



Australian Government

Director of National Parks

Environment Protection and Biodiversity Conservation Act 1999

Section 359B

Approval of Actions in the Macquarie Island Marine Park (2/2023)

National Park Zone

<p>Approved Marine Park and Zone</p>	<p>Macquarie Island Marine Park – National Park Zone IUCN II</p>
<p>Approved Actions</p>	<ul style="list-style-type: none"> • Commercial shipping – transit (excluding commercial fishing vessels) • Commercial fishing vessels – transit* • Commercial shipping – anchoring** • Commercial tourism** • Commercial aviation tours (greater than 3000 m above sea level) • Commercial aviation tours (less than 3000 m above sea level)** • Commercial media** • Waste management or disposal** • National security and emergency response • Erecting structures, carrying out works and carrying on an excavation** • Research and monitoring** <p>* Refer to conditions relevant to commercial fishing vessels ** Activity may require individual assessment and authorisation by the Director of National Parks. For more information visit: www.parksaustralia.gov.au/marine</p>
<p>Approved Persons</p>	<p>All persons taking the approved action (including all employees, servants, agents, contractors, clients and invitees engaged in or taking part in the approved action) in accordance with applicable Commonwealth and State or Territory laws.</p>
<p>Conditions</p>	<p>1. The Approved Actions must be taken in accordance with applicable Commonwealth and State laws, including holding and complying with any usage right required to take the action.</p>

	<p>2. Activities or actions that are not Approved Actions must not be carried out in the Approved Marine Park and Zone.</p>
<p>Conditions relevant to commercial fishing vessels</p>	<p>3. Subject to condition 3A, transit of commercial fishing vessels through the National Park Zone (IUCN II) (Schedule 1) must be:</p> <ul style="list-style-type: none"> a. at a speed of not less than five knots; and b. with all fishing gear, or the particular fishing gear type, kept stowed and secured. <p>Note 3.1: - See the definition of transit in the interpretation section at the foot of these conditions.</p> <p>Note 3.2: - For vessels equipped with an electronic Vessel Monitoring System (VMS), vessel speed is calculated based on each consecutive pair of points polled by the vessel's VMS, identifying the shortest distance between the pair of points in a straight line; and dividing the distance by the time taken by the vessel to travel between these two points.</p> <p>Note 3.3: - This condition will not be taken to be contravened where it is not reasonably practical to transit in accordance with the condition including because of:</p> <ul style="list-style-type: none"> a. the vessel being navigated in response to a safety of life at sea emergency; or b. an emergency on board the vessel involving serious injury or threat to human life or danger to the seaworthiness of the vessel; or c. circumstances beyond the reasonable control of the master of the vessel (e.g. the vessel is not under command or is restricted in its ability to manoeuvre); or d. an unavoidable accident, other than an accident caused by negligent or reckless behaviour; or e. the vessel being directed by an Authorised Officer. <p>3A. The streaming of longline fishing gear during transit through the National Park Zone (IUCN II) (Schedule 1), may be undertaken if:</p> <ul style="list-style-type: none"> a. no hooks are attached to the fishing line or otherwise in the water; and b. authorised Fisheries observers are on board the vessel. <p>4. Fish may be processed during transit within the National Park Zone (IUCN II) (Schedule 1), provided that no offal is discarded.</p>

	<p>a. If in the event of a mechanical breakdown of the meal plant, it is not practicable to retain fish product (including all offal and bycatch) on board the boat, the holder may discharge offal or bycatch from the boat, provided that this is undertaken in accordance with relevant fishing concession conditions issued under the <i>Fisheries Management Act 1991</i> and the relevant management plan in place for the Macquarie Island Toothfish Fishery.</p>
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Incidents should be reported to the 24-hour Marine Compliance Duty Officer on 0419 293 465. For all other enquiries relating to this Approval, please contact:
marine.compliance@dcceew.gov.au

This approval varies the General Approval - Actions in the Macquarie Island Marine Park - National Park Zone, made on 1 July 2023.

This approval will come into effect on execution, unless sooner varied or revoked, will remain in effect until a management plan comes into effect for the *Macquarie Island Marine Park*.

SIGNED



Barbara Musso
Branch Head
Parks Australia
Delegate of the Director of National Parks
Dated 5 July 2023

Interpretation

In the approval and these conditions:

1. **Approved Person** means a person in the class of persons described as Approved Persons in this approval and, where applicable, includes the employees, servants, agents and contractors of an Approved Person; but does not include a person removed from the approved class of persons by a variation to this approval.
2. **Approved Marine Park and Zone** means a Marine Park Zone in which an action or activity is authorised by this approval to be carried on.
3. **Director of National Parks** means Director of National Parks under the *Environment Protection and Biodiversity Conservation Act 1999* and includes any agency that succeeds the functions of the Director.

4. **Macquarie Island Marine Park** as defined in the *Environment Protection and Biodiversity Conservation Amendment (Macquarie Island Marine Park) Proclamation 2023*.
5. **Offal** means bait and by-products from the processing of fish and other organisms, including parts or sections of fish or organisms which are by-products of processing. This does not include 'Stick water', a liquid discharge produced as a by-product of processing of krill and fish.
6. **Transit or transiting** means the continuous and expeditious passage through an area. However, passage includes stopping and anchoring, but only in so far as rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

SCHEDULE 1 – Macquarie Island Marine Park

