

Prosecution Bulletin no. 10/2019

Summary

- A 27 year old male has pleaded guilty to one offence of unlawfully entering a restricted access area (RAA) in contravention of section 95(1) of the Nature Conservation (Protected Areas Management) Regulation 2017 (the Regulation).
- The man entered the RAA in the Wards Canyon at Carnarvon Gorge in Central Queensland.
- The sentence was delivered by the Emerald Magistrates Court on 10 September 2019.
- The man was fined \$1,750 and ordered to pay legal costs of \$250. No conviction was recorded.

Facts

In May 2018, rangers from Queensland Parks and Wildlife Service were conducting a compliance audit of social media. They located a photograph and a short video of a man posted on multiple social media sites, which depicted the man standing approximately 30 metres within the boundary of the RAA at Wards Canyon at Carnarvon Gorge.

To access the RAA the defendant had to climb a fence, which displayed signage notifying the public that the area was a RAA and that access was restricted in part due to the presence of king ferns that are particularly sensitive to impacts from pedestrians. The sign also provided information that walking on the soil near the ferns can damage or kill the ferns.

The king ferns in Wards Canyon are particularly important because the canyon is the only place in Central Queensland where these ancient plants survive.

The man was charged with one offence of unlawfully entering a restricted access area in contravention of section 95(1) of the Regulation.

Outcome

On 10 September 2019, the man entered a plea of guilty before the Emerald Magistrates Court and was convicted of one offence of unlawfully entering a restricted access

area in contravention of section 95(1) of the Regulation.

The man was fined \$1,750 and ordered to pay legal costs of \$250. No conviction was recorded.

In sentencing the man, the court considered:

- the purpose of the statutory scheme which is to manage activities which will impact upon the environment and to promote the conservation of nature
- the blatant disregard shown by the man in ignoring signs and climbing over the fence
- the early plea of guilty and lack of relevant criminal history
- the otherwise good character of the defendant
- that the penalty must serve as a personal deterrent to the man and generally to the community as a whole
- the man appeared to be a semi-professional photographer and while there was no commercial element to the offending, the man received a degree of self-promotion.

The penalty serves as an important reminder that all users of national parks 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 natural environment.

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