

Legislative Council.

41^o VICTORIAE, 1878.

A BILL

To secure the protection of Imported Game and to prevent
the destruction of Native Game.

[MR. THORNTON ;—27 February, 1878.]

WHEREAS it is expedient to encourage the importation and breeding of Game not indigenous to the Colony of New South Wales and also to prevent the destruction of Native Game during the breeding season Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. The words "imported game" shall mean and include the birds and animals mentioned in the First Schedule and the words "native game" shall mean and include the birds and animals mentioned in the Second Schedule to this Act and the eggs and progeny of any such game respectively.

2. From the date of its passing this Act shall remain in force for the period of *five* years as regards Imported Game and for *ten* years as regards Native Game.

3. If any person not being the lawful owner thereof shall wilfully shoot capture kill take or destroy at any period of the year any imported game or shall use any net or trap with or without a call-bird

Preamble.

Interpretation of terms.

Duration of Act.

Penalty for destroying imported game.

bird or springle or noose or other engine or instrument whatsoever or any pit-fall or stockade or other means for the purpose of capturing killing or destroying any imported game he shall upon conviction thereof be liable to a penalty not exceeding the sum of *two* pounds and shall also pay to the owner the value of each bird or animal or the eggs or progeny of any such imported game so killed taken or destroyed as such value is set forth in the First Schedule hereto And any instrument of capture or destruction hereinbefore specified may be seized by any constable or other person and be adjudged by any Justice to be forfeited. 5

Penalty for destroying native game.

4. If any person shall wilfully shoot capture kill take or destroy any native game during *five* months out of every twelve months of the time this Act shall be in force viz. from each *first* day of *November* until the *thirty-first* day of *March* next following Or shall use any of the means specified in the last section within the same period for the purpose of capturing killing or destroying any such native game he shall upon conviction thereof be liable to a penalty not exceeding the sum of *two* pounds And any instrument of capture or destruction specified in the last section may be seized by any constable or other person and be adjudged by any Justice to be forfeited. 10 15

Punt guns &c. not to be used.

5. No gun or any description of fire-arms shall be used for the purpose of shooting any of the game mentioned in either of the Schedules hereto having a greater length of barrel than *six* feet or with the bore exceeding *one inch* in diameter And no gun or fire-arms of any description having the barrel or bore exceeding such dimensions shall be affixed to boats punts or floating-vessels of any kind during any period of the year Nor shall the charge when loaded exceed *four* drachms of gunpowder or *three* ounces of shot And any person offending against the provisions of this section shall be liable to a penalty of *ten* pounds And any such gun or fire-arms exceeding the dimensions of barrel or bore above specified which may be found in the possession of any person outside his dwelling-house or affixed as aforesaid may be seized by any constable or other person and be adjudged by any Justice to be forfeited. 20 25 30

Birds &c. (being destroyers of vermin) may be protected by this Act.

6. Any birds animals or reptiles known to be destroyers of snakes vermin or insects injurious to vegetation may by the authority of the *Colonial Secretary* by a notice published in the *Gazette* at any time be declared to be included in the lists of birds and animals set forth in the First or Second Schedule and after publication of such notice all the provisions of this Act (so far as they may be applicable) shall be held to apply to the birds animals or reptiles therein mentioned. 35 40

Preserves of birds &c. may be protected under this Act.

7. Whenever any parcel of land or water has been dedicated to the public or otherwise reserved or set apart by the Government or any private person for the purpose of preserving any of the birds or animals mentioned in either of the Schedules to this Act the *Colonial Secretary* may on the application of any person interested declare by a notice published in the *Gazette* that any of the birds or animals mentioned in either of the Schedules hereto shall be held to be included in the First Schedule and thereupon all the provisions of this Act (so far as the same may be applicable) shall be held to apply to the birds or animals mentioned in such notice And in the event of any such being taken killed or otherwise destroyed the person so offending shall be liable on conviction thereof before any Justice to a penalty not exceeding *ten* pounds And the parol testimony of any owner trustee park-ranger or other person of any such parcel of land or water having been so dedicated reserved or set apart shall be deemed sufficient in any Court of Justice as proof of such fact without the production of any grant or other instrument in writing. 45 50 55

Penalty for having any game in possession &c.

8. If any person shall buy sell or knowingly have in his personal possession dwelling-house or shop or under his control any imported game

game or the eggs of any such birds at any time or any native game or the eggs of any such birds within the period stated in the fourth section he shall be liable to a penalty not exceeding the sum of *five* pounds for every head of imported game or *ten* shillings for each egg and also to pay to the owner the value of any such imported game as specified in the First Schedule and for every head of native game or for each egg of any such birds such value as may be assessed by the Justice or Justices adjudicating upon the case.

9. Nothing in this Act shall be construed to extend to any person being the owner of any imported game or native game having in his possession any such game in confinement or in a domesticated state provided such imported game shall not have been found wild or such native game shall not have been captured or taken within the period specified in the *fourth* section nor to the owner of any eggs of such game respectively taken from the mew or breeding-place.

Act not to extend to private owners.

10. If any person offending against the provisions of this Act shall not give his name and address and shall not deliver up any imported game or native game or any gun catapult or other instrument net or other means used to kill or destroy any such game to any constable or other person who may demand the same it shall be lawful for such constable or person with any others assisting him to apprehend such offender and take him before the nearest Justice to be dealt with according to law. And any person who shall resist any such constable or other person shall be deemed guilty of an assault and may be punished accordingly.

Persons offending must give name and address and deliver up game guns &c.

Resistance deemed an assault.

11. All complaints under this Act may be heard and determined in a summary way before any Justice according to the provisions of the Act fourteenth Victoria number forty-three and the English Statutes thereby adopted.

Summary jurisdiction.

12. The Justice hearing any complaint under this Act may dismiss the same with such costs as to the Justice may seem fit not exceeding *five* pounds and a certificate of such dismissal shall be a bar to any other proceedings for the matter complained of in any Court of Law or Equity.

Justices may dismiss complaints with costs.

13. The moiety of any penalty recovered under this Act shall be paid to the informer.

Moiety of penalties to be paid to the informer.

14. This Act shall not be construed to extend or apply to any aboriginal native of Australia unless employed by another person nor (as regards animals mentioned in the Second Schedule) to any person duly authorized to collect specimens of Natural History for any Public Museum in the Colony.

Act not to extend to aboriginals.

15. Any person feeling himself aggrieved by any conviction (where the penalty exceeds five pounds) may appeal against the same to the next Court of Quarter Sessions holden nearest to the place of such conviction unless such Quarter Sessions shall be held within fourteen days from the date of such conviction and in that case to the Court of Quarter Sessions then next following. Such Court shall have power to hear and determine the matter of such appeal in a summary way and shall have and exercise all other powers vested in them by the third section of the Act fifth William the Fourth number twenty-two and the decision of such Court shall be final and conclusive in respect to the subject matter of such appeal. Provided always that the person so appealing shall have given written notice seven days at the least before the hearing of such appeal of his intention to appeal and stating the grounds thereof to any one of the convicting Justices and to the constable or person who prosecuted the matter in Petty Sessions and provided also that such person shall pay into the hands of the convicting Justice the full amount of the penalty together with the costs awarded within one week next after conviction and shall within the

Appeal to Quarter Sessions allowed.

the same period enter into a bond with two sureties approved by any one of such Justices conditioned to prosecute such appeal with effect and to abide the event of such appeal and to pay the full amount of all such costs as may on such appeal be awarded against him.

Short title.

16. This Act may be cited for all purposes as the "Game Protection Act of 1878."

SCHEDULES.

THE FIRST SCHEDULE.

Imported Game.

Value or sum to be paid to the owner if demanded.		10	
For every Pheasant.....	£5	} For every Deer £15	
" Partridge.....	£5		" Hare £5
" Grouse	£5		" Antelope £15
" White Swan	£5		
" song-bird and other bird or animal not indigenous to Australia and every dozen or the fraction of a dozen of the eggs ...	£2.	15	
For each of the progeny of such birds or animals...	£2.		

THE SECOND SCHEDULE.

Native Game.

Wild Duck of any species.	} Snipe.	20		
Teal.			Land Rail.	
Emu.			Curlew.	
Gigantic Crane or Native companion.			Tallegalla or Brush Turkey.	
Bustard or Wild Turkey.			Plover of any species.	
Black Swan.			Great Kingfisher or Laughing Jackass.	25
Wild Goose.			Sea-birds of any species.	
Bronze-wing or other indigenous Pigeon.			Lyre-bird.	
Mallee Hen.			Rifle-bird.	
Quail.			Magpie.	
	Soldier-bird.	30		

The eggs or progeny of such birds.

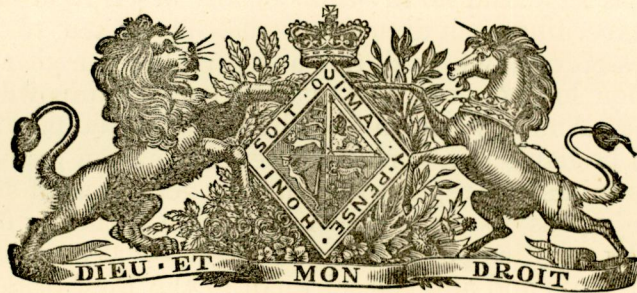
Kangaroos of any species.	} In the County of Cumberland only.
Rabbits.	
The progeny of such animals.	

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 7th May, 1878. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUADRAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to secure the protection of Imported Game and to prevent the destruction of Native Game.

WHEREAS it is expedient to encourage the importation and breeding of Game not indigenous to the Colony of New South Wales and also to prevent the destruction of Native Game during the breeding season Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The words "imported game" shall mean and include the birds and animals mentioned in the First Schedule and the words "native game" shall mean and include the birds and animals mentioned in the Second Schedule to this Act and the eggs and progeny of any such game respectively.

2. From the date of its passing this Act shall remain in force for the period of five years as regards imported game and for ten years as regards native game.

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3.

Game Protection.

3. Any person trespassing upon enclosed land in pursuit of game shall be liable to a penalty not exceeding five pounds and if any such game or any eggs or progeny thereof be by him killed taken or destroyed while so trespassing he shall also pay to the occupant of such land the value of the bird or animal or eggs or progeny thereof so killed taken or destroyed as such value is set forth in the First Schedule hereto. And every person so trespassing (where imported game is ordinarily kept or is at the time upon such land) who shall be found with any gun net trap call-bird springle noose or other instrument used for killing capturing or destroying game shall be deemed to be trespassing in pursuit of imported game unless the contrary be proved.

Penalty for trespass
in pursuit of game.

4. If any person shall wilfully shoot capture kill take or destroy any native game at any time between the first day of October and last day of February next following Or shall use any of the means specified in the last section within the same period for the purpose of capturing killing or destroying any such native game he shall be liable to a penalty not exceeding two pounds.

Penalty for destroy-
ing native game.

5. No description of fire-arms shall be used for the purpose of shooting any of the game mentioned in either of the Schedules hereto having a greater length of barrel than six feet or with the bore exceeding one inch in diameter And no fire-arms of any description having the barrel or bore exceeding such dimensions shall be affixed to boats punts or floating-vessels of any kind during any period of the year Nor shall the charge when loaded exceed four drachms of gunpowder or three ounces of shot And any person offending against the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Punt guns &c. not to
be used.

6. Any birds animals or reptiles known to be destroyers of snakes vermin or insects injurious to vegetation may by the authority of the Colonial Secretary by a notice published in the *Gazette* at any time be added to the lists of birds and animals set forth in the First or Second Schedule and after publication of such notice all the provisions of this Act (so far as they may be applicable) shall be held to apply to the birds animals or reptiles therein mentioned.

Birds &c. (being des-
troyers of vermin)
may be protected by
this Act.

7. Whenever any parcel of land or water has been dedicated to the public or otherwise set apart by the Government or any private person for preserving any of the birds or animals mentioned in either of the Schedules the Colonial Secretary may declare by a notice published in the *Gazette* that any of the birds or animals mentioned in such Schedules shall be held to be included in the First Schedule and thereupon all the provisions of this Act (so far as the same may be applicable) shall be held to apply to the birds or animals mentioned in such notice And in the event of any such being taken killed or otherwise destroyed the person so offending shall be liable to a penalty not exceeding five pounds.

Preserves of birds
&c. may be protected
under this Act.

8. If any person shall buy sell or knowingly have in his possession or under his control any dead game whether native or imported not being game imported from any neighbouring Colony within the period stated in the fourth section he shall be liable to a penalty not exceeding five pounds for every head of imported game and also to pay to the owner the value of any such imported game as specified in the First Schedule and for every head of native game or for each egg of any such game such value not exceeding twenty shillings as may be assessed by the Justices adjudicating upon the case.

Penalty for having
any game in
possession &c.

9. Nothing in this Act shall be construed to extend to any person being the owner of any imported game or native game having in his possession any such game in confinement or in a domesticated state provided such imported game shall not have been found wild or such native game shall not have been captured or taken within the period specified in the fourth section nor to the owner of any eggs of such game respectively taken from the mew or breeding-place.

Act not to extend to
private owners.

Game Protection.

10. All offences against this Act may be heard and determined in a summary way by any two Justices and the moiety of any penalty imposed by them shall belong to the informer. Provided that this Act shall not extend to any aboriginal native as it respects native game unless employed by another person nor (as regards animals and birds included in the Second Schedule) to any person authorized by the Colonial Secretary to collect specimens of Natural History for any public Museum. Summary juris-
diction.

11. Every person feeling aggrieved by any conviction under this Act may appeal against the same in the manner provided by the Act passed in the fifth year of King William the Fourth numbered twenty-two as the same is enforced or amended by the Act passed in the thirty-ninth year of Her Majesty numbered thirty-three. Appeal allowed.

12. This Act may be cited for all purposes as the "Game Protection Act of 1878." Short title.

SCHEDULES.

THE FIRST SCHEDULE.

Imported Game.

Value or sum to be paid.

20	For every Pheasant	£5		For every White Swan.....	£5	
	" Partridge	£5		" Deer	£15	
	" Californian Quail ...	£5		" Hare	£5	
	" Grouse	£5		" Antelope	£15	
25	" bird or animal which may from time to time be named for that purpose by proclamation by the Governor in Council					£2
	For each of the progeny of such birds or animals					£2

THE SECOND SCHEDULE.

Native Game.

30	Wild Duck of any species.		Common Shore Gull.
	Teal Widgeon Coot.		Great White-bellied Sea Eagle.
	Emu.		Pelican.
	Gigantic Crane or Native Companion.		Black-breasted Gull.
	Bustard or Wild Turkey.		Tern or Sea Swallow.
	Black Swan.		White-breasted Oyster-catcher.
35	Wild Goose of any species.		Sooty Oyster-catcher.
	Bronze-wing or other indigenous Pigeon.		Lyre-bird.
	Mallee Hen.		Rifle-bird.
	Quail.		Satin-bird.
40	Land Rail.		Dragoon-bird.
	Curlew.		Regent-bird.
	Tallegalla or Brush Turkey.		Nankeen Night Heron.
	Great Kingfisher or Laughing Jackass.		Magpie.
			Magpie Thrush or Peewit.
	The eggs or progeny of such birds.		

The first section of the report deals with the general conditions of the country and the progress of the survey. It is followed by a description of the various expeditions and the results of the same. The second section contains a detailed description of the various expeditions and the results of the same. The third section contains a detailed description of the various expeditions and the results of the same.

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