

Dear Senator McEwen,

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

Dear Sir

My name is Graeme Frakes. I am a recreational angler and I am very concerned about some of the proposed draconian amendments to the Great Barrier Reef Marine Park Act 1975.

Of particular concern is amendment 9 subsection 3(1) which endeavours to move the definition of fishing into the offences and civil penalties section of the Act. From what I can understand in the explanatory memorandum, this removes the burden of proof from officers and places it on the "offender". This means that people are declared guilty until proven innocent. George Orwell would be truly pleased. 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.

If, if the changes aren't significant, why make them? I submit that the wording should be left where it is or altered to reflect the activity of taking fish – not the intention to take fish – which an officer could not prove unless he/she is a mind reader. Most "fish finders are depth sounders, is it suggested that you navigate through the reef with out the benefit of a depth sounder?

I would suggest that even the DPI officers who will police these laws will have their "fish finder" aka depth sounder on. If they don't then I suspect that the skipper would be a tad careless and negligent. I certainly would not allow any employee of mine to be so irresponsible and careless my expensive boat. They wouldn't have a job for long.

As it stands if the amendment goes through, a person could be heading through a green zone on their way to another place to go fishing and they 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.

I also support and commend 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.

I was fined \$185.00 in 1999 for sheltering from a strong NE wind in Five Beach Bay Magnetic Island while having lunch. Five Beach bay is a designated green zone, however no signs are evident indicating a green zone at Five Beach Bay nor was there any signs to properly identify zones at the boat ramps.

I pleaded guilty as I quite readily admit that had a line in the water while eating, However I was not aware that I was In a green zone. I DO NOT CONSIDER MYSELF A CRIMINAL. And no, I didn't catch anything. It is also worth noting that my partner was also fishing at the time, however he was not fined.

Kind Regards,

Graeme Frakes

for

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