



**Australian
BORDER FORCE**

Submission

For information

PDMS Ref. Number: MS24-001631

Date of Clearance: 05/09/2024

To Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security

Subject Kimberley Marine Park Fishing - Analysis

Timing *Not time critical.*

Recommendations

That you:

1. note the analysis of distribution of illegal fishing in the Kimberley Marine Park, relevant to its zoning, as requested by you on 15 August 2024 in your comments on the previous submission discussing this topic (MS24-001464). noted / please discuss

Minister for Home Affairs, Minister for Immigration and Multicultural Affairs, Minister for Cyber Security

Signature.....

Date:...../...../2024

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Minister's Comments

Key Issues

1. The Kimberley Marine Park (KMP) has three zones with an extensive matrix of restrictions in each zone (**Attachment A**). These zones are:
 - National Park Zone: No fishing of any kind is permitted;
 - Habitat Protection Zone: Some Commercial Fishing permitted with Permit, Recreational Fishing Permitted; and
 - Multiple Use Zone: Greater amount of Commercial fishing activities permitted under permit.
2. Data shows that foreign fishing vessel (FFV) activity is geographically wide spread across the whole of the KMP and into the Argo Rowley Terrace Marine Park (ARTMP), mostly lawfully within the Memorandum of Understanding Box which allows for traditional fishing. Illegal FFV activity is geographically dispersed and is influenced by weather and sea conditions, as well as enforcement and surveillance postures.
3. The Kimberley region sees the highest number of illegal FFV incursions. This area encompasses the KMP in the east and the ARTMP to the west; it is commonly referred to as the North-western Sector. Maritime Border Command (MBC) surveillance sightings of FFVs, in the relevant zones is at **s. 37(2)(b)**. Inshore locations where sightings are depicted, are under the state based jurisdiction of WA Parks and Wildlife, and contain four sanctuary zones in which commercial fishing cannot occur.
4. Surveillance aircraft have made **s. 37(2)(b)** sightings of legal Australian fishing vessels (AFVs) operating in the area since August 2023, compared to **s. 37(2)(b)** FFVs sighted in the same period. This means that AFVs significantly outnumber FFVs by a ratio of nearly 2.5:1 in the region.
5. **s. 37(2)(b)**

6. The vast majority of unlawful FFVs sighted are conducting shallow incursions into the Australian Exclusive Economic Zone. Of the **s. 37(2)(b)** FFVs sighted fishing in the National Parks Zone, **s. 37(2)(b)** were attempting to fish in the Sanctuary Zone (managed by Parks Australia).

7. s. 37(2)(b)

8. In the financial year 2023/2024 the ABF, through its Border Watch program, received 41 referrals related to FFVs in the proximity of the KMP, out of a total of 51 reports for FFVs nationally, meaning KMP referrals accounted for 80 per cent of all Border Watch referrals related to FFVs.

Background

9. The zoning of Marine Parks is the responsibility of Parks Australia, and the legislative lead for fisheries enforcement in these areas is AFMA.

10. s. 33(a)(i)

Consultation – internal/external

11. **Internal:** MBC Deputy Commander, MBC Chief of Operations, MBC Director Intelligence, MBC Command Legal Officer and Onshore Detention were consulted in the production of this submission.

Consultation – Secretary / Associate Secretary Immigration / ABF Commissioner

12. **SECRETARY:** The Secretary was not consulted on this submission.

13. **ASSOCIATE SECRETARY IMMIGRATION:** The Associate Secretary Immigration was not consulted on this submission.

14. **ABF COMMISSIONER:** The ABF Commissioner was not consulted on the approach in the submission.

Client service implications

15. Nil.

Risks and Sensitivities

16. There has been extensive media coverage of the illegal foreign fishing increase, and the response by MBC.

17. s. 33(a)(i)

Financial/systems/legal/deregulation/media implications

18. Nil.

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Attachments

Attachment A Kimberley Marine Park Zoning

s. 37(2)(b) s. 37(2)(b)

Authorising Officer
Cleared by: Neil Horne A/g Assistant Commissioner Acting Commander Maritime Border Command Maritime Border Command Date: 05/09/2024 Mob: s. 22(1)(a)(ii)

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Mob: s. 22(1)(a)(ii)

CC

- DC National Operations
- DC Regional Operations
- DC Strategy and Capability
- FAS Civil Maritime Capability
- AC West
- AC Onshore Detention

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