



Queensland

*Nature Conservation Act 1992*

# Nature Conservation (Dugong) Conservation Plan 1999

Current as at 1 April 2008

**NOTE—This is the last reprint before repeal.  
Repealed by 2013 SL No. 61 s 35  
Repealed on 10 May 2013**

# Information about this reprint

This plan is reprinted as at 1 April 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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# Nature Conservation (Dugong) Conservation Plan 1999

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# Nature Conservation (Dugong) Conservation Plan 1999

[as amended by all amendments that commenced on or before 1 April 2008]

## 1 Short title

This conservation plan may be cited as the *Nature Conservation (Dugong) Conservation Plan 1999*.

## 2 Definitions

In this plan—

***dugong*** means the marine mammal *Dugong dugon*.

***dugong protection area*** means any of the following regulated waters described in the *Fisheries Regulation 2008*, schedule 1, column 2—

- Hervey Bay–Tin Can Bay (greater dugong protection area)
- Port Clinton (greater dugong protection area)
- Shoalwater Bay (dugong protection area)
- Ince Bay (dugong protection area)
- Stewart Peninsula–Newry Islands–Ball Bay (dugong protection area)
- Upstart Bay (greater dugong protection area)
- Cleveland Bay–Magnetic Island (dugong protection area)
- Hinchinbrook Island (dugong protection area)
- Port of Gladstone–Rodds Bay (dugong protection area)
- Clairview Bluff–Carmilla Creek (dugong protection area)
- Llewellyn Bay (dugong protection area)

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- Ball Bay–Sand Bay (dugong protection area)
- Repulse Bay (dugong protection area)
- Edgumbe Bay–Bowen (dugong protection area)
- Bowling Green Bay (dugong protection area)
- Lucinda to Allingham–Halifax Bay (dugong protection area).

*Note—*

The dugong protection areas are also shown on maps included in the recovery plan.

***recovery plan*** means the Recovery Plan for the Conservation of the Dugong *Dugong dugon* in Queensland 1999–2004 published by the department.

*Editor's note—*

This conservation plan is to be administered in conjunction with the recovery plan. Copies of the recovery plan are available for inspection or purchase at the department's central office at 160 Ann Street, Brisbane and regional offices.

### **3 Proposed management intent for dugong**

- (1) The proposed management intent for dugong under this plan is—
  - (a) to implement the recovery plan; and
  - (b) to facilitate the recovery of dugong populations by limiting threatening processes acting on the dugong and dugong habitat by—
    - (i) restricting the grant of a rescue permit for dugong; and
    - (ii) restricting the grant of permits, licences or authorities to take or use other protected wildlife in a dugong protection area; and
    - (iii) stating procedures that apply if a dugong is accidentally taken; and

(iv) stating how a conservation officer may deal with a sick, injured or dead dugong.

(2) Section 121(2) of the Act does not apply to this plan.

#### **4 Restriction on grant of rescue permits for dugong**

The chief executive may grant a rescue permit for dugong only if satisfied the applicant has the knowledge, experience and facilities necessary to care for sick, injured or orphaned dugong.

#### **5 Restriction on grant of permits, licences and authorities for other protected wildlife**

The chief executive may grant permits, licences or authorities to take or use other protected wildlife in a dugong protection area only if satisfied the taking or use is not likely to significantly reduce the local dugong population or significantly harm dugong habitat.

#### **6 Procedure on accidental taking of dugong**

(1) This section applies if—

- (a) a person takes a dugong in the course of a lawful activity that was not directed towards the taking; and
- (b) the taking could not have been reasonably avoided.

(2) The person must—

- (a) if the dugong is alive and does not appear to be mortally injured—take reasonable steps to immediately return it to the waters from which it was taken; or
- (b) if the dugong is dead or appears to be mortally injured—immediately tell a conservation officer about the dugong and the circumstances in which the death or injury happened.

Maximum penalty—120 penalty units.

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**7 Conservation officer may deal with sick, injured or dead dugong**

- (1) A conservation officer may take the measures the officer considers are reasonably necessary to treat or care for a dugong that, in the officer's opinion, is sick or injured.
- (2) Without limiting subsection (1), a conservation officer may—
  - (a) bring the dugong ashore or aboard a boat; and
  - (b) seek advice and help from others, including the advice and help of a veterinary surgeon or doctor; and
  - (c) direct the treatment or, if necessary, the humane killing of the dugong.
- (3) A conservation officer may give a dead dugong to a community or group of Aborigines or Torres Strait Islanders particularly concerned with the waters from which it was taken.
- (4) If a community or group of Aborigines or Torres Strait Islanders is given a dugong under subsection (3), the community or group may keep and use it under Aboriginal tradition or Torres Strait Islander custom.

# Endnotes

## 1 Index to endnotes

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## 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 April 2008. Future amendments of the Nature Conservation (Dugong) Conservation Plan 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

## 3 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	2 July 1999	12 July 1999

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Reprint No.	Amendments included	Effective	Notes
1A	2008 SL No. 83	1 April 2008	

## 5 List of legislation

### **Nature Conservation (Dugong) Conservation Plan 1999 SL No. 155**

made by the Governor in Council on 1 July 1999

notfd gaz 2 July 1999 pp 1223–4

commenced on date of notification

exp 1 September 2009 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Fisheries Regulation 2008 SL No. 83 ss 1–2, ch 17 pt 5**

notfd gaz 28 March 2008 pp 1721–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 April 2008 (see s 2)

Note— A regulatory impact statement and explanatory note were prepared

## 6 List of annotations

### **Definitions**

s 2 def “dugong protection area” sub 2008 SL No. 83 s 742