



Queensland

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

**Explanatory Notes for SL 2007 No. 300**

made under the

*Nature Conservation Act 1992*

---

## **General Outline**

### **Short Title**

The short title of the subordinate legislation is the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

### **Authorising Legislation**

*Nature Conservation Act 1992* (“the Act”)

### **Policy Objectives of the Legislation**

The primary objective of making the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* (“the Conservation Plan”) is to conserve viable populations of estuarine crocodiles in the wild in Queensland. 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.

## **Reasons for the Subordinate Legislation**

Under the *Statutory Instruments Act 1992*, the *Nature Conservation (Problem Crocodiles) Conservation Plan 1995* was scheduled to expire in September 2006. The date of expiry for this plan has been extended and it will now expire in August 2008. However it is necessary that the new Conservation Plan commence prior to this date to ensure the ongoing management of estuarine crocodiles in Queensland.

## **Alternatives to Conservation Plan**

Possible alternatives to the creation of a conservation plan have been considered. Existing legislation and non-legislative alternatives would not be effective as they would not provide clear and specific regulatory control over a range of activities, which could compromise the achievement of the primary objectives of the Management Program for *Crocodylus porosus* in Queensland 2007-2017 (“the Management Program”) and the overarching goal of conserving estuarine crocodiles in the wild. In particular, the Conservation Plan provides the necessary regulatory mechanism to ensure public safety, security of economic resources and the ecologically sustainable use of estuarine crocodiles.

## **Administrative Costs**

The Conservation Plan will not impose further costs on either the Environmental Protection Agency (EPA) or other Government Departments. Implementation costs will be met from existing EPA allocations. The Conservation Plan supports the proposed Estuarine Crocodile Management Program and is supported by existing Nature Conservation legislation.

## **Consistency with Fundamental Legal Principles**

The Conservation Plan is consistent with fundamental legal principles.

## **Consultation**

A draft *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* and Management Program for *Crocodylus porosus* in Queensland 2007-2017 was released for public consultation and submissions were received over a six week period ending in May 2007. These submissions were analysed and considered by the Hon. Lindy Nelson-Carr, Minister for Environment and Multiculturalism in the development of the final draft of the Conservation Plan and Management Program. The final draft also underwent an additional consultation process with Queensland Government Departments and the Minister's Crocodile Management Advisory Committee.

## **Notes on Provisions**

### **Part 1 Preliminary**

#### **Clause 1—Short title**

This section states that the standard citation for the Conservation Plan will be the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

#### **Clause 2—Commencement**

The Conservation Plan commences on 1 March 2008.

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

This section states that the Conservation Plan does not change the declared management intent for the estuarine crocodile stated in the *Nature Conservation (Wildlife) Regulation 2006* (“the Wildlife Regulation”). The declared management intent identifies the significance of a species to nature, how it will be managed and how it can be legally taken, kept or used.

**Clause 4—Purposes of plan**

The Conservation Plan has four interrelated purposes. These are to—

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

**Clause 5—Interpretation generally**

This section explains how particular terms used in the Conservation Plan are defined. Terms that are specific to the Conservation Plan are defined in the schedule (Dictionary) at the end of the Conservation Plan. Other terms that are used in the Conservation Plan are defined in the relevant schedules (Dictionaries) in the Act, the Wildlife Management Regulation, the Wildlife Regulation and the Administration Regulation.

**Clause 6—Meaning of *problem crocodile***

This section identifies the specific circumstances under which an estuarine crocodile in the wild becomes a “problem crocodile”. The scope of the definition of a problem crocodile reflects the range of human and economic impacts that a crocodile could potentially have.

A problem crocodile is defined as an estuarine crocodile in the wild that is considered to—

- be (or likely to be) a source of danger to humans (this includes crocodiles that have attacked, are about to attack or are behaving aggressively towards a person; or are located in a place or behaving in a way that poses a real or potential threat to human wellbeing and safety).
- have passed a “crocodile prevention barrier” on land, other than in a protected area, where aquaculture fisheries resources, stock or a working dog normally live; and is, or is likely to become, a source of danger to them (this includes a crocodile that has attacked, is about to attack or is behaving aggressively towards them).

A crocodile prevention barrier is defined as 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**

#### **Clause 7—Establishing scheme**

This section states that the chief executive may establish a scheme giving crocodile keepers in Queensland (i.e. holders of a wildlife farming licence for crocodiles or a wildlife exhibitor licence for crocodiles) equal opportunity to obtain problem crocodiles for the purposes of breeding or display. Under this scheme eligible crocodile keepers can accept or reject the offer of a problem crocodile when it is made.

Crocodile keepers must have appropriate experience and facilities to keep and use estuarine crocodiles before they will be allowed to keep a problem crocodile. Where the problem crocodile is identified as an “icon crocodile”, an eligible Queensland crocodile keeper must enter into an “icon crocodile agreement” before being allowed to keep it.

An icon crocodile is a problem crocodile that is 4 metres or more in length or that has unusual characteristics, such as albinism. An icon crocodile agreement is made between the chief executive and a Queensland crocodile

keeper and describes how the icon crocodile will be kept and used by the keeper to provide a conservation benefit for estuarine crocodiles.

This approach is taken for icon crocodiles as a significant commercial benefit can be derived from the receipt of such crocodiles by crocodile keepers while also providing an opportunity to achieve educational and conservation outcomes for estuarine crocodiles and their habitat.

## **Division 2 Crocodile management authority**

A new authority, the “crocodile management authority”, was introduced to provide a specific authority for the capture and management of problem crocodiles, and in particular to cater for those external parties who are likely to catch problem crocodiles at the request of, and on behalf of, the EPA on a repeated basis.

Introduction of the new authority is intended to provide greater flexibility in the management of problem crocodiles. Under the Conservation Plan, problem crocodiles may be captured by a person holding a crocodile management authority or by a person holding a damage mitigation permit (see div 3) or by a conservation officer under a provision of the Act.

Problem crocodiles captured under a crocodile management authority, unless euthanased, are intended to be allocated to eligible Queensland crocodile keepers under a scheme established by the chief executive for the equitable and transparent allocation of problem crocodiles (see s 7).

Compared to a damage mitigation permit, a crocodile management authority lessens the administrative burden on both the authority holder and the EPA (e.g. no application, no right of appeal, and no return of operations).

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

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

A crocodile management authority is an authority given to a person to catch a problem crocodile. The two categories of person to whom a crocodile management authority can be granted are an “approved person” and a “prescribed officer” who is not a conservation officer.

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

A prescribed officer is a police officer, public service officer or inspector under the *Fisheries Act 1994*. A crocodile management authority issued to euthanase a problem crocodile can only be issued to a prescribed officer.

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

This section allows employees of the holder of a crocodile management authority to act under that authority if they have the skills and training to catch a problem crocodile safely (i.e. they are an approved person). Any employee of a holder of a crocodile management authority acting under that authority must have their name on the authority.

### **Clause 10—Maximum term of authority**

The chief executive can grant a crocodile management authority to an approved person for up to 1 year and to a prescribed officer for up to 3 years.

The shorter term of the crocodile management authorities for approved persons reflects the need to ensure the competency/capability of the authority holder and employees to catch problem crocodiles and, where applicable, the currency of a wildlife licence.

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

The two sections within this subdivision identify the specific roles of approved persons and prescribed officers acting under crocodile management authorities. Approved persons generally catch, keep and move problem crocodiles under the authority that are intended for breeding or display. Prescribed officers deal with problem crocodiles in other ways under the authority including, where required, the euthanasia of problem crocodiles.

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

This section states that, if the holder of a crocodile management authority is an approved person, then that person or an authorised employee (see s 9) can catch a problem crocodile in the way stated on the authority once the chief executive has given the holder a written notice identifying the crocodile as a problem crocodile.

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

This section states that a prescribed officer acting under a crocodile management authority can catch a problem crocodile once the chief executive has given them a written notice identifying the crocodile as a problem crocodile. The crocodile must be caught and dealt with in the way stated on the authority or, if the written notice states a different way of dealing with the crocodile, then it must be dealt with in the way stated in the notice. The notice may state that the crocodile is to be euthanased if the chief executive is satisfied this is necessary (under a crocodile management authority, only a prescribed officer can euthanase a problem crocodile). The notice will also specify how the crocodile is to be euthanased.

**Subdivision 3      Carrying out activities under authority granted to approved person****Clause 13—Application of sdiv 3**

This subdivision only applies where a crocodile management authority has been granted to an approved person.

**Clause 14—Compliance with conditions of authority**

An approved person acting under a crocodile management authority must comply with the conditions of that authority unless they have a reasonable excuse.

An offence against this section has a maximum penalty of 80 penalty units.

Compliance of prescribed officers acting under a crocodile management authority is regulated by the State as part of the conditions of their employment and codes of conduct.

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

This section states that an approved person holding a crocodile management authority must take steps to capture a problem crocodile within 72 hours of receiving a written notice from the chief executive identifying a crocodile as a problem crocodile. This means the approved person must either put in place equipment, or take reasonable steps (where no equipment is involved), to catch the crocodile. This time limit ensures that there is an appropriately prompt response to a problem crocodile situation ensuring public confidence is maintained in the Environmental Protection Agency's management program for estuarine crocodiles.

Failure to respond within the appropriate time limit may mean the crocodile management authority is cancelled by the chief executive, subject to the consideration of a submission from the holder of the authority. However, the chief executive is not required to advise the authority holder of a proposed cancellation, or to consider a submission made by the authority holder, if the chief executive reasonably believes that doing so would adversely affect the timely capture of a problem crocodile, and that another person should catch the crocodile.

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

This section ensures that an approved person who catches, keeps or moves a problem crocodile under a crocodile management authority must comply with the *Code of Practice for the Taking, Handling and Transportation of Crocodiles*. This code provides guidance on the safe taking, handling and transportation of crocodiles, to ensure that the likelihood for escape of, injury or illness to the crocodile is minimised.

The chief executive may also direct the person to catch, keep or move the crocodile in the presence of a conservation officer.

An offence against this section has a maximum penalty of 20 penalty units.

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

### **Clause 17—Application of sdiv 4**

Subdivision 4 applies where a crocodile management authority is granted to an approved person.

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

This section specifies that an approved person catching a live problem crocodile under a crocodile management authority must deal with the crocodile in the way directed by the chief executive in writing.

An offence against the above provision has a maximum penalty of 20 penalty units.

The way an approved person deals with a problem crocodile may include directions from the chief executive stating where the crocodile is to be moved and what conditions must be met for movement of a problem crocodile to another State.

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

This section identifies how a live problem crocodile is to be kept by an approved person in situations where no specific directions have been provided by the chief executive. The section stipulates time limits for keeping the crocodile in isolation in the State (30 days or until such time as it is examined and tagged by a conservation officer) and the need to ensure the crocodile receives appropriate care. This section also gives the person keeping the crocodile the authority to move it from the place it was caught to where the crocodile is kept.

An offence against the above provision has a maximum penalty of 20 penalty units.

The person keeping the crocodile, or their employee, must help the conservation officer examine and tag the crocodile if the conservation officer requests assistance.

An offence against the above provision has a maximum penalty of 20 penalty units.

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

This section identifies the actions that must be taken if a problem crocodile dies during or immediately after capture, or while being kept or moved by an approved person under a crocodile management authority.

The person is required to measure and photograph the crocodile, retain the photographs for a 12-month period and produce them for inspection if requested by the chief executive. If the chief executive has made a written direction, the person is required to deal with the crocodile in the stated way; otherwise, the carcass must be disposed of in a way that ensures future recovery if required.

An offence against this section has a maximum penalty of 20 penalty units.

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

This section states what information must be reported in writing to the chief executive when a person deals with a dead problem crocodile as prescribed in s 20. Written notice must be provided within 5 business days after the dealing.

An offence against this section has a maximum penalty of 20 penalty units.

## **Division 3                      Damage mitigation permit**

While the majority of problem crocodiles are expected to be captured by a conservation officer under a provision of the Act or by a person acting under a crocodile management authority, there may be circumstances when it is appropriate to grant a damage mitigation permit to an authorised crocodile keeper to capture a problem crocodile.

An example of a circumstance when this would be appropriate is if the EPA is unable to engage a holder of a crocodile management authority to catch a problem crocodile in a timely manner (for example, because of the crocodile's location) and an authorised crocodile keeper is suitably located and available to catch the crocodile.

Crocodiles captured under a damage mitigation permit are not intended to enter the scheme established by the chief executive for the allocation of problem crocodiles to eligible crocodile keepers in Queensland (see s 7 for details of the scheme; see s 28 for the procedure for problem crocodiles captured under a damage mitigation permit).

## **Subdivision 1      Grant of permit**

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

A damage mitigation permit may only be granted for an “endangered”, “vulnerable” or “rare” animal if authorised under a conservation plan. The estuarine crocodile is listed as “vulnerable” under the Act.

This section states that the chief executive may grant a damage mitigation permit to authorise the catching of an estuarine crocodile that is a problem crocodile.

The Wildlife Management Regulation restricts the purposes for which a damage mitigation permit may be granted to the prevention of damage or loss caused or likely to be caused by a protected animal and/or the prevention or minimisation of a threat or potential threat to human health and wellbeing caused by a protected animal.

This section states that a damage mitigation permit to authorise the catching of a problem crocodile may only be granted if the chief executive is satisfied action under the permit won't detrimentally affect the survival of estuarine crocodiles in the wild and the proposed method of capture is humane.

### **Clause 23—Restriction about persons to whom permit may be granted**

Under this section, the chief executive may only grant a damage mitigation permit for a problem crocodile to an authorised crocodile keeper (a holder of a wildlife farming licence for crocodiles or a wildlife exhibitor licence for crocodiles or a relevant person for either, or a person authorised to keep estuarine crocodiles in another State under a law of that State).

Where the intention is to move the problem crocodile for keeping in another State, a permit will only be granted if any approval for the

movement required from another entity has been given or the chief executive is satisfied the approval will be given.

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

Current knowledge of estuarine crocodile behaviour indicates that problem crocodiles released into the wild may return to their site of capture. Therefore this section has been included in the Conservation Plan to ensure that the potential and actual impacts from problem crocodiles are removed effectively.

### **Clause 25—Maximum term of permit**

This section states that the chief executive can not grant a damage mitigation permit for a problem crocodile for more than 30 days. By imposing a 30 day time limit, this section ensures that a permit holder will take prompt action to catch and move a problem crocodile.

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

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

Under a damage mitigation permit, the permit holder, or a relevant person for the holder, can catch the crocodile identified on the permit and move it from where it was caught to where the holder or relevant person intends to keep it (as prescribed in s 28).

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

### **Clause 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 in relation to Subdivision 4 must comply with the *Code of Practice for the Taking, Handling and Transportation of Crocodiles*. This code provides guidance on the safe taking, handling and

transportation of crocodiles, to ensure that the likelihood for escape of, injury or illness to the crocodile is minimised.

The chief executive may require that this person must catch, keep or move the crocodile in the presence of a conservation officer.

An offence against this section has a maximum penalty of 20 penalty units.

Note—The Administration Regulations 58 and the Wildlife Management Regulations 188 identify other requirements applying to persons carrying out activities under a damage mitigation permit.

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

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

This section applies where a person catches a live problem crocodile under a damage mitigation permit.

Under these circumstances, the person must keep the crocodile in the State in isolation and provide it with appropriate care for a period of 30 days or until a conservation officer examines and tags the crocodile within this 30 day period.

An offence against the above provision has a maximum penalty of 20 penalty units.

The person keeping the crocodile, or their employee, must help the conservation officer examine and tag the crocodile if the conservation officer requests assistance.

An offence against the above provision has a maximum penalty of 20 penalty units.

If the person keeping the crocodile in the State in isolation is the holder of a Queensland crocodile licence (i.e. a wildlife exhibitor licence for crocodiles or a wildlife farming licence for crocodiles) or a relevant person for the holder, then the place where the crocodile is kept must be authorised premises for keeping crocodiles under that licence.

When the period of keeping the crocodile in the State in isolation ends, the person keeping the crocodile is taken to have accepted the crocodile from the chief executive. If this person holds a Queensland crocodile licence

they must keep this crocodile under that licence. If the person is an interstate crocodile keeper they must move the crocodile to the place where that person intends to keep the crocodile under a law of that State.

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

This section addresses the situation where a problem crocodile that has been caught by the holder of a damage mitigation permit for a problem crocodile, or a relevant person for the holder, dies during or immediately after capture, or while being moved or kept in isolation for the period described in s 28.

Where this happens the person must measure and photograph the crocodile and deal with it in a way—

- specified by the chief executive in writing; or
- if the chief executive has not given written direction, if the person is authorised to process the crocodile under the Act, by processing it; or
- that ensures it can be recovered by the chief executive (e.g. by burial).

An offence against the above provision has a maximum penalty of 20 penalty units.

The person must keep the photographs of the crocodile for 12 months after its death and produce the photographs for inspection if requested by the chief executive.

An offence against the above provision has a maximum penalty of 20 penalty units.

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

This section states what information must be reported in writing to the chief executive when a person deals with a dead problem crocodile as prescribed in s 29. Written notice must be provided within 5 business days after the dealing.

An offence against this section has a maximum penalty of 20 penalty units.

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

### **Clause 31—No conservation value payable**

No conservation value is payable for a problem crocodile caught under a crocodile management authority or damage mitigation permit. Where payment for a problem crocodile is required, a specific “crocodile charge” has been created (see s 32).

Note—“Conservation value” is defined in the Act s 95(2) as “an expression in monetary terms of the State's conservation concern for the wildlife”.

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

A problem crocodile caught under a crocodile management authority or by a conservation officer under a provision of the Act may be given by the chief executive to an eligible Queensland crocodile keeper if that keeper pays the chief executive the crocodile charge for that crocodile.

Note—The “crocodile charge” is an amount equal to \$1.25 for each centimetre or part of a centimetre of the length of a male estuarine crocodile, or \$2.50 for each centimetre or part of a centimetre of the length of a female estuarine crocodile.

A crocodile charge is not payable on a problem crocodile captured under a damage mitigation permit and accepted for keeping by the permit holder under an appropriate wildlife licence (see s 28). This is in recognition of the costs incurred by the permit holder in capturing the crocodile.

An eligible Queensland crocodile keeper who holds a Queensland crocodile licence, or the relevant person for the holder, and has been given a problem crocodile under this section can—

- accept the crocodile for keeping under a Queensland crocodile licence, and
- move the crocodile to the place where it is to be kept under that licence.

The chief executive can only give an icon crocodile (i.e. a problem crocodile 4 metres or more in length or that has unusual characteristics that

distinguish it from other estuarine crocodiles) to an eligible Queensland crocodile keeper if the keeper enters into an icon crocodile agreement.

An icon crocodile agreement is an agreement between the chief executive and the Queensland crocodile keeper who intends to keep the crocodile that provides for how the crocodile is to be kept and used in a way that assists in the conservation of estuarine crocodiles (e.g. through promoting understanding about crocodiles and their ecological role and the need to conserve crocodiles and their habitat).

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

### **Division 1                      Restrictions on grant of particular wildlife authorities**

#### **Clause 33—Restriction on grant of wildlife demonstrator licence**

This section restricts the granting of a wildlife demonstrator licence for an estuarine crocodile that has attacked a person in the wild. The display of a crocodile that has attacked a person in the wild is inappropriate.

### **Division 2                      Limitation on activities authorised under wildlife authorities**

#### **Clause 34—Purpose of div 2**

This division limits the activities that are authorised under wildlife authorities for crocodiles.

**Clause 35—Limited interaction authorised under commercial wildlife licence (wildlife interaction)**

This section identifies that the holder of a commercial wildlife licence (wildlife interaction) for estuarine crocodiles, or a relevant person for the holder, can only interact with an estuarine crocodile in the wild in a way that does not disturb or interfere with the crocodile.

Disruption of the normal movement and behaviour of wild crocodiles may result in long-term behaviour modification, possibly creating problem crocodiles that are a danger to the community.

This provision applies regardless of whether the holder or relevant person gains financial benefit from the interaction.

**Clause 36—Limited uses authorised under wildlife authorities**

This section defines the range of uses of an estuarine crocodile that is authorised under a wildlife authority. Estuarine crocodiles may be used under an authority in only one or more of the following ways: breeding, public display, selling or giving the crocodile to another person, processing, and use for other than a commercial purpose.

This section also outlines restrictions on the authorised uses of estuarine crocodiles. An estuarine crocodile that has attacked a person in the wild can not be displayed. The EPA considers such a display would be inappropriate. A problem crocodile can not be processed unless it is no longer suitable for breeding. Problem crocodiles can add to the genetic diversity of an existing pool of captive estuarine crocodiles and contribute to breeding success.

This section does not allow an estuarine crocodile to be used under a wildlife authority in a way that is not authorised under the Wildlife Management Regulation.

## **Division 3                      Carrying out activities under wildlife authority**

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

This section states that any estuarine crocodile that has attacked a person in the wild, which is being kept by a person under a wildlife authority, must be tagged and marked by the holder of the authority. These individual crocodiles must be marked to ensure they are excluded from display (an estuarine crocodile that has attacked a person in the wild can not be kept and used under a wildlife demonstrator licence).

An offence against this section has a maximum penalty of 20 penalty units.

### **Clause 38—Complying with conditions of icon crocodile agreement**

This section states the specific conditions (i.e. the “conservation conditions”) of an icon crocodile agreement that a Queensland crocodile keeper must comply with. These conditions have been included in this form of agreement to ensure the display of icon crocodiles contributes to the conservation of estuarine crocodiles.

An offence against this section has a maximum penalty of 20 penalty units.

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

### **Clause 39—Procedures on accidental catching or taking of estuarine crocodiles**

This section has been included in the Conservation Plan to provide clear guidance on what actions to take when an estuarine crocodile that is not a problem crocodile is accidentally caught under a crocodile management authority or damage mitigation permit, or is taken accidentally in the course of a lawful activity that was not directed at taking the crocodile.

The person who has accidentally caught or taken the estuarine crocodile must immediately notify a conservation officer and describe the circumstances under which the catching or taking occurred.

An offence against the above provision has a maximum penalty of 120 penalty units.

The person must also return the crocodile to the place where it was caught or taken within 24 hours or else deal with the crocodile in a way directed by the conservation officer.

An offence against the above provision has a maximum penalty of 120 penalty units.

This section brings the procedures on accidental catching or taking of estuarine crocodiles in line with those provided for marine mammals or turtles and protected sharks under the Wildlife Management Regulation.

#### **Clause 40—Proximity to estuarine crocodiles**

The intent of this section is to improve public safety in areas inhabited by estuarine crocodiles. Unless there is a reasonable excuse, a person must not drive a boat or vehicle within 10 metres of an estuarine crocodile in the wild. A reasonable excuse may be where a boat passes a crocodile in a river that is not wide enough for the boat to be 10 metres from the crocodile.

An offence against this section has a maximum penalty of 100 penalty units.

This section does not apply to a person driving a boat or vehicle within 10 metres of an estuarine crocodile while conducting a commercial activity to watch estuarine crocodiles in the wild where the activity complies with the commercial crocodile viewing code.

## **Part 5                      Amendment of plan**

#### **Clause 41—Amendment of plan**

This section has been included in recognition of the need to amend the crocodile charge to reflect consumer price index percentage increases.

## **Part 6                      Repeal provision**

### **Clause 42—Repeal**

The *Nature Conservation (Problem Crocodiles) Conservation Plan 1995* is repealed and superseded by the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

## **Schedule Dictionary**

This schedule defines particular terms used in the Conservation Plan.

---

### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Environmental Protection Agency.