

5 September 2008

Greg Haines
Managing Director
The Haines Group
PO Box 820
Mt Ommaney, Q 4074

The Secretary
Senate Standing Committee on Environment, Communications and the Arts By email to eca.sen@aph.gov.au

Submission to the Inquiry into the Great Barrier Reef Marine Park and Other Legislation Amendment Bill 2008

Dear Senator McEwan,

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

As the Managing Director of the boating company that my father established in the 1950's, an avid fisherman and keen boat enthusiast, I am interested in this Bill and concerned about the proposed amendments.

In particular, the very definition of 'fishing' as outlined in Section 9 Subsection 3(1) raises concerns, as it defines *fishing* as 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 definition alone implicates just about anyone out on the water, and the proposed new offence provisions includes unrealistically strict liability elements, which operates under a guilty until proven innocent.

Boaties can not switch on their GPS systems to monitor whether their location is authorised or they will be accused of fishing, for which they can be convicted. Because they can't locate their position, they venture into No-go zones and get convicted regardless and can not contest the verdict.

They can not turn on their sounder – a device on most boats with more that two seats. A sounder shows what is underneath, like a rapidly shallowing or fish. You cannot see one without locating the other. A master who did not use a sounder in a reef area could be accused of gross dereliction of duty. A Master who turned on a sounder in the green zone is guilty Section 9 Subsection 3(1). The Act is unworkable.

Too many innocent recreation boaties and fishermen have received criminal convictions and paid hefty fines. I call for these convictions to be extinguished or spent as you see fit.

The last lot of zoning cost the government over \$250m. What will this cost our economy and out lifestyle?

Yours sincerely,

Greg Haines
The Haines Group