



Australian Government

Department of the Environment, Water, Heritage and the Arts

The Secretary
Senate Standing Committee on Environment, Communications and the Arts
Department of the Senate
Via email: eca.sen@aph.gov.au.

Inquiry into the provisions of the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008

Thank you for the opportunity to provide a submission to the inquiry into the provisions of the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008.

Given the breadth of the Bill and the short duration of the inquiry, this submission is focussed on particular issues raised in debate on the Bill. The Department and the Great Barrier Reef Marine Park Authority would welcome the opportunity to provide further information on any particular matters of interest to the Committee, and on the Bill more generally.

Yours sincerely

David Borthwick
Secretary
Department of the Environment, Water,
Heritage and the Arts

Russell Reichelt
Chairperson
Great Barrier Reef Marine Park Authority

Inquiry into the provisions of the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008

Submission by the Department of the Environment, Water, Heritage and the Arts and the Great Barrier Reef Marine Park Authority

Background

The Great Barrier Reef is one of the world's most significant natural assets. It is the world's largest and most complex coral reef ecosystem, containing unparalleled biological diversity and globally unique ecosystems. Its significant natural values are internationally recognised through its inclusion on the World Heritage List.

The Great Barrier Reef is of significant economic, social and cultural value. Tourism generates approximately \$5.1 billion per annum, recreational activities \$153 million per annum, and commercial fishing \$139 million per annum. It is used for a wide variety of non-commercial purposes, such as research, public enjoyment and Traditional Owner cultural practices.

The *Great Barrier Reef Marine Park Act 1975* (GBRMP Act) is the primary legislative framework for protection and management of the Great Barrier Reef. The GBRMP Act provides for the creation of the Great Barrier Reef Marine Park (Marine Park) and the establishment of zoning and other plans regulating use of the Marine Park. The Act also creates the Great Barrier Reef Marine Park Authority (the Authority), responsible for managing the Marine Park and advising the Australian Government on matters relating to it.

The GBRMP Act was reviewed in 2005-06¹. The Review involved extensive public consultation. 227 submissions were received and the Panel responsible for the review held 36 meetings with key stakeholders. The Review Panel made 28 recommendations directed at strengthening legal, governance and policy frameworks relating to management and long-term protection of the Great Barrier Reef.

The *Great Barrier Reef Marine Park Amendment Act 2007*, which passed in June 2007 and commenced on 1 July 2007, implemented Review recommendations related to governance, accountability and transparency in the management of the Great Barrier Reef. In particular, these amendments provided for:

- A five-yearly, peer-reviewed 'Outlook Report' to be tabled in Parliament and published, documenting the overall condition of the Marine Park, effectiveness of management, and risks and pressures on the ecosystem.
- Enhanced zoning plan development processes and requirements to ensure transparency, accountability and effective stakeholder engagement.
- The Authority to be subject to the financial management framework of the *Financial Management and Accountability Act 1997* instead of the *Commonwealth Authorities and Companies Act 1997*

¹ *Review of the Great Barrier Reef Marine Park Act 1975: Review Panel Report*, Commonwealth of Australia, 2006. See also <<http://www.environment.gov.au/coasts/gbrmpa-review/index.html>>

The Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008 (GBRMPOLA Bill) is the second and final package of legislative amendments proposed to implement the 2006 Review. The GBRMPOLA Bill addresses Review recommendations and findings related to the regulatory framework in place to protect and manage the Great Barrier Reef.

In this respect, the 2006 Review found that the GBRMP Act has served its purpose well, but is now showing its age. There have been significant changes in the scale, scope and nature of challenges in protecting and effectively managing the Marine Park since inception of the GBRMP Act in 1975. The Marine Park has been progressively established, from its first section of 12 000 sq km declared in 1979, to its current coverage of 344 400 sq km. Whereas remoteness once afforded a great deal of protection from threats associated with human use, use of the Great Barrier Reef has steadily grown and will continue to do so.

The Marine Park and its associated zoning plan provide a strong framework protecting the Great Barrier Reef and ensuring use is ecologically sustainable. A modern regulatory framework is required to provide capacity to efficiently and effectively administer and deliver on that framework.

In 1999, the *Environment Protection and Biodiversity Conservation Act* (EPBC Act) was established as the Commonwealth's primary environmental legislation. The regulatory framework for the Great Barrier Reef needs to be better integrated with, and reflect the approaches taken in the EPBC Act, so as to improve consistency in environmental regulation and address regulatory duplication and complexity.

Finally, the GBRMP Act does not reflect modern approaches to environmental regulation and contemporary circumstances. For example, it does not recognise the World Heritage status of the Great Barrier Reef nor incorporate concepts such as ecological sustainability, a standard feature of modern environmental legislation. The investigation provisions of the GBRMP Act are not as well defined as modern laws. The GBRMP Act does not contain the broad range of enforcement options available under other legislation, which allows for a more flexible and tailored approach to enforcement.

The GBRMPOLA Bill aims to address these findings of the 2006 Review. The Bill's objective is to provide capacity to more efficiently and effectively protect and manage the Great Barrier Reef into the future by:

- Establishing a modern framework for management of the Marine Park, including through legislative recognition of the World Heritage values of the Great Barrier Reef and recognition of ecologically sustainable use as a principle to guide management.
- Removing regulatory "red tape" and complexity through improved integration and alignment with other relevant legislation.
- Picking up the robust, streamlined environmental impact assessment and permitting processes of the EPBC Act, which are widely used and known by relevant stakeholders.
- Providing a single, modern regime for investigating compliance with relevant environmental legislation.
- Providing a wider range of enforcement options, allowing for a more tailored and targeted approach to enforcement.
- Using education and deterrence to encourage responsible use of the Marine Park.

- Establishing new emergency management powers allowing the Authority to quickly respond to incidents presenting a serious risk to the environment of the Marine Park.
- Reinstating a requirement for one member of the Authority to be an Indigenous person with expertise in Indigenous issues relevant to the Great Barrier Reef.

The Precautionary Principle

As a part of establishing a modern regulatory framework aligned with contemporary legislation, the GBRMPOLA Bill proposes to incorporate the “precautionary principle” as an overarching principle guiding administration of the GBRMP Act and management of the Marine Park.

The “precautionary principle”, as defined in the GBRMPOLA Bill (Schedule 1, Item 11), is:

“the principle that lack of full scientific certainty should not be used as a reason for postponing a measure to prevent degradation of the environment where there are threats of serious or irreversible environmental harm”.

This definition is consistent with the EPBC Act (section 391), which in turn reflects the “Rio definition” established at the 1992 United Nations Conference on Environment and Development.

The precautionary principle has long been a feature of Australian law and policy. It is identified as a “guiding principle” in the 1992 *National Strategy for Ecologically Sustainable Development* and a “principle of environmental policy” in the 1992 *Intergovernmental Agreement on the Environment*. Both of these documents were endorsed by the Council of Australian Governments and have since underpinned the policies and laws of federal, state and territory governments.

The precautionary principle features in over 120 Australian federal, state and territory environmental and natural resource management laws². This includes the EPBC Act, and state and Commonwealth fisheries management legislation. The principle is explicitly applied in the GBRMP Act in the context of development of Plans of Management (see section 39Z), and is a consideration in other decision-making under the Act, for example permit decisions, even where not explicitly identified in the legislation³. The proposed amendment therefore formalises what is already done in practice, by explicitly recognising the principle as an overarching factor guiding management of the Marine Park.

The precautionary principle underpins environmental and natural resource management policy and law because managing the environment and natural resources unavoidably involves uncertainty. The complexity and variety of natural systems means that information about the nature, magnitude and likelihood of the environmental effects of particular activities or policies may be uncertain or incomplete. In this context:

² See Dovers, S. 2002, ‘Precaution, prediction, proof, and policy assessment’, *New Solutions*, vol. 12, no. 3, pp. 281–96. Peel, J. 2005, *The Precautionary Principle in Practice: Environmental Decision-Making and Scientific Uncertainty*, The Federation Press, Sydney

³ See e.g. Great Barrier Reef Marine Park Authority, *Environmental Impact Management Policy*, available at <http://www.gbrmpa.gov.au/corp_site/management/eim/docs/eim.pdf>, accessed 8 Sept 2008

“...not only known risks, but also potential risks to the environment and human health may need to be addressed; when there is a rational basis for concern, when their nature or magnitude is uncertain, and when a causal link with a certain action or process is not fully established...”⁴

The precautionary principle addresses this by requiring that, where there is uncertainty and there is a rationally based concern about a serious or irreversible environmental impact, decision-makers apply an appropriate risk management framework.

As the nature of uncertainties and risks varies case-to-case, the appropriate application of the precautionary principle will also vary. In all instances, action must be commensurate to the risk in terms of likelihood and consequences. The principle does not, as a matter of law or policy, support the proposition that governments and decision-makers can act in the absence of a rationally-based concern, or act in a way that is disproportionate to or otherwise not reasonably directed at managing identified, rationally-based, risks.

A Productivity Commission staff research paper⁵ on application of the precautionary principle identifies factors decision-makers need to consider in applying the principle, as follows:

- the extent and significance of the information gaps and uncertainties
- the prospects and potential costs and benefits of obtaining better information in the future
- the incidence of damage, for example, whether those likely to be most seriously affected are children (where larger safety margins are often applied), whether adverse effects are concentrated on future generations, or whether environmental impacts will have large flow-on effects through ecological systems
- the possibility of catastrophic events and society’s degree of risk aversion
- the capacity, and ease or difficulty, of altering policies in the future, which may depend on whether policy measures would require, or generate incentives for, long-lived investments
- the potential costs and benefits to society of each alternative course of action

Based on such considerations, possible actions in applying the precautionary principle include:

- research to reduce uncertainties and improve information for decision making
- incorporating ‘safety margins’ or ‘uncertainty factors’ in risk assessments
- adopting measures that are robust to a range of possible circumstances, based on sensitivity analysis
- adaptive management to respond to new information
- regulating new products, processes or technologies to reduce the potential for adverse impacts
- banning (either temporarily or permanently) potentially hazardous activities.

⁴ OECD Joint Working Party on Trade and Environment 2002, *Uncertainty and Precaution: Implications for Trade and Environment*, OECD

⁵ Weier, A. and Loke, P. 2007, *Precaution and the Precautionary Principle: two Australian case studies*, Productivity Commission Staff Working Paper, Melbourne, September. See also, Peterson, D. 2006, ‘Precaution: principles and practice in Australian environmental and natural resource management’, *Australian Journal of Agricultural and Resource Economics*, vol. 50, pp. 469–89.

Applied in the context of the GBRMP Act, the precautionary principle will require that decision-makers appropriately manage risks of serious or irreversible environmental harm to the Great Barrier Reef. This makes it incumbent on those responsible for managing the Great Barrier Reef to understand actual and potential risks and apply appropriate risk management strategies. The accountability provided by the GBRMP Act ensures that the actions of decision-makers in this respect are supported by robust scientific and socio-economic information.

There are a number of mechanisms included in the GBRMP Act that assist and require transparent and informed decision-making.

In the context of zoning plan development, for example, changes to the GBRMP Act made through the *Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2007* enhanced transparency and accountability in the zoning development process. The GBRMP Act, as amended in 2007, requires that:

- The Minister approve the opening of a zoning plan to review.
- The Authority publish scientific and socio-economic information explaining why zoning has been opened for review.
- The Minister approve “operational principles” setting out the environmental, economic and social objectives that will guide zoning development. These principles must be published at the time of a first phase of public consultation (s32(1)).
- The Authority publish information on the environmental, economic and social values of the area being rezoned. This information must be released at the first stage of public consultation (ss32(2)).
- At the time a draft zoning plan is released for public comment, the Authority publish information on the expected environmental, economic and social effects of the draft zoning plan.
- Final approval of the revised zoning plan is the responsibility of the Minister.
- Zoning Plans must be tabled in Parliament, where it may be disallowed.
- At the end of the rezoning process, the Authority publish a report explaining how the final zoning plan gives effect to the operational principles, as approved by the Minister.

The 2007 amendments to the GBRMP Act also established a requirement for a 5-yearly, “Great Barrier Reef Outlook Report” (Outlook Report). The Outlook Report is a periodic assessment of the overall condition of the Great Barrier Reef, the effectiveness of management and risks and pressures on the ecosystem. The Report must be peer reviewed by experts appointed by the Minister, and tabled in Parliament.

The Outlook Report was a key recommendation of the 2006 Review. It will provide a robust, comprehensive, peer reviewed and publicly available source of scientific and socio-economic information on the state of and risks facing the Great Barrier Reef, and the effectiveness of management measures. In doing this, it will inform management and provide public and Parliamentary accountability around management of the Great Barrier Reef.

Complementing these legislative requirements is the Australian Government’s \$40 million Marine and Tropical Sciences Research Facility (MTSRF). The MTSRF plans, funds and coordinates scientific and socio-economic research to underpin management of the Great Barrier Reef and Wet Tropics. The MTSRF has programs directed at understanding the status and trends in the ecological health of, the risks and threats to and use of the Great Barrier

Reef. A focus of the MTSRF is ensuring research is relevant and accessible to policy makers and management agencies.

Application of the precautionary principle under the GBRMP Act will take place in the context of these measures that act to ensure decision-making is transparent, accountable and informed by robust scientific and socio-economic information.

The definition of “Fishing”

The GBRMPOLA Bill includes a definition of “fishing” carried over from the current GBRMP Act (s 32CA), with one change – “processing, carrying or transshipping of fish that have been taken” has been removed from the definition. The definition is otherwise consistent with the *Fisheries Management Act 1991*. In the context of the GBRMP Act, the definition is used in the classification of offences for the purposes of determining potential penalties.

In determining whether a person has breached the GBRMP Act (under both current law and as proposed to be amended) by “fishing” in an area of the Marine Park closed to fishing, the relevant definition is that in the *Great Barrier Reef Marine Park Zoning Plan 2003*. It provides (section 1.5 and Dictionary) that “fishing” (and “collecting”) for the purposes of the Zoning Plan is:

“taking a plant, animal or marine product ...”

A person can therefore only be prosecuted for fishing in Marine Park zones closed to “fishing” if they:

- have taken a plant, animal or marine product (e.g. a fish) in a zone where fishing is not permitted; or
- have attempted to take a plant, animal or product in a zone where fishing is not allowed, as provided for by the *Criminal Code 1995* Part 2.4, which deals with attempting, aiding, abetting, conspiring etc to commit an offence.

The definition of “fishing” in the GBRMP Act is only relevant if this has been proven by the prosecution beyond reasonable doubt. If this has occurred, an offence will have been committed. The definition of “fishing” in the GBRMP Act (and as re-enacted by the GBRMPOLA Bill) can then be used in the context of categorising the breach as an “aggravated” offence (rather than a “base” offence).

Specifically, if a person who has been found to have breached the Zoning Plan was “fishing” using a “commercial fishing vessel”, within the definitions in the Act, that person may be classified as having committed an “aggravated offence” (see Schedule 6, Item 24, section 38GA), if the prosecution proves this beyond reasonable doubt. An “aggravated offence” carries a higher potential penalty than a “base offence” (see Schedule 6, Item 24, section 38BA).

The definition of fishing in the GBRMP Act (as re-enacted) reflects the definition of “fishing” in the *Fisheries Management Act 1991* (except “processing, carrying or transshipping of fish”). This provides consistency in the rules for commercial fishers. The definition also ensures that any activities that a Court may find to be “fishing” within the meaning of the Zoning Plan and by applying the provisions of the *Criminal Code* Pt 2.4, can

subsequently be classified as “fishing” (using the definition in the Act) for the purposes of determining the applicable potential penalty.

Investigation and Enforcement Provisions

Investigation Provisions

The GBRMPOLA Bill establishes a single environmental investigations regime applying to the Marine Park.

Under current arrangements, the GBRMP Act provides for the appointment of inspectors. Those inspectors may exercise a number of powers under the GBRMP Act for the purposes of investigating compliance with the GBRMP Act. As *ex officio* inspectors under the EPBC Act (section 397), inspectors may also exercise a different set of powers under that Act for the purpose of investigating compliance with the EPBC Act.

The existence of two, slightly different, investigations regimes for the two key environmental laws applying in the Marine Park creates unnecessary complexity and raises risks of non-compliance with legislative requirements for the conduct of investigations.

The GBRMPOLA Bill addresses this by empowering inspectors appointed under the GBRMP Act to use the investigation powers of the EPBC Act for both EPBC Act and GBRMP Act purposes.

The EPBC Act and GBRMP Act provide generally equivalent powers. Both Acts, for example, provide a power to board and search vessels, seize evidentiary materials and arrest persons without warrant in specified circumstances. The EPBC Act provisions are more modern than GBRMP Act equivalents, and were updated as recently as 2007. As a consequence, the EPBC Act provisions better reflect contemporary approaches to the vesting and exercise of investigations powers. For example, the EPBC Act has stronger protections around the exercise of coercive powers. The changes proposed by the GBRMPOLA Bill will therefore establish a more modern framework for environmental investigation activities in the Great Barrier Reef.

To ensure inspectors powers are appropriately exercised, inspectors appointed under the GBRMP Act are subject to a robust governance framework that is consistent with, and in some places exceeds, the standards set by relevant Australian Government policies and guidelines. The Authority has documented compliance management and investigations procedures that are aligned and are in accordance with the *Commonwealth Fraud Control Guidelines*, *Australian Government Investigations Standards*, AS 3806-1998 Compliance Programs and ISO 9001 Quality Management Systems. Under such arrangements, coercive powers are only vested in and exercised by appropriately qualified persons and in accordance with strict procedural standards. More significant powers, such as certain searches, arrests and the execution of warrants are only exercised by police officers.

The changes to investigation provisions proposed by the GBRMPOLA Bill have been considered by the Senate Scrutiny of Bills Committee. The Committee raised no concerns with the provisions (Alert Digest no.6 of 2008).

Enforcement Provisions

The GBRMPOLA Bill establishes a broader range of enforcement mechanisms. This is designed to increase flexibility in enforcement.

The Marine Park attracts a wide and varied range of users, including multinational tour operators, international shipping, corporate and family fishing businesses, illegal foreign fishers, and recreational users. Given this range of users and the different circumstances that may apply if the GBRMP Act is contravened, the availability of a broad spectrum of enforcement mechanisms can help ensure an efficient, effective and fair approach to enforcement by allowing enforcement action to be tailored to circumstances.

Using the changes proposed in the GBRMPOLA Bill, for example, a contravention of the GBRMP Act could be dealt with through criminal prosecution, a civil penalty, administrative options such as a direction or undertaking, an infringement notice, or a warning. Similarly, a wider range of potential penalties would be made available to ensure effective deterrence and that penalties are neither too lenient nor too harsh. Such provisions are generally equivalent to those found in other environmental legislation, notably the EPBC Act.

The enforcement provisions proposed by the GBRMPOLA Bill have been considered by the Senate Scrutiny of Bills Committee. The Committee raised no concerns with the provisions (Alert Digest no.6 of 2008).

Fishing Convictions

Fishing in areas of the Marine Park closed to fishing through a zoning plan has been a criminal offence under GBRMP Act since 1988. The GBRMPOLA Bill does not establish a new offence related to fishing, but does re-enact current offences to reflect modern drafting practices.

Proposed amendments to the GBRMPOLA Bill have been circulated seeking to quash convictions for illegal fishing in the Marine Park committed between the period 1 July 2004 and 16 December 2006. One amendment purports to treat convicted persons as if they had been pardoned. The other purports to treat the convictions as “spent” under the Spent Convictions Scheme established by the *Crimes Act 1914*. The proposed amendments relate to both commercial and recreational-related fishing offences.

On 1 July 2004 the *Great Barrier Reef Marine Park Zoning Plan 2003* commenced. This Zoning Plan significantly increased the area of the Marine Park closed to fishing. However, both recreational and commercial fishing were prohibited in areas of the Marine Park prior to 1 July 2004, and a number of convictions for illegal fishing were entered prior to this date (see below).

On 16 December 2006, changes to the GBRMP Regulations took effect, allowing for the issuing of infringement notices in relation to certain fishing offences, while retaining the option of criminal prosecution.

The Infringement Notice Scheme

An infringement notice scheme was established in the *Great Barrier Reef Marine Park Regulations 1983* (GBRMP Regulations) in 2003. The scheme allows an inspector to issue an

infringement notice to a person the inspector reasonably believes has committed an “infringement notice offence”. A person issued with an infringement notice may pay a fine in order to avoid prosecution. The person may elect not to pay the fine and instead have the matter determined by a court.

The issuing of an infringement notice is discretionary. The GBRMP Regulations provide as follows:

203 Infringement notice not compulsory, etc

Nothing in this Part is to be taken to:

- (a) require that a person suspected of having contravened a provision of these Regulations be served with an infringement notice; or
- (b) affect the liability of a person to be prosecuted for an alleged offence, if:
 - i) an infringement notice is not served on the person for the offence; or
 - ii) an infringement notice is served on the person and later withdrawn; or
 - iii) the person does not comply with an infringement notice; or
- (c) limit the penalty that may be imposed by a court on a person convicted of an offence; or
- (d) other than as provided in regulation 197, affect any power under these Regulations or the Act that the Commonwealth or Authority may exercise in relation to an alleged offence.

The range of offences specified as an “infringement notice offence” under the GBRMP Regulations has changed over time. The initial list included in 2003 was added to in 2004, 2005, October 2006 and December 2006 (see **Attachment A**). These later two changes allowed infringement notices to be issued in relation to certain fishing offences in the Marine Park.

The availability of infringement notices allows for a more efficient approach to enforcement. The Australian Government *Guide to Framing Commonwealth Offences, Civil Penalties and Enforcement Powers*⁶ notes that the use of infringement notices can provide “...efficiency and cost savings ... for enforcement agencies and as a low key means for a potential defendant to atone for wrong doing”. This is particularly the case where there is a high volume of contraventions and immediate imposition of a penalty can enhance deterrence.

The introduction of infringement notices for specified fishing and other offences under the GBRMP Act and Regulations was designed to provide an intermediate enforcement option between a formal warning and prosecution. A warning or prosecution remain options, with the decision on enforcement approach based on the circumstances. Warnings are today, and always have been, the primary means through which recreational fishing contraventions are dealt with (further details below). With the 2006 changes, infringement notices have generally been used in preference to prosecution when enforcing the GBRMP Act with respect to recreational fishers. Prosecution is now only considered for particularly serious contraventions, for example, repeat offenders, and persons with clear knowledge of and culpability for their wrongdoing.

⁶ <www.ag.gov.au/www/agd/agd.nsf/Page/Publications_GuidetoFramingCommonwealthOffences,CivilPenaltiesandEnforcementPowers>

The GBRMPOLA Bill proposes changes that will provide further enforcement options for the future. This includes expanded availability of infringement notices, administrative enforcement approaches such as enforceable directions and undertakings, remediation orders, civil penalties, and differing categories of criminal offences carrying differing potential penalties. The approach taken to enforcement of the GBRMP Act (in terms of which enforcement mechanisms are used for particular types of offences) may again change in light of this expanded range of enforcement options. For example, contraventions which are currently dealt with by way of prosecution or a warning may instead be addressed through a civil penalty, administrative enforcement option or an infringement notice, depending on the circumstances.

Enforcement statistics

Recreational Fishing

Over the period 1 July 2004 to 16 December 2006 there were 403 recreational fishing-related contraventions of the Zoning Plan detected. Of that 403:

- 273 received a warning from the Authority
- 7 received a warning from the Commonwealth Director of Public Prosecutions (CDPP)
- 121 were prosecuted, resulting in:
 - 116 convictions
 - 5 persons being found guilty but discharged without conviction on a good behaviour bond
 - 2 persons being acquitted (discussed below)

Over the period 16 December 2006 to 1 July 2008, there were 275 recreational fishing-related contraventions of the Zoning Plan detected. Of that 275:

- 190 received warnings issued by the Authority
- 84 received infringement notices
 - 1 was prosecuted, resulting in a conviction and fine

Between June 2001 and 1 July 2004, around 40 recreational fishers were convicted of illegal fishing. Records before this time are not readily available.

Persons convicted have been ordered to pay a range of fines, which varied from \$200 to \$2,250 in the period 1 July 2004 to 16 December 2006. 58 of the 116 persons convicted were ordered to pay less than the current infringement notice penalty (\$1,100). The fine entered is at the discretion of the Magistrate, and varies depending on the circumstances of the offence. Examples of sentencing remarks made by Magistrates are provided below.

Commercial Fishing

There were 23 convictions for commercial fishing-related offences committed in the period 1 July 2004 to 16 December 2006. There have been a further 14 convictions for offences committed since 16 December 2006. No infringement notices have been issued in relation to offences involving commercial fishing, although the option is legally available.

A wide variety of fines have been awarded for commercial fishing offences depending on circumstances, ranging from \$1,500 to \$40,000.

The approach to compliance and enforcement in the Marine Park

Convictions for recreational fishing offences have been entered in the context of an overarching compliance program and subject to the numerous checks and balances that exist in Australia's criminal justice system.

The primary focus of the GBRMP Act compliance program as it relates to recreational fishers is education. The Authority has an ongoing comprehensive communication and education strategy directed at ensuring fishers and other recreational users of the Marine Park are aware of Zoning Plan requirements. Communication and education was a particular focus in the lead up to, and following the commencement of, the current Zoning Plan in July 2004.

Communication and education measures, both in the lead up to commencement of the 2004 Zoning Plan and continuing today include:

- The provision of free zoning maps, available at bait and tackle shops, information centres etc. To date, 1.5 million maps have been distributed.
- Signs at boat ramps showing zoning in the immediate area
- Advertising in regional media, particularly in the lead up to peak times such as long weekends, advising people of the zoning plan and where maps can be obtained.
- Zoning maps can be downloaded onto locators (i.e. global positioning systems found on many recreational fishing vessels).

Further details on communication and education activities and strategies is provided at **Attachment B**.

The large majority of recreational fishers apprehended in zones where fishing is not permitted are dealt with by way of a warning. 470 of 678 recreational fishers apprehended fishing illegally in the period 1 July 2004 to 1 July 2008 were issued a warning (280 of 403 in the period 1 July 2004 to 16 December 2006). Following commencement of the current Zoning Plan in July 2004, an informal amnesty on recreational fishing was applied. All recreational fishers breaching the zoning plan in the first three months were given a warning and educated about the new zoning (example letter at **Attachment C**). A stricter approach to enforcement was then progressively phased in, with warnings always remaining the primary means of dealing with offences, even following the introduction of the intermediate enforcement option of an infringement notice.

The decision to prosecute was made only in cases where there was evidence that the person knew, or reasonably ought to have known, that they were breaching the zoning plan, and/or there were other circumstances suggesting prosecution was appropriate. Examples of the circumstances in which prosecution was pursued include where the person apprehended:

- had previously been issued a warning;
- had a GPS or plotter with a zoning map downloaded or a zoning map on board
- attempted to flee when approached
- attempted to obscure vessel registration numbers when surveillance flights passed
- was fishing within metres of a sign advising that fishing is not permitted in the area
- in addition to breaching the zoning plan, had also taken over their bag limit, taken undersized or protected fish etc.
- admitted they were aware of the zoning but didn't bother to check zoning maps.

The decision to prosecute is made by the Commonwealth Director of Public Prosecutions (CDPP) based on the *Prosecutions Policy of the Commonwealth*⁷. The purposes of this policy are to promote consistency in decision-making concerning the initiation of prosecutions and to ensure that any decision to prosecute is in the public interest. The policy identifies factors to apply in determining whether prosecution is in the public interest, which include:

- Whether the consequences of any resulting conviction would be unduly harsh and oppressive.
- The seriousness or, conversely, the triviality of the alleged offence or that it is of a ‘technical’ nature only.
- The youth, age, intelligence, physical health, mental health or special infirmity of the alleged offender.

Based on such considerations, the CDPP elected to issue a warning letter in preference to prosecution in response to seven alleged recreational fishing offences referred to it.

For matters prosecuted, the *Crimes Act 1914* section 19B allows a court to discharge of the matter without entering a conviction, but subject to a good behaviour bond being entered into, having regard to:

- the character, antecedents, age, health or mental condition of the person;
- the extent to which the offence is of a trivial nature; or
- the extent to which the offence was committed under extenuating circumstances.

Based on such considerations, five persons prosecuted for recreational fishing offences were discharged without conviction, but on a good behaviour bond. As noted above, others prosecuted were convicted and ordered to pay a range of fines varying from \$200 to \$2,250. Magistrates sentencing remarks made the following points:

The defendant was the owner and operator of the vessel for 15 years and I do not accept that a man of the defendant’s fishing experience (described as a “man of the sea” in his character reference) did not use the GPS and other equipment found onboard his vessel or that the defendant would purchase such equipment without the knowledge of how to use it.

The defendant was the owner and master of the vessel, a local and knew of the no fishing zones, but made no attempt to find where the zones were

The defendants need to take responsibility for their actions, particularly as there had been a great deal of recent publicity in relation to the Green zones.

The defendant was familiar with the area and was a long way inside the zone. It is his responsibility to ensure that he was not fishing inside a green zone.

Convicted persons have a right of appeal to the Queensland District Court under the *Justices Act 1886* (Qld) section 222. An appeal can be made on the basis (among others) that the fine, penalty or punishment awarded (including the entering of a conviction) was excessive (para 222(2)(c)). Appeals generally need to be made within one month of the original decision. Beyond this time, a person may seek the leave of the court to enter an appeal. It is beyond the power of the Commonwealth to require a Queensland Court to hear an appeal or otherwise rehear a matter.

⁷ Available at <<http://www.cdpp.gov.au/Publications/ProsecutionPolicy/>> accessed 5 Sept 2008

The entering of a conviction is a common part of the Commonwealth criminal justice system. For example, the CDPP has advised that a number of people are convicted each year for offences such as failing to lodge a tax return. The consequences of having a criminal conviction vary depending on the nature of the offence for which the conviction has been entered. Generally, however, a conviction is only a source of disadvantage where it raises questions about moral character – for example, the offence in question involved fraud, violence or dishonesty.

- A number of insurance agencies have advised that criminal convictions (that are not ‘spent’ - see below) do generally need to be disclosed in applying for insurance, but would only prevent insurance being issued if the convictions raised questions about moral character.
- The Australian Passports Office of the Department of Foreign Affairs and Trade has advised that a criminal conviction is not a basis for revoking or refusing the grant of a passport. A passport would only be refused or revoked if a court or law enforcement agency specifically ordered that a person⁸ not be permitted to leave the country⁸. No such orders were made in relation to recreational fishers convicted.
- Visa agents have advised that convictions would generally need to be disclosed in applying for a visa, but are only likely to preclude the grant of a visa if the offence in question raises issues of “moral turpitude”. Visa agents also note that a “visa waiver program” is in place, allowing Australians to visit specified countries, generally for a period of up to three months, without a visa. 27 countries participate in the visa waiver program, including the United States, New Zealand and many European countries, such as the United Kingdom, France, Germany and Spain⁹.
- A number of mortgage brokers have advised that convictions generally do not need to be disclosed in applying for finance.

The *Crimes Act 1914* (Division 3 of Part VIIC) establishes the “Spent Convictions Scheme” whereby a conviction for an offence is taken to be ‘spent’ if:

- the person was not sentenced to imprisonment for the offence, or was not sentenced to imprisonment for more than 30 months, and
- ten years has elapsed since the conviction (five years where the offence was committed by a minor), and
- the person has committed no further offence during that period.

A conviction that is “spent” does not need to be disclosed (subject to requirements and exemptions set out in the *Crimes Act 1914*) and cannot be used as a basis for discrimination.

The evidence to support recreational fishing convictions

A range of evidence is relied upon in prosecuting fishing and other offences under the GBRMP Act. Global Positioning System (GPS) data is often used in establishing that an activity has occurred in a location where such activities are not permitted.

Two people prosecuted for recreational fishing in breach of the zoning plan were acquitted by the Cairns Magistrates Court in February 2007. The basis for the acquittal was that, in the view of the Magistrate, there was insufficient evidence to prove beyond reasonable doubt that the two accused individuals were inside a zone closed to fishing. The main evidence put forward asserting location was a reading from the GPS on board an inspector’s vessel.

⁸ See *Australian Passports Act 2005* section 12

⁹ Further information <http://travel.state.gov/visa/temp/without/without_1990.html>

It has been asserted that this case supports the proposition that GPS data is insufficiently accurate to support a criminal conviction. This has been used to cast doubt over previous prosecutions.

The decision of the Cairns Magistrate Court in February 2007 was unique to the circumstances of the case. It does not set a precedent or imply previous convictions were based on insufficient evidence.

Standard operating procedures for Marine Park inspectors requires that the accuracy of GPS systems be verified through various means. Verification measures are then put forward in prosecutions as supporting evidence to put beyond doubt the accuracy of the GPS unit at the relevant time.

In the case in question, the inspector failed to follow standard procedures. Where a person apprehended has a GPS on board, one way in which accuracy is verified is , to cross check the GPS on the inspector's vessel with that on the vessel of the apprehended person. This occurred in the case in question. However, rather than the inspector himself sighting the other GPS, the apprehended person verbally confirmed his GPS had a similar reading to the inspector's. The Magistrate determined that, in these circumstances, the GPS on the apprehended person's vessel could not be relied upon to verify the accuracy of the inspector's GPS. The inspector otherwise failed to verify accuracy of the GPS, again contrary to standard operating procedures.

Because of these factors, evidence normally available in other prosecutions to verify GPS accuracy was not available in the case in question. This raised an element of doubt in the mind of the Magistrate. As required by our criminal justice system, the accused were given the benefit of that doubt.

Cases since have verified that GPS information is sufficiently reliable to support a conviction, particularly where there is additional evidence to verify its accuracy. The case also prompted renewed diligence by Marine Park inspectors in following standard procedures, although there are no grounds for believing that there was any systematic failure to follow standard procedures.

In light of the February 2007 case, it has been claimed by some that GPS data cannot be used to support prosecution of an offence of breach of the zoning plan. The Authority has sought to correct this, for example, through a media statement. Nevertheless, one recreational fisher issued an infringement notice elected to instead take the matter to court, asserting that GPS data could not be relied upon. The Magistrate rejected this argument, entered a conviction and ordered the defendant to pay both a fine and the cost to the prosecution of calling an expert witness to testify to the reliability of GPS data. Several other recreational fishers who have been issued with an infringement notice have sought review of the notice on the basis of an assertion that GPS data is inaccurate.

Policy considerations associated with quashing convictions

The proposed amendments to treat specified convictions are pardoned or 'spent' under the spent convictions scheme raise a number of legal policy issues. The Attorney-General's

Department is responsible for advising the Australian Government on pardons and issues relating to spent convictions.

Pardons

The Governor-General may exercise the Royal Prerogative of Mercy to grant a pardon to a person convicted of a federal offence.

The Royal Prerogative of Mercy has its basis in the special powers exercised personally by the sovereign of the British Empire. It is a highly discretionary power and has traditionally been exercised following a petition or plea from a convicted person. A petitioner has no legal rights in relation to a petition - the Prerogative exists beyond legal rights.

The exercise of the Prerogative was granted to the Governor-General and State Governors by the British Crown under various letters patent and other instruments of appointment. At the federal level, it is confirmed by domestic legislation, including section 61 of the Constitution. Pardons are rarely granted. The Attorney-General's Department is aware of three pardons being granted since 1990.

The common law effect of a pardon is to free a person from the penal and other consequences of a conviction. This is supplemented by section 85ZR of the *Crimes Act 1914*, which effectively provides that person who is pardoned because he or she was wrongfully convicted of the offence is taken never to have been convicted of the offence.

The current test applied to pardon applications requires an applicant to demonstrate that he or she:

- is morally and technically innocent of the offence, and
- has exhausted all avenues of appeal or there are exceptional circumstances as to why the person has not exhausted all avenues of appeal.

This would usually require an applicant to provide fresh evidence, not available to the court at first instance or on appeal, demonstrating his or her innocence of the offence.

The Attorney-General's Department processes pardon applications. This involves gathering information about the circumstances of the conviction and grounds of the application from the applicant and relevant Commonwealth departments and agencies. The application is then submitted to the Minister for Home Affairs for consideration. If the Minister for Home Affairs were to consider that a pardon was appropriate, the pardon documents would be sent to the Governor-General for signature.

INFRINGEMENT NOTICE OFFENCES

***GREAT BARRIER REEF MARINE PARK REGULATIONS 1983
(GBRMP REGULATIONS)***

Note: the GBRMP Regulations were renumbered in July 2004. The references below relate to current regulation numbers.

An infringement notice offence is an offence in relation to which an infringement notice may be issued.

July 2003

- subregulation 38 (1) (Offences relating to spearfishing)
- subregulation 40 (1) (Taking of certain fish in the Marine Park)
- subregulation 95 (1) (Certain animals not to be taken onto Commonwealth islands)
- subregulation 101 (1) (Littering prohibited)
- subregulation 102 (1) (Authority moorings)
- subregulation 126 (1) (Offences - identification numbers)
- subregulation 144 (1) or (2) (Offence - altering ticket etc)
- subregulation 166 (1), (2), (3) or (4) (Record-keeping etc)
- subregulation 174 (1) (Offences - Cairns Area Plan of Management enforcement provisions)
- subregulation 178 (1) (Offences - Whitsundays Plan of Management enforcement provisions)

March 2004 changes

Added

- Regulation 73 (Commercial activities on Low Island)
- subregulation 182 (1) (Offences — Hinchinbrook Plan of Management enforcement provisions)

Removed

- subregulation 38 (1) (Offences relating to spearfishing)
- subregulation 40 (1) (Taking of certain fish in the Marine Park)

November 2005 Changes

Added

- subregulation 101A (2) (Mooring buoy must display mooring reference number)

October 2006 changes

Added

- regulation 73B (Conservation Park Zone — fishing offence)

December 2006 changes

Added

- regulation 73BA (Marine National Park Zone — fishing offence)

ATTACHMENT B

ZONING PLAN COMMUNICATION AND EDUCATION

Summary

The Great Barrier Reef Marine Park Authority has an ongoing and comprehensive communication and education strategy around educating boaties and fishers about zoning in the Marine Park. Following is the range of tools and tactics used to support the education strategy and, many of these actions are included in the current communications plan.

Zoning maps and other printed collateral

- A series of 18 separate zoning maps covering the entire Great Barrier Reef coastline, and other printed material. More than 1.5 million maps have been distributed.
- Zoning maps are available for free from the GBRMPA, bait and tackle shops, visitor information centres, ship chandlers, Environmental Protection Agency and Queensland Boating and Fisheries Patrol offices.

Boat ramp signs

- Signs at boat ramps along the Queensland Coast – includes written information and maps for the area (depicting the zones in the area with a “you are here” reference).

Advertising

- Press advertising in a range of regional coastal media including the Townsville Bulletin, Cairns Post, Rockhampton Bulletin, Gladstone Observer, Mackay Mercury and Bundaberg News Mail in the lead up to holidays/peak boating times.
- Television: television advertisements running on WIN and TEN in Queensland coastal communities in the lead up to holidays/peak boating times.
- Other: targeting specialist publications with advertising and editorials.

Tactical news releases, media interviews and editorials

- News releases reminding boaties and fishers to get their free zoning map - distributed to mainstream press, television and radio media along the coast in the lead up to peak usage times (holidays, long weekends etc).

Billboards

- Eight billboards along the highway along the Queensland coast.
- Aimed at reaching the non-Queensland road traveller along the Bruce Highway.
- Located at: Gordonvale (more than 13,000 vehicles per day); Tully South (approx 4700 vehicles per day); Townsville South (approx 6500 vehicles per day); Proserpine South (approx 3230 vehicles per day); Sarina North (approx 5932 vehicles per day); Gladstone North (approx 4500 vehicles per day) and Rockhampton North (approx 3403 vehicles per day). Note: these figures from Paradise Outdoor Advertising.

Community Access Points and community events

- More than 200 locations along the coast that distribute information for GBRMPA – including bait and tackle shops, visitor information centres etc.
- In addition there are four Visitor Information Centre/tourist display
- Displays and distribution of free zoning information at regional shows, fishing shows and events.

Further Detail on the Authority's Communication and Education Strategy

The Great Barrier Reef Marine Park Authority has an ongoing and comprehensive communication and education strategy around zoning in the Great Barrier Reef Marine Park. This strategy aims to ensure that boaties and fishers are aware of the zoning rules and have the information available to assist with following the zoning rules. It uses a combination of advertising, media, free printed collateral, signage, billboards and targeted communication activities to achieve this goal.

The campaign began in the lead up to the introduction of the legislation in 2004, where significant resources and communication avenues were utilised to advise boaties and fishers of the soon to be implemented zoning rules (phase one). Over the following years, the distribution of zoning information and on ground education continued to play a strong and important education role (phase two).

The following outlines the approach to zoning communication and education and the targeted tools and tactics used in the first two phases of the campaign. This information relates to the first two years of the campaign, where awareness rising was critical and widespread. In both phases, there was a strong focus on ensuring information was available for free through multiple distribution avenues and in a range of formats. Many of the actions are ongoing and continue to be utilised in 2008.

Phase one: awareness raising

The education campaign commenced in May 2004 with a focus on raising awareness within the local community that new arrangements would be implemented on 1 July 2004. To this end, the campaign tagline was "From 1 July, new rules apply." The approach to awareness raising was mapped out through a comprehensive communication strategy that outlined how specific audiences would be engaged on this topic. The objectives were to:

- Inform stakeholders and the broader community about:
 - The implementation date of the new zoning of the Great Barrier Reef Marine Park
 - Access and availability of the interpretive products relating to the new zoning
 - The implications of the new zoning within the Great Barrier Reef Marine Park
 - Compliance issues relating to the new zoning.
- Raise awareness in stakeholders and the broader community about the overall benefits of the new zoning.

The communications strategy for the next eighteen months comprised three stages. There was a strong focus on ensuring information was easy to understand and specific details about implications on activities under the new zoning plan were clear. These stages included developing education material of primary communication importance (ie zoning maps) and ensuring that information was available for free from a range of distribution points. This included boat and fishing shows and rural and provincial shows, working closely with reef-related businesses to encourage and assist them to participate as distribution points, and maintaining close contact with key community stakeholders.

In addition to this on-ground education and networks, the campaign was executed across television, radio and press across the entire Great Barrier Reef catchment. It was substantially supported by a comprehensive publicity campaign to highlight the new arrangements and

there was a proactive approach to using media interviews as a means to highlight the new zoning. Two specific types of television advertisements were created for the pre and post implementation timeframes:

- Outlining that new arrangements commenced on 1 July 2004
- A second suite of advertisements were infomercials which outlined the details of the new zoning arrangements and identified for viewers what you could and couldn't do in each of the specific zones and also how you could interpret the free zoning maps.

Each of these zoning advertisements included a free call number and a call to action that suggested the free zoning maps could be collected from identified bait and tackle shops (these became a network of more than 200 designated Community Access Points) or by phoning the free call number a map would be sent at no cost to the recipient.

All Community Access Points who were assisting with the distribution of information were fully briefed prior to implementation and provided with specifically designed display stands fully stocked with zoning maps and other information. These Community Access Points were located in all major towns and cities and most coastal towns and fishing communities.

Advertising prior to and immediately after implementation specifically identified these Community Access Points in each area so community members knew where they could locally pick up their zoning information. Zoning maps were also sent free of charge to any member of the public who requested them and this continues to be the case today.

Phase one: execution details

The following products were developed and distributed to support the zoning education campaign in 2004/05 and were supported by the other activities as outlined in the communications strategy and associated action plan.

<p>Awareness raising 2004/05</p>	<ul style="list-style-type: none"> • 40 Information sessions/meetings with communities • Attended 10 rural and provincial shows/boat shows • Developed 734,000 maps: <ul style="list-style-type: none"> ○ A series of 18 separate zoning maps covering the entire Great Barrier Reef coastline. ○ Zoning maps are available for free from the GBRMPA, bait and tackle shops, visitor information centres, ship chandlers, Environmental Protection Agency and Queensland Boating and Fisheries Patrol offices • 200,000 Informational booklets, 35,000 fliers, 65,000 brochures, 90,000 vinyl wallets, 5,000 calico bags, 20,000 CDs • Developed 4 stakeholder newsletters 17,000 copies produced and delivered • 200 Community Access Point displays, 4 Visitor Information Centre/tourist displays • 149 boat ramp/interpretive signs: <ul style="list-style-type: none"> ○ Rolling out signs at boat ramps along the Queensland Coast – includes written information and maps for the area (depicting the zones in the area with a “you
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	<p>are here” reference).</p> <ul style="list-style-type: none"> • Eight billboards: <ul style="list-style-type: none"> ○ Located at: Gordonvale (more than 13,000 vehicles per day); Tully South (approx 4700 vehicles per day); Townsville South (approx 6500 vehicles per day); Proserpine South (approx 3230 vehicles per day); Sarina North (approx 5932 vehicles per day); Gladstone North (approx 4500 vehicles per day) and Rockhampton North (approx 3403 vehicles per day). Note: these figures from Paradise Outdoor Advertising and one of the locations has changed and is therefore not noted here. • Over 500 media opportunities and media stories • Number of websites developed – Major redevelopment of GBRMPA website • 18 raining sessions held
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Research conducted after the implementation of the new zoning identified that:

- 70% of respondents knew the Marine Park had been rezoned
- 83.5% of respondents nominated that it was acceptable to put aside certain percentage of the Great Barrier Reef as green zones
- 81.4% of respondents who knew the zoning had changed were able to specify the date the rezoning took effect

Phase two: education and engagement

In addition to the routine advertising around public holidays and school holidays, a successful tactical compliance education campaign was conducted over Christmas 2005 and lead to a continuation of the strategy into the remainder of the year. This included television, press and outdoor advertising together with strategically located zoning education posters in bait and tackle shops, caravan parks and other locations frequented by boaties, fishers and visitors to the area. Six newsletters were developed and distributed.

There was also a visible presence in regional centres through the GBRMPA establishing three regional offices in Queensland coastal communities and by the agency continuing to strengthen relationships with stakeholders in local communities by having an information booth at regional shows. During this time tens of thousands of maps, brochures, fliers and posters were developed and distributed through Community Access Point networks as per demand. One education curriculum unit was rolled out.

Advertising and media relations continued to play an important role. In particular, this was aimed at the following publications through the catchment:

- Press advertising in a range of regional coastal media including the Townsville Bulletin, Cairns Post, Rockhampton Bulletin, Gladstone Observer, Mackay Mercury and Bundaberg News Mail in the lead up to holidays/peak boating times.
- Television: television advertisements running on WIN and TEN in Queensland coastal communities in the lead up to holidays/peak boating times.
- Other: targeting specialist publications with advertising and editorials.

Phase two: execution details

Visible presence in regional centres established and functioning and attendance at rural and provincial shows	270 meetings, 10 rural/fishing shows 2,700 people @ meetings <40,000 people @ shows
Tactical advertising to support compliance education including newspapers, radio, billboards and television	10 media releases, 5 editorials, Comprehensive television, radio and press placement
Provision of information through Community Access points, Visitor Information Centres etc	Developed and delivered 50 display stands for CAPS to appropriately display maps and other zoning information
Continued production of maps, brochures and information products as required to ensure information is available to the community	4 types of brochures, 5 types stickers, 12 specific maps, 1 type of fliers, 1 fact sheets, 3 types posters This equates to totals of 60,760 brochures, 75,000 stickers, 72,000 maps, 75,000 fliers, fact sheets 1600, Posters 14,750
Formal education curriculum information developed	Facilitated delivery of curriculum to 50 student groups which equates to 1500 students

The advertising campaign produced positive results - a 47% decrease in the number of incidents reported in the Marine Park and a 61% decrease in the number of offenders involved in these incidents. A broad community survey was conducted along the Great Barrier Reef coast and in southern capitals.

- 75% of respondents from Queensland coastal communities found information relating to the rezoning easily accessible, (please note this is a broad community survey, we would expect that a specific survey of fishermen would probably have produced even higher results relating to accessibility)
- 89% of respondents from Queensland coastal communities agreed that it was appropriate to put aside a percentage of the park as green zones or marine sanctuaries,
- 82% of respondents from Queensland coastal communities agreed that it was acceptable for some users to give up current practices within green zones.
- 91% of respondents from the Queensland Coastal communities believed they have a role to play in looking after the Marine Park.

Conclusion

Zoning education activities continue to be a major focus for the Great Barrier Reef Marine Park Authority. Since implementing the zoning in July 2004, the agency has worked to develop a strategic and coordinated approach to zoning education that each year is underpinned by a comprehensive communication strategy. This includes the agency:

- Strengthening its relationship with the various Community Access Points located along the Queensland coast - these operators are an invaluable source of feedback on the appropriateness of information provided, on the maps and in other forms, to boaties and fishers.

- Developing good working relationships with the fishing writers in most regional newspapers and continuing to provide them with appropriate and topical zoning information for inclusion in their weekly columns.
- Continuing to utilise fishing-related events, rural and provincial shows and other exhibit opportunities to ensure the broader public is continually made aware of the zoning and its related implications.
- Tactically delivering zoning education via electronic media, regional newspapers, fishing magazines, industry publications, interest newsletters (eg caravan and camping magazines) and other identified means to ensure that zoning is readily available (ie where you can go and what you can do, and its benefits to the marine environment).

EXAMPLE WARNING LETTER SENT TO RECREATIONAL FISHERS

Dear

Re: Suspected breach of the *Great Barrier Reef Marine Park Act 1975*

As you may be aware, the Great Barrier Reef Marine Park Authority (GBRMPA) administers the legislation relevant to the management of the Great Barrier Reef Marine Park. This includes the *Great Barrier Reef Marine Park Act 1975*, the *Great Barrier Reef Marine Park Regulations 1983* and the related Zoning Plan and Plans of Management (POM). The GBRMPA Day to Day Management Compliance Unit has the responsibility to investigate possible breaches of these Acts and Regulations.

On xxxx, Queensland Boating and Fisheries Patrol Officers spoke to you in relation to an alleged incident involving xxxxx. Full details of the incident were provided to you at that time and a Breach Report has been submitted to the Authority.

Following consideration of the report and relevant evidence, the Authority has decided to exercise its discretion and forward this advisory letter to you as a reminder of the responsibilities incumbent on all Marine Park users.

Information on Great Barrier Reef Marine Park zoning is available from Community Access Points along the coast of the Great Barrier Reef Region. These Community Access Points include bait and tackle shops and ships chandlers. Information is also available from the Great Barrier Reef Marine Park Authority and from the Authority's Web Site at www.gbrmpa.gov.au.

Thank you for the cooperation on this matter.

Yours Sincerely

.....
Operations Coordinator
Day-to-day Management Coordination Unit