

Prosecution Bulletin no. 5/2015

Summary

- A Brisbane man was fined \$4,500 for wildlife-related offences.
- The sentence was delivered by Magistrate Kennedy in the Cleveland Magistrates Court on 17 July 2015.
- The man was charged with a total of eight offences under the *Nature Conservation Act 1992*, *Nature Conservation (Administration) Regulation 2006* and *Nature Conservation (Wildlife Management) Regulation 2006*.

Facts

The defendant was the holder of a recreational wildlife licence that permitted him to keep certain types of reptiles and amphibians. He was not however authorised to take wildlife under the *Nature Conservation Act 1992*.

There were three events that formed the subject of the charges, namely:

- The possession of a golden-tailed gecko (*Strophurus taenicauda*) that was unlawfully obtained, which the defendant attempted to post to an address in Victoria on 14 February 2013;
- The taking of a gecko from Girraween National Park on 31 December 2013; and
- The failure to comply with statutory record-keeping requirements between 15 February 2014 and 19 March 2014 (including failing to include complete and accurate information in a record book, failing to produce movement advices to a conservation officer when asked, failing to keep movement advices in a secure place and failing to give the relevant part of a movement advice to the Department).

Outcome

On 29 May 2015, the defendant pleaded guilty to the charges, and on 17 July 2015, he was sentenced by Magistrate Kennedy at the Cleveland Magistrates Court.

The defendant was fined a total of \$4,500 and no conviction was recorded.

In sentencing, His Honour considered that:

- It is a privilege for a person to hold a wildlife licence;
- Through his actions, the defendant betrayed the trust of the Department and demonstrated little regard for the animals;
- The animals did not appear to suffer any injury;
- It is essential that accurate records are kept, otherwise populations cannot be sustainably managed; and
- The defendant cooperated with the Department during the investigation.

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