**ANIMALS AND BIRDS PROTECTION ACT AMENDMENT BILL 1922**

**House of Assembly, 9 December 1922, pages 2013-5**

Second reading

**The TREASURER (Hon. W. Hague);—** This short Bill is introduced in order to effect some minor but necessary amendments to the Animals and Birds Protection Act, 1919. That Act deals with the protection and control of wild animals and birds, provides the classes of animals and birds that are to be wholly protected or partly protected, and sets up machinery to secure the enforcement of the statute. There is no general scheme in this Bill as the amendments are of a disconnected nature and each must be considered separately. Section 8 of the principal Act gives the Governor power to make certain proclamations necessary for the administration of the Act. Subdivision b gives him power to prescribe close seasons for any partly protected animal or bird. Any proclamation under this provision must be made with reference to the whole State. In some cases, however, it may be desirable to create a close season for certain animals or birds in some parts of the State only. Thus, it may be desirable to declare a close season for kangaroos in one part of the State, while in another part kangaroos are so plentiful as to be a nuisance. The Governor should, therefore, have power to declare a close season for any partly protected animal or bird in respect ofl any portion of the State. Subdivision a of clause 4 of the Bill amends subdivision b of section 8 of the principal Act and gives the Governor this additional power. A similar position arises in regard to subdivision e of section 8 of the principal Act. The Governor can, under this provision, by proclamation prescribe any area within which the provision of the principal Act shall not apply with respect to any animals or birds. A proclamation under this provision must apply to all the provisions of the principal Act whereas it may be desirable to suspend the operation of some only of its provisions, keeping the rest in full force. Subdivision b of clause 4 gives this additional power, and enables the Governor to suspend the operation of all or any of the provisions of the principal Act for the purposes of subdivision c of section 8. Subdivision d of section 8 of the principal Act gives the Governor power to declare, by proclamation, any Crown lands or other lands, with the consent of the owner or occupier, to be a closed area with respect to animals or birds. A difficulty has arisen with regard to waters. Obviously it is desirable that waters should be capable of inclusion in a proclamation of this nature, but the subdivision only extends to lands, and would not cover, for example, a permanent swamp or lagoon. Subdivision e of clause 4 extends subdivision d of section 8, and gives the Governor power to include in a closed area waters vested in the Crown or other waters with the consent of all persons whose proprietary rights are thereby affected. For the purposes of this amendment a definition of “waters” is required. Clause 3, therefore, inserts a definition in section 3, the interpretation section of the Act. Subdivision d of clause 4 adds two new subdivisions, f and g, to section 8 of the principal Act. The new subdivision f gives the Governor power to declare any device, or any device when used in other than the manner prescribed by regulation, to be an illegal device. This subdivision creates the necessity for a definition of “device.” Clause 3, therefore, inserts the requisite definition in section 3 of the principal Act. The new subdivision is then referable to clause 7 of the Bill. This clause inserts two new subdivisions, k and l, into section 14 of the principal Act. This section sets out the various acts that are offences against the statute. The new subdivision k of section 14 makes it an offence to take any animal or bird with an illegal device. Subdivision d of clause 4, as before mentioned, also inserts another subdivision, g, in section 8 of the principal Act. This new subdivision gives the Governor power to declare any animal or bird to be a prohibited animal or bird. This, too, is referable to clause *7,* and in this case to the new subdivision l inserted by clause 7 in section 14 of the principal Act. The effect of those provisions is that the Governor may declare any animal or bird to be a prohibited animal or bird, and then if anyone introduces from overseas such an animal or bird without obtaining the consent in writing of the Minister, he is guilty of an offence. This enables a safeguard and cheek to be placed on the importation from overseas into South Australia of undesirable types of animals or birds. When it is remembered that a great number of the animal and bird pests of South Australia, e.g., the rabbit, the fox, the sparrow, and the starling, are not native to the State, it will be seen that it is very important for the Government to have power to prevent the importation of further pests. There is no power given by the principal Act under which the Governor may revoke or vary any proclamation made by him under section 8 of the principal Act. This is a power which the Governor should possess, and subdivision e of clause 4 gives it to him. Section 9 of the principal Act enacts that any dogs found trespassing upon any closed area (i.e., an animal or bird sanctuary) may be destroyed. The section does not specify who shall destroy these dogs, and as it stands anyone may do so. A dog should only be destroyed by an inspector under the Act, and clause 5 accordingly limits, the right to do so to inspectors. Section 13 provides that all birds and animals, skins, &c., taken contrary to the principal Act, are to be forfeited to His Majesty, and disposed of in the manner directed by the Minister. Thus a carcase may be seized, but it cannot be destroyed or otherwise disposed of until directions are obtained from the Minister. Where the carcase, skin, or feathers which have been forfeited are situated in some part of the State remote front a post office or telegraph station, it may take a. week or more to get into touch with the Minister, and, moreover, the Minister may happen to, be out of town when the application reaches his office. Clause 6 deals with such a case, and provides that the disposal may be made according to the directions of any person or persons authorised by the Minister. The Minister may then appoint persons in different parts of the State to give directions as required. Clause 8: amends subsection l of section 26 of the principal Act. This subsection fixes the fees payable for gun licences and game licences. It is considered that the fees fixed in the section, 2s. 6d. and £1 respectively, are too low, and the clause therefore strikes out these amounts and gives the Minister power to fix the required amounts by notice published in the “Government Gazette.”

Mr. Reidy—Will you put a provision in the Bill to prevent some of these so-called bird enthusiasts from exporting birds?

The TREASURER—That is already under the control of the Government.

Mr. Reidy—You give people who pretend to be enthusiasts the right to exploit our birds.

The TREASURER—The honorable member is not correct in his statement, as we are very strict in that regard. In fact, we got into trouble recently for not allowing people to take away birds. In Victoria they complain that we will not allow men to come here and take birds.

Mr. Reidy—-Has the Minister received any complaints about people exporting birds?

The TREASURER^—I do not know that I have had any complaints, but I know that when applications come in we consider them very carefully before we consent to the export of birds. Very often they are turned down, or the number of birds which may be exported is limited.

Mr. Reidy—I have had a lot of complaints that certain gentlemen, who are supposed to be bird protectors, are protecting the birds for themselves.

The TREASURER—If the honorable member will give the names of such persons, full inquiries will be made. These statements are sometimes made, but it is difficult to obtain anything definite of this nature. I move the second reading.

Mr. GUNN secured the adjournment of the debate until December 7.