

## Prosecution Bulletin no. 8/2015

### Summary

- Ronald Eric Summers has been fined \$3,000 and ordered to pay legal costs of \$1,000 for buying six red-winged parrots and five king parrots. Mr Summers was charged with 2 offences against section 88B(1) of the *Nature Conservation Act 1992* and one offence against section 337(1)(b) of the *Nature Conservation (Wildlife Management) Regulation 2006*.
- A second man has also been fined \$2,000 and ordered to pay \$1,500 in legal costs and \$1,000 in conservation value for catching 18 galahs on his property at Killarney when he did not have a licence or permit to do so. The man was charged with two offences against sections 88(2) and 88(5) of the *Nature Conservation Act 1992*.
- The sentences were delivered in Warwick on 28 April 2015 by Magistrate Manthey.

### Facts

In early 2014, information was received by EHP about the alleged illegal trapping and trade of protected birds from the wild. On 26 March 2014, further information was received alleging that a number of recently trapped native parrots were to be sold to Mr Summers from a Warwick residence.

At the residence, officers from EHP's Wildlife Management Unit observed 2 wooden boxes being placed into a vehicle driven by Mr Summers. Shortly after, the officers intercepted Mr Summers' vehicle 40km east of Warwick and located 6 red-winged parrots and 5 king parrots inside the two wooden boxes.

Under section 88B(1) of the *Nature Conservation Act 1992*, it is an offence to keep or use native wildlife reasonably suspected to have been unlawfully taken. In this case, Mr Summers ought to have reasonably suspected the parrots had been unlawfully taken. Mr Summers also failed to record the identification of a

person selling protected wildlife contrary to 337(1)(b) of the *Nature Conservation (Wildlife Management) Regulation 2006*.

A second man was later charged in relation to selling 18 galahs to Mr Summers on 5 February 2014 at the Warwick pig and calf sales. That man told officers he had caught the 18 galahs from his property before selling them to Mr Summers. He was charged with taking and keeping a protected animal without authority, contrary to sections 88(2) and 88(5) of the *Nature Conservation Act 1992*.

### Outcome

On 28 April 2015, both men pleaded guilty in the Warwick Magistrate's Court to the wildlife offences under the *Nature Conservation Act 1992*. In both cases the Court acknowledged the need for deterrence and the importance of sending a message to the community that wildlife offences are dealt with seriously by the Courts.

The Court was told that keeping and using protected animals is regulated to ensure their conservation, and in the context of the wildlife conservation framework, the offending in these matters compromised the system designed to regulate Australian wildlife. In sentencing both men, Magistrate Manthey noted the serious nature of the offending, the difficulty in detecting wildlife offences and the early pleas of guilty. The Court recorded a conviction against Mr Summers because of his previous criminal history.

These matters demonstrate that the Department takes the protection of all native wildlife seriously and anyone acting unlawfully will face enforcement action.

*September 2015*

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