



Environmental  
Defenders Office

## **Submission on the Crocodile Control and Conservation Bill 2025**

**27 March 2025**

## **About EDO**

EDO is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

***Successful environmental outcomes using the law.*** With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

***Broad environmental expertise.*** EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

***Independent and accessible services.*** As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

**[www.edo.org.au](http://www.edo.org.au)**

**Submitted to:**

**Health, Environment and Innovation Committee**

**For further information on this submission, please contact:**

Kirstiana Ward  
Managing Lawyer, Early Legal Intervention  
T: (07) 4028 3739  
E: [kirstiana.ward@edo.org.au](mailto:kirstiana.ward@edo.org.au)

## **Acknowledgement**

The EDO recognises and pays respect to the First Nations peoples of the lands, seas and rivers of Australia. We pay our respects to the First Nations Elders past, present and emerging, and aspire to learn from traditional knowledges and customs that exist from and within First Laws so that together, we can protect our environment and First Nations cultural heritage through both First and Western laws. We recognise that First Nations Countries were never ceded and express our remorse for the injustices and inequities that have been and continue to be endured by the First Nations of Australia and the Torres Strait Islands since the beginning of colonisation.

EDO recognises self-determination as a person's right to freely determine their own political status and freely pursue their economic, social and cultural development. EDO respects all First Nations' right to be self-determined, which extends to recognising the many different First Nations within Australia and the Torres Strait Islands, as well as the multitude of languages, cultures, protocols and First Laws.

First Laws are the laws that existed prior to colonisation and continue to exist today within all First Nations. It refers to the learning and transmission of customs, traditions, kinship and heritage. First Laws are a way of living and interacting with Country that balances human needs and environmental needs to ensure the environment and ecosystems that nurture, support, and sustain human life are also nurtured, supported, and sustained. Country is sacred and spiritual, with culture, First Laws, spirituality, social obligations and kinship all stemming from relationships to and with the land.

### **A note on language**

We acknowledge there is a legacy of writing about First Nations peoples without seeking guidance about terminology. We also acknowledge that where possible, specificity is more respectful. For the purpose of this submission, we have chosen to use the term First Nations. We acknowledge that not all First Nations peoples will identify with that term and that they may instead identify using other terms or with their immediate community or language group.

First Laws is a term used to describe the laws that exist within First Nations. It is not intended to diminish the importance or status of the customs, traditions, kinship and heritage of First Nations in Australia. The EDO respects all First Laws and values their inherit and immeasurable worth. EDO recognises there are many different terms used throughout First Nations for what is understood in the Western world as First Laws.

### **Role of EDO**

EDO is a non-Indigenous community legal centre that works alongside First Nations peoples around Australia and the Torres Strait Islands in their efforts to protect their Countries and cultural heritage from damage and destruction.

EDO has and continues to work with First Nations clients who have interacted with western laws, including litigation and engaging in western law reform processes.

Out of respect for First Nations self-determination, EDO has provided high-level key recommendations for western law reform to empower First Nations to protect their Countries and cultural heritage. These high-level recommendations comply with Australia's obligations under international law and provide respectful and effective protection of First Nations' Countries and cultural heritage.

## Executive Summary

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the Crocodile Control and Conservation Bill 2025.

While this Bill is purported to be focused on making Queenslanders safer, the extensive science and experience behind crocodile management in Queensland has clearly demonstrated that the proposals in this Bill will likely lead to increased risks to human lives if implemented.

The Crocodile Control and Conservation Bill 2025 (Qld) (**the Bill**) proposes to establish the Queensland Crocodile Authority (**QCA**) as a one stop shop regulatory team to manage crocodiles in Queensland by a very small team that would sit outside of the already comprehensive existing management framework. The Bill also attempts to create a crocodile industry, through culling, farming and egg harvesting programs, that is not governed by current state and federal nature laws. While a one stop shop may sound good on paper for creating efficiencies and clarity of process it is in fact a duplication of an established process and it lacks sufficiency in detail and regulatory control. The decision-making powers of the QCA and the creation of these programs risk contravening both Commonwealth legislation and Australia's international obligations whilst sitting outside the current state regulatory framework.

The Explanatory Notes to the Bill acknowledge “[T]here may be some areas of the Bill that may encroach on the commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**).” Section 4 of the Bill provides that “If there is an inconsistency between this Act and another Act, this Act prevails to the extent of the inconsistency”. This section can only apply to Queensland legislation, and the Bill cannot legislate out of any inconsistency with Commonwealth legislation.

Should the Bill be enacted, it would attempt to prevail to the extent of any inconsistencies between it and another Commonwealth Act. To override the EPBC Act would be a clear violation of section 109 of the Australian Constitution.

The authorities and powers of the QCA sit outside the Queensland regulatory framework and the permissible activities conflict with the crocodile management framework outcomes in Queensland. They do not support the protection of threatened and protected species, fail to manage lawfully the farming, harvesting and trade of the species, and lack sufficient detail and control mechanisms to ensure the safety of the public or those purportedly authorised under the Bill to undertake harvesting, farming or culling activities.

Empowering communities to engage in crocodile management, alongside much-needed law reforms focused on responsible human behaviour, will be a more effective and culturally sensitive approach than unrestrained removals from the wild. Rather than culling, we must invest in tailored strategies that prioritise education, community involvement, and the protection of both public safety and cultural rights.

EDO does not support the Crocodile Control and Conservation Bill 2025 and recommends the Committee does not support the Bill being passed.

### Summary of Recommendations

EDO recommend that the Committee not support the Bill being passed for the following reasons.

1. The Bill will likely conflict with international obligations, Commonwealth laws and Queensland's legislative and regulatory framework, which may invalidate parts of the Bill.
2. The Bill conflicts with the comprehensive regulatory framework that manages crocodile egg harvesting for conservation, humane treatment and safety in Australia and Queensland and may duplicate existing processes – creating more confusion and inefficiency.
3. There is a comprehensive regulatory framework that manages crocodile culling in Queensland, and the Bill cannot lawfully or reasonably be a standalone regulatory and compliance statutory instrument to cull crocodiles in Queensland.
4. The Bill does not comply with nor reference overarching international and Commonwealth laws, current state laws and codes for crocodile farming in Queensland.
5. The Bill has not properly considered the cultural impacts of harvesting, culling and farming of culturally significant animals and the cultural protections of First Nations in the *Human Rights Act 2019* (Qld).

## Introduction

EDO made submissions to the Safer Waterways Bill 2018 and attended the Committee Hearing as a witness.

EDO worked closely with the Department of Environment, Tourism, Science and Innovation (**DETSI**) for proactive law reform that was enacted on 1 September 2024 under the *Nature Conservation Act 1992* (Qld) (**NCA**) and supporting legislation to better manage human behaviours in crocodile habitat to promote public safety and to support the conservation of protected estuarine crocodiles. We have made submissions to the Crocodile Management Plan review in 2024 and are a stakeholder on the Queensland Crocodile Roundtable.

EDO has also undertaken outreach and community legal education in collaboration with esteemed conservationist Bob Irwin, Amanda French, Matt Cornish and the volunteer group Community Representation of Crocodiles ("**CROC**"), Gunganji man Warren Martens, Jaru man Donny Imberlong and Defend the Wild, to hold community events in 2024 at Wujal Wujal (including the Kuku Yalanji people), Mossman (including Jabalbina Rangers), Cardwell (including Giringun Aboriginal Corporation) and Babinda (including Jaragun Eco Services and the Wanjuru Sustainability Team) to discuss law reforms, crocodile farms, public safety, cultural rights, human and crocodile coexistence, education, compliance and regulation and the Crocodile Management Plan under review (Draft Plan).

Saltwater crocodiles are a protected threatened species in Queensland and a conservation success story. EDO supports law reform that will allow everyone to safely live, practice culture, work and play in crocodile country (fishing, boating, swimming) provided it is done taking reasonable precautions to be 'Crocwise' in crocodile habitat.

EDO does not support this Bill as it attempts to sit outside our international obligations and Commonwealth laws protecting and managing saltwater crocodiles. Further, EDO cannot support a Bill that would set aside Queensland's comprehensive nature laws and crocodile management framework. Work is needed to improve the existing crocodile management framework and laws, yet this Bill undermines the entirety of this existing framework while duplicating it, which will likely lead to increased confusion and inefficiencies and reduce public safety.

**This submission addresses:**

- 1. Inconsistency with existing international, Commonwealth and Queensland regulatory frameworks**
- 2. Egg Harvesting**
- 3. Culling**
- 4. Farming**
- 5. Cultural rights**

## **1. Inconsistency with existing international, Commonwealth and Queensland regulatory frameworks**

Saltwater crocodiles in Queensland are a protected and listed species managed through international, Commonwealth and state legislative instruments and management plans. The Bill ignores the current regulatory framework and seeks to establish a management framework that may be inconsistent with and in breach of our international wildlife trade obligations and the binding Commonwealth provisions that deal with farming, egg harvesting and culling.

The Bill also intends to set aside the various interrelated Queensland legislative instruments and management plans to put the management and control of crocodiles into the hands of the proposed QCA, whose powers and authority would be under a sole Director's control and not the Chief Executive in Queensland as referred to in the NCA. This approach is inconsistent with our nature laws and species protection mechanisms in Queensland.

The current regulatory framework is set out as follows:

### **International Laws**

#### ***Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)***

CITES is an international agreement between governments which aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival.<sup>1</sup> CITES works by subjecting international trade in specimens of selected species to certain controls.<sup>2</sup>

The Australian estuarine crocodile is listed in CITES Appendix II,<sup>3</sup> and its trade is controlled to avoid use incompatible with survival.<sup>4</sup>

The Bill does not align with our international trade obligations imposed through CITES, particularly by not referencing any of these international obligations in guiding the way the QCA can undertake their proposed powers.

### **Commonwealth Laws**

#### ***EPBC Act***

The EPBC Act and its regulations are Australia's main national environmental legislation for the protection of Matters of National Environmental Significance, including protected species. Australia protects and manages nationally and internationally important plants, animals, habitats and places

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<sup>1</sup> <https://www.cites.org/eng/disc/what.php> on 17 March 2025.

<sup>2</sup> <https://www.cites.org/eng/disc/how.php> on 17 March 2025.

<sup>3</sup> [http://checklist.cites.org/#/en/search/output\\_layout=alphabetical&level\\_of\\_listing=0&show\\_synonyms=1&show\\_author=1&show\\_english=1&show\\_spanish=1&show\\_french=1&scientific\\_name=Crocodylus+porosus&page=1&per\\_page=20](http://checklist.cites.org/#/en/search/output_layout=alphabetical&level_of_listing=0&show_synonyms=1&show_author=1&show_english=1&show_spanish=1&show_french=1&scientific_name=Crocodylus+porosus&page=1&per_page=20) on 17 March 2025.

<sup>4</sup> [Wildlife trade - European Commission](#) on 17 March 2025.

through this legislation.<sup>5</sup> Under the Act the saltwater crocodile is federally protected and listed as both a marine species<sup>6</sup> and a migratory species<sup>7</sup>.

The EPBC Act regulates the international movement of saltwater crocodiles and any export of them as a CITES Appendix II specimen must be managed in accordance with a Wildlife Trade Management Plan.<sup>8</sup>

### **Wildlife Trade Management Plan – Queensland Crocodile Farming and Crocodile Egg Harvesting (2023-2028) (WTMP)**

The Commonwealth Minister for the Environment declared the Wildlife Trade Management Plan – Queensland Crocodile Farming and Crocodile Egg Harvesting (2023-2028) (WTMP) an approved Wildlife Trade Management Plan under the EPBC Act.<sup>9</sup>

In accordance with the EPBC Act, commercial farming, egg harvesting, and the movement of live saltwater crocodile and freshwater crocodile (*Crocodylus johnstoni*) must occur in accordance with the WTMP.<sup>10</sup>

### **Code of Practice on the Humane Treatment of Wild and Farmed Australian Crocodiles (the Australian Code)**

The Australian Code sets out the best practice guidelines for how the crocodile WTMP and operations should operate. Adherence to the Code is required under the EPBC Act.<sup>11</sup>

The Bill is likely in conflict with the WTMP and the Australian Code as it does not reference these instruments and creates its own farming, harvesting and culling programs through the decision-making authority of the Director of the QCA. On its face the Bill framework powers are unrestricted by the numbers, conditions, compliance and certification/qualification requirements for harvesting and trading in crocodiles that are set out in the existing regulatory framework.

Section 109 of the Australian Constitution clearly states the fundamental legal principle that where a state law is in conflict with a Commonwealth law, the Commonwealth law prevails and the State law is rendered invalid.<sup>12</sup> Any part of the Bill that conflicts with Commonwealth laws would be likely invalid.

The Bill is likely to lead to a management regime that is inconsistent with our binding Commonwealth laws managing and regulating crocodiles and would be likely invalid to the extent of those inconsistencies.

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<sup>5</sup> <https://www.dcceew.gov.au/environment/epbc/our-role/what-is-protected> on 24 March 2025.

<sup>6</sup> EPBC Act s 248(2)(e).

<sup>7</sup> Ibid s 209; <https://www.environment.gov.au/cgi-bin/sprat/public/publicshowmigratory.pl> on 17 March 2025.

<sup>8</sup> <https://www.ehp.qld.gov.au/wildlife/livingwith/crocodiles/trade-manage-plan.html> on 30 May 2025.

<sup>9</sup> [Federal Register of Legislation - Declaration of an Approved Wildlife Trade Management Plan - Queensland Crocodile Farming and Crocodile Egg Harvesting \(2023-2028\)](#) on 13 March 2025.

<sup>10</sup> EPBC Act s 303CH item 4.

<sup>11</sup> *Environment Protection and Biodiversity Regulations 2000* (Cth) s 9A.05.

<sup>12</sup> *Australian Constitution* s 109.

## **Queensland Laws**

### ***Nature Conservation Act 1992 Qld (NCA).***

The estuarine or saltwater crocodile is listed as vulnerable under the *Nature Conservation Act 1992 Qld (NCA)*.

Section 88 of the NCA makes it an offence for a person to take a protected animal unless authorised under the Act. 'Take' is defined in the Dictionary to mean hunt, shoot, wound, kill, skin, poison, net, snare, spear, trap, catch, dredge for, bring ashore or aboard a boat, pursue, lure, injure or harm the animal; or attempt to do such an act.<sup>13</sup>

### ***Nature Conservation (Estuarine Crocodiles) Conservation Plan 2018 (Conservation Plan Qld)***

The purposes of the Conservation Plan are to:<sup>14</sup>

- a) conserve viable populations of estuarine crocodiles in the wild;
- b) protect humans from problem crocodiles;
- c) prevent the loss of aquaculture fisheries resources, stock and working dogs from problem crocodile attacks;
- d) ensure the commercial use of estuarine crocodiles is ecologically sustainable.

### ***Queensland Crocodile Management Plan (QCMP)***

The purpose of the QCMP is to outline:<sup>15</sup>

- a) a consistent approach to crocodile management for Queensland;
- b) the risks posed by crocodiles in Queensland in each of the crocodile management zones;
- c) how the Queensland government responds to and manages crocodiles in each crocodile management zone;
- d) the knowledge and behaviours that can help minimise risks of crocodile attacks in each crocodile management zone.

### ***Human Rights Act 2019 (Qld)***

The Human Rights Act protects the cultural rights of Aboriginal and Torres Strait Islanders in Queensland. Crocodiles are culturally significant animals through totems, storylines and their connection to Country and need to be protected and managed in a way that does not unreasonably limit cultural rights.

The Bill has issued a Statement of Compatibility with the Human Rights Act, but the EDO has valid concerns given our extensive engagement with First Nations communities in North Queensland that this Statement may be invalid and further consultation and consideration must be given to the proportionality principle.

The Bill is ultimately inconsistent with Queensland's regulatory framework to manage and regulate crocodiles.

**Recommendation:** The Committee reject this Bill as it is inconsistent with the comprehensive regulatory framework that manages crocodile conservation, trade, harvesting, farming and culling in Australia and Queensland and is invalid to the extent of those inconsistencies.

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<sup>13</sup> NCA sch 1.

<sup>14</sup> *Conservation Plan Qld* s3.

<sup>15</sup> *Queensland Crocodile Management Plan*, (Report No 1.02, 26 June 2017) 7.



The Bill cannot lawfully be a standalone regulatory and compliance regime to manage crocodiles in Queensland with no alignment with international and Commonwealth law obligations.

## 2. Egg harvesting

The Bill authorises the Director of the QCA to decide the number of crocodile eggs that may be harvested each year,<sup>16</sup> which conflicts with the maximum of **5,000** saltwater crocodile eggs that can be harvested from the wild in Queensland per year under the WTMP.<sup>17</sup>

The WTMP licences for egg harvesting can only currently be issued in accordance with the relevant provisions of the NCA, the Australian Code, and the WTMP. All farming and egg harvesting licences include a condition that the Australian Code must be complied with.

The Director of the QCA would have the power to authorise any adult who has completed a ‘crocodile egg harvesting safety course’ approved by the QSA to harvest eggs in Queensland.<sup>18</sup> The Australian Code notes that female crocodiles may guard or defend their nests whilst their eggs are incubating.<sup>19</sup> There is therefore a risk of attacks occurring when wild eggs are being collected.<sup>20</sup> Eggs should ideally be harvested within 12 hours of being laid.<sup>21</sup> If late-stage eggs are being harvested, they should be treated in a humane way as embryos at this stage of development exhibit signs of consciousness.<sup>22</sup> The Australian Code further details the procedures that should be adhered to when collecting, transporting, incubating, and hatching eggs to minimise unnecessary pain and suffering and ensure the welfare of embryos and hatchlings.<sup>23</sup>

**Recommendation:** The Committee recommend the Bill not be passed as the Bill ignores the comprehensive regulatory framework that manages crocodile egg harvesting for conservation, humane treatment and safety in Australia and Queensland and is therefore invalid to the extent of those inconsistencies.

## 3. Culling

The Bill authorises the Director of the QCA to decide the number of crocodiles that may be culled each year<sup>24</sup> and authorise persons to cull, kill or relocate crocodiles.<sup>25</sup>

It is the Chief Executive of the Department of Environment under the NCA that has the authority to determine if a crocodile is a problem crocodile that is, or is likely to become, a danger to humans, aquaculture fisheries resources, stock or working dogs<sup>26</sup> before a decision can be made to capture,

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<sup>16</sup> *The Bill* s 10(c).

<sup>17</sup> *WTMP* page 6.

<sup>18</sup> *The Bill* s 23 (2)(b)(c).

<sup>19</sup> *The Australian Code* [11].

<sup>20</sup> *Ibid* [13].

<sup>21</sup> *Ibid* [15].

<sup>22</sup> *Ibid*.

<sup>23</sup> *Ibid* [16]-[21].

<sup>24</sup> *The Bill* s 10(1(e)).

<sup>25</sup> *Ibid* s 10(1(e)-(k)).

<sup>26</sup> *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018* s 5.

deal with, or euthanise the crocodile. Only problem crocodiles can be culled or removed from the wild in Queensland.<sup>27</sup>

Under the Conservation Plan Qld the Chief Executive has the power to make this determination if:

- a) the crocodile has attacked, is about to attack, or is behaving aggressively towards, a person; or
- b) the chief executive reasonably believes the nature of the crocodile's location or behaviour makes the crocodile a threat, or a potential threat, to the safety or wellbeing of humans.<sup>28</sup>

The capturing and killing of wild crocodiles are dangerous activities that are authorised through the issuing of permits from an appropriate state or territory authority.<sup>29</sup> The Australian Code stresses the importance of ensuring personnel involved in these activities hold an appropriate level of demonstrated competency, experience, and qualification.<sup>30</sup> The prescribed methods are informed by several considerations, including:<sup>31</sup>

- a) Minimising the pain, suffering, and distress experienced by the crocodile;
- b) Minimising damage to the crocodile;
- c) The size of the crocodile; and
- d) The tendency of crocodiles to struggle whilst being captured, and the occurrence of acidosis (the acidification of the blood) when they are struggling.

The Australian Code includes detailed and nuanced guidelines for how to appropriately restrain crocodiles in a way that minimises risk to the animal and to people.<sup>32</sup> The most humane method for killing is through shooting, with other methods available for smaller crocodiles.<sup>33</sup>

The Explanatory Notes to the Bill state that culling is needed to protect the public and that culling should only be limited to the extent that it does not cause the species to become extinct.

The Queensland Crocodile Management Plan, while under review, currently aims for a balanced approach between crocodile conservation and public safety by setting out how the Queensland Government will manage crocodiles, including removal in certain circumstances, in accordance with the level of risk posed across different areas of the state. The plan also highlights the key safety messages that everyone needs to keep in mind when in croc country.

Traditional Owners have shared with EDO that better consultation is required before removing a crocodile identified as a problem crocodile as waterways become more dangerous to communities and the public when a large male saltwater crocodile is removed from the wild. Inevitably, younger males will fight for territory to fill the vacuum left by the dominant male and then ultimately a large new crocodile replaces the removed animal.<sup>34</sup> We have been told repeatedly by Elders that the waterways are particularly unsafe during this fight for dominance and that it takes a long time to understand the new crocodile and its behaviours. Therefore, the risk management becomes far less certain and a false narrative of public safety is created. Further, leaving a dominant male in the ecosystem has a calming effect on the other males in the territory to 'keep them in check'.<sup>35</sup>

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<sup>27</sup> Ibid ss 11-12.

<sup>28</sup> Ibid s 5(3).

<sup>29</sup> *The Australian Code* [22]; [101].

<sup>30</sup> Ibid s IX.

<sup>31</sup> Ibid [33].

<sup>32</sup> Ibid part IV.

<sup>33</sup> Ibid part VIII.

<sup>34</sup> <https://www.australiangeographic.com.au/news/2013/05/boss-crocs-rule-complex-social-system/> on 21 March 2025.

<sup>35</sup> Ibid.

Renowned crocodile expert Gordon Grigg has published that taking dominant males out of their territory may attract more aggressive crocodiles and may encourage aggression within the existing population.<sup>36</sup>

**The Bill will not improve human and crocodile interactions or public safety and is more likely to create safety issues for the person(s) who would be permitted under the Bill to undertake culling or removal from the wild activities or the general public who will have a false sense of security that habitat is safe from crocodiles after a crocodile has been removed from it.**

**Recommendation:** The Committee should reject this Bill where there is already a comprehensive regulatory framework that manages crocodile culling in Queensland and the Bill cannot lawfully or reasonably be a standalone regulatory and compliance statutory instrument to manage crocodiles.

## 4. Farming

The Bill provides powers to the Director of the QCA to authorise the set up and operation of crocodile farms in Queensland.<sup>37</sup>

The Australian Code also prescribes the methods for the capture of captive crocodiles (such as those residing on crocodile farms),<sup>38</sup> and the appropriate housing and maintenance schedules with consideration given to the needs of crocodiles as they mature.<sup>39</sup>

The WTMP stipulates that the farming of wild crocodiles must be done at a level that does not negatively impact their conservation status in Queensland.<sup>40</sup> The taking of live crocodiles and the harvesting of their eggs is therefore restricted to levels consistent with Queensland's Conservation Plan and Licences for these activities are issued and managed under the WTMP to ensure compliance with the Conservation Plan, with enforcement action undertaken for any suspected breaches. Currently, the crocodile farming industry in Queensland sources its livestock from eggs commercially harvested in accordance with the WTMP, live crocodiles removed from the wild for public safety reasons, and through captive breeding practices. The Bill will put industry (who works hard to achieve the current standards) at a competitive disadvantage to ordinary landholders who do not need to meet the accreditations.

**Recommendation:** The Committee should reject this Bill where the proposed Bill does not comply with overarching international and commonwealth laws, current state laws, codes and plans for crocodile farming and is not valid.

## 5. Cultural Rights

It is unlawful for a public entity in Queensland to act, or make a decision, in a way that is not compatible with human rights; or in making a decision, to fail to give proper consideration to a

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<sup>36</sup> Ibid.

<sup>37</sup> *The Bill* s 10(b)(i).

<sup>38</sup> *The Australian Code* [27]-[30].

<sup>39</sup> Ibid part V.

<sup>40</sup> *WTMP* page 1.

human right relevant to the decision.<sup>41</sup> Aboriginal and Torres Strait Islander Peoples have cultural rights under the Human Rights Act 2019. These include the right to:

- a) enjoy, maintain, control, protect and develop their identity and cultural heritage, including their traditional knowledge, distinctive spiritual practices, observances, beliefs and teachings;
- b) maintain and strengthen their distinctive spiritual, material and economic relationship with the land, territories, waters, coastal seas and other resources with which they have connection under Aboriginal tradition; and
- c) conserve and protect the environment and productive capacity of their land, territories, waters, coastal seas and other resources.<sup>42</sup>

Aboriginal and Torres Strait Islander Peoples also have the right not to be subject to forced destruction of their culture.<sup>43</sup>

Traditional Owners have explained that the removal of the two culturally significant totem crocodiles from the Bloomfield River at Wujal Wujal after the Alistair McPhee incident on 22 February 2023 stopped the community from accessing their waterway, which they call their supermarket. They were unable to hunt and catch fish and mussels etc as the river had become too dangerous with young males fighting over territory. This meant they lost their right to practice culture on their Country and to feed their families. We were instructed that another large male of similar size was living in the river system less than a year later. Considering proportionality of public safety, community safety, cultural rights and feeding families, the removal of the two crocodiles was likely a breach of their cultural rights that was not reasonably justified.

## Conclusion

The communities we visited in 2024 for outreach and community legal education informed us that they had experienced crocodile and human interactions and wanted to seek positive outcomes for coexistence for humans and crocodiles. The aligned feedback from these communities is that they are wanting to be empowered to manage people's behaviours in their communities that could lead to human-crocodile interactions and targeted removal decisions. They have expressed the need for better education, signage, consultation, and people resourcing on the ground to be able to enforce the current laws.

The Bill authorises the Director to take measures to minimise injuries and deaths from crocodile interactions.<sup>44</sup> The Crocodile Management Plan is currently under review and has submissions for consideration regarding habitat zoning, croc wise behaviours, better signage and education, First Nations led engagement and management of crocodiles on Country to respond to and reduce human and crocodile interactions.

Collectively, Queensland has been moving forward with an understanding that we need more personal responsibility to reduce interactions from occurring. The EDO applauds the recent amendments which relate to the unintentional feeding of crocodiles (for example, leaving fish frames etc on boat ramps and camp sites) as these behaviours can lead to habituation of crocodiles in areas used regularly by humans.

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<sup>41</sup> *Human Rights Act 2019* (Qld) s 58.

<sup>42</sup> *Ibid* s 28(1)-(2).

<sup>43</sup> *Ibid* s 28(3).

<sup>44</sup> *The Bill 2025* s 10 1(a).

Science, conservation and First Law and Traditional Knowledge are aligned with an understanding of the impacts of removing crocodiles from the waterways in Queensland. Removing crocodiles from their habitat is a misnomer that does not increase public safety. In fact, it makes being in crocodile habitat more dangerous for a period of time whilst destroying cultural rights on Country.

Culling crocodiles is not an effective strategy for managing human-crocodile conflict in Australia. Our country, despite having the highest density of saltwater crocodiles, maintains the lowest crocodile attack statistics in the world, demonstrating that current management strategies are already successful in mitigating risks.

The increase in crocodile incidents over the past two years can be largely attributed to reckless human behaviour rather than crocodile numbers. Culling only removes a protected and culturally significant species without addressing the root causes of these incidents, such as human actions and lack of community awareness. Education is the key response to managing compliance with 'crocodile' behaviours to manage human and crocodile interactions.

Furthermore, scientific research and traditional knowledge both support more effective, non-lethal solutions addressing the root cause. The work the EDO has undertaken in Queensland has revealed a strong desire within First Nations communities, particularly among Traditional Owners and Indigenous Ranger teams, to play an active role in proactively managing human behaviour in crocodile habitats, understanding crocodile movement and behaviour, and enhancing public safety.

Empowering these local groups to engage in crocodile management, alongside much-needed law reforms focused on responsible human behaviour, will be a more effective and culturally sensitive approach. Rather than culling, we must invest in tailored strategies that prioritise education, community involvement, and the protection of both public safety and cultural rights.

**Recommendation:** The entire Crocodile Control and Conservation Bill be rejected as it conflicts with International obligations, Commonwealth laws and Queensland's legislative and regulatory framework.

*Thank you for the opportunity to make this submission.*

*Please do not hesitate to contact our office should you have further enquiries.*