

10th September 2008

Senator McEwen

CHAIRMAN

Senate Standing Committee on Environment, Communications and the Arts

e: *eca.sen@aph.gov.au*

Dear Senator McEwen,

Submission re GBRMP & other Legislation

Thank you for this opportunity to address your Committee on these vital issues.

I am a 62 year old retired corporate executive, my wife a practicing Dentist, who along with many Australians of our generation took the sea change option after 40+ years building our family and our careers. We moved to the Qld Sunshine Coast, bought two boats, bought homes for ourselves and our kids here, made local investments and for these past few years have been living and celebrating the Australian family dream.

Access, and safety from risk-taking, to our incredible inheritance and national wealth in National and Marine Parks and other protected/managed flora and fauna habitats, is celebrated in our family bonds most days and certainly every week of our lives here.

OVER-REGULATION and UNFAIR CRITERIA are the most blunt and damaging risks in our access to these national treasures which we all face in our country today - far more risky and damaging in reach and application, and far more quickly and certainly, than Global Warming, Climate Change and the ignorant low-level over-exploitation of marine resources by some minorities which are identified and well corrected from time to time.

We are not suggesting piscatorial plunder, as we practice only catch-and-release, but as the draft legislation appears to provide, I or my wife or our children are placed at risk of incurring CRIMINAL CHARGES and/or CONVICTIONS, and unpleasant conflicts with proscribed Officers whilst we go about our lives here in the sun, simply by responsibly and innocently pursuing our leisure and recreational boating/fishing choices then we will soon cease these activities - at least here in Queensland - and move our economic contributions, and possibly our home and significant local investments, to another place or activity. This is not in the spirit of Australia or Australians, not in the interests of any person, organisation or government.

We fundamentally reject ALL tampering with the presumption of innocence enshrined in our underlying bodies of Law. Ours is either a civilised free democracy or we are one which is not. No test is a greater test of our personal liberties and freedoms than the presumption of innocence, and no test is a greater self-regulator upon our Governors and Regulators than the need for Prosecution to carry the burden of proof of their Claim.

Other submissions will detail the flaws in Regulation, Prosecution, GPS, Policing etc in these proposed Amendments, but it seems to our family that it is draconian legislation at a time when our political leaders at all levels are being applauded for speaking of and championing enlightenment and intelligent deliverable courses of action from Economic, Social, through Infrastructure, Education, Planning, Resources and National Security.

May we make the point that unnecessarily harsh Regulation, as with other forms of unreasonability, achieves just four absolute and unwelcome certainties:

- Responsible and law-abiding citizens will be the ones who have their rights to enjoyment of a treasured national resource curtailed - and the Self-Regulation which those responsibly engaged society members bring to those who are less enlightened will be lost (*leaving only expensive/ineffective Policing*)
- Mainstream citizens such as my wife and I - 40+ year Professionals who donate thousands of dollars and many hours every year 'pulling our weight' and 'making a difference' in our local and national Communities - can be smeared with Criminal Convictions for unknowable/uncontestable Offences
- The irresponsible minority will, as always, continue to ignore and devise ways to avoid both intelligent choices and the Law - and the more over zealous the actions are from our Governors the more you immediately promote over zealous responses via the national game championed by the Ned Kelly's of history and our present generations - nowhere more than in redneck regions
- And, finally, the more over zealous, unfair, your Legislation the more you lose the respect for all our Laws by the majority conservative law-abiding Citizenry - a very dangerous end-game for Leaders

In small Communities - consider the huge resurgent growth in Coastal Communities - you create close conflict between Residents and those who Police our Laws, damaging cohesion and shared welfare on which small towns and communities either thrive or die.

Your Proposed Legislation will create these conflicts and divisions and unfairness - and no Leader should allow this to be his or her legacy.

Qld's troubling losses in International and Domestic Tourism will be further degraded.

Finally, the GBR, and our incredible marine wonderland everywhere, is not protected by inappropriate Legislation. If those who designed these alterations succeed here they will carry that same wrongly-directed mindset and nil achievement into further abuses.

Send it back for re-evaluation of the fundamental purposes for which it was envisaged. Give **some** allowance for Self/Community Regulation of the greatest participation sport/ recreation in Australia. We need Leaders, not more Police, not more divisive Laws, not more conflicts/alienation, not more Criminals, not more Courts, not more prosecutions.

As a fishing friend (*a former Fisheries Officer*) often says '*you do more with a reasonable and friendly chat between boaties at the Ramp than an Enforcement Fleet out on the water*'.

Come in from the cold, join the/your/our community in your well-intentioned endeavours - **together** with the Community your outcome will always be superior to these abuses by those politically empowered of those whom they are legislatively disempowering.

You are likely to be choosing your enduring reputation as one winning of accolades or one derided in our Communities with your choices and wisdom in this most fundamental of our outdoor and personal freedoms. Thank you for the opportunity of this submission.

Yours sincerely,
Spencer Jacob