



WESTERN AUSTRALIA.

ANNO TRICESIMO OCTAVO

VICTORIÆ REGINÆ.

No. IV.

AN ACT to provide for the preservation of imported Game, and (during the Breeding Season) of Native Game.

[Assented to, 17th July, 1874].

WHEREAS certain persons have imported and may import from parts beyond the sea, at considerable expense, for the benefit of the Colony, game not previously existing therein, and it is expedient that encouragement should be given to such importations of game by protecting it and its progeny, as also that native game should, during the breeding season, have a similar protection; Be it therefore enacted, by His Excellency The Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1 FOR the purposes of this Act the word "Game" shall mean and include all birds and animals mentioned in the First Schedule to this Act; and the words "Native Game" shall mean and include all birds and animals mentioned in the Second Schedule to this Act. Provided that it shall be lawful for the Governor in Executive

Interpretation.

38° VICTORIÆ, No. 4.

Game.

Governor may add birds and animals to be protected.

Council, at any time after the passing of this Act, by Proclamation to name any other bird or animal which shall be included in either of such Schedules respectively. And after the publication of any such Proclamation in the *Western Australian Government Gazette*, and the expiration of the period mentioned in such Proclamation for the time of its coming into operation, the birds or animals so named shall be deemed and considered as being included in either of such Schedules respectively, at the time of the passing of this Act.

Commencement of Act.

2 THIS Act shall come into operation and be in force as regards birds and animals named in the First Schedule of this Act from the date of its passing, and shall continue and be in force for the period of three years from that date. And as regards the birds and animals mentioned in the Second Schedule to this Act shall continue and be in force from the thirty-first day of May, 1875.

Period of prohibition to be named in Schedule 2.

3 THE period of the year during which this Act shall be in operation as regards birds and animals mentioned or subsequently included in the Second Schedule to this Act shall be the periods and times mentioned in such Schedule.

Penalty on killing or destroying imported game.

4 IF any person shall wilfully kill or destroy at any time any game, or shall use any instrument whatever or any other means for the purpose of killing or destroying any game, such person shall, upon conviction, forfeit and pay a penalty not exceeding Forty shillings, in addition to the value of each bird or animal so destroyed, which sum shall be the value set opposite the name of such bird or animal in the First Schedule to this Act, and such value shall be adjudged to be paid to the owner if claimed by him.

Penalty on killing or destroying native game out of season.

5 IF any person shall wilfully kill or destroy any native game within the period mentioned in the Second Schedule to this Act as the period of prohibition in regard to any bird or animal being native game, or shall use any instrument whatever or any other means within the period aforesaid for the purpose of killing or destroying any native game, such person shall, upon conviction, forfeit and pay any sum not exceeding the sum of Forty shillings, in addition to the sum of Five shillings for each bird or animal so destroyed.

Penalty on having in possession game at any time, and native game during period of prohibition.

6 IF any person shall buy, sell, or knowingly have in his possession, house, or control any game at any time, or any dead native game within the period referring to such native game respectively in the Second Schedule to this Act, every person so offending

38° VICTORIÆ, No. 4.

Game.

shall forfeit and pay a penalty not exceeding the sum of Five pounds for every head of game, in addition to the value of such game, such value to be as to game its value as aforesaid in the First Schedule, and as to native game to be assessed by the Justice or Justices hearing the case, at a sum not exceeding Forty shillings for every head of native game.

7 IF any person shall wilfully take out of the nest or destroy in the nest the eggs of any bird of game, or, during the prohibited season, of native game, or shall knowingly have in his house or possession any such eggs, every such person shall 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.

8 THIS Act shall not extend to any person being the owner of any game or native game having possession thereof in confinement or in a domesticated state, provided such game shall not have been found wild or such native game shall not have been caught or taken within a period prohibited by the Second Schedule to this Act, nor shall this Act extend to the owner of any eggs taken from the mew or breeding place or to the possession of such eggs of game or native game in confinement or in a domesticated state as aforesaid.

Act not to extend to private persons.

9 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 game, native game, or any instrument or means used to kill or destroy the same, to any person who may demand the same, it shall be lawful for such person, with any assistance he may require, or for any constable, to take such person into custody and take him 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, native game, or instrument or means as aforesaid, shall forfeit and pay a penalty not exceeding Five pounds, besides any other penalty he may have incurred under this Act.

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

10 ALL offences under this Act may be heard and determined in a summary way before a Justice of the Peace, and any person who shall feel himself aggrieved by the order or conviction made by a Justice or Justices of the Peace, may appeal to the Supreme Court in manner provided by the Ordinance 18th Victoria, No. 12.

Summary jurisdiction with appeal.

11 SECTIONS A. B. F. and G. 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

Shortening Ordinance.

38° VICTORIÆ, No. 4.

Game.

the said Sections had been introduced and fully set forth in this Act.

Short Title.

12 THE Short Title of this Act shall be "The Game Act, 1874."

Act not to apply to natives.

13 THIS Act shall not apply to any aboriginal native or native of the half-blood of Australia killing or destroying native game for his own subsistence.

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

FRED. A. WELD, Governor.

38° VICTORIÆ, No. 4.

Game.

SCHEDULES.

The First Schedule.

Pheasants	£5
Partridges	£5
Grouse	£5
Hare	£5
Deer	£15
White Swans	£5
Ostrich	£10
Antelopes	£15
All other birds not indigenous to Aus- tralia, and their produce .. }	£1

The Second Schedule.

Wild Ducks of any Species	} From the first day of June to the thirtieth day of September in any year.
Teal	
Emu	
Black Swans	
Wild Geese	
Bustard	} From the first day of September to the thirtieth day of November in any year.
Bittern	
Bronze-winged and other Pigeons	
Gnou	
Magpie	
Quail	
Snipe	