

Queensland



Nature Conservation Act 1992

NATURE CONSERVATION (MACROPOD HARVESTING) CONSERVATION PLAN 1994

**Reprinted as in force on 20 December 1999
(includes amendments up to SL No. 337 of 1999)**

Reprint No. 3A *

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

* 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 20 December 1999. 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 reprints 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**
- **editorial changes made in earlier reprints.**

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NATURE CONSERVATION (MACROPOD HARVESTING) CONSERVATION PLAN 1994

[as amended by all amendments that commenced on or before 20 December 1999]

1 Short title

This conservation plan may be cited as the *Nature Conservation (Macropod Harvesting) Conservation Plan 1994*.

3 Interpretation

(1) In this plan—

“commercial wildlife licence” means a commercial wildlife licence for dead macropods.

“harvest period” means the period for a species of macropod.¹

“licensee” means a person who holds a commercial or recreational wildlife harvesting licence for macropods.

“macropod” means—

- (a) an eastern grey kangaroo (*Macropus giganteus*); or
- (b) a wallaroo (*Macropus robustus*); or
- (c) a whiptail wallaby (*Macropus parryi*); or
- (d) a red kangaroo (*Macropus rufus*).

“management program” means the Management Program for Commercially taken Macropods in Queensland.²

“meat” includes flesh and offal of a macropod.

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

“tag” means a tag supplied by the chief executive.

1 Harvest periods are declared under section 6.

2 The management program is published by the department and is available for inspection or purchase at the department’s head office and regional offices.

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

4 Application of s 121(2) of the Act

Section 121(2) (Plan replaces interim or declared management intent) of the Act does not apply to this plan.³

5 Purpose of conservation plan

(1) The purpose of this plan is to provide for the ecologically sustainable use of macropods as a renewable resource under a system of licensing allowing the use of macropods to be scientifically monitored.

(2) This plan is to be administered in conjunction with the Management Program for Commercially Taken Macropods in Queensland.⁴

6 Declaration of harvest periods

(1) Subject to section 73 of the Act, the chief executive may, by written notice, declare a harvest period for a macropod.⁵

(2) The notice may state conditions on the taking of the macropod including, for example, the size of the macropod that may be taken and the purpose for which it may be taken.

Example—

The notice may state that macropods may be taken for their skins only or for both their carcasses and skins.

(3) A person who takes a macropod during a harvest period for the macropod must comply with the conditions stated in the notice declaring the harvest period.

Maximum penalty—120 penalty units.

3 The declared management intent in the *Nature Conservation (Wildlife) Regulation 1994* for macropods to which this plan applies is not affected by the conservation 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 of the Act sets out the management principles for protected wildlife.

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7 Harvesting of macropods

(1) If a harvest period is declared for a macropod, a person who holds a commercial or recreational wildlife harvesting licence for the macropod may, under this plan, take, keep or use the macropod in the harvest period.

(2) A person who takes a macropod under this plan must ensure—

(a) unused offal, carcass or carcass waste is disposed of—

(i) on the land where the macropod is taken; and

(ii) in a responsible way, having regard to any specific requirements of the land-holder; and

(b) no offal, carcass or carcass waste is left on or in sight of a road.

(3) In this section—

“use” includes skin, eviscerate, or remove the head, tail or paws of a macropod, but does not include process.

8 Commercial use of harvested macropods

If a person who holds a commercial wildlife harvesting licence takes a macropod under this plan, a holder of a commercial wildlife licence for dead macropods may keep or use the macropod.

9 Land-holder’s use of harvested macropod

(1) This section applies if—

(a) a person who holds a commercial wildlife harvesting licence takes a macropod under this plan on a land-holder’s land; and

(b) the land-holder has the chief executive’s written approval to use meat from the carcass of the macropod as bait for animal pests that are not protected wildlife.

(2) The licensee may make macropod meat available to the land-holder on whose land the macropod is taken and the land-holder may keep and use the meat as bait.

(3) Meat made available under subsection (2) is a processed product for paragraph (b) of the definition “protected animal” in section 7 of the Act.

10 Way of taking macropods under this plan

(1) Subject to subsection (3), a licensee may take a macropod under this plan only in the way specified in the Code of Practice for the Humane Shooting of Kangaroos, approved by the Australian and New Zealand Environment and Conservation Council.⁶

(2) A licensee who takes a macropod in contravention of subsection (1) commits an offence.

Maximum penalty—165 penalty units.

(3) The reference in schedule 1 of the code to ‘the muzzle velocity of 975 m/sec (3200 ft/sec)’ is taken to be a reference to ‘the muzzle velocity of 883 m/sec (2900 ft/sec).

10A Offence to muster or trap macropods to take

A licensee must not muster or trap a macropod for the purpose of taking it.

Maximum penalty—165 penalty units.

11 Harvested macropods to be tagged

(1) A licensee who takes a macropod under this plan must tag the macropod in accordance with this section.

(2) The tag must be attached to the macropod before the first of the following happens—

- (a) the licensee stops shooting on the night the macropod is taken;
- (b) the licensee leaves the land where the macropod is taken.

(3) The tag must be attached in the following way—

- (a) thread the arrow-tip of the tag through a strip of the skin of the macropod;
- (b) insert the arrow-tip of the tag into the socket at the other end of the tag and press the arrow-tip into the socket until it is securely locked in the socket and the skin of the macropod.

⁶ At the time of approval the council was known as the Council of Nature Conservation Ministers.

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(4) If the tag is attached to the carcass of—

- (a) a male animal—the tag must be attached either beside the animal's penile sheath or through the animal's scrotal stalk; or
- (b) a female animal—the tag must be attached in the animal's neck or butt.

(5) If the tag is attached to the skin of—

- (a) a male animal—the tag must be attached either beside the animal's penile sheath or through the animal's scrotal stalk; or
- (b) a female animal—the tag must be attached in the animal's neck.

(6) The licensee must ensure—

- (a) for the tagged skin of a male macropod—enough of the penile sheath or scrotal stalk remains securely attached to the skin to enable the macropod's sex to be decided; or
- (b) for the tagged carcass of a male macropod—enough of the scrotal stalk remains securely attached to the carcass to enable the macropod's sex to be decided; or
- (c) for the tagged skin of a female macropod—enough of the urogenital opening or pouch material remains securely attached to the skin to enable the macropod's sex to be decided; or
- (d) for the tagged carcass of a female macropod—enough pouch material remains securely attached to the carcass to enable the macropod's sex to be decided.

(7) Tags must be attached in increasing numerical order, with macropods of each sex and species tagged with consecutive numbers.

Maximum penalty—80 penalty units.

12 Sex remnant not to be removed

(1) A person must not remove a sex remnant from a dead macropod without the chief executive's written permission.

(2) Subsection (1) does not prevent the removal of—

- (a) if the penile sheath is left on the macropod—the macropod's scrotum; or

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- (b) a sex remnant, at premises of a commercial tannery specified in a commercial wildlife licence for fleshing the skin of a macropod.

Maximum penalty—80 penalty units.

13 When tag may be removed

A tag may be removed from a macropod at premises of a commercial tannery specified in a commercial wildlife licence, for fleshing the skin of a macropod.

14 Grading of skins

(1) This section applies to a holder of a commercial wildlife licence for dead macropods.

(2) The licensee must grade a macropod skin (other than a whiptail wallaby skin) with an area of—

- (a) less than 0.46 m²—as small; or
- (b) 0.46 m² or more but not more than 0.65 m²—as medium; or
- (c) more than 0.65 m²—as large.

(3) The licensee must grade a whiptail wallaby skin with an area of—

- (a) 0.32 m² or more but less than 0.46 m²—as medium; or
- (b) 0.46 m² or more but not more than 0.65 m²—as large.

Maximum penalty—80 penalty units.

15 Movement of macropods harvested under a commercial wildlife harvesting licence

(1) This section applies to a holder of a commercial wildlife harvesting licence who takes a macropod in a harvest period.

(2) The licensee may only move the macropod—

- (a) to the licensee's usual place of residence or a place authorised in writing by the chief executive—for storage; or
- (b) to premises specified in a commercial wildlife licence for dead macropods—for sale; or

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- (c) to a Queensland Rail depot for consignment to premises specified in a commercial wildlife licence for dead macropods.

(3) The licensee—

- (a) must not store tagged macropods at a place other than the licensee's usual place of residence without the chief executive's written permission; and
- (b) must sell all skins and carcasses in sequentially tagged lots for each sex and species taken to a person who holds a commercial wildlife licence for dead macropods; and
- (c) must ensure a macropod taken for sale is sold or otherwise disposed of—
 - (i) for a macropod taken in the harvest period ending on 31 December 1999—before 31 March 2000; or
 - (ii) otherwise—before the end of the harvest period for the macropod.

Maximum penalty—165 penalty units.

16 Movement of macropods harvested under a recreational wildlife harvesting licence

(1) This section applies to a holder of a recreational wildlife harvesting licence who takes a macropod in a harvest period.

(2) The licensee—

- (a) must not store tagged macropods at a place other than the licensee's usual place of residence without the chief executive's written permission; and
- (b) must ensure all skins and carcasses the licensee takes for personal use are used by the person for personal use and are not disposed of for another purpose.

Maximum penalty—165 penalty units.

17 Dealing with macropods taken in contravention of plan

(1) This section applies to a holder of a commercial wildlife licence for dead macropods.

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(2) The licensee must not accept a dead macropod—

- (a) taken in contravention of this plan;⁷ or
- (b) that is not tagged; or
- (c) that is tagged in contravention of this plan;⁸ or
- (d) whose sex remnants have been removed in contravention of this plan.⁹

Maximum penalty—165 penalty units.

18 Records—commercial wildlife harvesting licence

(1) The holder of a commercial wildlife harvesting licence for macropods must keep a record book.

(2) An entry that, under the regulation, must be made in the record book must be made before the end of the day to which the entry relates.¹⁰

(3) A person taking or moving a macropod under a commercial wildlife harvesting licence for macropods must keep the record book in the person's possession while taking or moving the macropod.

19 Records—commercial wildlife licence

(1) The holder of a commercial wildlife licence must keep a record book.

(2) An entry that, under the regulation, must be made in the record book must be made before the end of the day to which the entry relates.

(3) If the holder of a commercial wildlife licence is a corporation, the holder must, if the premises stated in the licence are not being operated, keep the record book at the corporation's office in Queensland.

7 See section 10.

8 See section 11.

9 See section 12.

10 See section 258(1) and (3)(b)(i) of the regulation.

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20 Returns

(1) The holder of a commercial wildlife harvesting licence must, within the return period, give the chief executive a return of operations for each month of the harvest period.¹¹

Maximum penalty—120 penalty units.

(2) The holder of a recreational wildlife harvesting licence must, within the return period, give the chief executive a return of operations for each 3 months of the harvest period.

Maximum penalty—120 penalty units.

(3) The holder of a commercial wildlife licence for dead macropods must, within the return period, give the chief executive a return of operations for each week of the harvest period.

Maximum penalty—120 penalty units.

(4) In this section—

“**return period**” means—

- (a) for a monthly return—14 days after the end of the month to which the return relates; or
- (b) for a quarterly return—14 days after the end of each 3 months to which the return relates; or
- (c) for a weekly return—7 days after the end of the week to which the return relates.

21 Conservation value

No conservation value is payable for a macropod harvested under this plan.

¹¹ See section 259 of the regulation.

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 20 December 1999. Future amendments of the Nature Conservation (Macropod Harvesting) Conservation Plan 1994 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

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Key	Explanation	Key	Explanation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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	20 January 1995
2	to SL No. 282 of 1996	1 November 1996
3	to SL No. 361 of 1998	4 March 1999

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed names and titles	3

6 List of legislation

Nature Conservation (Macropod Harvesting) Conservation Plan 1994 SL No. 476

made by the Governor in Council on 15 December 1994
notfd gaz 16 December 1994 pp 1792–7
ss 1–2 commenced on date of notification
remaining provisions commenced 19 December 1994 (see s 2)
exp 1 September 2005 (see SIA s 54)

amending legislation—

Nature Conservation (Macropod Harvesting) Amendment Conservation Plan (No. 1) 1996 SL No. 282

notfd gaz 18 October 1996 pp 633–4
commenced on date of notification

Nature Conservation (Macropod Harvesting) Amendment Conservation Plan (No. 1) 1998 SL No. 361

notfd gaz 18 December 1998 pp 1551–7
commenced on date of notification

**Nature Conservation(Macropod Harvesting) Amendment Conservation Plan (No. 1)
1999 SL No. 337**

notfd gaz 17 December 1999 pp 1586–9
commenced on date of notification

7 List of annotations

Commencement

s 2 om R2 (see RA s 37)

Declaration of harvest periods

s 6 amd 1996 SL No. 282 s 3

Way of taking macropods under this plan

s 10 sub 1998 SL No. 361 s 3

Offence to muster or trap macropods to take

s 10A ins 1998 SL No. 361 s 3

Harvested macropods to be tagged

s 11 amd 1996 SL No. 282 s 4; 1998 SL No. 361 s 4

Movement of macropods harvested under a commercial wildlife harvesting licence

s 15 amd 1998 SL No. 361 s 5; 1999 SL No. 337 s 3

Records—commercial wildlife harvesting licence

s 18 sub 1996 SL No. 282 s 5

Records—commercial wildlife licence

s 19 sub 1996 SL No. 282 s 5

Returns

s 20 sub 1996 SL No. 282 s 5

Conservation value

s 21 ins 1996 SL No. 282 s 5