



Temperate East Marine Parks Network Management Plan 2018
Section 4.2.3

CLASS APPROVAL – COMMERCIAL FISHING

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 Actions	Commercial fishing activities within the Temperate East Marine Parks Network (the Network) using Approved Fishing Methods within Approved Zones, by Approved Persons, in accordance with the Conditions of Approval.
Approved Fishing Methods within Approved Zones	<ul style="list-style-type: none">• Danish Seine - in any Special Purpose Zone (Trawl) only.• Dropline - in all zones, except Recreational Use Zone and National Park Zones.• Hand collection (including hookah, scuba and snorkel) - in all zones, except Habitat Protection Zone (Lord Howe), Recreational Use Zone and National Park Zones.• Hand net (hand, barrier, skimmer, cast, scoop, drag, lift- in all zones, except Habitat Protection Zone (Lord Howe), Recreational Use Zone and National Park Zones.• Longline (demersal, auto-longline) - in the Multiple Use Zone of the Solitary Islands Marine Park only.• Longline (pelagic) - in all zones, except Habitat Protection Zone (Lord Howe), Recreational Use Zone and National Park Zones.• Minor line (handline, rod & reel, trolling, squid jig, poling) - in all zones, except Recreational Use Zone and National Park Zones.• Purse seine - in all zones, except Habitat Protection Zone (Lord Howe), Recreational Use Zone and National Park Zones.• Trap, pot - in any Special Purpose Zone (Trawl), Special Purpose Zone (Norfolk) and Multiple Use Zone only.• Trawl (demersal) - in any Special Purpose Zone (Trawl) only.• Trawl (midwater) - in all zones, except Habitat Protection Zone (Lord Howe), Recreational Use Zone and National Park Zones.• Trotline - in the Multiple Use Zone of the Solitary Islands Marine Park only

<p>Excluded Fishing Methods</p>	<ul style="list-style-type: none"> • Net (demersal) • Net (pelagic) • Any fishing method not included in the Approved Fishing Methods (above) is excluded from this Class Approval.
<p>Conditions of Approval</p>	<ol style="list-style-type: none"> 1. The Approved Actions must be conducted in accordance with: <ol style="list-style-type: none"> (a) the EPBC Act 1999; (b) the EPBC Regulations 2000; (c) the Temperate East Network Management Plan; (d) any prohibitions, restrictions or determinations made under the EPBC Regulations by the Director of National Parks; (e) <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 (d)) including fishery management plans and the requirements of individual fishing concessions or licences; and (f) all 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 (e)). 2. All employees, servants, agents and contractors having operational control of a vessel in the conduct of the Approved Actions must be informed of these Conditions of Approval before taking part in the Approved Actions. 3. A copy of this Class Approval (hard or electronic copy) must be kept on board each vessel used in the conduct of the Approved Actions and must be produced for inspection on request by an Authorised Officer. 4. A navigational chart showing the boundaries of the Approved Zones in which the Approved Actions are being conducted, must be kept or be otherwise accessible on board the vessel. 5. On request of the Director of National Parks, an Approved Person must make available information regarding: <ol style="list-style-type: none"> (a) Dates, times and locations in which the Approved Actions were conducted in the Network, including each Marine Park and zone; and (b) the species caught and quantity of each species caught during a specified period in the Network, including each Marine Park and zone. <p>Note:</p>

	<p><i>This condition is 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 Management Agency.</i></p> <p>6. 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).</p> <p>Note: <i>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.</i></p> <p><i>For vessels carrying VMS Units, an Approved Person automatically, and by default, consents to provide VMS data by entering the Network.</i></p>
	<p>7. If the Approved Person cannot provide information as required by Condition 6 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).</p> <p>Note: <i>This condition applies if a VMS Unit stops operating or malfunctions in the Network.</i></p> <p><i>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.</i></p> <p><i>The vessel may continue fishing only if manual reporting has been approved (Condition 8 below).</i></p>
	<p>8. 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>Note:</p>

	<p><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>9. All gear and equipment lost in the Network must be reported to the Director of National Parks within 24 hours after the loss occurs. The report must include approximate location, time and description of what was lost.</p>

Other Provisions and Requirements

- A. Anchoring is allowed in all zones except National Park Zones (Section 4.2.3.11 of the Temperate East Network Management Plan).
- B. Transiting is allowed in all zones (Section 4.2.3.10 of the Temperate East Network Management Plan).
- C. Vessels transiting National Park Zones must travel at a speed greater than 5 knots (by Determination made by the Director of National Parks).
- D. Vessels transiting the Network must provide real-time position and speed information to the Director of National Parks (subject to transition arrangements). Where VMS Units are installed, data must be available, consistent with the conditions of this Approval (by Determination made by the Director of National Parks and subject to Transition Arrangements).
- E. Fishing gear must be kept stowed and secured at all times during transit through, or while stopping and anchoring in, a zone in which the fishing method is not an Approved Fishing Method for that zone (Section 4.2.3.12 of the Temperate East Network Management Plan).
- F. 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).
- G. The Director of National Parks may vary, suspend or cancel this Class Approval at any time (Section 4.4.2 of the Temperate East Network Management Plan).
- H. Contravention of this Class Approval may result in the imposition of civil or criminal penalties and/or the removal of a person or persons from this Approval.

Transition Arrangements

Conditions 6 and 7 – Between 1 July 2024 – 30 June 2028 conditions 6 and 7 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 6 and 7 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 6 and 7.

This Class Approval will come into effect on 1 July 2024 and remain in effect for the term of the Temperate East Network Management Plan unless suspended or cancelled sooner by the Director of National 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

Signed



Parks Australia

Delegate of the Director of National Parks

Date: 18/6/24

Interpretation

In the approval and these conditions:

1. **Approved Actions** means the actions described as Approved Actions in this Class Approval.
2. **Approved Fishing Methods:**

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.

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).

Hand collection (including hookah, scuba and snorkel) 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.

Hand net (hand, barrier, skimmer, cast, scoop, drag, lift) means a small mesh net that is operated by hand to trap fish including a hand net, barrier net, skimmer net, cast net, scoop net, drag net, lift net.

Longline (demersal, auto-longline) means a line that is horizontally set along the seafloor between weights to maintain contact with the seafloor. The main line has a vertical line attached at each end which is connected to buoys on the water surface. Baited hooks are attached to the main line via smaller lines (branch-lines or snoods). An auto-longline is a longline where the hooks are baited by a machine rather than manually.

Longline (pelagic) means a line that is horizontally set near the surface of the water and avoids contact with the seafloor. 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 generally used intermittently along the main line to help maintain buoyancy in the water column. The line may be left to drift in the water or anchored by vertical lines to the seafloor.

Minor line (handline, rod & reel, trolling, squid jig, poling) means any line fishing with a small number of hooks, often just one (i.e. handline, rod and reel, squid jigging and pole fishing). Trolling is dragging a lure or baited hook behind a moving vessel and reeling it in (either by hand, reel or winches). Poling is dragging a lure or baited hook on a fixed length of line behind a vessel and flicking or gaffing the fish into the boat. Squid jigging involves vertical lines with several barbless lures being mechanically jigged up and down to attract squid.

Purse seine means a semi-rectangular mesh net with floats along the top and a weighted line along the bottom. A vessel or buoy is used to anchor one end of the net while it is set around a fish aggregation in a circular pattern. The bottom of the net has a cable threaded through it which, when pulled, brings the bottom of the net together like a purse trapping the fish inside. The net is then pulled toward the vessel and the fish are either lifted or pumped on board the vessel.

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.

Trawl (demersal) means a cone-shaped mesh net towed through the water column on or near the seabed that may come into contact with the seabed during use. The net is held open horizontally by otter boards or trawl doors while towing. The bottom of the net opening generally has chains, rubber or steel bobbins and spacers threaded along its length to help reduce snagging by slightly lifting the net off the seafloor. 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.

Trawl (midwater) 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).

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.

3. **Approved Person** means a person in the class of persons described as Approved Persons in this Class Approval.
4. **Approved Zones** means a Zone in which the Approved Actions are authorised by this Class Approval to be carried out.
5. **Authorised Officer** means a warden or an inspector under the EPBC Act.
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 continuing under section 514A of the EPBC Act and includes any agency that succeeds to the functions of the Director of National Parks.
8. **EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999* and includes any Act which amends or replaces the EPBC Act.

9. **EPBC Regulations** mean the *Environment Protection and Biodiversity Conservation Regulations 2000* (Cth) and includes any Regulations that amend or replace the EPBC Regulations.
10. **Excluded Fishing Methods:**
- Net (demersal)** means a rectangular mesh net anchored to the seafloor with weights. The net may have small floats along the upper line to maintain its shape in the water. Each end has a vertical line that is connected to buoys on the surface of the water.
- Net (pelagic)** means a rectangular mesh net set near the surface of the water that is not in contact with the seafloor. The net generally has floats along the upper line to maintain buoyancy. Each end is connected to a buoy on the surface of the water. The net can be left to drift or connected to a boat.
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11. **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*.
12. **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.
13. **Temperate East Marine Parks Network or Network** means collectively the Central Eastern, Cod Grounds, Gifford, Hunter, Jervis, Lord Howe, Norfolk and Solitary Islands Marine Parks established by, and described under, the *Environment Protection and Biodiversity Conservation (Commonwealth Marine Reserves) Proclamation 2013*.
14. **Temperate East Network Management Plan** means the Temperate East Marine Parks Network Management Plan 2018 made under section 370 of the EPBC Act.
15. **Speed** means the rate of travel of the vessel calculated in knots by (a) for each consecutive pair of points identified by the boat's vessel monitoring system, identifying the shortest distance between the pair of points in a straight line, and (b) divide the distance by the time taken by the boat to travel between the two points.
16. **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.
17. **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.
18. **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.
19. **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.

20. **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.
21. **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*.

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.

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.

A **VMS Unit**, also known as an automatic location communicator, is capable of transmitting information via a satellite communication system.

22. **Zone** means a management zone established by, and described under, Section 3.1 of the Temperate East Network Management Plan.