

Nature Conservation (Estuarine Crocodile) Conservation Plan 2018

Explanatory notes for SL 2018 No. 147

made under the

Nature Conservation Act 1992

General Outline

Short title

Nature Conservation (Estuarine Crocodile) Conservation Plan 2018

Authorising law

Sections 120H, 120J and 175 of the *Nature Conservation Act 1992*

Policy objectives and the reasons for them

The objective of the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* (the Crocodile Conservation Plan) is to replace the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*, to ensure continuation of a regulatory framework that conserves viable populations of estuarine crocodiles in the wild.

This will be achieved while protecting the public and preventing the loss of aquaculture fisheries resources (fish or crustaceans cultivated for sale in aquaculture), stock and working dogs from problem crocodile attacks, and ensuring the commercial use of estuarine crocodiles is ecologically sustainable.

In ensuring the commercial use of estuarine crocodiles is ecologically sustainable, this Conservation Plan has new provisions that allow estuarine crocodile eggs to be taken from the wild, under a commercial wildlife harvesting licence, only if the take is not likely to adversely affect the local crocodile population.

It is expected that some remote communities with limited local employment opportunities could gain modest but important, local employment opportunities by harvesting crocodile eggs.

The regulatory amendments do not change the objects of the *Nature Conservation Act 1992* or the regulation of these matters.

Achievement of policy objectives

The Crocodile Conservation Plan achieves the policy objectives by retaining the current management arrangements for estuarine crocodiles in Queensland, as provided for in the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

Part 3 of the Crocodile Conservation Plan creates new arrangements for the ecologically sustainable commercial harvest of estuarine crocodiles under commercial wildlife harvesting licences.

The estuarine crocodile (*Crocodylus porosus*) is currently classified as ‘vulnerable’ under the *Nature Conservation Act 1992*. Therefore, in accordance with section 111 of the *Nature Conservation (Wildlife Management) Regulation 2006* (the Management Regulation), Part 3 authorises the chief executive to grant commercial wildlife harvesting licences authorising the take of crocodile eggs.

Part 3 also prescribes the following particular matters for commercial wildlife harvesting licences for estuarine crocodile eggs:

- restricts the chief executive to only grant licences if they are satisfied that the activities to be carried out under the licence are not likely to adversely affect the local crocodile population;
- requires licence applications to be supported by a harvest proposal and a report of research, conducted by an appropriately qualified person, about the state of the local crocodile population;
- restricts the chief executive from granting licences to individuals that are younger than 18 years;
- limits the holder of a commercial wildlife harvesting licence for estuarine crocodile eggs to only harvest estuarine crocodile eggs in accordance with the licence, including limiting the way eggs may be taken, moved, kept and used;
- specifies information that must be included in records, when records must be made, the period for which records must be kept, and when a return of operations is to be given to the chief executive.

The Crocodile Conservation Plan will also update a number of sections and the dictionary of the Crocodile Conservation Plan to align with the above changes.

Consistency with policy objectives of authorising law

The Crocodile Conservation Plan is consistent with the objectives of the *Nature Conservation Act 1992*, that is to conserve nature, and with how the object is to be achieved, including ensuring the take and use of protected wildlife is ecologically sustainable.

Inconsistency with policy objectives of other legislation

The Crocodile Conservation Plan is not inconsistent with the policy objectives of other legislation and does not change policy intent.

Benefits and costs of implementation

The amendments do not impose significant adverse impacts on the community, business or government.

Allowing crocodile eggs to be harvested in Queensland may provide modest but important, local employment opportunities to some remote communities with limited local employment opportunities. For example, the Pormpuraaw Aboriginal Shire Council intends to apply for a licence so the local Indigenous Land and Sea Rangers can harvest crocodile eggs in the region.

The replacement of the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*, and implementation of the new instrument, will impose negligible costs for the Queensland Government. Costs for the Department of Environment and Science to monitor the local population of crocodiles and audit licence activities will be met within existing budget.

Consistency with fundamental legislative principles

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

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

The Crocodile Conservation Plan has no adverse impact on the rights and liberties of individuals or on the institution of Parliament.

Consultation

Targeted consultation on crocodile egg harvesting was undertaken with key stakeholders, including local governments in north Queensland, crocodile farms, Aboriginal representative bodies, Australia Zoo, World Wildlife Fund, Wildlife Preservation Society of Queensland and the Crocodile Specialist Group of the International Union for the Conservation of Nature.

The Commonwealth Department of Environment and Energy (DoEE) was consulted to obtain approval for a new Wildlife Trade Management Plan (WTMP) for Queensland Crocodile Farming and Crocodile Egg Harvesting. Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), the take, keep, use or movement of wild crocodiles associated with trade must be in accordance with a WTMP that the Commonwealth Minister responsible for the Environment has approved. As part of the process of DoEE assessing the WTMP, it invited public comments nationally on the WTMP. The Queensland Government also publicly advertised DoEE's consultation. Only two submissions were received: one from Australia Zoo

and one from the Wildlife Preservation Society of Queensland. The majority of stakeholders support crocodile egg harvesting in Queensland.

The Office of Best Practice Regulation (OBPR) was consulted regarding the requirements under *The Queensland Government Guide to Better Regulation* (the Guidelines). OBPR agreed that the proposed Crocodile Conservation Plan does not impose significant impacts on the community, business or government, and as such, would not benefit from further regulatory assessment.

No changes to the Crocodile Conservation Plan were required as a result of the consultation.

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