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The Senate Standing Committee on Environment, Communications & the Arts

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Dear Secretary

**RE: SUBMISSION On
THE GREAT BARRIER REEF MARINE PARK & OTHER LEGISLATION AMENDMENT BILL 2008.**

The SPGSFC has a number of serious concerns about provisions of the current Bill and does not support its passage in its current form. We support the more detailed submissions lodged by the QGFA.

1. Firstly we are concerned that the Bill attempts to define fishing as:

"Fishing means any of the following:

(a) searching for, or taking, fish;

(b) attempting to search for, or take, fish;

(c) engaging in any other activities that can reasonably be expected to result in the locating of, or taking of, fish;

(d) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(e) any operations at sea directly in support of, or in preparation for, any activity described in this definition;

(f) aircraft use relating to any activity described in this definition except flights in emergencies involving the health or safety of crew members or the safety of a launch, vessel or floating craft of any description."

We believe this is an extremely broad definition and one which appears to be quite draconian in its possible implementation and may lead to quite unreasonable prosecutions.

We would suggest that some of the following activities could be regarded as falling under the definition:

- having your echo sounder on in or while passing through a Green Zone (even though this may be necessary for the safe passage of the vessel so as to avoid reef structures);
- repairing equipment such as outriggers, echo sounders or GPS equipment while in a Green Zone;
- having a deckhand rigging or thawing baits as you pass through a Green Zone while on the way to fishing grounds;
- enjoying fish spotting or looking at marine or bird activity while in a Green Zone;
- having baitfish on the boat that were caught outside the Zone while traversing a restricted Zone;
- have any fishing equipment on board when traversing "closed areas"; and
- have any fishing equipment on board when anchored in any "closed area".

The possibilities for interpretation of innocent activities as an offence appear endless when one uses the proposed definition of fishing.

Further, the burden of proof would appear to have been shifted to remove the burden of proof from the enforcers to the person or action being prosecuted.

2. In relation to the mandatory criminal convictions recorded between 2004 and 2006 the QGFA does not oppose a conviction handed down after deliberation by a Court, but does believe a criminal mandatory conviction was excessive. The convictions handed down to 324 anglers prior to the removal of the mandatory criminal conviction should be reversed.
3. The QGFA also notes that there has been no attempt in the 2008 Amendments Bill to redress the damage caused to recreational fishers in the 2003 rezoning and identified in the 2006 Review Paper:
"The cumulative regional, social and economic impacts of the State zoning and fisheries management plan changes, that occurred over the same period as the 2003 Zoning Plan, were not assessed, nor were other factors impacting on the viability of business (such as fuel prices and high exchange rates). In relation to recreational fishing there was insufficient attention paid to the effects of restrictions on access for recreational fishing, and in particular the effect on associated businesses"

The SPGSFC calls on the Committee to investigate and establish a means by which the effects of the damage can be redressed. The QGFA has developed a fund holding model that would, we believe, be a useful vehicle and has been attached to the QGFA submission. We support that funding model.

4. The SPGSFC cannot support the amendment to the legislation that at least one member of the Great Barrier Reef Marine Park Authority must be an Indigenous person.

If it is the view of the Parliament that there should be representational rather than expertise based membership, which is contrary to the review panel's recommendation, we would request the inclusion also of a member with suitable economic, social, business and recreational experience and knowledge as well as an Indigenous representative to make up the membership.

5. The SPGSFC is also concerned regarding what the application of the 'precautionary principle', as described in the proposed legislation, will mean in practice to the management of the Park. Science should be the basis of planning measures.

As well the interpretation and practical application of ecologically sustainable use can be problematic and unfortunately its interpretation and practical application can be abused and this is of great concern to our members.

There remains a great deal of distrust and a large perception within the community that the GBRMPA's inner workings and motives remain obscured from public view.

The SPGSFC supports the 2006 Review Panel view that "the establishment of the Great Barrier Reef Marine Park applies the concept of a multiple use Park in which 'reasonable use' can co-exist with conservation."

Yours faithfully



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