

Prosecution Bulletin no. 8/2019

Summary

- Two men from Mackay were found guilty of unlawfully taking a protected animal in contravention of section 88(2) of the *Nature Conservation Act 1992*, after a trial in the Mackay Magistrates Court on 10 September 2019.
- The men were intercepted near Murray Creek Bay with a green turtle in their boat. The men admitted that they had been hunting turtle and did not have permission from the Traditional Owners.
- The sentence was delivered by the Mackay Magistrates Court on 10 September 2019. The men were each fined \$2,000. They were also ordered to pay \$750 each in legal costs. No convictions were recorded.

Facts

On 16 April 2017, officers from the Queensland Boating and Fisheries Patrol (QBFP) intercepted a small boat near Murray Creek Bay, approximately 60km north of Mackay.

The QBFP officers observed a large green turtle on the floor of the vessel. The turtle had its front flippers bound together, and a puncture wound through the top of its shell.

Two men, who were in the boat, stated that they had been hunting the turtle for a wedding and had harpooned it. The men further admitted that they did not have permission from the Traditional Owners of that area to take the turtle.

The turtle was identified as a *Chelonia Mydas* which is classed as vulnerable wildlife.

Outcome

The men both entered a plea of not guilty to one offence of unlawfully taking a protected animal in contravention of section 88(2) of the *Nature Conservation Act 1992*. Their trials proceeded together before the Mackay Magistrates Court on 10 September 2019.

At the conclusion of the trial, the Court found both men guilty of unlawfully taking the turtle and proceeded to sentence them.

The men were fined \$2,000 each and ordered to pay \$750 each in legal costs. No convictions were recorded.

In sentencing the men, the court considered:

- the purpose of the statutory scheme which is to protect wildlife including sea turtles
- the seriousness of the offence as reflected in the maximum penalty
- that general and personal deterrence were important
- that the men had obtained permission from the traditional owners on previous occasions
- that neither man had prior convictions.

These prosecutions serve as an important reminder that the Department takes the protection of wildlife seriously and anyone acting unlawfully may face enforcement action.

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