

# Safer Waterways Bill 2018

## Explanatory Notes

### Short title

The short title of the Bill is the Safer Waterways Bill 2018.

### Policy objectives and the reasons for them

The Safer Waterways Bill 2018 has multiple policy objectives. The Bill places greater value on human life, than on that of crocodiles, and seeks to responsibly reduce the risk of crocodile attack as much as possible. It aims to eliminate from our waterways all crocodiles that pose a threat to human life, while protecting crocodiles from becoming endangered as a species.

The policy of prioritising human life over that of crocodiles came about in response to calls from North Queenslanders for action in response to an increased number of crocodiles and crocodile attacks.

Communities across North Queensland are consistently reporting significant increases in crocodile numbers. Waterways which people previously regularly swam in, are now infested with crocodiles.

From 1985 to 2015, the Department of Environment and Heritage Protection recorded 25 crocodile attacks in Queensland – seven of them fatal. In the past 12 months, there have been three attacks, two of them fatal.

This does not include attacks on stock or other animals.

An effective crocodile management strategy is urgently required to save lives.

The increase in crocodile numbers not only endangers human lives, it adversely and significantly affects the way North Queenslanders live. There are life-saving, rowing and skiing clubs closing their doors because crocodiles are driving their members away.

The Safer Waterways Bill 2018 would ensure that crocodiles are removed by an authorised person if they are a threat to humans. This removal may involve killing or relocating the crocodile to an authorised farm. It would involve the removal of crocodiles from urban or public areas commonly used by people for recreation.

If managed responsibly, crocodiles have the potential to be a great asset for Queensland, rather than just a danger to people.

As well as protecting human lives, the Safer Waterways Bill 2018 aims to create a significant and sustainable crocodile industry in Queensland through controlled egg harvesting. The Northern Territory currently has a successful egg harvesting program. Evidence suggests egg harvesting can help sustain crocodile populations, rather than diminish them, and creates a huge economic opportunity, which is currently untapped in Queensland.

Significantly, the Safer Waterways Bill 2018 gives power to landholders to apply to manage crocodiles on their land.

Indigenous landholders have a connection with and understanding of the land and should be empowered to manage that land as they see fit. This Bill allows them to apply to do that in relation to crocodiles.

Non-Indigenous private landholders can apply for the same rights. As well as empowering landholders, it places a value on crocodiles and creates an unprecedented economic opportunity for the landholder.

Authorised landholders will be empowered in regards to all aspects of crocodile management on their property. If a crocodile is on their property, they may choose whether to kill it, have it relocated to a farm, or let it remain on their property. If they choose for it to be euthanised, they may do this themselves, or accept payment from another person who wishes to kill the crocodile.

By placing a value on crocodiles, landholders are unlikely to simply kill all of the crocodiles on their land, unless this is necessary for them to safely live and operate on that land. The landholder will likely see the value in crocodile eggs, and the income they can generate for the landholder.

If there are crocodile eggs on their land, they can choose to leave the eggs, harvest the eggs and sell them, or have someone else pay to come onto their land and harvest them.

Ultimately, people who live in North Queensland are best placed to manage crocodiles. And people with experience managing crocodiles should have input into the ongoing management of crocodiles in Queensland.

It is hoped that anytime a crocodile is euthanised, whether it be on a private property, or on state land, that the crocodile carcass is fully utilised, for example by selling teeth, meat or skins, or by producing blood and bone from unsaleable parts of the carcass.

## **Achievement of policy objectives**

The Bill achieves the policy objectives outlined above by creating the Queensland Crocodile Authority. Under the Bill, the Queensland Crocodile Authority would be required to remove all rogue crocodiles by killing them or moving them to an approved crocodile farm. Rogue crocodiles are defined as crocodiles posing a threat to human safety, which includes crocodiles in urban areas or waterways commonly used by people for recreation.

The Bill legalises egg harvesting for permit holders, and allows people to pay to hunt crocodile on private land with the landholder's consent (if the landholder has the Queensland Crocodile Authority's authorisation to so manage that land).

The Bill ensures the Queensland Crocodile Authority is based in Cairns, and it is expected that all staff would live in that area, rather than fly in and out.

The Bill also creates a board to provide recommendations to the Queensland Crocodile Authority. The Board is to be made up people with relevant experience in crocodile management, to ensure that Queensland is getting the best possible advice on managing its

crocodile population and creating a crocodile industry that will benefit the state and its landholders for many years to come.

## **Alternative ways of achieving policy objectives**

Some views were expressed during consultation that no crocodiles should be killed or relocated. This does not align with the policy objective of keeping people safe from crocodiles.

Other views were expressed that the policy objective of keeping people safe from crocodiles could be achieved by relocating any problem crocodiles to other locations. Consultation with experts suggested that crocodiles may become more dangerous once they have been relocated, therefore, crocodiles should only be relocated to farms or properly managed reserves.

Consultation also revealed that because there are so many crocodiles that require removal to keep people safe, it is very unlikely there would be the desire from existing crocodile farms to house all of these crocodiles.

Based on extensive consultation, it became clear that a combination of killing and relocation to farms is the best way to achieve the policy objective.

## **Estimated cost for government implementation**

Costs associated with implementation of the Bill relate to the establishment and operation of the Queensland Crocodile Authority. These costs will be met from within existing departmental allocations.

## **Consistency with fundamental legislative principles**

The Bill has been drafted with regard to the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992* and is consistent with fundamental legislative principles.

## **Consultation**

Significant consultation has been undertaken in preparation of this Bill including detailed engagement with affected communities through public forums and private engagement. Other major Stakeholder groups consulted include:

- Indigenous groups;
- Local government;
- Crocodile experts;
- Professional fishing community and other community groups; and
- Federal members of parliament.

## **Consistency with legislation of other jurisdictions**

This Bill creates a new Authority within the Department of Environment and Heritage Protection to enable several activities for the management of crocodiles in Queensland waterways. State based crocodile management frameworks exist in other states and territory's including some of the activities contemplated in this Bill.

There may be some areas of the Bill that may encroach on the commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). However, consultation with the relevant commonwealth government Minister has indicated a willingness to consider mechanisms that will ensure no conflict between this Bill and the commonwealth Act exist.