

New South Wales.



ANNO PRIMO

EDWARDI VII REGIS.

Act No. 26, 1901.

An Act to consolidate the enactments relating to the protection of certain imported and other birds. [Assented to, 30th October, 1901.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Birds Protection Act, 1901." Short title.
2. (1) The Act fifty-six Victoria number eighteen is hereby Repeal. repealed.

(2) Every notice published in the Gazette under the Savings. authority of the Act hereby repealed, the effect or operation of which is not exhausted at the time of the passing of this Act, shall be deemed to have been so published hereunder.

3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires—

"Close season" means the periods of time prescribed by this Act Schedule. for the protection of the birds included in the Schedule hereto.

"Scheduled bird" means a bird of any of the kinds or families mentioned in or which are hereafter added to the Schedule to this Act.

Birds Protection.

Colonial Secretary may add or remove any bird to or from Schedule.

56 Vic. No. 18, s. 4.

Ibid. s. 17.

Close season.

Ibid. s. 5.

Penalty for killing, &c., scheduled birds during the close season.

Ibid. s. 7.

Penalty for having dead birds in possession.

Ibid. s. 8.

Restriction on methods of shooting scheduled birds.

Ibid. s. 9.

Penalty on taking or destroying eggs.

Ibid. s. 10.

4. (1) Any bird not mentioned in the Schedule hereto may, by direction of the Colonial Secretary by a notice published in the Gazette, at any time hereafter, be added to the Schedule.

(2) After the publication of such notice the provisions of this Act shall apply to such bird, and the production of the Gazette containing such notice shall be conclusive evidence of such addition.

(3) The Colonial Secretary may, by notice in the Gazette, remove the name of any bird from the Schedule hereto for any particular district described in such notice or for the whole State whenever it is deemed by him expedient so to do by reason of any great increase in the number of such birds or of their being found to be injurious; and the Colonial Secretary may, by notice in the Gazette, annul any such notice of removal.

5. The close season for all scheduled birds, save quail, shall be the period of time between every first day of August and the thirty-first day of January then next succeeding, both days inclusive, and the close season for quail shall be the period of time between every first day of October and the thirty-first day of March then next succeeding, both days inclusive:

Provided that the Colonial Secretary may, by notice in the Gazette, vary the period of the close season for any district described in such notice whenever it appears to him to be expedient so to do for the better preservation of the scheduled birds or any of them.

6. Whosoever during the close season wilfully kills, captures, or injures, or attempts or uses any means whatever to kill, capture, or injure any scheduled bird shall, for every such offence, be liable to a penalty not exceeding five pounds.

7. Whosoever sells or offers for sale, or has 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 proves 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 State or Colony.

8. Whosoever for the purpose of shooting any scheduled bird—

- (a) uses a firearm having a greater length of barrel than six feet, or with the bore exceeding one inch in diameter; or
- (b) affixes to any boat, punt, or floating vessel of any kind a firearm of any description; or
- (c) loads with a charge exceeding four drachms of gunpowder or two ounces of shot a firearm of any description,

shall be liable to a penalty not exceeding ten pounds.

9. Whosoever takes out of the nest or destroys in the nest the eggs of any scheduled bird shall be liable to a penalty not exceeding the sum of ten shillings for each egg so taken or destroyed.

Birds Protection.

10. Nothing in this Act shall apply to the taking or killing by the owner thereof of any bird in a domesticated state or ordinarily kept in confinement, or to the taking or destroying by him of the eggs of any such bird, or to any eggs, or any such bird taken or killed by the owner thereof within any mew or breeding place:

Act not to extend to birds domesticated.
56 Vic. No. 18, s. 11.

Provided that the bird so killed or taken was not originally caught or taken during the close season.

11. Whenever any sheet of water, island, or enclosed land has been or is hereafter set apart by the Government or any private person for preserving any scheduled birds, the Colonial Secretary may by notice in the Gazette declare such setting apart, and may by a like notice cancel such setting apart.

Birds may be protected in preserves.
Ibid. s. 12.

12. After such notice of setting apart whosoever, not being the owner thereof, kills, captures, or injures any scheduled bird within the limits of such water, island, or land shall be liable to a penalty not exceeding five pounds.

Penalty for killing, &c., in preserves.
Ibid. s. 12.

13. (1) Any householder or constable may require any person offending against any of the provisions of this Act to give his name in full and place of abode.

Penalty for refusing to give name, place of abode, &c.
Ibid. s. 13.

(2) If such person, after being so required, refuses to give his real name or place of abode, or gives 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.

14. All informations or charges for offences against this Act may be heard and determined before one justice of the peace.

Prosecution of offences.
Ibid. s. 14.

15. All penalties recovered under this Act shall be paid—one-half to the person who in the opinion of the convicting justice of the peace gave such information as led to the conviction, and one-half to the Zoological Society.

Disposal of penalties
Ibid. s. 15.

16. This Act shall not apply to any person authorised by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum.

Exceptions.
Ibid. s. 16.

SCHEDULE.

FOREIGN BIRDS.

Common name.	Scientific name.
Skylark	<i>Alauda arvensis.</i>
Chaffinch	<i>Fringilla cœlebs.</i>
Goldfinch	<i>Carduelis elegans.</i>
Linnet	<i>Linaria cannabina.</i>
Starling	<i>Sturnus vulgaris.</i>
Thrush	<i>Turdus musicus.</i>
Blackbird	<i>Turdus merula.</i>
Nightingale	<i>Sylvia luscinæa.</i>
Pheasant... ..	<i>Phasianus colchicus.</i>
Grouse of every species	Tetrao and Lagopus.
Partridges of every species	Perdix.
White Swans	Cygnus.
Californian Quail	<i>Callipepla Californica.</i>

AUSTRALIAN

Birds Protection.

Common name.				AUSTRALIAN BIRDS.		Scientific name.
Fish Hawks or Sea Eagles	Haliaetus Haliastur and Pandion.
Lyre Birds	Menura.
Regent Birds	Sericulus melinus.
Rifle Bird	Ptiloris paradisea.
Bell Bird	Manorhina melanophrys.
Black Cockatoos	Calyptorhynchus.
Native Companion	Grus Australiensis.
Nankin Crane	Nycticorax Caledonicus.
Laughing Jackass	Dacelo gigas.
Kingfishers	Halcyon and aleyone.
Emu	Dromaius Novæ Hollandiæ.
Seagulls of every description.						
Brush Turkey	Talegallus Lathamii.
Mallee Hen	Leipoa ocellata.
Land Curlew	Oedienemus grallarius.
Bittern	Botaurus poicilopterus.
Land Rail	Hypotaenidia Phillipensis.
Black Swan	Cygnus atratus.
Bustard or Plains Turkey	Eupodotis Australis.
Wild Ducks of every species, including Teal.						
Plovers of every species.						
Pigeons and doves of every species.						
Wild geese of every description.						
Dollar Bird	Eurystomus pacificus.
Wood Swallow	Artamus.
Magpies (other than the Black Magpie)						Gymnorhina.
Peewit or Magpie Lark	Grallina Australis.
Thrush	Collyriocincla harmonica.
Wagtails	Sauloprocta and Seisura.
Jackey Winter	Micræca fascians.
Robins	Petrœca.
Yellow Robins	Eopsaltria Australis.
Blue Wrens	Malurus cyaneus and Malurus Lamberti.
Emu Wren	Stipiturus malachurus.
Lark	Anthus Australis.
Skylark or Nightingale...	Cinchloramphus.
Diamond Sparrow	Estrilda guttata.
Gang Gang Cockatoo	Callocephalon galeatum.
Indian Minah	Acridotheres tristis.
Butcher Bird	Cracticus torquatus.
Coachwhip Bird...	Psophodes crepitans.
Honeysucker	Meliornis.
Mocking Bird	Anellobia mellivora.
Swamp Pheasant.						
King Parrots	Aprosmictus and Ptilotes.
Ibis	Geronticus and Threskiornis.
The bird commonly known as "The Happy Family," or "The Twelve Apostles."						
Quail of every species, including Turnix, Pedionomus, Coturnix, Synoicus, and Excalfatoria.						

By Authority : WILLIAM APPLIGATE GULLICK, Government Printer, Sydney, 1901.

[3d.]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 17th October, 1901.*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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EDWARDI VII REGIS.

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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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Birds Protection Act, 1901." Short title.
2. (1) The Act fifty-six Victoria number eighteen is hereby Repeal. repealed.
(2) Every notice published in the Gazette under the Savings. authority of the Act hereby repealed, the effect or operation of which is not exhausted at the time of the passing of this Act, shall be deemed to have been so published hereunder.
3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires—
56 Vic. No. 18, s. 3.
"Close season" means the periods of time prescribed by this Act Schedule. for the protection of the birds included in the Schedule hereto.
"Scheduled bird" means a bird of any of the kinds or families mentioned in or which are hereafter added to the Schedule to this Act.

Birds Protection.

10. Nothing in this Act shall apply to the taking or killing by the owner thereof of any bird in a domesticated state or ordinarily kept in confinement, or to the taking or destroying by him of the eggs of any such bird, or to any eggs, or any such bird taken or killed by the owner thereof within any mew or breeding place:

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Provided that the bird so killed or taken was not originally caught or taken during the close season.

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Birds may be protected in preserves.
Ibid. s. 12.

12. After such notice of setting apart whosoever, not being the owner thereof, kills, captures, or injures any scheduled bird within the limits of such water, island, or land shall be liable to a penalty not exceeding five pounds.

Penalty for killing, &c., in preserves.
Ibid. s. 12.

13. (1) Any householder or constable may require any person offending against any of the provisions of this Act to give his name in full and place of abode.

Penalty for refusing to give name, place of abode, &c.
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(2) If such person, after being so required, refuses to give his real name or place of abode, or gives 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.

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Disposal of penalties
Ibid. s. 15.

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Exceptions.
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Common name.	Scientific name.
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Starling	<i>Sturnus vulgaris.</i>
Thrush	<i>Turdus musicus.</i>
Blackbird	<i>Turdus merula.</i>
Nightingale	<i>Sylvia luscinæa.</i>
Pheasant... ..	<i>Phasianus colchicus.</i>
Grouse of every species	Tetrao and Lagopus.
Partridges of every species	Perdix.
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Lyre Birds	Menura.
Regent Birds	Sericulus melinus.
Rifle Bird	Ptiloris paradisea.
Bell Bird	Manorhina melanophrys.
Black Cockatoos	Calyptorhynchus.
Native Companion	Grus Australiensis.
Nankin Crane	Nycticorax Caledonicus.
Laughing Jackass	Dacelo gigas.
Kingfishers	Halcyon and alcyone.
Emu	Dromaius Novæ Hollandiæ.
Seagulls of every description.						
Brush Turkey	Talegallus Lathamii.
Mallee Hen	Leipoa ocellata.
Land Curlew	Oedienemus gallarius.
Bittern	Botaurus poicilopterus.
Land Rail	Hypotaenidia Phillipeusis.
Black Swan	Cygnus atratus.
Bustard or Plains Turkey	Eupodotis Australis.
Wild Ducks of every species, including Teal.						
Plovers of every species.						
Pigeons and doves of every species.						
Wild geese of every description.						
Dollar Bird	Eurystomus pacificus.
Wood Swallow	Artamus.
Magpies (other than the Black Magpie)	Gymnorhina.
Peewit or Magpie Lark	Grallina Australis.
Thrush	Collyriocincla harmonica.
Wagtails	Sauloprocta and Seisura.
Jackey Winter	Micraea fascinans.
Robins	Petroeca.
Yellow Robins	Eopsaltria Australis.
Blue Wrens	Malurus cyaneus and Malurus Lambertii.
Emu Wren	Stipiturus malachurus.
Lark	Anthus Australis.
Skylark or Nightingale...	Cinchoramphus.
Diamond Sparrow	Estrilda guttata.
Gang Gang Cockatoo	Callocephalon galeatum.
Indian Minah	Acridotheres tristis.
Butcher Bird	Cracticus torquatus.
Coachwhip Bird...	Psophodes crepitans.
Honeysucker	Meliornis.
Mocking Bird	Anellobia mellivora.
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King Parrots	Aprosmictus and Ptilines.
Ibis	Geronticus and Threskiornis.
The bird commonly known as "The Happy Family," or "The Twelve Apostles."						

Quail of every species, including Turnix, Pedionomus, Coturnix, Synoicus, and Excalfatoria.

In the name and on the behalf of His Majesty I assent to this Act.

FREDK. M. DARLEY,
Lieutenant-Governor.

State Government House,
Sydney, 30th October, 1901.

Certificate to accompany the Birds Protection Bill.

I CERTIFY that this Bill solely consolidates, and in no way alters, adds to, or amends, the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

THE UNIVERSITY OF CHICAGO

PH.D. THESIS

BY

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

Birds Protection Bill.

TABLE showing how the enactments consolidated have been dealt with.

Section of Repealed Act.	Section of Consolidated Act.	Remarks.
56 VICTORIA No. 18.		
1	.....	Short title and commencement.
2	.....	Repeal.
3	3	
4	4 (1) (2)	
5	5	
6	.....	Omitted ; exhausted.
7	6	
8	7	
9	8	
10	9	
11	10	
12	11, 12	
13	13	
14	14	Part omitted as unnecessary. See Act No. 71, 1900.
15	15	
16	16	
17	4 (3)	

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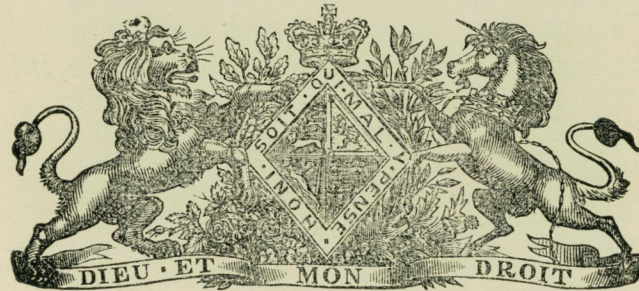
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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 18th September, 1901.*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Conflicts to accompany the Birds Protection Bill

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned Bill.

Yours truly,

Wm. A. Brewster

1886

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16	16	
17	4 (3)	

Legislative Council.

No. , 1901.

A BILL

To consolidate the enactments relating to the protection of certain imported and other birds.

[MR. WISE ;—21 August, 1901.]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the " Birds Protection Act, 1901." Short title.

2. (1) The Act fifty-six Victoria number eighteen is hereby Repeal. repealed.

(2) Every notice published in the Gazette under the Savings. authority of the Act hereby repealed, the effect or operation of which is not exhausted at the time of the passing of this Act, shall be deemed to have been so published hereunder.

3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires—

" Close season " means the periods of time prescribed by this Act Schedule.

for the protection of the birds included in the Schedule hereto. " Scheduled

“Scheduled bird” means a bird of any of the kinds or families mentioned in or which are hereafter added to the Schedule to this Act.

Colonial Secretary may add or remove any bird to or from Schedule.

56 Vic. No. 18, s. 4.

4 (1) Any bird not mentioned in the Schedule hereto may, by direction of the Colonial Secretary by a notice published in the Gazette, at any time hereafter, be added to the Schedule.

(2) After the publication of such notice the provisions of this Act shall apply to such bird, and the production of the Gazette containing such notice shall be conclusive evidence of such addition.

Ibid. s. 17.

(3) The Colonial Secretary may, by notice in the Gazette, remove the name of any bird from the Schedule hereto for any particular district described in such notice or for the whole State whenever it is deemed by him expedient so to do by reason of any great increase in the number of such birds or of their being found to be injurious; and the Colonial Secretary may, by notice in the Gazette, annul any such notice of removal.

Close season.

Ibid. s. 5.

5. The close season for all scheduled birds, save quail, shall be the period of time between every first day of August and the thirty-first day of January then next succeeding, both days inclusive, and the close season for quail shall be the period of time between every first day of October and the thirty-first day of March then next succeeding, both days inclusive:

Provided that the Colonial Secretary may, by notice in the Gazette, vary the period of the close season for any district described in such notice whenever it appears to him to be expedient so to do for the better preservation of the scheduled birds or any of them.

Penalty for killing, &c, scheduled birds during the close season.

Ibid. s. 7.

6. Whosoever during the close season wilfully kills, captures, or injures, or attempts or uses any means whatever to kill, capture, or injure any scheduled bird shall, for every such offence, be liable to a penalty not exceeding five pounds.

Penalty for having dead birds in possession.

Ibid. s. 8.

7. Whosoever sells or offers for sale, or has 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 proves 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 State or Colony.

Restriction on methods of shooting scheduled birds.

Ibid. s. 9.

8. Whosoever for the purpose of shooting any scheduled bird—

- (a) uses a firearm having a greater length of barrel than six feet, or with the bore exceeding one inch in diameter; or
- (b) affixes to any boat, punt, or floating vessel of any kind a firearm of any description; or
- (c) loads with a charge exceeding four drachms of gunpowder or two ounces of shot a firearm of any description,

shall be liable to a penalty not exceeding ten pounds.

9. Whosoever takes out of the nest or destroys in the nest the eggs of any scheduled bird 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. 56 Vic. No. 18, s. 10.

10. Nothing in this Act shall apply to the taking or killing by the owner thereof of any bird in a domesticated state or ordinarily kept in confinement, or to the taking or destroying by him of the eggs of any such bird, or to any eggs, or any such bird taken or killed by the owner thereof within any mew or breeding place: Act not to extend to birds domesticated. Ibid. s. 11.

Provided that the bird so killed or taken was not originally caught or taken during the close season.

11. Whenever any sheet of water, island, or enclosed land has been or is hereafter set apart by the Government or any private person for preserving any scheduled birds, the Colonial Secretary may by notice in the Gazette declare such setting apart, and may by a like notice cancel such setting apart. Birds may be protected in preserves. Ibid. s. 12.

12. After such notice of setting apart whosoever, not being the owner thereof, kills, captures, or injures any scheduled bird within the limits of such water, island, or land shall be liable to a penalty not exceeding five pounds. Penalty for killing, &c., in preserves. Ibid. s. 12.

13. (1) Any householder or constable may require any person offending against any of the provisions of this Act to give his name in full and place of abode. Penalty for refusing to give name, place of abode, &c. Ibid. s. 13.

(2) If such person, after being so required, refuses to give his real name or place of abode, or gives 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.

14. All informations or charges for offences against this Act may be heard and determined before one justice of the peace. Prosecution of offences. Ibid. s. 14.

15. All penalties recovered under this Act shall be paid—one-half to the person who in the opinion of the convicting justice of the peace gave such information as led to the conviction, and one-half to the Zoological Society. Disposal of penalties Ibid. s. 15.

16. This Act shall not apply to any person authorised by the Colonial Secretary to collect specimens of natural history for any scientific institution or museum. Exceptions. Ibid. s. 16.

SCHEDULE.

FOREIGN BIRDS.

Common name.	Scientific name.
Skylark	<i>Alauda arvensis.</i>
Chaffinch	<i>Fringilla cœlebs.</i>
Goldfinch	<i>Carduelis elegans.</i>
Linnet	<i>Linaria cannabina.</i>
Starling	<i>Sturnus vulgaris.</i>
Thrush	<i>Turdus musicus.</i>
Blackbird	<i>Turdus merula.</i>
Nightingale	<i>Sylvia luscinæa.</i>
Pheasant	<i>Phasianus colchicus.</i>
Grouse of every species	<i>Tetrao and Lagopus.</i>
Partridges of every species	<i>Perdix.</i>
White Swans	<i>Cygnus.</i>
Californian Quail	<i>Callipepla Californica.</i>

AUSTRALIAN

Birds Protection.

AUSTRALIAN BIRDS.			
Common name.			Scientific name.
Fish Hawks or Sea Eagles	...	...	Haliætus Haliastur and Pandion.
Lyre Birds	...	...	Menura.
Regent Birds	...	...	Sericulus melinus.
Rifle Bird	...	...	Ptiloris paradisea.
Bell Bird	...	...	Manorhina melanophrys.
Black Cockatoos	...	...	Calyptorhynchus.
Native Companion	...	...	Grus Australiensis.
Nankin Crane	...	...	Nycticorax Caledonicus.
Laughing Jackass	...	...	Dacelo gigas.
Kingfishers	...	...	Halcyon and aleyone.
Emu	...	...	Dromaius Novæ Hollandiæ.
Seagulls of every description.			
Brush Turkey	...	...	Talegallus Lathamii.
Mallee Hen	...	...	Leipoa ocellata.
Land Curlew	...	...	Oedienemus grallarius.
Bittern	...	...	Botaurus poicilopterus.
Land Rail	...	...	Hypotaenidia Phillipeusis.
Black Swan	...	...	Cygnus atratus.
Bustard or Plains Turkey	...	...	Eupodotis Australis.
Wild Ducks of every species, including Teal.			
Plovers of every species.			
Pigeons and doves of every species.			
Wild geese of every description.			
Dollar Bird	...	...	Eurystomus pacificus.
Wood Swallow	...	...	Artamus.
Magpies (other than the Black Magpie)	...	...	Gymnorhina.
Peewit or Magpie Lark	...	...	Grallina Australis.
Thrush	...	...	Collyriocinclæ harmonica.
Wagtails	...	...	Sauloprocta and Seisura.
Jackey Winter	...	...	Micræca fascinans.
Robins	...	...	Petrœca.
Yellow Robins	...	...	Eopsaltria Australis.
Blue Wrens	...	...	Malurus cyaneus and Malurus Lambertii.
Emu Wren	...	...	Stipiturus malachurus.
Lark	...	...	Anthus Australis.
Skylark or Nightingale	...	...	Cinchoramphus.
Diamond Sparrow	...	...	Estrilda guttata.
Gang Gang Cockatoo	...	...	Callocephalon galeatum.
Indian Minah	...	...	Aeridotheres tristis.
Butcher Bird	...	...	Cracticus torquatus.
Coachwhip Bird	...	...	Psophodes crepitans.
Honeysucker	...	...	Meliornis.
Mocking Bird	...	...	Anellobia mellivora.
Swamp Pheasant.			
King Parrots	...	...	Aprosmitcus and Ptistes.
Ibis	...	...	Geronticus and Threskiornis.
The bird commonly known as "The Happy Family," or "The Twelve Apostles."			
Quail of every species, including Turnix, Pedionomus, Coturnix, Synoicus, and Excalfatoria.			