

*The Destructive Birds and Animals Act, 1893*

## WESTERN AUSTRALIA

ANNO QUINQUAGESIMO SEPTIMO

VICTORIÆ REGINÆ

No. 22

An Act to prohibit the importation or keeping of Destructive Birds or Animals, and to authorise their destruction. [Assented to 13th October, 1893.]

Preamble

WHEREAS much damage has been caused by Sparrows and other Destructive Birds to Vineyards, Orchards, and Fruit Trees in the Australasian Colonies, and it is expedient to prevent the introduction into Western Australia of such birds, and any Animals which may, in the opinion of the Governor in Council, be considered to be destructive to vineyards, orchards, or fruit trees, or to any agricultural produce; and further to prevent the keeping of all such Birds and Animals within Western Australia: Be it enacted by the Queen'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:—

Short title

1. This Act may be cited for all purposes as 'The Destructive Birds and Animals Act, 1893.'

Interpretation

2. For the purposes of this Act, 'destructive bird' shall mean any sparrow and other bird to which the Governor in Council, from time to time, by Proclamation in the 'Government Gazette,' extends the provisions of this Act; and 'destructive animal' shall mean any animal to which the Governor in Council from time to time by like Proclamation extends the provisions of this Act.

Destructive bird or animal not to be imported

3. No destructive bird or animal shall be imported into Western Australia by sea or land; and any master or other person in charge of any vessel, or any other person who carries or brings or causes or allows to be carried or brought, any destructive bird or animal into this Colony by any vessel, or other conveyance or means, shall be guilty of an offence against this Act.

No destructive bird or animal to be kept

4. No person shall have in his possession or keep on his premises any destructive bird or animal, and any person having in his possession, or knowingly keeping or permitting to be kept on his premises, any destructive bird or animal, shall be guilty of an offence against this Act.

Destruction of any such bird or animal authorised

5. Any person may destroy any destructive bird or animal at any place within the Colony, and the owner of such destructive bird or animal shall not be entitled to recover compensation for any loss or damage that he sustains by the destruction of such destructive bird or animal.

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6. Any person who sets free a destructive bird or animal, or permits a destructive bird or animal to be set free, shall be guilty of an offence against this Act.

Setting free any such bird or animal an offence

7. Any police officer or constable, and any person from time to time authorised by the Governor may enter upon any land, houses, or buildings whatever, whether occupied or unoccupied, and take, carry away, or destroy any destructive birds or animals found in or upon such land, houses, or buildings. The name of any person so specially authorised as aforesaid shall be published in the 'Government Gazette,' and such person shall produce a copy of the said Gazette containing notice of his said authority to all persons in occupation of any land, houses, or buildings entered upon by him, who shall require to see the same. Any person obstructing, resisting, or hindering any police officer or constable, or any person so authorised as aforesaid, while acting in the execution of the powers conferred on him by this section, shall be guilty of an offence against this Act.

Persons authorised may enter upon lands, and destroy destructive birds and animals'

8. (1) Any person offending against any of the provisions of this Act shall, for the first offence, be liable on conviction to a penalty not exceeding Fifty pounds, and for the second or any subsequent offence to a penalty not exceeding One hundred pounds.

Penalties and their recovery

(2) All such offences shall be cognizable by any two or more Justices of the Peace in a summary manner.

9. Sections A, D, F, G, and H of 'The Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act.

Shortening Ordinance

W. C. F. ROBINSON,  
GOVERNOR.

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