



**Australian Government**  
**Director of National Parks**

*Environment Protection and Biodiversity Conservation Act 1999*

*Section 359B*

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

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| <b>Approved Persons</b>                | Persons authorised to take Approved Actions in accordance with a fishing concession or licence under the Fisheries Management Act 1991 or State fisheries legislation, including employees, servants, agents and contractors of the relevant concession or licence holder.  |
| <b>Approved Actions</b>                | Commercial fishing operations and transit by commercial fishing vessels in South-east Marine Parks using Approved Fishing Methods within Approved Zones, by Approved Persons, in accordance with the Conditions of Approval.  |
| <b>Approved Marine Parks and Zones</b> | <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 (except below depths of 500m in the Habitat Protection Zone)</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> <i>For commercial fishing operations and transit by commercial fishing vessels in Macquarie Island Marine Park, see the General approvals – Actions in the Macquarie Island Marine Park, available at <a href="http://www.parksaustralia.gov.au/marine">www.parksaustralia.gov.au/marine</a></i></p> |
| <b>Approved Fishing Methods</b>        | <ul style="list-style-type: none"><li>• <b>Demersal longline</b> - (except in Huon Marine Park Habitat Protection zone)</li><li>• <b>Demersal (bottom) gillnet</b> - 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>   |



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|  | <ul style="list-style-type: none"> <li>• <b>Dropline and trotline</b> - (except in Huon Marine Park Habitat Protection zone)</li> <li>• <b>Drop nets</b></li> <li>• <b>Hand collection</b> (using hookah or SCUBA gear)</li> <li>• <b>Giant crab traps</b> (except in Huon Marine Park Habitat Protection zone)</li> <li>• <b>Handline</b></li> <li>• <b>Hoop nets</b></li> <li>• <b>Lift net</b></li> <li>• <b>Midwater trawl</b></li> <li>• <b>Pelagic longline</b></li> <li>• <b>Poling</b></li> <li>• <b>Purse seine</b></li> <li>• <b>Rod and reel</b></li> <li>• <b>Squid jig</b></li> <li>• <b>Trap, pot(s)</b> - (except in Huon Marine Park Habitat Protection zone)</li> <li>• <b>Trolling</b></li> </ul>   |
| <p><b>Excluded Fishing Methods</b></p> | <ul style="list-style-type: none"> <li>• <b>Danish seine</b></li> <li>• <b>Demersal (bottom) trawl</b></li> <li>• <b>Scallop dredge</b></li> </ul> <p><b>Note:</b> <i>Fishing methods that are not included in the Approved Fishing Methods must also not be used.</i></p>  |
| <p><b>Conditions of Approval</b></p>   | <ol style="list-style-type: none"> <li>1. 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> |



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|  | <p>2. 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>3. When undertaking the Approved Action 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 the relevant South-east Marine Park/s, (including zone boundaries) (hard or electronic copy).</li></ul> <p>4. 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> <ul style="list-style-type: none"><li>(a) the total number of days on which fishing operations were conducted during a specified period in each marine park; and</li><li>(b) the species caught and the total quantity of each species caught during a specified period in each marine park.</li></ul> <p><b>Note:</b> <i>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).</i></p> |
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5. An Approved Person must make available accurate and reliable information about their fishing vessel's course or position in the Network, in near real-time, to the Director of National Parks (subject to Transition Arrangements).

**Note:** *This condition is satisfied where an Approved Vessel Monitoring System (VMS) Unit is fitted and operating under the Australian Fisheries Management Authority or the relevant State Fisheries Management Agency's requirements, and VMS data is made available to the Director of National Parks by the Australian Fisheries Management Authority or state Fisheries Management Agency.*

*For vessels carrying VMS Units, an Approved Person automatically, and by default, consents to provide VMS data by entering the Network.*

6. If the Approved Person cannot provide information as required by Condition 5 above, the Approved Person must stop fishing immediately, stow and secure fishing gear and depart the Network. The Approved Person must ensure that the Director of National Parks is informed as soon as possible after they become aware that the information is unavailable (subject to Transition Arrangements).

**Note:** *This condition applies if a VMS Unit stops operating or malfunctions in the Network.*

*There is no requirement to notify the Director of National Parks where the Director has an agreement with the Australian Fisheries Management Authority or relevant state Fisheries Management Agency for sharing VMS data.*

*The vessel may continue fishing only if manual reporting has been approved (Condition 7 below).*



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|  | <p>7. The Director of National Parks may authorise the Approved Person to manually report the vessel's position, course and speed at periods as deemed appropriate. Where an Approved Person has been authorised to report manually, fishing operations may continue in the Network in accordance with the Director's reporting instructions.</p> <p><b>Note:</b> <i>This condition is relevant to Approved Persons with VMS Units and is met where the Australian Fisheries Management Authority or the relevant state Fisheries Management Agency has approved manual reporting of the vessel's position, course and speed.</i></p>   |
|  | <p><i>The Director of National Parks will not authorise manual reporting if the Australian Fisheries Management Authority or state Fisheries Management Agency has denied a request from the Approved Person.</i></p> <p><i>Where a Fisheries Management Agency does not have applicable manual reporting requirements, an Approved Person must contact the Director of National Parks for authorisation to manually report. The Approved Person must comply with any reporting instructions given by the Director.</i></p>   |
|  | <p>8. Transit of fishing vessels with fishing gear through marine park zones in which:</p> <ul 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;<br/>must be:</li><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></ul> <p><b>Note:</b> <i>See the definition of transit in the interpretation section at the foot of these conditions.</i></p> <p><i>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:</i></p> <ul style="list-style-type: none"><li>(a) <i>the vessel being navigated in response to a safety of life at sea emergency; or</i></li></ul> |



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|  | <p>(b) <i>an emergency on board the vessel involving serious injury or threat to human life or danger to the seaworthiness of the vessel; or</i></p> <p>(c) <i>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</i></p> <p>(d) <i>an unavoidable accident, other than an accident caused by negligent or reckless behaviour; or</i></p> <p>(e) <i>the vessel being directed by an Authorised Officer.</i></p>   |
|  | <p>9. Transit by commercial fishing vessels engaged in cage towing through Multiple Use, Special Purpose and Habitat Protection zones must be:</p> <p>(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</p> <p>(b) with all fishing gear kept stowed and secured.</p> <p><b>Note:</b> <i>See the definition of transit in the interpretation section at the foot of these conditions.</i></p> <p><i>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.</i></p> |
|  | <p>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.</p>   |
|  | <p>11. 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>  |



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|  | 12. Fish may only be processed or transhipped within zones in which the fishing method for the taking of that fish is authorised by this Class Approval, unless alternative arrangements are individually authorised by the Director of National Parks (by Determination made by the Director of National Parks) |
|  | 13. Cage towing is allowed in all zones, except National Park Zones unless alternative arrangements are authorised by the Director of National Parks (by Determination made by the Director of National Parks). Cage towing is not allowed in sanctuary Zones.   |

**Transition Arrangements**

Conditions 5 and 6 – Between 1 July 2024 – 30 June 2028 conditions 5 and 6 do not apply to an Approved Person that is not required by the relevant State Fisheries Management Agency to fit and use a VMS Unit. From 1 July 2028, conditions 5 and 6 will apply to all Approved Persons regardless of whether they are required by the relevant State Fisheries Management Agency to fit and use a VMS Unit. This class approval will be updated prior to 1 July 2028 to provide further details on how to satisfy conditions 5 and 6.

**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.**

***This Class Approval will come into effect on 1 July 2024 and remain in effect until a Management Plan comes into effect for the Approved Marine Parks.***

*All incidents should be reported immediately to the Marine Compliance Duty Officer on 0419293465. For all other enquiries relating to this Class Approval, please contact: [marineparks@dcceew.gov.au](mailto:marineparks@dcceew.gov.au)*

**Signed**

Parks Australia

Delegate of the Director of National Parks

Date: 18/6/24



### ***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.





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- 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.



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- 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.
11. **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.
  12. **Management Plan** means a plan made under section 370 of the EPBC Act.
  13. **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.
  14. **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.
  15. **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.
  16. **Transition Arrangement** means a temporary exemption of a condition or attenuation of a condition in the Class Approval for a defined period for described Approved Persons.
  17. **Transit Speed** Using 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.
  18. **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.
  19. **Vessel Monitoring System (VMS)** means a system in which boats are fitted with an electronic device that can give information about the boats' course or position, or other such information, being the same meaning as 167B(4) of the *Fisheries Management Act 1991*.
    - a. An **Approved VMS** means a VMS Unit in a class approved under s.9 of Part 1 of the *Fisheries Management Regulations 2019* or as approved by relevant State Fisheries Management Agencies.



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- b. **VMS data** means any data (whether or not that data is also personal information, within the meaning of the *Privacy Act 1988*) that is, or was generated by, or transmitted by, or stored by the VMS equipment installed in compliance with a condition imposed under this class approval.
  - c. A **VMS Unit**, also known as an automatic location communicator, is capable of transmitting information via a satellite communication system.
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