

Prosecution Bulletin no. 4/2021

Summary

- On 2 June 2021, a person pleaded guilty in the Cairns Magistrates Court to five offences against the Nature Conservation (Protected Areas Management) Regulation 2017 (NC Regulation) for unlawfully conducting commercial tours in a protected area.
- Between 7 January 2019 and 18 February 2019, the person directed multiple tours of the Daintree National Park to be conducted without holding a valid commercial activity permit.
- The person was fined \$6,000 and ordered to pay \$1,500 in legal costs. No conviction was recorded.

Facts

The person was the owner and operator of a commercial tour company operating out of Cairns, under a commercial activity permit issued by the Department of Environment and Science.

Commercial activity permits authorise the use of protected areas, including national parks, for commercial tour operations.

Between 7 January 2019 and 18 February 2019, the permit was suspended for non-payment of fees. During the suspension period the person directed employees to conduct multiple tours which were intercepted by departmental rangers within the Daintree National Park.

Outcome

On 2 June 2021, the person pleaded guilty before the Cairns Magistrates Court to five offences of unlawfully conducting commercial tours, contrary to section 105(1) of the NC Regulation.

The person was fined \$6,000 and ordered to pay \$1,500 in legal costs. A conviction was not recorded.

In sentencing, the magistrate considered the importance of deterring other operators in the area from committing this type of offence.

The magistrate specifically noted that the conduct constituted serious non-compliance of the obligations of a commercial operator.

The magistrate also considered the personal financial circumstances of the person when imposing the penalty.

The outcome is a reminder that all people conducting commercial tours in protected areas must be appropriately licensed and comply with their obligations under the *Nature Conservation Act 1992*.

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