

Prosecution Bulletin no. 5/2018

Summary

- On 7 June 2018, a logger pleaded guilty in the Bundaberg Magistrates Court to one offence of using a natural resource of a protected area, contrary to section 62 of the *Nature Conservation Act 1992* (the Act).
- The Court ordered that the defendant pay a penalty of \$2,000 and pay legal costs of \$1,500. No conviction was recorded.

Facts

In October 2016, a logger had employed a team, to fell trees for commercial sale at an area adjacent to the Nour Nour National Park, west of Bundaberg. One of the employees inadvertently entered the national park and cut down eight spotted gum trees. The logger then sold the eight logs to a local sawmill for approximately \$800.

On 25 January 2017, Queensland Parks and Wildlife Service (QPWS) received a call from a member of the public, raising concerns over logging in and around the National Park. Later that same day, QPWS Rangers attended the National Park, and observed that a number of trees had been cut down near an unfenced section of the boundary. The rangers found eight trees had been removed from the National Park, with the logs varying from 5m to 11m in height.

The trees were “used” within the meaning of the Act, because they were loaded onto a truck and sold to local sawmills. The Defendant admitted to selling the logs that were taken from the National Park, despite knowing that the logs were taken from within the park.

Outcome

On 7 June 2018, the defendant pleaded guilty in the Bundaberg Magistrates Court to one offence of using a natural resource of a protected area, contrary to section 62 of the Act.

The Court ordered the defendant be fined \$2,000 and pay \$1,500 in legal costs. No conviction was recorded.

In sentencing, the Court considered aggravating factors were that despite knowing the logs were taken from the Nour Nour National Park, the Defendant sold them for a commercial benefit. The Court also considered that national parks were a resource that needed to be protected, and others should be deterred from causing harm to protected areas.

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