

Wildlife Trade Management Plan – Queensland Crocodile Farming

1 January 2018 - 31 December 2022

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1. Introduction

1.1 Purpose and objectives

Crocodile farming in Queensland is predominantly based on the estuarine crocodile, *Crocodylus porosus*, with limited farming of freshwater crocodiles, *Crocodylus johnstoni*. Farming involves both captive breeding and importing eggs and young that have been legally harvested from the wild in the Northern Territory.

The purpose of this Wildlife Trade Management Plan (WTMP) is to provide for the sustainable farming of crocodiles in Queensland, specifically to fulfil the requirements for a WTMP under Part 13A, Section 303FO of the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) (EPBC Act) (see [Section 2.2](#)). The objectives sought are that:

1. Farming of estuarine and freshwater crocodiles in Queensland does not negatively impact the conservation of crocodiles in the wild in Queensland.
2. Crocodiles are humanly treated in accordance with the Code of Practice for the Humane Treatment of Wild and Farmed Australian Crocodiles (the Australian Code).

This WTMP is supplementary to, and should be read in conjunction with, the [Nature Conservation \(Estuarine Crocodiles\) Conservation Plan 2007](#) and the [Queensland Crocodile Management Plan](#) released in March 2017.

This WTMP is valid for a maximum of five years from 1 January 2018.

1.2 Background

Estuarine crocodiles (*Crocodylus porosus*) inhabit coastal areas of Northern Australia, South East Asia and the South West Pacific. They occur in estuaries, rivers, wetlands, beaches and inshore areas, including freshwater areas. The largest populations in Queensland exist in coastal areas in the Gulf of Carpentaria and Cape York Peninsula, where temperatures are warmer and there are large intact coastal wetland systems and estuaries that provide ideal habitat for the animals.

The population of estuarine crocodiles in Queensland has been recovering from extensive culling and harvesting, which was banned in Queensland in 1974. Current processes that threaten crocodiles in Queensland include (see Fukuda et al. 2007; Messel and Vorlicek, 1986; Read et al. 2004; Webb and Smith 1987):

- habitat destruction through clearing of riparian vegetation and urban, rural residential and agricultural development
- feral pest predation and weed incursions into nesting habitat
- deliberate killing (e.g. illegal shooting)
- accidental mortality from commercial and recreational fish netting in estuaries
- climate change (increased egg mortality and juvenile mortality from storm surges/flooding, changes in sex ratio arising from temperature changes in nesting areas, and changes in distribution and/or range).

To establish a better scientific understanding of Queensland's wild population of estuarine crocodiles, the Queensland Government commenced a three year crocodile survey and monitoring program in April 2017.

Freshwater crocodiles are endemic to Australia and lives in the inland waterways of northern Australia. In Queensland, they are found in the rivers and swamps of Cape York Peninsula, areas bordering the Gulf of Carpentaria and the north-west. There are also east coast populations found in the upper Herbert River, the Burdekin River catchment and the Ross River. Freshwater crocodiles also live in the tidal reaches of some rivers.

2. Legislative Framework

2.1 International

Australia is a signatory to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Populations of both the Australian freshwater crocodile and the Australian estuarine crocodile are listed in CITES Appendix II, which is a list of species not necessarily threatened now with extinction, but in which trade must be controlled in order to avoid use that is incompatible with their survival.

To export Appendix II specimens, an export permit is required and skins must be tagged in accordance with a tagging system that complies with the provisions of CITES Resolution Conference 11.12.

2.2 Commonwealth

Both the estuarine crocodile and freshwater crocodiles are listed by the Australian Government as a Marine species under Section 248 of the EPBC Act and as a Migratory species under Section 209 of the EPBC Act.

The Australian Government regulates the export of CITES listed species (including issuing of export permits) through the EPBC Act. To obtain a permit for the export of crocodile specimens from Queensland for commercial purposes, the production of those specimens must be in accordance with the approved WTMP. The EPBC Act requirements for a WTMP are documented in Appendix A.

Any commercial shipment of tagged skins or other natural crocodile products or derivatives (e.g. teeth, skulls) for export from Australia must be authorised with an Australian CITES export permit, which may be issued by the Commonwealth on application. The export permit must be retained by the owner of the crocodile product as proof of its legal acquisition. A permit is not needed to legally export or import up to four manufactured crocodilian products worn on the person or carried in accompanied baggage for personal purposes. However, to help with customs clearances the CITES Management Authority of Australia has instituted personal baggage permits.

CITES tags are sourced from the Australian Government and distributed by the Department of Environment and Heritage Protection to licensed crocodile farms and meat processing premises. Each skin must be tagged as soon as practicable after removal from the crocodile carcass. The tag must remain attached whether the skin is in an unprocessed or tanned state (that is the tag must remain attached during and after the tanning process). Skins must be tagged in accordance with a tagging system that complies with the provisions of CITES Resolution Conference 11.12.

The Code of Practice for the Humane Treatment of Wild and Farmed Australian Crocodiles (the Australian Code) provides a nationally consistent set of minimum standards for the humane treatment of crocodiles. The standards are based on current knowledge of crocodile welfare issues and best practice in humane handling techniques, and applied a precautionary approach in the light of incomplete knowledge.

2.3 State

Conservation

The Queensland Government, through the Department of Environment and Heritage Protection, administers the following legislation and policy relevant to the conservation of crocodiles:

- *Nature Conservation Act 1992* (NC Act)
 - Nature Conservation (Wildlife Management) Regulation 2006
 - Nature Conservation (Administration) Regulation 2006
 - Nature Conservation (Wildlife) Regulation 2006
 - Nature Conservation (Estuarine Crocodile) Conservation Plan 2007
- [Queensland Crocodile Management Plan](#)

Both species of crocodiles are protected under the NC Act. The estuarine crocodile is a Vulnerable reptile, while the freshwater crocodile is a Least Concern reptile. A person must not take, keep or use a crocodile unless the person is authorised under the NC Act and it can only be authorised if it is ecologically sustainable. Harvesting crocodile eggs and removing crocodiles from the wild for commercial purposes is not allowed. For more information on wildlife authorities, see [Section 3.2](#).

'Problem crocodiles' can be removed from the wild and given to a crocodile farm in Queensland in order to protect humans and prevent the loss of aquaculture fisheries resources, stock and working dogs. The circumstances under which an estuarine crocodile may be considered to be a problem crocodile are set out in the [Nature Conservation \(Estuarine Crocodile\) Conservation Plan 2007](#), while detailed guidance on when and where a crocodile may be considered a problem crocodile due to the risk posed to public safety is contained in the [Queensland Crocodile Management Plan](#).

Welfare and exhibition

The Department of Agriculture and Fisheries (DAF) administers legislation relevant to animal welfare and animal exhibition, including the *Animal Care and Protection Act 2001* (ACP Act) and the *Exhibited Animals Act 2015*.

While crocodiles in licensed farms are subject to the animal welfare framework, a person does not commit an offence under the *Animal Care and Protection Act 2001* if the action or omission is authorised under the NC Act. Crocodile farming licenses include a condition requiring farms to comply with the Australian Code, which includes a range of welfare requirements. Therefore, inhumane treatment of crocodiles outside of the requirements of the Australian Code may be subject to compliance action under both the NC Act and *Animal Care and Protection Act 2001*.

3. Management Arrangements

To achieve the purpose and objectives of this WTMP, the Queensland Government, in conjunction with crocodile farms, will implement a range of management actions to regulate the farming and trade of crocodiles in accordance with the EPBC Act and NC Act. Table 1 sets out the management actions and corresponding performance indicators. The actions are described in more detail in the following sections.

Table 1 Management actions and performance indicators

| Management action | Performance indicator |
|---|--|
| Continue to restrict take of crocodiles from the wild in Queensland to the removal of problem crocodiles. | All crocodiles taken from the wild meet the circumstances outlined in the Nature Conservation (Estuarine Crocodile) Conservation Plan 2007 or the Queensland Crocodile Management Plan (see Section 3.1). |
| Assess, issue and administer licences for crocodile farms in accordance with the NC Act and Australian Code. | All licences are consistent with the NC Act, Australian Code and WTMP (see Section 3.2). |
| Undertake annual audits of licences to ensure they were assessed and issued in accordance with the NC Act, Australian Code and WTMP. | |
| Include a condition on all licences that the Australian Code must be complied with. | All licences include a condition that the Australian Code must be complied with (see Section 3.2). |
| Audit crocodile farms' compliance with the NC Act and Australian Code. | A targeted sample of farms is inspected each year (see Section 3.3). |
| Monitor crocodile movements to determine whether ranching may be occurring illegally in Queensland. | All licences include a condition that the records of when where eggs and live crocodiles were obtained must be kept and made available during inspections or upon request (Section 3.3). |
| | Data from return of operations received from Queensland crocodile farms are compared to data from farm inspections to identify any anomalies in crocodile numbers (see Section 3.3). |
| | Any anomalies in the movement of eggs or live crocodiles into or out of the state are investigated (see Section 3.3). |
| Investigate suspected breaches of the NC Act and Australian Code. | Appropriate enforcement action is undertaken when there is evidence of breaches of the NC Act and Australian Code (see Section 3.3) by a crocodile farm licence holder. |
| Submit annual reports that audit implementation of this plan to the Australian Government. | An annual report for 1 January to 31 December is submitted to the Australian Government by the 30 June the succeeding year (see Section 3.4). |
| Review the implementation of the WTMP in order to assess the success of the plan in achieving its purpose and to inform the development of a subsequent plan. | A review of the implementation of the WTMP is completed no later than one year prior to the expiry of this plan (see Section 3.4). |

3.1 Take from the Wild

The Queensland crocodile farming industry uses captive breeding, as well as eggs and hatchlings that are legally harvested in the Northern Territory in accordance with the Northern Territory's Wildlife Trade Management Plan for 2016-2020.

Queensland legislation prevents commercial egg harvesting and take from wild¹. However, 'problem crocodiles' that are removed from the wild may be given to licensed crocodile farms in Queensland to be used for breeding purposes. These estuarine crocodiles must be identified within a crocodile farm in a way approved by the chief executive (Section 157(2) of the Nature Conservation (Wildlife Management) Regulation 2006).

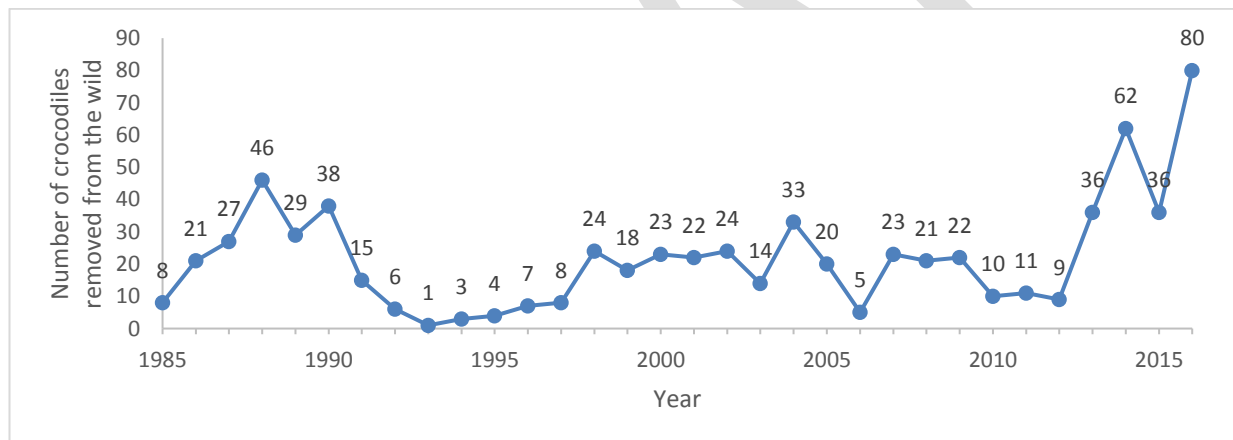
The [Nature Conservation \(Estuarine Crocodile\) Conservation Plan 2007](#) sets out when an estuarine crocodile may be deemed a problem crocodile, namely when it is, or is likely to become, a danger to humans, aquaculture resources, stock or working dogs.

The [Queensland Crocodile Management Plan](#) further details when a crocodile may be declared a problem crocodile due to the risk posed to public safety. The Queensland Crocodile Management Plan replaced the four crocodile management plans that were in place since 2013 and covered the local government areas of Douglas/Cairns, Cassowary Coast, Hinchinbrook and Townsville, as well as the three Crocodile Urban Management areas at Mackay, Rockhampton and Gladstone.

As the Queensland Crocodile Management Plan has not significantly changed the circumstances that need to be met for a crocodile to be removed for public safety, it is expected that the number and pattern of crocodile removal will be similar to that which occurred between 2013 and 2016. The number of crocodiles removed per year is shown in Figure 1. The vast majority of these crocodiles were removed from coastal wetlands and estuaries between Cooktown and Townsville. For example, 90 percent of the crocodiles removed from the wild in 2016 were from these areas.

In limited cases, problem crocodiles are humanely euthanised rather than being provided to farms e.g. six of the 79 crocodiles removed from the wild in 2016 were euthanised. This usually occurs when a crocodile is in a remote location and transporting it to an appropriate facility would create a significant risk of suffering or death.

Figure 1 Number of estuarine crocodiles removed from the wild per year in Queensland between 1985 and 2016².



¹ Under Section 111 of the Nature Conservation (Wildlife Management) Regulation 2006, commercial wildlife harvesting (including of eggs) of a vulnerable species cannot occur unless it is provided for under a conservation plan for the species. The Nature Conservation (Estuarine Crocodile) Conservation Plan 2007 does not provide for egg harvesting.

² An additional two freshwater crocodiles were captured in 2016. 1 additional freshwater crocodile was removed in 2015.

3.2 Wildlife authorities

As the conservation status of crocodiles is vulnerable in Queensland, a wildlife authority is required under the NC Act to keep, use, move or deal with crocodiles. The type of authority required depends on the activity:

- crocodile farming and processing requires a wildlife farming licence
- processing of crocodile parts only requires a commercial wildlife licence
- the movement of crocodiles by sale to and from licensed farms or zoos within or between states requires a wildlife movement advice or wildlife movement permit.

A wildlife movement advice or wildlife movement permit is not required for skin products that have been appropriately tagged and are accompanied by an Australian CITES export permit.

When considering an application for an authority, the Department of Environment and Heritage Protection is required under the NC Act to consider compliance with any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement³. All new licences will include a condition requiring them to comply with the Australian Code. Farm operator compliance with the Australian Code will be monitored as described in [Section 3.3](#).

3.3 Compliance and monitoring

The Department of Environment and Heritage Protection will monitor the compliance of crocodile farms with the NC Act and the Australian Code by:

- inspecting new licenced crocodile farms at least once during the first year of operation
- inspecting a sample of farms every year with the sample selected by taking into consideration:
 - farms identified as having matters of concern in a previous audit
 - farms that have been reported by members of the public or other government departments as being potentially in non-compliance
 - open source data, such as newspaper reports or legal cases involving the legal entity
 - time since the last audit.
- collecting information on the movement of crocodiles into and out of the state using return of operations
- investigating any alleged breaches of the NC Act in relation to the commercial take, keep and use of crocodiles in Queensland.

Any breach of the NC Act or its subordinate legislation will be considered in the context of the Department of Environment and Heritage Protection's [enforcement guidelines](#), which explain how the department determines the enforcement action it may take on the basis of the seriousness of the breach of legislation. The range of enforcement actions the department can undertake include:

- warning notices and letters
- penalty infringement notices
- administrative notices and orders made under legislation
- proceedings for court orders provided for under legislation
- prosecution
- suspension or cancellation of permit, licence or authority.

In addition, enforcement action for serious non-compliance with welfare aspects of the Australian Code that may constitute animal cruelty or neglect offences, will be coordinated for response by DAF under the *Animal Care and Protection Act 2001*.

The holder of a Wildlife Farming Licence or a Commercial Wildlife Licence for processing crocodile products must maintain records in an approved form (e.g. a [record book](#) or record and return book, or an electronic record system) and submit annual return data in an approved form (i.e. a [return of operations for wildlife farming licence](#)).

To help identify whether ranching (i.e. the taking of eggs or crocodiles from the wild to be grown or used for commercial purposes) is occurring illegally in Queensland, the movement of crocodiles (including eggs) into and out of the state will be monitored and any apparent anomalies be investigated. This would include requesting

³ I.e. Section 13 of the Nature Conservation (Wildlife Management) Regulation 2006 requires consideration of whether the place where the animal will be kept is compliant with a relevant code of practice for the animal, while Section 25 of the Nature Conservation (Administration) Regulation 2006 requires that when considering an application for an authority that there is regard to any relevant Australian or international code.

records showing when and how the eggs or live crocodiles were obtained.

3.4 Reporting

The Department of Environment and Heritage Protection will submit a report to the Australian Government each year that the plan is in operation. The report will be based on the previous calendar year and will be submitted by 30 June in the succeeding year. The report will provide a summary of:

- the number of problem crocodiles removed from the wild in accordance with the Queensland Crocodile Management Plan and the details of the fate of each crocodile
- the number of live crocodiles (including eggs) imported into the State (collated from annual return of operations)
- progress against the performance indicators
- industry compliance statistics, including:
 - number of premises inspected
 - number of offences and type detected, and any enforcement action undertaken.

The Department of Environment and Heritage Protection will review the implementation of the plan no later than 12 months prior to the expiry of this plan to assess its success in meeting its goals and objectives.

[CrocWatch](#) provides data on crocodile management activities, including crocodile sightings and information on crocodiles removed from the wild.

4. References

Australasian Regional Association of Zoological Parks and Aquaria Queensland. (2007). *Code of Practice - Minimum standards for exhibiting wildlife in Queensland*. Department of Agriculture and Fisheries, Brisbane.

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Appendix A: Requirements of a Wildlife Trade Management Plan

As per Section 303FO of the EPBC Act, the Commonwealth Minister responsible for the Environment may declare a WTMP only if satisfied that:

1. *The plan is consistent with the objects of Part 13A of the EPBC Act.*
2. *There has been an assessment of the environmental impact of the activities covered by the plan, including (but not limited to) an assessment of:*
 - a. *the status of the species to which the plan relates in the wild*
 - b. *the extent of the habitat of the species to which the plan relates*
 - c. *the threats to the species to which the plan relates*
 - d. *the impacts of the activities covered by the plan on the habitat or relevant ecosystems.*
3. *The plan includes management controls directed towards ensuring that the impacts of the activities covered by the plan on:*
 - a. *a taxon to which the plan relates*
 - b. *any taxa that may be affected by activities covered by the plan*
 - c. *any relevant ecosystem (for example, impacts on habitat or biodiversity) are ecologically sustainable.*
4. *The activities covered by the plan will not be detrimental to:*
 - a. *the survival of a taxon to which the plan relates*
 - b. *the conservation status of a taxon to which the plan relates*
 - c. *any relevant ecosystem (for example, detriment to habitat or biodiversity).*
5. *The plan includes measures to:*
 - a. *mitigate and/or minimise the environmental impact of the activities covered by the plan*
 - b. *monitor the environmental impact of the activities covered by the plan*
 - c. *respond to changes in the environmental impact of the activities covered by the plan.*

The objects of Part 13A of the Environment Protection and Biodiversity Conservation Act 1999 are:

- (a) *to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention*
- (b) *to protect wildlife that may be adversely affected by trade*
- (c) *to promote the conservation of biodiversity in Australia and other countries*
- (d) *to ensure that any commercial utilisation of Australian native wildlife for the purposes of export is managed in an ecologically sustainable way*
- (e) *to promote the humane treatment of wildlife*
- (f) *to ensure ethical conduct during any research associated with the utilisation of wildlife*
- (h) *to ensure that the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.*