

No. X.

ANIMALS
PROTECTION.An Act to secure the protection of certain
Birds and Animals. [12th March, 1879.]

Preamble.

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:—

Interpretation of
terms.

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

Penalty for destroy-
ing native or im-
ported game.

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

Punt guns &c. not to
be used.

3. 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 intended to be used for such purpose 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 and three ounces of shot And any person offending against the provisions of this section shall be liable to a penalty not exceeding ten pounds.

Animals (being
destroyers of vermin)
may be protected by
this Act.

4. Any animals known to be destroyers of snakes vermin or insects which are 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 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 animals therein mentioned Provided that the Colonial Secretary may by like proclamation withdraw any such animal from the Schedules.

Penalty for having
dead game in
possession.

5. If any person within the period stated in the second section shall buy sell or knowingly have in his possession or under his control any dead game whether native or imported he shall be liable to a penalty not exceeding five pounds unless it can be proved to the satisfaction of the Justices hearing the case that such dead game were imported from any neighbouring Colony and the burthen of such proof shall rest with the accused.

Animals may be
protected in
preserves.

6. Whenever any sheet of water island or enclosed land has been dedicated to the public or otherwise set apart by the Government or any private person for preserving any of the animals mentioned in either Schedules the Colonial Secretary may declare by notice published in the *Gazette* such dedication or setting apart and the names of the animals intended to be preserved and thereafter any person taking or killing or otherwise destroying any such animals therein shall be liable to a penalty not exceeding five pounds Provided that the Colonial Secretary may by a like notice cancel any dedication or setting apart as aforesaid.

Animals Protection.

7. All penalties imposed by this Act or sums of money made payable thereunder may be recovered before any two Justices in a summary way ^{Summary jurisdiction.} Provided that the provisions of this Act relating to native game shall not extend to any aboriginal native nor (as regards animals included in the Second Schedule) to any person authorized by the Colonial Secretary to collect specimens of Natural History for any public Museum.

8. Every person feeling aggrieved by any conviction or order 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.}

9. This Act may be cited for all purposes as the "Animals ^{Short title.} Protection Act of 1879."

SCHEDULES.

THE FIRST SCHEDULE.

Imported Game.

Value or sum to be paid.

For every Pheasant	£5	For every White Swan.....	£5
„ Partridge	£5	„ Deer	£15
„ Californian Quail ...	£5	„ Antelope	£15
„ Grouse	£5		
For each of the progeny of such animals		£2.	

THE SECOND SCHEDULE.

Native Game.

Wild Duck of any species.	Great Kingfisher or Laughing Jackass.
Teal Widgeon Coot.	Common Shore Gull.
Emu.	Black-breasted Gull.
Gigantic Crane or Native Companion.	Tern or Sea Swallow.
Bustard or Wild Turkey.	White-breasted Oyster-catcher.
Black Swan.	Sooty Oyster-catcher.
Wild Goose of any species.	Lyre-bird.
Bronze-wing or other indigenous	Rifle-bird.
Pigeon.	Dragoon-bird.
Mallee Hen.	Regent-bird.
Land Rail.	Nankeen Night Heron.
Curlew.	Magpie other than the Black Magpie.
Tallegalla or Brush Turkey.	Magpie Thrush or Peewit.

The eggs of such birds.