



Legal Waves

Looking at how the law interfaces with today's boatowners and fishermen.

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The Impact Of Marine Parks For Boat Owners

Marine parks have been established to conserve the biodiversity of marine life in Australia. However, in order to achieve this purpose, certain activities such as commercial fishing and boating have been restricted or even prohibited in some areas.

Traditionally, fishers haven't been the biggest fans of marine parks as the regulations that govern them restrict fishing. However, these parks are needed to ensure that marine populations survive and thrive.

What is a marine park?

A marine park is essentially a national park of the sea. If you consider the type of activities that are usually prohibited in a national park, they are likely to be prohibited from a marine park too! The key objective of marine parks is conservation of the biodiversity of fish and marine vegetation. This includes the protection of sea life, the management of species, the protection of endangered ecological communities and the facilitation of educational activities and scientific research.

Why do we need marine parks?

Each marine park is home to a unique environment

with special species of sea life. For example, 85% of marine species found in South Australian waters are found nowhere else in the world.

The dangers of pollution, over fishing and climate change mean that these vital species are dying out. Marine Parks are a way that the government can control what happens in certain areas of the sea, ultimately conserving the biodiversity that is unique to the area.

Sadly, only 3% of the world's ocean contains regulated marine parks. Marine scientists however, recommend that this number needs to be closer to 30%. Of the 3% that are considered to be marine parks, it can only be guessed how well managed they are and whether they are achieving the purpose of conservation.

Restrictions on access

The restrictions on access of marine parks vary depending on the state or territory it is in. Each jurisdiction uses a different way of classification for marine parks. In some areas, boat use is completely prohibited, while in others, you will need a permit to access the area via boat. The classification systems are based on zones. Certain zones permit certain activities. Below is an example of how zoning works in Western Australia.

Sanctuary zones: also known as the 'look but don't take' area where boating, swimming, diving, wildlife viewing and some water sports are permitted. Any type of fishing is prohibited in this zone.

Recreation zones: recreation including recreational fishing is permitted, however commercial fishing, aquaculture and pearling is prohibited.

Special purposes zones: specific regulations will apply to each of these zones. For instance, in a certain zone you may have to lower speed of your boat to avoid hitting any marine life.

General use zones: in these zones, commercial fishing, aquaculture, pearling and petroleum

One of the best known - and most beautiful - Marine Parks in NSW is Lord Howe Island, 318nm (589km) due east of Port Macquarie, NSW.



exploration are permitted if they are sustainable and do not affect conservation.

In Western Australia, all four zones permit boat access. However, it is the speed and use of the boat that is restricted. In Special Purpose Zones, either speed or use or both can be restricted. While in Sanctuary zones and recreation zones, the use of the boat is restricted. In these zones, the boat cannot be used as a vessel for fishing. All these zone types are subject to special regulations and rules.

What if you are caught fishing in a sanctuary zone of a marine park?

Each jurisdiction has different rules and consequences for illegal fishing in a sanctuary zone. If you are caught fishing in a sanctuary zone in a South Australian marine park, you may be fined. If you are a serious or repeat offender, you could be liable for a penalty of \$100,000 or two years imprisonment.

Anchoring your boat in marine parks

It is possible to anchor your boat in a marine park, but there are a few rules, which apply. Each jurisdiction is slightly different, but in this case, South Australia will be used as an example. In South Australia, you may anchor your boat in any zone including sanctuary zones if the boat is less than 80m in length. The only time when you cannot anchor a

boat that is less than 80m in length in a sanctuary zone, is if there is a protected shipwreck in the same zone.

Fees

While most marine parks are free to enter, some do charge fees. These fees that are collected are used to aid with conservations.

Marine park management

Each state has a system to manage their marine parks. In New South Wales, the NSW Marine Parks department looks after 6 marine parks, 12 aquatic reserves and 62 national parks with marine components.

The 6 marine parks are Batemans, Cape Byron, Jervis Bay, Lord Howe Island, Port Stephens Great Lakes and Solitary Islands. Each of these is a multiple use marine park.

In 2013, the NSW Government responded to an Independent Scientific Audit of Marine Parks in NSW. They intend to improve management of all marine parks through the implementation of a range of recommendations. They also developed a smartphone app, which allows users to view marine park zoning maps in real time. The app is called Avenza PDF Maps and can be found on the iTunes Store and Google Play Store.

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