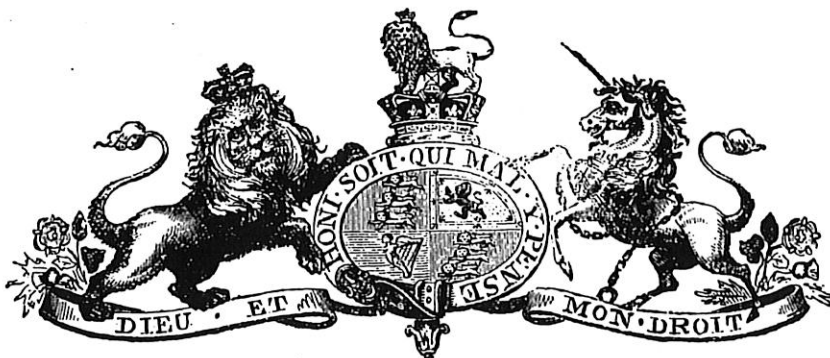


VICTORIA.



ANNO SEXAGESIMO

VICTORIÆ REGINÆ.

No. 1463.

An Act to amend the *Game Act 1890*.

[24th December, 1896.]

BE it enacted by the Queen'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 1896*, and shall be read and construed as one with the *Game Act 1890*, and the said Act and this Act may be cited together as the *Game Acts*.

Short title and
construction.
No. 1095.

2. This Act shall come into operation on the first day of January One thousand eight hundred and ninety-seven.

Commencement.

3. In this Act "Commissioner" means the Commissioner of Trade and Customs.

Commissioner.

4. (1) The Governor in Council may by proclamation published in the *Government Gazette* direct that in any part of Victoria and during any period of the year specified in such proclamation sections five and seven of the *Game Act 1890* shall not be in operation as regards such

Power to exempt
game from certain
provisions of Game
Acts.

such of the birds or animals mentioned or included in the Second Schedule to the said Act as may be specified in such proclamation. Such proclamation may be made as regards any bird or animal under such an age as is therein prescribed with regard to such bird or animal.

(2) During the period so specified in any proclamation made pursuant to this section with regard to any bird or animal the said sections shall not be in operation as regards any such bird or animal in the part of Victoria specified in such proclamation.

(3) The Governor in Council may at any time revoke any such proclamation by a proclamation published in the *Government Gazette*.

Penalty on buying
selling or having
feathers &c. of
certain native
game.

5. (1) If any person at any time buys sells or knowingly has in his possession house or control any flesh skin or feathers of any native game the killing or destroying of which is by the Game Acts prohibited during the whole year such person shall for every such offence be liable on conviction to a penalty not exceeding Five pounds.

(2) No person shall be convicted of an offence against this section with regard to any such flesh skin or feathers if he proves that he had the same in his possession before the commencement of this Act, or that he purchased the same within six months after such commencement from some person who possessed the same before such commencement.

Power to seize game
&c. in illegal
possession.

6. Any officer of Customs or member of the police force may without any warrant at all times during business hours enter any open shop and the premises tenanted therewith in which he has reason to believe he will find any game or native game or any eggs flesh skin or feathers of any game or native game which any person may have in his possession in such shop or premises contrary to any of the provisions of the Game Acts, and such officer or member may seize and take possession of such game native game eggs flesh skin or feathers and anything so taken possession of shall be destroyed or otherwise disposed of in such manner as the Commissioner may direct.

Trustees public
gardens &c. may be
authorized to keep
game.

7. (1) The Commissioner may by order in writing authorize the trustees or managers of any public gardens grounds or exhibition to have and keep in their possession or control any game or native game of any kind specified in such order or any eggs flesh skin or feathers thereof, and may at any time revoke any such order.

(2) Any such order so far as it relates to any game or native game therein specified or any eggs flesh skin or feathers thereof kept in the gardens grounds or exhibition named in such order shall until revoked exempt the said trustees or managers and their officers and servants from any of the penalties imposed by the Game Acts.

Collection of game
for scientific
purposes.

8. (1) The Commissioner may by order in writing authorize any person to collect for scientific purposes any game or native game or the eggs of any bird being game or native game.

(2) The

(2) The period during which any such order is to be in force shall be specified in such order.

(3) During such period section eight of the *Game Act* 1890 shall not apply to the person named in such order whilst collecting any animals or eggs pursuant to such order.

(4) The Commissioner may at any time revoke any such order.

9. Notwithstanding anything to the contrary in this or any other Act contained the Minister may, at his discretion, give written permission to any person or persons to retain in a state of domestication or captivity during the close season such native game as shall be specified. The Minister may cancel such permission at any time and without notice.

Native game in state of domestication or captivity.

10. (1) Every gun or fowling-piece—

- (a) having a barrel of a length exceeding forty-two inches in length, or
- (b) having a single barrel exceeding eight pounds avoirdupois in weight or having a double barrel exceeding fourteen pounds avoirdupois in weight, or
- (c) having a bore exceeding eight calibre, or
- (d) being of a weight exceeding sixteen pounds avoirdupois, or
- (e) having more than two barrels, or
- (f) not being such a gun or fowling-piece as is habitually raised at arm's length and fired without other support from the shoulder,

Description of guns to be deemed swivel or punt guns.

No. 1095 ss. 12-14.

and every combination of more than two guns or fowling-pieces temporarily or permanently secured together—

shall be deemed and taken to be a swivel or punt gun within the meaning of the Game Acts. Provided that this sub-section shall not come into operation for six months after the date of the commencement of this Act.

(2) All swivel or punt guns shall be included among goods prohibited to be imported into Victoria as if they were enumerated or described in the table of prohibitions and restrictions in section forty-nine of the *Customs Act* 1890.

No. 1081.

(3) No firearms belonging to or used by Her Majesty or the naval or military forces of Victoria or the police force shall be deemed to be swivel or punt guns within the meaning of the Game Acts.

11. (1) Section fourteen of the *Game Act* 1890 is hereby repealed.

Repeal of s. 14 of No. 1095.

(2) It shall be unlawful for any person to have in his possession or custody or in any vehicle or boat in his care or control any swivel or punt gun.

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

Compare No. 1095 s. 14.

(3) Any

(3) Any officer of Customs or member of the police force may without any warrant at all times seize and take possession of any swivel or punt gun which such officer or member finds, and such gun shall be deemed to be absolutely forfeited and shall be destroyed or otherwise disposed of as the Commissioner may direct.

Amendment of
ss. 15 and 16 of
No. 1095.

12. In sections fifteen and sixteen of the *Game Act* 1890 after the word "game" wherever it occurs there shall be inserted the words "or native game."

Power to seize other
guns &c. when
being unlawfully
used.

13. (1) Any officer of Customs or member of the police force may without any warrant at all times seize and take possession of any instrument net or other means (except a swivel or punt gun) used to kill or destroy game or native game which such officer or person finds any person making use of in killing or destroying or attempting to kill or destroy any game or native game in contravention of any of the provisions of the *Game Acts*.

(2) If the person so found offending is convicted for an offence against any of the provisions of the *Game Acts* then such instrument net or other means shall be deemed to be absolutely forfeited and shall be destroyed or otherwise disposed of as the Commissioner may direct, but if such person is not convicted the instrument net or other means shall be returned to him.

Power to proclaim
close season for
native game in any
locality.

14. (1) The Governor in Council may by proclamation published in the *Government Gazette* specify any part of Victoria as a locality in which during such period or periods in each year as shall be fixed in such proclamation it shall be unlawful for any person to kill or destroy any native game mentioned in such proclamation or to kill or destroy any native game mentioned in such proclamation under such an age as is therein prescribed with regard to such native game.

(2) Any person who in contravention of any such proclamation kills or destroys any native game or uses any instrument net or other means for the purpose of killing or destroying any native game shall on conviction be liable to a penalty not exceeding Twenty pounds in addition to a sum not exceeding Twenty shillings for each bird or animal so killed or destroyed.

Repeal of s. 21 of
No. 1095.

15. Section twenty-one of the *Game Act* 1890 is hereby repealed.

MELBOURNE:

By Authority: ROBT. S. BRAIN, Government Printer.