

Australian Government

Department of the Environment and Energy

Assessment of

Wildlife Trade Management Plan – Queensland Crocodile Farming 1 November 2018 – 31 October 2023

October 2018

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This report should be attributed as 'Assessment of Wildlife Trade Management Plan – Queensland Crocodile Farming 1 November 2018–31 October 2023'.

Disclaimer

This document is an assessment carried out by the Department of the Environment and Energy of a commercial wildlife trade management plan. It forms part of the advice provided to the Minister for the Environment and Energy on the fishery in relation to decisions under Part 13A of the *Environment Protection and Biodiversity Conservation Act 1999*. The views expressed do not necessarily reflect those of the Minister for the Environment and Energy or the Australian Government.

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EXECUTIVE SUMMARY

On 13 April 2018 the Queensland Department of the Environment and Science submitted a proposal to the Department for assessment under the EPBC Act as an approved wildlife trade management plan. A public comment period was open from 14 May to 15 June 2018.

- The Wildlife Trade Management Plan—Queensland Crocodile Farming 1 November 2018 31 October 2023 (the Plan) meets Commonwealth statutory requirements under Part 13A, Section 303FO, relating to farmed crocodiles as protected wildlife eligible for export.
- Crocodile farming in Queensland is based mainly on the Saltwater (or Estuarine) Crocodile
 Crocodylus porosus, with limited farming of Freshwater Crocodiles C. johnstoni. Neither
 species is listed as threatened under the EPBC Act. C. porosus is listed as a migratory
 species and both C. porosus and C. johnstoni are listed as marine species.
- Wild crocodiles and eggs of both species were used as founding stock for crocodile farms
 in Queensland during the 1970s, before protective legislation was enacted. Since then, no
 additional crocodiles have been removed from the wild in Queensland specifically to
 stock farms. However, 'problem' crocodiles (e.g. those that threaten public safety) are still
 periodically removed from the wild and given to crocodile farms as breeding stock.
- Saltwater Crocodile farming in Queensland currently involves both captive breeding, and importation from the Northern Territory of eggs and young that have been legally harvested from the wild under the EPBC Act—approved Wildlife Trade Management Program for the Saltwater Crocodile in the Northern Territory of Australia, 2016–20.
- The Plan proposes additionally to allow the wild harvest ('ranching') of Saltwater Crocodile eggs from certain areas of Queensland for subsequent rearing in captivity.
- Ranching has not previously been conducted in Queensland and state legislation was recently amended to allow it to commence with effect from 1 November 2018.
- The Plan will also allow the continued export of crocodile products and ranching of Saltwater Crocodile eggs and young from the Northern Territory.
- Both Australian crocodile species are listed on CITES Appendix II. A permit is required to export CITES Appendix II species. Crocodile skins must be tagged in accordance with a system that complies with the CITES requirements.
- The Plan ensures that neither farming nor ranching will have a negative impact on the conservation of wild crocodiles nationally or in Queensland.
- The Plan ensures that crocodiles are treated humanely in accordance with the Code of Practice for the Humane Treatment of Wild and Farmed Australian Crocodiles.
- The Plan is supplementary to the Queensland *Nature Conservation (Estuarine Crocodiles)*Conservation Plan 2007 and the Queensland Crocodile Management Plan (March 2017).
- If approved, the Plan will supersede Queensland's existing wildlife trade management plan for crocodiles, which expires on 31 December 2022.

The Department considers that the Plan is unlikely to be detrimental to the survival of crocodiles owing to the secure status of both species in the wild and their natural habitats, the sustainable take of ranched eggs and young, and the sustainability of ranching under an EPBC Act-approved program in the Northern Territory.

On this basis, the Department considers that a declaration of the proposal as an approved wildlife trade management plan for five years, until 31 October 2023, is appropriate.

Unless a specific time frame is provided, each condition must be addressed within the period of the approved wildlife trade management plan.

Section 1: Summary

Previous assessment history

Prior to 2014 crocodiles in Queensland were farmed under EPBC Act–approved 'captive breeding programs'.

1st assessment (Wildlife Trade Management Plan – Queensland Crocodile Farming 1 January 2014–31 December 2017) finalised December 2013.

2nd assessment (Wildlife Trade Management Plan – Queensland Crocodile Farming 1 January 2018–31 December 2022) finalised December 2017.

EPBC requirements	Meets	Partially meets	Does not meet	Details
Part 13A	Meets			The operation is consistent with the Objects of Part 13A. Declaration of the wildlife trade management plan is recommended for five years, until 31 October 2023, subject to conditions detailed in Section 3 of this report.

Section 2: Part 13A assessment

Section 303BA Objects of Part 13A			
(1) The ob	pjects of this Part are as follows:		
(a) to ensure that Australia complies with its obligations under CITES and the Biodiversity Convention;		Both Australian crocodile species (<i>Crocodylus porosus</i> and <i>C. johnstoni</i>) are listed on CITES Appendix II. The Plan is consistent with Australia's obligations under CITES and ensures that trade in either species will not threaten its survival. A permit issued by the Department is required to export Appendix II species. Crocodile skins must be tagged in accordance with a system that complies with the provisions of CITES Resolution Conference 11.12. CITES tags are sourced from the Australian Government and distributed by the Queensland Department of the Environment and Science to licensed crocodile farms and meat processing premises (section 2.2 of the Plan).	
		Crocodile farming and ranching in Queensland are not inconsistent with Australia's obligations under the Convention on Biological Diversity. Neither captive breeding nor ranching of eggs and young are likely to be detrimental to the survival or conservation status of Saltwater or Freshwater Crocodiles. These operations do not threaten any relevant ecosystem and are not inconsistent with the aims of the Biodiversity Convention.	
(b)	to protect wildlife that may be adversely affected by trade;	The Plan is consistent with this object. Neither species of Australian crocodile is listed as threatened under the EPBC Act. Both Saltwater and Freshwater Crocodiles for export are sourced from captive breeding and a small number of 'problem' crocodiles removed from the wild by Queensland wildlife authorities to protect public safety. A small number of Saltwater Crocodile eggs and young are legally sourced from the Northern Territory under an EPBC Act–approved management plan; and the Plan will allow for ranching of Saltwater Crocodile eggs from certain areas of Queensland.	

Research suggests that the Queensland population of *C. porosus* has increased since 1974, when state legislation was enacted to protect it from unregulated harvest and trade. The current national population estimate of 100,000 demonstrates that regulated trade is not adversely affecting the conservation of the species.

C. porosus is classified as protected wildlife (Vulnerable) throughout Queensland under Part 2 of the Nature Conservation (Wildlife) Regulation 2006. Section 88 of the *Nature Conservation Act* restricts the taking of Saltwater Crocodiles. A person must not take, use or keep a Saltwater Crocodile other than under a conservation plan applicable to the animal, or a licence, permit or other authority issued or given under a regulation, or an exemption under a regulation.

Permit procedures are in place at both the federal and state level to ensure that commercial crocodile operations are effectively regulated including through farming, trade, export and animal welfare (see sections 2.1, 2.2, 2.3 and 3.2 of the Plan).

(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; Crocodile farming and ranching in Queensland is not inconsistent with this object as it includes measures to ensure trade in either species will not threaten their survival nor that of the ecosystems they inhabit (see advice on Section 303FO(3)(c and d)).

The Plan ensures that commercial utilisation of both Saltwater and Freshwater Crocodiles for export is managed in an ecologically sustainable way in Queensland. All Saltwater Crocodile specimens are either bred in captivity; sourced from the Northern Territory under the EPBC Act—approved *Wildlife Trade Management Program for the Saltwater Crocodile in the Northern Territory of Australia, 2016–20*; or sourced from certain areas in Queensland allocated under the Plan.

There is no take of crocodiles from the wild in Queensland except for a small number of 'problem' animals (almost exclusively Saltwater Crocodiles) that may be removed from the wild annually (e.g. if they pose a risk to public safety) and relocated to Queensland crocodile farms for breeding purposes.

All crocodile farms in Queensland are approved and licensed by the Queensland Department of the Environment and Science under the provisions of the *Nature Conservation Act 1992* and the Nature Conservation (Wildlife) Regulation 2006. The Plan includes provisions for effective monitoring of take and persons involved in the industry (e.g. through permit and tag procedures).

A very small component of Queensland crocodile farming involves Freshwater Crocodiles, which are usually kept as display animals only. Apart from a very small number of animals placed with crocodile farms and zoos from time to time, specimens of *C. johnstoni* kept for captive breeding in Queensland today are descendants of the original wild stock or brought into Queensland from captive populations in other jurisdictions.

Under the Plan, Queensland will monitor and report on the movement of live crocodiles into and out of the state using movement advices required under the Nature Conservation (Wildlife Management) Regulation 2006 (section 24) and investigate any anomalies in unusual live crocodile movements (Table 1 of the Plan).

		See advice on section 303FO(3)(d) for additional information on why the proposed harvest is sustainable.
(e)	to promote the humane treatment of wildlife;	One of the objectives of the Plan is that 'Queensland's crocodile farming industry complies with the Code of Practice for the Humane Treatment of Wild and Farmed Australian Crocodiles (the Australian Code)' (sections 1.1 and 3.3). The management plan addresses animal welfare by requiring compliance with the Australian Code under the Animal Care and Protection Act 2001 (section 3.3).
		Compliance with the Australian Code will be a condition of all permits issued to farm crocodiles. Compliance will be enforced by Queensland Department of the Environment and Science staff. Non-compliance may result in an infringement notice, the permit being revoked and/or prosecution. See advice on 303FO(3)(f) for a description of the Code.
		Further details on how the Queensland monitors animal welfare compliance is included in Section 303FO(3)(f) below.
(f)	to ensure ethical conduct during any research associated with the utilisation of wildlife; and	Not applicable.
(h)	to ensure the precautionary principle is taken into account in making decisions relating to the utilisation of wildlife.	The Plan requires a precautionary approach to be taken when decisions are made in relation to the commercial harvest of crocodiles in Queensland, including monitoring and reporting the movement of live crocodiles into and out of the state, investigation of anomalies in live crocodile movements and submission of an annual report to the Australian Government by 30 June each year.
		The commercial harvest of wild crocodiles is prohibited in Queensland, apart from a limited take of Saltwater Crocodile eggs ranched from certain areas specified under the Plan. Crocodile farms in Queensland are also allowed to supplement their Saltwater Crocodile stock with eggs and young legally harvested under the <i>Wildlife Trade Management Program for the Saltwater Crocodile in the Northern Territory of Australia, 2016–20</i> ; and with a small number of 'problem' crocodiles (e.g. that pose a threat to public safety) that are removed from the wild by Queensland wildlife authorities and relocated to crocodile farms for breeding purposes.

Sec	tion 303FO Approved wildlife trade management plan	
(2)	The Minister may, by instrument published in the <i>Gazette</i> , declare that a specified plan is an <i>approved wildlife trade management plan</i> for the purposes of this section.	Legislative instruments are published on the Register of Federal Legislation and take effect the day after registration.
(3)	The Minister must not declare a plan under subsection (2) unless the Minister is satisfied that: (a) the plan is consistent with the objects of Part 13A of the Act; and	Meets The operation is consistent with Objects of 13A – see assessment above.

- (b) there has been an assessment of the environmental impact of the activities covered by the plan, including (but not limited to) an assessment of:
 - i. the status of the species to which the plan relates in the wild: and
 - ii. the extent of the habitat of the species to which the plan relates; and
 - iii. the threats to the species to which the plan relates; and
 - iv. the impacts of the activities covered by the plan on the habitat or relevant ecosystems.

Meets

(i.) and (iii.) The conservation status of both crocodile species is detailed in Section 2.3 of the Plan. Under the Queensland *Nature Conservation Act, C. porosus* is listed as a Vulnerable species and *C. johnstoni* is listed as a species of Least Concern. Neither species is listed as threatened under Northern Territory legislation.

Neither species is listed as threatened under the EPBC Act. Both are listed as marine species under section 248 of the EPBC Act; and as migratory species under the provisions of section 209 of the EPBC Act. The migratory species listing offers these crocodiles national protection as Matters of National Environmental Significance, independent of any individual state-regulated take and use of the species. This means that if an action has, will have, or is likely to have, a significant impact on wild crocodile populations that action would require approval from the federal Environment Minister.

The Plan is not expected to have an impact on national crocodile populations. The total Australian population of Saltwater Crocodiles is estimated to be at pre-hunting levels of approximately 100,000. In Queensland, a limited number of 'problem' crocodiles (almost exclusively *C. porosus*) are relocated annually by wildlife authorities to crocodile farming operations for breeding purposes. In the five years 2011–2016 the number of problem crocodiles taken from the wild averaged 45 per year (although under some circumstances crocodiles were humanely euthanized). It is expected that the pattern and number removed from the wild during the life of the Plan will be similar to past years.

The *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007* sets out definitions of a problem crocodile, i.e. when it is, or is likely to become, a danger to humans, aquaculture resources, stock or working dogs. Further details are provided in the *Queensland Crocodile Management Plan*.

Freshwater Crocodiles are usually kept as display animals and only a small number are farmed in Queensland. These are usually captive bred animals, supplemented with a very small number of wild animals periodically placed with crocodile farms and zoos.

(ii.) and (iv.) The Saltwater Crocodile has a wide distribution in northern Australia, including in extensive conservation reserves, and may occur in or near any suitable body of water within its normal range.

The Plan is not expected to have a significant impact on natural habitat or ecosystems of either crocodile species, as only a limited number of 'problem' crocodiles will be relocated from the wild to crocodile farms; ranching of Saltwater Crocodile eggs and young in the Northern Territory, and ranching of Saltwater Crocodile eggs in Queensland involves minimal disturbance to the environment and is carried out under EPBC Act—approved conditions.

- (c) the plan includes management controls directed towards ensuring that the impacts of the activities covered by the plan on:
 - i. a taxon to which the plan relates; and
 - ii. any taxa that may be affected by activities covered by the plan; and
 - iii. any relevant ecosystem (for example, impacts on habitat or biodiversity):

are ecologically sustainable; and

- (d) the activities covered by the plan will not be detrimental to:
- i. the survival of a taxon to which the plan relates; or
 ii. the conservation status of a taxon to which the plan relates; or
- iii. any relevant ecosystem (for example, detriment to habitat or biodiversity).

Meets

Queensland's only sources of wild Saltwater Crocodiles are eggs and young ranched from the Northern Territory under an approved wildlife trade management plan pursuant to Section 303FO of the EPBC Act, and eggs ranched from certain areas of Queensland. Further information on impacts is addressed in section 303BA(1)(d).

Meets

(i.) – (iii.) The Plan is not inconsistent with these objectives. There is no take of adult crocodiles from the wild in Queensland for the purposes of stocking crocodile farms, other than a small number of problem crocodiles (section 3.1 of the Plan) relocated for reasons of public safety. Queensland crocodile farms can source eggs and juveniles of Saltwater Crocodiles under the EPBC Act–approved *Wildlife Trade Management Plan for the Saltwater Crocodile* (Crocodylus porosus) in the Northern Territory of Australia, 2016–2020; and Saltwater Crocodile eggs from certain areas of Queensland. Crocodile farming therefore has no detrimental impacts on the species or ecosystems in Queensland.

The Plan includes an objective that 'farming of estuarine and freshwater crocodiles in Queensland does not negatively impact on the conservation of crocodiles in the wild in Queensland' (section 1.1); the management action 'Monitor the movement of eggs and live crocodiles to determine whether egg harvesting may be occurring illegally in Queensland' (Table 1); and a performance objective that 'the movement of crocodiles (including eggs) into and out of the state, and between farms within the state, will be monitored and any apparent anomalies will be investigated' (section 3.3).

Illegal take and non-compliance with permit conditions will be minimised through application of the Department of the Environment and Science enforcement guidelines (section 3.3).

- (e) the plan includes measures:
 - to mitigate and/or minimise the environmental impact of the activities covered by the plan; and
 - ii. to monitor the environmental impact of the activities covered by the plan; and
 - iii. to respond to changes in the environmental impact of the activities covered by the plan; and

Meets

- (i) Apart from relocation of problem crocodiles (see section 303BA(1)(d) above), the commercial harvesting of wild crocodiles is prohibited in Queensland. Crocodiles can be captured only by approved and licensed operators (Division 2 of the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2007*). After capture, crocodiles must be kept only on authorised premises (section 28(4)).
- (ii) and (iii) The Plan will have a minimal environmental impact as the commercial harvesting of wild crocodiles in Queensland is prohibited, apart from the removal of a small number of problem crocodiles and ranching of Saltwater Crocodile eggs from designated Indigenous lands.

(f) if the plan relates to the taking of live specimens that belong to a taxon specified in the regulations - the conditions that, under the regulations, are applicable to the welfare of the specimens are likely to be complied with; and	Meets The Plan has as an objective (section 1.1) that 'Crocodiles are humanely treated in accordance with the <i>Code of Practice for the Humane Treatment of Wild and Farmed Australian Crocodiles</i> (the Australian Code)'. The Australian Code sets the minimum standards for treatment of crocodiles in both wild and farmed situations, and covers activities relating to harvest, transport, keeping and killing of crocodiles and eggs. The conditions set out in Regulation 9A.05(4) will be met if the conditions set out in the Australian Code are complied with. Subsection 303FO(3) requires the Minister to be satisfied that the conditions set out in the Regulations are likely to be met. The Plan includes provisions that make compliance with the Australian Code likely. The Australian Code is distributed to all new permit applicants. Compliance with the Australian Code is a condition of all permits issued to farm crocodiles. The Plan states that the Queensland Department of the Environment and Science will monitor the compliance of crocodile farms with the Nature Conservation Act and the Australian Code (section 3.3). Where serious non-compliance is detected, action will be taken under the Queensland <i>Animal Care and Protection Act 2001</i> (section 3.3).
(g) such other conditions (if any) as are specified in the regulations have been, or are likely to be, satisfied.	Not applicable No other conditions are specified in relation to commercial wildlife trade management plans in the Environment Protection and Biodiversity Conservation Regulations 2000.
 (4) In deciding whether to declare a plan under subsection (2), the Minister must have regard to: (a) whether legislation relating to the protection, conservation or management of the specimens to which the plan relates is in force in the State or Territory concerned; and (b) whether the legislation applies throughout the State or Territory concerned; and (c) whether, in the opinion of the Minister, the legislation is effective. 	Meets The plan will operate under planned amendments to the Queensland Nature Conservation Act 1992 that will allow for limited sustainable harvesting of Saltwater Crocodile eggs in Queensland. The Nature Conservation Act 1992 applies throughout Queensland. The Department considers that the legislation is likely to be effective at achieving its intent. Should the proposed amendments not be passed, the plan will allow for the continued farming of Saltwater and Freshwater Crocodiles in Queensland, as well as the ranching of Saltwater Crocodile eggs sourced from the Northern Territory under an EPBC Act-approved program.
Section 303FQ Consultation with state and territory agencies	
Before making a declaration under section 303FO or 303FP, the Minister must consult a relevant agency of each State and self-governing Territory affected by the declaration.	The declaration has effect only in the state of Queensland.

Section 303FR Public consultation	
 (1) Before making a declaration under section 303FO, the Minister must cause to be published on the Internet a notice: (a) setting out the proposal to make the declaration; and (b) setting out sufficient information to enable persons and organisations to consider adequately the merits of the proposal; and (c) inviting persons and organisations to give the Minister, within the period specified in the notice, written comments about the proposal. (2) A period specified in the notice must not be shorter than 20 business days after the date on which the notice was published on the Internet. 	Meets A public notice, which set out the proposal to declare <i>Queensland Wildlife Trade Management Plan – Queensland Crocodile Farming 1 November 2018–31 October 2023</i> , as an approved wildlife trade management plan, was released for public comment from 14 May 2018 to 15 June 2018, a total of 23 business days.
(3) In making a decision about whether to make a declaration under section 303FO, the Minister must consider any comments about the proposal to make the declaration that were given in response to the invitation in the notice.	One public comment in support of the Plan was received by the Department; one public comment opposed to the Plan was received by the Queensland Department of Environment and Science. The Department has considered the public comments received in making this assessment.
Section 303FT Additional provisions relating to declarations	
(1) This section applies to a declaration made under section 303FN, 303FO or 303FP.	A declaration for the operation will be made under section 303FO.
 (4) The Minister may make a declaration about a plan or operation even though he or she considers that the plan or operation should be the subject of the declaration only: (a) during a particular period; or 	The standard conditions applied to commercial wildlife trade management plans include: This declaration is valid for five years from the date of registration of this declaration.
(b) while certain circumstances exist; or(c) while a certain condition is complied with.	The wildlife trade management plan instrument for the <i>Queensland Wildlife Trade Management Plan – Queensland Crocodile Farming 1 November 2018–31 October 2023</i> specifies the aforementioned standard condition and the additional conditions as specified in section 3 of this report.
In such a case, the instrument of declaration is to specify the period, circumstances or condition.	
(8) A condition may relate to reporting or monitoring.	One of the conditions relates to reporting.
(9) The Minister must, by instrument published in the Gazette, revoke a declaration if he or she is satisfied that a condition of the declaration has been contravened.	
(11) A copy of an instrument under section 303FO,or this section is to be made available for inspection on the internet.	The instrument for the plan made under sections 303FO and the conditions under section 303FT will be registered as a notifiable instrument and made available through the Department's website.

Section 3: Recommended conditions

Issue	Condition
General management	Condition 1:
Export decisions relate to the arrangements in force at the time of the decision. To ensure these decisions remain valid and export approval continues uninterrupted, the	The commercial farming must be carried out in accordance with the Plan.
Department of the Environment and Energy needs to be advised of any changes that are made to the management regime and assess whether the new arrangements are	Condition 2:
equivalent or better, in terms of ecological sustainability, than those in place at the time of the original decision. This includes operational and legislated amendments that may affect sustainability of the target species or negatively impact on EPBC Act–protected species or the ecosystem.	Eggs and young of Saltwater Crocodiles obtained from the Northern Territory must originate from sources approved under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .
	Condition 3:
	Eggs of Saltwater Crocodiles obtained by 'ranching' in Queensland must originate only from sources specified under the Plan.
	Condition 4:
	The number of Saltwater Crocodile eggs ranched from Queensland must not exceed annual quotas specified under the Plan.
Annual reporting and approval period	Condition 5:
It is important that reports be produced and presented to the Department annually in order for the performance of the operation to be monitored and assessed throughout the life of the declaration. Under the EPBC Act a wildlife trade management plan can be approved for a maximum of five years, after which a new plan must be assessed for	The annual report referred to in section 3.4 of the Plan must be submitted to the Department of the Environment and Energy by 30 June each year. The annual report will cover the previous calendar year.
approval.	Condition 6:
	The approval is valid from 1 November 2018 until 31 October 2023.