

ANIMALS AND BIRDS PROTECTION.

No. 23 of 1961.

AN ACT to amend the *Animals and Birds Protection Act 1928.* [7 September 1961.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title and citation.

1—(1) This Act may be cited as the *Animals and Birds Protection Act 1961.*

(2) The *Animals and Birds Protection Act 1928*, as subsequently amended, is in this Act referred to as the Principal Act.

Regulations.

2 Section eighteen of the Principal Act is amended—

(a) by omitting paragraphs (d), (e), and (f) of subsection (1); and

(b) by inserting after sub-paragraph (i) of paragraph (zc) of that subsection the following sub-paragraph:—

“(iA) a minimum penalty, not exceeding five pounds, for the breach of any regulation;”.

3 After section eighteen of the Principal Act the following section is inserted:—

Power of Minister to make orders for certain purposes.

“18A—(1) The Minister, on the recommendation of the Board, may, by order—

(a) prescribe the times, seasons, and places at or during which the taking of the several kinds of partly protected animals and partly protected birds shall commence, or cease, or be prohibited or permitted, and the conditions as to, or the restrictions on, the taking thereof;

(b) prohibiting, either generally or in any prescribed places or for any prescribed periods, the taking of any particular kind or species of partly protected animal or partly protected bird, or the male or female thereof, or the eggs of any partly protected bird, or the destroying of the nests of any partly protected bird;

(c) prescribing the maximum number of any particular kind or species of partly protected animal or partly protected bird, or of the male or female

thereof, that any one person may take or have in his possession in any one day or within any prescribed period; and

- (d) imposing penalties for breaches of any such order, with power to impose—
- (i) different penalties for successive breaches of any order;
 - (ii) a minimum penalty, not exceeding five pounds, for the breach of any order; and
 - (iii) penalties, in addition to any general penalty, not exceeding five pounds in respect of each and every—
 - (A) animal, bird, carcase, or skin; or
 - (B) snare, net, gun, lamp, lantern, light, trap, or other engine,
 with respect to which a breach of any order has been committed,

but no such penalty shall exceed one hundred pounds, and the aggregate of all such penalties in respect of any individual breach shall, in no case, exceed one hundred pounds.

“(2) Any order under this section may be made to apply throughout the State or to any district, area, or locality.

“(3) Where an order under this section is made in respect of any matter in respect of which a regulation under section eighteen is in force on the date of the making of the order, that regulation ceases to have any force or effect on or after that date.

“(4) The provisions of the *Acts Interpretation Act 1931* apply to an order under this section in the same manner and to the same extent, in all respects, as if it were a regulation.”.

4 Until an order is made under section eighteen A of the Principal Act in respect of any matter in respect of which orders under that section may be made, any regulation made under that Act in respect of that matter continues to have the same force and effect as if this Act had not been enacted. Transitory provisions.
