

To :Senator McEwen, Chair
Senate Standing Committee on Environment, Communications and the Arts

Dear Senator McEwen,

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

I am sitting here on Fathers' Day 2008 wondering what our political system has come to with this piece of faulty legislation!! I am a recreational fisherman, boat owner and concerned parent and husband, with 3 adult children who have grown up on the shores of our beloved Moreton Bay. I am gravely concerned about this particular piece of legislation that is proposing to amend the Great Barrier Reef Marine Park Act of 1975. My concerns are both in the immediate potential ramifications of the Great Barrier Reef Marine Park and its management and policing, but even more so of the precedents it could set for future proposed zoning in Moreton Bay and other parts of Qld.

The primary areas of my concern are;

- amendment 9 subsection 3(1). My understanding is this amendment will remove the burden of proof from policing officers. Essentially an alleged Offender is deemed guilty unless they can prove otherwise. This seems to me to be a "get back" provision following the overturning of certain convictions based purely on GPS co-ordinates. This amendment is a copy out and un-Australian in my view. There must be burden of proof in the policing of the Green Zone boundaries. I understand the Greens Senators have dismissed this amendments as not significant!, Can I ask therefore, why are they persisting with them doggedly!!.
- Another part of the amendment deals with the concept of "intention to fish". I find the proposed inclusions to be both draconian and almost farcical in their breadth and scope. My understanding is that someone travelling in, or near, or over a Green Zone could be deemed to have the "intention to fish" on the flimsiest of reasoning. Again un-Australian and a dangerous precedent of the highest order. My understanding is that these powers to deem "an intention" are far more wide ranging and powerful than even the powers given to our Anti-Terrorist forces. Scary stuff!!

I support the amendment 5550 (version 1) proposed by Senator Macdonald and Senator Boswell. People should not have a criminal conviction for fishing in the wrong area. The convictions should be treated as spent convictions. The spurious arguments recorded in Hansard of a Greens Senator equating the convictions to those convictions of protesters who have been found guilty, not of protesting, but of wilful damage to property, and unlawful trespass, would be laughable if the issue was not so serious.

I plead with the Senate to seriously consider these issues. We have a proud history of democracy and a fair go in this country and this legislation in its current form flies in the face of those traditions. Elements of the Senate should be ashamed of their attempts to crash this legislation through without due review, or amendment to these important sections of the proposed legislation updates.

Yours faithfully,
David Saville
7th September 2008