



Queensland

Nature Conservation Act 1992

Nature Conservation (Estuarine Crocodile) Conservation Plan 2007

Current as at 1 August 2012

Information about this reprint

This plan is reprinted as at 1 August 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Nature Conservation (Estuarine Crocodile) Conservation Plan 2007

Contents

		Page
Part 1	Preliminary	
1	Short title	5
2	Commencement	5
3	Relationship with declared management intent—Act, s 121(2) . .	5
4	Purposes of plan	5
5	Interpretation generally.	6
6	Meaning of problem crocodile	6
Part 2	Problem crocodiles	
Division 1	Scheme for giving problem crocodiles to Queensland crocodile keepers	
7	Establishing scheme.	7
Division 2	Crocodile management authority	
Subdivision 1	Grant of authority	
8	Persons to whom authority may be granted	9
9	Authority granted to approved persons authorising employees to act under it	9
10	Maximum term of authority.	9
Subdivision 2	Activities authorised under authority	
11	Catching problem crocodile authorised under authority held by approved person.	10
12	Catching, dealing with and euthanasing problem crocodile authorised under authority held by prescribed officer	10
Subdivision 3	Carrying out activities under authority granted to approved person	
13	Application of sdiv 3	11
14	Compliance with conditions of authority	11
15	Holder must start activities under authority	11

Contents

16	Way problem crocodile may be caught, kept and moved generally	12
Subdivision 4	Procedures after problem crocodile caught under authority granted to approved person	
17	Application of sdiv 4	13
18	Procedure after live problem crocodile caught if direction given by chief executive	13
19	Procedure after live problem crocodile caught if no direction by chief executive	14
20	Dealing with problem crocodile after death	15
21	Report to chief executive about dealing with dead problem crocodile	16
Division 3	Damage mitigation permit	
Subdivision 1	Grant of permit	
22	Additional purpose for which chief executive may grant permit and related restriction on grant.	16
23	Restriction about persons to whom permit may be granted.	17
24	Permit can not authorise release of problem crocodile into the wild	17
25	Maximum term of permit	17
Subdivision 2	Activities authorised under permit	
26	Catching and moving problem crocodile authorised under permit	18
Subdivision 3	Carrying out activities under permit	
27	Way problem crocodile may be caught, kept and moved generally	18
Subdivision 4	Procedures after problem crocodile caught under permit	
28	Procedure after live problem crocodile caught under permit	19
29	Dealing with problem crocodile after death	20
30	Report to chief executive about dealing with dead problem crocodile	21
Division 4	Other provisions about problem crocodiles	
31	No conservation value payable.	22
32	Chief executive may give problem crocodile to particular persons	22
Part 3	Provisions about particular wildlife authorities for crocodiles	
Division 1	Restrictions on grant of particular wildlife authorities	
33	Restriction on grant of wildlife demonstrator licence	23
Division 2	Limitation on activities authorised under wildlife authorities	
34	Purpose of div 2	23

35	Limited interaction authorised under commercial wildlife licence (wildlife interaction)	23
36	Limited uses authorised under wildlife authorities	24
Division 3	Carrying out activities under wildlife authority	
37	Particular estuarine crocodiles must be tagged and marked	25
38	Complying with conditions of icon crocodile agreement.	25
Part 4	Other provisions about estuarine crocodiles	
39	Procedure on accidental catching or taking of estuarine crocodiles	26
40	Proximity to estuarine crocodiles	27
Part 5	Amendment of plan	
41	Amendment of plan	28
Part 6	Repeal provision	
42	Repeal	28
Schedule	Dictionary	29
 Endnotes		
1	Index to endnotes.	32
2	Date to which amendments incorporated.	32
3	Key	33
4	Table of reprints	33
5	List of legislation.	34
6	List of annotations	35

Nature Conservation (Estuarine Crocodile) Conservation Plan 2007

[as amended by all amendments that commenced on or before 1 August 2012]

Part 1 Preliminary

1 Short title

This conservation plan may be cited as the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

2 Commencement

This plan commences on 1 March 2008.

3 Relationship with declared management intent—Act, s 121(2)

Section 121(2) of the Act does not apply to this plan.

Editor's note—

Section 121 (Plan replaces interim or declared management intent) of the Act.

4 Purposes of plan

The purposes of this plan are to—

- (a) conserve viable populations of estuarine crocodiles in the wild; and
- (b) protect humans from problem crocodiles; and
- (c) prevent the loss of aquaculture fisheries resources, stock and working dogs caused by problem crocodile attacks; and

[s 5]

- (d) ensure the commercial use of estuarine crocodiles is ecologically sustainable.

5 Interpretation generally

- (1) The schedule defines particular terms used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, terms used in this plan have the meaning given in the Wildlife Management Regulation.
- (3) To remove any doubt, it is declared that subsection (2) also applies to the following, as applied to the Wildlife Management Regulation under section 5 of that regulation—
 - (a) a definition under the *Nature Conservation (Administration) Regulation 2006*;
 - (b) a provision of the *Nature Conservation (Administration) Regulation 2006* that aids the interpretation of a term used in that regulation.

6 Meaning of *problem crocodile*

- (1) An estuarine crocodile in the wild is a *problem crocodile* if the chief executive considers the crocodile is, or is likely to become, a danger to humans.
- (2) Also, an estuarine crocodile in the wild is a *problem crocodile* if—
 - (a) the crocodile has passed over, through or under a crocodile prevention barrier on land, other than land in a protected area, on which aquaculture fisheries resources, stock or a working dog normally live; and
 - (b) the chief executive considers the crocodile is, or is likely to become, a danger to the resources, stock or dog.
- (3) Without limiting subsection (1), the chief executive may consider an estuarine crocodile is, or is likely to become, a danger to humans if—

- (a) the crocodile has attacked, is about to attack, or is behaving aggressively towards, a person; or
- (b) the chief executive reasonably believes the nature of the crocodile's location or behaviour makes the crocodile a threat, or a potential threat, to the safety or wellbeing of humans.

Example for paragraph (b)—

An estuarine crocodile is in an urban area, or a public area commonly used by persons for recreation and in which estuarine crocodiles do not normally live, and has been in the area for an extended period or is frequently in the area.

- (4) Without limiting subsection (2)(b), the chief executive may consider an estuarine crocodile is, or is likely to become, a danger to aquaculture fisheries resources, stock or a working dog if the crocodile has attacked, is about to attack, or is behaving aggressively towards, the resources, stock or dog.
- (5) In this section—

crocodile prevention barrier means a barrier that is reasonably likely to prevent crocodiles from passing over, through or under it.

Part 2 Problem crocodiles

Division 1 Scheme for giving problem crocodiles to Queensland crocodile keepers

7 Establishing scheme

- (1) The chief executive may establish a scheme for giving problem crocodiles to Queensland crocodile keepers.
- (2) The chief executive must ensure the scheme—

[s 7]

- (a) gives all Queensland crocodile keepers the same opportunity to become eligible to obtain a problem crocodile under the scheme; and
- (b) allows a Queensland crocodile keeper to become eligible to obtain a problem crocodile under the scheme only if the keeper—
 - (i) intends to use problem crocodiles mainly for breeding or for displaying the crocodiles to the public; and
 - (ii) has appropriate experience in keeping and using estuarine crocodiles in a way that complies with the Act; and
 - (iii) has appropriate facilities for keeping and using estuarine crocodiles; and
 - (iv) if the keeper intends to display the crocodile—has appropriate facilities for displaying estuarine crocodiles in a way that complies with the Act; and
- (c) allows a Queensland crocodile keeper to become eligible to obtain an icon crocodile under the scheme only if the keeper is prepared to enter into an icon crocodile agreement for the crocodile; and
- (d) provides for giving problem crocodiles to eligible Queensland crocodile keepers in a way that ensures the keepers have equitable access to problem crocodiles.

Examples for paragraph (d)—

- a system under which each eligible Queensland crocodile keeper has a turn at obtaining a problem crocodile
 - using an expression of interest process
- (3) The chief executive must ensure a document containing the details of the scheme is available for public inspection, free of charge, during office hours on business days, at the department's head office and each regional office.

Division 2 Crocodile management authority

Subdivision 1 Grant of authority

8 Persons to whom authority may be granted

The chief executive may grant, with or without conditions, a crocodile management authority to—

- (a) an approved person; or
- (b) a prescribed officer who is not a conservation officer.

9 Authority granted to approved persons authorising employees to act under it

- (1) This section applies to a crocodile management authority granted to an approved person.
- (2) The chief executive may grant the authority in a way that authorises an employee of the holder of the authority to act under the authority only if the employee is an approved person.
- (3) The chief executive grants a crocodile management authority in a way that authorises an employee of the holder of the authority to act under the authority if the chief executive writes the employee's name on the authority.

10 Maximum term of authority

The chief executive can not grant a crocodile management authority for a term of more than—

- (a) for a crocodile management authority granted to an approved person—1 year; or
- (b) for a crocodile management authority granted to a prescribed officer—3 years.

[s 11]

Subdivision 2 Activities authorised under authority

11 Catching problem crocodile authorised under authority held by approved person

- (1) This section applies if the holder of a crocodile management authority is an approved person.
- (2) The holder, or an employee of the holder stated on the authority, may catch an estuarine crocodile under the authority, in the way stated on the authority, if the chief executive has given the holder a written notice identifying the crocodile as a problem crocodile.

12 Catching, dealing with and euthanasing problem crocodile authorised under authority held by prescribed officer

- (1) This section applies if the holder of a crocodile management authority is a prescribed officer.
- (2) The holder may—
 - (a) catch an estuarine crocodile under the authority, in the way stated on the authority, if the chief executive has given the holder a written notice identifying the crocodile as a problem crocodile; and
 - (b) after catching the crocodile, deal with the crocodile—
 - (i) in the way stated on the authority; or
 - (ii) if the notice mentioned in paragraph (a) states a different way for dealing with the crocodile—in the way stated in the notice.
- (3) Also, if the notice mentioned in subsection (2)(a) states the holder may euthanase the crocodile identified in the notice in a stated way, the holder may, under the authority, euthanase the crocodile in the stated way.
- (4) The chief executive may give a notice stating the crocodile may be euthanased in a stated way only if the chief executive

is satisfied it is necessary to euthanase the crocodile in the circumstances.

Example of when chief executive may be satisfied for subsection (4)—

the crocodile is in a remote location and has attacked or is about to attack a person

Subdivision 3 Carrying out activities under authority granted to approved person

13 Application of sdiv 3

This subdivision applies if a crocodile management authority is granted to an approved person.

14 Compliance with conditions of authority

A person acting under the crocodile management authority must comply with the conditions of the authority unless the person has a reasonable excuse.

Maximum penalty—80 penalty units.

15 Holder must start activities under authority

- (1) This section applies if the chief executive has given the holder of the crocodile management authority a written notice identifying a problem crocodile that may be caught under the authority.
- (2) The holder must, within 72 hours after the day the notice is given—
 - (a) put the equipment to be used to catch the crocodile in place; or
 - (b) if the holder intends to catch the crocodile by using a method that does not involve the placement of equipment—take reasonable steps to ensure the capture of the crocodile within a reasonable period.

[s 16]

- (3) If the holder fails to comply with subsection (2), the chief executive may cancel the authority.
- (4) Before acting under subsection (3), the chief executive must—
 - (a) advise the holder that the chief executive proposes to cancel the authority under this section; and
 - (b) give the holder a reasonable opportunity to make a written submission to the chief executive about the proposed cancellation; and
 - (c) have regard to all submissions made by the holder.
- (5) However, subsection (4) does not apply if the chief executive reasonably believes—
 - (a) complying with the subsection will adversely affect—
 - (i) the likelihood of catching the crocodile; or
 - (ii) the likelihood of catching the crocodile before it attacks a person, aquaculture fisheries resources, stock or a working dog; and
 - (b) it is necessary or desirable that another person catch the crocodile.

16 Way problem crocodile may be caught, kept and moved generally

A person who catches, keeps or moves a problem crocodile under the crocodile management authority or subdivision 4 must—

- (a) catch, keep and move the crocodile in a way that complies with the taking, handling and transportation code; and
- (b) if required by the chief executive—catch, keep and move the crocodile in the presence of a conservation officer.

Maximum penalty—20 penalty units.

Subdivision 4 Procedures after problem crocodile caught under authority granted to approved person

17 Application of sdiv 4

This subdivision applies if a crocodile management authority is granted to an approved person.

18 Procedure after live problem crocodile caught if direction given by chief executive

- (1) This section applies if—
 - (a) a person catches a problem crocodile under the crocodile management authority; and
 - (b) the crocodile is alive after it is caught; and
 - (c) the chief executive directs, in writing, the person to deal with the crocodile in a particular way.
- (2) The person must deal with the crocodile in the way directed.
Maximum penalty—20 penalty units.
- (3) A person who deals with a problem crocodile in the way directed by the chief executive is authorised under the Act to deal with the crocodile in that way.
- (4) Without limiting the directions the chief executive may give for subsection (1)(b), the chief executive may direct a person who catches a problem crocodile under the crocodile management authority to move the crocodile—
 - (a) if the chief executive has given the crocodile to the person—to the place where the person intends to keep the crocodile under the Act; or
 - (b) if the chief executive has given the crocodile to another person—to a place nominated by that person; or
 - (c) to a place nominated by the chief executive.

[s 19]

- (5) However, if the approval of an entity is required before a problem crocodile may be moved into another State, the chief executive may give a direction to move the crocodile into that State only if—
 - (a) the approval of the entity has been given; or
 - (b) the chief executive is satisfied the approval of the entity will be given.

19 Procedure after live problem crocodile caught if no direction by chief executive

- (1) This section applies if—
 - (a) a person catches a problem crocodile under the crocodile management authority; and
 - (b) the crocodile is alive after it is caught; and
 - (c) the chief executive has not directed the person to deal with the crocodile in a particular way.
- (2) The person must keep the crocodile in a way that ensures it—
 - (a) receives appropriate care; and
 - (b) is kept in the State and in isolation until the earlier of the following happens—
 - (i) 30 days after the crocodile was caught has passed;
 - (ii) a conservation officer examines and tags the crocodile.

Maximum penalty—20 penalty units.

- (3) If asked by a conservation officer, the person, or an employee of the person, must help the conservation officer to examine and tag the crocodile.

Maximum penalty—20 penalty units.

- (4) A person who keeps a problem crocodile in the way required under subsection (2) is authorised—
 - (a) to move the crocodile from the place where it was caught to the place where the crocodile is kept; and

-
- (b) to keep the crocodile for the period allowed under the subsection.

20 Dealing with problem crocodile after death

- (1) This section applies if a problem crocodile dies—
 - (a) during or immediately after its capture by a person acting under the crocodile management authority; or
 - (b) while it is being moved or kept under this subdivision by a person acting under the crocodile management authority.
- (2) The person must—
 - (a) measure and photograph the crocodile; and
 - (b) deal with the crocodile—
 - (i) if the chief executive directs the person, in writing, to deal with the crocodile in a stated way—in the stated way; or
 - (ii) otherwise—by disposing of it in a way that ensures it can be recovered by the chief executive.

Example of way a problem crocodile can be disposed of under paragraph (b)(ii)—

burying the crocodile in an identifiable place

Maximum penalty—20 penalty units.

- (3) The person must—
 - (a) keep the photographs of the crocodile for 12 months after the crocodile's death; and
 - (b) if asked by the chief executive, produce the photographs for inspection by the chief executive.

Maximum penalty—20 penalty units.

- (4) A person who deals with a problem crocodile in a way mentioned in subsection (2) is authorised under the Act to deal with the crocodile in that way.

[s 21]

21 Report to chief executive about dealing with dead problem crocodile

A person who deals with a problem crocodile in a way mentioned in section 20(2)(b) must, within 5 business days after the dealing, give the chief executive a written notice stating all of the following—

- (a) details of the crocodile's death;
- (b) the size and other identification details of the crocodile known to the person;
- (c) the way the crocodile has been dealt with under section 20(2)(b);
- (d) if the crocodile has been disposed of under section 20(2)(b)(ii)—details of how the crocodile can be recovered by the chief executive.

Maximum penalty—20 penalty units.

Division 3 Damage mitigation permit

Subdivision 1 Grant of permit

22 Additional purpose for which chief executive may grant permit and related restriction on grant

- (1) This section states, for the Wildlife Management Regulation, section 184(2), an additional purpose for which a damage mitigation permit may be granted.
- (2) The chief executive may grant a damage mitigation permit to authorise the catching of a problem crocodile.
- (3) However, the chief executive may grant a damage mitigation permit to authorise the catching of a problem crocodile only if the chief executive is satisfied—
 - (a) action under the permit will not detrimentally affect the survival of estuarine crocodiles in the wild; and

- (b) the proposed way of catching the crocodile is humane and not likely to cause unnecessary suffering to the crocodile.

23 Restriction about persons to whom permit may be granted

- (1) The chief executive may grant a damage mitigation permit for a problem crocodile only to—
 - (a) a Queensland crocodile keeper; or
 - (b) an interstate crocodile keeper.
- (2) Also, if the approval of an entity is required before a problem crocodile may be moved into another State, the chief executive may grant a damage mitigation permit to a person intending to keep a problem crocodile in that State only if—
 - (a) the approval of the entity has been given; or
 - (b) the chief executive is satisfied the approval of the entity will be given.

24 Permit can not authorise release of problem crocodile into the wild

The chief executive can not grant a damage mitigation permit for a problem crocodile authorising the holder of the permit, or a relevant person for the holder, to release a problem crocodile into the wild.

25 Maximum term of permit

The chief executive can not grant a damage mitigation permit for a problem crocodile for a term of more than 30 days.

[s 26]

Subdivision 2 Activities authorised under permit

26 Catching and moving problem crocodile authorised under permit

- (1) This section states the activities that are authorised under a damage mitigation permit for a problem crocodile.
- (2) The holder of the permit, or a relevant person for the holder, may—
 - (a) catch the problem crocodile identified on the permit; and
 - (b) move the problem crocodile identified on the permit from the place where it was caught to the place where the holder or relevant person intends to keep the crocodile under section 28(2).

Subdivision 3 Carrying out activities under permit

27 Way problem crocodile may be caught, kept and moved generally

A person who catches, keeps or moves a problem crocodile under a damage mitigation permit or subdivision 4 must—

- (a) catch, keep and move the crocodile in a way that complies with the taking, handling and transportation code; and
- (b) if required by the chief executive—catch, keep and move the crocodile in the presence of a conservation officer.

Note—

The Administration Regulation and the Wildlife Management Regulation include other requirements applying to persons carrying out activities under a damage mitigation permit.

See in particular—

- the Administration Regulation, section 58, for the requirement to comply with the conditions of the permit
- the Wildlife Management Regulation, section 188, for the requirement to give a return of operations to the chief executive for the permit.

Maximum penalty—20 penalty units.

Subdivision 4 Procedures after problem crocodile caught under permit

28 Procedure after live problem crocodile caught under permit

- (1) This section applies if—
 - (a) a person catches a problem crocodile under a damage mitigation permit; and
 - (b) the crocodile is alive after it is caught.
- (2) The person must keep the crocodile in a way that ensures it—
 - (a) receives appropriate care; and
 - (b) is kept in the State and in isolation until the earlier of the following happens—
 - (i) 30 days after the crocodile was caught has passed;
 - (ii) a conservation officer examines and tags the crocodile.

Maximum penalty—20 penalty units.

- (3) If asked by a conservation officer, the person, or an employee of the person, must help the conservation officer to examine and tag the crocodile.

Maximum penalty—20 penalty units.

- (4) For subsection (2)(b), if the person is the holder of a Queensland crocodile licence, or a relevant person for the holder of a Queensland crocodile licence, the place where the

[s 29]

crocodile is kept must be authorised premises for keeping estuarine crocodiles under the licence.

- (5) After the expiry of the period under subsection (2)(b) for keeping the crocodile, the person—
 - (a) is taken to have accepted the crocodile from the chief executive; and
 - (b) must—
 - (i) if the person is the holder of a Queensland crocodile licence or a relevant person for the holder of a Queensland crocodile licence—keep the crocodile under the licence; or
 - (ii) if the person is an interstate crocodile keeper—move the crocodile to the place where the person intends to keep the crocodile under a law of another State.
- (6) A person who keeps a crocodile in the way required under subsection (2) is authorised to keep the crocodile for the period allowed under the subsection.

29 Dealing with problem crocodile after death

- (1) This section applies if a problem crocodile dies—
 - (a) during or immediately after its capture by the holder of a damage mitigation permit, or a relevant person for the holder; or
 - (b) while it is being moved under a damage mitigation permit, or kept under section 28(2), by the holder of the permit or a relevant person for the holder.
- (2) The holder or relevant person must—
 - (a) measure and photograph the crocodile; and
 - (b) deal with the crocodile—
 - (i) if the chief executive directs the holder or relevant person, in writing, to deal with the crocodile in a stated way—in the stated way; or

- (ii) if subparagraph (i) does not apply and the holder or relevant person is authorised to process the crocodile under the Act—by processing it, or disposing of it in a way that ensures it can be recovered by the chief executive; or
- (iii) otherwise—by disposing of it in a way that ensures it can be recovered by the chief executive.

Example of way a problem crocodile can be disposed of under paragraph (b)(ii) or (iii)—

burying the crocodile in an identifiable place

Maximum penalty—20 penalty units.

- (3) The holder or relevant person must—
 - (a) keep the photographs of the crocodile for 12 months after the crocodile's death; and
 - (b) if asked by the chief executive, produce the photographs for inspection by the chief executive.

Maximum penalty—20 penalty units.

- (4) A person who deals with a problem crocodile in a way mentioned in subsection (2) is authorised under the Act to deal with the crocodile in that way.

30 Report to chief executive about dealing with dead problem crocodile

A person who deals with a problem crocodile in a way mentioned in section 29(2)(b) must, within 5 business days after the dealing, give the chief executive a written notice stating all of the following—

- (a) details of the crocodile's death;
- (b) the size and other identification details of the crocodile known to the person;
- (c) the way the crocodile has been dealt with under section 29(2)(b);

[s 31]

- (d) if the crocodile has been disposed of under section 29(2)(b)(ii) or (iii)—details of how the crocodile can be recovered by the chief executive.

Maximum penalty—20 penalty units.

Division 4 Other provisions about problem crocodiles

31 No conservation value payable

No conservation value is payable for a problem crocodile caught under a crocodile management authority or damage mitigation permit.

32 Chief executive may give problem crocodile to particular persons

- (1) This section applies if a problem crocodile is caught—
 - (a) under a crocodile management authority; or
 - (b) by a conservation officer exercising a power or performing a function under the Act.
- (2) The chief executive may give the problem crocodile to an eligible Queensland crocodile keeper if the keeper pays the chief executive the crocodile charge for the crocodile.
- (3) An eligible Queensland crocodile keeper to whom a problem crocodile has been given under this section is authorised to—
 - (a) accept the crocodile for keeping under a Queensland crocodile licence; and
 - (b) move the crocodile to the place where it is to be kept under the licence.
- (4) However, the chief executive may give an icon crocodile to an eligible Queensland crocodile keeper only if the keeper has entered into an icon crocodile agreement for the crocodile.

- (5) A crocodile charge payable under subsection (2) is recoverable as a debt owing to the State.

Part 3 Provisions about particular wildlife authorities for crocodiles

Division 1 Restrictions on grant of particular wildlife authorities

33 Restriction on grant of wildlife demonstrator licence

The chief executive can not grant a wildlife demonstrator licence for an estuarine crocodile that has attacked a person in the wild.

Division 2 Limitation on activities authorised under wildlife authorities

34 Purpose of div 2

The purpose of this division is to limit the activities authorised under wildlife authorities for crocodiles.

35 Limited interaction authorised under commercial wildlife licence (wildlife interaction)

- (1) This section states the only unauthorised interactions for estuarine crocodiles that are authorised under a commercial wildlife licence (wildlife interaction) for estuarine crocodiles.
- (2) The holder of a commercial wildlife licence (wildlife interaction) for estuarine crocodiles, or a relevant person for

[s 36]

the holder, may interact with an estuarine crocodile in the wild in a way that does not disturb or interfere with the crocodile.

- (3) Subsection (2) applies whether or not the holder or relevant person gains a financial benefit from the interaction.

36 Limited uses authorised under wildlife authorities

- (1) This section states the only uses of an estuarine crocodile that are authorised under a wildlife authority that authorises the holder of the authority, or a relevant person for the holder, to use estuarine crocodiles.
- (2) Subject to subsections (3), (4) and (5), the holder or relevant person may use an estuarine crocodile under the authority in only 1 or more of the following ways—
- (a) using the crocodile for other than a commercial purpose;
 - (b) breeding;
 - (c) displaying the crocodile to the public;
 - (d) processing the crocodile;
 - (e) selling or giving the crocodile to another person.
- (3) Subsection (2) does not authorise the holder of a wildlife authority, or a relevant person for the holder, to use an estuarine crocodile in a way that is not authorised under the Wildlife Management Regulation.

Example—

The holder of a wildlife authority for crocodiles, or a relevant person for the holder, is not authorised to process an estuarine crocodile under the authority if the Wildlife Management Regulation does not authorise the holder or relevant person to process crocodiles under the authority.

- (4) Subsection (2)(c) does not authorise the display of an estuarine crocodile that has attacked a person in the wild.
- (5) Subsection (2)(d) does not authorise the processing of an estuarine crocodile that was a problem crocodile unless it is no longer suitable for breeding.

(6) For subsection (5) an estuarine crocodile that was a problem crocodile is no longer suitable for breeding if it is not possible to breed the crocodile in a way that complies with the crocodile farming code.

(7) In this section—

crocodile farming code means the document called ‘Code of Practice–Crocodile Farming’, approved by the chief executive under section 174A of the Act.

Editor’s note—

A copy of the code of practice is available for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane. See section 174A(3) of the Act.

Division 3 Carrying out activities under wildlife authority

37 Particular estuarine crocodiles must be tagged and marked

- (1) This section applies if a person keeps, under a wildlife authority, an estuarine crocodile that has attacked a person in the wild.
- (2) The holder of the authority must tag and mark the crocodile in a way approved by the chief executive for identifying crocodiles that have attacked a person in the wild.

Maximum penalty—20 penalty units.

38 Complying with conditions of icon crocodile agreement

- (1) This section applies to a Queensland crocodile keeper who has entered into an icon crocodile agreement for an icon crocodile.
- (2) The keeper must comply with each conservation condition of the agreement.

Maximum penalty—20 penalty units.

[s 39]

- (3) In this section—
- conservation condition*, of an icon crocodile agreement for an icon crocodile, means a condition of the agreement that is identified as—
- (a) a condition that is directed at assisting the conservation of estuarine crocodiles; and
 - (b) a conservation condition for this section.

Part 4 **Other provisions about estuarine crocodiles**

39 **Procedure on accidental catching or taking of estuarine crocodiles**

- (1) This section applies if—
- (a) a person acting under a crocodile management authority granted to an approved person or a damage mitigation permit accidentally catches an estuarine crocodile other than a problem crocodile; or
 - (b) a person takes an estuarine crocodile in the course of a lawful activity that was not directed towards taking the crocodile.
- (2) The person must immediately notify a conservation officer about the crocodile and the circumstances in which it was caught or taken.

Maximum penalty—120 penalty units.

- (3) Also, the person must—
- (a) if the conservation officer directs the person to deal with the crocodile in a particular way—deal with the crocodile in the way directed; or

- (b) if paragraph (a) does not apply—return the crocodile to the place where it was caught or taken within 24 hours after it was caught or taken.

Maximum penalty—120 penalty units.

- (4) A conservation officer may give a direction under subsection (3)(a) only if the direction is reasonable in the circumstances.

40 Proximity to estuarine crocodiles

- (1) A person must not drive a boat or vehicle within 10m of an estuarine crocodile in the wild, unless the person has a reasonable excuse.

Examples of a reasonable excuse—

- a person driving a boat is passing an estuarine crocodile in a river and the distance between the crocodile and each bank of the river is less than 10m
- a person is driving a boat in the ordinary course of a business that does not involve approaching or otherwise engaging with estuarine crocodiles, including, for example, commercial fishing and farming

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to a person driving a boat or vehicle within 10m of an estuarine crocodile while conducting a commercial activity in a way that complies with the commercial crocodile viewing code.

- (3) In this section—

commercial activity means an activity that—

- (a) involves, wholly or partly, carrying people in a boat or vehicle to watch estuarine crocodiles in the wild; and
- (b) is conducted for a commercial purpose.

commercial crocodile viewing code means the document called ‘Code of Practice—Commercial Crocodile Viewing’, approved by the chief executive under section 174A of the Act.

[s 41]

Editor's note—

A copy of the code of practice is available for public inspection, during office hours on business days, at the department's head office at 160 Ann Street, Brisbane. See section 174A(3) of the Act.

Part 5 Amendment of plan

41 Amendment of plan

(1) An amendment of the schedule, definition *crocodile charge*, that is only to reflect a CPI percentage increase for a financial year is a type of amendment that may be made to this plan by amendment under section 124(2)(c) of the Act.

(2) In this section—

CPI means the all groups consumer price index for Brisbane published by the Australian statistician.

CPI percentage increase, for a financial year, means the percentage increase between—

- (a) the CPI published for the quarter ending immediately before the start of the financial year; and
- (b) the CPI published for the quarter ending immediately before the end of the financial year.

Part 6 Repeal provision

42 Repeal

The Nature Conservation (Problem Crocodiles) Conservation Plan 1995, SL No. 407 is repealed.

Schedule Dictionary

section 5(1)

Administration Regulation means the *Nature Conservation (Administration) Regulation 2006*.

approved person means a person, other than a prescribed officer, the chief executive reasonably believes has the skills and training to catch a problem crocodile safely.

aquaculture fisheries resources means fish or crustaceans cultivated for sale in aquaculture.

crocodile charge, for an estuarine crocodile, means the amount equal to—

- (a) for a male estuarine crocodile—\$1.41 for each centimetre, or part of a centimetre, of the length of the crocodile; or
- (b) for a female estuarine crocodile—\$2.80 for each centimetre, or part of a centimetre, of the length of the crocodile.

crocodile management authority means a crocodile management authority granted under section 8.

dispose of, an estuarine crocodile, does not include—

- (a) process the crocodile; or
- (b) sell or give the crocodile to another person.

eligible Queensland crocodile keeper means a Queensland crocodile keeper who is eligible to obtain a problem crocodile under the scheme established under section 7.

employee, of a person, means another person employed or engaged by the person.

estuarine crocodile means an animal of the species *Crocodylus porosus*.

Schedule

examine, an estuarine crocodile, includes—

- (a) take a biological tissue sample from the crocodile; and
- (b) measure the length of the crocodile.

icon crocodile means a problem crocodile that—

- (a) has a length of 4m or more; or
- (b) has unusual characteristics that distinguish it from other estuarine crocodiles, including, for example, albinism.

icon crocodile agreement, for an icon crocodile, means an agreement—

- (a) to which each of the following persons is a party—
 - (i) the chief executive;
 - (ii) a Queensland crocodile keeper who intends to keep the crocodile; and
- (b) that provides for how the crocodile is to be kept and used, by the keeper, in a way that is directed at assisting the conservation of estuarine crocodiles, including, for example, by using the crocodile in a way that—
 - (i) promotes education about estuarine crocodiles; or
 - (ii) promotes an understanding of the ecological role of estuarine crocodiles and the need to conserve estuarine crocodiles and their habitat.

interstate crocodile keeper means a person who—

- (a) is authorised to keep estuarine crocodiles in another State under a law of that State; and
- (b) does not hold a Queensland crocodile licence.

prescribed officer means—

- (a) a police officer; or
- (b) a public service officer; or
- (c) an inspector under the *Fisheries Act 1994*.

problem crocodile see section 6.

Queensland crocodile keeper means—

- (a) the holder of a Queensland crocodile licence; or
- (b) a relevant person for the holder of a Queensland crocodile licence.

Queensland crocodile licence means—

- (a) a wildlife exhibitor licence for crocodiles; or
- (b) a wildlife farming licence for crocodiles.

stock see the *Stock Act 1915*, schedule 2.

taking, handling and transportation code means the document called ‘Code of Practice for the Taking, Handling and Transportation of Crocodiles’, approved by the chief executive under section 174A of the Act.

Editor’s note—

A copy of the code of practice is available for public inspection, during office hours on business days, at the department’s head office at 160 Ann Street, Brisbane. See section 174A(3) of the Act.

this plan means this conservation plan.

Wildlife Management Regulation means the *Nature Conservation (Wildlife Management) Regulation 2006*.

working dog means a dog ordinarily used for managing stock.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	32
3 Key	33
4 Table of reprints	33
5 List of legislation	34
6 List of annotations	35

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 August 2012. Future amendments of the Nature Conservation (Estuarine Crocodile) Conservation Plan 2007 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 March 2008	
1A	2008 SL No. 207	1 July 2008	
1B	2009 SL No. 98	1 July 2009	
1C	2010 SL No. 162	1 August 2010	
1D	2011 SL No. 135	1 August 2011	
1E	2012 SL No. 116	1 August 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Nature Conservation (Estuarine Crocodile) Conservation Plan 2007 SL No. 300

approved by the Governor in Council on 29 November 2007

notfd gaz 30 November 2007 pp 1824–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2008 (see s 2)

exp 1 September 2018 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

amending legislation—

Environmental Protection Legislation Amendment Regulation (No. 2) 2008 SL No. 207 pts 1, 7

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

Environmental Protection Legislation Amendment Regulation (No. 1) 2009 SL No. 98 ss 1, 2(1), 13–14

notfd gaz 19 June 2009 pp 707–11

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2(1))

Environment and Resource Management Legislation Amendment Regulation (No. 2) 2010 SL No. 162 pts 1, 13

notfd gaz 2 July 2010 pp 1033–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2010 (see s 2)

Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011 SL No. 135 pts 1, 13

notfd gaz 8 July 2011 pp 632–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2011 (see s 2)

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 1) 2012 SL No. 116 pts 1, 5

notfd gaz 27 July 2012 pp 927–9

ss 1–2 commenced on date of notification
remaining provisions commenced 1 August 2012 (see s 2)

6 List of annotations

SCHEDULE—DICTIONARY

def “**crocodile charge**” amd 2008 SL No. 207 s 17; 2009 SL No. 98 s 14;
2010 SL No. 162 s 28; 2011 SL No. 135 s 30; 2012 SL No. 116 s 12

© State of Queensland 2013

Authorised by the Parliamentary Counsel