

**Submission to the Inquiry into the Great Barrier Reef Marine Park and Other  
Legislation Amendment Bill 2008**

4<sup>th</sup> September 2008

Phillip Kliese

Dear Committee member,

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

My name is Phill Kliese and I have been a recreational fisherman for over 40 years with my first taste of this wonderful pastime being with my Grandfather. I am deeply concerned about the proposed amendments to the Great Barrier Reef Marine Park Act 1975 and in particular is amendment 9 subsection 3 (1) which tries to move the definition of fishing into the offences and civil penalties section of the Act. This effectively removes the burden of proof from officers and places it on the offender. To my way of thinking this is declaring people guilty until proven innocent. This is totally unfair. The changes to the Act should not be made and the original wording should be left as ‘activity of taking fish’ and NOT “ the intention to take fish “.

If the changes go ahead, an officer can prove in numerous ways “ intent “ should a fishermen simply be travelling through a Green Zone with fishing equipment on board their boat.

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 is not fair that a court had no choice other to issue a criminal conviction to granddads and fathers who took their kids and grandkids fishing for the day with no GPS or no way of knowing if they had drifted into a Green Zone. The repercussions that a criminal conviction carries is simply unfair to place upon innocent fishermen.

Regards  
Phill Kliese