



*Nature Conservation Act 1992*

# **Nature Conservation (Estuarine Crocodile) Conservation Plan 2007**

**Current as at 1 September 2017**





Queensland

# Nature Conservation (Estuarine Crocodile) Conservation Plan 2007

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Commencement . . . . .	5
3	Relationship with declared management intent—Act, s 121(2) . .	5
4	Purposes of plan . . . . .	5
5	Interpretation generally . . . . .	6
6	Meaning of problem crocodile . . . . .	6
<b>Part 2</b>	<b>Problem crocodiles</b>	
<b>Division 1</b>	<b>Scheme for giving problem crocodiles to Queensland crocodile keepers</b>	
7	Establishing scheme . . . . .	7
<b>Division 2</b>	<b>Crocodile management authority</b>	
<b>Subdivision 1</b>	<b>Grant of authority</b>	
8	Persons to whom authority may be granted . . . . .	9
9	Authority granted to approved persons authorising employees to act under it . . . . .	9
10	Maximum term of authority . . . . .	9
<b>Subdivision 2</b>	<b>Activities authorised under authority</b>	
11	Catching problem crocodile authorised under authority held by approved person . . . . .	10
12	Catching, dealing with and euthanasing problem crocodile authorised under authority held by prescribed officer . . . . .	10
<b>Subdivision 3</b>	<b>Carrying out activities under authority granted to approved person</b>	
13	Application of sdiv 3 . . . . .	11
14	Compliance with conditions of authority . . . . .	11
15	Holder must start activities under authority . . . . .	11
16	Way problem crocodile may be caught, kept and moved generally	12

Contents

---

<b>Subdivision 4</b>	<b>Procedures after problem crocodile caught under authority granted to approved person</b>	
17	Application of sdiv 4 . . . . .	13
18	Procedure after live problem crocodile caught if direction given by chief executive . . . . .	13
19	Procedure after live problem crocodile caught if no direction by chief executive . . . . .	14
20	Dealing with problem crocodile after death . . . . .	15
21	Report to chief executive about dealing with dead problem crocodile	16
<b>Division 3</b>	<b>Damage mitigation permit</b>	
<b>Subdivision 1</b>	<b>Grant of permit</b>	
22	Additional purpose for which chief executive may grant permit and related restriction on grant . . . . .	16
23	Restriction about persons to whom permit may be granted . . . .	17
24	Permit can not authorise release of problem crocodile into the wild	17
25	Maximum term of permit . . . . .	17
<b>Subdivision 2</b>	<b>Activities authorised under permit</b>	
26	Catching and moving problem crocodile authorised under permit	18
<b>Subdivision 3</b>	<b>Carrying out activities under permit</b>	
27	Way problem crocodile may be caught, kept and moved generally	18
<b>Subdivision 4</b>	<b>Procedures after problem crocodile caught under permit</b>	
28	Procedure after live problem crocodile caught under permit . . . .	19
29	Dealing with problem crocodile after death . . . . .	20
30	Report to chief executive about dealing with dead problem crocodile	21
<b>Division 4</b>	<b>Other provisions about problem crocodiles</b>	
31	No conservation value payable . . . . .	22
32	Chief executive may give problem crocodile to particular persons	22
<b>Part 3</b>	<b>Provisions about particular authorities for crocodiles</b>	
<b>Division 1</b>	<b>Limitation on activities authorised under wildlife authorities</b>	
34	Purpose of division . . . . .	23
35	Limited interaction authorised under commercial wildlife licence (wildlife interaction) . . . . .	23
36	Limited uses authorised under wildlife authorities . . . . .	23
<b>Division 2</b>	<b>Carrying out activities under authorities</b>	
37	Particular estuarine crocodiles must be tagged and marked . . .	24
38	Complying with conditions of icon crocodile agreement . . . . .	25
<b>Part 4</b>	<b>Other provisions about estuarine crocodiles</b>	

---

39	Procedure on accidental catching or taking of estuarine crocodiles	25
40	Proximity to estuarine crocodiles . . . . .	26
40A	Interfering with or damaging crocodile traps . . . . .	27
<b>Part 5</b>	<b>Amendment of plan</b>	
41	Amendment of plan . . . . .	28
<b>Part 6</b>	<b>Repeal provision</b>	
42	Repeal . . . . .	28
<b>Part 7</b>	<b>Transitional provisions</b>	
43	Transitional provision for Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017 . . .	28
<b>Schedule</b>	<b>Dictionary . . . . .</b>	<b>30</b>



---

# Nature Conservation (Estuarine Crocodile) Conservation Plan 2007

## Part 1 Preliminary

### 1 Short title

This conservation plan may be cited as the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

### 2 Commencement

This plan commences on 1 March 2008.

### 3 Relationship with declared management intent—Act, s 121(2)

Section 121(2) of the Act does not apply to this plan.

*Editor's note—*

Section 121 (Plan replaces interim or declared management intent) of the Act.

### 4 Purposes of plan

The purposes of this plan are to—

- (a) conserve viable populations of estuarine crocodiles in the wild; and
- (b) protect humans from problem crocodiles; and
- (c) prevent the loss of aquaculture fisheries resources, stock and working dogs caused by problem crocodile attacks; and
- (d) ensure the commercial use of estuarine crocodiles is ecologically sustainable.

[s 5]

---

## 5 Interpretation generally

- (1) The schedule defines particular terms used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, terms used in this plan have the meaning given in the Wildlife Management Regulation.
- (3) To remove any doubt, it is declared that subsection (2) also applies to the following, as applied to the Wildlife Management Regulation under section 5 of that regulation—
  - (a) a definition under the *Nature Conservation (Administration) Regulation 2017*;
  - (b) a provision of the *Nature Conservation (Administration) Regulation 2017* that aids the interpretation of a term used in that regulation.

## 6 Meaning of *problem crocodile*

- (1) An estuarine crocodile in the wild is a *problem crocodile* if the chief executive considers the crocodile is, or is likely to become, a danger to humans.
- (2) Also, an estuarine crocodile in the wild is a *problem crocodile* if—
  - (a) the crocodile has passed over, through or under a crocodile prevention barrier on land, other than land in a protected area, on which aquaculture fisheries resources, stock or a working dog normally live; and
  - (b) the chief executive considers the crocodile is, or is likely to become, a danger to the resources, stock or dog.
- (3) Without limiting subsection (1), the chief executive may consider an estuarine crocodile is, or is likely to become, a danger to humans if—
  - (a) the crocodile has attacked, is about to attack, or is behaving aggressively towards, a person; or
  - (b) the chief executive reasonably believes the nature of the crocodile's location or behaviour makes the crocodile a

threat, or a potential threat, to the safety or wellbeing of humans.

*Example for paragraph (b)—*

An estuarine crocodile is in an urban area, or a public area commonly used by persons for recreation and in which estuarine crocodiles do not normally live, and has been in the area for an extended period or is frequently in the area.

- (4) Without limiting subsection (2)(b), the chief executive may consider an estuarine crocodile is, or is likely to become, a danger to aquaculture fisheries resources, stock or a working dog if the crocodile has attacked, is about to attack, or is behaving aggressively towards, the resources, stock or dog.
- (5) In this section—

*crocodile prevention barrier* means a barrier that is reasonably likely to prevent crocodiles from passing over, through or under it.

## **Part 2                      Problem crocodiles**

### **Division 1                      Scheme for giving problem crocodiles to Queensland crocodile keepers**

#### **7                      Establishing scheme**

- (1) The chief executive may establish a scheme for giving problem crocodiles to Queensland crocodile keepers.
- (2) The chief executive must ensure the scheme—
  - (a) gives all Queensland crocodile keepers the same opportunity to become eligible to obtain a problem crocodile under the scheme; and
  - (b) allows a Queensland crocodile keeper to become eligible to obtain a problem crocodile under the scheme only if the keeper—

[s 7]

---

- (i) intends to use problem crocodiles mainly for breeding or for displaying the crocodiles to the public; and
  - (ii) has appropriate experience in keeping and using estuarine crocodiles in a way that complies with the Act; and
  - (iii) has appropriate facilities for keeping and using estuarine crocodiles; and
  - (iv) if the keeper intends to display the crocodile—has appropriate facilities for displaying estuarine crocodiles in a way that complies with the Act; and
- (c) allows a Queensland crocodile keeper to become eligible to obtain an icon crocodile under the scheme only if the keeper is prepared to enter into an icon crocodile agreement for the crocodile; and
- (d) provides for giving problem crocodiles to eligible Queensland crocodile keepers in a way that ensures the keepers have equitable access to problem crocodiles.

*Examples for paragraph (d)—*

- a system under which each eligible Queensland crocodile keeper has a turn at obtaining a problem crocodile
  - using an expression of interest process
- (3) The chief executive must ensure a document containing the details of the scheme is available for public inspection, free of charge, during office hours on business days, at the department's head office and each regional office.

---

## **Division 2                      Crocodile management authority**

### **Subdivision 1              Grant of authority**

#### **8                      Persons to whom authority may be granted**

The chief executive may grant, with or without conditions, a crocodile management authority to—

- (a) an approved person; or
- (b) a prescribed officer who is not a conservation officer.

#### **9                      Authority granted to approved persons authorising employees to act under it**

- (1) This section applies to a crocodile management authority granted to an approved person.
- (2) The chief executive may grant the authority in a way that authorises an employee of the holder of the authority to act under the authority only if the employee is an approved person.
- (3) The chief executive grants a crocodile management authority in a way that authorises an employee of the holder of the authority to act under the authority if the chief executive writes the employee's name on the authority.

#### **10                    Maximum term of authority**

The chief executive can not grant a crocodile management authority for a term of more than—

- (a) for a crocodile management authority granted to an approved person—1 year; or
- (b) for a crocodile management authority granted to a prescribed officer—3 years.

## **Subdivision 2      Activities authorised under authority**

### **11      Catching problem crocodile authorised under authority held by approved person**

- (1) This section applies if the holder of a crocodile management authority is an approved person.
- (2) The holder, or an employee of the holder stated on the authority, may catch an estuarine crocodile under the authority, in the way stated on the authority, if the chief executive has given the holder a written notice identifying the crocodile as a problem crocodile.

### **12      Catching, dealing with and euthanasing problem crocodile authorised under authority held by prescribed officer**

- (1) This section applies if the holder of a crocodile management authority is a prescribed officer.
- (2) The holder may—
  - (a) catch an estuarine crocodile under the authority, in the way stated on the authority, if the chief executive has given the holder a written notice identifying the crocodile as a problem crocodile; and
  - (b) after catching the crocodile, deal with the crocodile—
    - (i) in the way stated on the authority; or
    - (ii) if the notice mentioned in paragraph (a) states a different way for dealing with the crocodile—in the way stated in the notice.
- (3) Also, if the notice mentioned in subsection (2)(a) states the holder may euthanase the crocodile identified in the notice in a stated way, the holder may, under the authority, euthanase the crocodile in the stated way.
- (4) The chief executive may give a notice stating the crocodile may be euthanased in a stated way only if the chief executive

is satisfied it is necessary to euthanase the crocodile in the circumstances.

*Example of when chief executive may be satisfied for subsection (4)—*

the crocodile is in a remote location and has attacked or is about to attack a person

### **Subdivision 3      Carrying out activities under authority granted to approved person**

#### **13      Application of sdiv 3**

This subdivision applies if a crocodile management authority is granted to an approved person.

#### **14      Compliance with conditions of authority**

A person acting under the crocodile management authority must comply with the conditions of the authority unless the person has a reasonable excuse.

Maximum penalty—80 penalty units.

#### **15      Holder must start activities under authority**

- (1) This section applies if the chief executive has given the holder of the crocodile management authority a written notice identifying a problem crocodile that may be caught under the authority.
- (2) The holder must, within 72 hours after the day the notice is given—
  - (a) put the equipment to be used to catch the crocodile in place; or
  - (b) if the holder intends to catch the crocodile by using a method that does not involve the placement of equipment—take reasonable steps to ensure the capture of the crocodile within a reasonable period.

[s 16]

---

- (3) If the holder fails to comply with subsection (2), the chief executive may cancel the authority.
- (4) Before acting under subsection (3), the chief executive must—
  - (a) advise the holder that the chief executive proposes to cancel the authority under this section; and
  - (b) give the holder a reasonable opportunity to make a written submission to the chief executive about the proposed cancellation; and
  - (c) have regard to all submissions made by the holder.
- (5) However, subsection (4) does not apply if the chief executive reasonably believes—
  - (a) complying with the subsection will adversely affect—
    - (i) the likelihood of catching the crocodile; or
    - (ii) the likelihood of catching the crocodile before it attacks a person, aquaculture fisheries resources, stock or a working dog; and
  - (b) it is necessary or desirable that another person catch the crocodile.

## **16 Way problem crocodile may be caught, kept and moved generally**

A person who catches, keeps or moves a problem crocodile under the crocodile management authority or subdivision 4 must—

- (a) catch, keep and move the crocodile in a way that complies with the Australian Crocodile Code; and
- (b) if required by the chief executive—catch, keep and move the crocodile in the presence of a conservation officer.

Maximum penalty—20 penalty units.

---

## **Subdivision 4      Procedures after problem crocodile caught under authority granted to approved person**

### **17      Application of sdiv 4**

This subdivision applies if a crocodile management authority is granted to an approved person.

### **18      Procedure after live problem crocodile caught if direction given by chief executive**

- (1) This section applies if—
  - (a) a person catches a problem crocodile under the crocodile management authority; and
  - (b) the crocodile is alive after it is caught; and
  - (c) the chief executive directs, in writing, the person to deal with the crocodile in a particular way.
- (2) The person must deal with the crocodile in the way directed.  
Maximum penalty—20 penalty units.
- (3) A person who deals with a problem crocodile in the way directed by the chief executive is authorised under the Act to deal with the crocodile in that way.
- (4) Without limiting the directions the chief executive may give for subsection (1)(b), the chief executive may direct a person who catches a problem crocodile under the crocodile management authority to move the crocodile—
  - (a) if the chief executive has given the crocodile to the person—to the place where the person intends to keep the crocodile under the Act; or
  - (b) if the chief executive has given the crocodile to another person—to a place nominated by that person; or
  - (c) to a place nominated by the chief executive.

[s 19]

---

- (5) However, if the approval of an entity is required before a problem crocodile may be moved into another State, the chief executive may give a direction to move the crocodile into that State only if—
- (a) the approval of the entity has been given; or
  - (b) the chief executive is satisfied the approval of the entity will be given.

**19 Procedure after live problem crocodile caught if no direction by chief executive**

- (1) This section applies if—
- (a) a person catches a problem crocodile under the crocodile management authority; and
  - (b) the crocodile is alive after it is caught; and
  - (c) the chief executive has not directed the person to deal with the crocodile in a particular way.
- (2) The person must keep the crocodile in a way that ensures it—
- (a) receives appropriate care; and
  - (b) is kept in the State and in isolation until the earlier of the following happens—
    - (i) 30 days after the crocodile was caught has passed;
    - (ii) a conservation officer examines and tags the crocodile.

Maximum penalty—20 penalty units.

- (3) If asked by a conservation officer, the person, or an employee of the person, must help the conservation officer to examine and tag the crocodile.

Maximum penalty—20 penalty units.

- (4) A person who keeps a problem crocodile in the way required under subsection (2) is authorised—
- (a) to move the crocodile from the place where it was caught to the place where the crocodile is kept; and

- (b) to keep the crocodile for the period allowed under the subsection.

## **20 Dealing with problem crocodile after death**

- (1) This section applies if a problem crocodile dies—
  - (a) during or immediately after its capture by a person acting under the crocodile management authority; or
  - (b) while it is being moved or kept under this subdivision by a person acting under the crocodile management authority.
- (2) The person must—
  - (a) measure and photograph the crocodile; and
  - (b) deal with the crocodile—
    - (i) if the chief executive directs the person, in writing, to deal with the crocodile in a stated way—in the stated way; or
    - (ii) otherwise—by disposing of it in a way that ensures it can be recovered by the chief executive.

*Example of way a problem crocodile can be disposed of under paragraph (b)(ii)—*

burying the crocodile in an identifiable place

Maximum penalty—20 penalty units.

- (3) The person must—
  - (a) keep the photographs of the crocodile for 12 months after the crocodile's death; and
  - (b) if asked by the chief executive, produce the photographs for inspection by the chief executive.

Maximum penalty—20 penalty units.

- (4) A person who deals with a problem crocodile in a way mentioned in subsection (2) is authorised under the Act to deal with the crocodile in that way.

[s 21]

---

## **21 Report to chief executive about dealing with dead problem crocodile**

A person who deals with a problem crocodile in a way mentioned in section 20(2)(b) must, within 5 business days after the dealing, give the chief executive a written notice stating all of the following—

- (a) details of the crocodile's death;
- (b) the size and other identification details of the crocodile known to the person;
- (c) the way the crocodile has been dealt with under section 20(2)(b);
- (d) if the crocodile has been disposed of under section 20(2)(b)(ii)—details of how the crocodile can be recovered by the chief executive.

Maximum penalty—20 penalty units.

## **Division 3 Damage mitigation permit**

### **Subdivision 1 Grant of permit**

#### **22 Additional purpose for which chief executive may grant permit and related restriction on grant**

- (1) This section states, for the Wildlife Management Regulation, section 184(2), an additional purpose for which a damage mitigation permit may be granted.
- (2) The chief executive may grant a damage mitigation permit to authorise the catching of a problem crocodile.
- (3) However, the chief executive may grant a damage mitigation permit to authorise the catching of a problem crocodile only if the chief executive is satisfied—
  - (a) action under the permit will not detrimentally affect the survival of estuarine crocodiles in the wild; and

- (b) the proposed way of catching the crocodile is humane and not likely to cause unnecessary suffering to the crocodile.

**23 Restriction about persons to whom permit may be granted**

- (1) The chief executive may grant a damage mitigation permit for a problem crocodile only to—
  - (a) a Queensland crocodile keeper; or
  - (b) an interstate crocodile keeper.
- (2) Also, if the approval of an entity is required before a problem crocodile may be moved into another State, the chief executive may grant a damage mitigation permit to a person intending to keep a problem crocodile in that State only if—
  - (a) the approval of the entity has been given; or
  - (b) the chief executive is satisfied the approval of the entity will be given.

**24 Permit can not authorise release of problem crocodile into the wild**

The chief executive can not grant a damage mitigation permit for a problem crocodile authorising the holder of the permit, or a relevant person for the holder, to release a problem crocodile into the wild.

**25 Maximum term of permit**

The chief executive can not grant a damage mitigation permit for a problem crocodile for a term of more than 30 days.

## **Subdivision 2      Activities authorised under permit**

### **26      Catching and moving problem crocodile authorised under permit**

- (1) This section states the activities that are authorised under a damage mitigation permit for a problem crocodile.
- (2) The holder of the permit, or a relevant person for the holder, may—
  - (a) catch the problem crocodile identified on the permit; and
  - (b) move the problem crocodile identified on the permit from the place where it was caught to the place where the holder or relevant person intends to keep the crocodile under section 28(2).

## **Subdivision 3      Carrying out activities under permit**

### **27      Way problem crocodile may be caught, kept and moved generally**

A person who catches, keeps or moves a problem crocodile under a damage mitigation permit or subdivision 4 must—

- (a) catch, keep and move the crocodile in a way that complies with the Australian Crocodile Code; and
- (b) if required by the chief executive—catch, keep and move the crocodile in the presence of a conservation officer.

*Note—*

The Administration Regulation and the Wildlife Management Regulation include other requirements applying to persons carrying out activities under a damage mitigation permit.

See in particular—

- the Administration Regulation, section 58, for the requirement to comply with the conditions of the permit

- the Wildlife Management Regulation, section 188, for the requirement to give a return of operations to the chief executive for the permit.

Maximum penalty—20 penalty units.

## **Subdivision 4      Procedures after problem crocodile caught under permit**

### **28      Procedure after live problem crocodile caught under permit**

- (1) This section applies if—
  - (a) a person catches a problem crocodile under a damage mitigation permit; and
  - (b) the crocodile is alive after it is caught.
- (2) The person must keep the crocodile in a way that ensures it—
  - (a) receives appropriate care; and
  - (b) is kept in the State and in isolation until the earlier of the following happens—
    - (i) 30 days after the crocodile was caught has passed;
    - (ii) a conservation officer examines and tags the crocodile.

Maximum penalty—20 penalty units.

- (3) If asked by a conservation officer, the person, or an employee of the person, must help the conservation officer to examine and tag the crocodile.

Maximum penalty—20 penalty units.

- (4) For subsection (2)(b), if the person is the holder of a Queensland crocodile licence, or a relevant person for the holder of a Queensland crocodile licence, the place where the crocodile is kept must be authorised premises for keeping estuarine crocodiles under the licence.

[s 29]

---

- (5) After the expiry of the period under subsection (2)(b) for keeping the crocodile, the person—
  - (a) is taken to have accepted the crocodile from the chief executive; and
  - (b) must—
    - (i) if the person is the holder of a Queensland crocodile licence or a relevant person for the holder of a Queensland crocodile licence—keep the crocodile under the licence; or
    - (ii) if the person is an interstate crocodile keeper—move the crocodile to the place where the person intends to keep the crocodile under a law of another State.
- (6) A person who keeps a crocodile in the way required under subsection (2) is authorised to keep the crocodile for the period allowed under the subsection.

## **29 Dealing with problem crocodile after death**

- (1) This section applies if a problem crocodile dies—
  - (a) during or immediately after its capture by the holder of a damage mitigation permit, or a relevant person for the holder; or
  - (b) while it is being moved under a damage mitigation permit, or kept under section 28(2), by the holder of the permit or a relevant person for the holder.
- (2) The holder or relevant person must—
  - (a) measure and photograph the crocodile; and
  - (b) deal with the crocodile—
    - (i) if the chief executive directs the holder or relevant person, in writing, to deal with the crocodile in a stated way—in the stated way; or
    - (ii) if subparagraph (i) does not apply and the holder or relevant person is authorised to process the

crocodile under the Act—by processing it, or disposing of it in a way that ensures it can be recovered by the chief executive; or

- (iii) otherwise—by disposing of it in a way that ensures it can be recovered by the chief executive.

*Example of way a problem crocodile can be disposed of under paragraph (b)(ii) or (iii)—*

burying the crocodile in an identifiable place

Maximum penalty—20 penalty units.

- (3) The holder or relevant person must—
  - (a) keep the photographs of the crocodile for 12 months after the crocodile's death; and
  - (b) if asked by the chief executive, produce the photographs for inspection by the chief executive.

Maximum penalty—20 penalty units.

- (4) A person who deals with a problem crocodile in a way mentioned in subsection (2) is authorised under the Act to deal with the crocodile in that way.

### **30 Report to chief executive about dealing with dead problem crocodile**

A person who deals with a problem crocodile in a way mentioned in section 29(2)(b) must, within 5 business days after the dealing, give the chief executive a written notice stating all of the following—

- (a) details of the crocodile's death;
- (b) the size and other identification details of the crocodile known to the person;
- (c) the way the crocodile has been dealt with under section 29(2)(b);
- (d) if the crocodile has been disposed of under section 29(2)(b)(ii) or (iii)—details of how the crocodile can be recovered by the chief executive.

Maximum penalty—20 penalty units.

## **Division 4                    Other provisions about problem crocodiles**

### **31            No conservation value payable**

No conservation value is payable for a problem crocodile caught under a crocodile management authority or damage mitigation permit.

### **32            Chief executive may give problem crocodile to particular persons**

- (1) This section applies if a problem crocodile is caught—
  - (a) under a crocodile management authority; or
  - (b) by a conservation officer exercising a power or performing a function under the Act.
- (2) The chief executive may give the problem crocodile to an eligible Queensland crocodile keeper if the keeper pays the chief executive the crocodile charge for the crocodile.
- (3) An eligible Queensland crocodile keeper to whom a problem crocodile has been given under this section is authorised to—
  - (a) accept the crocodile for keeping under a Queensland crocodile licence; and
  - (b) move the crocodile to the place where it is to be kept under the licence.
- (4) However, the chief executive may give an icon crocodile to an eligible Queensland crocodile keeper only if the keeper has entered into an icon crocodile agreement for the crocodile.
- (5) A crocodile charge payable under subsection (2) is recoverable as a debt owing to the State.

---

## **Part 3**                      **Provisions about particular authorities for crocodiles**

### **Division 1**                **Limitation on activities authorised under wildlife authorities**

#### **34**        **Purpose of division**

The purpose of this division is to limit the activities authorised under wildlife authorities for crocodiles.

#### **35**        **Limited interaction authorised under commercial wildlife licence (wildlife interaction)**

- (1) This section states the only unauthorised interactions for estuarine crocodiles that are authorised under a commercial wildlife licence (wildlife interaction) for estuarine crocodiles.
- (2) The holder of a commercial wildlife licence (wildlife interaction) for estuarine crocodiles, or a relevant person for the holder, may interact with an estuarine crocodile in the wild in a way that does not disturb or interfere with the crocodile.
- (3) Subsection (2) applies whether or not the holder or relevant person gains a financial benefit from the interaction.

#### **36**        **Limited uses authorised under wildlife authorities**

- (1) This section states the only uses of an estuarine crocodile that are authorised under a wildlife authority that authorises the holder of the authority, or a relevant person for the holder, to use estuarine crocodiles.
- (2) Subject to subsections (3), (4) and (5), the holder or relevant person may use an estuarine crocodile under the authority in only 1 or more of the following ways—
  - (a) using the crocodile for other than a commercial purpose;
  - (b) breeding;

[s 37]

---

- (c) displaying the crocodile to the public;
  - (d) processing the crocodile;
  - (e) selling or giving the crocodile to another person.
- (3) Subsection (2) does not authorise the holder of a wildlife authority, or a relevant person for the holder, to use an estuarine crocodile in a way that is not authorised under the Wildlife Management Regulation.

*Example—*

The holder of a wildlife authority for crocodiles, or a relevant person for the holder, is not authorised to process an estuarine crocodile under the authority if the Wildlife Management Regulation does not authorise the holder or relevant person to process crocodiles under the authority.

- (4) Subsection (2)(c) does not authorise the display of an estuarine crocodile that has attacked a person in the wild.
- (5) Subsection (2)(d) does not authorise the processing of an estuarine crocodile that was a problem crocodile unless it is no longer suitable for breeding.
- (6) For subsection (5) an estuarine crocodile that was a problem crocodile is no longer suitable for breeding if it is not possible to breed the crocodile in a way that complies with the Australian Crocodile Code.

## **Division 2                      Carrying out activities under authorities**

### **37                      Particular estuarine crocodiles must be tagged and marked**

- (1) This section applies if a person keeps, under a wildlife authority or an exhibited animal authority, an estuarine crocodile that has attacked a person in the wild.
- (2) The holder of the authority must tag and mark the crocodile in a way approved by the chief executive for identifying crocodiles that have attacked a person in the wild.

Maximum penalty—20 penalty units.

---

**38 Complying with conditions of icon crocodile agreement**

- (1) This section applies to a Queensland crocodile keeper who has entered into an icon crocodile agreement for an icon crocodile.
- (2) The keeper must comply with each conservation condition of the agreement.

Maximum penalty—20 penalty units.

- (3) In this section—

*conservation condition*, of an icon crocodile agreement for an icon crocodile, means a condition of the agreement that is identified as—

- (a) a condition that is directed at assisting the conservation of estuarine crocodiles; and
- (b) a conservation condition for this section.

## **Part 4 Other provisions about estuarine crocodiles**

**39 Procedure on accidental catching or taking of estuarine crocodiles**

- (1) This section applies if—
  - (a) a person acting under a crocodile management authority granted to an approved person or a damage mitigation permit accidentally catches an estuarine crocodile other than a problem crocodile; or
  - (b) a person takes an estuarine crocodile in the course of a lawful activity that was not directed towards taking the crocodile.
- (2) The person must immediately notify a conservation officer about the crocodile and the circumstances in which it was caught or taken.

Maximum penalty—120 penalty units.

[s 40]

---

- (3) Also, the person must—
- (a) if the conservation officer directs the person to deal with the crocodile in a particular way—deal with the crocodile in the way directed; or
  - (b) if paragraph (a) does not apply—return the crocodile to the place where it was caught or taken within 24 hours after it was caught or taken.

Maximum penalty—120 penalty units.

- (4) A conservation officer may give a direction under subsection (3)(a) only if the direction is reasonable in the circumstances.

#### 40 Proximity to estuarine crocodiles

- (1) A person must not drive a boat or vehicle within 10m of an estuarine crocodile in the wild, unless the person has a reasonable excuse.

*Examples of a reasonable excuse—*

- a person driving a boat is passing an estuarine crocodile in a river and the distance between the crocodile and each bank of the river is less than 10m
- a person is driving a boat in the ordinary course of a business that does not involve approaching or otherwise engaging with estuarine crocodiles, including, for example, commercial fishing and farming

Maximum penalty—100 penalty units.

- (2) Subsection (1) does not apply to a person driving a boat or vehicle within 10m of an estuarine crocodile while conducting a commercial activity in a way that complies with the commercial crocodile viewing code.

- (3) In this section—

***commercial activity*** means an activity that—

- (a) involves, wholly or partly, carrying people in a boat or vehicle to watch estuarine crocodiles in the wild; and
- (b) is conducted for a commercial purpose.

---

*commercial crocodile viewing code* means the document called ‘Code of Practice—Commercial Crocodile Viewing’, approved by the chief executive under section 174A of the Act.

*Editor’s note—*

A copy of the code of practice is available for public inspection, during office hours on business days, at the department’s head office. See section 174A(3) of the Act.

#### **40A Interfering with or damaging crocodile traps**

- (1) A person must not interfere with a crocodile trap being used by the holder of a crocodile management authority or an authorised person, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) Subsection (1) does not apply to the holder of a crocodile management authority or an authorised person.
- (3) In this section—

*crocodile trap* means an appliance designed for catching crocodiles.

*interfere with*, a crocodile trap, includes the following—

- (a) releasing a crocodile caught in the trap;
- (b) triggering or otherwise interfering with the operation of the trap;
- (c) misusing the trap;
- (d) moving the trap;
- (e) climbing, standing or jumping on the trap;
- (f) damaging, destroying or modifying the trap;
- (g) damaging, destroying, defacing or modifying a sign attached to the trap.

## Part 5 Amendment of plan

### 41 Amendment of plan

(1) An amendment of the schedule, definition *crocodile charge*, that is only to reflect a CPI percentage increase for a financial year is a type of amendment that may be made to this plan by amendment under section 124(3)(c) of the Act.

(2) In this section—

*CPI* means the all groups consumer price index for Brisbane published by the Australian statistician.

*CPI percentage increase*, for a financial year, means the percentage increase between—

- (a) the CPI published for the quarter ending immediately before the start of the financial year; and
- (b) the CPI published for the quarter ending immediately before the end of the financial year.

## Part 6 Repeal provision

### 42 Repeal

The Nature Conservation (Problem Crocodiles) Conservation Plan 1995, SL No. 407 is repealed.

## Part 7 Transitional provisions

### 43 Transitional provision for Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017

(1) Compliance with section 16, 27 or 36(6) as in force immediately before the section was amended by the *Nature Conservation Legislation (Estuarine Crocodiles and Other*

*Matters) Amendment Regulation 2017* is taken to be compliance with the amended section.

- (2) This section stops applying on 2 March 2018.

## Schedule Dictionary

section 5(1)

***Administration Regulation*** means the *Nature Conservation (Administration) Regulation 2017*.

***approved person*** means a person, other than a prescribed officer, the chief executive reasonably believes has the skills and training to catch a problem crocodile safely.

***aquaculture fisheries resources*** means fish or crustaceans cultivated for sale in aquaculture.

***Australian Crocodile Code*** means the document called the Code of Practice on the Humane Treatment of Wild and Farmed Australian Crocodiles published by the Commonwealth Government, and approved by the chief executive under section 174A of the Act.

*Editor's note—*

A copy of the code of practice is available for public inspection, during office hours on business days, at the department's head office.

***crocodile charge***, for an estuarine crocodile, means the amount equal to—

- (a) for a male estuarine crocodile—\$1.43 for each centimetre, or part of a centimetre, of the length of the crocodile; or
- (b) for a female estuarine crocodile—\$2.85 for each centimetre, or part of a centimetre, of the length of the crocodile.

***crocodile management authority*** means a crocodile management authority granted under section 8.

***dispose of***, an estuarine crocodile, does not include—

- (a) process the crocodile; or
- (b) sell or give the crocodile to another person.

---

***eligible Queensland crocodile keeper*** means a Queensland crocodile keeper who is eligible to obtain a problem crocodile under the scheme established under section 7.

***employee***, of a person, means another person employed or engaged by the person.

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

***examine***, an estuarine crocodile, includes—

- (a) take a biological tissue sample from the crocodile; and
- (b) measure the length of the crocodile.

***icon crocodile*** means a problem crocodile that—

- (a) has a length of 4m or more; or
- (b) has unusual characteristics that distinguish it from other estuarine crocodiles, including, for example, albinism.

***icon crocodile agreement***, for an icon crocodile, means an agreement—

- (a) to which each of the following persons is a party—
  - (i) the chief executive;
  - (ii) a Queensland crocodile keeper who intends to keep the crocodile; and
- (b) that provides for how the crocodile is to be kept and used, by the keeper, in a way that is directed at assisting the conservation of estuarine crocodiles, including, for example, by using the crocodile in a way that—
  - (i) promotes education about estuarine crocodiles; or
  - (ii) promotes an understanding of the ecological role of estuarine crocodiles and the need to conserve estuarine crocodiles and their habitat.

***interstate crocodile keeper*** means a person who—

- (a) is authorised to keep estuarine crocodiles in another State under a law of that State; and
- (b) does not hold a Queensland crocodile licence.

***prescribed officer*** means—

- (a) a police officer; or
- (b) a public service officer; or
- (c) an inspector under the *Fisheries Act 1994*.

***problem crocodile*** see section 6.

***Queensland crocodile keeper*** means—

- (a) the holder of a Queensland crocodile licence; or
- (b) a relevant person for the holder of a Queensland crocodile licence.

***Queensland crocodile licence*** means a wildlife farming licence for crocodiles.

***stock*** means designated animals within the meaning of the *Biosecurity Act 2014*.

***this plan*** means this conservation plan.

***Wildlife Management Regulation*** means the *Nature Conservation (Wildlife Management) Regulation 2006*.

***working dog*** means a dog ordinarily used for managing stock.

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

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

Key	Explanation	Key	Explanation
<b>AIA</b>	= Acts Interpretation Act 1954	<b>(prev)</b>	= previously
<b>amd</b>	= amended	<b>proc</b>	= proclamation
<b>amd</b>	= amendment	<b>prov</b>	= provision
<b>t</b>			
<b>ch</b>	= chapter	<b>pt</b>	= part
<b>def</b>	= definition	<b>pubd</b>	= published
<b>div</b>	= division	<b>R[X]</b>	= Reprint No. [X]
<b>exp</b>	= expires/expired	<b>RA</b>	= Reprints Act 1992
<b>gaz</b>	= gazette	<b>reloc</b>	= relocated
<b>hdg</b>	= heading	<b>renu</b>	= renumbered
		<b>m</b>	
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro</b>	= retrospectively
		<b>)</b>	
<b>notf</b>	= notified	<b>rv</b>	= revised version
<b>d</b>			
<b>num</b>	= numbered	<b>s</b>	= section

## Endnotes

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	<b>= order in council</b>	<b>sch</b>	<b>= schedule</b>
<b>om</b>	<b>= omitted</b>	<b>sdiv</b>	<b>= subdivision</b>
<b>orig</b>	<b>= original</b>	<b>SIA</b>	<b>= Statutory Instruments Act 1992</b>
<b>p</b>	<b>= page</b>	<b>SIR</b>	<b>= Statutory Instruments Regulation 2012</b>
<b>para</b>	<b>= paragraph</b>	<b>SL</b>	<b>= subordinate legislation</b>
<b>prec</b>	<b>= preceding</b>	<b>sub</b>	<b>= substituted</b>
<b>pres</b>	<b>= present</b>	<b>unnum</b>	<b>= unnumbered</b>
<b>prev</b>	<b>= previous</b>	<b>m</b>	

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 March 2008	
1A	2008 SL No. 207	1 July 2008	

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1B	2009 SL No. 98	1 July 2009	
1C	2010 SL No. 162	1 August 2010	
1D	2011 SL No. 135	1 August 2011	
1E	2012 SL No. 116	1 August 2012	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
18 October 2013	2013 SL No. 204	
1 July 2016	2016 SL No. 75	
22 July 2016	2016 SL No. 121	
1 September 2017	2017 SL No. 156 2017 SL No. 179	

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Nature Conservation (Estuarine Crocodile) Conservation Plan 2007 SL No. 300**

approved by the Governor in Council on 29 November 2007

notfd gaz 30 November 2007 pp 1824–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2008 (see s 2)

exp 1 September 2018 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

amending legislation—

**Environmental Protection Legislation Amendment Regulation (No. 2) 2008 SL No. 207 pts 1, 7**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Environmental Protection Legislation Amendment Regulation (No. 1) 2009 SL No. 98 ss 1, 2(1), 13–14**

notfd gaz 19 June 2009 pp 707–11

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2(1))

**Environment and Resource Management Legislation Amendment Regulation (No. 2) 2010 SL No. 162 pts 1, 13**

notfd gaz 2 July 2010 pp 1033–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2010 (see s 2)

**Environment and Resource Management Legislation Amendment Regulation (No. 1) 2011 SL No. 135 pts 1, 13**

notfd gaz 8 July 2011 pp 632–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2011 (see s 2)

**National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 1) 2012 SL No. 116 pts 1, 5**

notfd gaz 27 July 2012 pp 927–9

ss 1–2 commenced on date of notification

remaining provisions commenced 1 August 2012 (see s 2)

**Environment and Heritage Protection Legislation Amendment Regulation (No. 1) 2013 SL No. 204 pts 1, 5**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 18 October 2013

commenced on date of notification

**Biosecurity Regulation 2016 SL No. 75 ss 1–2, 129 sch 12**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 17 June 2016

ss 1–2 commenced on date of notification

s 129 sch 12 commenced 1 July 2016 immediately after the commencement of the *Natural Resources and Mines Legislation (Fees) Amendment Regulation (No. 1) 2016*, pt 11 (see s 2)

**Nature Conservation and Other Legislation Amendment Regulation (No. 1) 2016 SL No. 121 pts 1–2**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 22 July 2016

commenced on date of notification

**Nature Conservation (Administration) Regulation 2017 SL No. 156**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 18 August 2017

ss 1–2 commenced on date of notification

pt 11 div 1 commenced 1 September 2017 (see s 2(1))

---

**Nature Conservation Legislation (Estuarine Crocodiles and Other Matters)  
Amendment Regulation 2017 SL No. 179**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 1 September 2017

commenced on date of notification

## **5 List of annotations**

### **Interpretation generally**

s 5 amd 2017 SL No. 156 s 184

### **Way problem crocodile may be caught, kept and moved generally**

s 16 amd 2017 SL No. 179 s 3

### **Way problem crocodile may be caught, kept and moved generally**

s 27 amd 2017 SL No. 179 s 4

## **PART 3—PROVISIONS ABOUT PARTICULAR AUTHORITIES FOR CROCODILES**

pt hdg amd 2016 SL No. 121 s 3

### **Division 1—Limitation on activities authorised under wildlife authorities**

div hdg prev div 1 hdg om 2016 SL No. 121 s 4

pres div 1 hdg (prev div 2 hdg) renum 2016 SL No. 121 s 7

### **Restriction on grant of wildlife demonstrator licence**

s 33 om 2016 SL No. 121 s 4

### **Purpose of division**

s 34 amd 2016 SL No. 121 s 5

### **Limited uses authorised under wildlife authorities**

s 36 amd 2017 SL No. 179 s 5

### **Division 2—Carrying out activities under authorities**

div hdg pres div 2 hdg (prev div 3 hdg) amd 2016 SL No. 121 s 6

renum 2016 SL No. 121 s 7

### **Particular estuarine crocodiles must be tagged and marked**

s 37 amd 2016 SL No. 121 s 8

### **Proximity to estuarine crocodiles**

s 40 amd 2017 SL No. 179 s 6

### **Interfering with or damaging crocodile traps**

s 40A ins 2017 SL No. 179 s 7

### **Amendment of plan**

s 41 amd 2013 SL No. 204 s 17

## **PART 7—TRANSITIONAL PROVISIONS**

pt hdg ins 2017 SL No. 179 s 8

**Transitional provision for Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017**

s 43 ins 2017 SL No. 179 s 8

**SCHEDULE—DICTIONARY**

def *Administration Regulation* amd 2017 SL No. 156 s 185

def *Australian Crocodile Code* ins 2017 SL No. 179 s 9(2)

def *crocodile charge* amd 2008 SL No. 207 s 17; 2009 SL No. 98 s 14; 2010 SL No. 162 s 28; 2011 SL No. 135 s 30; 2012 SL No. 116 s 12; 2013 SL No. 204 s 18

def *Queensland crocodile licence* sub 2016 SL No. 121 s 9

def *stock* sub 2016 SL No. 75 s 129 sch 12

def *taking, handling and transportation code* om 2017 SL No. 179 s 9(1)