



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1833.

An Act to further amend the Animals and Birds Protection Act, 1919, and for other purposes.

[Assented to, January 5th, 1928.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Animals and Birds Protection Act Amendment Act, 1927." Short titles.

(2) The Animals and Birds Protection Acts, 1919 and 1922, and this Act may be cited together as the "Animals and Birds Protection Acts, 1919 to 1927."

(3) The Animals and Birds Protection Act, 1919, is hereinafter referred to as "the principal Act." No. 1365 of 1919.

2. Subsection (1) of section 8 of the principal Act is amended by adding at the end thereof the following paragraph :—

Amendment of principal Act, s. 8—

(h) prescribe rates of royalties payable in respect of any animals or birds or the skins or carcasses of any animals or birds taken pursuant to this Act.

Prescribing royalties by proclamation.

3. Section 10 of the principal Act is amended—

Amendment of principal Act, s. 10—

(a) by inserting therein after subsection (2) the following subsection :—

Permits to take protected animals or birds.

(2A) In any case where the Minister is satisfied that the occupier of any land is desirous of breeding for sale any protected animals or birds on the said land,
and

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and the Minister is of opinion that it is desirable to issue a permit as is hereinafter mentioned, the Minister may issue a permit to such occupier of land to take on the said land any protected animals or birds of the kinds specified in the permit and to sell any such animals or birds or the carcasses or skins thereof.

(b) by striking out the word "may" in the first line of subsection (3) thereof and by inserting in lieu thereof the words "shall be issued subject to the payment of any fee prescribed by regulation and may".

Amendment of
principal Act—

4. The principal Act is amended by inserting after section 13 thereof the following new sections:—

Payment of
royalties.

Cf. Q. No. 13 of
1924, s. 2 (4).

13A. (1) There shall be charged and paid in respect of every animal or bird or the skin or carcass of every animal or bird of any kind fixed by proclamation which is taken in South Australia pursuant to this Act, a royalty at such rate per centum of the selling value thereof as is prescribed by proclamation. The said royalty may vary in respect of different animals or birds or the skins or carcasses thereof.

(2) The selling value of any animal or bird or the skin or carcass of any animal or bird shall in any case where the animal or bird or skin or carcass thereof is sold by auction, be the actual gross price thereof. In all other cases the selling value shall be the amount fixed by the Chief Inspector as the selling value in respect thereof.

(3) The royalty shall be payable by the person who takes the animal or bird, but every person who, whether on his own behalf or on behalf of any other person, deals in animals or birds or the skins or carcasses thereof shall be liable for the payment of the prescribed royalty thereon, unless the royalty shall have been previously paid.

Collection of
royalties.

13B. (1) The Governor may, for the purpose of carrying out the provisions of section 13A, appoint collectors of royalty, and a notification of every such appointment shall be published in the *Government Gazette*.

(2) On receipt of the prescribed royalty the collector shall, in accordance with the regulations, cause the animal or bird or skin or carcass thereof to be branded or otherwise marked with a prescribed brand or mark as evidence of payment of the royalty.

(3) A collector or inspector may seize any animal or bird or the skin or carcass thereof charged with the payment of royalty under this section in respect of which the royalty has not been paid, and may keep possession thereof until the royalty is paid.

(4) The Minister may recover on behalf of the Crown any royalty payable under section 13A by action or proceeding in his official name in the Supreme Court or in any Local Court or in
any

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any Court of summary jurisdiction, and may also in like manner, apply for and obtain from any such Court an order for sale of any animal or bird or the skin or carcass of any animal or bird charged with the payment of royalty hereunder. The proceeds of any such sale shall be applied as the Minister directs.

13C. (1) Any person who evades or attempts to evade payment of royalty under section 13A shall be liable to a penalty not exceeding Fifty Pounds. A prosecution for an offence against this section may be brought at any time within six months after the fact of the commission of the offence came to the knowledge of the Minister. Penalties.

(2) In any action or proceeding under this section the fact that any animal or bird or the skin or carcass of any animal or bird is not branded or marked with the prescribed brand or mark as aforesaid shall be *prima facie* evidence that royalty thereon has not been paid.

(3) In any action or proceeding under this section the onus of proof that royalty has been paid on any animal or bird, or the skin or carcass thereof, shall be upon the defendant.

13D. (1) The Chief Inspector may on payment of the prescribed fee issue a dealer's licence to any person who, in the opinion of the Chief Inspector, is a fit and proper person to be the holder of a dealer's licence. Licensing of dealers.

(2) If any person not being the holder of a dealer's licence buys from the holder of any game licence any animal or bird or the carcass or skin thereof upon which royalty is payable under this Act, and whether the royalty has been paid or not, without first obtaining the consent in writing of the Chief Inspector to such sale, then both the said person and the said holder of the game licence shall be guilty of an offence against this Act.

13E. In addition to any other powers to make regulations conferred by this Act, the Governor may make regulations prescribing means for the prevention of the evasion of the payment of royalties under section 13A, and for the mode of enforcing payment thereof. Regulations.

5. Section 14 of the principal Act is further amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof)— Amendment of principal Act, s. 14—
Offences.

(2) The provisions of paragraphs (c), (d), and (e) of subsection (1) shall apply whether the animals or birds referred to in the said paragraphs were taken within the State or outside the State.

6. Section 20 of the principal Act is amended by adding at the end of paragraph (c) thereof the words "unless the consent in writing of the Minister to the sale is first obtained." Amendment of principal Act, s. 20—
Exemption in certain cases.

7. Sections

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Amendment of principal Act, ss. 23 and 24—

Restriction on use of firearms.

Amendment of principal Act, s. 25—
Game licences.

7. Sections 23 and 24 of the principal Act are amended by striking out the words "for the purpose of sport" in the fourth line in each section.

8. Section 25 of the principal Act is amended by inserting therein the following subsections:—

(2A). Any such game licence may authorise the holder thereof to take animals and birds and the eggs of birds as aforesaid—

(a) throughout the whole of the State; or

(b) within any portion or portions of the State specified in the game licence; or

(c) upon any land specified in the game licence which is occupied by the holder thereof.

(2B) The holder of any game licence issued pursuant to paragraph (b) or (c) of subsection (2A) hereof shall be deemed to be the holder of a game licence only within the portions of the State specified in the said game licence.

Amendment of principal Act, s. 26—
Fees.

9. Section 26 of the principal Act is amended by striking out all the words in subsection (1) thereof after the word "payment" and by inserting in lieu thereof the words "of the fees prescribed by regulation. The fee prescribed in respect of any of the kinds of game licence mentioned in subsection (2A) of section 25 may be greater or less than the fee prescribed in respect of any of the other kinds of game licence mentioned as aforesaid".

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.