



Submission:

The Great Barrier Reef Marine Park
and Other Legislation Amendment
Bill 2008

8 September 2008

The Eco Friendly Fishing Association exists to encourage environmentally responsible recreational fishing practices.

Our success to date includes:

- ? Instigating the outboard engine emissions labelling scheme – the first in the world not run by governments
- ? Encouraging the two major Australian jig manufacturers to move to lead free tackle
- ? Encouraging Bodies including the Queensland government to instigate a policy of purchasing only low emission outboards.
- ? Catch and release fishing with over 95% survival rates

Our premise is that the tradition of fishing can be enjoyed responsibly.

As part of our service to the community we have conducted some of the research you will find in other submissions, and assisted with others.

We have also had dealing with GBRMPA, fishing bodies and the Department as part of our work

Concerns

We are very concerned that the very short time frame for this review signals that the Senate has no interest in listening to the public.

There was a 2006 Review, which seems to have acknowledged public concerns and legations, but largely ignored them in the recommendations.

We are also concerned that GBRMPA see fishing as ‘the’ danger and are reluctant to curtail tourism.

The writer is responsible for the outboard engine emissions labelling scheme. This star rating scheme is a world first - every other scheme has been government legislated.

Australia has emission controls on cars, but unlike the USA, EU, Canada, Japan, Chile and Brazil we have no emissions standards on small engines from Lawn mowers to outboards. The EPHC Ministerial Council is working towards regulations and the writer sat on the expert panel in 2006, and maintains a database of all outboards sold in Australia.

When fully regulated we will save the environment 1.5 billion tonnes of excess emissions p.a. (Diggles and Fooks 2008) Its not hard to see why - a famous Australian two stroke lawn mower has forty (40) times the emissions per hour of a small car.

Gary Fooks writes:

After a trip to a reef tourist pontoon I saw a number of small 15hp two stroke engines being operated, and was told that they would clock up 1,000hours each year.

Based on the USA EPA outboard engine certification database each of these small engines would put an unnecessary 3.3 tonnes of oil and acid into the water each year. The larger 150hp would be closer 12 tonnes more than is necessary.

I had several cordial meetings with GBRMPA management over the last two years. While GBRMPA cannot prescribe what outboard I may use, it does licence tourism operators who must submit management plans to renew their licence. My intention was that they should use low emission outboards as a part of submission for re-licensing.

All of the six brands in Australia have low emission 3 star products and I heard no objections. Clean engines cost 15% more and use 30% to 50% less fuel - so a net savings in six months or so for a commercial operation,

Yet GBRMPA has done nothing. Tourism operators are not held responsible for their outboards.

This is but one story but it is not anecdotal. Perhaps sour grapes but factual.

My experience supports dramatically the concern expressed by others that GBRMPA is not focused so much on the environment but on supporting tourism and their source of funds via the reef tax, and opposed strongly to fishing.

The Goal of GBRMPA as expressed in the Act has already been revised extensively. What is current and likely to be the ninth version is:

To provide for the protection, wise use, understanding and enjoyment of the Great Barrier Reef in perpetuity through the care and development of the Great Barrier Reef Marine Park.¹

The objective proposed by the Bill is, in part:

- (1) The main object of this Act is to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region.
- (2) The other objects of this Act are to do the following, so far as is consistent with the main object:

This is a fundamental shift in how Australia traditionally sees the outdoors.

The “Tragedy of the commons” (over use of common property to benefit one individual) is well managed in Queensland. Very well managed and perhaps excessive under control

Queensland Fisheries has recently revised fisheries regulations controlling reef fish. That state has well designed size, species and bag limits.

Yet the reef is already under the lowest fishing pressure of any reef in the world. At 17kg/sqklm before the RAP rezoning where 33% to 75% of fishing was essential closed, there is no pressure. Even at the pre- rezoning levels fishing pressure is 0.25% of acceptable world standard for sustainable tropical reefs.²

¹ Adopted MPA 90, October 1986 (amended MPA 91, November 1986; MPA 115, November 1989; MPA 118, July 1990; MPA 129, October 1991; MPA 147, April 1994; MPA 148, June 1994; MPA 149, August 1994)

² Ayling, A.M. (1997) Long-term trends in reef fish abundance in the Great Barrier Reef World Heritage Area, in: State of the Great Barrier Reef World Heritage Area Workshop, pp. 223-227. GBRMPA Workshop Series 23A

This Bill pre supposes further fishing bans and rezoning – while there is clearly no threat form recreational fishing whatsoever.

The writer is an academic and well versed in the fight for research funds and how professors make their case. GBRMPA seems similar in style but has gone beyond the realm of commonsense. Without the budget and control of a campus their growth is problematic.

The explanatory notes to the Bill say that there are no costs involved in the Bill. Nothing could be further from the truth.

The recent rezoning cost the Queensland economy close to \$1b, and further rezoning, of the type and extent we anticipate this bill foreshadowed will cost three times that amount.

We submit that the objective remains unchanged and that the amendment be dismissed.

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

Hand in hand with the changes to the objective, this section will hand unheard of powers to the Authority.

We ask the committee to consider this rhetorical question: *If in the next round of rezoning the time comes for public consultation what can we possibly argue? Where is the public input if shared use, wise use, public enjoyment and the obligation to base decisions on science is already legislated away?*

We submit that real and external science is needed to justify permanent closures. Some concerns may be overcome if the Minister is given temporary and emergency rezoning powers. THE FRDC has recently conducted excellent work for the Moreton Bay Marine Park review.

The Bill gives excessive powers to fisheries officers etc where there is no evidence to date that they needed search warrants or powers to conduct frisk searches.

We submit that all of these sections are excessive and need to be struck out.

Subsection 3(1)

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.

This preposterous definition is not revised by the Bill - it actually gets more attention. This definition would capture

1. The wearing of polarizing sunglasses and make fish easier to spot under the reflective water surface.
2. Using a sounder a safety device that also shows fish.
3. Similarly to the above the use of a GPS unit which shows fish reef locations many boats have combination Sounder / GPS units and one cannot be used without the other being turned on. Glass bottomed boats and tourist 'submarines'
4. Snorkelling and scuba diving

5. Whale watching, spotting turtles and dolphins (while these are technically not fish they may be caught by the Act.
6. Thawing frozen bait on deck
7. Preparing in any way fishing equipment

We submit that *fishing* means any of the following:

(a) taking fish;

(b) the operation of equipment that is designed specifically to capture fish

Please let us believe that these were an error of drafting? If not it was a hideous matter.

A mistake is just that and needs to be reversed.

If the penalties remain then the government need have no fear of legal claims.

We submit that the criminal records be quashed as the Senate sees best.

Conclusion

We thank the committee for its time and ask that you may consider EFFA as an example of how balance between human needs and environmental responsibility can be achieved.

Sincerely

Gary Fooks

Chairman

Eco Friendly Fishing Association