

Queensland



Nature Conservation Act 1992

NATURE CONSERVATION (DUCK AND QUAIL) CONSERVATION PLAN 1995

**Reprinted as in force on 13 May 1997
(includes amendments up to SL No. 37 of 1997)**

Reprint No. 1A *

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

**NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See SIA s 54**

* Minor differences in style between this reprint and another reprint with the same number are due to the conversion to another software program. The content has not changed.

Information about this reprint

This plan is reprinted as at 13 May 1997. 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.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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

Also see endnotes for information about when provisions commenced.

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NATURE CONSERVATION (DUCK AND QUAIL) CONSERVATION PLAN 1995

[as amended by all amendments that commenced on or before 13 May 1997]

1 Short title

This conservation plan may be cited as the *Nature Conservation (Duck and Quail) Conservation Plan 1995*.

2 Interpretation

(1) In this plan—

“**duck**” means—

- (a) a plumed whistling-duck (*Dendrocygna eytoni*); or
- (b) a wandering whistling-duck (*Dendrocygna arcuata*); or
- (c) a maned wood duck (*Chenonetta jubata*); or
- (d) a grey teal (*Anas gibberifrons*); or
- (e) a Pacific black duck (*Anas superciliosa*); or
- (f) a hardhead (*Aythya australis*).

“**licensee**” see section 6.¹

“**quail**” means—

- (a) a stubble quail (*Coturnix pectoralis*); or
- (b) a brown quail (*Coturnix ypsilophora*).

“**regulation**” means the *Nature Conservation Regulation 1994*.

“**use**” a duck or quail does not include sell for trade or commerce.

(2) An expression that is not defined in this plan, but is defined in the regulation, has the meaning given by the regulation.

¹ Section 6 (Harvesting of ducks and quails)

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3 Application of s 121(2) of the Act

Section 121(2)² of the Act does not apply to this plan.³

4 Plan to be administered with management program

(1) This plan is to be administered in conjunction with the Management Program for Duck and Quail in Queensland 1995–2000.⁴

(2) To the extent that there is any inconsistency between the management program and this plan, the plan prevails over the management program.

5 Declaration of harvest periods

(1) Subject to section 73⁵ of the Act, the chief executive may, by written notice, declare a harvest period for a duck or quail.

(2) The notice may impose conditions on the taking of a duck or quail, including, for example—

- (a) the maximum number of ducks and quails a person may, at any time, have in possession at a place other than the person's usual place of residence; and
- (b) the bag limit for a duck or quail; and
- (c) the prohibition of lead shot for taking a duck or quail.

(3) A person who takes a duck or quail under a notice declaring a harvest period must comply with any conditions stated in the notice.

Maximum penalty—120 penalty units.

2 Section 121 (Plan replaces interim or declared management intent) of the Act

3 The declared management intent in the *Nature Conservation (Wildlife) Regulation 1994* for ducks and quails to which this plan applies is not affected by this plan.

4 This document is published by the department and is available for inspection or purchase at the department's head office and regional offices.

5 Section 73 (Management principles of protected wildlife) of the Act

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6 Harvesting of ducks and quails

If a harvest period is declared for a duck or quail, a person who holds a recreational wildlife harvesting licence for the duck or quail (a “**licensee**”) may, under this plan—

- (a) take, keep or use the duck or quail in the harvest period; or
- (b) keep or use the duck or quail for 1 month after the harvest period ends.

7 Way duck or quail must be harvested

(1) A licensee may take a duck or quail only by shooting it with a shotgun that is no more than 12 gauge in size.

(2) A licensee must not use a tethered live duck as a decoy for taking duck.

(3) A licensee may use a dog for retrieving a duck that has been shot or pointing, flushing or retrieving a quail.

(4) If a duck or quail is injured while taking it, the licensee must humanely kill it immediately on retrieval.

(5) A licensee must not take a duck or quail before 6.00 a.m. or after 6.00 p.m. on any day.

Maximum penalty—120 penalty units.

8 Moving duck or quail

(1) A licensee may only move a duck or quail taken under this plan to the licensee’s temporary accommodation or usual place of residence.

(2) Until the duck or quail is moved to the licensee’s usual place of residence or is prepared for cooking, the licensee must ensure—

- (a) for a duck—a fully feathered wing or the fully feathered head of the duck is attached to the duck’s carcass; or
- (b) for a quail—the feet or the fully feathered head of the quail is attached to the quail’s carcass.

Maximum penalty—120 penalty units.

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9 Returns

(1) A licensee must give the chief executive a return of operations for each harvest period.

(2) The return must be given to the chief executive within 28 days after the end of the harvest period to which it relates.

10 Conservation value

No conservation value is payable for a duck or quail harvested under this plan.

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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 13 May 1997. Future amendments of the Nature Conservation (Duck and Quail) Conservation Plan 1995 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	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	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 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	13 July 1995

5 List of legislation

Nature Conservation (Duck and Quail) Conservation Plan 1995 SL No. 222

notfd gaz 30 June 1995 pp 1475–6

commenced on date of notification

amending legislation—

Nature Conservation (Duck and Quail) Amendment Conservation Plan (No. 1) 1997 SL No. 37

notfd gaz 28 February 1997 pp 827–8

commenced on date of notification

6 List of annotations

Declaration of harvest periods

s 5 amd 1997 SL No. 37 s 3