

Queensland



Nature Conservation Act 1992

NATURE CONSERVATION (PROBLEM CROCODILES) CONSERVATION PLAN 1995

**Reprinted as in force on 29 January 1996
(Plan not amended up to this date)**

Reprint No. 1

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Information about this reprint

This plan is reprinted as at 29 January 1996.

See endnotes for information about when provisions commenced.

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NATURE CONSERVATION (PROBLEM CROCODILES) CONSERVATION PLAN 1995

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Definitions	3
3	Problem crocodiles	4
4	Purpose of plan	4
5	Administration of plan	4
6	Application of Act, s 121(2) (Plan replaces interim or declared management intent)	4
PART 2—TAKING OF CROCODILES		
7	Who may take crocodile	5
8	Restriction on taking of crocodile under permit	5
9	Procedure on taking of problem crocodile by permit holder	5
10	Conservation value not payable	6
11	Procedure on accidental taking	6
12	Procedure on taking of problem crocodile by conservation officer	6
PART 3—KEEPING OF IDENTIFIED CROCODILES		
13	Crocodile to be kept in isolation	7
ENDNOTES		
1	Index to endnotes	8
2	Date to which amendments incorporated	8

*Nature Conservation (Problem Crocodiles)
Conservation Plan 1995*

3	Key	8
4	List of legislation	9

NATURE CONSERVATION (PROBLEM CROCODILES) CONSERVATION PLAN 1995

[reprinted as in force on 29 January 1996]

PART 1—PRELIMINARY

Short title

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

Definitions

2. In this plan—

“**code**” means the Code of Practice for the Taking, Handling and Transportation of Crocodiles published by the department.¹

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

“**licensee**” means—

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

“**management program**” means the Management Program for the Conservation and Management of *Crocodylus porosus* in Queensland.²

“**Nature Conservation Regulation**” means the *Nature Conservation*

¹ The code is available for inspection at the department’s head office, 160 Ann Street, Brisbane.

² The management program is published by the department and is available for inspection at the department’s head and regional offices.

*Nature Conservation (Problem Crocodiles)
Conservation Plan 1995*

Regulation 1994.

“**permit**” means a damage mitigation permit under the Nature Conservation Regulation for crocodiles.

“**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.

Problem crocodiles

3. 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.

Purpose of plan

4. 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.

Administration of plan

5.(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.

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

6. Section 121(2) of the Act does not apply to this plan.³

³ The declared management intent in the *Nature Conservation (Wildlife) Regulation 1994* for crocodiles is not affected by this plan.

PART 2—TAKING OF CROCODILES

Who may take crocodile

7.(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) Despite chapter 3 of the Nature Conservation Regulation, the chief executive must not grant the permit for more than 30 days.

(4) If the person does not comply with subsection (2)(b), the chief executive may cancel the permit.

Restriction on taking of crocodile under permit

8. 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.

Procedure on taking of problem crocodile by permit holder

9.(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.

*Nature Conservation (Problem Crocodiles)
Conservation Plan 1995*

(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.

Conservation value not payable

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

Procedure on accidental taking

11.(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.

Procedure on taking of problem crocodile by conservation officer

12.(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.

*Nature Conservation (Problem Crocodiles)
Conservation Plan 1995*

- (4) The conservation value is—
- (a) if the crocodile is a male—\$100 for each metre or part of a metre of the crocodile's length; and
 - (b) if the crocodile is a female—\$200 for each metre or part of a metre of the crocodile's length.

PART 3—KEEPING OF IDENTIFIED CROCODILES

Crocodile to be kept in isolation

13.(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
- (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

1 Index to endnotes

		Page
2	Date to which amendments incorporated	8
3	Key	8
4	List of legislation	9

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. 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

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

4 List of legislation

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