



Crocodile Control and Conservation Bill 2024



Queensland

Crocodile Control and Conservation Bill 2024

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2024

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>Crocodile Control and Conservation Act 2024</i> .	4 5
2 Commencement	6
This Act commences 4 months after the day of assent.	7
3 Definitions	8
The dictionary in schedule 1 defines particular words used in this Act.	9 10
4 Inconsistency with other Acts	11
If there is an inconsistency between this Act and another Act, this Act prevails to the extent of the inconsistency.	12 13
Part 2 Queensland Crocodile Authority	14 15
5 Establishment and control of Queensland Crocodile Authority	16 17
(1) An entity called the Queensland Crocodile Authority is established.	18 19
(2) The authority consists of the director and staff of the authority.	20
(3) 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 to carry out the director’s functions; and	7 8
(b)	to perform another function conferred on the authority under this Act or another Act; and	9 10
(c)	to perform functions incidental to a function mentioned in paragraph (a) or (b).	11 12
8	Staff	13
	The staff of the authority are employed under the <i>Public Sector Act 2022</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)	A person may be appointed as director only if—	20
(a)	the Minister makes a recommendation, to the Legislative Assembly, that the Legislative Assembly appoint the person as director; and	21 22 23
(b)	the Legislative Assembly, by resolution, appoints the person as director.	24 25

[s 10]

- (3) However, the Minister must not recommend a person for appointment 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 Sector Act 2022*.
- (5) The director must operate primarily from the business premises of the authority.

10 Functions of director

- (1) The director has the following functions—
- (a) to take measures to minimise injuries and deaths caused by crocodiles in the State;
 - (b) to authorise persons, in any part of the State, to operate—
 - (i) a crocodile farm; or
 - (ii) a crocodile sanctuary;
 - (c) to decide the number of crocodile eggs that may be harvested each year in any part of the State;
 - (d) to authorise persons to harvest crocodile eggs in any part of the State;
 - (e) to decide the number of crocodiles that may be culled each year in any part of the State;
 - (f) to authorise persons to carry out the culling of crocodiles in any part of the State;
 - (g) to authorise persons to, for the prompt management of crocodiles, kill or relocate crocodiles in any part of the State;

-
- Example—* 1
- A person may be authorised to relocate a crocodile from a 2
populated waterway to a crocodile sanctuary. 3
- (h) for Aboriginal land or Torres Strait Islander land—to 4
authorise the owner of the land to— 5
- (i) kill crocodiles on the land; or 6
- (ii) allow other persons to kill crocodiles on the land, 7
for payment of a fee or free of charge; or 8
- (iii) relocate crocodiles on the land to a crocodile 9
sanctuary or crocodile farm; or 10
- (iv) harvest crocodile eggs on the land; or 11
- (v) otherwise manage crocodiles on the land; 12
- Note—* 13
- See section 20 in relation to consultation about Aboriginal 14
tradition or Island custom. 15
- (i) for State leasehold land or other land that is not State 16
land—to authorise a person to, with the consent of the 17
owner of the land, enter the land to— 18
- (i) kill crocodiles on the land; or 19
- (ii) relocate crocodiles on the land to a crocodile 20
sanctuary or crocodile farm; or 21
- (iii) harvest crocodile eggs on the land; 22
- (j) to authorise persons to otherwise display, interact with, 23
keep, or use crocodiles or crocodile eggs in any part of 24
the State; 25
- (k) if requested by the owner of land, to authorise a person 26
to remove a crocodile from the land; 27
- (l) to ensure the carcasses of all crocodiles killed under an 28
authorisation granted by the director are dealt with so 29
that, as far as practicable, no part of a carcass is wasted; 30
- (m) to refer the suspected commission of offences relating to 31
crocodiles or crocodile eggs to the police service; 32

[s 10]

- (n) to coordinate research into, and the routine surveying of—
 - (i) crocodile numbers and distribution in the State; and
 - (ii) crocodile egg numbers and distribution in the State;
 - (o) to promote the farming of crocodiles and the harvesting of crocodile eggs in the State;
 - (p) to investigate viability of the use of State land to farm crocodiles or as crocodile sanctuaries;
 - (q) to declare and manage crocodile sanctuaries and populated waterways;
 - (r) to make recommendations to the Legislative Assembly about crocodile management in the State;
 - (s) to manage the authority’s affairs—
 - (i) under this Act and other relevant laws; and
 - (ii) having regard to the advisory committee’s advice or recommendations;
 - (t) to otherwise manage the day-to-day operations of the authority.
- (2) The director must not, when carrying out a function mentioned in subsection (1), do anything the director reasonably believes will cause, or is likely to cause, the population size of crocodiles to decline to such an extent that crocodiles are in danger of extinction.
- (3) In this section—
buy includes—
- (a) agree or offer to buy; and
 - (b) receive or accept under an agreement; and
 - (c) agree to receive or accept under an agreement; and
 - (d) offer or attempt to receive or accept under an agreement; and

-
- (e) cause or permit to be received or accepted under an agreement; and 1
2
- (f) acquire by exchange; and 3
- (g) accept on hire or lease. 4
- display**, in relation to a crocodile or a crocodile egg, includes 5
to demonstrate the crocodile or egg. 6
- interact**, with a crocodile, includes— 7
- (a) approach, pursue or lure a crocodile for the purpose of 8
interacting with or feeding the crocodile; and 9
- (b) gain a benefit from interacting with or feeding the 10
crocodile; and 11
- (c) attempt to do an act mentioned in paragraph (a) or (b). 12
- keep**, in relation to a crocodile or a crocodile egg, includes 13
have in possession, or under control, in any place (whether for 14
the use or benefit of the person in relation to whom the term is 15
used or another person), even though another person has the 16
actual possession or custody of the crocodile or crocodile egg. 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 23
paragraph (a), (b), (c) or (d); and 24
- (f) offer or attempt to do an act mentioned in paragraph (a), 25
(b), (c) or (d); and 26
- (g) offer or attempt to sell; and 27
- (h) cause or permit to be sold. 28
- use**, in relation to a crocodile or a crocodile egg, includes buy, 29
sell, give away, process, move or gain any benefit from the 30
crocodile or egg. 31

[s 11]

11	Powers of director	1
(1)	The director has the powers given under this Act or another Act.	2 3
(2)	Also, the director may do all things necessary or convenient to be done to perform the director’s functions.	4 5
12	Delegation	6
	The director may delegate the director’s powers under this or another Act to an appropriately qualified member of the authority’s staff.	7 8 9
13	Terms and ending of appointment	10
(1)	For matters not provided for under this Act, a person is appointed as director on the terms of appointment decided by the Minister.	11 12 13
(2)	Except as decided by the Minister, the person is not entitled to receive any payment, interest in property or other valuable consideration or benefit—	14 15 16
(a)	by way of remuneration as director; or	17
(b)	in connection with retirement as director or any other ending of the appointment.	18 19
(3)	The Minister may terminate the appointment of the director if the director—	20 21
(a)	becomes mentally or physically incapable of satisfactorily performing the functions of director; or	22 23
(b)	is convicted of an indictable offence (whether in Queensland or elsewhere); or	24 25
(c)	is guilty of misconduct of a kind that would warrant dismissal from the public service.	26 27
(4)	In this section—	28

[s 15]

(ii)	is involved in 1 or more community organisations with an interest in recreational activities associated with waterways.	1 2 3
	<i>Examples of recreational activities associated with waterways—</i>	4 5
	fishing, kayaking, powerboating, sailing	6
(4)	The remaining members must be persons who have appropriate experience or qualifications to contribute to the management of crocodiles in the State.	7 8 9
(5)	The Minister must appoint 1 of the members of the advisory committee as chairperson.	10 11
(6)	The members of the advisory committee hold office on the terms decided by the Minister.	12 13
(7)	However, a member of the advisory committee—	14
(a)	is not entitled to be paid remuneration; and	15
(b)	is entitled to be paid expenses.	16
15	Conduct of business	17
	The advisory committee may conduct its business, including its meetings, in the way the advisory committee considers appropriate.	18 19 20
Part 5	Administration	21
16	Annual report	22
(1)	The director must, not later than 4 months after the end of each financial year, prepare and give to the Minister a report about the authority's operations during the year.	23 24 25
(2)	Without limiting subsection (1), the annual report must include the following matters—	26 27
(a)	an outline of the authority's goals and objectives;	28

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- | | | |
|-----|--|------------------|
| (b) | an outline of the authority’s financial performance and financial position; | 1
2 |
| (c) | the number of licences, permits and other authorities issued by the director during the year, organised by type and location; | 3
4
5 |
| (d) | particulars of each crocodile lawfully killed in the State during the year of which the authority is aware, including how the crocodile was killed and how the carcass was dealt with; | 6
7
8
9 |
| (e) | the number and location of crocodile eggs harvested in the State during the year; | 10
11 |
| (f) | the number and location of crocodile eggs authorised to be harvested in the State at the time of the report; | 12
13 |
| (g) | the number and location of each crocodile sanctuary or populated waterway declared during the year; | 14
15 |
| (h) | particulars of each crocodile in the State that was relocated during the year, including— | 16
17 |
| | (i) where the crocodile was relocated from; and | 18 |
| | (ii) where the crocodile was relocated to; and | 19 |
| | (iii) the reason for the relocation; | 20 |
| (i) | particulars of each crocodile attack in the State during the year of which the authority is aware; | 21
22 |
| (j) | particulars of any injuries incurred by persons lawfully dealing with crocodiles in the State during the year of which the authority is aware; | 23
24
25 |
| (k) | a list of persons authorised to operate a crocodile farm or crocodile sanctuary; | 26
27 |
| (l) | other particulars of the authority’s principal activities for the year; | 28
29 |
| (m) | an outline of the authority’s organisational structure and resources. | 30
31 |

[s 17]

- (3) The Minister must cause a copy of the report to be laid before the Legislative Assembly within 14 days after the Minister receives the report. 1
2
3
- (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. 4
5
6
7
8
- (5) The clerk must cause a copy of the report to be laid before the Legislative Assembly on its next sitting day. 9
10
- (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. 11
12
13
14
15
- (7) The Minister must cause a copy of the report to be published on the department's website. 16
17
- (8) This section does not affect the operation of the *Financial Accountability Act 2009* in relation to the department. 18
19
- 17 Quarterly reports** 20
- (1) The director must publish, on the department's website, a report on the authority's operations each quarter. 21
22
- (2) A quarterly report must be published within 4 weeks after the end of the quarter. 23
24
- (3) A quarterly report must include the following matters— 25
- (a) the number of licences, permits and other authorities issued by the director during the quarter, organised by type and location; 26
27
28
- (b) the particulars of each crocodile lawfully killed in the State during the quarter of which the authority is aware, including how the crocodile was killed and how the carcass was dealt with; 29
30
31
32

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

[s 18]

Part 6	Crocodile sanctuaries and populated waterways	1 2
18	Declaration of crocodile sanctuaries	3
(1)	The director may, by written notice published in the gazette, declare a stated area of land as a crocodile sanctuary for the purpose of protecting particular crocodiles in, or relocated to, the sanctuary.	4 5 6 7
(2)	However, if a person has an interest in land, the director must not include the land within a crocodile sanctuary unless the person consents to the declaration of the land as a crocodile sanctuary.	8 9 10 11
(3)	The notice must state the duration of the declaration.	12
19	Declaration of populated waterways	13
(1)	The director may, by written notice published in the gazette, declare a stated waterway as a populated waterway for the purposes of—	14 15 16
(a)	protecting members of the public from the risk of harm from crocodiles; and	17 18
(b)	allowing a person authorised to kill or remove a crocodile to—	19 20
(i)	kill the crocodile; or	21
(ii)	relocate the crocodile to—	22
(A)	a crocodile sanctuary; or	23
(B)	an area used for the purpose of farming crocodiles operated by a person authorised to farm crocodiles.	24 25 26
(2)	In deciding to make the declaration the director must have regard to the public’s recreational or commercial use and enjoyment of the waterway.	27 28 29
(3)	The notice must state the duration of the declaration.	30

Part 7	Other matters	1
20	Aboriginal tradition and Island custom	2
(1)	This section applies if, in performing a function or exercising a power under this Act, the director considers the performance of the function or the exercise of the power may affect—	3 4 5
(a)	Aboriginal land or Torres Strait Islander land; or	6
(b)	Aboriginal tradition or Island custom.	7
(2)	The director must, in considering whether to perform the function or exercise the power, consult with—	8 9
(a)	for Aboriginal land or Torres Strait Islander land—the owner of the land; or	10 11
(b)	for other land—the Aboriginal peoples and Torres Strait Islander peoples responsible for the Aboriginal tradition or Island custom in relation to the land.	12 13 14
(3)	Without limiting subsection (2), the consultation must have regard to—	15 16
(a)	the cultural sensitivities of the Aboriginal peoples and Torres Strait Islander peoples; and	17 18
(b)	potential economic or social benefits for the Aboriginal peoples and Torres Strait Islander peoples if the function is performed or the power is exercised.	19 20 21
21	Review of Queensland Crocodile Management Plan	22
(1)	The director must, within 6 months after the commencement, review the Queensland Crocodile Management Plan for the purpose of establishing a zero-tolerance zone in the Plan.	23 24 25
(2)	The zero-tolerance zone must—	26
(a)	include and identify each populated waterway; and	27
(b)	provide for the killing or removal of a crocodile under section 19.	28 29

[s 22]

Part 8 **Miscellaneous** 1

22 **Regulation-making power** 2

The Governor in Council may make regulations under this Act. 3
4

Part 9 **Transitional provision** 5

23 **Implementing action to achieve policy objectives** 6

- (1) The Minister must, within 2 months after the commencement, 7
table in the Legislative Assembly a document containing— 8
- (a) proposed subordinate legislation implementing action to 9
achieve the objectives stated in subsection (2); and 10
 - (b) proposed dates for— 11
 - (i) the making of subordinate legislation substantially 12
in accordance with the draft proposed legislation; 13
and 14
 - (ii) the proposed commencement of the subordinate 15
legislation. 16
- (2) For subsection (1)(a), the objectives are the following— 17
- (a) providing for licences, permits or other authorities under 18
the *Nature Conservation Act 1992*, relating to crocodiles 19
or crocodile eggs, to be— 20
 - (i) issued, cancelled, suspended and amended by the 21
director; and 22
 - (ii) subject to conditions imposed on the licence, 23
permit or other authority by the director; 24
 - (b) enabling the director to authorise an adult, who has 25
completed a crocodile egg harvesting safety course 26
approved by the authority, to harvest crocodile eggs in 27
any part of the State; 28

-
- (c) enabling the director to authorise an adult, who the director reasonably believes has the skills and training to safely kill crocodiles, to kill—
- (i) particular crocodiles identified by the director; or
 - (ii) crocodiles generally;
- (d) if the authority is notified of a crocodile located in a zero-tolerance zone, ensuring action is taken by the director to manage any risk associated with the crocodile within 48 hours;
- (e) ensuring each crocodile located in a populated waterway is dealt with by either—
- (i) killing the crocodile; or
 - (ii) relocating the crocodile to—
 - (A) a crocodile sanctuary; or
 - (B) if a person, authorised by the director to operate a crocodile farm, requests that the crocodile be relocated to the person’s crocodile farm—the crocodile farm;
- (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;
- (g) for Aboriginal land or Torres Strait Islander land—enabling the director to authorise an owner of the land to—
- (i) kill crocodiles on the land; or
 - (ii) allow other persons to kill crocodiles on the land, for payment of a fee or free of charge; or
 - (iii) harvest crocodile eggs on the land; or
 - (iv) otherwise manage crocodiles on the land;
- (h) for State leasehold land or other land that is not State land—enabling the director to authorise a person to,

[s 23]

- with the consent of the owner of land, enter the land 1
to— 2
- (i) kill crocodiles on the land; or 3
 - (ii) harvest crocodile eggs on the land; or 4
 - (iii) relocate crocodiles on the land to a crocodile farm 5
or crocodile sanctuary. 6
- (i) requiring crocodiles mentioned in paragraphs (c), (e)(i), 7
(f), (g)(i) or (ii) or (h)(i) to be killed only by— 8
- (i) shooting or harpooning the crocodiles; or 9
 - (ii) if the person authorised to kill the crocodile is an 10
Aboriginal person or Torres Strait Islander 11
person—the use of a traditional practice; 12
- (j) ensuring the carcasses of all crocodiles killed under an 13
authorisation granted by the director are dealt with so 14
that, as far as practicable, no part of a carcass is wasted; 15
- (k) ensuring authorities to farm crocodiles, issued after the 16
commencement, are issued only to Australian entities; 17
- (l) otherwise ensuring the director and the authority can 18
carry out their respective functions. 19
- (3) In this section— 20
- Australian entity*** means— 21
- (a) an individual who is an Australian citizen or a 22
permanent resident; or 23
 - (b) a listed corporation; or 24
 - (c) another corporation in which all the shares in the 25
corporation are directly or ultimately owned, other than 26
as a trustee, by an Australian entity; or 27
 - (d) the trustee of a listed unit trust; or 28
 - (e) the trustee of another trust in which all of the trust 29
interests in the trust are directly or ultimately owned, 30
other than as a trustee, by an Australian entity. 31

<i>Australian Securities Exchange</i> means ASX Limited (ACN 008 624 691).	1 2
<i>listed corporation</i> means a corporation in which a majority of the shares are quoted on the market operated by the Australian Securities Exchange.	3 4 5
<i>listed unit trust</i> means a unit trust in which a majority of the units are quoted on the market operated by the Australian Securities Exchange.	6 7 8
<i>traditional practice</i> , for an Aboriginal person or Torres Strait Islander person, means the practice for killing crocodiles carried out under the person's Aboriginal tradition or Island custom.	9 10 11 12
<i>ultimately owned</i> means owned through a series of entities owning shares in corporations or trust interests in trusts, or a combination of any of them.	13 14 15

Schedule 1 Dictionary 1

section 3 2

Aboriginal land or Torres Strait Islander land means land 3
held under any of the following Acts by, or on behalf of or for 4
the benefit of, Aboriginal or Torres Strait Islander inhabitants 5
or purposes— 6

(a) the *Aboriginal and Torres Strait Islander Land Holding* 7
Act 2013; 8

(b) the *Aboriginal Land Act 1991*; 9

(c) the *Land Act 1994*; 10

(d) the *Torres Strait Islander Land Act 1991*. 11

advisory committee means the advisory committee 12
established under section 14. 13

authorise— 14

(a) means authorise by issuing a licence, permit or other 15
authority under— 16

(i) the *Nature Conservation Act 1992*; or 17

(ii) another Act prescribed by regulation; and 18

(b) includes cancelling, suspending, amending and 19
imposing conditions on the licence, permit or other 20
authority. 21

authority means the Queensland Crocodile Authority 22
established under section 5. 23

carcass, of a crocodile, includes— 24

(a) its flesh, organs or body fluids; and 25

(b) its skin and scales; and 26

(c) its bones and teeth. 27

crocodile means an animal of the species *Crocodylus porosus*. 28

<i>crocodile farm</i> means a farm operated by a person authorised by the director, for the purposes of this Act, to operate the farm.	1 2 3
<i>crocodile sanctuary</i> means a crocodile sanctuary declared under section 18.	4 5
<i>director</i> means the director of the authority appointed under section 9.	6 7
<i>owner</i> , of State leasehold land, includes the lessee of the land.	8
<i>populated waterway</i> means a populated waterway declared under section 19.	9 10
<i>Queensland Crocodile Management Plan</i> means the document of that name made by the chief executive and published on the department's website.	11 12 13
<i>State land</i> means land in Queensland that is not freehold land as defined under the <i>Land Act 1994</i> , schedule 6.	14 15
<i>State leasehold land</i> means land leased under the <i>Land Act 1994</i> .	16 17
<i>zero-tolerance zone</i> means a zone identified as a zero-tolerance zone in the Queensland Crocodile Management Plan.	18 19 20