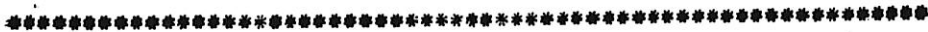


VICTORIA.



ANNO TERTIO

GEORGII QUINTI REGIS.



No. 2373.

An Act to amend the Game Acts.

[6th November, 1912.]

**B**E it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Game Act 1912* and shall be read and construed as one with the *Game Act 1890* and any Act amending the same, which Acts and this Act may be cited together as the *Game Acts*.

Short title and construction.  
Nos. 1095 and 1468.

*Amendments of the Game Act 1890.*

2. In sections five and six of the *Game Act 1890* for the words "Two pounds" wherever occurring there shall be substituted the words "Ten pounds."

Amendment of No. 1095 ss. 5 and 6.  
Increase of penalty.

3. In

Amendment of  
No. 1095 s. 7.  
Game &c. not to be  
consigned during  
prohibited period.

3. In section seven of the *Game Act* 1890 after the word "sell" there shall be inserted the word "consign"; and at the end of the said section seven there shall be added the words—

"Provided that any native game killed or destroyed not within the period hereinbefore mentioned—

(a) may be bought sold consigned or kept in possession during the ten days next following the commencement of the period hereinbefore mentioned ; or

(b) may be kept in possession during the remainder of the said period or any part thereof subject to such conditions and restrictions as the Governor in Council may by proclamation direct."

Amendment of  
No. 1095 ss. 12, 13.  
Increase of penalty  
for second offence  
in case of swivel  
or punt guns.

4. In sections twelve and thirteen of the *Game Act* 1890 after the words "not exceeding Twenty pounds" wherever occurring there shall be added the words "for a first offence and a penalty of not less than Five pounds or more than Fifty pounds for any subsequent offence."

Proof of gun being  
a swivel or punt  
gun.  
No. 1095 ss. 12, 13.

5. In any prosecution for an offence against any of the provisions of section twelve or section thirteen of the *Game Act* 1890 as amended by this Act when it is proved that a gun was fired in or from any boat punt raft or navigable vessel without having been raised at arm's length and fired from the shoulder without other support such proof shall without prejudice to any other evidence available be sufficient evidence that such gun was a swivel or punt gun within the meaning of the *Game Acts*.

#### *Amendments of the Game Act 1896.*

Repeal of No. 1463  
s. 3.

6. (1) Section three of the *Game Act* 1896 is hereby repealed.

"Minister"  
substituted for  
"Commissioner."  
See No. 1702 s. 2.

(2) In the *Game Act* 1896 for the word "Commissioner" wherever occurring there shall be substituted the word "Minister."

Amendment of No.  
1463 s. 5.

7. For section five of the *Game Act* 1896 there shall be substituted the following section:—

Penalty on buying  
selling consigning  
or having feathers  
&c. of certain game  
or native game  
killed in close  
season.

"5. If any person buys sells consigns or knowingly has in his possession house or control any flesh skin feathers or other portion of any game or native game killed or destroyed during any period in which such killing or destroying was or is prohibited by the *Game Acts* or by any proclamation thereunder such person shall for every such offence be liable on conviction to a penalty not exceeding Five pounds."

8. In

8. In section six of the *Game Act* 1896 for the word "open" there shall be substituted the words "store or"; for the words "shop or premises" there shall be inserted the words "store or shop or premises apparently."

Amendment of No.  
1463 s. 6.

9. The Inspector of Fisheries or any assistant to such Inspector or any member of the police force if he has reasonable ground to believe that an offence has been committed against the Game Acts may with or without warrant—

Power to search for  
and seize game &c.  
in illegal possession.

(a) search any parcel basket bag box receptacle or vehicle for any game or native game or any eggs or any flesh skin feathers or other portion of any game or native game; or go on board any boat or enter any tent factory or market to search for or inspect any game or native game or any eggs or any flesh skin feathers or other portion of any game or native game and thereon or therein search for or inspect the same; and

(b) seize and take possession of any such game or native game or eggs or flesh skin feathers or other portion of any game or native game which he may find apparently unlawfully killed destroyed taken or in the possession of any person.

10. In section nine of the *Game Act* 1896 after the word "such" where first occurring there shall be inserted the words "game or."

Amendment of No.  
1463 s. 9.  
Game kept in  
captivity.

11. For sub-sections (2) and (3) of section eleven of the *Game Act* 1896 there shall be substituted the following sub-sections:—

"(2) Any person having in his possession or custody or having in any vehicle or boat in his care or control any swivel or punt gun or any part of such gun shall be guilty of an offence against the Game Acts and shall be liable on conviction to a penalty not exceeding Twenty pounds for a first offence, and of not less than Five pounds or more than Fifty pounds for any subsequent offence."

Penalty for having  
swivel or punt gun  
in possession.

"(3) The Inspector of Fisheries or any assistant to such Inspector or any member of the police force may with or without warrant at any time seize and take possession of any swivel or punt gun or part thereof and such gun or part shall be forfeited to the Crown and shall be destroyed or otherwise disposed of as the Minister may direct."

Power to seize  
swivel or punt  
gun whether being  
used or not.

12. In section six and also in sub-section (1) of section thirteen of the *Game Act* 1896 for the words "Any officer of Customs or" there shall be substituted the words "The Inspector of Fisheries or any assistant to such Inspector or any."

Amendment of No.  
1463 ss. 6, 13.  
Inspector and  
assistant  
substituted for  
officer of Customs.

*Miscellaneous.*

*Miscellaneous.*

Burden of proof.

13. Where any person is charged under the Game Acts with buying selling consigning or having in his possession house or control any game or native game or any flesh skin feathers or other portion of any game or native game contrary to any provision of the said Acts the onus of proof that such game or native game or flesh skin feathers or other portion of game or native game were lawfully bought sold consigned or in his possession house or control shall be upon the person so charged.

Disposal of seized game and native game.

14. All game or native game and all eggs or flesh skins feathers or other portions of any game or native game seized under the provisions of the Game Acts shall be forfeited to the Crown and may be destroyed or otherwise disposed of in accordance with any general or special directions of the Minister.

Definition of "gun."

15. For the purposes of the Game Acts "gun" includes a firearm of any description and any air-gun or other kind of gun from which any shot bullet or other missile can be discharged.

Authority to destroy game injuring crops &amp;c.

16. If it is proved to the satisfaction of the Minister that any game or native game have increased in such numbers as to lead to serious damage to any vineyard orchard or garden or to any crops or grass upon any land owned or occupied by any person the Minister may by authority in writing authorize any person to kill or capture any game or native game upon such land in such numbers and upon such conditions as may be set forth in such authority and may at any time revoke any such authority.

Power to appoint persons to exercise powers under Game Acts.

17. (1) The Minister may in writing authorize any person to exercise any of the powers conferred by the Game Acts on members of the police force and may at any time revoke any such authority.

(2) Every person so authorized—

- (a) shall subject to such authority have all the powers conferred by the Game Acts on members of the police force; and
- (b) shall if requested when exercising any of such powers produce his authority.

*Proclamations.*

Proclamations.

18. The Governor in Council may by proclamation published in the *Government Gazette*—

- (a) prohibit the selling or exposing for sale of any specified native game for such period as may be fixed by any proclamation;
- (b) prescribe the maximum number of any specified native game which any person may kill or destroy on any one day or within any specified period;
- (c) prescribe

- (c) prescribe conditions and restrictions under which native game may be kept in possession during the period referred to in section seven of the *Game Act 1890* as amended by this Act or any part of such period pursuant to the said section seven as so amended;
- (d) prescribe penalties not exceeding Ten pounds for any contravention of any proclamation or of any authority or permit granted under section seventeen of this Act ;
- (e) explain vary revoke annul or supersede any proclamation under the Game Acts.

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MELBOURNE :

By Authority : ALBERT J. MULLETT, Acting Government Printer.