

Prosecution Bulletin no. 1/2016

Summary

- On 14 December 2015, a Wynnum West man pleaded guilty to two charges under the *Nature Conservation Act 1992* ("NCA") and four charges under the *Recreational Areas Management Act 2006* ("RAMA").
- The defendant pleaded guilty to two charges against section 62 of the NCA for taking a natural resource of a protected area without authority, two charges against section 111 of the RAMA for conducting a commercial activity in a recreational area without authority and two charges against section 109 of the RAMA for unlawfully using a motor vehicle in a recreational area without authorisation.
- The defendant was fined \$2,736.00 and was ordered to pay legal and investigations costs totalling \$1,818.58. No conviction was recorded.

Facts

In September 2014 the defendant and an unidentified female entered a protected area of the Great Sandy National Park, and then the Cooloola Recreation Area and whilst there took spinifex grass from each area. It is estimated that two cubic metres of spinifex grass was taken, from an area of around 30 square metres. Spinifex grass is a natural resource of those protected areas and it is unlawful to remove it.

The man had taken the grass with the intention of it being sold at a nursery for commercial gain.

The man entered both areas in a four wheel drive vehicle, which is not permitted in a protected area, unless the person has proper authorisation.

Outcome

On 14 December 2015, the defendant pleaded guilty to all six of the charges, and the sentence hearing was heard by Magistrate Madsen in the Maroochydore Magistrates Court.

The Court imposed fines of \$1,000 each for the offences against section 62 of the NCA; \$279 each for the offences against section 111 of RAMA; and \$89 each for

the offences against section 109 of RAMA, totalling \$2,736. The defendant was also ordered to pay the Department's legal costs of \$250 and investigations costs of \$1,568.58. No conviction was recorded.

In sentencing, the Magistrate Marsden took into account that the defendant:

- had entered pleas of guilty to the charges;
- had cooperated with the Department in its investigation of the matter; and
- had no prior convictions.

January 2016

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