

**Senate Standing Committee on Environment and Communications
Legislation Committee**

Answers to questions on notice

Sustainability, Environment, Water, Population and Communities portfolio

Budget Estimates, May 2011

Program: Division or Agency: 1: GBRMPA **Question No:** 038

Topic: Enforcement notices – Great Barrier Reef

Proof Hansard Page and Date 38 (24/5/11)
or Written Question:

Senator Birmingham asked:

Senator BIRMINGHAM: Thanks, Chair. Do you have a range of functions that allow you to provide penalties or enforcement notices for different activities in the precinct?

Dr Reichelt: Yes.

Senator BIRMINGHAM: What number of penalties have been provided or enforcement notices issued during the course of this year and for what different activities?

Dr Reichelt: I am sorry, Senator, I do not have those statistics with me. I would have to take that on notice.

Senator BIRMINGHAM: Okay, take that on notice—a breakdown across the different enforcement areas and how that compares year on year.

Answer:

So far in 2010-11, the Great Barrier Reef Marine Park Authority has issued 181 advisory (warning) letters and 18 infringement notices. There have been 48 prosecutions (all successful) for offences against the *Great Barrier Reef Marine Park Act 1975*. The activities associated with these actions are shown below:

Recreational Fishing	127
Commercial Fishing	31
Tourism Operation	12
Recreational (other)	10
Ship (washing deck)	1

Recreational Fishing	14

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Commercial Fishing	39
Ships breaching designated shipping areas	3

The table below compares the number of advisory letters, infringement notices and prosecutions with previous years:

Year	Advisory Letters	Infringement Notices	Prosecutions
2004/2005	153	14	48
2005/2006	194	12	69
2006/2007	228	51	42
2007/2008	251	136	25
2008/2009	218	65	25
2009/2010	207	70	32
2010/2011 (as at 7 June 2011)	181	18	48

In most cases the types of offenders and offences addressed by advisory letters, infringement notices and prosecutions have not significantly changed. However, late 2006 saw the introduction of regulations introducing new infringement notices as a third option to address fishing offences. Infringement notices replaced prosecution as the primary tool to address the more serious recreational offences and enabled a better means to address some types of offences that had previously always attracted advisory letters.

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Program: Division or Agency: 1: GBRMPA **Question No:** 039

Topic: Fishing – Great Barrier Reef

Proof Hansard Page and Date 38 (24/5/11)
or Written Question:

Senator Birmingham asked:

Senator BIRMINGHAM: ... Lastly—and certainly take this one on notice—could you provide me with a summary of the regulations that exist around fishing and how they differ for Indigenous and non-Indigenous fishing activities and so on in the authority precincts? That would be appreciated
Dr Reichelt: Yes, we can do that.

Answer:

The *Great Barrier Reef Marine Park Act 1975* is the primary legislation in respect of the Great Barrier Reef Marine Park and provides a framework for planning and management of the Marine Park, including through zoning plans, plans of management and a system of permissions. The Great Barrier Reef Marine Park Authority works in partnership with Queensland Government Fisheries managers and stakeholders to achieve ecological sustainability of fisheries in the Great Barrier Reef Marine Park.

Fishing-related activities within the Marine Park are managed under the *Great Barrier Reef Marine Park Act 1975*, *Great Barrier Reef Marine Park Zoning Plan 2003*, and the *Great Barrier Reef Marine Park Regulations 1983*. Sections within the Zoning Plan describe what fishing activities may occur in specific areas of the Marine Park; some areas are limited to particular fishing methods, some are closed to fishing (Marine National Park Zones) and some areas are closed to all uses (Preservation Zones). Limitations on what type of apparatus or fishing equipment may be used are generally set out in the Zoning Plan and the Regulations provide further more technical definition.

In addition to the management arrangements described under the Zoning Plan, recreational and commercial fishing in the Marine Park is also regulated by the Queensland Government's *Fisheries Act 1994* and *Fisheries Regulations 2008*. Recreational fishing is managed through a variety of means including seasonal closures, restrictions on the size and number of fish that can be taken, limits on the number of lines and hooks used and restrictions on the types of gear that is allowed. Commercial fishing is managed through a variety of means including limits on the amount of fish that can be taken, limits on the number of fishing licences, spatial and seasonal closures, restrictions on fishing vessel size and on the length, mesh size and number of nets and hooks used, restrictions on the take of some fish species and on the minimum and maximum size of fish retained.

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The Zoning Plan recognises that under section 211 of the *Native Title Act 1993*, native title holders may undertake traditional use of marine resources in the Great Barrier Reef Marine Park, which means that where Native Title Rights exist, the Zoning Plan does not restrict the Native Title rights of these groups to enter any area, including to fish. The Zoning Plan also provides for the Traditional Owners to develop Traditional Use of Marine Resource Agreements (TUMRAs). Amongst other things, TUMRAs set out the arrangements to ensure ecological sustainability of Traditional activities. Once accredited by the Great Barrier Reef Marine Park Authority the management arrangements described in the TUMRA apply to the Traditional Owners. Accredited TUMRAs are subject to enforcement provisions.