



Queensland

# **Nature Conservation Legislation Amendment Regulation (No. 2) 2007**

**Explanatory Notes for SL 2007 No. 301**

made under the

*Nature Conservation Act 1992*

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## **General Outline**

### **Short Title**

The short title of this regulation is the Nature Conservation Legislation Amendment Regulation (No. 2) 2007.

### **Authorising Legislation**

*Nature Conservation Act 1992* (“the Act”)

### **Policy Objectives of the Legislation**

The primary objective of making the proposed Amendment Regulation is to amend sections of the *Nature Conservation (Protected Areas Management) Regulation 2006* (the “Protected Areas Management Regulation”) and *Nature Conservation (Wildlife Management) Regulation*

2006 (the “Wildlife Management Regulation”) to reflect and support the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* (the “Estuarine Crocodile Conservation Plan”).

The objective of the Estuarine Crocodile Conservation Plan is to: conserve viable populations of estuarine crocodiles in the wild in Queensland; protect the public and prevent the loss of aquaculture fisheries resources, stock and working dogs from problem crocodile attacks; and ensure the commercial use of estuarine crocodiles is ecologically sustainable.

## **Reasons for the Amendment Regulation**

As outlined under “Policy Objectives”.

## **Alternatives to Amendment Regulation**

The inclusion of a provision regarding conduct in protected areas in the Estuarine Crocodile Conservation Plan was considered. However, this would place this provision in a separate piece of subordinate legislation to other related provisions concerning protected areas. Therefore it was deemed more appropriate to include this provision in the Protected Areas Management Regulation.

## **Administrative costs**

The Amendment Regulation will not impose further costs on either the Environmental Protection Agency (EPA) or other Government Departments. Implementation costs will be met from existing EPA allocations. The Amendment Regulation supports the proposed *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* and is supported by existing Nature Conservation legislation.

## **Consistency with Fundamental Legal Principles**

The Amendment Regulation is consistent with fundamental legal principles.

## **Consultation**

A draft *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* and Management Program for *Crocodylus porosus* in Queensland 2007-2017 was released for public consultation and submissions were received over a six week period ending in May 2007. These submissions were analysed and considered by the Hon. Lindy Nelson-Carr, the Minister for Environment and Multiculturalism in the development of the final draft of the Conservation Plan and Management Program. The final draft also underwent an additional consultation process with Queensland Government Departments.

Consultation on the proposed new s 140A (Conduct in parts of protected area where estuarine crocodiles are or may be present) in the Protected Areas Management Regulation was undertaken as part of the consultation process for the Estuarine Crocodile Conservation Plan.

## **Notes on Provisions**

### **Part 1 Preliminary**

#### **Clause 1—Short title**

This section states that the standard citation for this Amendment Regulation is the *Nature Conservation Legislation Amendment Regulation (No. 2) 2007*.

## **Clause 2—Commencement**

This regulation commences on 1 March 2008.

## **Part 2** **Amendment of Nature Conservation (Protected Areas Management) Regulation 2006**

### **Clause 4—Insertion of new s 140A**

Section 140A (Conduct in parts of protected area where estuarine crocodiles are or may be present) creates a number of offences that relate to forms of public conduct that directly expose individuals to risk of crocodile attack (i.e. swimming and standing in water above knee-deep in crocodile habitat). These activities can not be carried out in parts of a protected area where the possible presence of estuarine crocodiles is indicated by signs or it is known or should reasonably be known that estuarine crocodiles are frequently sighted or live there.

A person may only stand in water above knee-deep in crocodile habitat in protected areas if the person has a reasonable excuse such as getting in or out of a boat when it is being launched at a boat ramp.

The intent of this section is to reduce the risk of negative interactions occurring between people and estuarine crocodiles in high-risk areas (i.e. crocodile habitat in protected areas). This section is not intended to prevent people from carrying out other activities (such as using a boat for a recreational purpose) that they are authorised to carry out in a protected area.

A protected area for the purposes of this section does not include a nature refuge.

Non-compliance with the provisions in this section is an offence with a maximum penalty of 100 penalty units. The penalties reflect the seriousness of the nature of the offences with respect to human safety and wellbeing.

These offences do not relate to nature refuges.

**Part 3****Amendment of Nature Conservation  
(Wildlife Management) Regulation  
2006**

This part contains a number of notes that will be added to those sections of the Wildlife Management Regulation that are affected or qualified by provisions in the Estuarine Crocodile Conservation Plan. These notes will provide cross-references between the two pieces of subordinate legislation.

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**ENDNOTES**

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Environmental Protection Agency.