

MARINE PARKS BILL AMENDMENT

16 October 2007

The Hon. D.G.E. HOOD: I move:

Page 14, after line 36—

(2) If the circumstances of an alleged offence against subsection (1) are constituted by a person undertaking recreational fishing by use of a hand line or rod and line, a prosecution cannot be commenced against the person unless the person had previously been given a written warning in the prescribed form by an authorised officer and, in allegedly committing the offence, acted in contravention of that warning.

(3) For the purposes of subsection (2), a certificate executed by an authorised officer certifying as to the giving of a warning specified in the certificate constitutes proof of the matters so certified in the absence of proof to the contrary.

(4) Subsection (2) does not apply if it is alleged that the offence was committed in a restricted access zone.

(5) In this section, hand line, recreational fishing and rod and line have the same respective meanings as in the Fisheries Management Act 2007.

This is a very simple amendment. Essentially, it seeks to ensure that any recreational fisher using a rod and line or a hand-line who happens to stray into one of these zones completely by accident, who is not aware of what they are doing (and it seems there is some support within the chamber), initially be given a written warning before they are slapped with a fine. This is a way of ensuring that, should people who are genuinely trying to do the right thing accidentally do the wrong thing, they are given a fair warning rather than receive a nasty fine before they go home for the day.

The Hon. G.E. GAGO: As I indicated in my second reading summary, the government supports this amendment. The Hon. Dennis Hood has sought to provide certainty to recreational fishers in South Australia that they receive a warning if they inadvertently stray into a sanctuary zone whilst angling for their dinner. This is unusual for legislation and is normally an administrative practice, but I am happy to support the amendment to demonstrate the government's goodwill towards the state's recreational fishers. Obviously, I still urge all recreational fishers to become actively involved in shaping our marine parks through the various consultation and community engagement provisions contained within the bill.

The Hon. M. PARNELL: I support this amendment. However, I indicate that I would not have supported the original amendment drafted by the Hon. Dennis Hood because I thought that providing what would effectively be open slather recreational rod and line fishing went too far. I know that the honourable member has taken on board some of the information provided about the effect of the recreational catch on some of our species stock. The real test for community acceptance of this legislation will, I think, depend largely upon education. I believe that if a person did not come across any signs on the beach or anywhere near the marine park, if information was poor, then it is appropriate they not have the book thrown at them for an accidental first offence. On the other hand, I would like to think that the government, in the roll-out of these parks, will go to great lengths to tell people where these parks are, where their boundaries are, and what is or is not allowed in different parts—so, hopefully, people will do the right thing. However, I think this provides a reasonable compromise; it lets people off for a first offence (as it were), and it is only if there is recidivism, if they say, 'Well, we're going to come back and fish anyway', then criminal penalties will apply. I commend the honourable member for this amendment which, I think, improves the legislation.

Amendment carried; clause as amended passed.