

Date: 5th Sep 08

Senator McEwen, Chair
Senate Standing Committee on Environment, Communications and the Arts
by email to eca.sen@aph.gov.au

Dear Senator McEwen,

Please read the following submission re the inquiry into the Great Barrier Reef Marine Park and also the Legislation Amendment Bill 2008.

I am a recreational fisherperson and would like to voice my concerns about some of the proposed amendments to the Great Barrier Reef Marine Park Act 1975.

As a grandfather, I support the amendment 5550 (version 1) proposed by *Senator Macdonald and Senator Boswell* where they ask that people who were convicted under Section 38CA have their convictions treated as spent convictions. It does not seem fair that because the court had no choice other than to issue a criminal conviction that a grandfather taking his son and grandkids out in the tinny for a days fishing with no GPS and no way of knowing they had drifted into a green zone could end up with a criminal conviction and now is struggling to get a visa or insurance. Is this Australia ? – after all I would only be recreational fishing and enjoying some precious time with my son and grandson.

Now about amendment 9 subsection 3(1) which seems to move the definition of fishing into the offences and civil penalties section of the Act. From reading, this removes the burden of proof from officers and places it on the “offender”. So people are declared guilty until proven innocent. This is not fair. I have heard the Greens Senator argue that there are no significant changes to the wording but just the position of the wording in the Act. Ha.

Why make changes? Leave the wording as it is or if you have to alter it change it to the activity of taking fish – not the intention to take fish – which an officer could not prove unless he/she is a mind reader.

How ridiculous - if this amendment goes through, I could be heading through a green zone on our way to another place to go fishing and I could be pulled over and fined – not for actually fishing but the “intent” to fish and all the officer has to do to “prove” intent is to show that the offender had fishing equipment on board – which could prove intent. The options for officers to catch offenders who haven’t actually committed any acts are endless. Again I say what hope has a grandfather who is having some fishing time with his son and grandson – is this the Australia we love so much!

Some common sense please.

Thank you,
Edwin Gammon