



Queensland

# Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017

Subordinate Legislation 2017 No. 179

made under the

*Nature Conservation Act 1992*

*State Penalties Enforcement Act 1999*

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## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Nature Conservation Legislation (Estuarine Crocodiles and Other Matters) Amendment Regulation 2017*.

## Part 2 Amendment of Nature Conservation (Estuarine Crocodile) Conservation Plan 2007

### 2 Plan amended

This part amends the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*.

### 3 Amendment of s 16 (Way problem crocodile may be caught, kept and moved generally)

Section 16(a), ‘taking, handling and transportation code’—  
*omit, insert—*

Australian Crocodile Code

### 4 Amendment of s 27 (Way problem crocodile may be caught, kept and moved generally)

Section 27(a), ‘taking, handling and transportation code’—  
*omit, insert—*

Australian Crocodile Code

**5 Amendment of s 36 (Limited uses authorised under wildlife authorities)**

(1) Section 36(6), ‘crocodile farming code’—

*omit, insert—*

Australian Crocodile Code

(2) Section 36(7)—

*omit.*

**6 Amendment of s 40 (Proximity to estuarine crocodiles)**

Section 40(3), definition *commercial crocodile viewing code*, editor’s note, ‘at 160 Ann Street, Brisbane’—

*omit.*

**7 Insertion of new s 40A**

Part 4—

*insert—*

**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.

## 8 Insertion of new pt 7

After part 6—

*insert—*

### **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.

## 9 Amendment of schedule (Dictionary)

- (1) Schedule, definition *taking, handling and transportation code—*  
*omit.*
- (2) Schedule—  
*insert—*

***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.

## **Part 3**

# **Amendment of Nature Conservation (Wildlife Management) Regulation 2006**

### **10 Regulation amended**

This part amends the *Nature Conservation (Wildlife Management) Regulation 2006*.

### **11 Amendment of s 40 (Particular government officers or employees)**

(1) Section 40(2)(b)—

*omit, insert—*

(b) the animal is to be—

(i) buried or incinerated; or

(ii) moved to another place where the animal will not pose a risk to the officer or employee or to public safety; or

(iii) if the chief executive has directed the officer or employee to deal with the animal in a particular way—dealt with in the way directed.

(2) Section 40(3)—

*insert—*

(aa) if subsection (2)(b)(ii) applies—the other place; or

(3) Section 40(3)(aa) and (b)—

*renumber* as section 40(3)(b) and (c).

(4) Section 40(4), definition *officer or employee—*

*omit, insert—*

***officer or employee***, of an entity mentioned in subsection (1)(a), (b) or (c), includes a contractor, employee of a contractor, and subcontractor of the entity.

**12 Amendment of s 102 (Keeping and using animals authorised)**

Section 102(2)(b), ‘, Hydrophiidae or Laticaudidae’—

*omit.*

**13 Amendment of s 111 (Restriction about animals for which licence may be granted)**

Section 111(2), ‘antivenene’—

*omit, insert—*

antivenom

**14 Amendment of s 154 (Restriction on grant of licence for particular reptiles)**

(1) Section 154, ‘, Hydrophiidae or Laticaudidae’—

*omit.*

(2) Section 154, ‘antivenene’—

*omit, insert—*

antivenom

- 15 Amendment of s 158 (Sampling particular reptiles)**  
Section 158(1)(b), ‘, Hydrophiidae or Laticaudidae’—  
*omit.*
- 16 Amendment of s 159 (Implanting particular reptiles)**  
Section 159(1)(b), ‘, Hydrophiidae or Laticaudidae’—  
*omit.*
- 17 Amendment of s 197 (Restriction on grant of permit for animal from another State)**  
Section 197(2), ‘protected’—  
*omit.*
- 18 Amendment of s 246 (Harvest labels for taking whole restricted plants or restricted plant parts in the wild)**
- (1) Section 246(2), ‘an approved’—  
*omit, insert—*  
*a protected plant*
- (2) Section 246(2A)(b), (4) and (5), ‘an approved’—  
*omit, insert—*  
a protected plant
- (3) Section 246(3), ‘approved’—  
*omit, insert—*  
protected plant
- 19 Amendment of s 254 (Flora survey trigger map check required for all clearing)**  
Section 254(2)—  
*omit, insert—*

- (2) Subsection (1) does not apply to a person who is taking protected plants under—
- (a) an exemption under part 3, division 5, subdivision 3; or
  - (b) a protected plant clearing permit.

**20 Amendment of s 261ZK (Labelling of restricted plants for trade)**

- (1) Section 261ZK(2), ‘an approved’—  
*omit, insert—*  
**a *protected plant***
- (2) Section 261ZK(2A)(b) and (4), ‘an approved’—  
*omit, insert—*  
a protected plant
- (3) Section 261ZK(3), ‘approved’—  
*omit, insert—*  
protected plant

**21 Amendment of s 283 (When protected plant clearing permit is required)**

Section 283(1)—

*insert—*

*Note—*

See section 249 for the meaning of *clearing impact area*.

**22 Amendment of s 354 (No conservation value payable for particular reptiles)**

- (1) Section 354(1), ‘, Hydrophiidae or Laticaudidae’—  
*omit.*

(2) Section 354(1)(b), ‘antivenene’—

*omit, insert—*

antivenom

## 23 Amendment of sch 4 (Relevant protected animals)

Schedule 4, part 3, section 5, entries for children’s python, spotted python and Stimson’s python—

*omit, insert—*

children’s python

*Antaresia childreni*

spotted python

*Antaresia maculosa*

Stimson’s python

*Antaresia stimsoni*

## 24 Amendment of sch 5 (Dictionary)

(1) Schedule 5, definition *approved trade label*—

*omit.*

(2) Schedule 5—

*insert—*

***farm animal***—

1 An animal of a species mentioned in paragraph 2 is a *farm animal* if the animal—

(a) is wild by nature and is lawfully taken from the wild under the Act; or

(b) is farmed; or

(c) has been, or is being, lawfully moved into the State for use for farming.

2 For paragraph 1, the species are as follows—

(a) a reptile of the family Elapidae;





ENDNOTES

- 1 Made by the Governor in Council on 31 August 2017.
- 2 Notified on the Queensland legislation website on 1 September 2017.
- 3 The administering agency is the Department of Environment and Heritage Protection.

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