



New South Wales
Council of
Freshwater Anglers

Fostering a sustainable
freshwater fishery

Senator McEwen, Chair
Senate Standing Committee on Environment, Communications and the Arts, by
email to eca.sen@aph.gov.au

Dear Senator McEwen

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

My name is Steven Samuels. I am the President of the New South Wales Council of Freshwater Anglers (NSWCFA) and this submission is made on behalf of the NSWCFA. The NSWCFA is the peak representative body for freshwater anglers in NSW. While the NSWCFA is primarily concerned with freshwater issues, matters raised in the proposed Bill are of such a concern that the NSWCFA feels compelled to make this submission. It is the NSWCFA's belief that while a Federal issue the precedents set in the Bill have the potential to seriously jeopardise access to freshwater fisheries across Australia.

Our concerns are:

1. Criminal Convictions:

The prosecutions between 2004 and 2006 that resulted in mandatory criminal convictions being imposed should be reviewed as has been promised by the Government. The one individual who had the recording overturned has set the bench mark for the Government to follow.

2. Inspector Powers

The NSWCFA believes that the powers granted to Inspectors are inappropriate and out of step with other powers granted to State Authorities. Having one set of powers for Federal Authorities and another for State Authorities will only create confusion for the general public. The NSWCFA believes the powers of inspectors should be consistent with State Authorities such as Queensland Boating and Queensland Fisheries.

The Offence of Thinking

The NSWCFA is perplexed as to the rationale behind the offence of "thinking about fishing". The definition is not clear and can apply to a host of activities that do not in themselves constitute fishing. As an example if you have a sounder or rod (any state of repair) on board the boat and stray into a zone (unmarked) then you are deemed to be contemplating fishing and that is an offence. This is an extreme approach that is not required.

Certainly, the use of this type of offence is even more onerous and draconian than the Federal Terrorism Legislation. The NSWCFCA is puzzled as to why the tried and true offence of “attempt” is not used.

3. Marking of Zones

The NSWCFCA believes that all Marine Parks should be marked by appropriate means so members of the public can easily determine if they are inside or outside the boundary. Placing the onus on members of the public is unacceptable, given the inaccuracy of charts. Not every angler carries a GPS and even if they do the readings may not be accurate enough to satisfy the legislation. The NSWCFCA believes that the strategic posting of readily identifiable buoys or markers is something that the Marine Park Authority should be compelled to do.

4. Three strikes policy

The NSWCFCA cannot understand how an enlightened government can head down this path – it is reflective of the same policy for criminal offences in the Northern Territory and is totally inappropriate.

5. The Precautionary Principle

The NSWCFCA believes that the use of the Precautionary Principle is flawed and only creates lazy science. Rather than putting resources to an issue and gathering information on which to make an informed judgement, authorities now rely on using the precautionary principle as the panacea. Once the precautionary principle is used the need for research and science is diminished and the precautionary principle becomes the de-facto science. The NSWCFCA would like to see more effort in research, and if the precautionary principle is to be used it should be associated with a sunset clause, whereby if the research has not been conducted the principle is removed.

6. Ecologically sustainable?

The NSWCFCA understands some of the intentions behind the Bill, however there seems to be an anti-fishing and anti-access to wildlife undertone in the Bill. The Bill is not really clear on what it is trying to achieve. The Bill is very clear on what will not be allowed, but the NSWCFCA does not see a clear connection between “ecologically sustainable use” and this Bill, unless ecologically sustainable use means locking up the resource and keeping people out. Why is there no mention of people’s right to access the park?

7. Fishing generally

The Bill has an undercurrent philosophy of “fishing is bad”. Queensland Fisheries have done outstanding work on ensuring the Great Barrier Reef is well managed for all users but the thrust of the Bill seems bent on restricting fishing. The NSWCFCA understands that the GBRMP has no jurisdiction over Queensland fishing legislation, but by making it difficult to fish in the Park users will become discouraged and stay away. This process of legislating to create fear and uncertainty is regrettable. The NSWCFCA is concerned that this approach by the Government will become a standard process if allowed to succeed here. What the NSWCFCA would like to see is clear legislation, based on science to ensure that the resource is accessible to all and is managed in a sustainable fashion.

Conclusion

While there are some aspects of the Bill that are encouraging the NSWCFCA believes the drafting of this Bill has been done in haste, with little consultation and is biased to keeping people out of one of the nation's most valuable recreational fishing grounds. The NSWCFCA is a strong supporter of sensible legislation that seeks to protect resources, but the NSWCFCA believes that the best way to protect a resource is to allow it to have value within society. Locking resources away and restricting basic personal rights is not commensurate with good management or sustainability.

Yours faithfully

Steve Samuels
President
New South Wales Council of Freshwater Anglers
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