



Safer Waterways Bill 2018



Queensland

Safer Waterways Bill 2018

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2018

A Bill

for

An Act to establish the Queensland Crocodile Authority and for related matters

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
1 Short title	3
This Act may be cited as the <i>Safer Waterways Act 2018</i> .	4
2 Commencement	5
This Act commences 4 months after the day of assent.	6
3 Definitions	7
The dictionary in schedule 1 defines particular words used in this Act.	8 9
4 Inconsistency with other Acts	10
If there is an inconsistency between this Act and another Act, this Act prevails to the extent of the inconsistency.	11 12
Part 2 Queensland Crocodile Authority	13 14
5 Establishment and control of Queensland Crocodile Authority	15 16
(1) An authority called the Queensland Crocodile Authority is established.	17 18
(2) The authority consists of the director, board and staff of the authority.	19 20
(3) Subject to the Minister, the director is to control the authority.	21

6	Location of authority	1
(1)	The business premises of the authority must be located in Cairns.	2 3
(2)	The director and staff of the authority must reside in Cairns.	4
7	Functions of authority	5
	The functions of the authority are—	6
(a)	to act as necessary to assist the director and the board in carrying out their respective functions; and	7 8
(b)	to perform another function conferred on the authority under this or another Act; and	9 10
(c)	to perform functions incidental to a function under paragraph (a) or (b).	11 12
8	Staff	13
	The staff of the authority are employed under the <i>Public Service Act 2008</i> .	14 15
Part 3	Director of Queensland Crocodile Authority	16 17
9	Appointment of director	18
(1)	The authority must have a director.	19
(2)	Subject to subsection (3), a person may be appointed as director if—	20 21
(a)	the Minister makes a recommendation, to the Legislative Assembly, that the Legislative Assembly appoint the person as director; and	22 23 24
(b)	the Legislative Assembly, by resolution, appoints the person as director.	25 26

[s 10]

- (3) However, the Minister must not recommend to the Legislative Assembly that a person be appointed as director unless the Minister is satisfied the person—
- (a) has qualifications or experience relevant to the appointment; and
 - (b) is of good character.
- (4) The director is appointed under this Act, and not under the *Public Service Act 2008*.
- (5) The director must operate primarily from the business premises of the authority.
- 10 Terms and ending of appointment**
- (1) For matters not provided for under this Act, the person is appointed as director on the terms of appointment decided by the Minister.
- (2) Except as decided by the Minister, the person is not entitled to receive any payment, any interest in property or other valuable consideration or benefit—
- (a) by way of remuneration as director; or
 - (b) in connection with retirement as director or any other ending of the appointment.
- (3) The Minister may terminate the appointment of the director if the director—
- (a) becomes mentally or physically incapable of satisfactorily performing the functions of director; or
 - (b) is convicted of an indictable offence (whether in Queensland or elsewhere); or
 - (c) is guilty of misconduct of a kind that warrants dismissal from the public service.
- 11 Functions of director**
- (1) The director has the following functions—

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- | | | |
|-----|---|----------------|
| (a) | to take measures to minimise injuries and deaths caused by crocodiles in the State; | 1
2 |
| (b) | to authorise persons to farm crocodiles in the State; | 3 |
| (c) | to decide the number of crocodile eggs that may be harvested each year in any part of the State; | 4
5 |
| (d) | to authorise persons to harvest crocodile eggs in any part of the State; | 6
7 |
| (e) | to decide the number of crocodiles that may be culled each year in any part of the State; | 8
9 |
| (f) | to authorise persons to carry out the culling of crocodiles in any part of the State; | 10
11 |
| (g) | to ensure the prompt management of rogue crocodiles by authorising persons to kill or relocate rogue crocodiles in any part of the State; | 12
13
14 |
| (h) | for indigenous land, State leasehold land or other land that is not State land—to authorise the owner of the land to— | 15
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17 |
| | (i) kill crocodiles on the owner’s land; or | 18 |
| | (ii) allow other persons to kill crocodiles on the owner’s land, for payment of a fee or free of charge; or | 19
20
21 |
| | (iii) harvest crocodile eggs on the owner’s land; or | 22 |
| | (iv) otherwise manage crocodiles on the owner’s land; | 23 |
| (i) | to authorise persons to otherwise display, interact with, keep, take or use crocodiles or crocodile eggs in any part of the State; | 24
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26 |
| (j) | to ensure the carcasses of all crocodiles killed under an authorisation granted by the director are dealt with so that, as far as possible, no part of a carcass is wasted; | 27
28
29 |
| (k) | to refer the suspected commission of offences relating to crocodiles or crocodile eggs to the police service; | 30
31 |
| (l) | to coordinate research into, and the routine surveying of— | 32
33 |
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[s 12]

(i)	crocodile population numbers and distribution in the State; and	1 2
(ii)	crocodile egg numbers and distribution in the State;	3 4
(m)	to promote the farming of crocodiles and the harvesting of crocodile eggs in the State;	5 6
(n)	to investigate viability of the use of State land to farm crocodiles or as crocodile reserves;	7 8
(o)	to declare and manage crocodile reserves;	9
(p)	to make recommendations to Parliament about crocodile management in the State;	10 11
(q)	to manage the authority's affairs under—	12
(i)	this Act and other relevant laws; and	13
(ii)	the board's recommendations or policies;	14
(r)	to otherwise manage the day-to-day operations of the authority.	15 16
(2)	The director must not, when carrying out a function under subsection (1), do anything the director reasonably believes will cause, or is likely to cause, the population size of crocodiles to decline to an extent that crocodiles may be in danger of extinction.	17 18 19 20 21
12	Powers of director	22
(1)	The director has the powers given under this Act or another Act.	23 24
(2)	Also, the director may do all things necessary or convenient to be done to perform the director's functions.	25 26
13	Delegation	27
	The director may delegate the director's powers under this or another Act to an appropriately qualified member of the authority's staff.	28 29 30

Part 4	Board of Queensland Crocodile Authority	1 2
Division 1	Establishment, membership and related matters	3 4
14	Establishment and functions of board	5
(1)	The authority must have a board.	6
(2)	The board has the following functions—	7
(a)	to assist the director in carrying out the director’s functions;	8 9
(b)	to make recommendations to the director about—	10
(i)	the strategies and the operational and administrative policies to be followed by the director and the authority; and	11 12 13
(ii)	the goals and objectives of the director and the authority;	14 15
(c)	to make recommendations to the director about, and monitor, the way—	16 17
(i)	the director performs the director’s functions and exercises the director’s powers; and	18 19
(ii)	the authority performs its functions;	20
(d)	to report annually to the Minister about the performance of the director.	21 22
15	Appointment of members	23
(1)	The board consists of 7 members and must be made up of—	24
(a)	at least 1 member who is an Aboriginal person, or a Torres Strait Islander, who has experience with crocodiles; and	25 26 27

[s 16]

- (b) at least 1 member who has worked in the crocodile farming industry; and 1
2
- (c) at least 1 member who— 3
 - (i) resides in the State in, or north of, Mackay; and 4
 - (ii) has experience in wildlife conservation; and 5
- (d) at least 1 member who— 6
 - (i) resides in the State in, or north of, Mackay; and 7
 - (ii) is involved in 1 or more community organisations with an interest in recreational activities associated with waterways; and 8
9
10
Examples of recreational activities associated with waterways— 11
12
fishing, kayaking, powerboating, sailing 13
- (e) in relation to the remaining members—persons who have appropriate experience or qualifications to contribute to the management of crocodiles in the State. 14
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16
- (2) A person may be appointed as a member if— 17
 - (a) the Minister makes a recommendation, to the Legislative Assembly, that the Legislative Assembly appoint the person as a member; and 18
19
20
 - (b) the Legislative Assembly, by resolution, appoints the person as a member. 21
22
- (3) Subject to section 17, a member holds office for the term, not more than 3 years, decided by the Minister. 23
24
- (4) Subsection (3) does not prevent a member being reappointed. 25
- (5) A member is appointed under this Act, and not under the *Public Service Act 2008*. 26
27

16 Chairperson 28

- (1) The board must appoint 1 member as the board's chairperson. 29

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- (2) Subject to section 17, the chairperson holds office for the term, ending not later than the person's term of appointment as a member, decided by the board.

- 17 Terms and ending of appointments**
- (1) This section applies to a person's appointment as a member or the chairperson.
- (2) For matters not provided for under this Act, the person holds office on the terms of appointment decided by the Minister.
- (3) Except as decided by the Minister, the person is not entitled to receive any payment, any interest in property or other valuable consideration or benefit—
- (a) by way of remuneration as holder of the office; or
 - (b) in connection with retirement from the office or any other ending of the office.
- (4) The appointment ends if the office of the member becomes vacant under section 18.
- (5) Also, the Minister may terminate the appointment of the person if the person—
- (a) becomes mentally or physically incapable of satisfactorily performing the functions of the office; or
 - (b) is convicted of an indictable offence (whether in Queensland or elsewhere); or
 - (c) is guilty of misconduct of a kind that warrants dismissal from the public service.
- (6) A person's appointment as a member does not end only because the person's appointment as chairperson has ended.
- 18 Vacation of office**
- The office of a member becomes vacant if—
- (a) the member completes the member's term of office and is not reappointed; or

[s 19]

- (b) the member resigns from office by signed notice of resignation given to the Minister; or 1
2
- (c) the member is absent, without the board's permission and without reasonable excuse, from 3 consecutive meetings of the board. 4
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Division 2 Business 6

19 Conduct of business 7

Subject to this division, the board may conduct its business, including its meetings, in the way the board considers appropriate. 8
9
10

20 Time of meetings 11

- (1) The board must meet at least once every 3 months. 12
- (2) However, the chairperson— 13
 - (a) may, at any time, call a meeting of the board; and 14
 - (b) must call a meeting of the board— 15
 - (i) if necessary in order for the board to perform its functions; or 16
17
 - (ii) if asked, in writing, to do so by at least 2 other members. 18
19

21 Quorum 20

A quorum for the board is the chairperson and 2 other members. 21
22

22 Conduct of meetings 23

- (1) The chairperson is to preside at all meetings of the board. 24
- (2) A question at a board meeting is decided by a majority of the votes of the members present. 25
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- (3) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the chairperson also has a casting vote.

Part 5 Administration

23 Annual report

- (1) The director must, not later than 4 months after the end of each financial year, prepare and give to the Minister a report on the authority's operations during the year.
- (2) Without limiting subsection (1), the annual report must include the following matters—
- (a) an outline of the authority's goals and objectives;
 - (b) an outline of the authority's financial performance and financial position;
 - (c) the number of licences, permits and other authorities issued by the director during the year, organised by type and location of the licence, permit or other authority;
 - (d) particulars of each crocodile lawfully killed in the State during the year, including how the crocodile was killed and how the carcass was dealt with;
 - (e) the number and location of crocodile eggs harvested in the State during the year;
 - (f) the number and location of crocodile eggs authorised to be harvested in the State at the time of the report;
 - (g) particulars of each crocodile in the State that was relocated during the year, including—
 - (i) where the crocodile was relocated from; and
 - (ii) where the crocodile was relocated to; and
 - (iii) the reason for the relocation;
 - (h) particulars of each crocodile attack in the State during the year of which the authority is aware;

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(i)	particulars of any injuries incurred by persons lawfully dealing with crocodiles in the State during the year of which the authority is aware;	1 2 3
(j)	a list of persons authorised to farm crocodiles in the State;	4 5
(k)	other particulars of the authority's principal activities for the year;	6 7
(l)	an outline of the authority's organisational structure and resources.	8 9
(3)	The Minister must cause a copy of the report to be laid before the Legislative Assembly within 14 days after the Minister receives it.	10 11 12
(4)	If, when the Minister would otherwise be required to lay a copy of the report before the Legislative Assembly, the Legislative Assembly is not in session or not actually sitting, the Minister must give a copy of the report to the clerk of the Parliament.	13 14 15 16 17
(5)	The clerk must cause a copy of the report to be laid before the Legislative Assembly on its next sitting day.	18 19
(6)	For the purposes of its publication, a report given to the clerk under subsection (4) is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.	20 21 22 23 24
(7)	The annual report must be published on the department's website.	25 26
(8)	This section does not affect the operation of the <i>Financial Accountability Act 2009</i> in relation to the department.	27 28
24	Quarterly reports	29
(1)	The director must publish, on the department's website, a report on the authority's operations each quarter.	30 31
(2)	A quarterly report must be published within 4 weeks after the end of the quarter.	32 33

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- (3) A quarterly report must include the following matters— 1
- (a) the number of licences, permits and other authorities 2
issued by the director during the quarter, organised by 3
type and location of the licence, permit or other 4
authority; 5
 - (b) particulars of each crocodile lawfully killed in the State 6
during the quarter, including how the crocodile was 7
killed and how the carcass was dealt with; 8
 - (c) the number and location of crocodile eggs harvested in 9
the State during the quarter; 10
 - (d) the number and location of crocodile eggs authorised to 11
be harvested in the State at the time of the report; 12
 - (e) particulars of each crocodile in the State that was 13
relocated during the quarter, including— 14
 - (i) where the crocodile was relocated from; and 15
 - (ii) where the crocodile was relocated to; and 16
 - (iii) the reason for the relocation; 17
 - (f) particulars of each crocodile attack in the State during 18
the quarter of which the authority is aware; 19
 - (g) particulars of any injuries incurred by persons lawfully 20
dealing with crocodiles in the State during the quarter of 21
which the authority is aware; 22
 - (h) a list of persons authorised to farm crocodiles in the 23
State. 24
- (4) This section does not affect the operation of the *Financial 25
Accountability Act 2009* in relation to the department. 26
- (5) In this section— 27
- quarter**, in a year, means the following periods in the year— 28
- (a) 1 January to 31 March; 29
 - (b) 1 April to 30 June; 30
 - (c) 1 July to 30 September; 31

[s 25]

(d) 1 October to 31 December. 1

Part 6 Crocodile reserves 2

25 Declaration of crocodile reserves 3

- (1) The director may, by written notice published in the gazette, declare a stated area of land as a crocodile reserve for the purpose of protecting particular crocodiles in, or relocated to, the reserve. 4
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- (2) However, if a person has an interest in land, the land must not be declared under subsection (1) unless the person consents to the declaration of the land as a crocodile reserve. 8
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- (3) The notice must state the duration of the declaration. 11

Part 7 Miscellaneous 12

26 Regulation-making power 13

The Governor in Council may make regulations under this Act. 14
15

Part 8 Transitional provision 16

27 Implementing action to achieve policy objectives 17

- (1) The Minister must, within 2 months after the day of assent, table in the Legislative Assembly a document containing— 18
19
- (a) proposed subordinate legislation implementing action to achieve the objectives stated in subsection (2); and 20
21
- (b) proposed dates for— 22

-
- (i) the making of subordinate legislation substantially in accordance with the draft proposed legislation; and
- (ii) the commencement of the proposed subordinate legislation.
- (2) For subsection (1)(a), the objectives are the following—
- (a) providing for licences, permits or other authorities under the *Nature Conservation Act 1992*, relating to crocodiles or crocodile eggs, to be—
- (i) issued, cancelled, suspended and amended by the director; and
- (ii) subject to conditions imposed on the licence, permit or other authority by the director;
- (b) enabling the director to authorise an adult, who has completed a crocodile egg harvesting safety course approved by the authority, to harvest crocodile eggs in any part of the State;
- (c) enabling the director to authorise an adult, who the director reasonably believes has the skills and training to kill rogue crocodiles safely, to kill—
- (i) particular rogue crocodiles identified by the director; or
- (ii) rogue crocodiles generally;
- (d) if the authority becomes aware of a rogue crocodile, ensuring action is taken by the director to manage any risk associated with the crocodile within 48 hours;
- (e) ensuring all rogue crocodiles are dealt with by either—
- (i) killing the crocodile; or
- (ii) relocating the crocodile to—
- (A) a crocodile reserve; or
- (B) if a person, authorised by the director to farm crocodiles, requests that the crocodile be

[s 27]

- relocated to the person’s crocodile farm—the
crocodile farm; 1
2
- (f) enabling the director to authorise an adult, whom the
director reasonably believes has the skills and training to
cull crocodiles safely, to carry out the culling of
crocodiles in any part of the State; 3
4
5
6
- (g) enabling the director to authorise an owner of
indigenous land, State leasehold land or other land that
is not State land to— 7
8
9
- (i) kill crocodiles on the owner’s land; or 10
- (ii) allow other persons to kill crocodiles on the
owner’s land, for payment of a fee or free of
charge; or 11
12
13
- (iii) harvest crocodile eggs on the owner’s land; or 14
- (iv) otherwise manage crocodiles on the owner’s land; 15
- (h) requiring crocodiles mentioned in paragraphs (c), (e)(i),
(f) or (g)(i) or (ii) to be killed only by shooting or
harpooning the crocodiles; 16
17
18
- (i) ensuring the carcasses of all crocodiles killed under an
authorisation granted by the director are dealt with so
that, as far as possible, no part of a carcass is wasted; 19
20
21
- (j) ensuring authorities to farm crocodiles, issued after the
commencement, are issued only to Australian entities; 22
23
- (k) otherwise ensuring the director, the board and the
authority can carry out their respective functions. 24
25
- (3) In this section— 26
- Australian entity* means— 27
- (a) an individual who is an Australian citizen or a
permanent resident; or 28
29
- (b) a listed corporation; or 30
- (c) another corporation in which all the shares in the
corporation are directly or ultimately owned, other than
as a trustee, by an Australian entity; or 31
32
33

- (d) the trustee of a listed unit trust; or 1
- (e) the trustee of another trust in which all of the trust 2
interests in the trust are directly or ultimately owned, 3
other than as a trustee, by an Australian entity. 4
- listed corporation*** means a corporation in which a majority of 5
the shares in the corporation are quoted on the market 6
operated by the Australian Securities Exchange. 7
- listed unit trust*** means a unit trust in which a majority of the 8
units in the trust are quoted on the market operated by the 9
Australian Securities Exchange. 10
- ultimately owned*** means owned through a series of entities 11
owning shares in corporations or trust interests in trusts, or a 12
combination of any of them. 13

Schedule 1	Dictionary	1
	section 3	2
<i>authorise</i> —		3
(a) means authorise by issuing a licence, permit or other authority under—		4 5
(i) the <i>Nature Conservation Act 1992</i> ; or		6
(ii) another Act prescribed by regulation; and		7
(b) includes cancelling, suspending, amending and imposing conditions on the licence, permit or other authority.		8 9 10
<i>authority</i> means the Queensland Crocodile Authority established under section 5.		11 12
<i>board</i> means the board of the authority established under section 14.		13 14
<i>buy</i> includes—		15
(a) agree or offer to buy; and		16
(b) receive or accept under an agreement; and		17
(c) agree to receive or accept under an agreement; and		18
(d) offer or attempt to receive or accept under an agreement; and		19 20
(e) cause or permit to be received or accepted under an agreement; and		21 22
(f) acquire by exchange; and		23
(g) accept on hire or lease.		24
<i>carcass</i> , of a crocodile, includes—		25
(a) its flesh, organs or body fluids; and		26
(b) its skin and scales; and		27
(c) its bones and teeth.		28

<i>crocodile</i> means an animal of the species <i>Crocodylus porosus</i> .	1
<i>crocodile prevention barrier</i> means a barrier that is reasonably likely to prevent crocodiles from passing over, through or under it.	2 3 4
<i>crocodile reserve</i> means a crocodile reserve declared under section 25.	5 6
<i>director</i> means the director of the authority appointed under section 9.	7 8
<i>display</i> , in relation to a crocodile or a crocodile egg, includes to demonstrate the crocodile or egg.	9 10
<i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659 applies to the indictable offence.	11 12 13
<i>indigenous land</i> means land held under any of the following Acts by, or on behalf of or for the benefit of, Aboriginal or Torres Strait Islander inhabitants or purposes—	14 15 16
(a) the <i>Aboriginal and Torres Strait Islander Land Holding Act 2013</i> ;	17 18
(b) the <i>Aboriginal Land Act 1991</i> ;	19
(c) the <i>Land Act 1994</i> ;	20
(d) the <i>Torres Strait Islander Land Act 1991</i> .	21
<i>interact</i> , with a crocodile, includes—	22
(a) approach, pursue or lure a crocodile for the purpose of interacting with or feeding the crocodile; and	23 24
(b) gain a benefit from interacting with or feeding the crocodile; and	25 26
(c) attempt to do an act mentioned in paragraph (a) or (b).	27
<i>keep</i> , in relation to a crocodile or a crocodile egg, includes have in possession, or under control, in any place (whether for the use or benefit of the person in relation to whom the term is used or another person), even though another person has the actual possession or custody.	28 29 30 31 32
<i>member</i> means a member of the board.	33

owner , of State leasehold land, includes the lessee of the land.	1
rogue crocodile means a crocodile if—	2
(a) the crocodile has attacked, is likely to attack, or is behaving aggressively towards, a person; or	3 4
(b) the location or behaviour of the crocodile makes it a threat, or a potential threat, to the safety or wellbeing of humans; or	5 6 7
<i>Example</i> —	8
a crocodile in an urban area or a public area commonly used by persons for recreation	9 10
(c) the crocodile—	11
(i) has passed over, through or under a crocodile prevention barrier on land on which aquaculture fisheries resources, stock or a dog ordinarily used for managing stock normally live; and	12 13 14 15
(ii) is, or is likely to become, a danger to the resources, stock or dog.	16 17
sell includes—	18
(a) auction, exchange or supply; and	19
(b) keep, expose, supply or receive for sale; and	20
(c) send or deliver for sale; and	21
(d) dispose of by hire or lease; and	22
(e) cause or permit the doing of an act mentioned in paragraph (a), (b), (c) or (d); and	23 24
(f) offer or attempt to do an act mentioned in paragraph (a), (b), (c) or (d); and	25 26
(g) offer or attempt to sell; and	27
(h) cause or permit to be sold.	28
State land means land in Queensland that is not freehold land under the <i>Land Act 1994</i> .	29 30
State leasehold land means land leased under the <i>Land Act 1994</i> .	31 32

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- stock*** means designated animals within the meaning of the *Biosecurity Act 2014*. 1
2
- take***, in relation to a crocodile, includes— 3
- (a) hunt, shoot, wound, kill, skin, poison, net, snare, spear, 4
trap, catch, dredge for, bring ashore or aboard a boat, 5
pursue, lure, injure or harm the crocodile; and 6
- (b) attempt to do an act mentioned in paragraph (a). 7
- use***, in relation to a crocodile or a crocodile egg, includes buy, 8
sell, give away, process, move or gain any benefit from the 9
crocodile or egg. 10