



**Australian Government**

**Director of National Parks**

*Environment Protection and Biodiversity Conservation Act 1999*

Section 359B

**General Approval - Actions in the Macquarie Island Marine Park (2/2023)**

**Habitat Protection Zone**

<b>Approved Marine Park and Zone</b>	Macquarie Island Marine Park – Habitat Protection Zone IUCN IV
<b>Approved Actions</b>	<ul style="list-style-type: none"> <li>• Commercial fishing*</li> <li>• Commercial shipping – transit</li> <li>• Commercial shipping – anchoring**</li> <li>• Commercial tourism**</li> <li>• Commercial aviation tours (above 3000 m above sea level)</li> <li>• Commercial aviation tours (less than 3000 m above sea level)**</li> <li>• Commercial media**</li> <li>• Erecting structures, carrying out works and carrying on an excavation**</li> <li>• National security and emergency response</li> <li>• Research and monitoring**</li> <li>• Research and monitoring (commercial fishing)</li> <li>• Waste management or disposal**</li> </ul> <p>* Refer to conditions relating to commercial fishing  ** Activity may require individual assessment and authorisation by the Director of National Parks. For more information visit: <a href="http://www.parksaustralia.gov.au/marine">www.parksaustralia.gov.au/marine</a></p>
<b>Approved Persons</b>	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.
<b>General conditions</b>	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>2. Activities or actions that are not Approved Actions must not be carried out in the Approved Marine Park and Zone.</p>
<p><b>Conditions relating to commercial fishing</b></p>	<p>1. Approved Persons must undertake commercial fishing operations in accordance with a fishing concession or licence issued under the <i>Fisheries Management Act 1991</i> (Cth).</p> <p>2. Approved fishing methods for the Approved Marine Park and Zone are as follows:</p> <ul style="list-style-type: none"> <li>i. Longline (demersal, auto-longline)</li> <li>ii. Trap, pot(s)</li> </ul> <p>3. Commercial fishing operations must only be carried on in the Approved Marine Park and Zone.</p> <p>4. Fishing methods and gear types not specified as an Approved Fishing Method must not be used.</p> <p>5. Commercial fishing operations must be conducted in accordance with and subject to:</p> <ul style="list-style-type: none"> <li>a. the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth);</li> <li>b. the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i> (Cth) including any prohibitions, restrictions or determinations made under the Regulations; and</li> <li>c. the <i>Fisheries Management Act 1991</i> (Cth).</li> </ul> <p>6. Approved Persons on a vessel engaged in the conduct of commercial fishing operations must be informed of these conditions before commencing operations.</p> <p>7. When undertaking commercial fishing operations, the following documents must be kept on board:</p> <ul style="list-style-type: none"> <li>a. a copy of this approval (hard or electronic copy); and</li> <li>b. a map of Macquarie Island Marine Park, (including zone boundaries) (hard or electronic copy).</li> </ul> <p>8. Subject to condition 8A, transit of fishing vessels with fishing gear through the National Park Zone (IUCN II) (Schedule 1) must be:</p> <ul style="list-style-type: none"> <li>a. at a speed of not less than five knots; and</li> <li>b. with all fishing gear, or the particular fishing gear type, kept stowed and secured.</li> </ul> <p><b>Note 8.1:</b> - See the definition of transit in the interpretation section at the foot of these conditions.</p>

	<p><b>Note 8.2:</b> - 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><b>Note 8.3:</b> - 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> <ol style="list-style-type: none"> <li>a. the vessel being navigated in response to a safety of life at sea emergency; or</li> <li>b. an emergency on board the vessel involving serious injury or threat to human life or danger to the seaworthiness of the vessel; or</li> <li>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</li> <li>d. an unavoidable accident, other than an accident caused by negligent or reckless behaviour; or</li> <li>e. the vessel being directed by an Authorised Officer.</li> </ol> <p>8A. The streaming of longline fishing gear during transit through the National Park Zone (IUCN II) (Schedule 1), may be undertaken if:</p> <ol style="list-style-type: none"> <li>a. no hooks are attached to the fishing line or otherwise in the water; and</li> <li>b. authorised Fisheries observers are on board the vessel.</li> </ol> <p>9. Subject to meeting the below conditions, if fishing gear inadvertently enters the National Park Zone (IUCN II) or the Sanctuary Zone (IUCN 1a) (Schedule 1) in circumstances beyond the reasonable control of the master of the vessel, the Approved Persons may enter that zone to retrieve the gear as soon as practicable. Approved persons must notify the Director of National Parks by emailing <a href="mailto:marine.compliance@dcceew.gov.au">marine.compliance@dcceew.gov.au</a> before or upon entering the zone to retrieve the gear.</p> <ol style="list-style-type: none"> <li>a. Any catch obtained from retrieving gear in the National Park Zone (IUCN II) or Sanctuary Zone (IUCN 1a) must be macerated and treated as offal (noting the requirements of condition 9.b.v).</li> <li>b. After the gear has been retrieved or all reasonable attempts made to retrieve the gear, an Approved Person must report to the Director of National Parks, by emailing <a href="mailto:marine.compliance@dcceew.gov.au">marine.compliance@dcceew.gov.au</a>, within</li> </ol>
--	---

	<p>24 hours of the incident with the following information:</p> <ol style="list-style-type: none"> <li>i. description of the relevant fishing gear;</li> <li>ii. the reasons the gear entered the Zone (and what Zone and its approximate location);</li> <li>iii. the duration of time spent retrieving the gear from the Zone;</li> <li>iv. whether the fishing gear was able to be retrieved or not; and</li> <li>v. if retrieved, an itemised account of all catch (alive or dead) that were landed from the zone. This account must include the identification of species caught and the total quantity of each species caught.</li> </ol> <p>10. Fish may be processed within the National Park Zone (IUCN II) (Schedule 1), provided that no offal is discarded.</p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p>11. Research and monitoring while undertaking commercial fishing must be undertaken in accordance with a fishing concession or a scientific permit issued under section 33 of the <i>Fisheries Management Act 1991</i>, and held by the concession holder.</p> <ol style="list-style-type: none"> <li>a. Research and monitoring while undertaking commercial fishing must only use Approved fishing methods for the Approved Marine Park and Zone.</li> </ol> <p>12. If requested by the Director of National Parks in writing, an Approved Person must make available, within 1 month of receipt of that request, information regarding:</p> <ol style="list-style-type: none"> <li>a. the total number of days on which fishing operations were conducted during a specified period in the marine park; and</li> <li>b. the species caught and the total quantity of each species caught during a specified period in the marine park.</li> </ol> <p><b>Note 12.1:-</b> This condition will be satisfied where catch log and effort information is available to the Director of National Parks from the Australian Fisheries Management Authority. This information</p>
--	---

	is required for marine park monitoring purposes and is confidential (unless required or authorised to be disclosed).
--	--

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](mailto:marine.compliance@dcceew.gov.au)

This approval varies the General Approval - Actions in the Macquarie Island Marine Park - Habitat Protection 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. **Act** or **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes any Act which amends or replaces the Act.
2. **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.
3. **Approved Marine Park Zone** means a Marine Park Zone in which an action or activity is authorised by this approval to be carried on.
4. **Authorised Officer** means a warden or an inspector under the Act.
5. **Bycatch** means any species that physically interact with fishing boats and/or fishing gear (including auxiliary equipment) and which are not usually kept by commercial fishers. Bycatch species may include fish, crustaceans, sharks, molluscs, marine mammals, reptiles and birds. Bycatch includes listed protected species under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
6. **Director of National Parks** means Director of National Parks under the EPBC Act includes any agency that succeeds the functions of the Director.

7. **Commercial fishing** has the meaning given by section 390SC(1A) of the EPBC Act: a fishing activity that is engaged in for a commercial purpose, and, to avoid doubt, does not include an activity that constitutes recreational fishing.
8. **Fishing** has the meaning given to that term in section 528 of the EPBC Act, being the same meaning as in the *Fisheries Management Act 1991*.
9. **Fishing concession or licence** means a Statutory Fishing Right, licence, Individual Transferable Quota, permit or other approval issued, under Commonwealth fisheries legislation, to a person allowing participation in a commercial fishery.
10. **Fishing methods:**
  - a. **Demersal (bottom) longline** means using a line and baited hooks in which weights hold the line horizontally on the sea floor so that hooks are set close to the seabed.
  - b. **Traps, pot(s)** are made in a variety of shapes and sizes from various materials. They are generally baited to attract fish or crustaceans through one or more entrances or openings. Traps and pots are set on the seafloor and connected to a vertical line with a buoy on the surface of the water.
11. **Macquarie Island Marine Park** as defined in the *Environment Protection and Biodiversity Conservation Amendment (Macquarie Island Marine Park) Proclamation 2023*.
12. **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.
13. **Research and monitoring** means research and monitoring activities where the primary purpose of the activity is to yield scientific knowledge.
14. **Research and monitoring (commercial fishing)** means research and monitoring activities undertaken during the regular operations of the Macquarie Island Toothfish Fishery, in accordance with a fishing concession or a scientific permit issued under section 33 of the *Fisheries Management Act 1991*, and held by the concession holder. This includes but is not limited to, catch and release surveys of target species using fishing methods allowed in that zone, environmental monitoring and observer data collection, etc, where the purpose of the research and monitoring is to support the sustainable management of the Macquarie Island Toothfish Fishery.
15. **Stowed and secured** means that all fishing apparatus, including nets and lines, are rendered inoperative in zones where fishing is not authorised, including that the apparatus is inboard the vessel and otherwise completely out of the water or as determined by the Director of National Parks.
16. **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.
17. **Vessel** means a ship, boat, tender, raft or pontoon or any other thing capable of carrying persons or goods through or on water and includes a floating structure and hovercraft.

# SCHEDULE 1 – Macquarie Island Marine Park

