

# **Nature Conservation Amendment Bill 2006**

## **Explanatory Notes**

### **General Outline**

#### **Short Title**

The short title of the Bill is the *Nature Conservation Amendment Bill 2006*

#### **Policy Objectives of the Legislation**

The Bill seeks to legislate a ban on recreational duck and quail hunting in Queensland.

#### **Reasons for the Bill**

The purpose of the Bill is to legislate a ban on duck and quail hunting in Queensland by amending the *Nature Conservation Act 1992* (the Nature Conservation Act).

Historically, recreational duck and quail hunting has been permitted in Queensland through various legal mechanisms. From 1995, the recreational hunting of duck and quail was permitted through the provisions of the *Nature Conservation (Duck and Quail) Conservation Plan 1995* (the duck and quail conservation plan), which was subordinate legislation under the Nature Conservation Act.

The duck and quail conservation plan provided for hunting seasons that could be officially declared by the chief executive on an annual basis. The decision on whether to open a season each year was made after considering advice from the Environment Minister's Duck and Quail Ministerial Advisory Committee (DQMAC) on the sustainability of duck and quail populations for that year.

In August 2005, the Premier announced that the duck and quail conservation plan would not be remade following its expiry in September 2005. This effectively ended recreational duck and quail hunting in Queensland.

What this meant however, was that while duck and quail hunting was now effectively banned, the activity could again be permitted in the future by remaking a conservation plan or making an amendment to the Nature Conservation Act's regulations.

After this announcement, the Minister for Environment, Local Government, Planning and Women received over 5 000 submissions calling on the Queensland Government to legislate a ban on duck and quail hunting.

### **Achieving the Objectives**

The objectives of the Bill will be achieved by the amendment of the Nature Conservation Act to provide for a specific ban on recreational duck and quail hunting in Queensland.

### **Alternatives to the Bill**

There are no alternatives that are considered appropriate for achieving these policy objectives.

### **Administration costs**

There are no administrative costs associated with this legislation.

### **Fundamental Legislative Principles**

This legislation is consistent with the Fundamental Legislative Principles as described in Section 4 of the *Legislative Standards Act 1992*

### **Consultation**

Since the Premier's announcement in August 2005 that recreational duck and quail hunting would no longer be permitted, the Minister for Environment, Local Government, Planning and Women has received over 5 000 submissions encouraging the Minister to make legislative change to ban recreational duck and quail hunting. In the same time period, approximately 50 submissions have been received objecting to the decision to end recreational duck and quail hunting.

Department of Premier and Cabinet support the proposed Bill.

## Notes on Provisions

### Short title

Clause 1 sets out the title of the Act as the *Nature Conservation Amendment Act 2006*.

### Acts Amended

Clause 2 states that this Act amends the *Nature Conservation Act 1992*

### Insertion of new s97A (Additional restrictions on hunting native ducks or native quails)

Clause 3 effectively prohibits a regulation, conservation plan or any other legislative mechanism under the *Nature Conservation Act 1992* from authorising the recreational hunting of native duck or native quail in Queensland. While this clause makes specific reference to s62 (Restriction on taking etc. of cultural and natural resources of protected areas) and s88 (Restrictions on taking protected animal and keeping or use of unlawfully taken protected animal), it does not limit the prohibition to those sections.