 vessels operating in marine parks without VMS.

From a marine park perspective, lack of awareness of fishing vessel activities within parks undermines community and regulator confidence that fishing rules are understood and followed at all times. VMS information from 1600 Northern Territory, South Australia, Queensland and Commonwealth vessels has been the primary surveillance measure responsible for detecting potential commercial fishing incidents.

Based on the fisheries and vessels for which we have VMS information, the Australian Marine Parks estate incurs an average of 14 potential commercial fishing breaches yearly which is approximately 70 potential breaches since management plans came into effect in 2018.

There are also further considerations including that:

- the 2016 independent Commonwealth Marine Reserves Review recommended the Australian Government facilitate the requirement for the installation and

- operation of VMS on all fishing vessels licensed in state or territory managed fisheries that operate in Commonwealth waters as it is a proven, cost-effective compliance and enforcement tool;
- the Director currently spends more than 20 per cent of its marine operational budget on compliance related activities. A recent review of the application of VMS to marine parks compliance has determined that introducing a VMS requirement is the least cost and most effective way to obtain robust and comprehensive evidence that parks management rules are being followed¹; and
- the Director has established VMS partnerships and systems that enable us to manage the sensitivity and privacy of VMS data in accordance with industry and fisheries management agency expectations.

Reflecting these drivers and the lessons from the management of the South-east Marine Parks Network – where Commonwealth fishers' VMS data has been used for marine parks compliance since 2007 – the 2018 statutory management plans include a provision for the introduction of mandatory VMS, following consultation with industry. With the roll out of the grants program, which aims to assist relevant fishers with acquisition of VMS units and initial running costs, the Director is starting consultation with the industry ahead of consideration of the introduction of mandatory VMS from mid-2024.

3. The use of VMS as an aid to on-water awareness

We understand that the vast majority of fishers seek to, and do, operate responsibly in our parks. VMS can further assist fishers to comply with park rules and avoid unintentional non-compliance. Many VMS units allow two-way transmission of data. This provides better on-water awareness of park boundaries and avoids unintentional non-compliance by proactively alerting fishers when they are entering an area where their fishing method is not permitted.

A study by Parks Australia on the Australian Marine Parks Alert Service showed it aids a high level of compliance with park rules. This alert service provides an alert to fishers through their VMS when nearing/entering an Australian Marine Park. This service has averted 23 serious and 39 minor compliance incidents from 3307 alerts provided. The litigation and penalty cost saving of these incidents has been estimated to be \$3.5 million for the Australian Government and industry on a yearly basis. Greater use of VMS within parks will increase these savings.

4. How do we currently monitor and enforce compliance within Australian Marine Parks?

The Australian Marine Parks compliance program aims to achieve high levels of compliance by all marine park users with the rules set out in the management plans. In partnership with fisheries management agencies around Australia, the Director currently utilises a range of techniques to monitor compliance and increase

¹ ADR Consulting, 2022. Cost-effectiveness analysis for the introduction of mandatory vessel monitoring systems on commercial fishing vessels operating and transiting in Australian Marine Parks (draft). Report for Parks Australia. <https://consult.dceew.gov.au/VMS-in-AMPs-consultation-paper>

awareness of marine park rules across activities including recreational fishing. These include:

- surface and aerial patrols (largely delivered by partnerships with state and Commonwealth Government agencies)
- the use of drones to monitor and record activities within parks
- the use of acoustic sound traps to understand type and level of activity within parks and
- use of VMS information across Commonwealth, Northern Territory, South Australia and Queensland managed fisheries where such information is currently available.

While the use of traditional methods such as vessel and aerial patrols are effective, they can in no way cover the scale of our parks. They are expensive to undertake and do not represent the best value for money to the taxpayer compared with the demonstrated efficiencies provided by VMS. Analysis commissioned by the Director has indicated mandatory VMS to be 19 times more cost-effective than increasing air and surface patrols and three times more cost effective than directing all commercial fishing vessels to report manually while operating in marine parks². This is consistent with domestic and international studies which have shown VMS to be the most cost-effective way of undertaking monitoring within marine parks and across fisheries generally.

5. What is the Electronic and Vessel Monitoring Systems Assistance Program?

In 2018, following finalisation of park management arrangements, the Australian Government funded a \$35 million Fisheries Assistance and User Engagement Package. This scheme had several components including direct assistance, entitlement buy-outs and industry grants. It also included monies to support the Director's mandate for the use of VMS over the life of the management plans.

In 2022 the Director undertook a competitive assessment of applications and entered into grant arrangements with all state and Northern Territory fisheries management agencies to enhance the use of VMS and e-monitoring around Australia, following a competitive grant round initiated in 2021. In total \$5.5 million was made available and is being provided to states and the Northern Territory.

Grants provided to your fisheries management agency are to cover the purchase and installation of VMS units and up to two years of airtime costs (airtime only for those fishers not currently using a unit). Some fisheries management agencies also received grants to cover the purchase and installation of e-monitoring equipment and for enhancements to existing VMS capabilities.

The Electronic and Vessel Monitoring Systems Assistance Program is funding the following projects:

² ADR Consulting, 2022. Cost-effectiveness analysis for the introduction of mandatory vessel monitoring systems on commercial fishing vessels operating and transiting in Australian Marine Parks (draft). Report for Parks Australia. <https://consult.dcccew.gov.au/VMS-in-AMPs-consultation-paper>

- New South Wales - \$1,865,000 Department of Primary Industries
- Northern Territory - \$103,810 Department of Industry, Tourism and Trade
- Queensland - \$552,500 Department of Agriculture and Fisheries
- South Australia - \$1,279,240 Department of Primary Industries and Regions
- Tasmania - \$475,000 Natural Resources and Environment Tasmania
- Victoria - \$97,790 Victorian Fisheries Authority
- Western Australia - \$1,126,660 Department of Primary Industries and Regional Development

The grant funding is being administered by your relevant fisheries management agency. The scheme will be open for those fishers or fisheries which have been identified by your fisheries management agency. Note that the timing and roll out of funding may be subject to state and Territory compliance and resourcing requirements. Contact your state or Territory for information about the program and how it operates in your jurisdiction. Note that relevant NSW fishers will be directly contacted by their fisheries management agency.

6. Current usage of VMS across Australia's fisheries

All jurisdictions except for New South Wales currently have some requirement for VMS as part of their fisheries management and its use is growing.

Management jurisdiction	Percentage of fisheries covered
Commonwealth	Universal coverage
Queensland	Universal coverage
Northern Territory	Close to universal coverage by 2023
Victoria	Currently 75 per cent coverage
Western Australia	Currently 46 per cent coverage. Moving to 75 per cent by 2024
Tasmania	Coverage increasing and implementing as requirement across a range of fisheries including those active in parks
South Australia	10 per cent coverage
New South Wales	Not in use

The VMS grants provide the opportunity to meet both park and emerging fishery management requirements at minimal cost.

7. VMS requirements will apply to all commercial fishing vessels entering an Australian Marine Park

If decided, the requirement for VMS will apply to all commercial fishers entering an Australian Marine Park – whether for transiting or conducting fishing activities.

Fishers who access Australian Marine Parks and already have a VMS unit installed and operational under fishery management arrangements will not need to do anything new to comply with the requirement as arrangements regarding access to VMS data will be a matter between the Director of National Parks and your relevant fisheries management agency.

8. The Director's rules apply only within Australian Marine Parks

We currently manage 60 marine parks on behalf of the Australian Government. Our marine parks are not the same as state or territory-based parks as they are located in Commonwealth waters (those waters that extend from three nautical miles out to 200 nautical miles offshore).

The Director has legislative responsibility for the waters within an Australian Marine Park and the Director's rules will only apply to vessels when they enter a park. The Director's rules do not apply while the vessel is outside an Australian Marine Park. It will not impact those fishers not operating in Commonwealth waters (which are generally three nautical miles from the coast and beyond) or those operating beyond three nautical miles but who do not operate within nor transit an Australian Marine Park.

9. Your data will be protected

Maintaining the integrity of commercial fisheries data is of critical importance to the fishing industry. Data integrity is protected by legal data sharing agreements that stipulate how VMS data will be viewed and used.

Parks Australia has had access to Australian Fisheries Management Authority fisheries VMS data since 2007 in accordance with the *Fisheries Management Act 1991* (Cth). In recent years we expanded access to VMS data through data-sharing agreements with the Northern Territory, South Australia and Queensland fisheries management agencies. These data-sharing agreements set out the protections in giving Parks Australia access to VMS for fishing vessels in marine parks. At all times we protect the confidential nature of VMS information and keep data secure in accordance with data security standards required under Australian law and by the fisheries management agencies:

- Parks Australia will only use VMS data for the purpose of providing alerts to relevant fishers (those where the system is enabled on "two-way" units) and detecting and enforcing compliance in AMPs.
- Parks Australia will not disclose the data to anyone except its employees and agents who do the functions above.
- Parks Australia may need to share data with certain Commonwealth agencies for the investigation and prosecution of offences where required to do so under Australian law.

Data sharing can be a concern to fishers for data security reasons. Parks Australia has over fifteen years of experience with sensitively handling and securing VMS data. Our track record of no data breaches during this time and our established partnerships demonstrate that security issues are well-managed. We are progressing arrangements with those fisheries management agencies who do not have existing agreements to access VMS data where it relates to activities within parks.

10. Class approval conditions will change in mid-2024 to require VMS

To implement mandatory VMS, we will need to amend the Director of National Parks' commercial fishing class approvals. Class approvals set out which fishing activities

can be undertaken in parks and other requirements while in a park. Current class approvals have been in place since the management plans came into effect in 2018.

If the Director of National Parks' decision is to mandate the use of VMS within Australian Marine Parks, new class approvals will come into effect on 1 July 2024 and include matters relating to the VMS requirement. Class approvals will not be prescriptive about what type of VMS unit fishers need to carry, as this is a fisheries management matter. Class approval conditions will support the use of VMS in marine parks consistent with fisheries management agency requirements for VMS. The class approval conditions will also provide for circumstances where jurisdictional VMS requirements do not exist or are not consistent with marine park needs.

An example commercial fishing class approval is provided with this Consultation Paper. Class approvals benefit fishers by avoiding the need for individual fishers to apply to the Director for park access approval.

11. Consultation and next steps

We are inviting written feedback from the commercial fishing industry, primarily through peak industry bodies and fishery representatives, on the implementation of the potential VMS requirement for commercial fishing vessels in marine parks. Feedback is sought on this Consultation Paper and the content of the example revised class approvals. An example class approval is provided for each Australian Marine Parks Network for comment with this Consultation Paper. New South Wales fishers please note that because there is no existing VMS requirement in New South Wales, consultation with fishers and the New South Wales fisheries management agency will inform the development of the commercial fishing class approval for the Temperate East Marine Parks Network in 2023.

Written feedback on the example class approval and any related comments on this Consultation Paper is sought by no later than 5PM on 26 May 2023 and can be provided at <https://consult.dcceew.gov.au/VMS-in-AMPs-consultation-paper>

The Director will consider feedback and release commercial fishing class approvals for further consultation in 2023 as appropriate.

More information about the Electronic and Vessel Monitoring Systems Assistance Program and updates in response to this consultation can be found at [Fisheries Assistance and Engagement Package](#).