

# Prosecution Bulletin no. 2/2017

## Summary

- On 18 April 2017 two fishers pleaded guilty to charges of wilfully using the Moreton Bay Marine Park for a prohibited purpose involving the taking of natural resources in contravention of section 43(1)(a) of the Marine Parks Act 2004 (the Act).
- The fishers were fined \$2,500 and \$4,000 plus legal costs of \$1,500 and investigation costs of \$3,021 by the Cleveland Magistrates Court.
- No convictions were recorded.

## Facts

During December 2015, Marine Park officers from the Department of National Parks Sport and Racing planned and executed covert surveillance in an area which included Conservation Park Zone (CPZ02) in the Moreton Bay Marine Park.

Early morning on 15 December 2015, the officers saw the fishers on a vessel work 20 crab pots in the marine park. At approximately 6:00am on 16 December 2015, the officers then observed one of the fishers work 21 crab pots in the marine park. On both occasions the limit of four pots per person in Conservation Park Zones was exceeded.

Surveillance recordings and photographs of the fishers and their vessel were taken by the officers on both days.

The officers intercepted the fishers' vessel and conducted a field interview with the fishers wherein they admitted that they knew it was a Conservation Park Zone, and that they had too many crab pots in the area.

## Outcome

On 18 April 2017, the defendants pleaded guilty to the charges, and the sentence hearing was heard in the Cleveland Magistrates Court.

The Court imposed a fine of \$2,500 on the fisher charged with one offence against section 43(1)(a) of the Act and \$4,000 against the other fisher charged with two offences. Legal costs of \$1,500 and investigation costs of \$3,021 were ordered to be paid. No convictions were recorded.

In sentencing, the Court took into account the following:

- The plea of guilty to the charges;
- The defendants had no prior convictions;
- The defendants fully co-operated;
- The need for deterrence for such offences; and
- The importance of protecting the State's marine parks and conservation zones.

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