

Crocodile Control and Conservation Bill 2024

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Joint Submission:

Crocodile Control And Conservation Bill 2024

Dear Committee

The below signed organisations have prepared the following submission for your consideration in the inquiry regarding the Crocodile Control and Conservation Bill 2024. We have noted that on 1 July 2024, the Speaker of the Legislative Assembly made a ruling that the Bill is out of order and will need to be discharged and withdrawn. We would still like the committee to consider and record the following submission as it pertains to the Crocodile Control and Conservation Bill 2024.

The below signed organisations hold grave concerns about the Crocodile Control and Conservation Bill 2024 and its lack of rigour.

Thank you for considering our submission in your review.

Sincerely

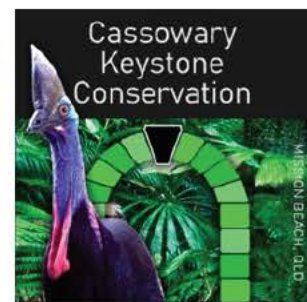
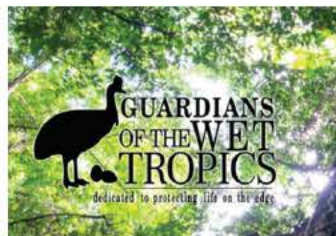
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Director at the Cairns and Far North Environment Centre

On behalf of the cosigned organisations below

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Cassowary  *Awards*
Finalist 2016, 2018, 2020

The signatories to this submission strongly oppose the Crocodile Control and Conservation Bill 2024 (The Bill) introduced by Mr Shane Knuth MP, Member for Hill on 22 May 2024. The Bill is dangerously simplistic and an attempt to reinvent the current framework for crocodile management in Queensland as contained in the Queensland Crocodile Management Plan (The Plan). The stated objective of the Bill mimics the Qld Government's management strategy framework for crocodiles as outlined in the Plan, but fails to include any mechanisms by which control and monitoring can be established with respect to the powers assigned to the director and other authorised persons under the Bill. Although The Plan, which is currently under review, needs to align better with scientific findings of the expert review, it is the foundational management strategy to which the proponents of the Bill should be looking at to achieve crocodile management.

The Bill seeks to legalise the culling of crocodiles by individuals, and introduce complex matters such as "trophy hunting" and en masse egg collecting, whilst ignoring the legislative requirements in place for the removal, rehousing and euthanizing of (problem) crocodiles or collecting crocodile eggs. No consideration is given to the welfare of crocodiles during any of these proposed processes nor is any acknowledgement given to their status as a vulnerable species.

Another critical failure in The Bill is the absence of any reference to the responsibility of individuals for their own personal safety while in "Croc country". The enduring message contained in independent findings and recommendations noted in historical and contemporaneous reports commissioned by the Department of Environment, Science and Innovation (The Department) is that the primary contributory factor involved in most fatal and non-fatal crocodile attacks is the non "crocodile" behaviour of humans. This fact, in conjunction with the finding that it is impossible to remove all crocodiles permanently from one location within their usual population area, makes it clear that many of the proposals contained in The Bill are doomed to failure and could potentially lead to an increase in the number of conflicts between humans and crocodiles due to a false sense of security/safety.

Other glaring omissions in The Bill include a lack of any consultation process by the director with relevant stakeholders or any framework to nominate how "any person" may be deemed to be sufficiently qualified to engage in crocodile handling or to remove eggs from their land or land belonging to another entity. This notion is fraught with danger and lacks credibility.

The Bill does not provide any details regarding how the establishment of ethically run, independently monitored crocodile sanctuaries on Government land might take place and what guidelines will be used to ensure the humane treatment of animals during the capture, rehoming and ongoing housing periods.

Summary of Recommendations

1. The Bill should be rejected because there has been no clear explanation of how the culling and removal of all crocodiles from “populated waterways” is supported by the evidence outlined in independent research commissioned by the Department or how the adoption of this practice would support the objectives of the Bill. (This recommendation is in response to Part 3 Section 10: ss 1, 5, 6, 7, 8, 9, 11, 14 and 18 of the Bill).
2. The Bill should be rejected because there has been no clear explanation of the impact of the proposed culling of all crocodiles from “populated waterways” and associated activities such as egg removal, to the recovery of a listed threatened species in accordance with the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and the Matters of National Environmental Significance guidelines contained therein. (This recommendation is also in response to Part 3 Section 10: ss 1, 5, 6, 7, 8, 9, 11, 14 and 18 of the Bill)
3. The Bill should be rejected because it does not acknowledge or incorporate the Be Crocwise Program into any crocodile management framework or view the program as the first response to an incidence of human and crocodile conflict. (This recommendation is also in response to Part 3 Section 10: ss 1, 5, 6, 7, 8, 9, 11, 14 and 18 of the Bill).
4. The Bill should be rejected because it is not based on any meaningful consultation with representatives from all First Nation groups impacted by the Bill (as underpinned by the Human Rights Act 2019 (Qld)) in order to fully consider how best to incorporate the deep cultural significance of crocodiles to some of these groups, their knowledge of historical crocodile population locations and the way they have managed interactions with crocodiles for millennia.
5. The Bill should be rejected because it does not provide a clear explanation of how the harvesting of crocodile eggs by any party has been established as an evidence based practice for the management of crocodiles in the six independent crocodile populations around the State.

Detailed Recommendations

1. The Bill should be rejected because there has been no clear explanation of how the culling and removal of all crocodiles from “populated waterways” is supported by the evidence outlined in independent research commissioned by the Department or how the adoption of this practice would support the objectives of the Bill. (This recommendation is in response to Part 3 Section 10: ss 1, 5, 6, 7, 8, 9, 11, 14 and 18 of the Bill).

The Bill’s crocodile management framework is without any scientific basis. Instead it appears to be founded on a political agenda to reinstate the culling of crocodiles en masse which we saw last century. Ironically in time, this fear based approach led to the research which has in turn concluded that culling is not the answer to living safely with crocodiles.

The Bill does not articulate the findings made in the recent reports commissioned by The Department. Without a science based approach to the management of conflict between humans and crocodiles and the management of crocodile populations generally in Queensland, The Bill lacks any credible foundations. Please refer to The Department’s Queensland Estuarine Crocodile Monitoring Program 2016-2019 (The Monitoring Program); Findings from an Independent Evaluation of the Queensland Estuarine Crocodile Management Program (The Independent Evaluation) and The Genetic Structure and Connectivity of the Estuarine Crocodile in Queensland 2018-2020 Summary and key findings (The GSCECQ) amongst others.

The Department’s own position regarding the longevity of safety benefits for humans with the removal of large (or all) crocodiles is expressed on pages 14 and 15 of the original version of the Queensland Crocodile Management Plan (QCMP) dated 2017 - The removal of a large crocodile or crocodile displaying dangerous behaviour may reduce the likelihood of a crocodile attack but also makes space for another crocodile to fill. People living in or visiting areas in this zone need to practise Crocwise behaviour and assume that crocodiles may be present to reduce the likelihood of a crocodile attack. This position is again noted on page 8 of the draft updated QCMP (the Plan) (which is currently under review) in relation to the proposed Active Removal Zone (AR Zone) and Targeted Crocodile Removal Zone (TCR Zone) - At any given time, there may be undetected crocodiles within the zone, known crocodiles yet to be removed, or new crocodiles entering the zone. Even when a crocodile has been removed, it leaves a vacated territory for another crocodile to fill.

2. The Bill should be rejected because there has been no clear explanation of the impact of the proposed culling of all crocodiles from “populated waterways” and associated activities such as egg removal, to the recovery of a listed threatened species’ in accordance with the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and the Matters of

National Environmental Significance guidelines contained therein. (This recommendation is also in response to Part 3 Section 10: ss 1, 5, 6, 7, 8, 9, 11, 14 and 18 of the Bill)

The Bill provides no clear indication of what a recovered population of this species is. Given that it is listed as vulnerable in Queensland, this should be key to the management outcomes of the species, as our goal nationally is to reverse extinction trajectories. Consideration would need to be given to the overall impact on the specific estuary and Queensland-wide crocodile population numbers within the proposed “populated waterways” where all crocodiles are to be removed.

The Department’s current position is proposed at page 4 of the Plan - “Estuarine crocodiles (*Crocodylus porosus*) are a protected species in Queensland, listed as a vulnerable species under the Nature Conservation Act 1992 (the NC Act) (Qld). They are also protected nationally under Commonwealth legislation and internationally under the Convention on the International Trade of Endangered Species (CITES). The QCMP supports the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018 (Qld) (the conservation plan), which is made under the NC Act. Together these documents describe the strategic management framework to reduce risks to public safety and protect crocodiles in the wild.”

The Bill ignores the key findings of The GSCECQ and The Monitoring Program. The findings outlined at page 5 of the GSCECQ states “The evidence indicates that historical and recent movements of crocodiles between adjacent sub-populations with connectivity declining with distance...It appears that most crocodiles remain close to their place of birth with 90% of crocodiles dispersing less than 50 kilometres, leading to localised populations”.

With individual crocodiles having such a limited range in Queensland, the removal of all crocodiles from a “populated waterway” could have catastrophic population impacts at a very localised level.

The proponent of The Bill must provide evidence to indicate exactly what the impact on the individual populations in the proposed “populated waterways” would be if all adult male and female crocodiles, including those which are sitting with eggs, protecting hatchlings or being impacted by the mortality losses which occur when nests are washed away in natural disasters. Further, The Bill does not provide for any trial period and reassessment for complete culling or egg removal to take into consideration the slow growth of these animals and the minimal population growth if an error of judgement is made.

Currently there is no Conservation Advice in Queensland for the protection and recovery of this vulnerable species. In the absence of Conservation Advice, The Bill would need to clearly state the conservation impacts of culling all crocodiles in “populated waterways” and how The Bill is

contributing to population recovery. We would also recommend that the establishment of a Conservation Advice on the species be prioritised so that there is clarity across the state regarding the need to, and best approaches for the recovery of the species.

The Bill is proposing culling or removal of a threatened species without any understanding of the population impacts to the species, which is threatened. Additionally The Bill has no clear goals or ambitions in relation to the recovery of the species despite its stated objective.

3. The Bill should be rejected because it does not acknowledge or incorporate the Be Crocwise Program into any crocodile management framework or view the program as the first response to an incidence of human and crocodile conflict. (This recommendation is also in response to Part 3 Section 10: ss 1, 5, 6, 7, 8, 9, 11, 14 and 18 of the Bill).

The Bill does not include any education program focusing on deterring specific human behaviour which has historically been shown to lead to interactions with crocodiles. There is an urgent need to rework The Department's current Be Crocwise program by incorporating a targeted education program based on independent expert behavioural research rather than try to reinvent any wheel. This approach was recommended in The Department commissioned "Findings from an Independent Evaluation of the Queensland Estuarine Crocodile Management Program" (The Independent Evaluation) and must form the basis of any crocodile management framework program. The current deficits of the Be Crocwise program are considered on pages 15 and 16 of The Independent Evaluation as part of an assessment of its effectiveness and the list of recommendations are outlined at page 22 of the report.

The Department's original QCMP dated 2017, stated that its fourth purpose was to "outline the knowledge and behaviours that can help minimise risks of crocodile attacks in each crocodile management zone" however this has now been removed from The Plan and there is no reference at all in the objectives to the role of human behaviour in the increasing number of fatal and non-fatal attacks. The focus of The Bill and The Plan is essentially to remove crocodiles, which is currently the only solution offered to human/crocodile interaction. However, as already noted, the research demonstrates that fatal and non-fatal incidents are almost always as a result of human behaviour that is not Crocwise.

Examples of this behaviour include people throwing fish or bait scraps out around boat ramps providing an easy food source for crocodiles, swimming in waterways in croc country and relying on urban myths regarding the behaviour of crocodiles (page 10 of the Independent Evaluation). One of the findings from the Department's 2017 study the "Patterns of human-crocodile conflict in Queensland; a review of historical estuarine crocodile (*Crocodylus porosus*) management was "There have been 35 crocodile attacks in Queensland since 1971 (total .08 per year; fatal .03 per

year) mostly involving local people or regular visitors (77.1%), specifically adult males (71.4%: mean age 44)

<https://www.publish.csiro.au/wr/WR17011>

The single reference to the Crocwise program in The Plan can be seen at Page 5 - Regardless of the number of crocodiles that are removed the best way to avoid a crocodile attack is for people to be aware of the risks posed by crocodiles, and for individuals to stay safe when they are in and around waterways in Croc Country. The reader is then referred to the relevant Government website.

Despite the magnitude of this statement, it is lost in The Plan and after its announcement, no further attention is given to it. As noted above, The Bill makes no reference at all to the responsibility of individuals to stay safe in Croc Country.

The Independent Evaluation says that consideration should be given to “enhancing the Be Crocwise community safety education and engagement” of The Plan. Despite the recommendations relating to this component of the original Plan in The Independent Evaluation, none have been included in The Plan. The key issues said to be hampering the effectiveness of the Be Crocwise program were considered in detail at pages 15 and 16 of the Independent Evaluation, but none have been adopted in The Plan.

This is deeply concerning given the Department’s own position regarding the contributory relevance of human behaviour in most non-fatalities and fatalities involving crocodiles.

The fact that there has been a marked increase in the non-fatal and fatal interactions between humans and crocodiles since the introduction of the original plan in 2017 when compared to the previous records dating from 1996 - 2016, provides further support that The Department must urgently adopt the recommendations outlined in The Independent Evaluation regarding the current Be Crocwise program.

The following observation is made at page 5 of The Independent Evaluation:

The rates of crocodile attack will never fall to zero while there are places where people and crocodiles co-inhabit. Queensland residents and visitors need to learn, understand, and remember that the only place that people can swim in croc country and remain completely safe from the risk of attack by a crocodile is a swimming pool, regardless of the time of year.

For effective management of Crocodiles, the Be Crocwise program must be central to the QECMP and the proponents of The Bill should be placing all their efforts on ensuring the effectiveness of this program instead of promoting the culling of crocodiles.

The proponents of The Bill must accept that the most effective way to reduce human interactions with crocodiles is through considered and targeted education programs which are in line with the recommendations of The Independent Evaluation, and that the removal of all crocodiles is a temporary solution to what is primarily a human behavioural issue. The emphasis must be that the only truly safe option for humans living or holidaying in Croc Country is to Be Crocwise.

At page 14 of The Independent Evaluation, there is a consideration of the “Synergies with management of other species” where the Committee “notes there are some common principles around managing public perception and human behaviour change that apply to various native wildlife species present in Queensland such as Wongari, magpies, and cassowaries, as well as crocodiles. These synergies mean there are opportunities to manage these behaviour change programs in a more efficient and coordinated way. The Department could establish a wildlife management stakeholder and expert committee, which could:

- include mechanisms for the involvement of diverse stakeholder groups;
- provide structured opportunities for stakeholders and experts to provide input into decision making processes regarding crocodile management in Queensland;
- establish a process to determine and communicate the best available evidence and science to inform decision making;

develop a mechanism and process facilitated discussion in situations which become highly polarised (e.g., where there is conflict between stakeholders that have strongly opposing positions on lethal management);

- provide an avenue to respond to incorrect media information, including that circulating on social media; and
- be used to consider options for the management of stakeholder conflict, public safety issues, and concerns related to other Queensland species such as magpies, cassowaries, Wongari, etc.”

These are specific and important recommendations which should be acknowledged by the proponents of The Bill and urgently addressed by The Department in an effort to produce a more considered and effective Be Crocwise program.

Given that The Department’s research demonstrates that human behaviour management is the most effective tool for managing human to crocodile conflict, this should be the primary focus of any crocodile management initiative. Additionally, the research shows that removal is a

temporary solution, as other crocodiles will move in to replace crocodiles that have been removed. This only emphasises that removal should not be the first response. The Department must have a response standard that prioritises education, and crocodile removal only occurs if there has first been efforts to manage conflict through the Be Crocwise program.

4. The Bill should be rejected because it is not based on any meaningful consultation with representatives from all First Nation groups impacted by the Bill (as underpinned by the Human Rights Act 2019 (Qld)) in order to fully consider how best to incorporate the deep cultural significance of crocodiles to some of these groups, their knowledge of historical crocodile population locations and the way they have managed interactions with crocodiles for millennia.

By not having a clear or detailed framework in place which embodies the cultural significance of crocodiles to certain First Nation groups impacted by The Bill and the lack of a robust consultation regime, The Bill does not appear to comply with the requirements of the Human Rights Act 2019 (QLD) (the Act) with respect to Aboriginal People and Torres Strait Islander people, specifically section 28 of the Act.

The Bill refers to the consultation requirements of the director IF “the director considers the performance of the function or the exercise of the power may affect” Aboriginal land or Torres Strait Islander land or Aboriginal tradition or Island custom, but fails to provide any further details on why or how the director would make such a consideration.

Specific considerations regarding collaborations with First Nations people are outlined in The Independent Evaluation’s recommendations at page 22. Traditional Owners must be involved in the development of any crocodile management framework which impacts crocodiles on their Country through meaningful and ongoing consultation, not when and if the director considers it necessary.

5. The Bill should be rejected because it does not provide a clear explanation of how the harvesting of crocodile eggs by any party has been established as an evidence based practice for the management of crocodiles in the six independent crocodile populations around the State.

The Bill’s support of wide scale egg harvesting is without evidentiary basis. The subject of Egg Harvesting was touched on in The Independent Evaluation (although this was not within the terms of reference for the research committee) and clearly outlines the realities associated with wide scale egg harvesting and the lack of any real impact on population.

The following was noted at page 13 of the report: The Nature Conservation (Estuarine Crocodile) Conservation Plan 2018 includes provisions to authorise an individual or corporation to harvest estuarine crocodile eggs under a commercial wildlife harvesting licence, subject to certain conditions being met. However, it is unlikely to be commercially viable at any substantial scale in Queensland because of the distribution and relatively low density of nests, the long distances involved, and the costs associated with locating nests, egg collection and transport. One exception is that crocodile egg harvesting continues within the Aboriginal Shire of Pormpuraaw, on Cape York Peninsula, but the situation there is unique because of its location on rivers where eggs can be collected relatively easily and comparatively inexpensively, and the permit holder's access to a crocodile farm nearby. Apart from these constraining practical considerations, work in the Northern Territory has shown that a significant reduction in crocodile numbers cannot be achieved by a commercial harvest of their eggs. Egg collection in the Northern Territory is focussed where nests are clustered in large wetland areas, and harvesting has been practised commercially for many years, but a recent study shows that egg harvesting would not be a practical approach to reducing crocodile numbers because it has such a small effect on the population.