

Prosecution Bulletin no. 7/2018

Summary

- On 16 March 2018, two commercial fishermen were fined a total of \$12,500 for netting in a conservation park zone of the Great Barrier Reef Coast Marine Park.
- The master of the vessel, Harold Harding, was fined \$7,500, ordered to pay \$2,250 in legal costs, and had a conviction recorded against him. The deckhand was fined \$5,000 and no conviction was recorded.

Facts

On 2 June 2016, the Queensland Boating and Fisheries Patrol were conducting a routine patrol of Cape Upstart, north of Bowen.

Just before dawn, officers observed two flashing lights attached to a set mesh net in the water. Upon approaching the net, it was determined the net had been set within the conservation park zone of the Great Barrier Reef Coast Marine Park.

Two commercial fishermen were observed nearby, and admitted to being responsible for the net. The officers then directed the net to be removed from the water.

The conservation park zone is established to protect marine life, and netting (other than bait netting) is a prohibited purpose within that zone. The net being used by the two commercial fishermen at Cape Upstart was prohibited as it had a mesh size of greater than 45mm.

Outcome

On 16 March 2018, in the Ayr Magistrates Court, Mr Harding and his deckhand each pleaded guilty to one offence of using a marine park for a prohibited purpose, contrary to section 109(1) of the Marine Parks Regulation 2006.

The Court ordered that Mr Harding pay a penalty of \$7,500, pay \$2,250 in legal costs, and that a conviction be recorded against Mr Harding. The deckhand was fined \$5,000, with no conviction recorded.

In sentencing, the Court considered the fact that both defendants were commercial fishers as an aggravating factor. The Court emphasised that it was incumbent upon commercial fishers to know where they placed their equipment, and stated that best practice would have been to use global positioning systems equipment. The Court also found that because Mr Harding was the master of the fishing operations, he was more culpable.

July 2018

Disclaimer

This document has been prepared with all due diligence and care, based on the best available information at the time of publication. The department holds no responsibility for any errors or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties.