

**Date: 4/9/08**

**Senator McEwen, Chair**  
**Senate Standing Committee on Environment, Communications and the Arts**  
by email to [eca.sen@aph.gov.au](mailto:eca.sen@aph.gov.au)

**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 David Magner. I am a devoted husband and father of three wonderful children and I work as a Special Education teacher at our local high school. My family and I are all passionate recreational fisherpersons, who moved here to Queensland because of the unique outdoor lifestyle it currently offers. I might add that I have been a long time supporter of the Australian Labour Party.

My reason for writing is that I would like to make it exceedingly clear that I am very concerned about some of the proposed amendments to the Great Barrier Reef Marine Park Act 1975. I am particularly concerned about amendment 9 subsection 3(1) which endeavours to move the definition of fishing into the offences and civil penalties section of the Act. It is my understanding that this removes the burden of proof from officers and places it on the “offender”. This means that anyone can be declared guilty until they prove themselves innocent. This is not fair and surely must be unconstitutional! 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 for the “intent” to fish. All the officer has to do to “prove” intent is to show that the person had fishing equipment on board.

From what I read this law sounds like the fishing inspectors will have more power to search fishermen and women than the police even have with terrorist suspects. Again, apart from being unconstitutional, this is just plain un-Australian. I can see all sorts of confrontations arising if officers attempt to use these powers. I know I would not stand idly by and allow some fisheries officer to physically search my wife or daughter just because they are on a boat in a Green Zone with fishing gear aboard. I don't think too many of my mates would either.

I also 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 to me that because the court had no choice other than to issue a criminal conviction that someone taking their kids 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.

Finally, I would like to close this submission by saying that this bill appears to me to be a very much an anti-fishing bill. If it goes through in its current state, I can assure you that neither I nor any of my family will ever again support the ALP in any way, shape or form. I am almost ashamed to say it but I would rather vote for the Liberals than continue to support a party which is so eager to put an end to my favourite sport.

Thank you,  
Mr. David Magner