

# Prosecution Bulletin no. 16/2018

## Summary

- A 41 year old male pleaded guilty to one offence of lighting, keeping or using a fire, within a recreation area, contrary to a regulatory notice, in contravention of section 115(2) of the *Recreation Areas Management Act 2006* (the Act).
- The defendant was observed sitting adjacent to an open camp fire at Second Lagoon on Bribie Island, which is within the Bribie Island Recreation Area.
- The defendant was fined \$750 and ordered to pay \$250 in legal costs. No conviction was recorded.
- The sentence was delivered by the Caboolture Magistrates Court on 24 October 2018.

## Facts

On 2 October 2017, departmental rangers observed a group of adults and children around a camp fire next to Second Lagoon at Ocean Beach, Bribie Island, within the Bribie Island Recreation Area.

After the rangers approached the group and questioned them in relation to the fire, the Defendant admitted that he was the person responsible for starting the fire.

The defendant was initially issued with a penalty infringement notice (PIN) in relation to the fire.

The defendant did not pay the PIN, but rather elected to have the matter dealt with by a court.

The defendant subsequently attended a record of interview where he denied lighting the fire, but made further admissions that he both kept and used the fire.

The Defendant was subsequently charged with one offence of lighting, keeping or using a fire, within a recreation area, contrary to a regulatory notice.

There are two public access roads into the recreation area. A Regulatory Notice is positioned along each road, and notifies visitors that fires are:

- permitted only in designated fire rings at six

- specified areas; and
- prohibited in all other locations in the recreation area.

The fire which was the subject of the charge was not in a designated fire ring or a designated area and as such was prohibited.

## Outcome

On 24 October 2018, the defendant pleaded guilty in the Caboolture Magistrates Court to one offence of lighting, keeping or using a fire, within a recreation area, contrary to a regulatory notice.

The defendant was fined \$750 and ordered to pay \$250 in legal costs. No conviction was recorded.

In sentencing the defendant, the Magistrate took into account the reasonable signage in the area, the potential for fires to spread and cause massive damage, the loss a fire would cause to wildlife and the potential for a fire to cause a loss of human life.

In mitigation, the Magistrate considered the defendant's early plea of guilty and his cooperation with the investigation.

The penalty is a reminder that regulatory notices should be followed to conserve our recreational areas for wildlife and create a safe environment for people.

Unlawful fires in recreation areas pose a significant risk to public safety and property, particularly, when camp fires are extinguished with sand as the coals remain hot and can cause burns to unsuspecting people who tread on them.

## November 2018

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