

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1926.

A BILL

To amend the Birds and Animals Protection Act, 1918 ; to repeal the Birds and Animals Protection (Amendment) Act, 1922 ; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Birds and Animals Short title. Protection (Amendment) Act, 1926," and shall be construed with the Birds and Animals Protection Act, 1918, which is referred to in this Act as the Principal Act.

2.

- 2.** Section three of the Principal Act is amended—
- (a) by inserting after the definition of “ License ” the following new definition :—
 - “ Prescribed ” means prescribed by this Act or by the regulations made thereunder.
 - (b) by omitting from the definition of “ Protected bird or animal ” the word “ hereto ” and by inserting in lieu thereof the words “ to this Act, and the skin or any part of any such bird or animal. ”
- Amendment of Act No. 21, 1918, s. 3. (Interpretation.)
- 3.** Section seven of the Principal Act is amended—
- (a) (i) by inserting in subsection one after the words “ think proper ” the words “ including the payment of such royalty as is prescribed ” ;
 - (ii) by omitting from the same subsection the words “ or animals ” ;
 - (b) by omitting the words “ or animal ” wherever occurring in subsection two ; and
 - (c) by adding the following new subsection :—
 - (3) The Governor may, by proclamation, direct that the provisions of this section shall apply to protected animals, and upon the publication of such proclamation such provisions shall apply accordingly.
- Further amendment of Act No. 21, 1918, s. 7. (Licenses to take for sale.)
- 4.** Section eight of the Principal Act is amended—
- (a) by omitting the second paragraph of subsection one and substituting therefor the following :—
 - “ The provisions of this section shall apply, whether such bird or animal was killed, taken, or bought in or received from any State or territory of the Commonwealth, or the Dominion of New Zealand, or elsewhere :
 - “ Provided that the Minister may by license, under conditions therein specified, permit the importation of any such bird or animal, or any part of such bird or animal :
- Further amendment of Act No. 21, 1918, s. 8. (Penalty for having in possession.)
- “ Provided,

“ Provided, also, that the Governor may by proclamation exempt, under conditions specified in such proclamation, any bird or animal, or any part of such bird or animal, from such provisions ” ;

- (b) by omitting from subsection two of the same section the words “ or in or from any country other than any such State territory or Dominion as aforesaid ” ; and
- (c) by adding the following new subsection :—

(3) Any such bird or animal, or any part of such bird or animal shall, upon the conviction of any person under this section for an offence in relation thereto, be liable to forfeiture, and shall be disposed of in such manner as the court may direct.

5. Section nine of the Principal Act is repealed and the following new section is substituted therefor :—

Amendment of Act No. 21, 1918, s. 9.

9. (1) The land described in the Third Schedule is hereby constituted a district.

Birds and animals within districts.

(2) The land within a radius of one mile from any school which is a public school within the meaning of the Public Instruction Act of 1880, or any Act amending the same, is hereby constituted a district.

(3) The Governor may, by proclamation, declare any other land to be a district.

(4) The Governor may, by proclamation, declare what birds or animals may be taken or killed within a district, and either generally or within certain specified periods.

(5) Any person who in any district takes or kills, or attempts to take or kill, any bird or animal which he is not expressly authorised to take or kill by virtue of a proclamation made under the last preceding subsection or under the terms of a license issued under sections eighteen or nineteen shall be liable to a penalty not exceeding *twenty* pounds.

6. Section ten of the Principal Act is amended—

Further amendment of Act No. 21, 1918, s. 10. (Penalty for trespass.)

- (a) by omitting the words “ enters any district ” and substituting therefor the words “ is found in any district ” ; and

(b)

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(b) by omitting the words "when so trespassing" and substituting therefor the words "when so found."

7. Section eleven of the Principal Act is repealed and the following new section is substituted therefor:—

Further amendment of Act No. 21, 1918, s. 11.

11. (1) Members of the police force, public school teachers, district foresters, assistant foresters, forest guards, stock inspectors, fruit inspectors, and rangers appointed under the Metropolitan Water, Sewerage, and Drainage Act, 1924, shall, by virtue of their office, be rangers.

Rangers.

(2) The Minister may, by notice in the Gazette, appoint honorary rangers, who shall have the powers and perform the duties of rangers.

8. Section twelve of the Principal Act is amended by inserting the words "or the skin or any other part thereof" after the word "animal" wherever occurring.

Ibid. s. 12. (Search.)

9. Section fifteen of the Principal Act is amended by inserting after the word "animal" the words "or part thereof or skin in respect of which an offence has been committed or any."

Ibid. s. 15. (Arrest.)

10. (1) Section seventeen of the Principal Act as inserted by section two of the Birds and Animals Protection (Amendment) Act, 1922, is omitted and the following section is inserted in lieu thereof:—

Further amendment of Act No. 21, 1918. New s. 17.

17. (1) All protected birds and animals until taken or killed in accordance with the provisions of this Act shall be deemed to be the property of the Crown.

Protected birds and animals until taken to be the property of the Crown.

(2) Nothing in this Act shall prevent any person from keeping in confinement or in a domesticated state, otherwise than for the purpose of traffic, any protected bird or animal which has been taken in accordance with the provisions of this Act.

(3) No person shall traffic in birds or animals without the permission in writing of the Minister. Such permission may stipulate the maximum number of live birds or animals of any class or species, whether protected or scheduled, that may be

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be in the possession of the applicant at any one time. The permission may be revoked or varied by the Minister at any time.

(4) A different maximum number may be prescribed for different classes or species of birds or animals.

(5) Any person who traffics in birds or animals without the permission in writing of the Minister or who fails to observe any stipulation contained in such permission shall be guilty of an offence and shall be liable to a penalty not exceeding *five* pounds for every bird or animal in respect of which there is a contravention of the provisions of this section.

(6) For the purposes of this section any person who is in possession of any number of live birds or animals of any class or species, and whether protected or scheduled, in excess of the maximum number prescribed by regulations for such class or species shall be deemed to traffic in such birds or animals, and to keep the same for the purpose of traffic.

(2) The Birds and Animals Protection (Amendment) Act, 1922, is hereby repealed.

11. The Principal Act is further amended—

- (a) by inserting at the end of section eighteen the words "The Minister may in such license insert such conditions as he thinks proper";
- (b) by inserting at the end of section nineteen the words "The Minister may in such license insert such conditions as he thinks proper."

Further amendment of Act No. 21, 1918.

Sec. 18.

Sec. 19.

12. The Principal Act is further amended by inserting after section twenty-two the following new section:—

Further amendment of Act No. 21, 1918. New s. 22A.

22A. If any person is convicted of an offence against any of the provisions of this Act, any firearms, nets, traps, or other instruments, or any dogs found in the possession of such person when such offence was committed shall be liable to forfeiture.

Forfeiture of firearms, nets, &c.

13.

13. The Principal Act is further amended by inserting after section twenty-four the following new section :—

Further amendment of Act No. 21, 1918. New s. 24A.

24A. Where any person has been convicted of an offence under section twenty-one or twenty-four, any protected bird or animal, or any part of such bird or animal, found in the possession or under the control of such person, shall be liable to forfeiture, and shall be disposed of in such manner as the court may direct.

Forfeiture of protected bird or animal in possession of person convicted under s. 21 or 24.

14. Section twenty-five of the Principal Act is amended—

Ibid. s. 25.

(a) by inserting in subsection one after the word "issued" the words "and the rate of royalties to be paid on skins of protected animals, and the method of branding such skin to indicate the payment of such royalty";

(b) by inserting in the same subsection after the words "under the provisions of this Act" the following new paragraphs :—

Prescribing the conditions under which any bird or animal may be consigned or offered for sale, and for the proper caging of such bird or animal.

Prescribing the method of taking or killing protected birds and animals during the period of an open season or under the authority of a license.

15. The Third Schedule of the Principal Act is amended by omitting the words "by the eastern boundary of the parish of St. Luke" and by inserting in lieu thereof the words "by the western boundary of the parish of St. Luke."

Ibid. Third Schedule.