

Prosecution Bulletin no. 7/2020

Summary

- On 8 September 2020, a 44 year old woman (the individual), pleaded guilty in the Hughenden Magistrates Court to one offence of taking a natural resource from a protected area, contrary to section 62(1) of the *Nature Conservation Act 1994* (NC Act).
- The individual entered the Moorrinya National Park, located approximately 249km south-west of Charters Towers (the national park) and took around 150 acres of native grass.
- The individual was fined \$2,000 and ordered to pay \$250 in legal costs. A conviction was not recorded.

Facts

Between October and December 2019, after harvesting what grass was available on her property, the individual entered, cut and baled grass from the national park in order to feed her cattle. The grass made approximately 300 bales.

In December 2019, during a routine patrol a Ranger from the Department of Environment and Science (the department) noticed vehicle tracks leading into the national park where a large area of native grass had been cut and removed.

The individual stated that she was feeling desperate to feed her cattle due to ongoing drought conditions and the cost of purchasing hay.

She was charged with one offence of taking a natural resource from a protected area, contrary to section 62(1) the NC Act.

Outcome

On 8 September 2020, the Hughenden Magistrates Court accepted the individual's guilty plea to the offence of taking a natural resource from a protected area, contrary to section 62(1) of the NC Act.

The individual was fined \$2,000 and ordered to pay \$250 in legal costs. A conviction was not recorded.

In sentencing the individual, the magistrate took into account certain mitigating considerations including that the individual's cattle needed to be fed and she could not provide for them due to difficulties sourcing hay, and that the area where the grass had been taken had regenerated relatively quickly.

The magistrate specifically noted:

- the fine was intended to personally deter the individual and to provide a deterrent effect to other people; and
- the defendant entered an early plea.

The penalty is a reminder to others that protected areas, such as national parks, are for the benefit of all users and its resources are not to be taken by individuals.

October 2020

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