

BIRDS AND ANIMALS PROTECTION ORDINANCE 1922-1933.⁽¹⁾

An Ordinance Relating to the Protection of Birds and Animals.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *New Guinea Act 1920*, as follows:—

1. This Ordinance may be cited as the *Birds and Animals Protection Ordinance 1922-1933.*⁽¹⁾

Short title.
Amended by
No. 3 of 1934,
s. 50.

2. This Ordinance shall commence on the first day of January, 1923.

Commencement.

3. The following Ordinances and Order are hereby repealed—

Repeal.

 - Birds of Paradise (Exportation) Ordinance 1920.*

Rabaul Gazette
28th February,
1920.
 - Birds of Paradise Exportation (Amendment) Ordinance 1921.*

Rabaul Gazette
31st January,
1921.
 - Order dated 14th August, 1915, requiring persons in possession of skins of Birds of Paradise, &c., to declare the same.*

Rabaul Gazette
15th August,
1915.

4. In this Ordinance—

Definitions.

 - “Collect”, used in relation to birds, means to destroy or capture by any means birds living in a wild state in the Territory, for any purpose except for use as food or for preventing them from doing mischief.

(1) The *Birds and Animals Protection Ordinance 1922-1933* comprises the *Birds and Animals Protection Ordinance 1922*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES MADE BY THE GOVERNOR-GENERAL IN COUNCIL.

Short title, number and year.	Date on which made by Governor-General in Council.	Date on which notified in Commonwealth Gazette.	Date on which took effect.
<i>Birds and Animals Protection Ordinance 1922</i> (No. 40 of 1922)	20.12.1922	28.12.1922	1.1.1923 (Sec. 2, <i>Birds and Animals Protection Ordinance 1922</i>)
<i>Birds and Animals Protection Ordinance 1924</i> (No. 21 of 1924)	5.6.1924	12.6.1924	12.6.1924 (<i>Cwlth. Gaz.</i> of 12.6.1924)
<i>Birds and Animals Protection Ordinance 1933</i> (No. 6 of 1933)	29.3.1933	6.4.1933	6.4.1933 (<i>Cwlth. Gaz.</i> of 6.4.1933)

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“Protected animal” means any animal of any kind specified by the Administrator in a Proclamation issued in pursuance of the power conferred by section five of this Ordinance, subject to such limitations (if any) of time and place as may be set out in the Proclamation.

“Protected bird” means—

- (a) any bird of any of the kinds specified in the First Schedule; and
- (b) any bird of any kind specified by the Administrator in a Proclamation issued in pursuance of the power conferred by section five of this Ordinance, subject to such limitations (if any) of time and place as may be set out in the Proclamation.

Administrator may declare birds and animals to be protected birds and animals.

5.—(1.) The Administrator may by Proclamation⁽²⁾ published in the *New Guinea Gazette* declare that birds of any kinds specified in the Proclamation shall be protected birds, either without limitation as to time and place, or with such limitation as to time and place as he may specify; and thereupon the provisions of this Ordinance shall apply to such birds and to their skins and plumage as if they were included in the First Schedule, but subject to such limitations (if any) as to time and place as may be set out in the Proclamation.

(2.) The Administrator may by Proclamation⁽³⁾ published in the *New Guinea Gazette* declare that animals of any kinds specified in the Proclamation shall be protected animals, either

(2) Particulars of the proclamations made pursuant to Section 5 (1.) are set out in the following Table:—

TABLE.

(N.B.—Particulars of proclamations which have expired by effluxion of time are printed in italics.)

Date on which proclamation made.	Date on which published in <i>N.G. Gaz.</i>	Subject matter.
11. 7. 1930	16. 7. 1930	Declaring the following birds to be “protected birds without limitation as to time and place”— <i>Corvus orru</i> (crow), <i>Rhipidura tricolour</i> (willie-wagtail), <i>Eurystomus australis</i> (dollar bird), and <i>Coracina robusta</i> (black-faced cuckoo shrike)
11. 6. 1934	30. 6. 1934	Revoking the Proclamation dated 11th July, 1930, so far as it applied to the <i>Corvus orru</i> (crow) and declaring the <i>Corvus orru</i> (crow) to be “a protected bird in every place in the Territory except in the Vitu (Witu) Islands, where it shall be protected except during the months of February and March in every year.”
16. 8. 1934	31. 8. 1934	Declaring “Peacocks (<i>Pavo cristatus</i>) shall be protected birds without limitation as to time and place.”
<i>23. 9. 1935</i>	<i>30. 9. 1935</i>	<i>Declaring that the Proclamation dated 11th June, 1934, “shall not apply to the Corvus orru (crow) on Garowe Island for a period of six months from the date of this Proclamation.”</i>
<i>14. 7. 1939</i>	<i>31. 7. 1939</i>	<i>Declaring that the Proclamation dated 11th June, 1934, shall not “for a period of two months from the date of publication of this Proclamation”, apply to the Corvus orru (crow) on the area of land at Gazelle Peninsular described in the Schedule to the Proclamation</i>

(3) Pursuant to Section 5, the Administrator, by Proclamation dated 18th March, 1926, and published in *N.G. Gaz.* of 31st March, 1926, declared “that deer shall be protected animals without limitation as to time and place.” This Proclamation was revoked by Proclamation dated 30th September, 1938, and published in *N.G. Gaz.* of 8th October, 1938.

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without limitation as to time and place, or with such limitation as to time and place as he may specify; and thereupon the provisions of this Ordinance relating to protected animals shall apply to such animals, subject to such limitations (if any) as to time and place as may be set out in the Proclamation.

6.—(1.) Any person authorized by the Administrator by notice published in the *New Guinea Gazette* may issue special permits to destroy or capture protected birds or protected animals. Special permits may be in the Form A in the Second Schedule hereto.

Special permits may be issued.

(2.) A special permit may be issued only to a person who is the duly accredited agent of a Government or of a museum, zoological or acclimatization society or other scientific institution.

(3.) A special permit to destroy or capture protected birds may be issued only to a person who is the holder of a licence to collect birds issued under this Ordinance.

(4.) A special permit may be issued subject to such conditions as to the period for which it is to be in force, the parts of the Territory to which it is to apply, the number or kind of birds or animals that may be captured or destroyed and other matters, as the person who issues the permit may think necessary.

(5.) For each special permit there shall be payable a fee of Twenty pounds:

Provided that the Administrator may, if he thinks fit, in special cases waive the whole or any portion of that fee.

Proviso added by No. 6 of 1933, s. 2.

(6.) Any person to whom a special permit has been issued may destroy or capture protected birds or protected animals subject to the conditions set out in it.

(7.) Protected birds and protected animals which have been captured, and the skins and plumage of protected birds which have been destroyed, under the authority of a special permit, may be exported by the person to whom the permit was issued during the period for which the special permit is in force or within one month after its expiration.

Exportation of birds obtained under special permits.

7. Any person who, not being the holder of a special permit authorizing him so to do—

Capture or destruction of certain birds forbidden.

(1) captures or wilfully destroys any protected bird or protected animal; or

(2) buys, sells or deals in any protected bird or protected animal, or the skin or plumage of any protected bird or any part thereof; or

(3) exports or takes or sends out of the Territory any protected bird or protected animal or the skin or plumage of any protected bird or any part thereof,

shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

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Power of search.

8. Any European officer or warrant officer of the New Guinea Police Force and any European officer of Customs, if in his opinion there are reasonable grounds for suspecting that there is in any house vessel or place or in any case, box or parcel a protected bird or a protected animal or the skin or plumage of any protected bird or any part thereof, may search such house, vessel or place and may open any such case, box or parcel and may seize any such bird, animal, skin or plumage if found.

Possession of protected birds.

9. Any person who is found in possession of a protected bird or a protected animal or the skin or plumage of a protected bird or any part thereof shall, unless he can give a satisfactory account of how he came into possession of it, be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

Forfeiture of birds' skins, &c.

10. All birds and animals and all skins and plumage, or parts thereof, in respect of which an offence is committed under this Ordinance or which are seized under section eight, and in respect of which no satisfactory explanation is given, may be declared by the Administrator to be forfeited to the Crown.

Licences to collect birds and for shooting assistant.

11.—(1.) Any person authorized by the Administrator by notice published in the *New Guinea Gazette* may issue licences to collect birds and shooting assistant's licences.

(2.) Licences to collect birds may be in Form B of the Second Schedule, and shooting assistant's licences may be in Form C of the Second Schedule.

(3.) Licences to collect birds and shooting assistant's licences shall not be issued for periods exceeding one year.

(4.) A shooting assistant's licence shall name the person to whom the holder of the licence is to act as assistant.

(5.) No licence issued under this section shall authorize the holder of the licence to destroy or capture any protected bird.

(6.) For each licence to collect birds there shall be paid a fee of £5, and for each shooting assistant's licence a fee of £1.

Penalty for collecting without a licence or employing unlicensed shooting assistant.

12.—(1.) Any person, not being the holder of a licence to collect birds, who collects birds shall be guilty of an offence.

(2.) Any person who employs any person, not holding a shooting assistant's licence, as a shooting assistant in collecting birds, shall be guilty of an offence.

Penalty: Twenty pounds or imprisonment for one month.

Time for instituting proceedings. Inserted by No. 21 of 1924, s. 2.

13. Proceedings may be instituted, in respect of any offence against this Ordinance, within two years of the date upon which the offence was committed.

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SCHEDULES.

FIRST SCHEDULE.

Section 4.

Birds of Paradise. Goura or Crown Pigeons.
White Herons (or Cranes).

SECOND SCHEDULE.

FORM A.

Section 6.

SPECIAL PERMIT.

Birds and Animals Protection Ordinance 1922.

This is to certify that _____ of _____ who is the duly accredited agent of _____, and who is also the holder of a licence to collect birds under the *Birds Protection Ordinance 1922*,⁽⁴⁾ is permitted, subject to the conditions and restrictions hereunder written, to destroy or capture protected birds and protected animals of the numbers and kinds and in the parts of the Territory named below, subject to such other conditions as are set out below, for a period of _____ from the date of this special permit, and to export them and their skins and plumage from the Territory during that period and for one month after its expiration.

Names of Protected Birds or Protected Animals included in this Permit.	Number of Protected Birds or Protected Animals.	Parts of the Territory to which this Special Permit applies.

OTHER CONDITIONS.

Dated at _____ this _____ day of _____, 19 _____
Issuer.

FORM B.

Section 11.

LICENCE TO COLLECT BIRDS.

Birds and Animals Protection Ordinance 1922.

This is to certify that _____, at present residing at _____ is licensed under the above Ordinance to collect birds other than protected birds, from the _____ day of _____ One thousand nine hundred and _____ to the _____ day of _____ One thousand nine hundred and _____

Dated this _____ day of _____, 19 _____
Issuer.

(4) The words "*Birds Protection Ordinance 1922*" appeared in the original Ordinance. The words "*and Animals*" have now been inserted after the word "*Birds*" by the First Schedule of the *Ordinance Reprint and Revision Ordinance 1947* of the Territory of Papua-New Guinea.

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FORM C.

SHOOTING ASSISTANT'S LICENCE.

Birds and Animals Protection Ordinance 1922.

This is to certify that _____, of _____, is licensed under the above Ordinance as a shooting Assistant to _____ of _____, from the _____ day of _____, One thousand nine hundred and _____ to the _____ day of _____, One thousand nine hundred and _____

Dated this _____ day of _____ 19 _____

Issuer.