

Prosecution Bulletin no. 14/2015

Summary

- A Holloways Beach man was fined \$7,000 by the Cairns Magistrates Court for failing to keep a proper record of wildlife movement, contrary to section 125(b)(1) of the *Nature Conservation (Administration) Regulation 2006*.
- The offence related to the buying, selling and keeping of several reptiles.

Facts

On 20 July 2014, the defendant and a friend were on a weekend camping trip when they were intercepted by Queensland police (QPS) on Portland Roads Road near the community of Lockhart. Their vehicle was stocked with a large number of pillowcases and plastic storage containers containing reptiles and spiders, which were seized by the QPS officers. QPS notified the Department of Environment and Heritage Protection (EHP) of the seized wildlife.

Upon being notified, EHP rangers became concerned that the defendant may be harbouring unlawfully acquired wildlife at his home. As a result, QPS obtained a warrant to search the defendant's residence.

On 22 July 2014, warrants were executed by QPS and EHP at the defendant's residence at Holloways Beach. Various reptiles were found at the residence and were observed to be living in poor conditions.

When questioned during the execution of the warrants, the defendant was found to be the holder of a recreational wildlife licence, and to have incomplete records with respect to the reptiles. The defendant was also unable to produce a copy of his Recreational Wildlife licence upon request, which he was required to do at law. He was also unable to produce his record book upon request by the conservation officers. The defendant admitted that his record book was not up to date, as required by law. The reptiles without legitimate paperwork were seized.

The defendant has previously been prosecuted by EHP for unlawfully taking wildlife from national parks.

Outcome

On 1 October 2015 in the Cairns Magistrates Court, the defendant was found guilty of 4 offences of failing to ensure that wildlife record particulars were recorded as required, contrary to section 125(b)(1) of the *Nature Conservation (Administration) Regulation 2006*.

The defendant was fined \$7,000 and ordered to pay \$250 legal costs. No conviction was recorded.

In sentencing, the Court considered:

- That the legislation exists for a reason, and that is to protect native wildlife;
- That the defendant, having held a recreational wildlife licence for some years, should have been well aware of his responsibilities in that regard; and
- That the defendant had been previously prosecuted by the Department for wildlife matters

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