



Queensland

*Nature Conservation Act 1992*

# **Nature Conservation (Problem Crocodiles) Conservation Plan 1995**

**Reprinted as in force on 21 August 2006**

**Reprint No. 1B**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This plan is reprinted as at 21 August 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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# Nature Conservation (Problem Crocodiles) Conservation Plan 1995

[as amended by all amendments that commenced on or before 21 August 2006]

## Part 1 Preliminary

### 1 Short title

This conservation plan may be cited as the *Nature Conservation (Problem Crocodiles) Conservation Plan 1995*.

### 2 Definitions

In this plan—

**Administration Regulation** means the *Nature Conservation (Administration) Regulation 2006*.

**code** means the Code of Practice for the Taking, Handling and Transportation of Crocodiles published by the department.<sup>1</sup>

**crocodile** means a protected animal of the species *Crocodylus porosus*.

**licensee** means—

- (a) the holder of a wildlife exhibitor licence or wildlife farming licence for crocodiles, granted under the Administration Regulation; or
- (b) a person in another State who, under the law of the State, may keep crocodiles.

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<sup>1</sup> The code is available for inspection at the department's head office, 160 Ann Street, Brisbane.

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***management program*** means the Management Program for the Conservation and Management of *Crocodylus porosus* in Queensland.<sup>2</sup>

***permit*** means a damage mitigation permit for crocodiles, granted under the Administration Regulation.

***problem crocodile*** see section 3.

***scientifically examine*** includes take a biological tissue sample.

***stock*** has the meaning given by the *Stock Act 1915*.

***take*** does not include shoot, kill, skin, poison, dredge for, injure or harm.

### **3 Problem crocodiles**

A crocodile in the wild is a ***problem crocodile*** if, in the chief executive's opinion, it is, or is likely to be, a source of danger to humans, stock or dogs.

### **4 Purpose of plan**

The purpose of this plan is to ensure a level of protection for the public against crocodiles by allowing problem crocodiles to be taken under a permit, and their taking monitored, while maintaining wild populations of crocodiles across their current ranges.

### **5 Administration of plan**

- (1) This plan is to be administered in conjunction with the management program.
- (2) If there is any conflict between this plan and the management program, the plan prevails over the program.

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<sup>2</sup> The management program is published by the department and is available for inspection at the department's head and regional offices.

**6 Application of Act, s 121(2) (Plan replaces interim or declared management intent)**

Section 121(2) of the Act does not apply to this plan.<sup>3</sup>

## **Part 2 Taking of crocodiles**

**7 Who may take crocodile**

- (1) This section applies to a person who agrees to a conservation officer's request to take and move a problem crocodile.
- (2) The person must—
  - (a) apply for a permit; and
  - (b) start field operations under the permit within 72 hours of obtaining the permit.
- (3) The chief executive can not grant the permit for a term longer than 30 days.
- (4) If the person does not comply with subsection (2)(b), the chief executive may cancel the permit.

**8 Restriction on taking of crocodile under permit**

The permit holder—

- (a) must only take a problem crocodile; and
- (b) must take and handle the crocodile in a way that is consistent with the code; and
- (c) if required by the chief executive—must allow a conservation officer to be present when the crocodile is taken and handled.

Maximum penalty—80 penalty units.

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<sup>3</sup> The declared management intent in the *Nature Conservation (Wildlife) Regulation 2006* for crocodiles is not affected by this plan.

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**9 Procedure on taking of problem crocodile by permit holder**

- (1) This section applies if a permit holder takes a problem crocodile under the permit.
- (2) The permit holder may—
  - (a) keep the crocodile; or
  - (b) move the crocodile to a place approved by the chief executive.
- (3) However, the permit holder must care for the crocodile and ensure, as far as is practicable, it is kept alive for 30 days after taking it.

Maximum penalty—165 penalty units.

- (4) The chief executive may give an approval to move the crocodile to a place outside Queensland only if the necessary permission of an entity in the place has been obtained to move the crocodile to the place.

**10 Conservation value not payable**

The conservation value of a crocodile is not payable on the problem crocodile taken by the permit holder under the permit.

**11 Procedure on accidental taking**

- (1) This section applies if a crocodile (other than a problem crocodile) is accidentally taken by the permit holder.
- (2) The permit holder must—
  - (a) immediately notify a conservation officer of the taking; and
  - (b) unless a conservation officer otherwise directs in writing, release the crocodile unharmed at the place of capture within 24 hours after capture.

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**12 Procedure on taking of problem crocodile by conservation officer**

- (1) This section applies if a problem crocodile is taken by a conservation officer.
- (2) The chief executive may deal with the crocodile in the way the chief executive considers appropriate.
- (3) However, the chief executive must not give the crocodile to a licensee who uses crocodiles for a commercial purpose, unless—
  - (a) the chief executive is satisfied the crocodile is to be cared for and, as far as practicable, kept alive by the licensee for 30 days; and
  - (b) the licensee pays the State the conservation value for the crocodile.
- (4) The conservation value is—
  - (a) if the crocodile is a male—\$110 for each metre or part of a metre of the crocodile's length; and
  - (b) if the crocodile is a female—\$220 for each metre or part of a metre of the crocodile's length.

**Part 3 Keeping of identified crocodiles**

**13 Crocodile to be kept in isolation**

- (1) A person who moves a problem crocodile taken under a permit to a place in Queensland must—
  - (a) keep the crocodile in isolation until a conservation officer—
    - (i) inspects, scientifically examines, measures and tags the crocodile; and
    - (ii) authorises the crocodile's release from isolation; and

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- (b) care for the crocodile and ensure, as far as is practicable, it is kept alive for at least 30 days.
- (2) The person, or a competent person employed or engaged by the person, must help the conservation officer to inspect, scientifically examine, measure and tag the crocodile.

Maximum penalty—80 penalty units.

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 August 2006. Future amendments of the Nature Conservation (Problem Crocodiles) Conservation Plan 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	22 December 1995	29 January 1996
1A	2000 SL No. 130	1 July 2000	5 July 2000

Reprint No.	Amendments included	Effective	Notes
1B	2006 SL No. 207	21 August 2006	

## 5 List of legislation

### **Nature Conservation (Problem Crocodiles) Conservation Plan 1995 SL No. 407**

approved by the Governor in Council on 21 December 1995

notfd gaz 22 December 1995 pp 1672–6

commenced on date of notification

exp 31 August 2007 (see SIA s 56A(1)(a)(i) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Nature Conservation (Problem Crocodiles) Amendment Conservation Plan 2000 SL No. 130**

notfd gaz 23 June 2000 pp 652–4

ss 1–2 commenced on date of notification

remaining provisions commenced on 1 July 2000 (see s 2)

### **Nature Conservation (Conservation Plans) Amendment Conservation Plan (No. 1) 2006 SL No. 207 pts 1, 3**

notfd gaz 11 August 2006 pp 1725–8

ss 1–2 commenced on date of notification

remaining provisions commenced 21 August 2006 (see s 2)

Note— An explanatory note was prepared

## 6 List of annotations

### **Definitions**

- s 2      def “**Administration Regulation**” ins 2006 SL No. 207 s 22(2)  
           def “**Nature Conservation Regulation**” om 2006 SL No. 207 s 22(1)

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def **“licensee”** amd 2006 SL No. 207 s 22(3)  
def **“permit”** amd 2006 SL No. 207 s 22(4)

**Who may take crocodile**

s 7 amd 2006 SL No. 207 s 23

**Procedure on taking of problem crocodile by conservation officer**

s 12 amd 2000 No. 130 s 4