



Queensland Game Fishing Association Inc

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SUBMISSION TO
The Senate Standing Committee on Environment, Communications & the Arts
On
THE GREAT BARRIER REEF MARINE PARK & OTHER LEGISLATION
AMENDMENT BILL 2008.

The Queensland Game Fishing Association (QGFA) is responsible for the administration of Game Fishing in Queensland and is made up of 18 affiliated Clubs with over 2100 members in total.

The QGFA was formed in 1937 and is a member of the Game Fishing Association of Australia (GFAA) which in turn is affiliated with the International Game Fishing Association (IGFA). All of these organisations have a long history of promoting ethical fishing practices and have been in the forefront of research and advocacy for the sensible preservation and use of fish stocks and the restoration and conservation of the marine environment.

The Association and its member clubs maintain records that demonstrate a very long and active utilization of the areas now covered by the Great Barrier Reef Marine Park. This QGFA has for many years had its own privately funded and run logbook program which provides details of many thousands of man hours on water and many millions of dollars of activity by Game Fishers in the GBRMP area each year.

The QGFA has been and remains in the forefront of promotion of tag and release fishing practices to further scientific research in game fish species and promote the wise use of the marine resources.

The QGFA has a number of serious concerns about provisions of the current bill and does not support its passage in its current form.

Our first concern is 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”
- 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 this definition of fishing , particularly

- 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;

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.

This not only changes the responsibilities but also entails a substantial cost to a private person or organization to attempt to prove their innocence if there is an objection to a decision made on this basis.

While we can see what the legislators may have been trying to achieve in respect of some commercial operations (for example mother boat and dory operations) we can also see this being inappropriately applied to Recreational, charter and some commercial operators.

The QGFA would request that this definition be amended.

In particular if equipment is “stowed & secured” then there should be no offence.

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. A fact recognised by subsequent changes to legislation.

This ultimately resulted in some people, many of them ordinary average people, having criminal records which have had in some cases, we believe, a devastating effect.

In particular dealings with Government agencies, insurance companies, financial institutions or entry to foreign countries, forms often have a section, which asks, “Do you have a criminal record?”

The current legislation does not redress or withdraw the criminality of those offences committed between 2004 and 2006 and the QGFA request the committee to find a way to redress this matter.

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 QGFA 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 a paper detailing its establishment and operation is attached.

The Queensland Game Fishing Association supports the 2006 review panel recommendation that "the members of the Authority, as statutory officeholders, should be appointed for their relevant expertise and independence. Members should not be representational"

It cannot support the amendment to the legislation that

1 After subsection 10(6)

7Insert:

(6A) At least one member must be an Indigenous person with knowledge of, or experience concerning, indigenous issues relating to the Marine Park.

If it is the view of the Parliament that the Review panels recommendation should be rejected, and that there should be representational rather than expertise based membership, 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.

The Queensland Game Fishing Association 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.

Regarding 12 Subsection 3(1)

Insert:

"precautionary principle means 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 damage. "

This is unfortunately a much used and abused definition which increasingly has been used to have areas or activities shut down or locked up just because someone fears something rather than having to prove the basis of the fear to a reasonable degree.

As an organisation committed to the collection, dissemination and analysis of scientific information as the basis of sound marine resource conservation and management we are distressed by what appears to be a disturbing trend by organisations and governments to institute management and zoning arrangements based more on political pressure, lobbying and public perception rather than science. Unfortunately the precautionary principle is often used in place of committing sufficient resources, without scientific bias, to obtaining the required information to enable proper management. Also the cases in which the precautionary principles are raised are often not those "where there are threats of serious or irreversible environmental damage" but rather areas in which, while there is some risk, even in the event of a worst outcome, the result would be unlikely to be irreversible.

Management by precautionary principle is not, and should not be, a replacement for sensible risk based analysis and management based on acquisition and analysis on unbiased and comprehensive science.

As well the interpretation and practical application of ecologically sustainable use can be problematic (note the insertion of the 'precautionary principle' again) and unfortunately its interpretation and practical application can be abused and this is of great concern.

“3AA Ecologically sustainable use

For the purposes of this Act, ecologically sustainable use of the Great Barrier Reef Region or its natural resources is use of the Region or resources:

- (a) that is consistent with:
 - (i) protecting and conserving the environment, biodiversity and heritage values of the Great Barrier Reef Region; and
 - (ii) ecosystem-based management; and
- (b) that is within the capacity of the Region and its natural resources to sustain natural processes while maintaining the life-support systems of nature and ensuring that the benefit of the use to the present generation does not diminish the potential to meet the needs and aspirations of future generations.

3AB Principles of ecologically sustainable use

For the purposes of this Act, the following principles are principles of ecologically sustainable use:

- (a) decision-making processes should effectively integrate both long-term and short-term environmental, economic, social and equitable considerations;
- (b) the precautionary principle;
- (c) the principle of inter-generational equity--that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d) the conservation of biodiversity and ecological integrity should be a fundamental consideration in decision-making;
- (e) improved valuation, pricing and incentive mechanisms should be promoted. “

The QGFA 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.” The problems arising with the GBRMP management were clearly identified in the 2006 review panels view that, “The way that research informs planning processes, performance assessment and management decision making is not sufficiently clear. The individual elements are generally fragmented and have a greater emphasis on the biophysical, with far less attention to the social and economic aspects.

The research is predominantly provided by other bodies through networks or partnerships. A regular and reliable means of assessing performance in the long-term protection of the Marine Park in an accountable and transparent manner is required”

While we support the “outlook report process” we foresee that the current legislative amendments will not sufficiently support the concept of multi user park in practice.

The QGFA support the findings and recommendations of the 2006 review in regard to items 19 and 20 of the review.

“The Authority will need to focus on the day-to-day management of the Marine Park on an ecosystem basis, on facilitating multiple uses and on ensuring that longer-term issues are effectively and accountably addressed. To undertake these things effectively, more attention needs to be given to monitoring the use of the Marine Park and the performance of management measures, assessing future risks and pressures, and analysing biophysical, social and economic factors necessary to support consideration of any changes to the level, area or type of protection.

Given the degree of interest in, and concern about, the level of protection of the Great Barrier Reef, the Review Panel recommends that information gained from this monitoring, assessment and analysis should be drawn together and published as the ‘*Great Barrier Reef Marine Park Outlook Report*’ on a five-yearly basis in order to better inform the public and decisions on management.

To a large extent the concerns raised by stakeholders in regard to the 2003 Zoning Plan process arise from disagreement with the scientific underpinning, and perceptions of a lack of transparency, accountability and due process. While not sharing all these concerns, the Review Panel proposes that any future zoning arrangements be undertaken following approval of the process and operational principles by the Minister, that they allow for extended public consultation and that they be based on substantive socio-economic and biophysical information. In addition, the Review Panel considers that it is important that the 2003 Zoning Plan remain in place for a period that provides stability for business and the community and is long enough for the ecosystem to respond. The Panel also considers it important that information on the nature of that response is available through the five-yearly *Outlook Reports*.”

The 2006 Review panel clearly identified the considerable dissatisfaction with the operation and management of GBRMPA as follows

“Other stakeholders expressed considerable dissatisfaction with the process, questioned the scientific basis and considered that the Authority was biased against them. The stakeholder group expressing such dissatisfaction did so largely in relation to recreational and commercial fishing and the associated impacts on land-based businesses such as boatyards bait and tackle suppliers and land-based fish processing and marketing enterprises. The key elements of their representations were:

- i) Perceptions that the objectives and intent of the Representative Areas Programme were not clearly communicated
- ii) Unmanaged expectations about the process and achievable outcomes
- iii) Inadequate consideration of socio-economic factors at a regional and local level, in particular given recent fisheries management changes

- iv) A lack of transparency about the weighting of factors used in decision making
- v) disagreement with the scientific basis for the Representative Areas Programme, and for specific zoning decisions
- vi) inadequate arrangements for consultation in some cases and too-short timelines for making submissions
- vii) perceptions that the Authority failed to provide adequate explanatory feedback in cases where specific zoning suggestions were not able to be accommodated
- viii) perceptions that there had been inconsistent application of ground rules, lack of natural justice, and in some cases, political interference
- ix) perceptions that the information that was provided in submissions to the process was used to close favourite fishing areas.

21) The concerns expressed by some stakeholders in regard to the Representative Areas Programme point to an underlying need for the zoning plan development process to have a higher degree of transparency and accountability such that:

- a) stakeholders are appropriately informed of the overarching objectives and rationale for the proposals
- b) there is sufficient time in relation to the complexity of the proposals for stakeholders to prepare comment
- c) the basis for decisions on alternate use is clear and in the public domain
- d) the social and economic impacts at a local and regional level and how they interact with State and local government initiatives are understood.

While the establishment of a more comprehensive engagement strategy through Local Marine Advisory Committees and Reef Advisory Committees there remains a great deal of distrust and a large perception within the community that such advisory groups are the “window dressing” while the authorities inner workings and motives remain obscured from public view.

We are particularly concerned that the GBRMPA should continue to have a commitment to a “multi use strategy” , as recommended by the 2006 review ,rather than a “lock it up philosophy “ in an area so loved by the people who live and work within and around it and so valued by so many around the world.

Should the committee require it, a member of QGFA may be available to give evidence to the enquiry in person.

What we believe regarding Marine Protected Areas

- . That the establishment and management of Marine Protected Areas (MPA’s) should be based on sound scientific evidence not scientific dogma /fashion or quasi-science
- That paternalistic processes which have proscriptive outcomes driven by dogma, instead of science, fact and pragmatism, will inevitably lead stakeholder to feel disenfranchised and angry

- That the process of establishment and review of Marine Protected Areas should be open, fair and transparent. This is only possible if stakeholders have sufficient time and resources in which to consider, analyze, consult and respond. Early and constructive engagement is the key.
- It is necessary that all stakeholders should have full and open access to the available information on which decisions are made
- This process can only succeed long term if it is accepted and supported by stakeholders. The recognition of social, cultural and economic considerations are fundamental to this process
- That a process will ultimately only endure when it is environmentally, economically and ethically sustainable.
- MPA establishment and management should have to measurable outcomes that lead to real improvements in the environment. Just drawing lines on maps does not achieve that
- That the identification of key threatening processes should be followed by a thorough risk analysis. This should lead to an action plan aimed at achieving a set of clearly defined and measurable objectives with an established time frame. We will not support a lock it away and forget it approach to natural resource management
- That good quality ,well funded science ,research and measurement is critical to this process
- That where changes in management of an area disadvantage any stakeholder group that adequate compensation should be made available. This compensation does not necessarily have to be monetary but should be consistent with good resource allocation policy

Yours faithfully,
Dr Evan Jones
Honorary Conservation officer
Queensland Game Fishing Association Inc