



Australian Government
Director of National Parks

CLASS APPROVAL – COMMERCIAL FISHING

South-east Commonwealth Marine Reserves Network Management Plan 2013-2023

Section 5.2.7

Approved Actions	Commercial fishing operations and transit by commercial fishing vessels in the South-east network of Marine Parks in accordance with this Approval and the attached conditions.
Approved Persons	Holders of a fishing concession under the <i>Fisheries Management Act 1991</i> or State fisheries legislation authorising fishing in the South-east network of Marine Parks.
Approved Marine Park Zones	<ul style="list-style-type: none">• Apollo Marine Park• Beagle Marine Park• Boags Marine Park• East Gippsland Marine Park• Franklin Marine Park• Huon Marine Park• Flinders Marine Park (Multiple Use zone)• Freycinet Marine Park (Multiple Use zone)• Macquarie Island Marine Park (Habitat Protection zone)• Murray Marine Park (Multiple Use zone)• Tasman Fracture Marine Park (Multiple Use zone)• Zeehan Marine Park (Multiple Use zone) <p>Note :- <i>Environment Protection and Biodiversity Conservation Amendment (Commonwealth Marine Reserves Renaming)</i></p>

	<p><i>Proclamation 2017 dated October 2017 omitted the former term 'Commonwealth Marine Reserve', which is used in the Network Management Plan, and substituted 'Marine Park'. The boundaries and zoning of the areas have not changed.</i></p>
<p>Approved fishing methods</p>	<ul style="list-style-type: none"> • Demersal longline (except in Huon Marine Park Habitat Protection zone) • 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) • Dropline and trotline (except in Huon Marine Park Habitat Protection zone) • Drop nets • Hand collection using hookah or SCUBA gear • Giant crab traps (except in Huon Marine Park Habitat Protection zone) • Handline • Hoop nets • Lift net • Lobster pots (except in Huon Marine Park Habitat Protection zone) • Midwater trawl • Pelagic longline (except in Macquarie Island Marine Park Habitat Protection zone) • Poling (except in Macquarie Island Marine Park Habitat Protection zone) • Purse seine • Rod and reel • Squid jig • Traps (except in Huon Marine Park Habitat Protection zone)

	<ul style="list-style-type: none"> • Trolling (except in Macquarie Island Marine Park Habitat Protection zone) <p>Note :- additional fishing methods and gear types may be included in this class approval following satisfactory assessment in accordance with Strategy 2 in Part 4 of the Management Plan.</p>
Prohibited fishing methods	<ul style="list-style-type: none"> • Danish seine • Demersal (bottom) trawl • Scallop dredge <p>Note :- Fishing methods that are not included in the Approved Fishing Methods must also not be used.</p>
Conditions of approval	<ol style="list-style-type: none"> 1. Commercial fishing operations must only be carried on in Approved Marine Park Zones. 2. Fishing methods and gear types not specified as an Approved Fishing Method must not be used. 3. No fishing is to be conducted below depths of 500m in the Huon Marine Park Habitat Protection zone 4. Commercial fishing operations must be conducted in accordance with and subject to: <ol style="list-style-type: none"> a. the EPBC Act; b. the Network Management Plan; c. the EPBC Regulations any prohibitions, restrictions or determinations made under the Regulations; d. <i>Fisheries Management Act 1991</i> and/or State fisheries legislation (to the extent those laws are capable of operating concurrently with the laws and instruments described in paragraphs a. to c.); and e. other applicable Commonwealth and State laws (to the extent those laws are capable of operating

	<p>concurrently with the laws and instruments described in paragraphs a. to d.)</p> <p>5. All employees, servants, agents and contractors engaged on a vessel in the conduct of commercial fishing operations in the Network of Marine Parks must be informed of these conditions before commencing to take part in the operations.</p> <p>6. A copy of this approval (hard or electronic copy) must be kept on board each vessel used in the conduct of commercial fishing operations in the Network of Marine Parks and must be produced for inspection on request by an Authorised Officer.</p> <p>7. A map of the South-east network of Marine Parks, (including zone boundaries), must be kept on board each fishing vessel used in the conduct of commercial fishing operations (either a hard copy chart or electronic version) and must be produced for inspection on request by an Authorised Officer.</p>
	<p>8. Transit by fishing vessel with fishing gear through marine park zones in which:</p> <ul style="list-style-type: none"> a. commercial fishing operations are not authorised; or; b. use of a particular gear type is not authorised, must be: c. at a speed of not less than five knots; and d. with all fishing gear, or the particular fishing gear type, kept stowed and secured. <p>Note 8.1: - See the definition of transit in the interpretation section at the foot of these conditions.</p> <p>Note 8.2: - For VMS equipped vessels, vessel speed is calculated based on each consecutive pair of points polled by</p>

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.

Note 8.3: 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:

- 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

9. Transit by commercial fishing vessels engaged in cage towing through Multiple Use, Special Purpose and Habitat Protection zones must be:

- 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 occur, the date on which transit will occur and the expected transit time; and
- b. with all fishing gear kept stowed and secured.

Note 9.1: - See the definition of transit in the interpretation section at the foot of these conditions.

Note 9.2: - 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.

10. 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.

11. 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:

- a. the total number of days on which fishing operations were conducted during a specified period in each marine park; and
- b. the species caught and the total quantity of each species caught during a specified period in each marine park.

***Note 11.1:** - 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).*

12. If required 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 Network of Marine Parks.

***Note 12.1:** - 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.*

An approved person must report all gear, equipment lost during the commercial fishing operations in the Network of 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.
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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.

If a condition requires a person to contact the Director of National Parks, the following contact details should be used: marinereserves@environment.gov.au or ph. 0419293465 (Duty officer).

This approval will come into effect on the date that it is signed and remains in effect for the term of the South-east Commonwealth Marine Reserves Network Management Plan, unless it is suspended, cancelled, varied or revoked sooner by the Director of National Parks.



Assistant Secretary
Marine Protected Areas Branch
Parks Australia
Delegate of the Director of National Parks

Date: 15/12/17

Interpretation

In the approval and these conditions:

- a. **Act or EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and includes any Act which amends or replaces the Act.
- b. **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.
- c. **Approved Marine Park Zone** means a Marine Park Zone in which commercial fishing is authorised by this approval to be carried on.
- d. **Authorised Officer** means a warden or an inspector under the Act.
- e. **Cage towing** means a vessel towing a cage that is suitable for caging fish.
- f. **Director of National Parks** means Director of National Parks under the *Environment Protection and Biodiversity Conservation Act 1999* and includes any agency that succeeds to the functions of the Director.
- g. **Fishing methods:**

Danish Seine means using a seine net without otterboards and long warps that touches or drags on the seabed

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.

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.

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.

Dropline and trotline means using a line and baited hooks (attached or unattached to a vessel) set vertically with a weight at the bottom.

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

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.

Hand collection using Hookah or SCUBA gear means using a hose delivering air to a diver from a surface mounted compressor or the use of Self Contained Underwater Breathing Apparatus for the collection of Abalone, Sea urchin or Crustacean species

Handline means using a hand held reel to which is attached a fishing line and has fishing hooks attached to it which is set and retrieved manually.

Lift net a 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.

Midwater Trawl means using a net designed to be towed through the water column that does not come into contact with the seabed at any stage during use.

Pelagic longline means using a line and baited hooks, near the surface of the water generally horizontal and is unanchored.

Purse seine means using a long winged surface hauling net with a pursing line at the bottom used to close the net.

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.

Rod and Reel means using a rod to which is attached a fishing line and has fishing hooks attached to it

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.

Squid Jig means using uses barbless lures on fishing lines designed to catch cephalopod species.

Traps 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 finfish.

Trolling means using a line to tow lures or baited hooks behind a vessel to target pelagic fish.

- h. **Fishing concession** 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
- i. **Marine Park Zone** means a management zone established by the South-east Commonwealth Marine Reserves Network Management Plan.
- j. **Regulations** or **EPBC Regulations** means the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and includes any Regulations that amend or replace the Regulations.
- k. **South-east Network of Marine Parks** or means, collectively, the following marine parks declared under the EPBC Act and named Apollo, Beagle, Boags East Gippsland, Flinders, Franklin, Freycinet, Huon, Macquarie Island, Murray, Nelson, South Tasman Rise, Tasman Fracture and Zeehan Marine Parks.
- l. **South-east Commonwealth Marine Reserves Network Management Plan** (or **Network Management Plan**) means the management plan for the Network of Marine Parks in operation under the Act.
- m. **Stowed and secured** means that all fishing equipment, including nets and lines is onboard the vessel, and not in contact with the water (as specified in the determination dated 1 July 2013 made under regulation 12.34 of the EPBC Regulations).
- n. **Transit** The en route passage of a vessel through a marine park, whereby the transit is in a straight direction as fast as reasonably practical and the vessel does not stop for any reason other than in response to an emergency or to undertake an activity authorised by or under the South-east Commonwealth Marine Reserves Network Management Plan.
- o. **Vessel** means a ship, boat, raft or pontoon or any other thing capable of carrying persons or goods through or on water and includes a floating structure and hovercraft.
- p. **Vessel Monitoring System** or **VMS** means a device fitted to vessels designed to transmit data to a centralised receiving station, and consists of an Automatic Location Communicator that transmits information, such as location, time, speed and course via satellite or other communication network.