

WESTERN AUSTRALIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS,

XVIII.

No. 18 of 1907.

AN ACT to amend the Game Act, 1892.

[Assented to 20th December, 1907.]

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 Amendment Act*, 1907, and shall be read as one with the Game Act, 1892, hereinafter referred to as the principal Act. Short title.

2. (1.) The Governor may, by proclamation published in the *Government Gazette*, prohibit— Power of Governor to prohibit the taking of native game.

(a.) the killing or taking for sale or barter of any prescribed native game, generally or in any defined portion of the State, by any person who is not the holder of a license granted under this Act, or

(b.) the use of any instrument or means for the purpose of killing, destroying, or taking native game.

(2.) Every such license may be issued and revoked by and in the discretion of the Minister or any officer appointed by the Minister in that behalf.

(3.) Any person who, contrary to any such proclamation, kills, destroys, or takes native game or employs any other person to kill, destroy, or take native game, or uses any prohibited instrument or means for the purpose of killing, destroying, or taking native game, 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; and the justices before whom any conviction is made may order that any instrument used as aforesaid shall be forfeited.

(4.) A license issued under this section shall not authorise the killing, destroying, or taking of native game on any reserve for native game.

Burden of proof.

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

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

Offence of unlawful possession of native game.

4. Any person who—

- (a.) is charged with having in his possession, 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.

5. In this Act the term "native game" means any animal or bird for the time being included in the First Schedule to the principal Act, and includes the body and skin or any other portion of the body of such bird or animal. Interpretation.

6. The Governor may make regulations prescribing the conditions on which licenses are granted under this Act or the principal Act, and the fees to be paid for the same and generally for the carrying out of the principal Act as amended by this Act, and by such regulations may impose penalties for the breach or neglect thereof not exceeding twenty pounds for any offence. Regulations.

7. The Act intituled "An Act to allow Kangaroos to be taken for Food during a Close Season and on Native Game Reserves" (64 Vict., No. 33) is hereby repealed. Repeal of 64 Vict., No. 33.