

Code of Practice

Wildlife management

Commercial crocodile viewing

Code of Practice – Commercial crocodile viewing

Nature Conservation Act 1992

Table of Contents

1. Introduction	3
1.1. Purpose	3
2. Background	3
3. Application of this Code of Practice	3
4. Structure of this Code of Practice	3
5. Legislative requirements and minimum standards for crocodile viewing	4
5.1 Legislative requirements	4
5.2 Minimum standards for viewing estuarine crocodiles from a distance less than 10m	4
5.3 Minimum standards for viewing crocodiles (<i>Crocodylus porosus</i> (estuarine crocodile) and/or <i>Crocodylus johnstoni</i> (freshwater crocodile)), including night ‘spotlighting’ tours.....	5
6. Other considerations	7
7. Code of Practice review	8
8. Definitions	8
9. Relevant legislation	8
10. Specialist references	8

© The State of Queensland, Department of Environment and Science, 2018.

Copyright protects this publication. Except for purposes permitted by the Copyright Act, reproduction by whatever means is prohibited without prior written permission of the Department of Environment and Science (DES). Requests for permission should be addressed to Department of Environment and Science, GPO Box 2454, Brisbane QLD 4001.

Author: Department of Environment and Science (07) 3330 5259

Approved in accordance with section 174A of the *Nature Conservation Act 1992*.

Acknowledgments:

The Department of Environment and Science has prepared this code in consultation with the Queensland Crocodile Management Advisory Committee and the Queensland tourism industry.

1. Introduction

Commercial nature-based tourism ventures dependent on viewing crocodiles in the wild are increasing in Queensland. These ventures are encouraged where they contribute to public education and maintenance of crocodiles in their natural habitat. The growth in such ventures does, however, have the potential to disrupt the normal movement and behaviour of wild crocodiles, resulting in behaviour modification, stress and possibly creating problem crocodiles that are a danger to the community.

1.1. Purpose

The purpose of this code of practice is to provide the conditions that must be met in order for commercial crocodile viewing to occur legally at a distance closer than 10m to the estuarine crocodile being viewed (see section 5.2).

Section 5.3 of this code provides best practice guidelines on viewing crocodiles. These guidelines are provided to assist 'operators' (see section 8 *Definitions*) in complying with section 342 of the Nature Conservation (Wildlife Management) Regulation 2006. Conducting activities in a way that is inconsistent with this code may constitute an offence against this section.

2. Background

Estuarine crocodiles (*Crocodylus porosus*) are listed as a 'vulnerable' species in Queensland under the *Nature Conservation Act 1992*. Population levels in Queensland were heavily impacted by commercial hunting prior to the species' protection in 1974 and subsequent research indicates the species is still in a recovery phase in Queensland. As a result, it is important to promote the species' recovery and minimise threatening processes to these animals in the wild, including disturbance by boats and vehicles.

Habituation of crocodiles to the presence of humans, including via vessel traffic, is to be avoided in the interests of public safety. Habituated animals may become a threat to humans, resulting in the need for their removal from the ecosystem as a 'problem crocodile' (see section 8 *Definitions*).

To promote public safety and species conservation, the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018 includes a general restriction on driving a boat or vehicle within 10m of an estuarine crocodile in the wild (see section 5.2).

3. Application of this Code of Practice

This code of practice applies to operators conducting crocodile viewing in the wild as a 'commercial activity' (see section 8 *Definitions*).

4. Structure of this Code of Practice

Section 5.1 outlines the legislative requirements that apply to viewing crocodiles in the wild. All operators conducting crocodile viewing in the wild **must** comply with these legislative requirements.

Section 5.2 outlines the minimum standards for viewing estuarine crocodiles from a distance less than 10m. This section applies to all operators conducting crocodile viewing in the wild **any time the operator drives their boat or vehicle within 10m of an estuarine crocodile**. The minimum standards prescribe **the only way** in which operators may comply with section 40 (Proximity to estuarine crocodiles) of the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018.

To remove any doubt, all operators **must** comply with all provisions in section 5.2, otherwise an offence is committed against section 40 of the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018.

Section 5.3 outlines the minimum standards for viewing estuarine and/or freshwater crocodiles and conducting night 'spotlighting' tours. This section applies to all operators conducting crocodile viewing in the wild, including **the viewing of estuarine crocodiles, freshwater crocodiles (*Crocodylus johnstoni*), and the conduct of night 'spotlighting' tours**. The minimum standards prescribe **one way** in which operators may comply with section 342 (Disturbing dangerous native animals in the wild) of the Nature Conservation (Wildlife Management) Regulation 2006. Although there may be other ways of complying with section 342, an operator abiding by these minimum standards is taken to have met the legislative requirements for the purposes of the activity of commercial crocodile viewing.

Section 6 outlines other considerations to promote best practice crocodile viewing.

5. Legislative requirements and minimum standards for crocodile viewing

Section 5.1 outlines the legislative requirements that apply to viewing crocodiles in the wild. All operators conducting crocodile viewing in the wild must comply with these requirements.

5.1 Legislative requirements

- **Section 40 (Proximity to estuarine crocodiles) of the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018**

A person must not drive a boat or vehicle within 10m of an estuarine crocodile in the wild, unless the person has a reasonable excuse¹ or, in the case of an operator conducting crocodile viewing in the wild, unless the closer approach is made in accordance with this code of practice.

- **Section 341 (Feeding dangerous native animals in the wild) of the Nature Conservation (Wildlife Management) Regulation 2006**

Operators must not feed crocodiles. Feeding an animal also includes using food to tease or lure the animal or attempting to feed the animal.

- **Section 342 (Disturbing dangerous native animals in the wild) of the Nature Conservation (Wildlife Management) Regulation 2006**

Operators must not engage in any activity that is likely to disturb a crocodile or make it change its behaviour. In this context, disturbing an animal includes approaching, harassing, harming, luring, pursuing, teasing or touching it, or attempting to do any of these things.

5.2 Minimum standards for viewing estuarine crocodiles from a distance less than 10m

The following minimum standards outline **the only way** in which operators may comply with section 40 (Proximity to estuarine crocodiles) of the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018.

In the event of non-compliance with these standards, the primary offence of approaching estuarine crocodiles within 10m will apply (as provided for under the Nature Conservation (Estuarine Crocodile) Conservation Plan 2018).

- 5.2.1 Operators must not pursue a crocodile swimming in the water or cause it to alter its direction, speed of travel, or behaviour. Changes in direction, speed of travel, or behaviour may indicate disturbance and operators must withdraw their vessel/vehicle or remain stationary in the event this occurs, until the animal settles and resumes its regular behaviour.

¹ Examples of a reasonable excuse include: a person driving a boat is passing an estuarine crocodile in a river and the distance between the crocodile and each bank of the river is less than 10m; or a person is driving a vessel/vehicle in the ordinary course of a business that does not involve approaching or otherwise engaging with estuarine crocodiles including, for example, commercial fishing and farming.

- 5.2.2 Operators must not engage in any activity that is likely to attract a crocodile to a vessel/vehicle. This includes but is not limited to activities such as throwing objects at a crocodile, intentionally making noise aimed at attracting a crocodile, or intentionally splashing or otherwise disturbing the water in order to attract a crocodile.
- 5.2.3 Operators must not touch crocodiles. Touching crocodiles also includes using an implement, such as an oar or any other object that may be found aboard a vessel/vehicle, to make physical contact with a crocodile.
- 5.2.4 Operators must not interfere with or restrict the movement of a crocodile. Operators must always ensure their vessel/vehicle does not block a crocodile's 'escape route'. For example, if a crocodile is basking on a riverbank, operators must not drive a vessel up to the bank so that the crocodile's route of entry into the water is blocked.
- 5.2.5 Operators must not approach an active crocodile nest or crèche of hatchlings.
- 5.2.6 Operators must ensure that, including their own vessel, there are no more than two operator vessels in any 100m stretch of river at any one time, unless an operator is passing another or has a reasonable excuse. A reasonable excuse would be where a waterway winds around a bend and an operator is unable to see or detect the presence of an additional vessel. This condition is aimed at minimising impacts on crocodiles and reducing the risks of habituation to vessel and human presence.
- 5.2.7 If a crocodile is in the path of or approaching a moving vessel, the engine(s) must be in neutral at idle until the crocodile has passed. This will promote maintenance of the crocodile's regular behaviour and reduce the risks of disturbance and an unpredictable interaction.
- 5.2.8 To minimise the potential for crocodiles to become habituated around public facilities, operators must not approach a crocodile for the purpose of crocodile viewing within 200m of a public boat ramp, public pontoon or designated camping area.
- 5.2.9 To minimise the impact, operators must not spend longer than 10 minutes viewing the same crocodile during a tour.
- 5.2.10 Operators must ensure that all noise during a crocodile viewing tour is minimised. This includes noise from motors and other vessel/vehicle equipment as well as noise produced by persons aboard the vessel/vehicle.
- 5.2.11 Vessels must not be operated at a speed greater than 6 knots and must not leave a harmful wake or wash that may impact on crocodiles.
- 5.2.12 Operators must not use spotlights to view crocodiles.

5.3 Minimum standards for viewing crocodiles (*Crocodylus porosus* (estuarine crocodile) and/or *Crocodylus johnstoni* (freshwater crocodile)), including night 'spotlighting' tours

The following minimum standards outline **one way** in which operators may comply with section 342 (Disturbing dangerous native animals in the wild) of the Nature Conservation (Wildlife Management) Regulation 2006. Although there may be other ways of complying with section 342, an operator abiding by the following standards is taken to have met the legislative requirements for the purposes of the activity of commercial crocodile viewing.

- 5.3.1 Operators must not pursue a crocodile swimming in the water or cause it to alter its direction, speed of travel, or behaviour. Changes in direction, speed of travel, or behaviour may indicate disturbance and operators must withdraw their vessel/vehicle or remain stationary in the event this occurs, until the animal settles and resumes its regular behaviour.

- 5.3.2 Operators must not engage in any activity that is likely to attract a crocodile to a vessel/vehicle. This includes but is not limited to activities such as throwing objects at a crocodile, intentionally making noise aimed at attracting a crocodile, or intentionally splashing or otherwise disturbing the water in order to attract a crocodile.
- 5.3.3 Operators must not touch crocodiles. Touching crocodiles also includes using an implement, such as an oar or any other object that may be found aboard a vessel/vehicle, to make physical contact with a crocodile.
- 5.3.4 Operators must not interfere with or restrict the movement of a crocodile. Operators must always ensure their vessel/vehicle does not block a crocodile's 'escape route'. For example, if a crocodile is basking on a riverbank, operators must not drive a vessel up to the bank so that the crocodile's route of entry into the water is blocked.
- 5.3.5 Operators must not approach an active crocodile nest or crèche of hatchlings closer than 25m. Should the female crocodile in attendance leave the nest or crèche area and approach the vessel, then the operator must immediately increase the approach distance to 50m. Should the attending female repeatedly approach commercial vessels, then the operators must cease using the crocodile nest/crèche as part of the tour.
- 5.3.6 Operators must ensure that, including their own vessel, there are no more than two operator vessels in any 100m stretch of river at any one time, unless an operator is passing another or has a reasonable excuse. A reasonable excuse would be where a waterway winds around a bend and an operator is unable to see or detect the presence of an additional vessel. This condition is aimed at minimising impacts on crocodiles and reducing the risks of habituation to vessel and human presence.
- 5.3.7 If a crocodile is in the path of or approaching a moving vessel, the engine(s) must be in neutral at idle until the crocodile has passed. This will promote maintenance of the crocodile's regular behaviour and reduce the risks of disturbance and an unpredictable interaction.
- 5.3.8 To minimise the potential for crocodiles to become habituated around public facilities, operators must not approach a crocodile for the purpose of crocodile viewing within 200m of a public boat ramp, public pontoon or designated camping area.
- 5.3.9 To minimise the impact, operators must not spend longer than 10 minutes viewing the same crocodile during a tour.
- 5.3.10 Operators must ensure that all noise during a crocodile viewing tour is minimised. This includes noise from motors and other vessel/vehicle equipment as well as noise produced by persons aboard the vessel/vehicle.
- 5.3.11 Vessels must not be operated at a speed greater than 6 knots and must not leave a harmful wake or wash that may impact on crocodiles.

Conducting night 'spotlighting' tours

Commercial 'spotlighting' tours conducted at night have the greatest potential impact on crocodiles due to this being the period of greatest activity for crocodiles and the potentially disturbing impact of the lights used by operators.

In addition to following the above minimum standards (sections 5.3.1 to 5.3.11), operators conducting crocodile viewing in the wild between the hours of 6.00pm and 6.00am must also abide by the following additional minimum standards.

- 5.3.12 Operators must not approach a crocodile closer than 10m without a reasonable excuse.

- 5.3.13 Only one spotlight (with a limit to 50w) must be used at any time.
- 5.3.14 Once the eye shine of a crocodile is located, the operator/spotlighter must redirect the beam of the spotlight so that the brightest part of the light is not directed into the eyes of the crocodile. It is recommended that spotlighters use a light fitted with a variable resistor so that the animal can be located using maximum wattage and then viewed using a reduced wattage as the approach distance is reduced, consistent with 5.3.12.

6. Other considerations

This section lists some other considerations for operators conducting crocodile viewing in the wild. Operators are encouraged to abide by the following guidelines to promote best practice crocodile viewing.

- 6.1 Operators and crew should be conversant with this code as well as up-to-date knowledge of crocodile biology, behaviour, habitat and the laws relating to the protection of crocodiles in Queensland and Australia. The Nature Conservation (Estuarine Crocodile) Conservation Plan 2018 and Management program for *Crocodylus porosus* in Queensland 2007 – 2017 provide an overview of these matters. These documents are available on the DES website, together with other information on crocodiles (www.DES.qld.gov.au).
- 6.2 Interpretive or educational materials or services provided on the tour should incorporate basic information on the biology, behaviour, habitat and conservation status of crocodiles. Operators have a unique opportunity as well as a responsibility to educate and inform the public about crocodiles and the importance of these animals to the ecosystems they inhabit.
- 6.3 Operators are encouraged to place emphasis on promoting responsible human behaviour in crocodile habitat generally and during the tour. The department's 'Croc wise' program promotes key messages to help people stay safe in crocodile country. Refer to the DES website for more information (<http://www.DES.qld.gov.au>). It is important that tour participants behave appropriately during crocodile viewing tours, in the interests of both human safety and crocodile conservation.
- 6.4 All materials published about the tour should promote a realistic standard of expectation in terms of the number of crocodiles and types of crocodile behaviours that may be seen on the tour. Wildlife viewing is an unpredictable endeavour and tour participants need to be aware that crocodiles may be inactive when sighted (e.g. basking on a riverbank), and may remain so, or may not be seen at all.
- 6.5 Operators are encouraged to seek accreditation of their tour(s) through an industry-recognised eco accreditation or eco certification scheme, which provides recognition that an operation is following best environmental practice.
- 6.6 It is the responsibility of the operator to ensure they use a vessel in uniform shipping law survey (with the appropriate survey requirements) and the vessel should be designed so as to provide maximum protection from crocodiles for the crew and passengers.
- 6.7 Vessels should be operated so that they do not leave a harmful wake or wash that may impact on not just crocodiles but other wildlife or the riverbank. It may be necessary to reduce speed below the speed shown on a speed restriction sign to minimise wash.
- 6.8 Vessels should be operated so that vegetation is not wilfully damaged in the course of crocodile viewing. This has broader impacts on the ecosystem as a whole and may impact on a range of species, including crocodiles.

7. Code of Practice review

This code of practice will be reviewed after one year of commencement and then at five-yearly intervals thereafter or sooner if required.

8. Definitions

commercial activity – an activity that involves, wholly or partly, carrying people in a boat or vehicle to watch crocodiles in the wild and is conducted for a commercial purpose.

operator – a person conducting a commercial activity.

problem crocodile – broadly defined as an estuarine crocodile in the wild that the chief executive considers is, or is likely to become, a danger to humans (refer Nature Conservation (Estuarine Crocodile) Conservation Plan 2018 for a more detailed definition).

9. Relevant legislation

Nature Conservation Act 1992

Nature Conservation (Administration) Regulation 2017

Nature Conservation (Wildlife) Regulation 2006

Nature Conservation (Wildlife Management) Regulation 2006

Nature Conservation (Estuarine Crocodile) Conservation Plan 2018

10. Specialist references

Management program for *Crocodylus porosus* in Queensland 2007 - 2017

Disclaimer

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisers before embarking on any proposed course of action.