

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

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

My name is John Schilling and I am concerned about some of the proposed 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 have read 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. 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.

I believe that 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 a fisheries officer could not prove . As it stands if the amendment goes through, a person could be moving 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 illegal acts are endless.

Thanking you,

John Schilling