

MARINE MAMMALS AND FAUNA PROTECTION

A legal opinion has been obtained from the Crown Law Department regarding the interpretation of fauna as applied to such birds and animals as penguins, albatrosses, turtles, dugongs, seals and dolphins, which are normally found at sea, either for the whole or part of their lifetimes. It will be remembered that the definition of fauna specifically includes birds and reptiles. It seems therefore that as both seals and dugongs for example, are ordinarily to be found in parts of the State such as sandy beaches and resorts used for breeding purposes, they are fauna within the meaning of the Fauna Protection Act. Dolphins, which are always found in the water and are indigenous to no part or parts of the State but to the high seas, cannot be classified as fauna within the meaning of that Act. They are strictly "fish" in terms of the Fisheries Act.