

Prosecution Bulletin no. 4/2015

Summary

- A Hervey Bay man has been fined \$5,700 and ordered to pay legal costs of \$250 for unlawfully keeping a juvenile salt water crocodile.
- The sentence was delivered in the Brisbane Magistrates Court on 26 August 2015 by Magistrate Springer.
- The man had been charged with 1 offence against section 88A(1) of the *Nature Conservation Act 1992*.

Facts

On 3 December 2014, a Virgin flight from Darwin arrived at the Brisbane Airport. Officers from the Australian Federal Police and an EHP wildlife officer approached a male passenger on that flight and asked to search his bag. In the bag officers found clothing and a pair of work boots, one of which contained a small cardboard canister. Inside the canister, officers located a juvenile salt water crocodile.

In Queensland, salt water crocodiles are protected under the *Nature Conservation Act 1992* and taking or possessing native animals without a permit is against the law with penalties of up to \$353,400 or 2 years imprisonment.

The man told officers that he had checked the bag in at the airport and that the clothing and the work boots belonged to him. He admitted that he was in possession of the crocodile and that he did not hold a licence, permit or authority to possess the crocodile, but that he had wanted a crocodile for his tattoo shop in Hervey Bay.

Enquiries later revealed that the crocodile had been purchased the day before from a Northern Territory crocodile park; however the man was not permitted to bring the crocodile into Queensland without authority.

As a result, he was charged with 1 count of keeping a lawfully taken protected animal without authority, contrary to section 88A of the *Nature Conservation Act 1992*.

Outcome

On 26 August 2015, the man was fined \$5,700 in the Brisbane Magistrates Court. The Court also ordered the payment of \$250 in legal costs.

The Court was told that whilst the crocodile was relatively small at the time it was located, salt water crocodiles are a robust species and that a male crocodile can exceed 5 metres in length and weigh up to 1,000 kilograms. In its second year of growth, this crocodile would have been expected to be about 1 metre in length and able to inflict harm with its bite.

In sentencing the man, Magistrate Springer noted the serious nature of the offence, including that there were real risks to the community when the crocodile grew to a size where it was no longer possible to retain the crocodile in the shop and that a message needed to be sent that people cannot keep animals in a way that could end up endangering society.

The Court was also told that to release the crocodile in the Hervey Bay area would mean placing it south of its recognised natural range and requiring the allocation of State resources to capture and remove it.

The Magistrate also took into account the risks associated with the uncontrolled movement of animals, both to health and safety and noted that the man would not have been able to obtain a permit to lawfully keep the crocodile in Queensland.

This case demonstrates that the Department takes the unlawful keeping and movement of wildlife seriously and anyone found breaking the law will face enforcement action.

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