

**From:** Jamie Merrick <Jamie.Merrick@des.qld.gov.au>  
**Sent:** Wednesday, 10 April 2024 7:49 AM  
**To:** Mike Kaiser  
**Subject:** Molly

Actions being undertaken today:

- Exempt Sch.3(7) Legal Professional Privilege
- This morning, as Chief Executive I will exercise the discretion available under s 173P of the NC Act enable the magpie to be legally returned to Ms Wells and Mr Mortensen.
- In support of this I will approve a Decision Notice and letter of authority to enable the lawful return of the magpie to Ms Wells and Mr Mortensen. This will include standard conditions to prevent commercial use and breeding, whilst also including a requirement to provide for educational messaging on caring for native wildlife appropriately.
- I will formally write to Ms Wells and Mr Mortensen confirming the decision to authorise and condition the lawful return of the magpie to their care.
- They then have to apply for the license. The department will provide advice to the family through the application process and in meeting the requirements.

Suggested lines:

- I understand the Director-General of DESI will be writing to Ms Wells and Mr Mortensen today setting out a lawful pathway for the return of Molly under a Specialised License.
- This will ensure Molly receives the best possible care going forward.

Background

- Late last week, the department received a full independent veterinary report by the RSPCA, to determine the overall health and any particular care Molly needs going forward
- This has confirmed that Molly is highly habituated, has some issues with wing development and weight issues, and cannot be rehabilitated for a return to the wild
- Otherwise, Molly is in good spirits and is interacting well with our carers
- Summary findings of the veterinary report will be provided to Ms Wells and Mr Mortenson

- Exempt Sch.3(7) Legal Professional Privilege
- Importantly, we are getting expert advice on what would need to be in place to ensure Molly's long-term welfare if he is to return
- As a condition of any permit to return, there will also need to be agreement on public messaging – this will need to focus on encouraging others to seek vet or wildlife carer advice if injured wildlife is found within 72 hours – this is to give native wildlife the best chance to be fully rehabilitated and returned to the wild, which is the best outcome
- Specialised permits under the Act which allow people to keep native wildlife, do not allow commercial activity relating to the animal

If raised:

- A Penalty Infringement Notice (20 Penalty units) was issued as the family did not notify the department, a vet or wildlife carer within 72 hours of finding Molly as required
- Following advice from the DDG Ben Klaassen, Mrs Wells has opted to have the PIN reviewed. The department has 28 days to review that decision, and this will be undertaken independently of the original decision-maker.



**Jamie Merrick**  
**Director-General**  
**Department of Environment, Science & Innovation**

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