



ANNO SEXAGESIMO TERTIO ET SEXAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1900.

No. 745.

An Act for the Protection of Birds.

[*Assented to, December 5th, 1900.*]

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

1. The "Game Act, 1886," is hereby repealed so far as the same
relates to birds. Repeal.

2. This Act may be cited as "The Birds Protection Act." Short title.

3. Birds included in the First Schedule shall be protected during
the whole of every year; birds included in the Second Schedule
shall be protected during the period in such Schedule mentioned;
and the periods respectively for which birds are so protected shall
be deemed a close season: for birds included in the Third Schedule
there is no close season: Provided that the Governor may, by Pro-
clamation published in the *Government Gazette*, make an order
transferring any birds from any one Schedule to any other, and
thereafter the birds transferred shall be deemed to be included in
the Schedule to which they shall respectively be transferred: Pro-
vided also that the Governor may, by Proclamation published as
aforesaid, make an order declaring that any portion of the Crown
lands, or any public reserve, or the sea-shore or any part thereof,
shall be a bird protection district, and thereafter all birds within
such district shall, except birds included in the Third Schedule,
for the period mentioned therein, be absolutely protected. Birds protected.

4. Any person who shall— Offences.

(a) Kill, wound, destroy, catch, or take:

(b) Have

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(b) Have in his possession or control :

(c) Sell, offer, or hawk for sale :

(d) Export, or attempt to export :

any protected bird or any bird on or from any protected district or reserve ;

(e) Take out of the nest or destroy in the nest :

(f) Sell, or offer or hawk for sale, or have in his possession for sale :

the eggs of any protected bird, or the eggs of any bird from any protected district or reserve ;

(g) After the twentieth day of December, one thousand nine hundred, sell, or offer or hawk for sale, any skin or feather of any protected bird, or any article made therefrom, or in which the same shall be used :

shall be guilty of an offence against this Act. Any person who shall be or enter upon any land for the purpose of committing any offence against this Act, or with intent so to do, shall also be guilty of an offence against this Act: Provided that nothing in this section contained shall apply to—

- i. Any aboriginal native killing birds or taking eggs on Crown lands (not being a bird protection district or a bird protection reserve under this Act) for food for himself or his family :
- ii. Any person who shall have in his possession any bird which shall have been lawfully in his possession prior to the passing of this Act :
- iii. Any person having in his possession birds as domestic pets, whenever and however taken :
- iv. Any person, being the owner or occupier of any garden, vineyard, or field of corn or other cultivated crop, killing or taking therein any bird mentioned in the Second Schedule.

Illegal devices.

5. (a) Every swivel or punt gun :

(b) Every crutch or instrument to enable a gun or rifle of any sort to be fired other than from the shoulder :

is hereby declared to be an illegal device, and forfeited to the Crown ; and every person who shall use, carry, or possess any such device, or who shall fire any gun or rifle for the purpose of shooting at birds with the aid of any such crutch or instrument shall be guilty of an offence against this Act ; and any constable may seize and take into his possession any such device.

6. If

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6. If any person shall be found offending against the provisions of this Act, and shall not give his name and address, or shall give a false name or address, or shall not deliver any bird, egg, or gun, weapon, net, trap, or other instrument used for killing, wounding, or destroying, catching, or taking birds, to any person being the owner or occupier or the agent for the owner or occupier of the land whereon any offence against this Act shall have been committed, or to any constable who may demand such name and address, or such bird, egg, gun, weapon, net, trap, or instrument, it shall be lawful for such person or constable, with any assistance he may require, to take such first-named person into custody, and take him before any Special Magistrate or two Justices of the Peace, to be dealt with according to law; and any person who shall refuse to give his name and address, or shall give a false name or address, or shall assault or resist any constable so demanding such bird, eggs, gun, weapon, net, trap, or instrument, shall be guilty of an offence against this Act.

Offenders to give up name and address, weapons, and birds.

Section 15 of Game Act amended.

7. The Commissioner of Crown Lands may, on the recommendation of the Director of the South Australian Museum, grant a permit to any person to collect for scientific purposes from any Crown lands not included in a bird protection district or reserve, or from any private property if the consent of the owner has been obtained, any protected birds, or the nests and eggs of such protected birds: Provided that—

Permit may be granted.

- i. The period during which any permit shall remain in force shall be specified thereon:
- ii. Any person to whom any permit shall have been granted shall have the same in his possession when engaged in collecting such birds, nests, or eggs:
- iii. The Commissioner may at any time revoke any permit.

8. Any person who shall be guilty of an offence against this Act shall forfeit and pay—For the first offence, a penalty of not less than One Pound nor more than Two Pounds; for a second or subsequent offence, a penalty of not less than Two Pounds nor more than Twenty-five Pounds; and in every case shall also forfeit and pay the sum of Five Pounds for every bird, if mentioned in the First Schedule, and the sum of Two Pounds for every bird, if mentioned in the Second Schedule, killed, wounded, destroyed, caught, taken, bought, sold, found in possession or control, or otherwise improperly dealt with.

Penalty on killing, taking, or having in possession protected birds or other animals during period of protection.

Section 6 amended.

9. One half of every sum which shall be imposed as a penalty for any offence under this Act shall be paid to the South Australian Zoological and Acclimatisation Society, Incorporated, and the other half of every such sum shall be paid to the Treasurer for the public use of the said province.

One half of penalties to be paid to the Zoological Society, other half to Treasurer.
New.

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Summary juris-
diction.

10. All proceedings for any offence against this Act may be had and taken before, and be heard and determined in a summary way by, any Special Magistrate or two Justices of the Peace, under the provisions of the Ordinance No. 6 of 1850, "To facilitate the performance of duties of Justices of the Peace out of Sessions with respect to Summary Convictions and Orders," or of any Act in force, or hereafter to be in force, relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance, or in any other Act as aforesaid, is or shall be provided.

Appeal.

11. There shall be an appeal to the Local Court of Adelaide of Full Jurisdiction only against any order or conviction by any Special Magistrate or Justices of the Peace against this Act, and from every order dismissing any information or complaint, or from any other order made by such Magistrate or Justices under this Act; and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance No. 6 of 1850, for appeals to Local Courts, or any Act to be hereafter in force regulating such appeals; but the Local Court of Adelaide aforesaid shall have power to make such order as to the payment of the costs of the appeal as it shall think fit, although such costs may exceed Ten Pounds.

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

TENNYSON, Governor.

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THE FIRST SCHEDULE.

BIRDS PROTECTED DURING THE WHOLE YEAR.

| Common Name. | Scientific Family or Generic Name. | Species Number for Reference. |
|--|------------------------------------|-------------------------------|
| Owls of all species | Strigidæ | 28 to 37 |
| Mopokes and Night Jars of all species . . | Caprimulgidæ | 38 to 50 |
| Swifts of all species | Cypselidæ | 51 and 52 |
| Swallows and Martins of all species | Hirundinidæ | 53 to 57 |
| Laughing Jackasses and Kingfishers of all species | Alcedinidæ | 60 to 72 |
| Wood Swallows of all species | Artamidæ | 73 to 80 |
| Diamond Birds (or Pardalotes) of all species | Pardalotus | 81 to 87 |
| Piping Crowshrikes (or Native Magpies) of all species | Gymnorhina | 92 to 94 |
| Butcher Birds and all species of small Crowshrikes | Cracticus | 95 to 101 |
| Magpie Larks | Grallina | 102 |
| Blue Doves, Thickheads, Shriketits, and Bell Birds | Campephaginæ | 103 to 131 |
| Thrushes of all species | | |
| Fantails (or Wagtails) and Flycatchers of all species | Muscicapidæ | 134 to 154 |
| Robins of all species | Saxicolidæ | 163 to 178 |
| Superb Warblers, Emu Wrens, Blue Wrens, and Wrens of all species | Malurus Amytis and Stipiturus | 185 to 201 |
| Native Tits of all species | Acanthiza and Geobasileus | 220 to 230 |
| Tintacks and Ephthianuras of all species . . | Ephthianura | 231 to 233 |
| Pipits and Larks of all species | Motacillidæ | 240 to 243 |
| Reed Warblers and Bush Larks of all species | Sylviadæ | 246 to 248 |
| Bower Birds | Chlamydodera | 278 to 281 |
| Tree Creepers of all species | Climacteris | 366 to 371 |
| Cuckoos of all species | Cuculidæ | 377 to 385 |
| Stone Plovers or Night Curlews | Ædicnemus | 496 |
| Ibis and Spoonbills of all species | Tantalidæ | 538 to 542 |
| Herons, Bitterns, Egrets of all species | Ardeidæ | 545 to 562 |
| Seagulls of all species | Laridæ | 596 to 599 |
| Terns (or Sea Swallows) of all species | Sternidæ | 600 to 616 |
| Cape Barren Geese | Cereopsis | 578 |

NOTE.—The scientific family and generic names are taken from Gould's "Handbook to the Birds of Australia," and the species numbers are those given in the same book to the species included in this list.

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THE SECOND SCHEDULE.

BIRDS PROTECTED DURING PART OF THE YEAR.

| | |
|--|--|
| Emus | } From the first day of June to the twentieth day of December, both inclusive. |
| Swans | |
| Wild Geese (except Cape Barren Geese).. | |
| Plovers of all kinds..... | |
| Wild Ducks of all kinds | } From the first day of August to the twentieth day of December, both inclusive. |
| Bustards or Native Turkeys | |
| All other wild birds, whether indigenous or imported, except those mentioned in the First and Third Schedules..... | } From the first day of July to the twentieth day of December, both inclusive. |

THE THIRD SCHEDULE.

BIRDS NOT PROTECTED.

| | |
|---|--|
| Crows (Corvus) | Snipe (Gallinago) |
| Wattle Birds (Anthochaera) | English Starlings |
| Silver Eyes (Zosterops) | English Chaffinches |
| Cormorants (Phalacrocorax) | English House Sparrows |
| Sulphur Crested Cockatoos (Cacatua Galerita) | Rosella Parrots (Platycercus Adelaidensis, Platycercus eximius). |
| Hawks | |