

I certify that this is a copy of the authorised version of this Statutory Rule as at 26 February 2022, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 26 February 2022.

Robyn Webb
Chief Parliamentary Counsel
Dated 3 March 2022

TASMANIA

NATURE CONSERVATION (OPEN SEASONS) ORDER 2004

STATUTORY RULES 2004, No. 10

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SCHEDULE 1 – MUTTONBIRD ROOKERIES

**NATURE CONSERVATION (OPEN SEASONS)
ORDER 2004**

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

Dated 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*.

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Part 1 – Preliminary

- (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

(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.

(3) During an open season referred to in subclause (2), a person may only take up to 10 wild duck in a single day.

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

(1) 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

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Part 2 – Birds

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) During an open season, the holder of a muttonbird licence may only take up to 25 muttonbirds in a single day.

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

- (1) 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

- (1) 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.
- (2) During an open season referred to in subclause (1), a person may only take up to 20 brown quail in a single day.

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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.
- (3) During an open season referred to in subclause (1), a person may only take up to 3 adult male pheasants in a single day.

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Part 3 – Mammals

PART 3 – MAMMALS

9. Open season for European fallow deer

- (1) The open season for European fallow deer in each year is –
 - (a) 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, the period starting on 15 March of the year and ending on 15 November of that year.
- (2) During an open season referred to in subclause (1), a person –
 - (a) may only take antlerless deer or adult male deer; and
 - (b) may take no more than one adult male deer.

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) The open season for wallaby in each year is the period starting on the Monday immediately

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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)

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Part 4 – Miscellaneous Amendments

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.

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SCHEDULE 1 – MUTTONBIRD ROOKERIES

Clause 5(2)

| | Rookery |
|-----|---------------------------------------|
| | Furneaux Group |
| 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 |
| | Hunter Group |
| 15. | Bird Island Game Reserve |

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| | Rookery |
|-----|--|
| 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 |
| | King Island Group |
| 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 |

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| | Rookery |
|-----|--------------------------|
| 36. | Sandblow Point |
| 37. | Seal Rocks State Reserve |
| 38. | Wash and Springs |
| 39. | Whistler Point |
| 40. | Wickham Lighthouse |

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Printed 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.

NOTES

The foregoing text of the *Nature Conservation (Open Seasons) Order 2004* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 26 February 2022 are not specifically referred to in the following table of amendments.

| Citation | Serial Number | Date of commencement |
|--|--------------------|---|
| <i>Nature Conservation (Open Seasons) Order 2004</i> | S.R. 2004, No. 10 | 10.3.2004 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2005</i> | S.R. 2005, No. 25 | 20.4.2005 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2006</i> | S.R. 2006, No. 158 | 1.1.2007 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2007</i> | S.R. 2007, No. 9 | 7.3.2007 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2008</i> | S.R. 2008, No. 34 | 30.4.2008 31.12.2008 Expiry of clause 6(1A) on 31 December 2008 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2010</i> | S.R. 2010, No. 19 | 17.2.2010 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2011</i> | S.R. 2011, No. 35 | 27.4.2011 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2012</i> | S.R. 2012, No. 22 | 9.5.2012 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2013</i> | S.R. 2013, No. 19 | 1.5.2013 |
| <i>Nature Conservation (Open Seasons)</i> | S.R. 2015, No. 13 | 1.4.2015 |

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| Citation | Serial Number | Date of commencement |
|--|--------------------|----------------------|
| <i>Amendment Order 2015</i> | | |
| <i>Nature Conservation (Open Seasons) Amendment (Deer) Order 2015</i> | S.R. 2015, No. 87 | 9.12.2015 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2016</i> | S.R. 2016, No. 16 | 30.3.2016 |
| <i>Nature Conservation (Open Seasons) Amendment (Deer) Order 2016</i> | S.R. 2016, No. 120 | 21.12.2016 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2017</i> | S.R. 2017, No. 100 | 20.12.2017 |
| <i>Nature Conservation (Open Seasons) Amendment Order 2019</i> | S.R. 2019, No. 14 | 27.3.2019 |
| <i>Nature Conservation (Open Seasons) Amendment (Deer) Order 2019</i> | S.R. 2019, No. 86 | 25.12.2019 |
| <i>Nature Conservation (Open Seasons) Amendment (Muttonbird) Order 2020</i> | S.R. 2020, No. 21 | 25.3.2020 |
| <i>Nature Conservation (Open Seasons) Amendment (Take Limits) Order 2022</i> | S.R. 2022, No. 3 | 26.2.2022 |

TABLE OF AMENDMENTS

| Provision affected | How affected |
|--------------------|---|
| Clause 4 | Subclause (4) omitted by S.R. 2006, No. 158 Substituted by S.R. 2007, No. 9, S.R. 2012, No. 22 Amended by S.R. 2022, No. 3 |
| Clause 5 | Amended by S.R. 2006, No. 158, S.R. 2015, No. 13, S.R. 2016, No. 16, S.R. 2019, No. 14 and S.R. 2022, No. 3 |
| Clause 6 | Amended by S.R. 2008, No. 34 |
| Clause 7 | Amended by S.R. 2005, No. 25, S.R. 2011, No. 35 Subclause (3) inserted by S.R. 2011, No. 35 Substituted by S.R. 2013, No. 19 and S.R. 2022, No. 3 |
| Clause 8 | Amended by S.R. 2022, No. 3 |
| Clause 9 | Amended by S.R. 2010, No. 19, S.R. 2015, No. 87, S.R. 2016, No. 120, S.R. 2017, No. 100, S.R. 2019, No. 86 Substituted by S.R. 2022, No. 3 |
| Clause 10 | Amended by S.R. 2006, No. 158 |
| Schedule 1 | Amended by S.R. 2012, No. 22, S.R. 2015, No. 13, S.R. 2016, No. 16, S.R. 2019, No. 14 and S.R. 2020, No. 21 |