



Requirement for vessel monitoring systems in Australian Marine Parks: Report on consultation



Australian Government
Parks Australia



Australian Marine Parks

Australian Marine Parks – Requirement for vessel monitoring systems in Australian Marine Parks: Report on consultation

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Acknowledgement of Country

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.

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Introduction

In early 2023, the Director of National Parks (the Director) sought industry feedback on a proposal to require vessel monitoring systems (VMS) on commercial fishing vessels in Australian Marine Parks.

This report summarises the comments received on the [Consultation Paper for the commercial fishing sector: requirement for vessel monitoring systems in Australian Marine Parks](#) (the consultation paper) and provides the Director's views on those comments.

The Director thanks the commercial fishing industry and all those who took the time to consider and respond to the consultation paper. Your feedback has helped ensure any new requirement will deliver benefits for marine parks and industry.

The proposal for vessel monitoring systems in Australian Marine Parks

Australian Marine Parks cover over 43 per cent (3.8 million km²) of Australia's marine environment, including many large-scale multiple-use marine parks that can extend up to 200 nautical miles offshore. Our parks have two objectives: to protect and conserve biodiversity and to enable ecologically sustainable use of the parks where this is consistent with biodiversity protection.

The success of these parks depends largely on effective compliance. The statutory Australian Marine Park management plans require the Director to take actions to achieve high overall levels of compliance with the park rules and, where there is non-compliance, to work to reduce the number of suspected breaches. For commercial fishing in Australian Marine Parks, this means taking actions to prevent, deter and detect illegal fishing that can impact park values.

The sheer size and remoteness of the Australian Marine Parks present a serious challenge for delivering cost-effective surveillance. While traditional methods such as vessel and aerial patrols have a high deterrence value, they cannot cover the scale of the parks and are costly tools for monitoring the commercial fishing sector's compliance with Australian Marine Park rules compared with the demonstrated efficiencies provided by VMS.

VMS are a widely used, efficient and cost-effective tool to help fishers demonstrate compliance with marine park rules. VMS assists park managers to monitor levels of compliance and can enable fishers to receive automatic notifications through the Australian Marine Parks alert service, helping them to avoid unintended breaches.

Currently around 54 per cent of fishers active in Australian Marine Parks have a VMS unit installed as part of their fishery management requirements. The Director estimates that there are currently over 1000 vessels operating in Australian Marine Parks without VMS but notes that recent fisheries management initiatives are likely to reduce this number. From a marine park perspective, lack of awareness of fishing vessel activities within parks undermines community and regulator confidence that marine park rules are understood and followed at all times.

In 2018, management plans for five Australian Marine Park Networks indicated that the Director may introduce a VMS requirement during the next 10 years. In 2020 the Director wrote to state and Northern Territory fisheries management agencies flagging the future requirement for commercial fishing vessels

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to have VMS. In 2022 the Director awarded \$5.5 million of grants to assist in the uptake of VMS in Australian Marine Parks.

Consultation

On 27 February 2023, the Director commenced formal consultation with the commercial fishing industry to obtain feedback on the issues and opportunities associated with the proposal for mandatory VMS. Peak fishing industry bodies were notified and stakeholders were invited to provide their feedback through an online survey or written submissions using the Department of Climate Change, Energy, the Environment and Water's [online consultation hub](#). A [consultation paper](#), example Australian Marine Park commercial fishing class approvals and a draft cost-effectiveness analysis report comparing four potential options were provided as part of the consultation process to support stakeholder consideration of the proposal. These documents provided specifics on the proposed change including timing, application, amendments to commercial fishing class approvals, an assessment of costs and the supporting [Electronic and Vessel Monitoring Systems Assistance Program](#) grants (the EVMS grants program).

Comments were open until 26 May 2023, with one organisation being provided an extension upon request. In addition to the formal consultation process, the Director engaged with peak bodies and fisheries management agencies throughout late 2023 to understand potential impediments and strategies for instituting a VMS mandate for Australian Marine Parks by 1 July 2024.

Summary of submissions and comments

Summary of submissions

A total of 18 submissions were received through the formal consultation process from individual fishers, industry bodies and a fisheries management agency. By jurisdiction, submissions came from New South Wales, South Australia, Western Australia and Queensland.

Submission themes and Director of National Parks views

Of the submissions received and feedback received from industry bodies and fisheries management agencies through consultation, several acknowledged the importance of Australian Marine Parks in protecting the marine environment and the need to take actions that achieve high overall compliance with park rules. Most submissions, however, were opposed to the introduction of mandatory VMS for commercial fishing vessels in Australian Marine Parks.

Common themes and key issues raised in relation to the VMS proposal were:

- cumulative impositions on the commercial fishing industry;
- VMS data use, confidentiality and security;
- VMS costs;
- the suitability and reliability of VMS units;
- applicability of the VMS requirement for infrequent or marginal transit of Australian Marine Parks; and
- other matters.

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In considering the comments received, the Director's views on the use of VMS within Australian Marine Parks are informed by the following considerations:

1. Compliance coverage across Australian Marine Parks needs to significantly increase to provide the required assurances around activities within the parks.
2. Compliance monitoring should be based on the most cost-effective means available taking into account both the cost to Australian taxpayers and to fishers.
3. Australian Marine Park management requirements should seek to complement normal fisheries management requirements to avoid imposing additional burdens on fishers unless it is necessary to ensure compliance within the parks.

Director of National Parks' conclusions

To ensure compliance with Australian Marine Park rules, it is the Director's intention that all commercial fishing vessels will be required to provide real-time location data when operating or transiting an Australian Marine Park no later than 1 July 2028, when the current management plans expire.

The Director accepts that some fishers do not currently have VMS installed as a requirement under state or territory fisheries management rules. Noting the issues raised during consultation, the Director seeks to avoid additional burden on fishers at this time and will adopt a graduated approach to implementing the Australian Marine Park VMS requirement in the lead up to 1 July 2028 as follows:

- a. All vessels that carry a VMS under relevant fisheries management regulations must provide Australian Marine Park VMS data to the Director for the purposes of compliance only from 1 July 2024 onwards. This approach will significantly increase compliance coverage but place no additional burden on fishers beyond that imposed by normal fishery management arrangements.
- b. Where a vessel does not have a VMS requirement as at 1 July 2024 but their relevant fisheries management agency is progressing arrangements to transition to VMS, the requirement to provide Australian Marine Park VMS data will apply as fisheries management arrangements are implemented. This approach recognises VMS rollout plans being undertaken and will also result in no additional burden beyond that imposed by normal fishery management arrangements.
- c. For a vessel which does not have a VMS requirement and it is yet to be confirmed when VMS will be required by their fisheries jurisdiction, the Director will work with fisheries management agencies and fishers to ensure the requirement for real-time location data when operating within an Australian Marine Park is met by 1 July 2028.
- d. The Director will work with fisheries management agencies to ensure the provision of VMS data is facilitated between agencies while ensuring the highest standard for security and ensuring information is used for compliance purposes only.

Comments on cumulative impositions on the commercial fishing industry

Economic and spatial pressures

Submissions raised the economic pressures the commercial fishing industry is under, with a downturn occurring over recent years alongside a significant increase in fishing business and cost-of-living expenses.

Submissions also raised the additional challenges faced by the fishing industry in relation to marine access, such as impacts from oil and gas activities, renewable energy projects and state and Commonwealth marine parks.

Period of change and instability for the sector

Submissions stated that industry is facing a period of operational adjustment in response to changing fisheries management regimes and added costs to their businesses. Submissions argue that given this period of change and instability for the sector, additional operational change brought about by the Director's VMS mandate is unwelcome.

Mental health impacts

Noting the pressures above are cumulative and threaten the jobs and financial security of fishers, submissions point to the stress and mental health impacts on some operators.

Adequacy of the existing regulatory framework

Several submissions argued that their fishery is already governed by adequate regulatory frameworks (including government fisheries management and independent certification) and subject to robust compliance measures, rendering the Director's VMS requirement an unnecessary burden on industry.

Coordination of regulatory requirements

One submission noted that if mandatory VMS were to be introduced by the Director, requirements should be consistent and holistically managed across marine park and fisheries management agencies and the state and Commonwealth jurisdictions. The submission suggested there should be a single point of data collection for marine park and fishery management data requirements and a single VMS unit, with a uniform set of operational conditions.

Director of National Parks' views

The Director recognises the significant change that the fishing industry has faced over a number of years both due to external factors and regulatory changes at the state, territory and Commonwealth levels. The Director acknowledges industry concerns about the mental health impacts some operators may experience in the face of significant change and instability for the sector.

It is for these reasons the Director has agreed to adopt a staged approach to implementing VMS requirements that complements existing fisheries management measures and minimises additional burden on the fishing industry. The Director has modified the original option proposed in consultation from mandatory carriage of VMS units to a requirement for vessels which have VMS to provide real time data that shows position, speed and course while in an Australian Marine Park.

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The requirement for VMS data will place no additional burden on the industry when in-force on 1 July 2024 as it will not increase any VMS requirement on fishers beyond those currently in place or in development by fisheries management agencies.

Regarding fisheries which do not have VMS at 1 July 2024, the Director recognises that for most, fisheries management agencies are implementing VMS expansion plans for fisheries management purposes that will ensure the requirement for real time VMS information is met before 2028. The Director has chosen to coordinate the requirement to apply to vessels as VMS is implemented by fisheries management agencies to avoid regulatory duplication or imposition of additional burdens.

Regarding the adequacy of existing regulatory frameworks, the Director notes that fisheries are adequately managed by regulators from a fisheries management perspective but further notes that the considerations and criteria are not focused on compliance with Australian Marine Park rules and do not currently provide assurance to the Director that marine park rules are being followed.

The Director will work with fisheries management agencies and relevant fisheries to ensure that where a fishery does not have VMS, risks to Australian Marine Park rules and values are assessed prior to 2028 to further consider pathways for adoption of VMS units or equivalent means of ensuring compliance assurance.

The Director agrees that coordination of regulatory requirements, between fisheries management and park management, should be as seamless as possible and will adopt fisheries management rules for VMS within a jurisdiction to the maximum extent possible. The Director will also work with fisheries management agencies to ensure that data sharing can be facilitated between agencies while ensuring the highest standard for treatment of information. This means that in general the coming into effect of the Director's VMS requirement should be seamless for industry, minimising additional regulatory or mental health impacts on industry participants.

Comments on VMS data use, confidentiality and security

Several submissions expressed concern about the privacy of their fishing information and its use by government for fisheries and marine park management. These submissions were concerned about maintaining the confidentiality and security of any VMS data provided to the Director of National Parks and suggested that data sharing agreements between fisheries management agencies and the Director should include strict confidentiality and security protocols. One submission suggested that the data sharing agreements should provide clarity and transparency on the roles of fisheries management agencies and the Director and be subject to approval by the relevant peak industry bodies, to build industry faith in the security of VMS data sharing and use.

Director of National Parks' views

The Director acknowledges that 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) and has in recent years 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.

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The Director recognises the confidential nature of VMS information and keeps data secure in accordance with data security standards required under Australian law and by the fisheries management agencies. There have been no instances of misuse or breach of the confidentiality of this data:

- 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 Australian Marine Parks.
- Parks Australia will not disclose the data to anyone except the small number of specific employees and agents responsible for 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 during this time and our established partnerships demonstrate that security issues are well-managed. While data sharing agreements are between the Director of National Parks and fisheries management agencies, agencies are free to discuss such arrangements with the fishers that they manage to ensure confidence in any data sharing process.

Comments on VMS costs

Multiple submissions were concerned about the financial burden of VMS costs, including ongoing airtime and maintenance, and argued that any costs associated with the VMS proposal should not be borne by industry.

One submission acknowledged the Australian Government funding provided through the EVMS grants program to assist with the acquisition of VMS units and initial running costs in relevant fisheries but argued that the level of funding was insufficient. Another submission noted that their fishery was not provided with assistance for initial VMS costs under the EVMS grant awarded to their fisheries management agency.

One submission suggested the costs for installation and use of a VMS unit in its first year estimated in the draft cost-effectiveness analysis report were underestimated for their fishery and did not account for circumstances where purchase and installation of supporting equipment (such as solar panels) may be required.

Director of National Parks' views

The Director acknowledges the expenses involved in purchasing and installing a VMS unit and has sought to assist relevant fishers with these costs through a competitive national EVMS grants program in advance of implementing any VMS requirement in Australian Marine Parks.

In 2022 the Director entered into grant agreements with all state and Northern Territory fisheries management agencies to increase the number of commercial fishing vessels that carry VMS within Australian Marine Parks. The fisheries management agencies have collectively received \$5.5 million to cover the purchase and installation of VMS units and up to two years of airtime costs in some instances. The grants are also covering upgrades to existing VMS units, e-monitoring trials, stakeholder engagement and improvements to the functionality of states' VMS programs.

The Director acknowledges that in limited instances EVMS grant funding to cover initial VMS costs for some fisheries was not applied for by the fisheries management agency.

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Regarding the estimates of initial VMS costs, the Director notes that the draft cost-effectiveness analysis report provided an estimation of the average costs of a VMS unit and installation that may be lower than the actual cost in some regions. The Director notes that the unit and installation costs provided as part of each jurisdiction's EVMS grant funding were not based on the average costs but often reflected the actual cost in some regions.

Under the staged approach to implementation adopted by the Director, no additional cost will apply to fishers to ensure compliance with the Director's requirements where VMS is already required under existing or future fisheries management requirements. Where a fishery does not have VMS, the Director will work with fisheries management agencies and relevant fisheries to agree on a pathway for adoption of VMS units or equivalent means of ensuring compliance assurance.

Comments on the suitability and reliability of VMS units

Several submissions sought more information on VMS operating requirements including when a vessel is moored, noting that some vessels are not in operation for large parts of the year. Comments included the cost and inconvenience to fishers if operational VMS were to be required year-round on these vessels.

Submissions questioned whether a vessel would be required to return to or remain in port if a VMS unit malfunctioned and raised concerns about the inconvenience and potential for lost earnings in the event of VMS breakdown.

Submissions also raised concerns about the practicalities of operating VMS on vessels including:

- suitability of VMS and peripheral equipment on vessels with minimal closed in shelter;
- power drain issues on older vessels;
- access to shore power and costs of use; and
- access to timely and cost-effective technical assistance in regional areas.

Two submissions suggested the use of 'smart technology' data-logging software, such as Succorfish, as an alternative to traditional VMS equipment.

Director of National Parks' views

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. Consistent with the principle that Australian Marine Park management requirements should seek to complement normal fisheries management requirements to avoid imposing additional burdens on fishers, the Director will issue class approvals that mean issues like 'switch-off' requirements, manual reporting for malfunctioning units and type of unit selected are all to be determined and applied by the relevant state and territory fisheries management agencies.

The class approval will not require a VMS unit to be switched on while a vessel is in port or moored outside of an Australian Marine Park. Note that while the Director will not require a VMS unit to be operational when outside an Australian Marine Park your fisheries management agency may have other requirements.

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In relation to breakdown and manual reporting the Australian Fisheries Management Authority and state and territory fisheries management agencies may allow for manual reporting and fishing to continue in certain cases, subject to application by the operator and authorisation. The Director has considered the comments around breakdown and believes that a reasonable balance is to allow for manual reporting. However, if a VMS unit fails and the fisheries management agency does not have arrangements for manual reporting but allows fishing to continue, the fisher must contact the Director of National Parks for authorisation within the Australian Marine Park.

The Director has carefully considered the use of other technologies that use cellular networks rather than communicate by satellite and considers them to be not preferred as an Australian Marine Park compliance tool, including because of their lower capability to provide real time reporting when outside the range of a cellular network and the progress being made within jurisdictions to move away from the use of such systems in favour of VMS. Nevertheless, recognising that some fisheries are investing in alternative technological solutions, the Director will review their capacity to provide similar outcomes as VMS – being provision of real time data that shows position, course and speed – in 2026 where fisheries do not have VMS under fisheries management rules.

As to the suitability of certain vessel types and VMS units, the Director has no specific requirements beyond those applied by fisheries management agencies. Approved VMS units would be determined by state or territory fisheries management agencies and legislation, taking into account suitability for different fisheries and vessel types.

For more information on approved VMS units and rules for VMS operation in your fishery, please contact your fisheries management agency.

Comments on applicability of the VMS requirement for infrequent or marginal transit of Australian Marine Parks

Several submissions raised the burden of a VMS requirement for commercial operators who transit Australian Marine Parks infrequently or in limited areas.

Director of National Parks' views

The Director does not support an exception to the VMS requirement for low-frequency or marginal transit by commercial fishing vessels as it would undermine the compliance benefits and assurances provided by the VMS data. Compliance monitoring and reporting are significantly improved with universal surveillance effort. Allowing exceptions for transit would complicate the performance and cost-effectiveness of the VMS implementation.

The Director has considered providing for a manual reporting process in these circumstances but concludes it would be administratively burdensome for both vessel operators and Parks Australia.

For marginal transit, where an operator transits a small area on the boundary of an Australian Marine Park, the Director notes an operator could elect to alter their path to avoid the park, thereby negating the need to provide VMS data to the Director when in Australian Marine Parks.

Force majeure circumstances including extreme weather or mechanical failures are allowed for in the commercial fishing class approvals.

Other comments

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Applicability of VMS requirement for fishers/fisheries outside Australian Marine Parks

Three submissions from industry bodies stated their fishers do not operate in or transit Australian Marine Parks and should be exempt from the Director's VMS requirement. These submissions contended that they should not have been included in grant applications by the fisheries management agencies.

Use of VMS for compliance enforcement

One submission suggested that rather than requiring VMS on all commercial fishing vessels in Australian Marine Parks, VMS should only be required on vessels that are proven to have breached park rules as an enforcement mechanism.

Recreational fishing compliance

Multiple submissions expressed concern regarding recreational fishing in Australian Marine Parks and suggested that increased compliance focus should be placed on this sector to manage impacts on marine park values.

These submissions noted the commercial fishing sector is already strongly regulated and raised issues of fairness across marine park users in terms of regulatory and cost burden.

Other operating requirements

One submission raised issues with requirements in the commercial fishing class approvals around stowing of fishing gear and maintaining minimum vessel speeds, arguing that they are impractical or too burdensome.

VMS as a safety system

One submission expressed disappointment that use and monitoring of VMS has not been incorporated into national safety measures for the fishing industry.

Director of National Parks' views

In line with the Director's responsibilities, the Director's VMS requirement would only apply to vessels within Australian Marine Parks. If vessels in a fishery never operate in or transit Australian Marine Parks, they would not be required to provide VMS data to the Director of National Parks.

The EVMS Assistance Program provided grants to state and Northern Territory fisheries management agencies to assist fishers with the acquisition of VMS units and initial running costs in fisheries likely to be operating or transiting Australian Marine Parks. The fisheries included in grant applications were identified by the fisheries management agencies.

In terms of only requiring VMS for those vessels which are proven to have breached park rules the Director notes that it is difficult to detect non-compliance without VMS and that VMS is a mechanism commonly brought in at a whole of fishery level. Individual operators being placed on VMS is difficult to support at a system level.

Regarding recreational fishing, the Director acknowledges that unauthorised recreational activities can pose risks to marine park values. Application of VMS to other sectors remains under consideration and will be progressed on a risk basis. The Director is also currently

utilising or investigating approaches such as the use of surface and aerial drone technologies. These technologies are highly focused on the recreational sector.

On the issue of other operational requirements that are not related to mandatory VMS, such as rules for activities on vessels when transiting a park where fishing activities are not allowed, the Director will further consider amendment to the class approvals where necessary. Further discussion will be undertaken with the fishery and the fishery managers prior to any changes occurring.

On the matter of the use of VMS to monitor safety matters, the Director's position on mandatory VMS data is driven from the requirement to meet obligations in relation to Australian Marine Parks and it is not the intention of the Director to expand the scope of VMS in Australian Marine Parks beyond this.

Steps to implementation

In line with provisions in the 2018 Australian Marine Park management plans, the Director intends to require all commercial fishing vessels who carry VMS under fisheries management regulations to provide the Director with VMS data when in Australian Marine Parks.

To enact the new VMS regulation, the Director will amend existing class approvals for commercial fishers to require VMS data for all vessels active in Australian Marine Parks from 1 July 2024 onwards. These conditions will state that an approved person must provide relevant VMS data to the Director and that this condition is satisfied where a data sharing agreement is in place between the relevant fisheries management agency and the Director.

However, noting that several jurisdictions or fisheries are either in the process of implementing VMS or have no current plans, the Director will also provide time-bound exemptions to the relevant class approval conditions only for such fishers. This will allow those fishers progressing to VMS the time to do so in line with the rollout of VMS in each jurisdiction. The Director's VMS requirements will apply to fisheries as arrangements are implemented.

For those fishers where VMS is not currently planned, time bound exemptions will allow for more time to meet the Director's requirements around real time provision of locational data. The maximum extension to any exemption will be the expiry date of the current management plans, which are due in 2028.

The VMS requirement will be implemented in close alignment with Commonwealth, state and Northern Territory fisheries management agencies. Class approval conditions will be aligned with existing fisheries management agency requirements for VMS, building on existing systems and processes to minimise unnecessary change to current practices. 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.

Arrangements regarding access to VMS data will be negotiated between the Director and the relevant fisheries management agency. To date, the Director has established arrangements with the Commonwealth, Northern Territory, South Australian and Queensland fisheries management agencies for the use of relevant VMS data for the purpose of facilitating and enforcing compliance in Australian Marine Parks. Parks Australia will utilise its existing systems and processes to ensure security of VMS data and encourage fisheries management agency use of the national VMS platform established by the Australian Fisheries Management Authority.

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Steps to implementation	Indicative timing
Data sharing agreements negotiated	From January 2024
Director’s VMS requirement comes into effect for vessels already required to have VMS under state/territory fisheries management regulations	1 July 2024
Director reviews arrangements for fisheries not already required to have VMS under state/territory fisheries management regulations	2026
New management plans developed and VMS requirement in effect for all vessels operating in or transiting through and Australian Marine Park	1 July 2028