

Prosecution Bulletin no. 3 /2019

Summary

- Two men pleaded guilty to a number of offences against the *Nature Conservation Act 1992* (NC Act) and the *Nature Conservation (Protected Areas Management) Regulation 2006* (NC PAM Reg).
- The offences were committed in the Errk Oykangand National Park (Cape York Peninsula Aboriginal Land) near Kowanyama in North West Queensland.
- The conduct related to unlawfully camping in a protected area.
- The defendants were fined a combined total of \$5,500 and ordered to pay \$500 in legal costs. No convictions were recorded for either of the defendants.
- The sentence was delivered by the Townsville Magistrates Court on 15 May 2019.

Facts

On 10 August 2017, a Queensland Parks and Wildlife Service ranger observed two men sitting on quad bikes parked on a track within the Errk Oykangand National Park.

The ranger observed the men had dogs and a firearm. The men stated they were in the area hunting feral pigs. The ranger later observed:

- a parked trailer
- a freshly burnt cabbage palm tree
- a campsite consisting of a tarpaulin, fire pit, makeshift log seat and shower area
- well-worn tracks amongst the natural vegetation heading away from the trailer near the camp.

On 22 August 2017, the ranger returned to the campsite and observed:

- used toilet paper
- human faeces
- rubbish on the ground in the vicinity of the campsite including aluminium cans, rope and toilet paper rolls.

The men were not authorised to burn or cut down trees, camp in the national park, bring live animals into the national park or possess a firearm in the national park.

Outcome

On 15 May 2019, the defendants pleaded guilty in the Townsville Magistrates Court to a total of 13 offences against the NC Act and NC PAM Reg including:

- interfering with a natural resource of a protected area
- camping in a protected area without a permit
- driving a vehicle in a way that caused, or may have caused, damage to the protected area
- bringing a live animal into a protected area
- bringing a firearm into a protected area
- depositing litter in a protected area
- leaving human waste unburied in a protected area.

The defendants were fined a combined total of \$5,500. The Court also ordered that the defendants pay a total of \$500 in legal costs. No convictions were recorded against either of the defendants.

In sentencing the men, the Magistrate took into account the timely pleas of guilty and their cooperation with the investigation. However, the Magistrate stated that general and specific deterrence was an important sentencing factor for offences of this kind where protected areas are particularly remote and such offences are difficult to detect.

The penalty is a reminder to those entering and using Queensland's national parks to ensure they are aware of, and comply with their obligations.

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