



## **Australian Government**

### **Director of National Parks**

*Environment Protection and Biodiversity Conservation Act 1999*

Section 359B

#### **CLASS APPROVAL OF COMMERCIAL FISHING ACTIONS IN SOUTH-EAST MARINE PARKS**

Approved Marine Parks and Zones	<ul style="list-style-type: none"><li>• Apollo Marine Park</li><li>• Beagle Marine Park</li><li>• Boags Marine Park</li><li>• East Gippsland Marine Park</li><li>• Franklin Marine Park</li><li>• Huon Marine Park</li><li>• Flinders Marine Park (Multiple Use zone)</li><li>• Freycinet Marine Park (Multiple Use zone)</li><li>• Murray Marine Park (Multiple Use zone)</li><li>• Tasman Fracture Marine Park (Multiple Use zone)</li><li>• Zeehan Marine Park (Multiple Use zone)</li></ul> <p><b>Note :-</b> For commercial fishing operations and transit by commercial fishing vessels in Macquarie Island Marine Park, see the <i>General approvals – Actions in the Macquarie Island Marine Park</i>, available at <a href="http://www.parksaustralia.gov.au/marine">www.parksaustralia.gov.au/marine</a></p>
Approved Actions	Commercial fishing operations and transit by commercial fishing vessels in South-east Marine Parks in accordance with this Approval and the attached conditions.
Approved Persons	Persons authorised to take Approved Actions in accordance with a fishing concession or licence under the <i>Fisheries Management Act 1991</i> or State fisheries legislation, including employees, servants, agents and contractors of the relevant concession or licence holder.
Approved Fishing Methods	<ul style="list-style-type: none"><li>• Demersal (bottom) longline (except in Huon Marine Park Habitat Protection zone)</li><li>• Demersal (bottom) gillnet above depths of 183m, in accordance with directions made under the <i>Fisheries Management Act 1991</i> (except in Huon Marine Park Habitat Protection zone)</li></ul>

	<ul style="list-style-type: none"> <li>• Dropline and trotline (except in Huon Marine Park Habitat Protection zone)</li> <li>• Drop nets</li> <li>• Hand collection using hookah or SCUBA gear</li> <li>• Giant crab traps (except in Huon Marine Park Habitat Protection zone)</li> <li>• Handline</li> <li>• Hoop nets</li> <li>• Lift net</li> <li>• Midwater trawl</li> <li>• Pelagic longline</li> <li>• Poling</li> <li>• Purse seine</li> <li>• Rod and reel</li> <li>• Squid jig</li> <li>• Trap, pot(s) (except in Huon Marine Park Habitat Protection zone)</li> <li>• Trolling</li> </ul>
Prohibited Fishing Methods	<ul style="list-style-type: none"> <li>• Danish seine</li> <li>• Demersal (bottom) trawl</li> <li>• Scallop dredge</li> </ul> <p><b>Note</b> :- Fishing methods that are not included in the Approved Fishing Methods must also not be used.</p>
Conditions	<ol style="list-style-type: none"> <li>1. Commercial fishing operations must only be carried on in Approved Marine Parks and in particular Zones.</li> <li>2. Fishing methods and gear types not specified as an Approved Fishing Method must not be used.</li> <li>3. No fishing is to be conducted below depths of 500m in the Huon Marine Park Habitat Protection Zone.</li> <li>4. Commercial fishing operations must be conducted in accordance with and subject to: <ol style="list-style-type: none"> <li>a. the <i>EPBC Environment Protection and Biodiversity Conservation Act 1999</i> (Cth);</li> <li>b. the <i>Environment Protection and Biodiversity Conservation EPBC Regulations 2000</i> (Cth) including any prohibitions, restrictions or determinations made under the Regulations;</li> <li>c. the <i>Fisheries Management Act 1991</i> (Cth) and/or State fisheries legislation; and</li> <li>d. other applicable Commonwealth and State laws (to the extent those laws are capable of operating concurrently with the laws and instruments described in paragraphs a. to c.</li> </ol> </li> </ol>

	<p>5. All employees, servants, agents and contractors engaged on a vessel in the conduct of commercial fishing operations in South-east Marine Parks must be informed of these conditions before commencing to take part in the operations.</p> <p>6. When undertaking the Approved Action the following documents must be kept on board:</p> <ol style="list-style-type: none"> <li>a. a copy of this approval (hard or electronic copy); and</li> <li>b. a map of the relevant South-east Marine Park/s , (including zone boundaries) (hard or electronic copy).</li> </ol> <p>7. Transit of fishing vessels with fishing gear through marine park zones in which:</p> <ol style="list-style-type: none"> <li>a. commercial fishing operations are not authorised; or</li> <li>b. use of a particular gear type (which is on board) is not authorised;</li> </ol> <p>must be:</p> <ol style="list-style-type: none"> <li>c. at a speed of not less than five knots; and</li> <li>d. with all fishing gear, or the particular fishing gear type, kept stowed and secured.</li> </ol> <p><b>Note 7.1:-</b> See the definition of transit in the interpretation section at the foot of these conditions.</p> <p><b>Note 7.2:-</b> For a vessel 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 7.3:-</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>8. Transit by commercial fishing vessels engaged in cage towing through Multiple Use, Special Purpose and Habitat Protection zones must be:</p> <ol style="list-style-type: none"> <li>a. notified to the Director of National Parks at least 24 hours in advance of the proposed transit using the contact details stated following these conditions and providing the marine park(s) in which transit will</li> </ol>
--	--

	<p>occur, the date on which transit will occur and the expected transit time; and</p> <p>b. with all fishing gear kept stowed and secured.</p> <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> Transiting by commercial fishing vessels engaged in cage towing through Sanctuary and Marine National Park zones is prohibited under a Determination issued by the Director of National Parks.</p> <p>9. Fishing gear must not be cleaned in marine park zones in which commercial fishing operations, or the use of the particular gear type, are not authorised.</p> <p>10. If requested by the Director of National Parks in writing, an Approved Person must make available, within 21 days of receipt of that request, information regarding:</p> <p>a. the total number of days on which fishing operations were conducted during a specified period in each marine park; and</p> <p>b. the species caught and the total quantity of each species caught during a specified period in each marine park.</p> <p><b>Note 10.1:-</b> This condition will be satisfied where catch log and fishing effort information is available to the Director of National Parks from the Australian Fisheries Management Authority or state fisheries agencies. This information is required for marine park monitoring purposes and is confidential (unless required or authorised to be disclosed).</p> <p>11. If requested by the Director of National Parks, an Approved Person must provide information regarding: the course, speed or position of vessels used in the conduct of commercial fishing operations in the Approved Marine Parks.</p> <p><b>Note 11.1:-</b> This condition will be satisfied where VMS information is available to the Director of National Parks from the Australian Fisheries Management Authority or state fisheries agencies. This information is required for monitoring and enforcing compliance with the approval conditions and is used in accordance with agreements in place with the Director of National Parks which includes confidentiality arrangements.</p> <p>12. An Approved Person must report any gear or equipment lost during commercial fishing operations in the Approved Marine Parks that is likely to cause environmental harm within 24 hours after the loss occurs. The report must include approximate location, time and description of what was lost.</p>
--	--

**Contravention of this approval may result in the approval being varied to remove a person from the Approved Persons under this approval; or conditions to be varied or revoked. Contravention may also result in the imposition of significant civil and criminal penalties.**

Incidents should be reported immediately to the 24-hour Marine Compliance Duty Officer on 0419293465. If a condition requires a person to contact the Director of National Parks, the following contact details should be used: [marineparks@dcceew.gov.au](mailto:marineparks@dcceew.gov.au).

This approval will come into effect on 1 July 2023 and, unless sooner revoked, will remain in effect until a Management Plan comes into effect for the Approved Marine Parks.

Signed:



Barbara Musso

Branch Head

Parks Australia

Delegate of the Director of National Parks

Date: 29/06/2023.....

## **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 commercial fishing is authorised by this approval to be carried on.
4. **Authorised Officer** means a warden or an inspector under the Act.
5. **Cage towing** means a vessel towing a cage that is suitable for caging fish.
6. **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.
7. **Director of National Parks** means Director of National Parks under the EPBC Act and includes any agency that succeeds to the functions of the Director.
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 or State fisheries legislation, to a person allowing participation in a commercial fishery
10. **Fishing methods:**
  - a. **Danish Seine** means a net connected to two long, weighted ropes on either side used to surround fish. An anchor buoy is deployed first to hold the line in place while the net and remaining line is paid out in a circular pattern around the target area. The boat then either steams slowly away or remains stationary while the net is hauled on board.
  - b. **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.
  - c. **Demersal (bottom) gillnet** (also known mesh nets) means using a net held vertically in the water column and anchored to the seabed designed to entangle fish species.
  - d. **Demersal (bottom) trawl** means the use of any trawl net designed to be towed on or near the seabed with discs, bobbins, spacers or any other ground gear.
  - e. **Dropline** means a line that is vertically set or suspended in the water column between a weight (normally in contact with the seabed) and a vessel or a buoy on the water surface. Baited hooks are attached to the mainline via smaller lines (branch-lines or snoods).
  - f. **Drop net and hoop net** means using one or more rigid rings with net fitted to form a cylindrical bag or cone used for catching crustacean species
  - g. **Giant Crab Trap** means a trap a basket or other device that is designed for use, or is capable of being used, for or in connection with the taking of Giant Crab.
  - h. **Hand collection using Hookah or SCUBA gear** means removing species from rocks, crevices, the seafloor or other benthic substrate by hand using dive hookah, self-contained underwater breathing apparatus (scuba) or snorkel.

- i. **Handline** means using a handheld reel to which is attached a fishing line and has fishing hooks attached to it which is set and retrieved manually.
  - j. **Lift net** using a net alongside of a vessel in conjunction with lights to attract bait fish into the nets before the net is lifted onto the vessel Lobster pots means using a basket, trap, cage or other device that is designed for use, or is capable of being used, for or in connection with the taking of rock lobster and/or giant crab.
  - k. **Midwater Trawl** means a cone-shaped mesh net towed through the water column that does not come into contact with the seabed at any stage during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening is weighted. The last section of the net is a cod end where the catch is retained. Long metal cables connect the net and boards to a vessel. The cable length and mesh size varies depending on the species being targeted (fish or prawns). These nets can be towed by one vessel in various configurations, such as one or four nets. Note: for the purpose of this Class Approval, if the fishing gear contacts the seabed at any stage, the method will be deemed to be Trawl (demersal).
  - l. **Pelagic longline** means using a line and baited hooks, near the surface of the water generally horizontal and is unanchored.
  - m. **Purse seine** means using a long-winged surface hauling net with a pursing line at the bottom used to close the net.
  - n. **Poling** means using bait or lures attached to lines on the end of poles, which are lowered into a feeding school of fish and the hooked fish are then lifted into the boat.
  - o. **Rod and Reel** means using a rod to which is attached a fishing line and has fishing hooks attached to it.
  - p. **Scallop Dredge** means using a net consisting of mesh supported by framework that is designed and constructed to be towed along the seabed for the taking of fish species.
  - q. **Squid Jig** means using uses barbless lures on fishing lines designed to catch cephalopod species.
  - r. **Trap, 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.
  - s. **Trolling** means using a line to tow lures or baited hooks behind a vessel to target pelagic fish.
  - t. **Trotline** means a line that is horizontally set along the seafloor, similar to a demersal longline. The main line has a vertical line attached at each end which is connected to buoys on the surface of the water. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). Buoys are used intermittently along the mainline to lift baited hooks away from the seafloor.
11. **Management Plan** means a plan made under section 370 of the EPBC Act.
  12. **South-east Marine Parks** means the 13 parks, excluding Macquarie Island Marine Park, described in the *South-east Commonwealth Marine Reserves Network Management Plan 2013-2023*.
  13. **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.

14. **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.
15. **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.