

SUPREME COURT OF NOVA SCOTIA

Citation: Palmer v. Nova Scotia (Natural Resources), 2011 NSSC 248

Date: 20110620

Docket: Hfx No. 347345

Registry: Halifax

Between:

Mark Palmer, as Guardian *ad Litem* for his daughters

Applicant

v.

Department of Natural Resources
for the Province of Nova Scotia

Respondent

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Judge: The Honourable Justice Glen G. McDougall

Heard: June 14, 2011, in Halifax, Nova Scotia

Oral Decision: June 20, 2011

Written Decision: June 24, 2011

Subject: Ownership of wildlife found in a state of nature; a non-native species of turtle that must have either escaped captivity or been released into the wild.

Summary: The applicants found a Florida Red-Bellied Cooter (a species of turtle not native to Nova Scotia) in a roadside ditch. It was near death so they took it home to try to nurse it back to health. They intended to keep it as a family pet. When the Department of Natural Resources became aware of its existence they ordered that it be euthanised. It was feared that the turtle could carry disease that would further threaten our native turtle populations of which some species are already endangered. The non-native turtle could also pose a human health risk from salmonella.

Issue: Does ownership of a non-indigenous turtle found in the wild vest in the person who finds it or does it belong to the Province?

Result: Section 4, sub-section (1) of the *Wildlife Act*, R.S.N.S., 1989, c. 504 (as amended) vests ownership of all wildlife including exotic (i.e., non-indigenous) wildlife in Her Majesty the Queen in right of the Province. Temporary removal of wildlife from a state of nature does not alter its status.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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