

WILDLIFE CONSERVATION.

No. 34 of 1977.

AN ACT to amend the Wildlife Conservation Act,
1950-1975.

[Assented to 7th November, 1977.]

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

1. (1) This Act may be cited as the *Wildlife Conservation Act Amendment Act, 1977*. Short title and citation

(2) In this Act the Wildlife Conservation Act, 1950-1975 is referred to as the principal Act. Approved for Reprint 10th April, 1973 and amended by Act No. 67 of 1975.

(3) The principal Act as amended by this Act may be cited as the Wildlife Conservation Act, 1950-1977.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 6
amended.

3. Section 6 of the principal Act is amended—

(a) as to subsection (1)—

(i) by adding immediately before the interpretation “Authority” the following interpretation—

“animal” means any living thing that is not a human being or a plant and includes in relation to any such animal the eggs, larvae or semen; ;

(ii) by adding after the interpretation “carcass” the following interpretation—

“class” in relation to animals, means any group or grouping of animals; ;

(iii) by deleting the interpretation “fauna” and substituting the following interpretation—

“fauna” means—

(a) any animal indigenous to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth;

(b) any animal that periodically migrates to and lives in any State

or Territory of the Commonwealth or the territorial waters of the Commonwealth; and

- (c) any animal declared as fauna pursuant to subsection (2) of this section,

and includes in relation to any such animal—

- (d) any class or individual member thereof;

- (e) the eggs, larvae or semen;

- (f) the carcass, skin, plumage or fur thereof,

but does not include any prescribed animal or prescribed class of animal; ;

- (iv) by deleting the interpretation “indigenous”;

- (v) by deleting the interpretation “introduced”; and

- (vi) by adding immediately before the interpretation “license” the following interpretation—

“keep” means to have in possession or control in any place whatsoever even though another person may have the actual possession or custody of the animal in question; ;

- (b) by repealing subsection (2) and substituting the following subsection—

(2) The Minister may by notice declare any animal or any class of animal specified in the notice to be fauna for the purposes of this Act either generally

or in relation to the time and place specified in the notice, and the animal or class of animal so specified shall be fauna for the purposes of this Act either generally or in relation to the time and place specified in terms of the notice. ; and

- (c) by repealing subsection (3) and substituting the following subsections—

(3) Any notice published pursuant to subsection (2) of this section may be varied or cancelled by the Minister by subsequent notice published in the *Government Gazette*.

(3a) Every notice under subsection (2) or subsection (3) of this section shall be published in the *Government Gazette* and shall take effect, subject to the provisions of section thirty-six of the Interpretation Act, 1918, as though it were a regulation. .

Section 10
amended.

4. Subsection (3) of section 10 of the principal Act is amended by deleting subparagraph (iii) of paragraph (a) and substituting the following subparagraph—

(iii) Chief Agriculture Protection Officer under the Agriculture and Related Resources Protection Act, 1976; .

Section 12B
amended.

5. Section 12B of the principal Act is amended by deleting the passage commencing with the word “in” in line one of paragraph (a) and ending with the passage “, the” in line three and substituting the passage “in the case of land which is comprised in a nature reserve, the”.

Section 17
amended.

6. Subsection (2) of section 17 of the principal Act is amended—

- (a) as to paragraph (a), by deleting the word “indigenous” where occurring in line three and in line five;
- (b) by deleting paragraph (c) and substituting the following paragraph—
 - (c) bring any fauna into the State; ;
and
- (c) by deleting paragraph (f) and substituting the following paragraph—
 - (f) bring into the State from any place outside the State, or keep in the State, any animal, or class of animal, whose habits or nature might in the opinion of the Minister become or threaten to become injurious to fauna; .

7. Section 18 of the principal Act is amended by deleting the word “indigenous” where occurring—

Section 18
amended.

- (a) in line two of subsection (1);
- (b) in line two of subsection (2); and
- (c) in line two of subsection (3).

8. Subsection (1) of section 28 of the principal Act is amended by deleting the word “indigenous” in line one of subparagraph (iv) of paragraph (an).

Section 28
amended.
