

4th September, 2008

Tony van Dalen

Senator McEwen, Chair

Senate Standing Committee on Environment, Communications and the Arts

by email to eca.sen@aph.gov.au

Dear Senator McEwan,

Please accept this submission to the inquiry into the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008.

I am a recreational fisherman with a ten year old son living in the Whitsundays area. For the last thirty-five years my family and I have enjoyed fishing the islands in this area. The GBRMPA zonings have adversely affected where we can fish. It is not only the green zones, which make large areas off limits, but a large proportion of the remaining areas are zoned yellow. These yellow zones impose restrictions on the number of lines and hooks fishers can use. I have to be vigilant by keeping the zoning map in one hand and a fishing line in the other. If my son decides to jig for some bait while having a floating line out the back, and we happen to be in one of these zones, we're breaking the law.

All recreational fishermen want to see the Great Barrier Reef protected, but I can't see how barring recreational fishermen from an area achieves this, when tourism operators with their swarms of snorkellers can blanket these reefs 365 days a year. Weather, the cost of fuel, spawning closures and bag limits are already effectively protecting reef fish stocks.

Criminal Convictions

Inadvertently fishing in a green zone is not difficult to do. There are no signposts or markers around the islands or reefs. Bear in mind that to navigate in these areas it is virtually impossible to skirt around the green zones.

Those people who now have criminal convictions recorded against them have been treated unfairly. These convictions need to be removed, while the fines remain. I note that the Greens senator attempted to draw an analogy with protestors who have criminal convictions recorded against them for various activities aimed at protecting the environment. The big difference between these people and the convicted fishermen is that the protestors knowingly and wilfully undertook illegal activities, whereas the fishermen for the most part had no idea that they were in a restricted area.

I ask that these criminal convictions be removed.

Powers to Inspect

Are we really giving GBRMPA inspectors the authority to board vessels and frisk search the occupants, without a warrant? This would have to be the most ridiculous provision of this whole GBRMPA debacle. It seems that by merely hopping in a boat and having a family day out enjoying the reef and islands that we give up our basic rights.

Is this what GBRMPA is setting out to achieve? To bar ordinary Australians from the reef and islands?

I ask that these powers be removed.

Definition of fishing

The inclusion in the definitions of fishing that 'engaging in any other activities that can reasonably be expected to result in the locating of, or taking of, fish' is ludicrous. My depth sounder is a fish finder. That's what they do. So does this mean that if I'm traversing a green zone with my sounder on that I'm breaking the law? I have a combination sounder/GPS. You can't turn on one without the other. How can you be expected to navigate reef waters, so that you don't fish in a green zone, without a sounder/GPS?

This definition is clearly unworkable, wrong and I ask that it be removed.

Legal Defence

This act tries to take away basic legal rights of defence. I ask you to strike out the clauses.

Precautionary Principle

This is flawed because it allows GBRMPA to impose restrictions and zonings without any scientific basis. There are already severe restrictions placed on where recreational fishermen can go and what they are permitted to do when they get there. We cannot allow any further restrictions unless we see some scientific work, which firstly shows what benefit, if any, the current zonings have achieved, and secondly presents a compelling case with hard facts to justify any additional zoning.

Again this clause needs to be struck out.

The goals

The reef and islands should not be turned into a zoo. This what would effectively happen if the goal were changed to conservation from sharing and wise use. The change in goal is aimed at attacking the ordinary Australian fisherman. The Great Barrier Reef is the most under fished reef in the world and as I have already mentioned, there are already adequate restrictions placed on the taking of fish.

GBRMPA have no right or mandate to lock ordinary citizens out of our marine park.
The goal as it is should stay – we need shared responsible use.

I look forward to being able to continue to access and enjoy this remarkable area, and share many more memorable experiences with my family and friends.

Thank you,

Tony van Dalen