

Prosecution Bulletin no. 9/2016

Summary

- On 13 September 2016, Ibrahim El-Issa was convicted and fined \$6,000 for 2 offences arising from fishing in a green zone off Woody Point in Queensland.
- El-Issa was also ordered to pay legal costs of \$1,500 and investigation costs of \$1,390. A criminal conviction was recorded against El-Issa for both offences.
- The sentence was delivered in the Redcliffe Magistrates Court.

Facts

On 25 March 2015, Queensland Parks and Wildlife Service Marine Park Inspectors were undertaking a compliance patrol in the northern section of the Moreton Bay Marine Park.

El-Issa was observed fishing from a boat in the Scotts Point Marine National Park Zone, located off Woody Point.

When approached by the Inspectors, El-Issa admitted that he had caught two snapper. He then provided the Inspectors with information with respect to his name, date of birth and address. When the Inspectors later verified that information against the boat's registration, that information was found to be false.

El-Issa was charged with one offence of stating false or misleading information to an inspector in contravention of section 89 of the *Marine Parks Act 2004* and one offence of entering or using a marine park for a prohibited purpose in contravention of section 109(1) of the *Marine Parks Regulation 2006*.

Outcome

El-Issa failed to appear in Court. The matter proceeded to sentence in El-Issa's absence before the Redcliffe Magistrates Court on 13 September 2016 where he was

fined \$3,000 for each offence and ordered to pay both legal and investigation costs in the amounts of \$1,500 and \$1,390 respectively.

In sentencing El-Issa, the Court accepted that the purpose of regulating marine parks is for the conservation of the marine environment, which is achieved through the establishment of zones, which provide, for example, for the protection of the natural integrity and values of the areas. The Court also accepted that the provision of false or misleading information to an inspector was a serious offence as it prevents the proper administration of the Act and shows indifference for the law.

The Court noted that offences of taking fish from protected zones are offences that need to be policed and that there needed to be a deterrent to ensure that the proper use of the zones is enforced.

In sentencing, the Court also considered El-Issa's criminal history as he had previously provided authorities with false information, attempting to confuse the disclosure of his identity; conduct which the Court stated was similar in the present case.

This prosecution serves as an important reminder that all users of the Marine Park 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 marine environment.

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