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AUSTRALIA - LAND OF GOANNAS AND BUREAUCRATS.

When talking about reptile-keeping laws in Australia, it doesn't really matter where one lives, you cannot escape them. State Authorities are those who have greatest control over wildlife matters and as a general rule they are opposed to the private keeping of reptiles. Having said that, there is variation between different states as to how tough they are on private keepers in terms of issuing permits, raids on keepers and so on.

In the state of Victoria, a common saying is 'we have the worst wildlife laws and wildlife administration that could ever be devised ... that is except for all the other Australian states!'

The statement above has some truth in it. Comparing Victoria with every other Australian state, you will find a greater percentage of reptile keepers actually have licences for their reptiles, the wildlife department itself has issued more permits to keep reptiles than any other state, while raids and seizures involving reptiles and those who keep them are less in percentage terms than in most other states - certainly less than for New South Wales and Queensland, which are probably the best states to compare Victoria with.

Besides being a land of bureaucrats, Australia is regarded by herpetologists as a land of Goannas (monitor lizards). It boasts over twenty five species (about two thirds of known species). That is what this story is about - Goannas

and bureaucrats.

A SCHEDULED SPECIES.

In Victoria, reptile-keeping licences are generally issued to all who want them. This alone separates Victoria from a number of other States, in particular New South Wales, which in effect has a ban on issuing licences (at the time of writing - 1995). Having said that, this is where the simplicity ends. Victoria does not generally issue permits to take reptiles from the wild. Furthermore as Victoria is located at the extreme south of Australia, the climate is relatively cool and there are relatively few local species of reptile.

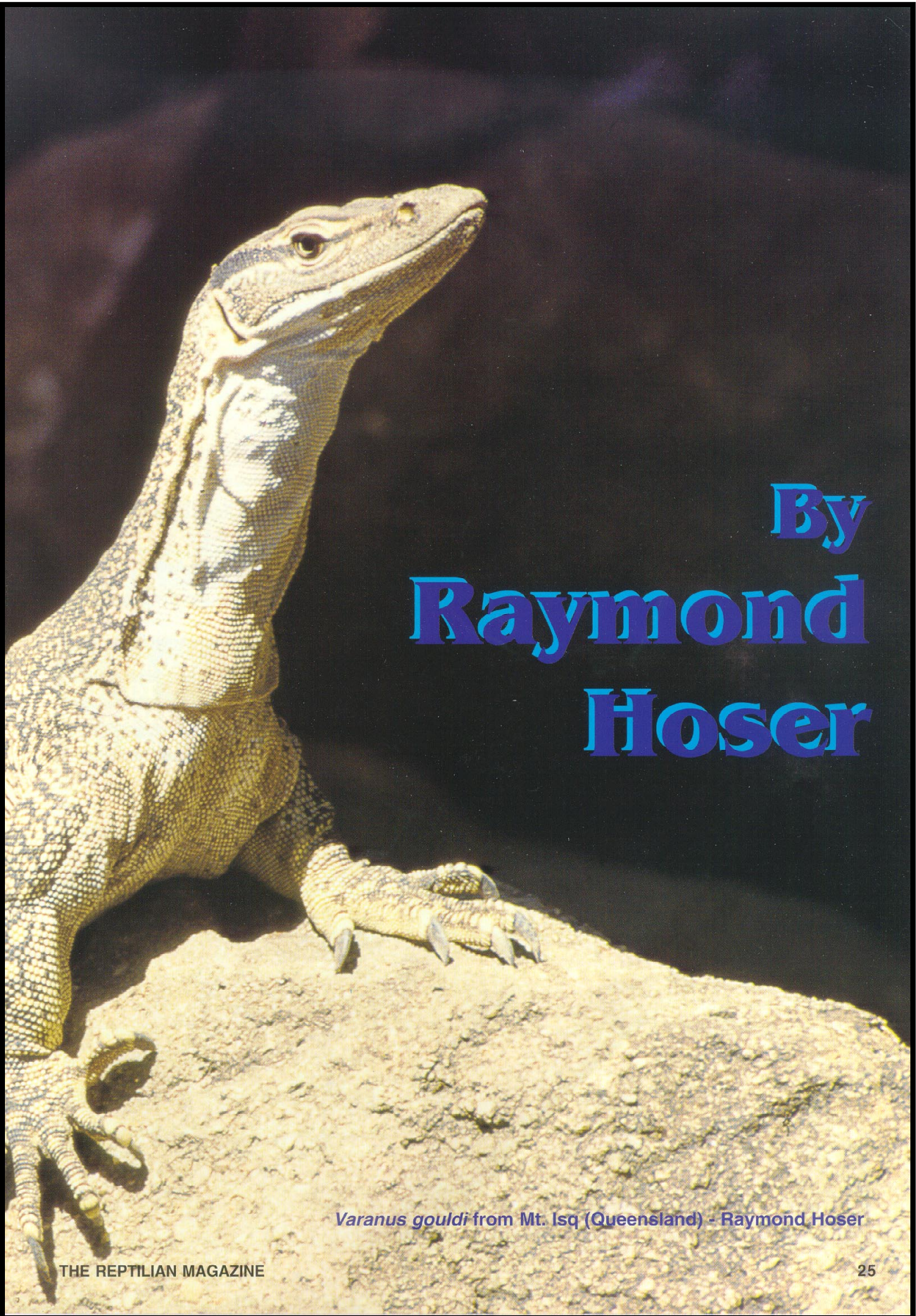
Thus the majority of reptiles seen in collections in Victoria are animals sourced from interstate or their offspring. There is more captive-breeding of reptiles in Victoria than any other state in Australia. As a rule, the state Wildlife Department (known as CNR) will allow transfer of reptiles from one collection to another, provided that the animals in question are 'legal' in the first instance.

This includes reptiles

sourced from collections interstate. While some states insist on import/export permits for interstate trade of reptiles, in 1985 these were largely abandoned by the Victorian department on the basis of its own legal advice that these permits were illegal (in violation of section 92 of the Australian Constitution which allows for free and unimpeded trade between the states). However trade between all individuals is regulated in that CNR must legally sanction all transactions before they take place. (How's that for a restrictive trade practice!)

Now there is one major minefield still remaining for Victorian reptile keepers who choose to import reptiles from interstate. This minefield is the so-called wildlife





By
**Raymond
Hoser**


Varanus gouldi from Mt. Isq (Queensland) - Raymond Hoser

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schedule. The Victorian wildlife department has somewhat arbitrarily declared a list of so-called Scheduled species. These are those which are allowed to be kept in captivity. An unscheduled species (one not on the list) is illegal, regardless of how common it is, whether or not the animal is legally held interstate, legally traded and so on. In Victorian terms, unscheduled means illegal and illegal means that if the wildlife officials know about the animal, they'll seize it. As far as the officials are concerned it's as simple as that. To be caught holding an unscheduled animal will result in criminal charges, sanctions and so on. In this context nothing is negotiable!

As a result of this Scheduling of wildlife, the types of reptile that Victorians can keep reflects only a fraction of those species occurring within Australia. Scheduled species tend only to include those common in captivity before the licensing laws were introduced in the mid 1980's. Before that a person could keep anything they wanted. That the laws have little if anything to do with conservation is clearly demonstrated by the fact that no person/s in Victoria has ever been shown to have overcollected or threatened any reptile populations in Victoria or elsewhere. The only species listed as threatened in Victoria are threatened as a result of habitat destruction and not collecting. One con-

spicuous fact is that private keepers have comprehensively avoided keeping those species listed as threatened. That is tragic as captive populations of threatened species can increase the long term security of wild populations in the event of unforeseen calamity (refer to the *Rheobatrachus* frog extinctions documented in my book *Endangered Animals of Australia*, published in 1991).

WHAT IS A SAND GOANNA?

Sand Goannas (*Varanus gouldii*) are a common species throughout much of Australia. At the present time (1995) it is fairly safely assumed that there are more

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than one species currently included in *Varanus gouldii*. Regional forms have been variously described as *Varanus rosenbergi* (southern and eastern coastal populations) *Varanus kurringai* (east NSW), *Varanus flavirufus* (Central Australia) and *Varanus panoptes* (tropical Australia), *Varanus rubidus* (North-west WA) and *Varanus horni* (New Guinea) or similar subspecies. These classifications have not been universally accepted and regardless of any final determination, the fact that all forms are closely related is not in dispute. Sand Goannas are a large, usually yellowish coloured lizard (except *rosenbergi* which may be darker or grey). They are best described as simply a big yellow monitor.



Varanus gouldii from Parkes, New South Wales - Raymond Hoser.

In compiling their list of Scheduled species, CNR, while seeking input from local reptile-keepers, did draw up their list in haste. Taxonomic problems (name changes of species) and potential problems caused by them, were quite simply overlooked. While potential problems with newly written laws are not unique to Victoria, this story is about how an unreasonable attitude of wildlife officials can make a mountain out of a mole-hill.

THE IMPORTATION.

For many years, both before and since introduction of Scheduling, Victorian reptile keepers have imported Sand Goan-

nas from keepers in the Northern Territory. In that state, these lizards are abundant with hundreds being killed on that state's roads every day. The daily road toll would exceed the number brought into Victoria each year by an overwhelming percentage. But as I have implied already, this is not a story about wildlife conservation ... that isn't the reason for most Australian wildlife bureaucrats existence.

In 1995 a number of Victorian reptile keepers decided to import a number of Sand Goannas (*Varanus gouldii*) from Northern Territory Reptile keeper and Reptile Park Curator, Graeme Gow. That

transaction was notable by it's uneventfulness. The keepers and Gow had all engaged in similar (legal) transactions previously and CNR had always allowed them. This case was (initially at least) no different. The paperwork forwarded to the department (CNR) clearly stated the animals were *Varanus gouldii* and nobody seemed to dispute the point.

PANOPTES.

Another Melbourne-based keeper, Leslie White, unbeknown to all concerned had in 1994 applied to CNR to import a lizard called *Varanus panoptes*.

Before continuing with this saga I should talk a little about *panoptes*. This 'species' was described by the late Dr. Glen Storr of the WA Museum in a paper published in 1980. *Panoptes* had been 'split off' from other *gouldii* on the basis of a series of characteristics, separating northern (tropical specimens) from others - including southern and centralian specimens.

The majority (but not all) reptile books published over the following fifteen years adopted Storr's terminology (*panoptes*) to describe certain liz-

Varanus rosenbergi (male) from West Head, New South Wales - Raymond Hoser.



ards formally grouped within *gouldii*. I didn't adopt *panoptes* in my 1989 title *Australian Reptiles and Frogs* principally because the taxonomic work done by Storr and others in relation to the *gouldii* species complex was clearly incomplete and I preferred to adopt a conservative stance pending a more thorough review of the group. I still believe that other 'forms' will be later split of as new sub-species or species.

White's application to import *panoptes* was rejected by a CNR official who'd checked the department's schedule and noted that *panoptes* wasn't on it. As it was not a scheduled species, to keep one would be illegal. White complied with CNR and didn't import the lizard. Perhaps I should note here that all the reptile keepers named in this article appeared to be totally law-abiding and above board in all their actions. They clearly went out of their way to do their best to comply with the maze of wildlife laws imposed upon them against their desires. This fact demonstrates that most

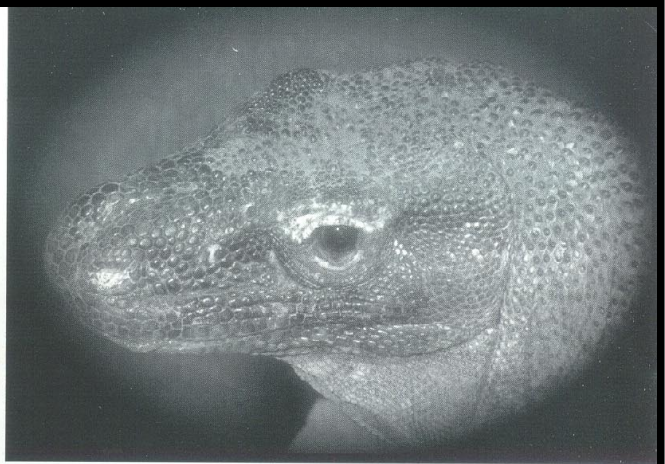
people (in Australia) will as a rule do their best to remain within the law, even if they don't agree with them. It gives lie to assertions by wildlife and other officials to the contrary.

In early 1995, White was visiting a pet shop where he saw Sand Goannas (*Varanus panoptes*) for sale in the window. White spoke with the pet shop owner and was told that CNR had allowed him to import the lizards. Further inquiries by White revealed that a whole host of Victorian keepers had also been allowed to import the same lizards, again without incident.

Quite innocently, White rang the department and asked them why he was not allowed to import these lizards while everyone

else had. White told the official that he'd been advised by the others that all transactions had been legal and all he wanted was what everyone else had got. Had the lizards been put onto the Schedule? What was going on? From White's point of view, his inquiry was totally legitimate and innocent. He had certainly not wished or attempted to get his friends in trouble.

Because White had been told by the pet shop owner and the others that all the transactions had been legal, he didn't



Varanus komodoensis (female), Taronga Zoo, Sydney - R. Hoser

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hesitate to tell the wildlife official who these people were, when he was asked. After all he wasn't 'dobbing in his mates' or so he thought. All White was doing was trying to get a permit to keep a lizard his friends had been allowed to and that he thought he too should be entitled to.

THE RAIDS.

As *Varanus panoptes* was unknown to the CNR official, he then looked the name up in the various reptile books held by the department. He found it listed in a book called *Lizards of Western Australia (Dragon Lizards and Monitors)* by Storr, Smith and Johnstone, published by the WA Museum in 1984. Relying on Storr's 1980 paper the book had clear photos of what they thought were *panoptes* and *gouldii*. The two animals shown were distinctly different. The large yellow tropical form was *panoptes*, while *gouldii* was depicted as a somewhat smaller form from central Australia, with distinctly different markings.

Rather than trying to sought things out in a civilised way a number of CNR officials noted for their propensity to seize reptiles were again up to their favourite trick - seizing reptiles. On sixth April 1995, Victorian keepers Stuart Bigmore of Lara,

Steve Black of Werribee, Warren Blake of northern Victoria, Francis Mauriks of Gembrook and Dave Kleir of Melbourne suddenly found CNR officials at their doorstep demanding to see their Sand Goannas. The raid on Bigmore was typical. In his case four gun-toting officials armed with a pair of search warrants decided to barge into his house and ruin his day. While Bigmore has no history of violence, criminality and so on, this bureaucratic overkill is so common here in Australia that it now rarely raises eyebrows.

The lizards were clearly the tropical ones (*panoptes*) as depicted in the book and thus they were seized. And yes, the relevant paperwork from Gow stated emphatically that the lizards were *Varanus gouldii*.

Neil Davie, fellow herpetologist and friend of Bigmore and the others took up their cause as their advocate. When he asked the officials on what basis the lizards were seized, the officials told him, 'We're relying on the book by Storr, Smith and Johnstone'. Davie then rang me and told me what had happened. The only thing I haven't yet mentioned is that the wildlife officials didn't tell Davie or Bigmore who their 'informant' was, so for some time after the event, Davie and others were running around madly trying to find out who 'put them in'.

Noting what Davie had told me, I told him that it was preposterous for CNR officials to seize Sand Goannas (*Varanus gouldii*) on the basis that they been reclassified as *panoptes*, particularly as 1/ The lizards were still popularly named as Sand Goannas (no change) and 2/ The name change by Storr wasn't universally accepted. I told Davie that I'd go to court for his friends to testify both points, citing a number of later publications, including my own, which do not use the name

panoptes.

But the ridiculousness of seizing lizards on the basis of a scientific name change is truly realised when one looks at the rate of name changes among commonly kept Australian reptiles. The scientific names of Australian pythons change more often than most people care to keep count. Most small brownish pythons in Victoria and elsewhere are still traded as Children's Pythons (*Liasis childreni*), even though most publications in the last eight years have split that species into three. By far the most commonly traded form is the snake known as the Spotted Python (*Liasis maculosus*). Should CNR officials raid half Victoria's collections and take their Spotted Pythons on the basis they've been wrongly listed as *childreni*? While pursuing that point to it's logical conclusion, most recent authors including Wells and Wellington, Barker and Cogger list smaller *Liasis* as *Antaresia*. That would make over 90 per cent of Victorian reptile keepers vulnerable to lose snakes on the basis of the same logic used to seize the so-called *panoptes*.

The reason the whole matter assumed such urgency is that CNR officials had rushed into formally charging and issuing summonses to Bigmore and the others for keeping unscheduled (illegal) wildlife, to wit *Varanus panoptes*. To make things worse, CNR officials had taken steps to ensure their Northern Territory counterparts similarly charge Gow.

The cat was really thrown among the pigeons after Davie spoke to Eminent herpetologist Richard Wells in relation to the raids shortly after they occurred. Wells told Davie that *panoptes* was 'out!' and that CNR had really 'balled things up'.

Unbeknown to all players in the saga (to that point) was a paper published by Wolfgang Bohme in 1991. The paper was titled 'The Identity of *Varanus gouldii* (Gray, 1838), and the Nomenclature of the *V. gouldii* - Species complex', and published in *Mertensiella/Salamandra*, 15 (2), pp. 38-41.

That paper showed that in 1980 Storr (who was and still is regarded as one of Australia's greatest herpetologists) had engaged in what was best described as sloppy taxonomy and failed to look at the lectotype specimen of *Varanus gouldii* at the British Museum. That specimen was clearly the same type of animal Storr had erroneously named as *panoptes*. Because Gray described *gouldii* in 1838, *panoptes* was only a junior synonym of the former name and therefore an invalid name. In short *panoptes* did not exist as

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a species.

Now, that the CNR officials had seized the lizards, issued summonses/charges against the keepers and put them through heaps of stress because they hadn't done their homework was bad. What was worse however was their conduct after they were shown to be in error. Instead of admitting their mistakes, returning the lizards and letting matters rest, CNR officials dug in their heels and really made ratbags of themselves.

Davie and the others had objected to CNR officials seizing and taking the lizards in the first instance. This was because the lizards were to be taken to Melbourne Zoo, where their own vets had admitted to losing reptiles through a host of highly infectious diseases including mite transmitted septicaemia, cryptosporidium and so on. Davie and the others didn't want the lizards to become infected (As I wrote this sentence I was informed by a friend that this computer had a virus ... this article was stopped and then using an anti-viral programme I was able to disinfect my system. Within a four day period, I'd infected my C-drive about 10 floppies and sent infected disks to four other people, I saved everything...but my friend lost

animals in their care, pending settlement of the dispute and/or court proceedings.

Needless to say CNR officials didn't accept their request and the lizards were carted off to Melbourne Zoo. The zoo didn't want the lizards either, but because they receive some funding from the same department they are obliged to hold the lizards on the department's behalf. Perhaps I should mention that the act of unnecessarily bringing seized animals to Melbourne Zoo increases the risk of new infections being introduced into their own collection (bearing in mind the known weaknesses/limitations of their own quarantining systems). This whole part of the exercise represented yet further diversion of resources (Melbourne Zoo and its reptile keepers), who could have diverted their expertise elsewhere, as well as further risks to their collection.

Following his conversation with Wells, who told him of Bohme's paper, Davie gathered up a heap of material to back up his request to CNR for a return of the seized lizards. Besides getting the original of the paper by Bohme (I'd had it in my files, but hadn't read it), he also sought confirmation and letters from a number of key recognised experts on Monitors.

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some of his programmes - he'd got his system infected about two weeks earlier... are reptiles all that different?, can they also be infected just as quickly? The only major difference that I can see is that with computer's it's easier to precisely measure the rate of infection).

Davie and the others asked for seizure notices to be placed on the lizards, whereby they retained the animals

A letter from Robert George Sprackland, internationally renowned Monitor expert, based at University College London, dated April 25 1995, summed things up by stating that *panoptes* is a name 'no longer available for the Sand Goanna'. He went on to say 'the incorrect name *panoptes* only now appears in books and articles written by uninformed amateurs or those published before the paper (Bohme's) was made widely known'.

Other letters expressed similar sentiments. In spite of advice to Davie, Bigmore and the others to retain this material pending a court hearing, Davie decided he was more concerned with the immediate return of the lizards and attempted to reason with the department. He presented them with all the relevant letters, scientific papers and so on and argued the case that the CNR seizure was wrong as *panoptes* didn't exist and the lizards were in fact *gouldii*. This is where the problems started to arise. In common with many bureaucrats in Australia, CNR officials will never admit to mistakes ... no matter how obvious.

In a state of panic a CNR official rang Dr. Harold Cogger at the Australian Museum in Sydney and posed a series of hypothetical questions to him. These questions essentially revolved around the idea of somehow getting Bohme's paper set aside and the name *panoptes* resurrected. Although Cogger never stated that such could or would occur, his statements were duly misquoted by CNR officials in correspondence to Davie and Bigmore. For example in a letter dated 4th May, by Peter Sheehan, CNR Director to Bigmore's lawyer. In that letter Sheehan falsely claimed that Cogger and Shea were finalising a submission to the International Commission for Zoological Nomenclature (ICZN) to have the original lectotype of *gouldii* 'set aside' and the name *panoptes* readopted. Following a phone call from Davie, Cogger confirmed that such was not taking place, further taking steps to stop himself being further misquoted. Furthermore a letter from Bigmore to Sheehan dated 8th May, correctly asserted Sheehan's statement

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(above) 'as meaning that Bohme's paper does have current legal standing and universal acceptance until overturned if Storr's taxa requires "ratification".

A second letter from Sprackland dated May 1995, confirmed that CNR's idea that *gouldii* could be set-aside in favour of *panoptes* simply could not occur. I won't repeat the four pages of reasons given here.

Another excuse given by Sheehan for non-return of the lizards was that the NT Wildlife Department would back them in a prosecution by 'recognising' the (now alleged) species *panoptes*.

When things got even more heated, CNR officials claimed that there was some commercial advantage in selling the lizards as two species, *panoptes* and *gouldii*. Unfortunately that wasn't the case. They all sell for about the same (\$200 each), because all forms are widespread and abundant.

Bigmore and Davie went to the Victorian Ombudsman's department to try and get remedy. They dealt with officers Barry Perry (repeatedly, asserted as corrupt in the media by the now Liberal Government when in opposition) and John Flemming, who was named adversely with Perry in the book *The Hoser Files*. Predictably they backed CNR in their actions and refused to act.

The net closed on CNR from elsewhere however. A number of parliamentarians got involved in the case, including government members. Worse still, Davie managed to get media interest in the story. This really scared CNR officials. It appeared they knew they were wrong, but true to form couldn't admit it.

Davie then threatened to make a media circus of the event if the matter went to court and as things stood, this was where they were headed.

Finally CNR officials decided to return the lizards, but even then things weren't resolved. You see, it was a case of

Bigmore and others being bludgeoned into a deal. The deal ran roughly as follows:-

No admission of fault by CNR.

All charges dropped.

The lizards must be traded at the first opportunity out of Victoria, so no so-called *panoptes* could be held in Victoria.

Compliance with the above conditions or risk further harassment.

And so a deal was struck. The idea that the lizards had to be traded out of Victoria so that there would be no so-called *panoptes* in the state was in itself ludicrous. Many so-called *panoptes* remain in collections in Victoria. Most have been there for many years and CNR have never attempted to seize them. CNR have now chosen to ignore this fact. Furthermore, while the taxonomy of the *Varanus gouldii* species complex was of little interest to people in Australia prior to this affair, now it seems, everybody's done a crash course in the subject.

The CNR actions in this little saga have ensured copies of Bohme's paper were faxed all over the country. While a number of people had still (in 1995) been using the name *panoptes* before this saga, it is effectively guaranteed the name will rarely if ever be used again.

The next question I ask is what did the whole exercise achieve? The answer is nothing of course. A substantial chunk of a department (along with Perry and Flemming from the Ombudsman's Department) ran around like headless chickens wrongly taking lizards and then covering up for their stupidity. The waste of taxpayer's funds was vast. As for Davie, Bigmore and the others, the losses were similar. While they got their lizards back, they went under financially. Bigmore spent a fortune on lawyers and the others similarly suffered both in terms of lost money and time. So instead of having keen herpetologists and a so-called Wildlife Conservation Department working towards conserving, saving and studying native wildlife, we have a virtual state of war going on - while the carnage of wildlife elsewhere continues. This story sums up the wildlife scene in Aus-

tralia and why when budgets of wildlife departments are so huge, they still produce precious few positive results.

There are a few other ironies in relation to the above case. About a year earlier the same CNR Officials illegally seized from Frankston pet shop owner Alistair Mackay three Diamond Pythons (*Morelia spilota*). A court later ordered the return of the snakes. The snakes which had been taken to Melbourne were returned to Mackay dead. He was at the time of writing pursuing a damages claim against the department.

In relation to *panoptes* (for want of a better name), being an unscheduled species, that in itself wasn't a terribly big deal. You see CNR operates an 'advisory committee' which meets frequently to discuss legislative matters. Had a request been made to 'schedule' *panoptes* prior to the above incident, it would probably have been granted without question. For several reasons, such an event is now unlikely.

Neil Davie and others have now set up a new herpetological society. Called the Victorian Association of Amateur Herpetologists (VAAH), they have a Sand Goanna (*Varanus gouldii*) of the form identified by Storr as *panoptes* as part of the letterhead.

Finally, have CNR learnt anything useful from the experience? or should I ask are they likely to turn their attention to more productive things? I think the answer to both is no.

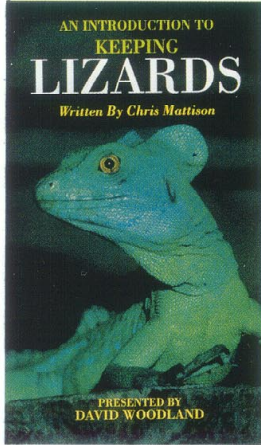
A headline in Melbourne's *Herald-Sun* newspaper dated August 15th, 1995 summed up the department's mentality and how a bit of a smokescreen may be used to justify the existence of a huge number of bureaucrats. The story is reprinted below:-

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have violated a number of related wild-life laws. A so-called study of the highly "protected" Platypus (*Ornithorhynchus anatinus*) in Eastern Victoria resulted in an entire colony being netted. The study was terminated after all had drowned in nets.

On a more positive note, CNR officials have backed (or at least not impeded) a number of important public education initiatives involving reptiles, including two important captive breeding projects. One involves the Striped Legless Lizard (*Delma impar*), the other involving the Swamp Skink (*Egernia coventryi*). Important studies into Victorian Carpet Snakes (*Morelia spilota* sub.sp.), Earless Dragons (*Tympanocryptis lineata*), Striped Legless Lizards and Spencer's Tree Frogs (*Litoria spenceri*) have also been supported by CNR management.

Below: *Varanus timorensis* (Queensland) - Raymond Hoser.

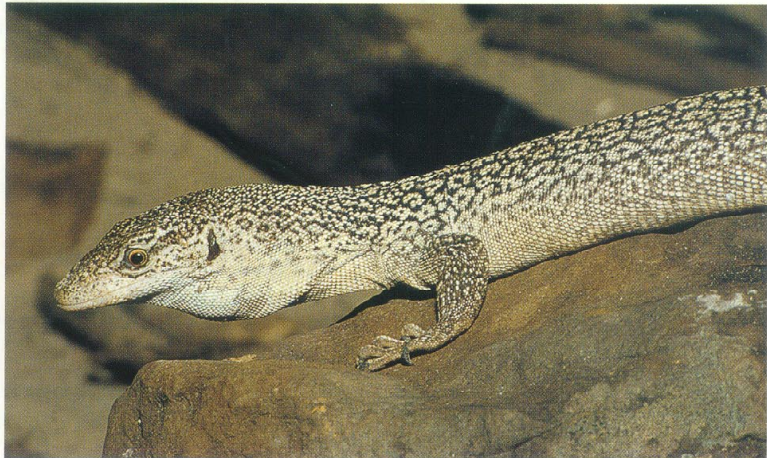
holders to stem a multi-million dollar illegal trade in native birds and reptiles. State Natural Resources Minister Geoff Coleman said inspections would be held this month before the breeding season began. Licencees at fault face a \$100 fine.

On August 26th, 1995 one Melbourne reptile-keeper was busted for his role in the multi-million dollar racket. His crime ... sending in his wildlife return for his legally held captive-bred reptiles on the wrong form! A week later another person who had three pet reptiles (all common species) was also busted for his role in the multi-million dollar racket. In his case he'd filed his return correctly, but the officials still weren't happy. You see an obscure section of the Victorian Wildlife laws state that the licence holder must retain a photo copy of their return. The keeper had failed to do so and although the department freely admitted they'd received his return on time, they still saw fit to issue the man a \$100 on the spot fine.

POSTSCRIPT.

CNR has also been in for sustained criticism in 1995 from a number of animal welfare and related groups. A mapping error by departmental staff almost led to the logging of most of the habitat for the endangered Leadbeater's Possum (*Gymnobeledon leadbeateri*).

Repeated editorials in major newspapers, magazines, etc, have found CNR's own staff to be by far the largest illegal loggers in the state and also to



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