

Information You Need To Know

Open Season Duck Hunting Permit

A Duck Hunting Permit is granted pursuant to section 68A of the *National Parks and Wildlife Act 1972* (the Act) and is subject to the Act and the Regulations and Proclamations made under the Act.

A Duck Hunting Permit entitles the holder to hunt protected duck (identified in the permit by reference to their species) during a declared open season in the state of South Australia.

In addition to the limitations, restrictions and conditions included in the permit, the permit holder must also comply with the legislative and regulatory provisions which relate to the permit. A summary of the relevant provisions relating to the Duck Hunting Permit is set out below. The legislation and regulations can be viewed in their entirety at www.legislation.sa.gov.au

National Parks and Wildlife Act 1972

Interpretation (section 5)

firearm includes any device from which any kind of shot, bullet, or other missile can be discharged.

take with reference to an animal, includes any act of hunting, catching, restraining, killing or injuring, and any act of attempting or assisting to hunt, catch, restrain, kill or injure.

to hunt means to take any mammal or bird that has not been domesticated or brought into captivity.

Illegal possession of animals etc (section 60)

Under section 60 of the Act, you must not have in your possession or control an animal, the carcass of an animal or an egg that has been illegally taken or acquired.

Restriction on use of certain devices (section 66)

The Governor may, by proclamation, restrict or prohibit the use of firearms or devices of a specified class for the taking of particular species of animals or for the taking of animals generally.

If you contravene a restriction or prohibition imposed by the Governor you are guilty of an offence.

Devices for the illegal taking of animals (section 67)

A warden may dismantle and remove any device by which animals have been taken illegally or by which animals are, in the warden's opinion, likely to be taken illegally.

Any device removed by a warden is forfeited to the Crown and may be sold or otherwise disposed of by the Director.

Hunting permits (section 68A)

You must not hunt duck, or have possession of any firearm or device for the purpose of duck hunting, unless you hold a Duck Hunting Permit.

Unlawful entry on land (section 68B)

Under section 68B of the Act, it is a criminal offence to be on any land for the purpose of hunting unless the owner of the land has given you permission in writing to be on the land for that purpose within the preceding six months.

Exemption from requirement to hold hunting permit (section 68E)

An Aboriginal person is not required to hold any type of Hunting Permit if the animal hunted will be used—

- (a) as food for the hunter or for his or her dependants; or
- (b) solely for cultural purposes of Aboriginal origin.

Permits (section 69(3))

A permit granted under the Act is subject to the limitations, restrictions and conditions included in the permit. If you fail to comply with any limitation, restriction or condition of your permit then your permit can be revoked.

Obligation to produce permit (section 70)

If you are requested by a warden (appointed under the Act) to produce your permit for inspection then you must do so as soon as practicable after the request was made. Failure to comply with this request is a criminal offence.

Failure to comply (section 70A)

If you, or a person acting with your authority, contravenes or fails to comply with a limitation, restriction, condition or provision of your permit then you are guilty of an offence.

False or misleading statement (section 72)

It is a criminal offence to make, or cause to be made, a false or misleading statement in an application, return or other document required under the Act.

Additional penalty (section 74)

If you are convicted of an offence against the Act involving any unlawful act in relation to animals and the court is satisfied that more than one animal was involved in the offence, the court must impose a fine, based on the number of animals involved in the commission of the offence. This fine is in addition to the penalty that may be imposed under the relevant section of the Act the offence was committed against.

Important note: A breach of the *National Parks and Wildlife Act 1972* may incur an expiation fee. You may also be liable to criminal prosecution, and if found guilty of an offence, convicted and fined. The maximum penalties and expiation fees which may be imposed for an offence against the Act, are provided in the relevant section of the Act which can be viewed at www.legislation.sa.gov.au

National Parks and Wildlife (Hunting) Regulations 2011 (Hunting Regulations)

Prohibition of use of protected animal as decoy etc (regulation 4)

You must not use a protected animal for the purposes of hunting, whether as a decoy or otherwise.

Prohibition of damaging trees, nests etc for purposes of hunting wildlife (regulation 6)

You must not

- (a) cut down, lop branches from or otherwise destroy or damage any tree (whether living or dead); or
- (b) destroy, damage or disturb the animal's burrow or nest

for the purposes of hunting any protected duck.

Waterfowl identification test (regulation 7)

If required to do so by the Minister, you must sit for and pass a Waterfowl Identification Test approved by the Minister before obtaining a Duck Hunting Permit.

Sitting and passing a Waterfowl Identification Test approved by the Minister is currently required before obtaining a Duck Hunting Permit.

Further restrictions applicable to open seasons (regulation 8)

Restrictions that apply to an open season are declared by notice under section 52 of the Act. The restrictions set out in regulation 8 of the Hunting Regulations (below) are in addition to the restrictions set out in the notice.

You must not hunt protected game from personal watercraft or any other vessel (whether propelled by engine, sail, oars or any other means) while it is underway.

You must not use an engine driven vessel, personal watercraft, any type of aircraft (including model planes), agricultural gas guns, bird scarers or any other noisy device for the purpose of rousing protected game so that it may be hunted.

You must not scatter grain or other material or use any other means (other than a bird caller or decoy) to entice protected game into an area so that it may be hunted.

You must not take protected game otherwise than by shooting with a firearm—

- (i) that has a smooth bore the diameter of which does not exceed 19 mm (12 gauge); and
- (ii) that is capable of being raised and held at arm's length and fired from the shoulder without any other support.

You must not shoot protected game with shot the diameter of which exceeds 4.1 mm.

You must not be in possession of a firearm—

- (i) that has a smooth bore the diameter of which does not exceed 19 mm (12 gauge); and
- (ii) that is capable of being raised and held at arm's length and fired from the shoulder without any other support; or
- (iii) shot the diameter of which exceeds 4.1 mm

while in the course of hunting protected game or while within a game reserve or within any other area in which you intend to hunt protected game.

You must not shoot protected ducks except with steel, bismuth or molybdenum shot or any other non-toxic shot approved by the Minister for the purpose.

You must not be in possession of shot except steel, bismuth or molybdenum shot or any other non-toxic shot approved by the Minister while in the course of hunting protected ducks or while within a game reserve or within any other area in which you intend to hunt protected ducks.

You must not retain alive any protected game taken during the open season, except in accordance with the written permission of the Minister.

You must not sell the carcass of any protected game taken (whether taken by you or some other person) during the open season.

Duty of open season hunting permit holder to complete and lodge hunting survey (regulation 9)

If required to do so by the Minister you must—

- (a) complete a hunting survey in accordance with the instructions specified in the survey form; and
- (b) lodge the completed hunting survey with the Minister in the manner, and within the period, specified in the form.

The hunting survey will be in a form determined by the Minister.

Completing a hunting survey is not lawfully required. However, hunters are invited to complete surveys on a voluntary basis.

Notification of change of address (regulation 10)

If you change your address during the currency of your permit you must give the Director notice in writing of the new address within 14 days of the change.

Important note: A breach of the *National Parks and Wildlife (Hunting) Regulations 2011* may incur an expiation fee of \$160 or maximum penalty of \$1250. These regulations can be viewed in their entirety at www.legislation.sa.gov.au

National Parks and Wildlife (National Parks) Regulations 2016 (National Parks Regulations)

Opening and closing of reserves (regulation 7)

The Director may close a reserve or any part of a reserve. You must not, without the permission of the Director, enter or remain in a reserve when it is closed to the public.

Possession and use of firearms etc (regulation 19)

You may carry or use a firearm in a game reserve during the period of a declared open season if the firearm has a smooth bore not exceeding 19 millimetres in diameter

Bringing animals into reserve (regulation 26)

You may bring a dog into a game reserve for the purposes of assisting you when duck hunting. The dog must be restrained on a lead when it is not assisting you with duck hunting. The lead must not exceed 3 metres in length.

Compliance with directions of warden (regulation 39)

You must not fail to comply with any reasonable direction or request given by a warden relating to—

- (a) use of a game reserve; or
- (b) conduct and behaviour in a reserve; or
- (c) safety in a reserve.

Important note: A breach of the *National Parks and Wildlife (National Parks) Regulations 2016* may incur an expiation fee of \$75 or \$150 (depending on offence) or maximum penalty of \$1000. These regulations can be viewed in their entirety at www.legislation.sa.gov.au

National Parks and Wildlife (Wildlife) Regulations 2019 (Wildlife Regulations)

Notification of change of address or name (regulation 20)

If you change your address or name during the period that your permit remains in force you must, within 14 days after changing your address or name—

- (a) notify the Director in writing of the change; and
- (b) provide documentary evidence to the satisfaction of the Director of the new address or change of name.

Permit not to be used by another (regulation 45)

Your permit cannot be used by any other person.

Important note: A breach of the *National Parks and Wildlife (Wildlife) Regulations 2019* may incur an expiation fee of \$160 or maximum penalty of \$1250. These regulations can be viewed in their entirety at www.legislation.sa.gov.au

Animal Welfare Act 1985

The treatment of all animals must comply with the *Animal Welfare Act 1985*.

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