

Prosecution Bulletin no. 15/2015

Summary

- A Lanefield man was fined \$8,000 by the Ipswich Magistrates Court after pleading guilty to one offence of taking a protected plant, contrary to section 89(1) of the *Nature Conservation Act 1992*.
- The offence related to the clearing of five swamp teatrees (*Melaleuca irbyana*) which are prescribed as “endangered wildlife”.

Facts

On an unknown day in February or March 2014, the defendant cleared five trees, namely swamp teatrees (*Melaleuca irbyana*), by cutting the trees and poisoning the stumps. The trees were prescribed as “endangered wildlife” under the *Nature Conservation (Wildlife) Regulation 2006*.

The trees were situated on a road reserve that adjoined the defendant’s property at Lanefield. The trees were close to, and in some cases, touching the fence line.

Between early 2013 and early 2014, the defendant made enquiries with the Department of Transport and Main Roads, the Department of Natural Resources and Mines and the local council regarding the proposed clearing, however no clearing permit was applied for or obtained.

The defendant stated that he cleared the trees for the sole purpose of removing the fence, as he was concerned that his cattle would get on the road if the wires of the fence were to rust through.

Outcome

On 26 October 2015 in the Ipswich Magistrates Court, the defendant pleaded guilty to the offence taking a protected plant, contrary to section 89(1) of the *Nature Conservation Act 1992*.

The defendant was fined \$8,000 and ordered to pay \$500 legal costs.

In sentencing, the Court considered:

- There was an alternative solution to clearing the trees;
- The defendant had difficulty accepting advice from departmental and council officers that a permit was required;
- The legislation exists for a reason, namely to protect native wildlife;
- The defendant’s guilty plea; and
- The defendant had no prior convictions.

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