

# Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 179

made under the

*Nature Conservation Act 1992*  
*State Penalties Enforcement Act 1999*

## General Outline

### Short title

This Regulation may be cited as the *Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017* (the Amendment Regulation)

### Authorising law

Sections 120H, 120J and 175 of the *Nature Conservation Act 1992* (NC Act)  
Section 165(2) and 165(3) of the *State Penalties Enforcement Act 1999* (SPE Act)

### Policy objectives and the reasons for them

The objective of the NC Act, as stated in section 4 is to provide for the conservation of nature. This is achieved in part through the protection of wildlife and ensuring that the use of protected wildlife is ecologically sustainable.

In addition to the NC Act, the legislative framework for wildlife includes the *Nature Conservation (Wildlife Management) Regulation 2006* (the Wildlife Management Regulation) and the *Nature Conservation (Wildlife) Regulation 2006* (the Wildlife Regulation). For estuarine crocodiles, there is also the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* (the Crocodile Conservation Plan).

Section 165(2) of the SPE Act provides that a regulation may prescribe an offence to be an infringement notice offence. Section 165(3) of the SPE Act provides that a regulation may prescribe an infringement notice fine for an infringement notice offence.

The policy objectives of the Amendment Regulation are to:

1. correct errors and policy inconsistencies and reduce unnecessary administrative burden in relation to protected wildlife;

2. give effect to the Queensland Government's commitment to adopt the Commonwealth Government Code of Practice on the Humane Treatment of Wild and Farmed Australian Crocodiles (the Australian Crocodile Code); and
3. give effect to the decision by the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef to introduce an offence and infringement notice offence for interfering with a crocodile trap.

## **Achievement of policy objectives**

To achieve its objectives, the Amendment Regulation will:

- make minor administrative and clarifying amendments to the Wildlife Management Regulation and Wildlife Regulation to:
  - correctly reference 'permit to keep wildlife', rather than the incorrect 'permit to keep protected wildlife';
  - remove ambiguity around the term 'approved' by referring to 'protected plant harvest label' and 'protected plant trade label', rather than 'approved harvest label' and 'approved trade label';
  - clarify that a person taking a protected plant under a protected plant clearing permit is not required to check the flora survey trigger map prior to starting clearing;
  - provide for more practical and less burdensome disposal of dead animals and clarify that contractors, as well as employees may undertake authorised activities on behalf of specified government entities;
  - refer to the more modern term 'antivenom', rather than 'antivenene'; and
  - correct scientific names;
- amend the Crocodile Conservation Plan to:
  - replace the Code of Practice for the Taking, Handling and Transportation of Crocodiles and the Code of Practice for Crocodile Farming (the 'Queensland crocodile codes') with the Australian Crocodile Code;
  - provide a transitional period whereby holders of current authorities in effect prior to the adoption of the Australian Crocodile Code may continue to comply with the repealed Queensland crocodile codes until 1 March 2018; and
- amend the Crocodile Conservation Plan and *State Penalties Enforcement Regulation 2014* to include an offence and infringement notice offence respectively for interfering with a crocodile trap.

These amendments do not change policy intent, nor introduce any additional burdens.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the objective of the NC Act which is the conservation of nature, and with how the objective is to be achieved, including ensuring the take and use of protected wildlife is ecologically sustainable.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation. The amendments do not change policy intent.

## **Benefits and costs of implementation**

The amendments do not impose significant adverse impacts on the community, business or government. Only people who have interfered with a crocodile trap will be subject to the new penalties.

As the amendments are primarily administrative in nature and do not change policy intent, there are no additional costs to government.

The benefits of the amendments are the correction of errors, clarification of requirements, and the removal of unnecessary regulatory burden. The replacement of two current codes for the farming, capture, handling and transport of crocodiles with the Australian Crocodile Code removes redundancy and simplifies requirements applying to wild and farmed crocodiles.

## **Consistency with fundamental legislative principles**

The amendments are consistent with fundamental legislative principles in accordance with section 4(5) of the *Legislative Standards Act 1992*, namely they:

- (a) are within the power that, under an Act of subordinate legislation allows the subordinate legislation to be made; and
- (b) are consistent with the policy objective of the authorising law; and
- (c) contain only matter appropriate to subordinate legislation; and
- (d) amend statutory instruments only.

## **Consultation**

Feedback obtained during a number of consultation programs with government and industry stakeholders over the course of 2015 and 2016 included suggestions to improve functionality of a number of provisions relevant to protected wildlife.

Consultation external to government is not normal practice when amending scientific names of wildlife. This is because the scientific names for wildlife are required to follow the names used in publications specified under section 5 of the Wildlife Regulation.

Consultation on the Crocodile Conservation Plan and the codes of practice for the capture, handling and farming of crocodiles has been ongoing since 2016. During this process, a number of stakeholders suggested that the adoption of the Australian Crocodile Code would be more practical than contemporising or updating the two existing Queensland codes. This proposal received widespread support from those involved in both the capture and farming of crocodiles.

Consultation was undertaken with the Zoo and Aquarium Association of Queensland, crocodile farms and zoos (including Australia Zoo), and crocodile researchers and academics including Professors Gordon Grigg and Craig Franklin and Dr Grahame Webb (Chair, International Union for the Conservation of Nature (IUCN), Crocodile Specialist Group).

The Queensland Productivity Commission (Office of Best Practice Regulation) was consulted and advised that further assessment of regulatory impacts was not required as

the amendments are unlikely to lead to significant adverse impacts on business, government or the community.