

Prosecution Bulletin no. 3/2016

Summary

- On 9 February 2016, two related men from Cleveland and Sheldon pleaded guilty to one charge each under section 43 *Marine Parks Act 2004* for wilfully entering or using a marine park for a prohibited purpose.
- This related to the unlawful placement and working of crab pots in the Cox Bank Marine National Park.
- The first defendant was fined \$3,000 and the second defendant was fined \$2,500. No conviction was recorded.

Facts

On Wednesday 11th February 2015, Marine Park Rangers conducted static surveillance from public land at Victoria Point, near Cleveland. They observed a vessel bearing commercial registration with two people on board. One person was observed to be piloting the vessel, while the other seen retrieving and casting crab pots on six (6) occasions.

On Thursday 12th February 2015, Marine Park Rangers commenced a patrol of the Moreton Bay Marine Park. The rangers observed the same commercial vessel in the Cox Bank Marine National Park containing two people, one of which was seen to lean over the side of the vessel on three occasions and pull out of the water a large round object consistent with being a crab pot and then place it back in the water.

The Marine Park Rangers then piloted their vessel to intercept the commercial vessel. The occupants were asked whether they had a lawful reason for doing so. The older of the two occupants stated his reason for doing so was that they were trying to make a living.

The defendants showed the Rangers their catch, which consisted of seven (7) mud crabs and a plastic tub of sand crabs. The crab pots being used did not have the men's names on them as required by the legislation.

In interviews with the Department in April 2015, the defendants admitted to having been in the marine park for several days prior to their interception, for the purpose of catching crabs.

Outcome

On 9 February 2016, the defendants both pleaded guilty to their respective charges, and the sentence hearing was heard by Magistrate Kennedy in the Cleveland Magistrates Court.

The Court imposed fines of \$3,000 for the older of the defendants and \$2,500 for the younger defendant. No convictions were recorded.

In sentencing, the Magistrate Kennedy took into account that the defendants:

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

February 2016

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