

Friday 5th September 2008.

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.

My family has fished the Reef, Coast & Estuaries from Thursday Island to Townsville for @ least 80 years providing food for the table on a regular basis especially during trying times. My Father was a recreational fisherman as was his Father.

It was extremely upsetting for me when GBRMPA, introduced their underhanded & non scientific Green Zones. The GBRMPA representatives lied to us all, gaining our trust, then stabbed us in the back. I am a conservationist & firmly believe that the Great Barrier Reef is nowhere near extinction & never has been 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 most unfair & unconstitutional. 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.

So, if the changes aren't significant, why make them? My submission is 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. 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 stopped and breached – 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 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 that because the court had no choice other than to issue a criminal conviction that a grandfather taking his grandkids 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.

Thank you,

Helen Maureen Byrne