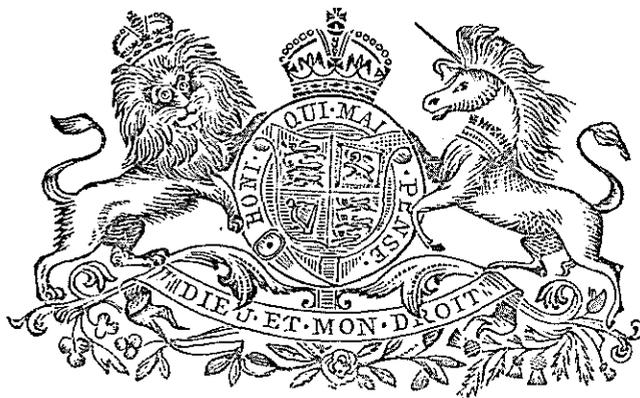


WESTERN AUSTRALIA.



ANNO TERTIO

GEORGII QUINTI REGIS,

LIX.

No. 78 of 1912.

AN ACT to consolidate and amend the Laws relating to Imported and Native Game.

[Assented to 24th December, 1912.]

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, 1912.* Short title.

2. This Act shall come into force on a date to be fixed by Proclamation not less than three months and not more than six months from the passing of this Act. Commencement.

3. The Acts enumerated in the First Schedule hereto are hereby repealed. Repeal (Schedule).

4. In this Act, if not inconsistent with the context,— Interpretation.
 - “Close Season” means the season or period during which it is not lawful to take or kill native or other game.
 - “District” means such part of the State of Western Australia as the Governor may from time to time proclaim to be a district for the purposes of this Act.

- “Guardian” means any person appointed by the Governor to assist in directing or controlling the protection of game under this Act.
- “Imported Game” means and includes any bird or other animal which is or shall be mentioned in the Third Schedule hereto, and the offspring, young, or eggs thereof.
- “Minister” means the Minister for the time being charged with the administration of this Act.
- “Native Game” means and includes any bird or other animal which is or shall be mentioned in the Second Schedule hereto, and the offspring, young, or eggs thereof, and includes the skin or any portion of the skin or body of such bird or other animal.
- “Reserve” means any area of land set apart by or with the approval of the Governor and proclaimed as a reserve for the purposes of this Act.
- “Take or kill” means the hunting, shooting, killing, netting, snaring, spearing, pursuing, taking, disturbing, or injuring of any game or of the offspring, young, or eggs thereof.

Alteration of Schedules.

5. The Governor may, by Proclamation, add the name of any bird or other animal to the Schedules of this Act, and from time to time may remove the name of any bird or other animal therefrom, and such Proclamation shall take effect as fully as though the additions or removals therein referred to had been expressed in this Act as originally enacted.

Power to Governor to proclaim (a.) Close season for native game; (b.) Reserves; (c.) What game to be strictly preserved.

6. The Governor may from time to time, by Proclamation, declare—

- (a.) The close season for any particular native game, either generally throughout the State, or in any one or more districts thereof, to be defined in any such Proclamation:
- (b.) Any one or more portions of the State or any one or more localities to be respectively defined in any such Proclamation a reserve for native game or any particular native game.
- (c.) That any bird or animal indigenous to Western Australia shall be at all times strictly preserved, either generally throughout the State or in any one or more portions thereof.

Provided that the Governor may in like manner exempt from the operation of any declaration under paragraph (a) of this section, any defined locality.

Districts.

7. The Governor may proclaim any part or parts of the State to be a district or districts for the purposes of this Act, and may from time to time, or for a stated time, suspend altogether or in part the operation of this Act in such district. Such suspension may apply to all native or imported game or to any particular species, sex, or kind of such game specified in such Proclamation.

8. The Governor may, by Proclamation, declare any Crown lands, and with the consent of the owners thereof any other lands, to be a protected area under the control of the Acclimatisation Committee of Western Australia, and subject to such limitations and regulations as may be prescribed.

Acclimatisation
areas.

9. (1.) No person shall take or kill or use any dog or gun for the purpose of taking or killing any imported game until such person has taken out a license to take or kill such game under this Act and paid the prescribed fee therefor.

Licenses (imported
game).

(2.) Every person who commits a breach of this section is liable to a fine not exceeding twenty pounds, in addition to the sum of ten shillings for every bird or animal so taken or killed, and the Justice or Justices before whom the case is heard may order that any such dog or gun used as aforesaid may be destroyed or forfeited.

(3.) The Governor may appoint a fit person or fit persons in each district to issue licenses to take or kill imported game.

10. No person shall sell or take or kill for the purpose of selling any imported or native game or dispose thereof for gain or reward until he has taken out a license for that purpose and paid the prescribed fee therefor.

License to sell
game.

Every such license shall be issued and may be revoked at the discretion of the Minister, and shall declare therein the duration of the said license.

Licenses to sell game shall be signed and issued by the same persons as under this Act are authorised to sign and issue licenses to take or kill game.

11. If any person not authorised under the provisions of this Act shall wilfully take or kill, or attempt to take or kill, or shall use any instrument whatever or any other means for the purpose of taking or killing—

Persons taking or
killing out of sea-
son, etc.
55 Vic., No. 36, s. 6

- (a.) any native game during the close season for such game in any place where such close season applies; or
- (b.) at any time of the year any bird or animal whatever on any reserve proclaimed under this Act; or
- (c.) at any time of the year any bird or animal indigenous to Western Australia, in any portion of the colony or locality included in any Proclamation declaring such bird or animal to be strictly preserved,

such person shall, upon conviction, forfeit and pay any sum not exceeding the sum of twenty pounds, in addition to the sum of ten shillings for each bird or animal so taken or killed, and the Justice or Justices by whom such conviction shall be made may order that any instrument used as aforesaid shall be destroyed or forfeited.

Persons offending against this Act to give name and address and deliver up game, etc.

55 Vic., No. 36, s. 10.

12. If any person shall be found offending against the provisions of this Act, and shall not give his name and address, and shall not deliver up any imported or native game, or any instrument or means used to take or kill such game, to any person who may demand the same respectively, it shall be lawful for such last-mentioned person, with any assistance he may require, or for any guardian or police constable, to take and detain such first-mentioned person in custody until he can be brought before a Justice of the Peace, to be dealt with according to law. And any person who shall assault or resist any such person so demanding such game, or instrument or means as aforesaid, shall on conviction forfeit and pay a penalty not exceeding twenty pounds, besides any other penalty he may have incurred under this Act, and shall forfeit such game, instrument, or thing.

Burden of proof.

7 Edw. VII., No. 18, s. 3.

13. (1.) Any person charged with having taken or killed native game, or with having employed any unlicensed person to take or kill native game contrary to any Proclamation or on any reserve for native game shall, on proof that native game was found in his possession, be deemed to have taken or killed such native game, or to have employed an unlicensed person to take or kill native game until the contrary is proved.

(2.) In every prosecution under this Act an averment in the complaint that the person charged with the offence was an unlicensed person or employed an unlicensed person, or that the native game was taken or killed for sale or barter, shall be deemed to be proved in the absence of proof to the contrary.

Offence of unlawful possession of native game.

14. Any person who—

(a.) is charged with having in his possession, or on any reserve for native game, any native game reasonably suspected of being unlawfully obtained; and

(b.) does not prove to the satisfaction of the Justices before whom he is charged that such native game was lawfully obtained

shall, on conviction, be liable for a first offence to a fine not exceeding twenty pounds, and for a second or subsequent offence to imprisonment with or without hard labour for not exceeding six months, or to a fine not exceeding one hundred pounds and not less than twenty pounds.

Guardian.

15. The Governor may from time to time appoint such persons as he shall think fit to be guardians, who shall do all necessary acts for carrying into effect the provisions of this Act, and for preventing and punishing any breach thereof.

16. Any guardian who has reason to suspect that a breach of any of the provisions of this Act has been committed, and that any game in respect of which such breach has been committed is likely to be in any tent, house, vessel, boat, conveyance, or other place, may, by warrant, authorise any constable to enter and search, and if found, seize such game.

Guardian, search by.

17. Any guardian is hereby empowered for the enforcement of the provisions of this Act to exercise the powers and authority of a constable, and shall be at liberty at all times and seasons, without any let or hindrance whatsoever, to enter into or upon and pass over or along any river, stream, lake, or the banks or borders thereof, or any lands, acclimatisation area, or premises, or any reserve within his district, and to enter any boat and examine any instruments whatsoever which are being used or could be used in contravention of this Act, and to do all such other acts and things as he is required to do by this Act or the Regulations, and the production by him of his appointment shall be sufficient warrant for such officer so acting.

Guardian, entry by.

18. No person shall kill or destroy any imported or native game, or shoot at or attempt to shoot at any imported or native game with any swivel gun or punt gun, or use any gun other than such a gun as is habitually raised at arm's length and fired without other support from the shoulder. Any gun having a barrel or barrels of a length exceeding forty-eight inches, or having a bore exceeding eight calibre, shall be deemed and taken to be a swivel or punt gun within the meaning of this Act.

Use of heavy guns.

19. The Minister may in writing authorise any person to catch or take any game for *bona fide* scientific or acclimatisation purposes.

Authority to take game for scientific purposes.
c.f. N.Z., 8 Ed. VII., No. 6, s. 32.

20. (1.) No person shall be deemed to be so authorised to catch or take or shall catch or take any game unless he has obtained authority from the Minister as hereinbefore provided.

No person deemed authorised to catch or take game except with authority of Minister.

(2.) No such authority shall in any case have any force or effect for a longer period than three months from the date thereof, except in the case of authority granted to the Director or other officials of the West Australian Museum or of the Zoological Gardens and to the officers of the West Australian Acclimatisation Committee, which shall remain in force during the term of office of the said officers.

N.Z., 8 Ed. VII., No. 6, s. 32.

21. The Minister may, in writing, authorise for a stated period any person or the servants of any such person to kill or destroy any imported or native game found on his property and committing any damage or injury.

Authority to destroy.
N.Z., 8 Ed. VII., No. 6, s. 34.

Provided that the Minister is satisfied that such injury is likely to arise through the presence of such game.

Export of game.
N.Z., 8 Ed. VII.,
No. 6, s. 31.

22. No living imported or native game shall be exported from the State of Western Australia unless with the written consent of the Minister; and every person who exports or attempts to export any such game without such consent is liable to a fine not exceeding twenty pounds.

Consignment of
game.
1 Geo. V., No. 23,
sec. 3.

23. The Railway Commissioner may refuse to carry or allow to be conveyed on any Government Railway any game which shall have been or shall be reasonably suspected to have been illegally bought or sold or illegally in the possession or control of any person, or as to which the consignor or proposed consignor or his agent shall not on demand furnish a statutory declaration that the same has not been illegally bought or sold or is illegally in the possession of any person.

Regulations.

24. The Governor may make Regulations—

Prescribing the form of licenses to be issued under this Act and the conditions and registration thereof;

Prescribing the duties of guardians, the mode of appointment to, and removal from office, and the control of such officers;

Prescribing the maximum number of any species of imported or native game which may be taken or killed by any single person in any one day;

For the preservation and propagation of native or imported game, and generally for enforcing and elucidating the provisions of this Act and furthering the objects thereof.

Such Regulations may impose a penalty not exceeding Twenty pounds for any breach thereof.

SCHEDULES.

The First Schedule.

The Game Act, 1892—The whole.
 The Game Act Amendment Act, 1900—The whole.
 The Game Act Amendment Act, 1907—The whole.
 The Game Act Amendment Act, 1911—The whole.

The Second Schedule.

| | |
|--|---|
| Wild Ducks of all species | Lotus Bird |
| Wild Geese of all species | Wild Turkey |
| Black Swan | Terns and Gulls (exclusive of Gannets) |
| Gnow or Native Pheasant | Kestrel |
| Quail (including Bustard Quail) | Frogmouths, Night-jars, Kingfishers, Bee-eaters, and Swifts |
| Wild Pigeons and Doves | Robins and Wagtails |
| Cranes, Herons, Spoonbills, Egrets, and Bitterns | Wrens |
| Rails and Crakes (exclusive of Gallinules) | Magpie Larks |
| Coots | Magpies |
| Plovers of all species (including Stone Plover or Curlew) | Wattle Birds |
| Oyster Catchers (including Redbills) | Bower Birds |
| Dottrels | Finches and Weaver Finches (exclusive of Silver-eyes) |
| Stilts (including Rottnest Snipe, White Headed Stilt, and Red Necked Avocet) | Cockatoos and Galahs |
| Sea Curlews (including Whimbrells) | All Marsupials excepting Native Cats |
| Godwits | Moloch Horridus |
| Sand Pipers | Echidna |
| Stints, Knots, and Snipe | Dugong |

The Third Schedule.

| | |
|------------|-------------|
| Deer | White Swans |
| Antelopes | Ostrich |
| Pheasants | Pea Fowl |
| Partridges | Guinea Fowl |
| Grouse | Doves |