

Prosecution Bulletin no. 7/2016

Summary

- On 5 July 2016 and 9 August 2016, in separate unrelated cases, two defendants pleaded guilty to one charge each of operating a vessel in a planing mode in a turtle and dugong zone in the Moreton Bay Marine Park.
- Both men were fined \$500 each and were ordered to pay \$436.08 and \$456.94 in legal and investigation costs respectively. No convictions were recorded.
- The sentences were delivered in the Cleveland Magistrates Court.

Facts

In both cases, Marine Park inspectors were patrolling in the go slow zone of the Moreton Bay Marine Park.

The first male was observed operating a dingy and the second male was observed riding a jet ski. Both men were operating their vessels in a planing mode, with the hull of the vessel over the top of the water, in an area that was zoned as a go slow zone for turtles and dugong.

The first male stated that he was aware that there were zones in the Marine Park but that he had made no effort to familiarise himself with the go slow zones, whilst the second male stated he was aware of navigational markers in the area but he was not aware of go slow zones for turtles and dugongs.

As a result of the offending, both men were issued on the spot penalty infringement notices in the amount of \$440 which they elected to have dealt with by a Court.

Outcome

Both men pleaded guilty to the charges before the Cleveland Magistrates Court and were fined \$500 each. The Court also ordered the payment of legal and investigation costs of \$436.08 and \$456.94 respectively.

In sentencing both men, the Court accepted that the purpose of regulating marine parks is for the conservation of the marine environment, which is achieved through strategies including the establishment of zones and designated areas, such as go slow areas for turtles and dugongs and that the conduct of both men undermined the statutory regime.

It was recognised that the objects of go slow areas for turtles and dugong are to protect turtles and dugong and their habitats, and to minimise death, harm or distress caused directly or indirectly to turtles and dugong, in particular, by the operation of vessels or other human activities.

Further, the Court noted that go slow zone had been in existence since 1997 and that there were a number of signs and publically available information to inform the masters of vessels about zones.

These prosecutions serve as an important reminder that all users of the Marine Park have an obligation to know and comply with the rules and regulations applying to the area and that the Queensland Government is committed to ensuring the ongoing protection of the marine environment.

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