

Prosecution Bulletin no. 2/2019

Summary

- On 25 March 2019, a 48 year old man, pleaded guilty to one offence of parking a vehicle in a way that may cause damage to, or disturb, a recreation area.
- The individual parked his vehicle on a vegetated sand dune at Ocean Beach within the Bribie Island Recreation Area which is home to nesting turtles and sand dune restoration programs.
- The individual was fined \$500 and ordered to pay \$250 in legal costs. A conviction was not recorded.

Facts

On 3 January 2018, Queensland Parks and Wildlife Service Rangers were conducting routine compliance patrols in the Bribie Island Recreation Area and observed a vehicle parked above the high tide water mark on top of vegetated sand dunes.

The Rangers approached the individual and conducted a field interview. The individual produced a Vehicle Access Permit (VAP), which is required prior to driving in the recreation area, and he was asked whether he had read the information on the VAP, which states where you can and where can't you drive. The individual stated that he had not read the terms and conditions of the VAP.

The Rangers also reminded the individual that there were multiple signs upon entry to Ocean Beach which informed beach goers to help 'protect turtles during nesting season - November to April' by not parking on the sand dunes and that the sand dunes of Woorim are threatened by vehicle access.

The Rangers issued the individual with a Penalty Infringement Notice (PIN) in the amount of \$252 which the individual subsequently elected to have dealt with by a Court.

Outcome

On 25 March 2019, the individual pleaded guilty in the Caboolture Magistrates Court to one offence of parking a vehicle in a way that may cause damage to, or disturb, the area contrary to section 15(1)(c) of the *Recreation Areas Management Regulation 2017*.

The individual was fined \$500 and ordered to pay \$250 in legal costs. A conviction was not recorded.

In sentencing the individual, the Magistrate recognised that both the individual and others needed to be deterred from committing the same or similar offences, otherwise the amenity of Queensland's recreation areas and the public's use of them may be adversely and severely impacted.

The Magistrate also acknowledged:

- that offences of this nature are particularly difficult to detect;
- it is a privilege to drive on the beaches and that people should be expected to comply with the law;
- there was sufficient information for the individual to inform himself of his obligations when entering the recreation area given the amount of signage and information on the VAP stating where you can and cannot drive in the recreation area.

The penalty is a reminder that all users of recreation areas must ensure that they comply with all of their obligations when using the areas.

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