

I certify that this is a copy of the authorised version of this Statutory Rule as at 25 March 2020, 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 25 March 2020.

Robyn Webb  
Chief Parliamentary Counsel  
Dated 20 April 2020

## TASMANIA

---

# NATURE CONSERVATION (OPEN SEASONS) ORDER 2004

## STATUTORY RULES 2004, No. 10

---

### CONTENTS

#### **PART 1 – PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation

#### **PART 2 – BIRDS**

4. Open season for wild duck
5. Open season for short-tailed shearwater (muttonbird):  
muttonbird licences
6. Open season for short-tailed shearwater (muttonbird):  
commercial licences
7. Open season for brown quail
8. Open season for common pheasant

#### **PART 3 – MAMMALS**

9. Open season for European fallow deer
10. Open season for wallaby

#### **PART 4 – MISCELLANEOUS AMENDMENTS**

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

## **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*.

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

**c. 3**

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.

**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 case the period ends on Easter Monday of the year.

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

c. 6

Part 2 – Birds

---

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

(3) . . . . .

**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**

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.

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

Part 2 – Birds

**c. 8**

---

- (2) The open season for common pheasant applies only to –
- (a) adult male pheasant; and
  - (b) the municipal area of King Island.

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

c. 9

Part 3 – Mammals

---

**PART 3 – MAMMALS**

**9. Open season for European fallow deer**

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.

**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 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) . . . . .



*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

Part 4 – Miscellaneous Amendments

c. 11

---

**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.

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

**sch. 1**

---

**SCHEDULE 1 – MUTTONBIRD ROOKERIES**

Clause 5(2)

	<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

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

sch. 1

---

	<b>Rookery</b>
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

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

**sch. 1**

---

	<b>Rookery</b>
36.	Sandblow Point
37.	Seal Rocks State Reserve
38.	Wash and Springs
39.	Whistler Point
40.	Wickham Lighthouse

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

---

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 25 March 2020 are not specifically referred to in the following table of amendments.

Citation	Serial Number	Date of commencement
<sup>1</sup> <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
<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) Amendment Order 2015</i>	S.R. 2015, No. 13	1.4.2015
<i>Nature Conservation (Open Seasons)</i>	S.R. 2015, No. 87	9.12.2015

*Nature Conservation (Open Seasons) Order 2004*  
*Statutory Rules 2004, No. 10*

Citation	Serial Number	Date of commencement
<i>Amendment (Deer) Order 2015</i> <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

<sup>1</sup>Reg 6(1A) expired on 31 December 2008

**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 and S.R. 2012, No. 22
Clause 5	Amended by S.R. 2006, No. 158, S.R. 2015, No. 13, S.R. 2016, No. 16 and S.R. 2019, No. 14
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
Clause 9	Amended by S.R. 2010, No. 19, S.R. 2015, No. 87, S.R. 2016, No. 120, S.R. 2017, No. 100 and S.R. 2019, No. 86
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