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Birds and Animals Protection (Amendment) Bill, 1934.

EXPLANATORY MEMORANDUM.

THE main object of this Bill is to tighten up the law with regard to the disposal of skins of protected birds and animals.

It is proposed to institute a system of licensing dealers and skin selling brokers. A dealer may purchase skins in certain circumstances, and may sell them through a skin selling broker only, or he may export same only after paying a royalty to the Crown. The royalty is to be such as is fixed by the regulations.

A skin-selling broker may accept for sale on commission and may sell skins received from a licensed dealer or skins taken under licenses issued under sections seven or eighteen of the Act or from persons who obtained the skins during an open season or from a person authorised to dispose of forfeited skins.

The power to make regulations is extended in various regards. Section 8 relating to offences is amended to relieve the Crown from the burden of proving guilty knowledge on the part of the accused.

[CONFIDENTIAL]

(Brough Draft for Consideration Only.)

No. , 1934.

A BILL

To regulate the sale of the skins of protected animals; to provide for the issue of licenses to dealers and selling brokers of such skins; to provide for the payment of royalties on skins of protected animals; to amend the Birds and Animals Protection Act, 1918-1930; 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. (1) This Act may be cited as the "Birds and Animals Protection (Amendment) Act, 1934," and shall be read with the Birds and Animals Protection Act, 1918-1930, in this Act referred to as the Principal Act. Short title.

(2) The Principal Act as amended by this Act may be cited as the Birds and Animals Protection Act, 1918-1934.

2. The Principal Act is amended—

(a) by omitting from subsection three of section seven the words “ protected animals, and upon the publication of such proclamation ” and by inserting in lieu thereof the words “ the protected animals specified in the proclamation and upon the publication of the proclamation in the Gazette ”;

Amendment of Act No. 21, 1918.

Sec. 7 (3).
(Licenses to take or kill for sale.)

(b) by inserting the following new section next after section seven:—

New s. 7A.

7A. (1) The Minister may issue annual licenses in the prescribed form to approved persons entitling them to operate either as dealers or as skin selling brokers.

Dealers and skin selling brokers.

(2) A person who holds a dealer's license may purchase skins of protected animals prior to payment of the royalty thereon, from the holder of a license issued pursuant to section seven or to section eighteen of this Act or from any person who has obtained such skins during any open season and may sell the same through the agency of a skin selling broker but not otherwise, or after payment of the prescribed royalty may export the same.

(3) A person who holds a skin selling broker's license may accept for the purpose of sale on commission, and may sell the skin of any protected animal received from any licensed dealer or from the holder of any license issued pursuant to section seven or to section eighteen of this Act, or from any person who has obtained such skin during any open season or where the skin has been forfeited under this Act from a person authorised by the regulations or by the Court to dispose of the skin.

(4) Save as prescribed no person who does not hold a license under this section shall sell

sell or dispose of or traffic in any skins of protected animals upon which the royalty payable under the provisions of this Act has not been paid, except by way of sale to a licensed dealer, or by consigning the same to a skin selling broker for the purpose of sale.

- (c) (i) by omitting from subsection one of section eight the word " knowingly ";
- (ii) by inserting at the end of paragraph (b) of subsection two of the same section the words " or where he is charged with having such bird or animal or skin or part in his possession or with having it in his house or with having it in his control, that he did not know and had no reason to suspect that such bird or animal or skin or part was in his possession, house or control ";
- (iii) by inserting next after paragraph (b) of the same subsection the following new paragraphs:—
 - (c) that he is a licensed dealer and has purchased the skin, the subject matter of the charge, from the holder of a license issued pursuant to section seven or to section eighteen of this Act, or from any person who has obtained such skin during an open season;
 - (d) that he is a licensed skin selling broker and has received the skin, the subject matter of the charge, for the purpose of sale on commission from a licensed dealer or from the holder of a license issued pursuant to section seven or to section eighteen of this Act, or from some person who has obtained the skin during an open season or where the skin has been forfeited under this Act from a person authorised by the regulations or by the Court to dispose of the skin.

Sec. 8.
(Penalty for having protected bird or animal in possession.)

3. The Principal Act is further amended—

Further amendment of Act No. 21, 1918. New s. 18A.

- (a) by inserting next after section eighteen the following new section:—

18A. A royalty shall be paid as prescribed on all skins of any protected animals taken during any open season or under any license issued pursuant to section seven or section eighteen of this Act. Royalty.

- (b) by inserting at the end of subsection one of section twenty-five the following words:— Sec. 25. (Regulations.)

“ The regulations may also provide—

- for the time within which, and the manner in which and the persons by whom royalties on the skins of protected animals shall be paid;
- for the time within which, and the manner in which sales of skins of protected animals shall be effected;
- for the production to police officers of skins of protected animals taken otherwise than for purposes of sale or taken for export;
- for the issue of certificates by police officers that skins of protected animals have been produced within the prescribed time, and are intended to be retained for the personal use of the owner thereof, or are for export;
- for the form of the certificates lastly hereinbefore mentioned, and the circumstances in which the same may be issued; and
- for the forfeiture of skins of protected animals held in contravention of the provisions of this Act.”