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### Nature Conservation (Open Seasons) Order 2004

Version current from 20 December 2017 to date (accessed 18 October 2018 at 14:30)

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### Nature Conservation (Open Seasons) Order 2004

I make the following order under section 30(1) of the Nature Conservation Act 2002 .

20 February 2004

Judy Jackson

Minister for Environment and Planning

## **PART 1 - Preliminary**

### **1. Short title**

This order may be cited as the Nature Conservation (Open Seasons) Order 2004 .

### **2. Commencement**

This order takes effect on the day on which its making is notified in the *Gazette*.

### **3. Interpretation**

(1) In this order,

*partly protected wildlife* has the same meaning as in the Wildlife Regulations 1999 .

(2) The Acts Interpretation Act 1931 applies to the interpretation of this order as if the order were by-laws.

(3) Any period specified in this order and identified by days or dates is inclusive of those days and dates.

## PART 2 - Birds

### 4. Open season for wild duck

*[Clause 4 Subclause (4) omitted by S.R. 2006, No. 158, Applied:01 Jan 2007] [Clause 4 Substituted by S.R. 2007, No. 9, Applied:07 Mar 2007] [Clause 4 Substituted by S.R. 2012, No. 22, Applied:09 May 2012]*

(1) In this clause –

**wild duck** means any bird of a species of the family Anatidae that is a form of partly protected wildlife.

(2) The open season for wild duck in each year is the period –

(a) starting on the Saturday nearest 8 March of the year; and

(b) ending on the Sunday nearest 8 June of the year, except where that Sunday immediately precedes the second Monday in June, in which case the period ends on the second Monday in June.

### 5. Open season for short-tailed shearwater (muttonbird): muttonbird licences

(1) *[Clause 5 Subclause (1) amended by S.R. 2006, No. 158, Applied:01 Jan 2007]* For the holder of a muttonbird licence, the open season for muttonbird in each year is the period starting at 8.00 a.m. on the Saturday nearest 1 April of the year and ending on the third Sunday following that day, except where that day immediately precedes Easter Monday, in which case the period ends on Easter Monday of the year.

(2) During the open season, juvenile muttonbirds may be taken from the rookeries specified in Schedule 1 to this order.

(3) *[Clause 5 Subclause (3) amended by S.R. 2016, No. 16, Applied:30 Mar 2016] [Clause 5 Subclause (3) inserted by S.R. 2015, No. 13, Applied:01 Apr 2015]* Despite subclause (2), juvenile muttonbirds may not be taken from the rookeries of Hannants Bight, Pilot Bay and Trumpeter Rock at Cape Sorell during the open season that starts at 8:00 a.m. on the Saturday nearest 1 April 2016 (namely 2 April 2016).

### 6. Open season for short-tailed shearwater (muttonbird): commercial licences

(1) *[Clause 6 Subclause (1) amended by S.R. 2008, No. 34, Applied:30 Apr 2008]* For the holder of a commercial muttonbird catcher's licence, the open season for muttonbird in each year is the period starting on 27 March of the year and ending on 30 April of the year.

(1A) . . . . .

(2) During the open season, juvenile muttonbirds may be taken from the rookeries specified in a licence referred to in subclause (1).

### 7. Open season for brown quail

*[Clause 7 Subclause (1) amended by S.R. 2005, No. 25, Applied:20 Apr 2005] [Clause 7 Subclause (2) amended by S.R. 2011, No. 35, Applied:27 Apr 2011] [Clause 7 Substituted by S.R. 2013, No. 19, Applied:01 May 2013]* The open season for brown quail in each year commences on the Saturday nearest 15 May of the year and ends on the seventh Sunday following that Saturday.

### 8. Open season for common pheasant

(1) The open season for common pheasant in each year is the period starting on the Saturday immediately before the second Monday in June of the year and ending on the Sunday immediately before the second Monday in June of the year.

(2) The open season for common pheasant applies only to –

(a) adult male pheasant; and

(b) the municipal area of King Island.

## PART 3 - Mammals

### 9. Open season for European fallow deer

The open season for European fallow deer in each year is –

(a) *[Clause 9 Amended by S.R. 2015, No. 87, Applied:09 Dec 2015] [Clause 9 Amended by S.R. 2016, No. 120, Applied:21 Dec 2016] [Clause 9 Amended by S.R. 2017, No. 100, Applied:20 Dec 2017]* in the case of adult male deer, the period starting on the Saturday nearest 26 February of the year and ending on the sixth Sunday following that Saturday; and

(b) in the case of antlerless deer –

(i) *[Clause 9 Amended by S.R. 2015, No. 87, Applied:09 Dec 2015] [Clause 9 Amended by S.R. 2016, No. 120, Applied:21 Dec 2016] [Clause 9 Amended by S.R. 2017, No. 100, Applied:20 Dec 2017]* the period starting on the second Saturday following the Saturday nearest 26 February of the year and ending on the fourth Sunday following the Saturday on which the season started; and

(ii) *[Clause 9 Amended by S.R. 2010, No. 19, Applied:17 Feb 2010]* the period starting on the second Saturday in May of the year and ending on the eighth Sunday following that day.

### 10. Open season for wallaby

(1) In this order,

**wallaby** means any mammal of a species of the family Macropodidae that is a form of partly protected wildlife.

(2) *[Clause 10 Subclause (2) substituted by S.R. 2006, No. 158, Applied:01 Jan 2007]* The open season for wallaby in each year is the period starting on the Monday immediately before the Saturday nearest 1 March of the year and ending on the Sunday immediately before the Saturday nearest 1 March of the subsequent year.

(3) *[Clause 10 Subclause (3) omitted by S.R. 2006, No. 158, Applied:01 Jan 2007]* . . . . .

## **PART 4 - Miscellaneous Amendments**

### **11. National Parks and Wildlife (Open Seasons) Order 2001 revoked**

The National Parks and Wildlife (Open Seasons) Order 2001 is revoked.

## SCHEDULE 1 - Muttonbird rookeries

Clause 5(2)

*[Schedule 1 Amended by S.R. 2012, No. 22, Applied:09 May 2012] [Schedule 1 Amended by S.R. 2015, No. 13, Applied:01 Apr 2015] [Schedule 1 Amended by S.R. 2016, No. 16, Applied:30 Mar 2016]*

	<b>Rookery</b>
	<b>Furneaux Group</b>
1.	Inner Sister Island Conservation Area
2.	Outer Sister Island Conservation Area
3.	Little Chalky Island
4.	Little Dog Island Game Reserve
5.	Little Green Island Conservation Area
6.	Little Island
7.	Marriott Reef
8.	Pasco Islands
9.	Passage Island
10.	Pelican Island
11.	Prime Seal Island
12.	Puncheon Island
13.	Roydon Island
14.	Sentinel Island
	<b>Hunter Group</b>
15.	Bird Island Game Reserve
16.	Harbour Islets
17.	Petrels Game Reserve
18.	Ranger Point Rookery on Three Hummock Island State Reserve
19.	Robbins Island
20.	Stack Island Game Reserve
21.	Walkers Island
	<b>King Island Group</b>
22.	Badger Box
23.	Barrier Creek
24.	Bold Head
25.	Boulder Point
28.	Catarique Point
30.	Fraser Bluff
31.	Grassy
32.	Naracoopa Beach
33.	New Year Island Game Reserve
34.	Red Hut
35.	Rocky Point
36.	Sandblow Point
37.	Seal Rocks State Reserve
38.	Wash and Springs
39.	Whistler Point
40.	Wickham Lighthouse
	<b>West Coast Group</b>
41.	Hannants Bight
42.	Pilot Bay
43.	Trumpeter Rock
44.	Swan Basin

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 10 March 2004

This order is administered in the Department of Primary Industries, Water and Environment.