

Whats On Water



4th September 2008

Senator McEwen, Chair
Senate Standing Committee on Environment, Communications and the Arts

Dear Senator McEwen,

Please accept this submission to the inquiry into the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008.

I am a retired SAPOL prosecutor and have had extensive experience in the fishing tourism industry around Australia and throughout the South Pacific. I also write and photograph for Trailer Boat Magazine, Trade A Boat Magazine, Blue Water Boats and Sportfishing, Club Marine and Modern Boating and run a DVD production company and am a director of www.whatsonwater.com.au

With such involvement over the past three decades in multi facets of the fishing and tourism and media industry, I am well versed in the potential issues that face the economy of this country, with absurd bans and restrictions being placed on those who use OUR waters for recreational or commercial purposes. Below are my comments on some of the issues that come with the draconian legislation that is in question.

Criminal Convictions

I have never in my life as a police officer and prosecutor had to contend with a penalty system so tough and ridiculous for offences which in many cases will be so paltry, as that being touted by this legislation.

The stigma attached to a criminal conviction is bad enough in itself but the horrendous consequences when attempting to get a job, insure an object such as car, boat or property, obtain a passport and other normal everyday activities that we citizens of the 'supposed' lucky country is terrible and in some cases will be life threatening. In fact it is an indication of very poor law making which is seen by many as mischievous. I ask the committee recommend the removal of those convictions placed on previous offenders and accept Senator Boswell's amendments.

Powers to Inspect

I cannot even begin to think of the issues that will arise from this rubbish piece of legislation. Take an example of an old lady in a dingy drifting over an imaginary line out to sea and committing the heinous offence of having her hook dangling on the surface over the side of the boat. Government officers may board her boat, frisk search her body,

touching her private's parts through clothing....This has got to be the joke of the year. The NCA, AFP and state police in many cases cannot overstep boundaries into this dangerous field which is tantamount to common assault. And all because said old lady forgot her reading glasses and could not read the instructions to operate her GPS! Like I say, this has to be a joke of the saddest kind and needs sensible committee input.

Definition of fishing

The definition of fishing must be amended to remove the 'attempt to fish' clause. If left in legislation, it will make it an offence for a boat operator to have his depth sounder on while travelling over marine parks. Shallow water creates a navigational hazard with damage to vessels and injury to crew should vessels run aground. Depth sounders are safety tools. Technically, the definition will also ban glass bottomed boats, snorkeling and underwater observatories. Do we as people living in the 'lucky country' need to put up with this immature legislation? I say no!

Legal Defence

As Senator Stephens points out, this act is designed to take away basic legal rights of defence. It says if you are in green zone you know the boundaries. It leaves no room for mitigation and I ask you to strike out the clauses.

Three strikes and you are out

Three convictions in ten years earn an offender a lifetime ban? Again this is out of balance with our legal system. I have seen people go before a magistrate's court on their 5th larceny charge, for stealing tens of thousands of dollars in property and still have a 'no conviction recorded' order with some community service thrown in. And a kid gets caught with a fish in his pocket as he drifts over that imaginary line far out to sea and is branded for the rest of his life? Where is the justice in that? There is none; simple as that. This piece of legislation is excessive and needs to be removed out of the Act.

Precautionary Principle

This is a major problem as the Bill doesn't allow hard science to be brought into the equation when making decisions that will change the course of a national economy. We complained that the green zones were not based on science and they were not.

The people collating catch statistics from the public blatantly lied to those people when they gleaned favorite fishing areas from them under the guise they wanted the information so as not to put marine parks over popular areas. Fancy that; all of the popular fishing areas were made green zones and those duped people were left to fish in marine deserts. How government departments are allowed to lie to their electors is beyond me and despicable to say the least!

Then there was a review in 2006 and the GBRMPA was told to use 'transparent science'. But they don't want to listen to the umpire because they don't want to hear the truth and that is, the marine life in this country is in very good condition and quantity and this fact is backed by hard science from real scientists. They instead want a law that says they don't have to use science but rather the precautionary principle...just in case... This clause cannot be used to destroy an economy just because scientific activists don't want to rely on what they should be adhering to and that is, hard facts! Again this clause needs to be struck out.

The goals

The goal posts have changed dramatically and one of the players is not listening to the umpire. That umpire consists of the many eminent marine biologists who have the hard

facts on the definite well being of our waters. A marine park and our oceans are for sharing and wise use. Yes there is a need for conservation and it is being practiced as I write. But what is happening with some of this legislation is that it is designed around keeping fishers out and locking up areas to exclude the public. Some of this legislation before you is anti fishing at its worst. When in this country will we see an environmental impact study undertaken that takes into account human beings. Aren't we the most important part of the environment?

This Bill as it stands before committee is dangerous for all of Australians present and those yet to be born.

You know full well how hard it is to turn legislation around once it is set in place. The more than 300 criminal convictions is factual evidence of that and the on-going saga to relieve those people of their embarrassment goes on and on.

I implore through you Senator, to have the committee address these issues.

Yours sincerely

Rick Huckstepp