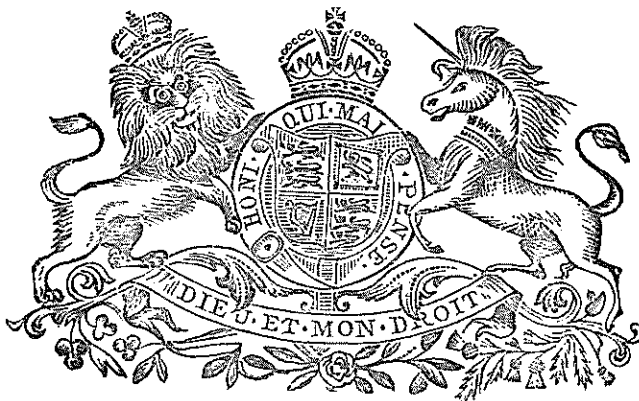


WESTERN AUSTRALIA.



ANNO QUARTO
GEORGII QUINTI REGIS,
XXVII.

No. 27 of 1913.

AN ACT to amend the Game Act, 1912.

[Assented to 30th December, 1913.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Game Act Amendment Act*, 1913, and shall be read and construed as one Act with the Game Act, 1912 (hereinafter called the principal Act.) Short title.

2. The following words are inserted in the principal Act after the definition of "District," that is to say—" 'Game' shall include any bird or animal of a kind or species for the time being comprised in the second or third schedule of this Act, and the word 'bird' or 'animal' shall include the skin and the body and any portion of the skin or body of any such bird or animal;" and the following words are inserted after the definition of "Reserve," that is to say—"Prescribed" means prescribed by the regulations under this Act. Amendment of section 4.

3. Section six of the principal Act is hereby amended by the deletion of the words and letter "paragraph (a) of" in the proviso. Amendment of section 6.

4. The following section is inserted in the principal Act after section six thereof, that is to say:— Insertion of new section after section 6.

Native game deemed
property of Crown.

6a. For the purposes of this Act all native game, until lawfully taken or killed, shall be deemed the property of the Crown.

Provided that, subject to the provisions of this Act, any person duly licensed may take or kill native game for the purpose of sale or the disposal thereof for gain or reward.

Provided also that, subject as aforesaid, any person may, without license, take or kill native game if not for the purpose of sale or the disposal thereof for gain or reward.

Insertion of new
sections after
section 12.

5. The following sections are hereby inserted in the principal Act after section twelve thereof, that is to say—

Power to grant
licenses to kill
kangaroos for food
purposes.

12A. (1.) Notwithstanding anything in this Act it shall be lawful for the Minister to grant licenses, for the term of one year or any lesser term, for the taking and killing of kangaroos for food purposes only, and every such license shall authorise the licensee to take and kill during the term of the license such kangaroos as may be required by him and his family (if any) for food purposes only.

(2.) Every such license shall specify the district or locality in which it is to have effect, and shall have effect throughout such district or locality, including any reserves therein proclaimed under this Act, and during the whole term thereof, subject to such exceptions (if any) as may be declared in the license.

(3.) No act done by any holder of such license within the scope of the authority conferred thereby shall be deemed to be an offence against this Act.

(4.) The Minister may revoke any such license at any time and for any reason or without assigning any reason, and thereupon the term thereof shall come to an end.

(5.) The Minister may delegate any of the powers vested in him by this section to any other person.

Licenses to keepers
of native game
farms.

12B. (1.) Whenever any person shall be in lawful possession of any lands for a farm for any kind of native game, then the Minister may at any time grant to such person a license for such period and subject to such conditions as the Minister shall think fit, which shall, whilst in force, exempt the licensee and his servants and agents from liability to observe any proclamation made under section six of this Act, so far as regards native game of that kind on the said land.

(2.) The Minister may also grant to any such person a license permitting him and his agents and servants to catch, trap, and take native game of that kind from any Crown lands, or from any lands which he or they shall be duly authorised to enter, for the purpose of stocking such farm, subject, however, to the prescribed conditions.

(3.)

(3.) No act done by any holder of a license under this section, or any servant or agent of the licensee, within the scope of the authority conferred by the license, shall be deemed to be an offence against this Act.

(4.) Every license granted hereunder shall enure for the benefit of the licensee, his executors and administrators, and such of his assigns as the Minister shall approve.

6. Section fourteen of the principal Act is hereby amended by the excision of the word "or" in the first line of paragraph (a). Amendment of section 14.

7. The following section is hereby inserted in the principal Act after section fourteen thereof, that is to say:— Insertion of a new section after section 14.

14A. If any person, after the expiration of thirty days from the coming into operation of any proclamation declaring — Penalty on possession of or dealing in native game during close season.

(a.) Any close season generally throughout the State (with or without exemption of any portion thereof) for any native game; or

(b.) that any bird or animal indigenous to Western Australia shall be at all times strictly preserved generally throughout the State (with or without any such exemption as aforesaid);

or after such period (if any) as may be fixed by the proclamation for the purposes of this section (whichever shall be the longer period), and whilst such proclamation remains unrevoked and in operation shall sell, buy, or have in his possession or control any game of a kind to which the proclamation applies, he shall be guilty of an offence and liable to a fine not exceeding two pounds for each bird or animal so bought or sold or in his possession or control, unless he shall prove that the same was imported from beyond the State or was lawfully taken or killed within the State:

Provided that in the case of any such proclamation which shall have come into operation before the first day of October, nineteen hundred and thirteen, the foregoing provisions of this section shall apply as if such proclamation had come into operation on the said first day of October.

8. The following sections are hereby inserted in the principal Act after section seventeen thereof, that is to say:— Insertion of new sections after section 17.

17A. If it appears to a Justice on a complaint made on oath that there are reasonable grounds for suspecting that there is in any place whatsoever any game taken or killed contrary to this Act, he may issue his warrant directing any guardian or officer of police to enter and search such place (with power, if necessary, to use force for that purpose whether by breaking open doors or otherwise) and to seize any such game, if found, and to take it before a Justice to be dealt with according to law. Power to grant search warrant for game illegally taken or killed.

(17B.)

Forfeiture of game
on conviction.

17B. When any person has been convicted of any offence against this Act, then any game with respect to which the offence was committed and which was in his possession at the time when he was arrested or proceeded against for such offence shall be forfeited to His Majesty and the conviction shall operate as a condemnation thereof.

Disposal of game
seized.

17c. When any game has been seized under this Act by any police officer or guardian it shall be taken before a Justice as soon as practicable, and such Justice shall, after hearing the person (if any) in whose possession such game was found, or after such opportunity as the Justice shall deem sufficient has been given to such person (if any) to be heard, and on proof to the satisfaction of the Justice that such game has been taken or killed contrary to this or the principal Act, condemn the same as forfeited to His Majesty, and the same shall be forfeited accordingly.

Amendment of
section 23.

9. Section twenty-three of the principal Act is hereby amended by the deletion of the words “that the same has not been illegally bought or sold, or is illegally in the possession of any person,” and the insertion of the words following: “that such game has not been illegally bought or sold and has not been killed, taken, or acquired contrary to any provision of this Act.”

Insertion of new
section after sec-
tion twenty-three.

10. The following section is inserted in the principal Act after section twenty-three thereof, that is to say:—

Royalty on mar-
supial skins.

23A. (1.) Skins of marsupials taken or killed in Western Australia shall be charged with the payment of royalty at the prescribed rate. Such royalty may vary for the different kinds of marsupials.

(2.) Every person who takes or kills a marsupial from which the skin is taken for the purpose of sale, or disposal for gain or reward, shall pay the prescribed royalty on the skin.

(3.) Every person who, whether on his own behalf, or on behalf of any other person, deals in the skins of marsupials, shall be liable for the payment of the prescribed royalty thereon, unless such royalty shall have been previously paid.

(4.) The Governor may, for carrying out the provisions of this section, appoint collectors of royalty, and a notification of every such appointment shall be published in the *Government Gazette*.

(5.) On receipt of the prescribed royalty the collector shall, in accordance with the regulations, cause the skin to be branded with a prescribed brand as evidence of payment of the royalty.

(6.) A collector may seize any skin charged with the payment of royalty under this section, in respect of which the royalty shall not have been paid, and may keep possession thereof until the royalty is paid.

(7.)

(7.) The Minister may recover on behalf of the Crown any royalty payable hereunder by action or proceeding brought under his name or style of office in the Supreme Court or in the Local Court or any Court of summary jurisdiction, and may also in like manner apply for and obtain from such Court an order for sale of any skin charged with the payment of royalty hereunder, and the proceeds of such sale shall be applied as the Court directs.

(8.) Any person who shall evade or attempt to evade payment of royalty hereunder shall be guilty of an offence and liable to a penalty not exceeding Fifty pounds.

(9.) In this section "skin" includes any part of a skin.

11. Section twenty-four of the principal Act is hereby amended by the insertion before the last paragraph thereof of the words: "Prescribing all matters which by this Act are required or permitted to be prescribed or which it may be necessary or convenient to prescribe for giving effect to this Act." Amendment of section 24.

12. (1.) All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by this Act, under the supervision of the Clerk of Parliaments, and all necessary references to this Act made in the margin. Reprinting of principal Act with amendments.

(2.) In any reprint of the principal Act the short title may be altered to the *Game Act, 1912-13*, by which short title this and the principal Act may be cited together.