

This table does not provide a complete list of convictions since 1 July 2004.

This table is not intended to provide a complete or comprehensive summary of every case. The table is prepared by the Commonwealth Director of Public Prosecutions to assist Magistrates in considering appropriate sentences by providing a summary of factors relevant to sentencing that were present in other cases

Great Barrier Reef Marine Park Act 1975
Selected convictions under s38CA involving Commercial Fishing – from 1 July 2004

Note: this table does not cover all convictions since 1 July 2004
Names and other personal information has been removed for privacy reasons

Location Magistrate Date of Sentence	<u>Brief facts</u>	Exparte/Plea/Hearing Sentence	Sentencing Remarks
Townsville MC Mr Verra 11 July 2005	<u>Date of offence:</u> 20 August 2004 <u>Charge:</u> negligently use a Marine National Park B zone <u>Brief facts:</u> Coastwatch officers observed a commercial dory, registration FYDL1, anchored inside a Marine National Park zone at Lion Reef, with one person on board fishing. It was later established that the defendant was the person on board. A GPS reading taken above the dory indicated that it was located approximately 2km inside the zone. The dory was operating from the primary commercial fishing vessel XXX, registration XXXX, which was anchored within the Habitat Protection zone near Castor Reef. Photographs were taken of both the dory and the primary commercial fishing vessel.	Ex parte Convicted and fined \$3000; plus \$64.30 court costs	The defendant failed to appear and leave was granted to proceed ex parte.
Mackay MC Mr Kucks 18 July 2005	<u>Date of offence:</u> 22 December 2004 <u>Charge:</u> negligently use a Marine National Park B zone <u>Brief facts:</u> On 22 December 2004 police officers from the Whitsunday Water Police were patrolling the Great Barrier Reef Marine Park offshore from Mackay. At approximately 12:07pm the officers observed a dory travelling along the Eastern side of Pompey Reef No.3. At approximately 12:15pm the officers launched a tender vessel to intercept the dory. The dory was still motoring at this stage, but had slowed. The dory was then observed to stop. When officers reached the dory, it was anchored approximately 30-40 metres from the reef edge at Pompey Reef No.2. This reef is located inside a Marine National Park zone. This zone is defined under the Great Barrier Reef Marine Park zoning plan and does not permit fishing. The vessel was observed to bear the registration symbols XXXX and to have one person on board in the process of fishing. The defendant was identified as the person on board this dory. The officers took a GPS reading beside the dory which indicated that it was located at 20°58.71'S, 150°32.45'E. These readings indicate that the vessel was located approximately 3.2km inside the Marine National Park zone.	Plea Convicted and fined \$3,500, plus \$64.30 court costs	Magistrate took into account defendant's timely plea of guilty and lack of any similar previous convictions

<p>Cairns MC Mr Black 7 September 2005</p>	<p><u>Date of offence:</u> 30 September 2004 <u>Charge:</u> negligently use a Marine National Park B (green) zone <u>Brief facts</u> At about 10.20am, Thursday 30 September 2004 QB&FP Officers sighted a game fishing vessel "XXXX" 400 metres inside the National Park zone surrounding ribbon reef No 2 with passengers tending 2 lines in the water and travelling at 4-5 knots, a speed indicative of trolling type activities. Officers. The defendant master of the charter game fishing vessel made fill, admissions at interview that he was the master and was driving the vessel which was on a 5 day charter, he knew he was a Ribbon Reef No 2, they were trolling to catch bait fish, he said "Yes I shouldn't have told them to put the lures out" and that he has been a charter marlin skipper since March 2004 and was previously a "Pro fisher, line".</p>	<p>Plea of guilty Convicted and fined \$4,000, plus \$64.30 Court costs</p>	<p>Defence handed up written submissions and submitted a \$2,000 to \$3,000 fine without conviction. Defence submitted that the employer and owner XXXX did not obtain detailed zoning maps to provide the master XXXX for that trip and that XXXX had to rely on a small scale Introductory Map. Prosecution handed up Commercial negligent fishing comparatives. Court accepted the defendant's early plea of guilty and noted he was a professional fisherman, the offences are difficult to detect, there is a need for authority to establish zones for economic and social benefit of the people of Queensland. Incursions require significant penalties to deter like minded people. Defendant had inadequate maps, searched high and low for more detailed maps but could not find them and was new to the area after rezoning, knew of the change but took the risk. From a commercial aspect, if a good skipper can get good bait and good fish then that skipper is engaged more easily. Court must send a message to other ships to protect the zones. During his war service in Vietnam he contacted chronic bronchitis and further possible illnesses have developed which have dramatically constrained his ability to earn income which was very relevant as was the fact that he was only fishing in the zone a short time of several minutes. The Court stated that in normal circumstances of commercial masters/fishers a fine of \$7,500 would be appropriate but due to the health of the defendant this has been decreased.</p>
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<p>Bowen MC Mr Muirhead 13 April 2006</p>	<p><u>Date of offence:</u> 24 October 2006 <u>Charge:</u> negligently use a Marine National Park B (green) zone <u>Brief facts:</u> Coastwatch officers conducting aerial surveillance observed a dory "XXXX" anchored south of Noggin Reef and observed the defendant fishing. The defendant is a commercial fisherman of 25 years experience. On the second pass over the vessel, Coastwatch observed the defendant move out of the green zone and at this time the position of the dory was determined using a GPS unit. The dory was located 350m inside the green zone. When later approached by Marine Park Inspectors, the defendant admitted that he was fishing aboard the vessel on the day in question and stated that he had taken the coordinates and looked at zoning maps before leaving the master vessel and according to his GPS he was not within a green zone. He also stated that he was not given any instructions by the captain of the master vessel to fish within that zone.</p>	<p>Guilty Convicted and fined \$3,500, costs \$64.30.</p>	<p>His Honour took into account the fact that the defendant was 350m inside the zone, the maximum penalty and recent cases. He stated that fines for this type of offending are in the range of \$5,000 to \$7,500. He referred specifically to cases of XXXX and XXXX on the schedule. In XXXX, the defendant was fined \$5,000 but he was a master. In XXXX, the defendant was fined \$5,000 and he was dory operator. His Honour stated that the matter of XXXX was almost identical but that that case was dealt with ex parte and the Court did not therefore have the opportunity of considering mitigating factors. In this case his Honour took into account the mitigating factors and particularly the plea of guilty, cooperation and full admissions by the defendant, the fact that his GPS was faulty and he was in the zone as a result of an error, that he was a well respected fisherman and that he supported green zones. He therefore reduced the penalty from \$5,000. His Honour noted that fines for recreational fisherman were around \$2,000 and that any penalty must act as a deterrent.</p>
<p>Townsville MC Mr Osborne 4 December 2006</p>	<p><u>Date of offence:</u> 1 June 2006 <u>Charge:</u> negligently use a Habitat Protection zone <u>Brief facts:</u> Officers from Queensland Boating and Fisheries Patrol observed a commercial fishing trawler with wires extending from both booms and from the stern of the trawler. The trawler was found to be trawling within a Habitat Protection Zone which is not permitted in that zone. Upon boarding the vessel it was recorded as being 280m inside the zone. The defendant participated in a formal interview and stated he had been a commercial fisherman since 1978, he was fishing close to a blue zone, that he hasn't got a chart on his plotter and he got his coordinates from a person on another vessel, that he was "inside" those coordinates, that these coordinates may have been incorrect, that in his mind he was doing nothing wrong as he was just trawling up and down the line, he had not had his plotter checked recently and he got a pretty good catch of tiger prawns in that area.</p>	<p>Guilty Convicted and fined \$8,500 plus \$65.40 court costs</p>	<p>The Magistrate took into account the fact that the defendant was an experienced fisherman in business for 28 years and at 64 years of age had no prior convictions. He accepted that the defendant had in the past provided assistance to the DPI in relation to research, he was aware of the importance of protecting fish inside the zone, that he was well recognised in the industry, that he cooperated with authorities, that he entered an early plea and had now equipped himself with the necessary equipment to ensure no further offending. He noted there was nothing to suggest that he could not have obtained these resources prior to the offending. He noted that the offence was a negligence offence and not an intentional offence and stated that bottom trawling has a more significant impact on fish stocks than line trawling. He referred to line fishing comparatives and noted the legislative intention to increase fines. He stated the defendant ought not to have relied on information from others to plot his position and that he was 280m inside the zone. He said that this was not a case to which s19B of the Crimes Act applied as the offence is not trivial and was not committed under extenuating circumstances. Any penalty needs to act as a deterrent to others.</p>

<p>Gladstone MC</p> <p>Mr Morrow</p> <p>13 December 2006</p>	<p><u>Date of offence:</u> 10 March 2006</p> <p><u>Charge:</u> Intentionally use a Marine National Park B (green) zone</p> <p><u>Brief facts:</u> The defendant was the master of the commercial long-line fishing vessel XXXX, registration XXXX, which was intercepted by officers of the Qld Boating and Fisheries Patrol south of the southern-most boundary of the Great Barrier Reef Marine Park. At the time of interception, the crew of the vessel were setting a long-line. The crew included the co-defendant, XXXX, who was observed at the rear of the vessel baiting hooks that he and another crew member were attaching to the long-line as it was being released. The officers boarded the vessel, and directed the crew to return to the start of the line. The crew did so and, using a GPS unit, the QBFP officers determined that at least that part of the line was with Marine National Park zone MPZ 22-1154 of the Great Barrier Reef Marine Park. A Commonwealth ET & BF Fishery fishing permit was held in respect of the XXXX at the time of this incident, however the permit was subject to requirements of the Great Barrier Reef Marine Park Zoning Plan, which does permit long-line fishing anywhere in the Marine Park. The crew were ordered to retrieve the part of the line that was within the Marine Park, which they did. QBFP officers recorded that 247 hooks were attached to the part of the line that was within the Marine Park. Both the defendant and the co-defendant participated in formal interviews, during which they did not dispute that the line was within the Marine National Park zone, but stated that they were unaware of that fact at the time.</p> <p>The defendant was a deckhand on the commercial long-line fishing vessel XXXX, registration XXXX, which was intercepted by officers of the Qld Boating and Fisheries Patrol south of the southern-most boundary of the Great Barrier Reef Marine Park. At the time of interception, the crew of the vessel were setting a long-line. The crew, including the defendant, were observed at the rear of the vessel baiting hooks that they were attaching to the long-line as it was being released. The officers boarded the vessel, and directed the crew to return to the start of the line. The crew did so and, using a GPS unit, the QBFP officers determined that at least that part of the line was with Marine National Park zone MPZ 22-1154 of the Great Barrier Reef Marine Park. A Commonwealth ET & BF Fishery fishing permit was held in respect of the Naomi B at the time of this incident, however the permit was subject to requirements of the Great Barrier Reef Marine Park Zoning Plan, which does permit long-line fishing anywhere in the Marine Park. The crew were ordered to retrieve the part of the line that was within the Marine Park, which they did. QBFP officers recorded that 247 hooks were attached to the part of the line that was within the Marine Park. Both the defendant and the co-defendant participated in formal interviews, during which they did not dispute that the line was within the Marine National Park zone, but stated that they were unaware of that fact at the time.</p>	<p>Ex parte</p> <p>Convicted and fined \$35,000, costs \$65.40.</p> <p>Ex parte</p> <p>Convicted and fined \$25,000, costs \$65.40.</p>	<p>Defendant failed to appear - leave granted to proceed ex parte; The defendant had 11 years experience as a commercial fisherman, and the co-defendant XXXX had 5 years experience. It is significant that long-line fishing is most destructive, and that defendants are experienced fisherman; Fishing such as trawling is permitted in other parts of the Marine Park (ie not in green zones), but long-line fishing is not. The defendant seemed to be recklessly indifferent with respect to where he was fishing; He had no maps, but had the technology onboard to exactly identify his position; With 11 years experience the defendant should know where he can and can't fish; Accepted that the defendants cooperated.</p> <p>Defendant failed to appear - leave granted to proceed ex parte; The defendant had 5 years experience as a commercial fisherman, and the co-defendant XXXX had 11 years experience. It is significant that long-line fishing is most destructive, and that the defendants are experienced fisherman; Fishing such as trawling is permitted in other parts of the Marine Park (ie not in green zones), but long-line fishing is not. The master of the vessel seemed to be recklessly indifferent with respect to where he was fishing; He had no maps, but had the technology onboard to exactly identify his position; With 11 years experience the master should know where he can and can't fish; Accepted that the defendants cooperated.</p>
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<p>Bundaberg MC Mr Lavering 19 December 2006</p>	<p><u>Date of offence:</u> 4 March 2005 <u>Charge:</u> Intentionally use a Marine National Park B (green) zone <u>Brief facts:</u> Coastwatch conducted an aerial patrol of the Great Barrier Reef Marine Park in the Bunker Group of Islands off Agnes Waters. The Coastwatch crew observed a commercial fishing vessel named "X-ES" inside a Marine National Park (MNP) Zone ("green zone") east south east of Lady Musgrave Island. The Coastwatch aircraft made 3 passes over the vessel in a six minute period and GPS readings indicated the vessel's position as being 23° 57' 59" S and 152° 32' 57" E. This reading placed the vessel inside MNP-23-1169, approx. 4.9km from the northern boundary of the zone. Coastwatch crew also took 17 photographs of the vessel and observed two men on board. On the first pass, the vessel was observed to be dead in the water, with a line extending out into the water. By the aircraft's third pass, the vessel was observed to be underway, travelling north at an estimated rate of 10 knots. Later the same day, Queensland Parks and Wildlife Service Ranger XXXX conducted an aerial patrol of the waters near Lady Musgrave Island after receiving information from Coastwatch. XXXX observed the "X-ES" and saw that the registration symbols were XXXX. The master of the vessel was later identified as the defendant, XXXX. On 11 March 2005, the defendant participated in a recorded interview and made admissions.</p>	<p>Guilty Convicted and fined \$7,000</p>	<p>Serious offence, almost 5kms inside the zone and may have taken some fish. Took into account relevant facts, defendant's plea, negligence, limited history and fact defendant was a skipper of some experience.</p>
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<p>Cairns MC Ms Coates 11 January 2007</p>	<p><u>Date of offence:</u> 29 July 2006 <u>Charge:</u> Negligently use a Marine National Park B (green) zone <u>Brief facts:</u> Queensland Boating and Fisheries Patrol ("QBFP") officers observed a vessel, "XXXX", to be trawling in the vicinity of Unity Reef. A GPS reading was taken approximately 20-30m from the "XXXX" which indicated the vessels were located at approximately 16°39.500'S, 145°34.519 E. This reading placed both vessels approximately 130m inside the Marine National Park zone near Unity Reef. Officers observed a mud trail in the water at the rear of the "XXXX", caused by the trawling. The officers navigated their vessel directly along the trail, recording further positions as they went. The positions recorded along the trail were also inside the Marine National Park zone. A mix of live prawns, fish and other marine life were caught. Officers observed a green zone marked on the defendant's GPS plotter. The southern boundary of the zone appeared to be further north than the actual green zone boundary. Officers consequently asked the defendant to enter the coordinates of the green zone, as shown on zoning maps, onto his GPS plotter. They observed that the true green zone boundary was further south than the one originally marked on the defendant's GPS plotter. Officers also observed a green mark on the defendant's GPS plotter, which he had entered. The defendant stated that the mark merely indicated a point that he used to show him when to make a turn (but not the boundary of the green zone). However, this green mark detailed the exact location (both latitude and longitude), to three decimal places, of the southern boundary of the green zone shown on zoning maps. The defendant participated in interviews with the officers in which he made the following statements and admissions: He is the owner and master of "XXXX" and has worked on the vessel since 1981; he has professionally driven boats for 22 years and has fished since he was 13 years old; he has predominantly been involved in the prawn trawling industry and consequently has a very good working knowledge of the industry; he is aware of zoning in the Marine Park; he was trawling at the time he was intercepted; he caught two buckets of catch; he had zoning charts onboard the vessel.</p>	<p>Guilty plea Convicted and fined \$7,500, costs \$66.50.</p>	<p>Prosecution referred to the most recent comparative of XXXX as being the most relevant comparative and submitted that the Court should have particular regard to aggravating features in this matter including the amount of catch (including the prawns and by catch), the extensively destructive nature of trawling and that it is far more devastating than long line fishing, having regard to the 2nd reading speech - that the ten fold increase in fines was specifically aimed at deterrence for commercial fisherman with respect to this type offending, and that relying on the coordinates marked in the defendant's GPS unit, he was aware of the boundary of the green zone. The Magistrate stated that she was well aware of the extremely destructive nature of trawling. She took into account the defendant's history of professional fishing and that the coordinates placed in the defendant's GPS were indicative of his knowledge of the green zone boundaries. Although, the Magistrate stated that the distance he was within the zone was not as great as other matters in the comparatives and the defendant had no prior criminal history. The Magistrate stated that, to her mind, the comparative of XXXX was most relevant.</p>
<p>Bundaberg MC Ms Batts 30 January 2007</p>	<p><u>Date of offence:</u> 11 February 2006 <u>Charge:</u> Negligently use a Marine National Park B (green) zone <u>Brief facts:</u> On 11 February 2006 at approximately 11.28am a Coastwatch aircraft was performing aerial surveillance of the Great Barrier Reef Marine Park when the onboard electronic surveillance equipment detected a vessel within Marine National Park B (MNP) Zone in the vicinity of Hoskyn Island, which is within MNP 23-1168. The vessel was approximately 12 metres in length with seven persons on board and marked "XXXX" with the registration 25151QC. Photos taken by the Coastwatch clearly show at least seven lines in the water. The vessel was observed to be 1.890 kilometres inside the zone. The vessel was registered to a company called "XXXX" based at Agnes Water. A check of the company records showed that on 11 February 2006 the skipper on the vessel was the defendant. The defendant participated in a recorded interview on 14 March 2006.</p>	<p>Guilty plea Convicted and fined \$3,540</p>	<p>Her Honour Batts took into account the defendant's submissions in mitigation, namely that the GPS chart plotter was faulty at the time, and considered two letters provided by the defendant, one from the owner of the vessel and the other from a marine engineer, providing information as to the status of the chart plotter at around the time of the offence. The Magistrate stated that ignorance was no excuse and but did accept that the defendant was remorseful. Her Honour did not accept the defendant's application for an order pursuant to s.19B, for reasons including that the defendant's lengthy criminal history was a disentitling factor.</p>

<p>Innisfail MC Mr Hodgins 14 February 2007</p>	<p><u>Date of offence:</u> 22 November 2005 <u>Charge:</u> Negligently use a Habitat Protection Zone <u>Brief facts:</u> On 22 November 2005 the commercial fishing vessel "XXXX" was discovered trawling approximately 1km for inside a Habitat Protection Zone of the Great Barrier Reef Marine Park near Lowrie Reef off the coast of Lockhart River. When stopped by QPWS officers the vessel had been inside the Zone for approximately 2 hours. The defendant was the skipper of the vessel and was told by QPWS officers to slow the vessel, pull the nets in and anchor. The quantity of the catch was estimated by QPWS to be 100kg of prawns and 100kg of bycatch. The defendant participated in a record of interview at a later date and stated that he did not realize he was inside the Habitat Protection Zone at the time as he did not have any charts on board and his computer was not working. The GPS reading taken by QPWS officers from the defendant's vessel accorded with the GPS reading from the QPWS vessel.</p>	<p>Guilty plea Convicted and fined \$9,500</p>	<p>Lengthy written submissions tendered by defence and prosecution and sentence lasted 1.5 hours with evidence from XXXX and the defendant on the estimated quantity of catch. Court noted that the defendant was an experienced fisherman and should have had charts on board the vessel which defined the zones of the Marine Park. The defendant was 1km inside the zone and was caught with his net in the water full of catch between 30kg each of prawn and bycatch and 100kg each of prawn and bycatch but court found this was a significant quantity on either figure. Court considered the degree of negligence of the defendant, degradation caused to the environment, the importance of deterrence as well as the personal circumstances of the defendant. Court relied upon only 2 trawl sentence comparatives of XXXX fined \$8,500 and XXXX fined \$7,500. Court declined to accept the prosecution submission that the matter was much more serious than illegal commercial dory fisher which were fined up to \$7,500 or even \$10,000 and more comparable to a longliner prosecution of XXXX which warranted a fine for the long liner master of \$35,000.</p>
<p>Hervey Bay MC Mr Tatnell 14 February 2007</p>	<p><u>Date of offence:</u> 12 April 2006 <u>Charge:</u> Negligently use a Marine National Park B (green) zone <u>Brief facts:</u> On 12 April 2006, officers from Queensland Boating and Fisheries Patrol and Queensland Parks and Wildlife Service were performing a vessel patrol of the waters in the Low Isles area, east of Port Douglas, off the coast of Queensland. At approximately 10.00am, the officers observed a large white catamaran, named Discovery One, anchored on the north western side of Low Island. As they approached the vessel, the officers observed a number of fishing lines in the water. The defendant stated that he was the vessel's skipper and that he was conducting a tourist charter for the company that owned the vessel: XXXX. The position of the vessel was recorded as 16°22.834'S, 14°33.533'E, placing it approximately 1.75km inside the Marine National Park green zone. This zone does not permit fishing. The defendant stated that he was not aware that he was inside a green zone and that he did not have any zoning maps onboard the vessel. Several guests onboard the vessel said that the vessel had stopped at approximately midnight and the defendant had indicated that it was appropriate to fish within the area. The guests relied on the defendant's instructions prior to placing their fishing lines in the water.</p>	<p>Guilty plea Convicted and fined \$5,000; \$65.40 court costs</p>	<p>His Honour took into account the defendant's early plea of guilty and his remorse. His Honour stated that the offence was serious because the defendant was responsible for the 19 passengers on board and they relied on him to tell them where they could fish. However, the defendant did not receive the same financial gain as a commercial fisherman.</p>

<p>Maryborough MC</p> <p>Mr Lavering</p>	<p><u>Date of offence:</u> 8 August 2006</p> <p><u>Charge:</u> Negligently use a Marine National Park B (green) zone</p> <p><u>Brief facts:</u> On 8 August 2006 at approximately 1.43pm, Flight Crew onboard a Coastwatch aerial surveillance flight were conducting a routine aerial surveillance of Great Barrier Reef Marine Park within the Mackay/Capricorn Management Area when they observed three commercial fishing dories within Marine National Park zone 21-1140 at un-named reef 21-157. This zone, which is commonly known as a green zone, is defined under the Great Barrier Reef Marine National Park zoning plan and does not permit fishing. The occupants of the three dories were later identified as the defendant, XXX, and co-defendants XXX and XXX. All three defendants were employed by the owner of the master vessel the XXX.</p>	<p>Guilty plea</p> <p>Convicted and fined \$3,000</p>	<p>The magistrate took into account the defendant's early plea and his youth. He noted that he was new to the job and relied on his employer to advise him where the zones were. His honour noted the comparatives and the increase in the maximum penalty, as well as the difficulty in detecting these offences and the need for deterrence.</p>
<p>Gladstone MC</p> <p>Mr Buckley</p> <p>20 June 2007</p>	<p><u>Date of offence:</u> 4 November 2006</p> <p><u>Charge:</u> Negligently use a Public Appreciation Special Management Area within a Conservation Park zone</p> <p><u>Brief facts:</u> Defendant operates a charter fishing vessel out of Gladstone. He was located with his fishing vessel 490m inside a public appreciation special management zone at Heron Reef with three dories a further 100-150m inside the zone. His six passengers were observed to be spear fishing, an activity that is prohibited in public appreciation zones. He had maps onboard and was able to read them however he had not noticed the zone and believed he was still in the conservation zone.</p>	<p>Guilty plea</p> <p>Convicted and fined \$5,000. Costs \$66.50.</p>	<p>His Honour took into account the defendant's early plea of guilty and his co-operation with authorities. He said that the success of these zones depends upon operators like the defendant knowing what can and cannot be done within each zone. He said that he needed to impose a significant fine to deter others.</p>

<p>Maroochydore MC Mr Barrett 21 June 2007</p>	<p><u>Date of offence:</u> 29 July 2006 <u>Charge:</u> Negligently use a Marine National Park B (green) zone <u>Brief Facts:</u> On 29 July 2006, Queensland Boating and Fisheries Patrol ("QBFP") officers observed "XXX" trawling in vicinity of Unity Reef. GPS reading taken approximately 20-30m from "XXX" indicating vessel was located approximately 16°39.500'S, 145°34.519 E, placing vessels approximately 130m inside the Marine National Park zone near Unity Reef. Mud trail in the water at the rear of "XXX" observed, caused by trawling. Officers navigated their vessel directly along the trail, recording further positions. Positions recorded along trail were inside Marine National Park zone. Mix of live prawns, fish and other marine life caught. Officers observed a green zone marked on defendant's GPS plotter. Southern boundary of zone appeared to be further north than actual green zone boundary. Officers asked defendant to enter the coordinates of the green zone, as shown on zoning maps, onto his GPS plotter. Observed that true green zone boundary was further south than one originally marked on defendant's GPS plotter. Officers observed green mark on defendant's GPS plotter, which he entered. Defendant stated that the mark indicated a point he used to show him when to make a turn (not the boundary of the green zone). This green mark detailed exact location (both latitude and longitude), of southern boundary of the green zone shown on zoning maps. Defendant participated in interviews with officers making the following statements and admissions: <i>"He is the owner and master of the "XXX" and has worked on the vessel since 1981; he has professionally driven boats for 22 years and has fished since he was 13 years old; he has predominantly been involved in the prawn trawling industry and consequently has a very good working knowledge of the industry; he is aware of zoning in the Marine Park; he was trawling at the time he was intercepted; he caught two buckets of catch; he had zoning charts onboard the vessel".</i></p>	<p>Guilty plea Convicted and fined \$6,000, costs \$65.40.</p>	<p>Submitted the Court should have particular regard to aggravating features including amount of catch (including the prawns and by catch), extensively destructive nature of trawling and far more devastating than long line fishing, and relying on coordinates marked in defendant's GPS unit, he was aware of the boundary of the green zone. The Magistrate stated she was aware of the extremely destructive nature of trawling. Taking into account defendant's history of professional fishing and the coordinates placed in his GPS were indicative of knowledge of green zone boundaries. Defendant had no prior criminal history.</p>
<p>Bundaberg MC Ms JM Batts 28 August 2007</p>	<p><u>Date of offence:</u> 8 August 2007 <u>Charge:</u> Intentionally enter a Marine National Park Green Zone in commercial fishing boat <u>Brief Facts:</u> The defendant and two co-defendants were observed on three commercial fishing dories within the Marine National Park zone 21-1140 at un-named reef 21-157, known as a green zone.</p>	<p>Guilty Convicted and fined \$3,500. Court \$66.50.</p>	<p>Accepted the defendants' submission that they had not intended to fish in green zone, and took into account the plea, cooperation in interview and admissions. However, Her Honour also stated these are serious matters, and the area is environmentally precarious and in need of protection. Her Honour noted the need for parity in sentencing in relation to the co-defendant XXX, who was dealt with in April 2007.</p>
<p>Bundaberg MC Ms JM Batts 28 August 2007</p>	<p><u>Date of offence:</u> 8 August 2007 <u>Charge:</u> Intentionally enter a Marine National Park Green Zone in commercial fishing boat <u>Brief Facts:</u> The defendant and two co-defendants were observed on three commercial fishing dories within the Marine National Park zone 21-1140 at un-named reef 21-157, known as a green zone.</p>	<p>Guilty Convicted and fined \$3,500. Court \$66.50</p>	<p>Accepted the defendants' submission that they had not intended to fish in green zone, and took into account the plea, cooperation in interview and admissions. However, Her Honour also stated these are serious matters, and the area is environmentally precarious and in need of protection. Her Honour noted the need for parity in sentencing in relation to the co-defendant Hadley, who was dealt with in April 2007.</p>

<p>Cairns MC Ms Coates 19 December 2007</p>	<p><u>Date of offence:</u> 19 to 21 October 2006 <u>Charge:</u> Intentionally enter a Marine National Park Green Zone and Habitat Protection Zone in commercial fishing boat <u>Brief Facts:</u> Master of commercial trawling vessel Camira. VMS records indicated that over 3 consecutive nights vessel operated in restricted zones, namely Marine National Park "green" zones (Charges 1 and 2), and a Habitat Protection zone (Charge 3). Great Barrier Reef Marine Park Authority officers boarded vessel on 23/10/2006, during which defendant admitted he had intentionally fished in restricted areas on those nights, admitting further he caught 390, 330 and 300 pounds of prawns on each night respectively. Vessel's GPS unit was later seized. It corroborated VMS evidence, detailing vessel operated in green zone for approximately half the night in respect of 1st offence, and the majority of the night in respect of 2nd offence. Also detailed vessel crossed through Habitat Protection zone on 6 occasions in respect of 3rd offence. It revealed 1 occasion that the vessel was operating approximately 1km inside green zone, and for longer periods vessel operated as far as 300m-400m inside nearest boundary of green zone.</p>	<p>Guilty Convicted and fined \$40,000.</p>	<ul style="list-style-type: none"> • Unfortunate circumstances, recently losing the boat on which he was working & now looking at changing employment. • No previous convictions. • Made clear admissions. • Maps provided by prosecution detailed extent to which was inside zones. • Rectified behaviour - he is given credit for that. • Offending occurred over 3 nights. • Prosecution hasn't detailed financial benefit, but defendant's solicitor submitted it was \$1,400. • Offences are significant. • Zoning designed to protect what is a national & worldwide wonder & was arrived at after extensive consultation. • Conduct amounts to stealing inheritance of future generations. • Matters put forward by defendant's solicitor significant.
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