

Prosecution Bulletin no. 7/2017

Summary

- An individual has been convicted of one offence under section 138 of the *Marine Parks Regulation 2006* (MP Regulation) and has been fined \$900, and ordered to pay legal costs of \$250 and investigation costs of \$746.75.
- The sentence was delivered in the Rockhampton Magistrates Court on 25 October 2017.
- The offence arose when the individual drove their vehicle on the northern section of Five Rocks Beach which is a designated pedestrian-only beach in the Great Barrier Reef Coast Marine Park.
- A conviction was not recorded.

Facts

On 1 January 2017, the individual drove his motor vehicle along part of Five Rocks Beach (locally known as Three Rivers Beach) which is prohibited to vehicular access by regulatory notice.

Five Rocks Beach can only be accessed along a designated track through Byfield National Park. Three regulatory notices located just prior to the access track onto the beach directed that:

- all vehicles must turn right (south) once they access Five Rocks Beach;
- the beach to the north of the access track onto Five Rocks Beach is prohibited to vehicles; and
- penalties apply for contravening this direction.

As a result, the individual was charged with one offence of unlawfully bringing a vehicle into a part of a marine park in contravention of section 138 of the MP Regulation.

The individual had previously been issued two penalty infringement notices (PINs) for committing similar offences on two separate occasions.

Outcome

On 25 October 2017, the individual pleaded guilty to the offence before the Rockhampton Magistrates Court and was fined \$900. He was also ordered to pay both legal and investigation costs in the amounts of \$250 and \$746.75 respectively.

In sentencing, the Court took into account that the defendant entered an early plea of guilty, the maximum penalty available for the offence and that the law in this case was designed to protect and maintain the marine environment while allowing for its ecological and sustainable use. The Court also noted that, in this particular case, there was an added concern for nesting turtles in the area of Five Rocks beach at the time of the offence. The Court acknowledged that there needed to be a strong message sent so that the individual and likeminded people realise that signs must be complied with.

The Court also stated that the defendant was completely aware of the obligation not to drive a motor vehicle on Five Rocks Beach and that the previous two PINs showed a deliberate disregard for the law.

This prosecution serves as an important reminder that the Queensland Parks and Wildlife Service takes the protection of Queensland's marine parks seriously, and individuals must comply with signage in such areas.

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