



Queensland

Nature Conservation (Estuarine Crocodile) Conservation Plan 2018

Subordinate Legislation 2018 No. 147

made under the

Nature Conservation Act 1992

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Part 1 Preliminary

1 Short title

This conservation plan may be cited as the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*.

2 Relationship with declared management intent—Act, s 121

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

3 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 from problem crocodile attacks; and
- (d) ensure the commercial use of estuarine crocodiles is ecologically sustainable.

4 Interpretation

- (1) The dictionary in schedule 1 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 same meaning as they have in the *Nature Conservation (Wildlife Management) Regulation 2006*.
- (3) To remove any doubt, it is declared that subsection (2) also applies to the following, as applied to the *Nature Conservation (Wildlife Management) Regulation 2006* under section 5 of that regulation—

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- (a) a definition under the *Nature Conservation (Administration) Regulation 2017*;
- (b) a provision of the *Nature Conservation (Administration) Regulation 2017* that aids the interpretation of a term used in that regulation.

5 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 aquaculture fisheries resources, stock or working 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 aquaculture fisheries resources, stock or working 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

6 Establishing scheme

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

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- (iii) has appropriate facilities for keeping and using estuarine crocodiles; and
 - (iv) if the keeper intends to display the crocodile under a Queensland crocodile licence—displays the crocodile for an approved display purpose and has a facility to display the crocodile 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—
- (a) the central office of the department; and
 - (b) each regional office of the department.

Division 2 Crocodile management authorities

Subdivision 1 Grant of authority

7 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.

8 Authority granted to approved persons authorising employees

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

9 Authority granted to approved persons may be amended

- (1) This section applies to a crocodile management authority granted to an approved person.
- (2) The holder of the crocodile management authority may ask the chief executive to amend the authority to—
 - (a) authorise an employee of the holder to act under the authority; or
 - (b) remove the authority of an employee, or former employee, who is authorised to act under the authority.
- (3) The chief executive may amend the authority in the way requested by the holder.
- (4) The chief executive amends the authority in a way that authorises the employee to act under the authority if the chief executive writes the employee's name on the authority.

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- (5) The chief executive amends the authority in a way that removes the authority of the employee or former employee to act under the authority if the chief executive removes the name of the employee or former employee from the authority.

10 Maximum term of authority

The maximum term for a crocodile management authority is—

- (a) for a crocodile management authority granted to an approved person—2 years; or
- (b) for a crocodile management authority granted to a prescribed officer—3 years.

Subdivision 2 Activities authorised under authorities

11 Catching problem crocodiles 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 authorised to act under 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 crocodiles 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 subdivision

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.

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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 crocodile is caught within a reasonable period.
- (3) If the holder does not 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 that another person catch the crocodile.

16 Way problem crocodiles 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 Australian Crocodile 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 crocodiles caught under authority granted to approved person

17 Application of subdivision

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

18 Dealing with live problem crocodiles if direction given by chief executive

- (1) This section applies if—
 - (a) a person acting under the crocodile management authority catches a problem crocodile; and
 - (b) the crocodile is alive after it is caught; and
 - (c) the chief executive gives the person a written direction to deal with the crocodile in a particular way.
- (2) The person must deal with the crocodile in the way stated in the direction.

Maximum penalty—20 penalty units.

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- (3) A person who deals with a problem crocodile in the way stated in the direction is authorised under the Act to deal with the crocodile in that way.
- (4) Without limiting the directions the chief executive may give for this section, 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.
- (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 Keeping live problem crocodiles if no direction by chief executive

- (1) This section applies if—
 - (a) a person acting under the crocodile management authority catches a problem crocodile; 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 under section 18.
- (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 have 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 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 under the Act—
 - (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 dead problem crocodiles

- (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 gives the person a written direction 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.

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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 1 year 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.

21 Report to chief executive about dealing with dead problem crocodiles

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 matters—

- (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 permits

Subdivision 1 Grant of permits

22 Additional purpose for which chief executive may grant permit

- (1) This section states, for the *Nature Conservation (Wildlife Management) Regulation 2006*, 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 the crocodile in that State only if—
 - (a) the approval of the entity has been given; or

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- (b) the chief executive is satisfied the approval of the entity will be given.

24 Permit not to authorise release of problem crocodiles into the wild

The chief executive must 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 the crocodile into the wild.

25 Maximum term of permit

The maximum term for a damage mitigation permit for a problem crocodile is 6 months.

Subdivision 2 Activities authorised under permit

26 Catching and moving problem crocodiles authorised under permit

- (1) This section states the activities 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 etc.

27 Way problem crocodiles 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 Australian Crocodile Code; and
- (b) if required by the chief executive—catch, keep and move the crocodile in the presence of a conservation officer.

Note—

Other requirements apply to persons carrying out activities under a damage mitigation permit. In particular, see—

- the *Nature Conservation (Administration) Regulation 2017*, section 69, for the requirement to comply with the conditions of the permit
- the *Nature Conservation (Wildlife Management) Regulation 2006*, section 188, for the requirement to give the chief executive a return of operations for the permit.

Maximum penalty—20 penalty units.

Subdivision 4 Procedures after problem crocodiles caught under permit

28 Keeping live problem crocodiles

- (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—

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- (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 have 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 examine and tag the crocodile.

Maximum penalty—20 penalty units.

- (4) For subsection (2)(b), if the person is a Queensland crocodile keeper, the place where the crocodile is kept must be authorised premises for keeping estuarine crocodiles under the Queensland crocodile 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 a Queensland crocodile keeper—keep the crocodile under the Queensland crocodile 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 under the Act to keep the crocodile for the period allowed under the subsection.

29 Dealing with dead problem crocodiles

- (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 gives the holder or relevant person a written direction 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 1 year 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.

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- (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 crocodiles

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 matters—

- (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);
- (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—Act, s 95

For section 95(1) of the Act, the conservation value for a problem crocodile caught under a crocodile management authority or damage mitigation permit is nil.

32 Chief executive may give problem crocodiles to particular persons

- (1) This section applies if a problem crocodile is caught—

- (a) by a person acting 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 an amount equal to—
- (a) for a male estuarine crocodile—\$1.43 for each centimetre, or part of a centimetre, of the length of the crocodile; or
 - (b) for a female estuarine crocodile—\$2.85 for each centimetre, or part of a centimetre, of the length of 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) An amount payable under subsection (2) is recoverable as a debt owing to the State.
- (6) The chief executive may waive the payment of the whole or a part of an amount payable under subsection (2).

[s 33]

Part 3 Commercial wildlife harvesting licences for estuarine crocodile eggs

Division 1 Preliminary

33 Purpose of part

- (1) This part prescribes particular matters for commercial wildlife harvesting licences for estuarine crocodile eggs.
- (2) Generally, this part—
 - (a) enables the chief executive to grant the licences; and
 - (b) imposes requirements for applications for the licences that apply in addition to the requirements stated in the *Nature Conservation (Administration) Regulation 2017*; and
 - (c) imposes restrictions on the grant of the licences that apply in addition to the restrictions stated in the *Nature Conservation (Wildlife Management) Regulation 2006*; and
 - (d) limits and extends activities authorised under the licences under the *Nature Conservation (Wildlife Management) Regulation 2006*; and
 - (e) states matters about records and returns of operations for the licences, including for the *Nature Conservation (Administration) Regulation 2017*, parts 6 and 7; and
 - (f) otherwise regulates activities under the licences.

34 Power to grant commercial wildlife harvesting licences for estuarine crocodile eggs

For the *Nature Conservation (Wildlife Management) Regulation 2006*, section 111(1), the holder of a commercial wildlife harvesting licence for estuarine crocodile eggs may,

subject to this plan, take estuarine crocodile eggs under the *Nature Conservation (Wildlife Management) Regulation 2006*, section 114(1)(a).

Division 2 **Additional requirements for applications**

35 **Additional requirements for applications**

An application for a commercial wildlife harvesting licence for estuarine crocodile eggs must be supported by—

- (a) a harvesting proposal stating—
 - (i) the area from which estuarine crocodile eggs will be taken under the licence; and
 - (ii) the period during which estuarine crocodile eggs will be taken under the licence; and
 - (iii) the way in which estuarine crocodile eggs will be taken under the licence; and
- (b) a report of research conducted by an appropriately qualified person about the state of the estuarine crocodile population (the *local crocodile population*) for the area mentioned in paragraph (a)(i), including, for example, a survey of the distribution and abundance of—
 - (i) adult estuarine crocodiles in the local crocodile population; and
 - (ii) the nesting activity of the crocodiles.

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Division 3 Restrictions on grant of licences

36 Restriction about persons to whom licences may be granted

The chief executive must not grant a commercial wildlife harvesting licence for estuarine crocodile eggs to an individual younger than 18 years.

37 General restriction on grant of licences

The chief executive may grant a commercial wildlife harvesting licence for estuarine crocodile eggs only if the chief executive is satisfied the activities to be carried out under the licence are not likely to adversely affect the local crocodile population.

Division 4 Limitation and extension of activities

38 Holder may take only eggs

The holder of a commercial wildlife harvesting licence for estuarine crocodile eggs, or a relevant person for the holder, may take only estuarine crocodile eggs under the licence.

39 Way in which estuarine crocodile eggs may be taken

- (1) This section states, for the *Nature Conservation (Wildlife Management) Regulation 2006*, section 115(2), the way the holder of a commercial wildlife harvesting licence for estuarine crocodile eggs, or a relevant person for the holder, may take an estuarine crocodile egg under the licence.
- (2) The holder or relevant person must take an estuarine crocodile egg in a way that—
 - (a) causes minimal damage or disturbance to other wildlife or the environment; and

(b) complies with the Australian Crocodile Code.

40 Limitation on keeping and using estuarine crocodile eggs

The holder of a commercial wildlife harvesting licence for estuarine crocodile eggs, or a relevant person for the holder, may—

- (a) keep an estuarine crocodile egg taken under the licence only for the purpose of selling or giving the egg to an authorised buyer; and
- (b) use an estuarine crocodile egg taken under the licence only by selling or giving the egg to an authorised buyer.

41 Limitation on moving estuarine crocodile eggs

The holder of a commercial wildlife harvesting licence for estuarine crocodile eggs, or a relevant person for the holder, may move an estuarine crocodile egg only in a way that complies with the Australian Crocodile Code.

42 Dealing with estuarine crocodile eggs that are not viable

- (1) This section applies if the holder of a commercial wildlife harvesting licence for estuarine crocodile eggs, or a relevant person for the holder, takes an estuarine crocodile egg that is identified as not viable.

Examples of when an estuarine crocodile egg is not viable—

- the egg is damaged or destroyed
- the embryo inside the egg dies

- (2) The holder or relevant person may dispose of the egg.

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Division 5 Records and returns of operations

43 Information that must be included in record

For the *Nature Conservation (Administration) Regulation 2017*, section 136(1)(a), the following information must be included in the record for a commercial wildlife harvesting licence for estuarine crocodile eggs—

- (a) for each estuarine crocodile nest inspected for the purpose of taking estuarine crocodile eggs under the licence—
 - (i) the date on which the nest is inspected; and
 - (ii) the name, if any, of the place where the nest is located; and
 - (iii) the identification number assigned to the nest; and
 - (iv) the latitude and longitude coordinates of the nest; and
 - (v) the condition of the nest; and
Examples of nest conditions—
 - with eggs, without eggs, hatched eggs, eggs preyed upon
 - (vi) the number of eggs taken from the nest; and
 - (vii) the number of eggs remaining in the nest;
- (b) if estuarine crocodile eggs are sold or given away under the licence—
 - (i) the name and contact details of the authorised buyer to whom the eggs are sold or given away; and
 - (ii) the number of eggs sold or given away; and
 - (iii) the date on which the eggs are sold or given away;
- (c) if estuarine crocodile eggs taken under the licence are identified as not viable—
 - (i) the number of eggs identified as not viable; and

- (ii) the date on which the eggs are identified as not viable.

Note—

See the *Nature Conservation (Administration) Regulation 2017*, section 138, for the requirement about complete and accurate information in records.

44 When information must be included in record

For the *Nature Conservation (Administration) Regulation 2017*, section 137(1)(a), the information mentioned in section 43 must be included in the record for a commercial wildlife harvesting licence for estuarine crocodile eggs—

- (a) for information mentioned in section 43(a)—the day the estuarine crocodile nest is inspected; or
- (b) for information mentioned in section 43(b)—the day the eggs are sold or given away; or
- (c) for information mentioned in section 43(c)—the day the eggs are identified as not viable.

45 Returns of operations

For the *Nature Conservation (Administration) Regulation 2017*, section 143(3), the holder of a commercial wildlife harvesting licence for estuarine crocodile eggs must ensure the return of operations for the licence is given to the chief executive—

- (a) for the period starting when the term of the licence starts and ending on the earlier of the following—
 - (i) the expiry of the licence;
 - (ii) the day on which all, or any remaining, estuarine crocodile eggs taken under the licence are sold, given away or otherwise disposed of; and
- (b) within 30 business days after the period mentioned in paragraph (a) ends.

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Maximum penalty—120 penalty units.

46 Period for which particular documents must be kept

- (1) This section applies if a person is required, under the Act, to keep a document, or a copy of a document, that—
 - (a) is mentioned in the *Nature Conservation (Administration) Regulation 2017*, section 171(1); and
 - (b) relates to a commercial wildlife harvesting licence for estuarine crocodile eggs.
- (2) For the *Nature Conservation (Administration) Regulation 2017*, section 171(2), the document or copy must be kept for at least 5 years after the person—
 - (a) if the person is the holder of the licence—stops holding the licence; or
 - (b) otherwise—stops carrying out the activity to which the document or copy relates.

Part 4 Provisions about particular authorities for crocodiles

Division 1 Limitation of activities authorised under particular wildlife authorities

47 Purpose of division

This division limits the activities authorised under wildlife authorities for crocodiles.

**48 Limited interaction under commercial wildlife licences
(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 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.

49 Limited uses under particular wildlife authorities

- (1) This section states the only uses of an estuarine crocodile authorised under a wildlife authority, other than a commercial wildlife harvesting licence for estuarine crocodile eggs, that authorises the holder of the authority, or a relevant person for the holder, to use estuarine crocodiles.
- (2) The holder or relevant person may use an estuarine crocodile under the authority only in 1 or more of the following ways—
 - (a) using the crocodile other than for 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) However, this section does not authorise the holder of a wildlife authority, or a relevant person for the holder, to—
 - (a) use an estuarine crocodile in a way that is not authorised under the *Nature Conservation (Wildlife Management) Regulation 2006*; or

Example—

The holder of a wildlife authority for crocodiles, or a relevant person for the holder, is not authorised to process an estuarine

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crocodile under the authority if the *Nature Conservation (Wildlife Management) Regulation 2006* does not authorise the holder or relevant person to process crocodiles under the authority.

- (b) display an estuarine crocodile that has attacked a person in the wild; or
 - (c) process an estuarine crocodile that was a problem crocodile unless it is no longer suitable for breeding.
- (4) For subsection (3)(c), 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 Australian Crocodile Code.

Division 2 Carrying out activities under authorities

50 Particular estuarine crocodiles must be tagged and marked

- (1) This section applies if a person keeps, under a wildlife authority or an exhibited animal 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.

51 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.

(3) In this section—

conservation condition, of an icon crocodile agreement for an icon crocodile, means a condition of the agreement identified as—

- (a) a condition directed at helping the conservation of estuarine crocodiles; and
- (b) a conservation condition for this section.

Part 5 **Other provisions about estuarine crocodiles**

52 **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.

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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.

53 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) 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; or
- (b) a person taking estuarine crocodile eggs, or inspecting an estuarine crocodile nest for the purpose of taking estuarine crocodile eggs, under a commercial wildlife harvesting licence for estuarine crocodile eggs.

- (3) In this section—

commercial activity means an activity that—

- (a) completely or partly involves 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.

Note—

Under section 174A(3) of the Act, a copy of the code of practice is available for public inspection, during office hours on business days, at the department's head office and each regional office of the department.

54 Interfering with crocodile traps

- (1) A person must not interfere with, or attempt to interfere with, a crocodile trap being used by the holder of a crocodile management authority or an authorised person unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) Subsection (1) does not apply to the holder of a crocodile management authority or an authorised person.
- (3) In this section—

crocodile trap means an appliance designed for catching crocodiles.

interfere with, a crocodile trap, includes the following—

- (a) releasing a crocodile caught in the trap;
- (b) triggering the operation of the trap;
- (c) moving the trap;
- (d) climbing, standing or jumping on the trap;
- (e) damaging, destroying or modifying the trap;
- (f) damaging, destroying, defacing or modifying a sign attached to the trap;
- (g) misusing the trap.

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Part 6 Repeal provision

55 Repeal

The Nature Conservation (Estuarine Crocodile) Conservation Plan 2007, SL No. 300 is repealed.

Part 7 Transitional provisions

56 Definition for part

In this part—

repealed plan means the repealed *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* as in force immediately before the commencement.

57 Existing crocodile management authorities

A crocodile management authority granted before the commencement under the repealed plan is taken to be a crocodile management authority granted under this plan.

58 Problem crocodiles and icon crocodiles

An estuarine crocodile that was a problem crocodile or icon crocodile under the repealed plan is taken to be a problem crocodile or icon crocodile under this plan.

59 Authorised activities, uses, conditions and limitations

For a crocodile management authority or wildlife authority for estuarine crocodiles granted before the commencement, an authorised activity, use, condition or limitation for the authority under the repealed plan is taken to be an authorised activity, use, condition or limitation for the authority under this plan.

60 Directions given under repealed plan

A direction given by the chief executive or a conservation officer before the commencement under the repealed plan is taken to be a direction given under this plan.

61 Procedures for problem crocodiles caught before commencement

- (1) Part 2, division 2, subdivision 4 applies to a person if the person caught a problem crocodile under a crocodile management authority before the commencement.
- (2) Part 2, division 3, subdivision 4 applies to a person if the person caught a problem crocodile under a damage mitigation permit before the commencement.

62 Icon crocodile agreements

An icon crocodile agreement entered into under the repealed plan is taken to be an icon crocodile agreement under this plan.

63 References to repealed plan

In an instrument, a reference to the repealed plan is taken, if the context permits, to be a reference to this plan.

Schedule 1 Dictionary

section 4(1)

approved person means a person, other than a prescribed officer, whom 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.

Australian Crocodile Code means the document called ‘Code of Practice on the Humane Treatment of Wild and Farmed Australian Crocodiles’ published by the Commonwealth Government and approved by the chief executive under section 174A of the Act.

Note—

Under section 174A(3) of the Act, a copy of the code of practice is available for public inspection, during office hours on business days, at the department’s head office and each regional office of the department.

authorised buyer means a person who—

- (a) is authorised to buy or accept estuarine crocodile eggs under the Act, the *Exhibited Animals Act 2015* or a law of another State; and
- (b) has the equipment necessary to incubate and hatch estuarine crocodile eggs, and care for estuarine crocodile hatchlings, in compliance with the Australian Crocodile Code.

crocodile management authority means a crocodile management authority granted under section 7.

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 a scheme established under section 6.

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

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

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 directed at helping 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.

local crocodile population see section 35(b).

prescribed officer means—

Schedule 1

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

problem crocodile see section 5.

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 wildlife farming licence for crocodiles.

stock means an animal that is a designated animal under the *Biosecurity Act 2014*.

this plan means this conservation plan.

working dog means a dog ordinarily used for managing stock.

ENDNOTES

- 1 Made by the Minister on 7 September 2018.
- 2 Approved by the Governor in Council on 20 September 2018.
- 3 Notified on the Queensland legislation website on 21 September 2018.
- 4 The administering agency is the Department of Environment and Science.

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