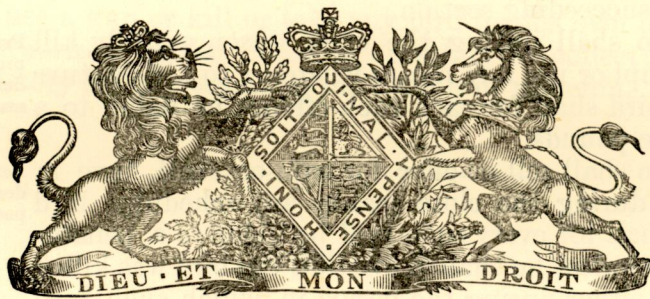


*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly Chamber,  
Sydney, 29 November, 1881.* }

STEPHEN W. JONES,  
*Clerk of Legislative Assembly.*

## New South Wales.



ANNO QUADRAGESIMO QUINTO

# VICTORIÆ REGINÆ.

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No. .

An Act to protect and encourage the Acclimatization of certain Animals.

**W**HEREAS it is expedient to encourage the importation and breeding of certain Birds and other Animals not indigenous to the Colony of New South Wales and also to prevent the destruction of certain Native Birds 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 The Act forty-second Victoria number ten is hereby repealed.
- 10 2. This Act shall come into force immediately after the passing thereof and may be cited as the "Animals Protection Act of 1881."
3. The expression "Imported Animal" in this Act means any animal mentioned in or which may be added to the First Schedule hereto "Native Bird"—Any bird mentioned in or which may be added to the 15 Second Schedule hereto "Song Bird"—Any bird mentioned in or which may be added to the Third Schedule hereto "Scheduled Bird"—A bird of any of the kinds or families mentioned in or which shall be added to any Schedule to this Act "Game"—All animals mentioned in the First and Second Schedules of this Act And "Close Season" 20—The period of time between every first day of August and twenty-eighth day of February then next succeeding both days inclusive.

Preamble.

No. 10.

Commencement and short title.

Interpretation of terms.

*Animals Protection.*

4. Any animal not mentioned in the Schedules hereto may by direction of the Colonial Secretary by a notice published in the *Government Gazette* at any time hereafter be added to the appropriate Schedule to this Act and after the publication of such notice the provisions of this Act shall apply to such animal and the production of the *Gazette* containing such notice shall be conclusive evidence of such addition.

Colonial Secretary may add any animal to Schedules.

5. Any person who shall within a period of five years from the passing of this Act wilfully kill capture or injure or attempt or use any means whatever to kill capture or injure any imported animal or song bird shall for each such offence be liable to a penalty not exceeding five pounds in addition to any penalty he may incur by reason of any infringement of the next succeeding section.

Penalty on killing &c. imported animals or birds within five years.

6. Any person who shall during the close season wilfully kill capture or injure or attempt or use any means whatever to kill capture or injure any scheduled bird shall for each such offence be liable to a penalty not exceeding five pounds.

Penalty for killing &c. protected birds during the close season.

7. Any person who shall sell or offer for sale or shall have in his control or possession during the close season any scheduled bird recently killed or taken shall for every such bird be liable to a penalty not exceeding five pounds unless he shall prove that the bird was killed taken bought or received either during the period in which such bird could legally be killed or in or from another Colony.

Penalty for having dead birds in possession.

8. No fire-arms having a greater length of barrel than six feet or with the bore exceeding one inch in diameter shall be used for the purpose of shooting any scheduled bird and no fire-arms of any description intended to be used for such purpose shall be affixed to any boat punt or floating vessel of any kind during any period of the year or be loaded with a charge exceeding four drachms of gunpowder or two 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 not to be used &c.

9. If any person shall take out of the nest or destroy in the nest the eggs of any bird mentioned in the First Schedule of this Act he shall be liable to a penalty not exceeding the sum of ten shillings for each egg so taken or destroyed.

Penalty on taking or destroying eggs.

10. Nothing in the preceding section shall extend to any person who shall have as owner in his possession any scheduled bird in confinement or in a domesticated state provided such bird shall not have been found wild in this Colony or have been caught or taken within the period prohibited by this Act or to the owner of any eggs taken from any mew or breeding place or to the possession of such eggs.

Act not to extend to private persons.

11. Whenever any sheet of water island or enclosed land has been or shall be set apart by the Government or any private person for preserving any of the scheduled birds the Colonial Secretary may declare by notice in the *Government Gazette* such setting apart and the names of the birds intended to be preserved and thereafter any person other than such owner who shall kill capture or injure any such birds within the limits of such water island or land shall be liable to a penalty not exceeding five pounds Provided that the Colonial Secretary may by a like notice cancel any such setting apart.

Birds may be protected in preserves.

12. It shall be lawful for any householder or constable to require any person offending against any of the provisions of this Act to give his name in full and place of abode And in case such person shall after being so required refuse to give his real name or place of abode or shall give a false or fictitious name he may be at once arrested and taken before some Justice of the Peace and shall be liable for every such offence to an additional penalty not exceeding five pounds.

Penalty for refusing to give name place of abode &c.

13. All informations or charges for offences against this Act may be heard and determined in a summary way before one Justice of the

Prosecution of offences,

the

*Animals Protection.*

the Peace in accordance with the provisions of the Act or Acts for the time being in force with reference to summary proceedings before Justices of the Peace subject to the right of appeal to the next Court of Quarter Sessions holden nearest to the place of conviction and in all cases the defendant shall be a competent witness.

14. All penalties recovered under this Act shall be paid—<sup>Disposal of penalties.</sup> one-half to the person who in the opinion of the convicting Justice of the Peace shall have given such information as led to the conviction and one-half to the Acclimatization Society nearest the Court in which such conviction shall have taken place.

15. This Act shall not apply to any aboriginal native of Australia <sup>Not to apply to</sup> who may use a gun or kill or take any bird for his own use nor to any <sup>aboriginals.</sup> person authorized by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum.

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## SCHEDULES.

## THE FIRST SCHEDULE.

*Imported Game.*

20	Pheasant. Partridge. Grouse.	California Quail. Chinese Quail. White Swan.
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## THE SECOND SCHEDULE.

*Native Game.*

25	Wild Duck of any species. Teal. Emu. Native Companion. Wild Turkey or Bustard. Black Swan. Wild Geese.	Mallee Hen. Lyre Bird. Quail. Land Rail. Talleghalla or Brush Turkey. Plover Spur-wing.
30	Bronze-winged and other Wild Pigeons and Doves.	

## THE THIRD SCHEDULE.

*Song Birds—Native and Imported.*

35	Robin. Nightingale. Skylark. Linnet. Thrush. Starling. Blackbird.	Diamond Sparrow Flycatcher. Swallow. Marten. Great Kingfisher—commonly known as the Laughing Jackass. Swift. Peewit. Reed Sparrow. Colonial Lark. Indian Miner. American Mocking Bird.
40	Goldfinch. Chaffinch. Blue Wren. Wagtail.	
45	Honeysucker. Butcher Bird.	

[3d.]

THE VICTORIA

the Court to determine with the provisions of the Act of 1842 for the...
this Court in the first instance is primarily proceeding before...
of the Court subject to the right of appeal to the next Court...
of Quarter Sessions limited to the place of conviction and in...
all cases the defendant shall be a competent witness...
14. All penalties imposed under this Act shall be paid—one...
half to the person who in the opinion of the convicting Justice of the...
peace shall have given such information as led to the conviction and...
one-half to the Assessor or other person named in the Court in which such...
conviction shall have taken place...
15. The Act shall not apply to any Aboriginal native of Australia...
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person authorized by the Colonial Secretary to collect specimens of...
natural history for any scientific institution or museum.

SCHEDULES

THE FIRST SCHEDULE

Table with 2 columns: Name, Description. Includes entries like 'White Swan', 'Cape Horn', 'Cape Horn'.

THE SECOND SCHEDULE

Table with 2 columns: Name, Description. Includes entries like 'White Swan', 'Cape Horn', 'Cape Horn'.

THE THIRD SCHEDULE

Table with 2 columns: Name, Description. Includes entries like 'White Swan', 'Cape Horn', 'Cape Horn'.

THE FOURTH SCHEDULE

Table with 2 columns: Name, Description. Includes entries like 'White Swan', 'Cape Horn', 'Cape Horn'.