Draft Commercial Fishing Access Policy

Introduction
Some commercial fishing operators need to use areas in national parks that are closed to the public to undertake their work. Under the National Parks and Wildlife Regulation 2009 (NPW Regulation), this requires consent from NPWS. To improve the management of this access, reduce unnecessary red tape and provide certainty for industry, NPWS is finalising a new permit system for commercial fishing access.

Scope and Application
This policy and the permit system apply only to commercial fishers who are licensed under the Fisheries Management Act 1994 and need to access parts of parks that are normally closed to the public. It does not apply to recreational, charter or Indigenous fishing.

This Policy applies to all lands acquired or reserved under the National Parks and Wildlife Act 1974, including lands managed by NPWS under Part 11 of the Act. This Policy does not apply to lands reserved under Part 4A of the Act unless the Board of Management for those lands has adopted it.

Objectives
This policy and permit system aim to:

- efficiently and transparently manage commercial fishing activities in parks; and
- protect park values.

Policy
1. Under the National Parks and Wildlife Regulation 2009, a person needs consent from the park manager to drive a vehicle on a road or track in a national park that is not otherwise open to the public.

2. This policy and permit system will recognise appropriate activities that are associated with commercial fishing access, which may occur in adjacent areas.

Who does this policy apply to?
3. This policy applies to commercial fishers who are licensed under the Fisheries Management Act 1994 and need to access areas of national parks that are normally closed to the public.

What activities will be permitted?
4. A permit will authorise access only on routes that support the permit holder’s commercial fishing activities, and access is permitted for this use only.

5. A permit will include standard conditions and may include specific conditions to minimise local impacts.

6. A permit will be issued when:
   - the likely impact of the access, including cumulative impacts, on natural and cultural park values, park infrastructure and built assets (e.g. tracks, ramps etc.) is minimal
the proposed access uses an existing track and there is no reasonable alternative means of access

the proposed access will have minimal impact on or minimal conflict with:
  - recreational and other users of the park
  - significant park management activities (e.g. pest and weed control, road maintenance or fire management activities).

7. NPWS may refuse a vehicle access permit or may withdraw a current permit where there has been a breach of permit conditions. When a permit application is refused, the refusal will be reviewed by the relevant regional manager or branch director. If an applicant or permit holder wants to appeal a decision, they can request a meeting, in writing, with an appropriate industry representative and the regional manager.

**How will a permit holder get access to locked access routes?**

8. Where authorised access routes are locked to public vehicular access, NPWS will provide a key to permit holders. The permit holder must pay a deposit to NPWS upon receipt of the key. The key remains the property of the NSW Government, and is not transferable to any other person and must not be copied. NPWS will refund the deposit upon return of the key when a permit expires.

**What responsibility and potential liabilities will permit holders have?**

9. All commercial operators who access fishing locations through NPWS managed land must hold public liability insurance to appropriately indemnify the NPWS.

10. From time to time, it may be reasonable for commercial fishers to contribute to maintenance of an access route. For example, if the access is causing unacceptable damage to a track. Any maintenance work will be subject to an appropriate level of environmental assessment.

**How will NPWS measure and report on commercial fishing access?**

11. NPWS will capture data on applications for commercial fishing access, permits issued and use of permits in a state-wide database. NPWS will use that data to report on the implementation of the Commercial Fishing Access Permit System.

**Further information**

This policy relates to the implementation of the NSW *National Parks and Wildlife Act 1974* and the National Parks and Wildlife Regulation 2009, and the *Wilderness Act 1987*.

For more information, refer to contact information for this policy on the OEH website.