



Western Australia.

ANNO QUINQUAGESIMO QUINTO  
VICTORIÆ REGINÆ.

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No. XXXVI.

AN ACT to provide for the Preservation of Imported Birds and Animals, and of Native Game.

[Assented to, 18th March, 1892.]

WHEREAS it is expedient for the benefit of the Colony that encouragement should be given to persons to import any Bird or Animal not previously existing therein, and that Protection should be given to such Birds or Animals and their progeny, as also that Native Game should have Protection: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. THIS Act may be cited for all purposes as "The Game Act, 1892."

Short Title.

2. FOR the purposes of this Act, the following terms and inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:—

Interpretation.

"Gazette"—The *Government Gazette* of Western Australia;

“Governor”—The Officer for the time being administering the Government of the Colony of Western Australia, acting with the advice of the Executive Council;

“Native Game”—The birds and animals for the time being included in the First Schedule to this Act under the provisions of this Act;

“Close Season”—The period during which, by any Proclamation issued under the authority of this Act, it may be declared unlawful to kill, destroy, take, or disturb any particular native game named in any such Proclamation.

Repeal of previous Acts.

3. THE Acts 38 Vic., No. 4, the 40 Vic., No. 7, and the 42 Vic., No. 23, are hereby repealed.

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

4. THE Governor may from time to time, by Proclamation to be published in the *Gazette*, declare—

(a.) The close season for any particular native game, either generally throughout the Colony or in any one or more portions thereof, to be defined in any such Proclamation:

(b.) Any one or more portions of the Colony 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 Colony or in any one or more portions thereof.

Penalty for destroying imported bird or animal.

5. IF any person not being the owner thereof, or without the permission of the owner, shall at any time wilfully kill, destroy, take, or disturb, or attempt to kill, destroy, take, or disturb, or shall use any instrument whatever, or other means, for the purpose of killing, destroying, taking, or disturbing any imported bird or animal, and mentioned in the Second Schedule to this Act subject to the provisions of Section 14, such person shall, upon conviction, forfeit and pay any sum not exceeding Twenty pounds, in addition to the sum of Ten shillings for every bird or animal so destroyed or taken, 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.

Penalty for destroying native game out

6. IF any person not licensed under the provisions of section seven of this Act shall wilfully kill, destroy, take, or disturb, or

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attempt to kill, destroy, take or disturb, or shall use any instrument whatever or any other means, for the purpose of killing, destroying, taking, or disturbing—

of season, any game on a reserve, or strictly preserved.

- (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 Five pounds, in addition to the sum of Ten shillings for each bird or animal so destroyed or taken, 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.

7. THE Colonial Secretary may from time to time grant and revoke, as he may think fit, licenses to shoot or destroy any birds or animals to be mentioned in such license upon any reserve declared under this Act, and also to destroy the eggs of any such bird.

Colonial Secretary may grant licenses to shoot on Reserves.

8. IF any person, not being the owner or without the permission of the owner, shall wilfully take out of the nest or destroy in the nest the eggs of any imported bird, or if any person shall wilfully take out of the nest or destroy in the nest the eggs of any bird of native game for which a close season has been proclaimed, or shall knowingly have or permit or suffer to be in his house or possession any eggs of any such birds so taken after the passing of this Act, every such person shall on conviction forfeit and pay a penalty not exceeding the sum of Ten shillings for each egg so destroyed or found in his house or possession.

Penalty on taking or destroying eggs.

9. IT shall be lawful for any Justice of the Peace, on the conviction of any person under this Act, to order the forfeiture of any imported bird or animal or native game, and also any eggs, whether of imported or native game birds, found in the possession of or taken from any offender.

Game, &c., to be forfeited.

10. 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 bird or animal or native game, or any instrument or means used to kill, destroy, take, or disturb such bird or animal or such game, to any person who may demand the same

Persons offending against this Act to give name and address and deliver up game, &c., otherwise may be apprehended.

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respectively, it shall be lawful for such last-mentioned person, with any assistance he may require, or for any 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 bird, animal, or game, or instrument or means as aforesaid, shall on conviction forfeit and pay a penalty not exceeding Ten pounds, besides any other penalty he may have incurred under this Act, and shall forfeit such bird, animal, game, instrument, or thing.

Act not to apply to birds or animals kept in confinement or domesticated.

**11.** NOTHING in this Act shall apply to any bird or animal kept in confinement or in a domesticated state, provided such birds or animals shall not have been caught or taken contrary to the provisions of this Act.

Forfeitures to be sold.

**12.** ANY instrument, bird, animal, game, eggs, or other thing forfeited under this Act may be ordered by the convicting Justice or Justices to be sold, and the proceeds of any such sale shall be appropriated in like manner as any penalty under this Act.

Summary jurisdiction with appeal.

**13.** ALL offences against this Act shall be summarily punishable, on conviction before one or more Justices of the Peace, in Petty Sessions, and any person who shall feel himself aggrieved by the order or conviction made by any Justice or Justices may appeal to the Supreme Court.

Power to revoke, cancel, or alter proclamation.

**14.** IT shall be lawful for the Governor, from time to time by notice published in the *Gazette*, to revoke, cancel, or alter any proclamation at any time made and published under the authority of this Act, and by like notice to add to or remove from the Schedules to this Act, respectively, any bird or animal.

Shortening Ordinance.

**15.** SECTIONS A, C, 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.

In the name and on behalf of the Queen I hereby assent to this Act.

ALEX. C. ONSLOW, Administrator.

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## SCHEDULES.

### The First Schedule.

Wild Ducks of any species (including the Musk Duck or "Steamer").  
Teal  
Emu  
Black Swan  
Wild Geese  
Bustard or Wild Turkey  
Bittern  
Swamp Hen  
Bronze-winged and other Pigeons  
Gnow  
Magpie  
Quail  
Rottnest and other Snipe  
Booby  
Frigate Bird  
Noddy  
Pelican  
Curlew  
Sea Pie  
Sea Snipe  
Mutton Bird  
Red Bill  
Laughing Jackass  
Kangaroo  
Tamar  
Seal

### The Second Schedule.

Hare  
Deer  
Antelopes  
Pheasants  
Partridges  
Grouse  
White Swans  
Ostrich  
All other birds not indigenous to Western Australia and their progeny.