

The Secretary
The Senate Standing Committee on Environment, Communications and the Arts
PO Box 6100
Parliament House CANBERRA ACT 2600

Dear Secretary

I wish to make a submission to the Committee on the "Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008".

In particular, I wish to draw the Committee's attention to the proposed amendment to Schedule 6—Offences and civil penalties
Part 1—Amendments to the Great Barrier Reef Marine Park Act 1975 and in particular 9
Subsection 3(1) which states in part;

"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;

...

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

I would like to point out that searching for fish is most commonly done today with two instruments; depth sounder (sonar) and radar. The issue is that these are also both primary navigation instruments. Although a depth sounder (sonar) will detect fish, it is also the exact same equipment used to determine the depth of the sea bed, to indicate the presence of approaching reefs and as an aid to navigation. Similarly, radar will detect sea birds which indicate the presence of bait and hence fish, but it is also used for navigation and to avoid collision between vessels.

The proposed amendments in question clearly state if any vessel travels through a green zone with either its depth sounder or its radar turned on, it could be deemed to be "fishing" and hence in contravention of the Act. This would make for some interesting court cases as no Skipper of any Police, Navy, Customs or Marine Parks vessel would allow that ship to be operated without paying diligent attention to their radar and sounder – and would most certainly be found negligent if they did.

To say that recreational vessels must travel through coral reef with their navigational instruments turned off, or risk being charged under the Act, is plain nonsense.

I beg the Committee to give this matter serious consideration and revoke the proposed amendment.

Yours truly,

Nigel Frank Spork