

EDITORIAL

BIRD PROTECTION IN SOUTH AUSTRALIA

Recent discussions at monthly meetings of this Association have centred on South Australian legislation and the administration of the Protection Act. As a result, the Committee of Management is deliberating on what course should be taken regarding certain proposals which have been received from members.

THE SCHEDULES

The Animals and Birds Protection Act, 1919-1958, contains four Schedules. The first lists former Acts, now repealed. The Second Schedule was repealed in 1938. The Third Schedule lists partly protected fauna; Part II specifies the following birds: all species of ducks and quail, Bald Coot (*Porphyrio*), Emu, Greenshank (*Tringa nebularia*), Snipe (*Gallinago*), Mutton Bird, Pelican, and Silver Gull (in the Hd. of Menzies). Close seasons vary according to the species. For ducks it is from July 1st to February 13th, for greenshanks and snipes March 1st to September 30th, pelicans September 1st to March 31st, and for quails August 1st to February 13th.

The Fourth Schedule lists 35 unprotected birds, including eight introduced forms, but there is no mention of the Lace-necked Dove (*Streptopelia chinensis tigrina*), now one of the most numerous and undesirable birds about Adelaide. Doves, which quickly established themselves after accidental liberations occurred about 25 years ago, must be regarded as protected birds according to the terms of the Act. Among the unprotected native species listed in the Fourth Schedule are all cormorants (*Phalacrocorax*), crows (*Corvus* spp.), and two predators, the Wedgetailed Eagle (*Aquila audax*) and Goshawk (*Accipiter fasciatus*).

At the March meeting of the South Australian Ornithological Association a number of proposals were put forward for the greater protection of birds whose continued existence in the wild state is threatened. The suggestions were incorporated in a series of motions which were adopted by the meeting. The Committee of Management was instructed to prepare and forward to the appropriate authorities a request for a proposed Fifth Schedule of Rare Animals to the *Animals and Birds Protection Act*. At the April meeting

the motions were rescinded. It will be recalled that a similar move towards greater protection of certain species, in the year 1955, received the same harsh treatment.

Now the throwing out of the motions *as they stood* was of no great consequence and the methods used do not concern us here. However, it must be a cause for wonder to many that this Association, which in the past has always taken the lead in matters of bird protection, should be divided on an issue which springs from the very Aims of its Constitution. The motions were concerned with bird preservation only. Anybody familiar with government procedure would know that it could not be expected that they would meet with the complete approval of the authorities as they stood.

The question has been asked in several quarters why the motions were so bitterly opposed. Trading in native fauna, especially birds, is big business. The bird fanciers, and there are many in our ranks, recognised the move as a denunciation of the activities of some of the leading dealers within their own circle. The egg collectors, with few exceptions, were made to see the proposals as a threat to their "rights" as holders of scientific collecting permits. Many who opposed the motions overlooked the moral issues at stake. Someone invented the subterfuge that the motions were "too sweeping" and this became the catch-cry of the opposition.

Those who asked for a Fifth Schedule have pointed out that this need has been largely brought about by the widespread operations of trappers working for the bird traders. Owing to greatly improved techniques in trapping, learned in some cases from experience gained in bird-banding, any kind of bird can now be captured alive with comparative ease.

The South Australian *Protection Act* is considered by many to encourage trapping and dealing in native birds. Any protected bird may be sold, whether caught in the wild or bred in captivity, providing a permit is obtained. There is nothing in the *Act* regarding the numbers of protected birds which may be taken. According to the former Chief Inspector of Fisheries and Game (Mr. F. W. Moorehouse), it is the "Fauna and

Flora Advisory Committee which periodically draws up lists of totally protected birds which need no limit to the number that may be taken or which should be limited in the numbers taken." Mr. Moorehouse also stated that "the department sees that these limits are kept within bounds."

In the case of protected and partly protected birds which appear to be very numerous we do not know the *extinction threshold* (i.e. critical point in the downward trend of populations below which recovery is impossible) of the majority. The Passenger Pigeon once occurred in flocks of countless millions in North America, where it was relentlessly persecuted, taken for food, and even used as fertiliser in agriculture, until at last it was exterminated about the year 1898. Long before the last flocks were destroyed, the biological eclipse of the species was assured—its numbers had fallen below the absolute minimum required by its low breeding potential and peculiar breeding habits. In South Australia birds which have been regarded as "unimportant" may no longer be "common," e.g. certain parrots and finches. Almost any native species is highly-prized by bird fanciers both here and abroad and South Australia has become the principal source of many species much in demand by the bird trade in other parts of the Commonwealth.

Between the years 1955 and 1958 permits to export from South Australia the following numbers of parrots, cockatoos and finches were issued: parrots, 1,775 overseas and 18,597 interstate; cockatoos (excluding galahs), 488 overseas and 6,263 interstate; finches, 6,263 overseas and 21,476 interstate (compiled from Annual Reports of Fisheries and Game Department). Galahs and budgerigars are not included in the above grand total of 71,970 individuals. Although no distinctions are possible, it is probable that the majority of birds exported were wild caught and therefore the figures given may be regarded as less than half the total numbers handled by the trade.

THE PROPOSED FIFTH SCHEDULE

The following were the main points put forward for a Fifth Schedule:

- (a) the imposition of heavy fines on persons infringing the law—£50 fine for each individual bird or clutch of eggs was suggested.
- (b) the introduction of special permits to

take a specified number of any one species to be issued only in special circumstances.

- (c) special permits to be granted only to bona fide naturalists and scientists connected with scientific institutions.
- (d) all special permits to be valid for six months only.
- (e) applicants for special permits to state reasons for requiring birds, ultimate place of lodging of specimens, and numbers of skins or eggs now held or held previously of the species required.
- (f) total prohibition of overseas export licences for birds listed in a Fifth Schedule.
- (g) applications for permits to be submitted to the State Museum for advice. This proposition in no way weakens the authority of the Fisheries and Game Department, as some have suggested. In the past, the Department has, on occasions, approached Museum specialists for advice on many matters. Recommendations made by the Flora and Fauna Advisory Committee regarding the numbers of certain species which may be taken have caused trappers to build up markets for others on which there are no restrictions. With rare and threatened species, joint consultation with the Museum specialist offers a flexible means of controlling the issue of permits, with the final decision resting with the Minister.

In the original March motions for a Schedule of Rare Animals, the following list of birds was suggested: Mallee Fowl; King Quail; Painted Quail; Red-chested Quail; Plain Wanderer; Bustard; Freckled Duck; Glossy Black Cockatoo; Pink Cockatoo; Princess Parrot; Scarlet-chested Parrot; Orange-bellied Parrot; Ground Parrot; Night Parrot; Red-lored Whistler; Mallee Whipbird; Ground Thrush; Spotted Quail Thrush; Beautiful Firetail; Diamond Firetail; Painted Finch; Painted Finch; Apostle Bird; Bowerbirds (all species).

It may be pointed out, however, that the *Act* leaves room for an interpretation of the Regulations which would make a Fifth Schedule unnecessary.

THE COMING POLL

At the May meeting of the Association, the Vice-President, Mr. B. C. Newland, told members that the rescinding of the original March motions (outlined above) by the April meeting had been *unanimously rejected* by the Committee of Management. With a view to giving ALL members a chance to vote on the matter of a Fifth Schedule, he proposed that a Poll be held for the purpose of choosing one of three alternatives: (a) the original motions; (b) a modification of same; (c) a rejection of both the preceding. He also invited constructive suggestions from any quarter, but pointed out that no alterations, additions or subtractions that amount to a negation of the original motions could be received. This proposition was acceded to by a large majority of those present, and the Committee of Management was instructed to prepare a modified version of the original motions which may find favor with all members.

At the time of writing, the final form of the modified version has not been decided upon by the Committee. Great difficulty has been encountered in an endeavor to give proper consideration to every suggestion received and to reconcile the aims of aviculture with those of ornithology, if that is possible.

A different version of the original motions, framed by those who objected that the latter were "too sweeping," has been submitted to the Committee following its distribution to *selected members only*. Of the 22 members who have subscribed to it, there must be many who were in no position or failed to judge correctly the new proposals, the main points of which are as follow:

(a) The oppositionists, fearful of unwelcome notoriety, maintain that there is no great threat to the avifauna from any direction and that the commercial exploitation of birds is not harmful. They have decried the suggestion that certain birds are "in danger of becoming extinct" and have substituted in their own version of the motions the phrase "which are becoming rare." Is this phrase intended to be less alarming?

(b) The suggestion that total prohibition of export of species listed in a Fifth Schedule is rejected.

(c) The names of sixteen species listed in the original March motions are deleted. In nearly every case these species are either

popular aviary subjects, potential merchandise, or their eggs are coveted by certain egg collectors. One, the Freckled Duck, is protected the whole year in Victoria, which has an open season for other ducks. The peculiarities of this duck should be easily discernible to experienced shooters (see Jones, *Emu*, 46, p. 126, plate 13).

Of the smaller birds removed from the original list, it might be said that the demand in the trade for such birds as quails and finches is never satisfied. Diamond Sparrows, once regarded as common birds, have disappeared from some parts of the State, and Beautiful Firetails, much in demand in avicultural circles, bring high prices in Sydney and elsewhere. Certain birds whose stronghold is South Australia could be eliminated in a very short time by excessive trapping and perhaps also by unrestrained egg collecting. Pink Cockatoos are reported to bring £250 per pair in America. Far from occurring in "plague proportions" (high concentrations in times of drought give this impression), Pink Cockatoos are known to have been wiped out in some localities during the breeding season by trappers, and the same must be said of the Orange-bellied Parrot which used to breed near Robe.

(d) A suggestion that the Brolga (*Grus rubicundus*) and Stone Plover (*Burhinus magirostris*) be included in a Fifth Schedule. Although this proposal will be received favorably by many, it appears to be an attempt to divert the thoughts of members from the real objective of the March motions, which was to arouse Government interest in the urgent need for a new approach to the question of bird protection in the light of present-day commercial activities. The altered version, which might appear reasonable enough to those who have no knowledge of the ramifications and magnitude of the bird trade, defeats that objective. In this State the trade has consistently shunned publicity. It has discouraged enquiries from the Press. Apart from the figures published in the Annual Reports of the Fisheries and Games Department and brief references to consignments overseas in the shipping lists, its activities are rarely divulged.

The wording and form of the new proposals are much the same as the original motions. The need for bird protection is admitted. But the changes are deceptive, and those who have any doubts about the

matter should compare the new suggestions with the original and modified versions of the Committee, when received. It should be pointed out that the original motions received the support of the Committee of Management as a working basis for discussions with the proper authorities. They have been acclaimed by members who had no opportunity to vote in their favor and by others who have been working for changes in fauna legislation in other States.

Whatever the outcome of the poll, continued vigilance is needed by all those who recognise the diverse threats to the avifauna which now exist. Meanwhile, the Committee of Management is hopeful that the membership will recognise that it is through its efforts alone that an opportunity has been afforded for ALL members to express their opinions on a matter which has a direct bearing on the Aims of the Association.

IMPORTANT NOTICE.

Since the above was written, information is to hand which might compel the Committee of Management to reconsider its intention to hold a poll on the question of a Fifth Schedule. For further details see the next Monthly News Letter.—*Editor.*

INTERSTATE TRAFFICKING IN BIRDS

It is generally believed that under Section 92 of the Commonwealth Constitution interstate trading in birds cannot be prevented, and that birds taken in an open season in one State may be transported to the State in which their owner resides. On the other hand, some argue that fauna of a State are the property of the populace and the Government is therefore free to discriminate against non-residents. In Western Australia there has recently been introduced a residential qualification on all trappers, and licences may be refused to those who live in other States.

Loopholes in trading in fauna, due to the principle of free trade between States, have been closed in the United States of America by the issue of permits to take *for ownership within the State only*. Immediately fauna are shipped to another State they are no longer classed as "private-owned" and transportation is only permitted after the payment of a *special royalty* to the community relin-

quishing its title. The policing and regulation of fauna conservation in this way must be regarded as valid and in the best interests of the people. In the United States, prohibition of interstate shipping of fauna in contravention of State laws has been upheld in the courts (see Wing, loc. cit., p. 323). It is suggested that similar measures might be introduced into Australia without infringing the principles of Section 92.

A NEW ACT?

Mr. F. W. Moorehouse, at the Conference of Interstate Fauna Authorities held in Sydney, in November, 1958, stated: "In South Australia it is quite legal, provided ministerial permit is obtained, to take any animal or bird totally protected for keeping in confinement. We work closely with the R.S.P.C.A. on caging. As you know we have a Flora and Fauna Advisory Committee . . . *Quite recently the committee decided to ask the Government to include a large number of present totally protected birds on the un-protected list.* The Bill was drawn up but the amendment was put aside because of pressure of other business."

Although the Association has representation on the Flora and Fauna Advisory Committee, it has never been approached on the question of a new Act or in connection with any recent amendments to the regulations of the present Act.

One of the Aims of this Association is the protection of native birds. This principle is the common bond which has drawn our members together. Indeed, since the present controversy has been aired in the *Monthly News Letter* and other communications, membership has soared and the city minority has gained further support from a number of competent ornithologists and others interested in conservation.

Bird protection in South Australia is faced with many difficulties, not the least of which are the activities of commercial interests and public apathy. Whether we are going to preserve our wild-life for the edification of our successors or hand over an estranged and devastated land, from which the interesting, the unique and the valuable have disappeared, depends on the community.