

Crocodile Control, Conservation and Safety Bill 2024

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*SUBMISSION OF TOBIAS KENNETT TO THE INQUIRY INTO THE CROCODILE CONTROL,
CONSERVATION AND SAFETY BILL 2024*

Merits of this Bill

I do not know enough about crocodiles, conservation or North Queensland eco-systems to provide a personal or professional perspective on whether the fundamental objective of this Bill is a good idea or not; in other words, whether we should or should not cull crocodiles. However, the question of culling crocodiles has been well ventilated in the media. Many experts have made it clear that that they do not think culling is necessary.¹

However, I can provide an opinion on whether the Parliament should be focusing its time and the State's resources on more pressing issues. I submit that Queensland faces more pressing priorities in the policy area of health and safety. Between 21 December 1985 and 31 July 2023, the Department of Environment, Science and Innovation reports that only about 50 crocodile attacks occurred in Queensland.² I count a mere 13 fatal attacks listed over this entire period of time. For perspective, this means you are more likely to die from, for example, things we consider extremely low risk, like a plane crash,³ or quad bikes.⁴ In contrast to crocodile deaths, in just one year alone, more than 5 times as many people were killed from family and domestic violence in Australia.⁵ Surely this is a more important crisis that money, time and resources should be invested into solving.

Recommendations:

- That the committee consider the scientific and environmental merits for this Bill.
- That the committee consider whether this Bill is an appropriate use of financial, time and labour resources considering other issues in this State. I submit that this Bill should **not** be passed considering such things.

Human Rights considerations

The Human Rights Statement of Compatibility for this Bill does not comply with the requirements under the *Human Rights Act 2019* s 38 (**HRA**). That provision clearly states, among other things, that:

“(2) The statement of compatibility must state—

(a) whether, in the member's opinion, the Bill is compatible with human rights and, if so, ***how it is compatible***; and”

The Statement of Compatibility says the following:

“In my opinion, this Bill does not contravene any human right listed under Part 2, Division 2 and 3 Human Rights Act 2019. It does not restrict an individual's civil and political rights,

¹ <https://www.abc.net.au/news/2023-05-06/rising-crocodile-population-queensland-culling-debate-crocwise/102308668>; <https://www.theguardian.com/australia-news/2023/may/02/crocodile-catch-conservationists-warn-against-proposed-queensland-cull>.

² https://www.des.qld.gov.au/policies?a=272936:policy_registry/crocodile-attacks-queensland.pdf

³ <https://www.atsb.gov.au/publications/2020/ar-2020-014>

⁴ <https://www.couriermail.com.au/news/queensland/gympie/calls-for-change-after-69-killed-on-qld-quads-in-15-years/news-story/932a961699d712e28140c695fa03ed97>

⁵ https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/domestic_homicide

such as freedom of movement, freedom of thought, freedom of expression, property rights, privacy and reputation or recognition and equality before the law.”

I submit to the Committee that the Statement of Compatibility tabled by the Member for Hill in no way whatsoever explains how the Bill is compatible with human rights. It simply says the Bill “does not restrict” a bunch of listed human rights, without any analysis or elaboration. In my opinion, this is in breach of the member’s obligations as a member of parliament under s 38. I also submit it represents a complete undermining on the purpose of the Act, which is to bring transparency and encourage the public debate on issues. One cannot be transparent or have a public debate if reasons are not given justifying how and why human rights have or have not been acted compatibly with.

I further submit that various human rights issues require proper exploration, which the Statement of Compatibility fails to do. For example:

Recognition and equality before the law – s 15: there is no explanation of how this Bill interacts with HRA s 15, including how cl 14 of the Bill restricts membership to people living in a certain area; or how various provisions, including cls 10(h)-(i), provide for different rights between the general population and Aboriginal and Torres Strait Islander people. These differing rights may be perfectly justified on the basis they reflect Aboriginal and Torres Strait Islander cultural rights or, in both cases, are “measures taken for the purpose of assisting persons or groups of persons disadvantaged because of discrimination”, but this should be explored and explained in the Human Rights Statement of Compatibility.

Freedom of movement – s 19: this Bill may impact on freedom of movement because, during killing or culling activities, there may be a requirement to cordon off areas for public safety reasons. This may inhibit a person’s movement in such public areas like parks or waterways. While any impact is likely to be very minor, this should be explored and explained in the Human Rights Statement of Compatibility.

Property – 24: this Bill does not explain its impact on property rights, including how the new authority and subordinate legislation will affect existing licences, alter the licencing regime in Queensland, or affect ownership of crocodiles held in farms or as pets. There are also other property rights implications in the Bill. For example, “waterway “is not defined, meaning it is not clear how power to order killing/culling in a waterway or the power to declare a waterway a populated waterway interacts with privately owned waterways. Given there will be a significant impact on property rights, this should be explored and explained in the Human Rights Statement of Compatibility.

Cultural rights—Aboriginal peoples and Torres Strait Islander peoples – 28: it is quite astounding that this right is not mentioned in the Explanatory Notes at all, given the Bill includes many provisions purportedly for the benefit of such peoples.

Recommendations:

- That the committee consider the human rights issues noted above.
- That the committee recommend in its report that the Legislative Assembly require that a better, more complete Statement of Compatibility is prepared.

Explanatory Notes

Cost

On page 4, it is said that “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.”

Given there is no justification for how this is known to be true or accurate, I suggest the Committee investigate whether the department does have sufficient funds to fund the proposed new authority.

Consultation with Aboriginal and Torres Strait Islander people and peoples

The Explanatory Notes does not state the result of consultation with Aboriginal and Torres Strait Islander people and peoples. The Committee should inquire into this; what was actually said? What do each peoples (and individual people) desire? As the saying goes, “Nothing about us without us”.

I submit there has likely been a lack of consultation. For example, the Explanatory Notes say that “Indigenous landholders *will likely* see the value in crocodile eggs, and the income they can generate”, indicating there has been a lack of consultation on this point as it is not clear whether or not Aboriginal and Torres Strait Islander people/peoples view the production of crocodile eggs as an economically beneficial activity. A similar sentiment is seen in the comment “egg harvesting permits with *incentives* specific to indigenous communities to set-up egg harvesting enterprises.” This Bill very much reads as a Bill for Aboriginal and Torres Strait Islander people/peoples made by a Member of Parliament without real regard to the desires of Aboriginal and Torres Strait Islander people/peoples established by way of extensive consultation. It also seem to me like a Bill whose goal is to dictate the economic role to them, rather than work alongside them in support of their self-identified goals.

Further, I submit the Committee should consider in detail this specific comment: “Indigenous landowners will be empowered in regards to all aspects of crocodile management... By placing a value on crocodiles, indigenous 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.” I am a bit concerned why Aboriginal and Torres Strait Islander people need to be “incentivised” to not “simply kill all of the crocodiles on their land”, considering their time immemorial past custodianship of Australia.

I do note this Bill make various allowances for traditional custom and requires consultation with Aboriginal and Torres Strait Islander people / peoples. This is a good thing. Further, to the extent this Bill gives such peoples more power over their Country and the power to manage of their Country, this is a good thing.

Recommendations:

- That the committee consider the cost implications of this Bill.
- That the committee consult with Aboriginal and Torres Strait Islander people / peoples.
- That the committee ask the Member for Hill to:
 - explain the outcome of consultation with Aboriginal and Torres Strait Islander people / peoples;
 - explain why Parliament should be “incentivizing” Aboriginal and Torres Strait Islander people to act a certain way.