

# TASMANIA.

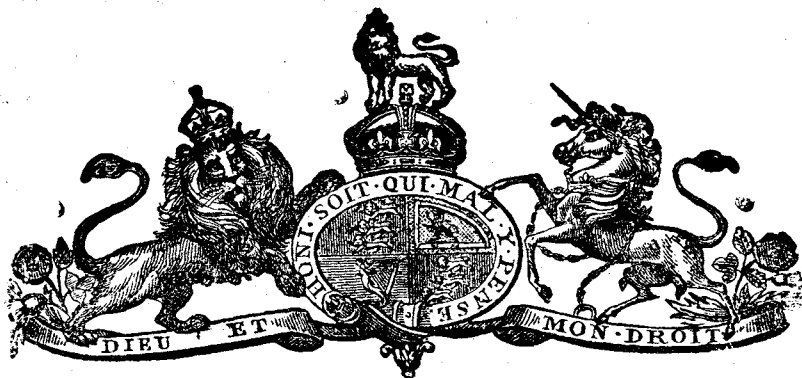
## THE ANIMALS AND BIRDS' PROTECTION ACT, 1919.

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TASMANIA.



1919.

ANNO DECIMO

GEORGI V. REGIS.

No. 56.

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AN ACT to provide for the Protection of <sup>A.D.</sup> 1919.  
Wild Animals and Birds, and for other  
purposes. [24 December, 1919.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Animals and Birds Protection Act, 1919," and shall come into operation on a date to be proclaimed by the Governor. Short title.

2 "The Game Protection Act, 1907," is hereby repealed. Repeal of 7 Ed. VII. No. 53.

*Interpretation.*

3 In this Act, unless the context otherwise determines— Interpretation.  
"Animal" means any wild mammalian animal of any kind, whether native or introduced: "Animal."  
"Carcase" means the carcase of an animal or bird, and includes any part of the carcase of an animal or bird: "Carcase."  
"Chief Inspector" means the Chief Inspector appointed or deemed to be appointed under this Act, and includes an Acting-Commissioner: "Chief Inspector."

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"Close season."

"Close season" means, with regard to an animal or bird of any kind, the period of time during which animals or birds of that kind are protected; the close season for wholly protected animals and wholly protected birds is the whole of each year; the close season for partly protected animals and partly protected birds is the period specified in that behalf in the Second Schedule, or such other period as is prescribed:

"Crown land."

"Crown land" means land which is or may become vested in the Crown, and which is not granted or lawfully contracted to be granted in fee simple; and includes all land which is or may be held for mining, pastoral, or other purposes under any lease, licence, or other right, by or from the Crown, or any person on behalf of the Crown:

"Deer."

"Deer" includes every known species of the animal:

"District."

"District" means a district constituted under this Act:

"Guardian."

"Guardian" means a guardian appointed under this Act:

"Inspector."

"Inspector" means an inspector appointed under this Act, and includes the Chief Inspector and any member of the police force:

"Kangaroo."

"Kangaroo" means and includes every member of the family *Macropodiæ* except the Tasmanian Great or Forester Kangaroo (*Macropus giganteus*); the term also includes the Brush Kangaroo (*Macropus benettii*), the Wallaby (*Macropus hillardieri*), and the Kangaroo Rat:

"Land."

"Land" includes land covered by water, and any waters within the territorial jurisdiction of the State:

"Minister."

"Minister" means the Attorney-General for the time being of this State:

"Mutton Bird."

"Mutton Bird" means the Short-tailed Petrel (*Puffinus tenuirostris*):

"Open season."

"Open season" means, with regard to an animal or bird of any kind, the period of time during which animals or birds of that kind may be taken:

"Opossum."

"Opossum" means and includes every animal of the family *Phalangerinæ*; the term includes the Black Brush Opossum and the Grey Brush Opossum, and the Ring-tail Opossum; but does not include the Flying Squirrel or Opossum Mouse:

"Prescribed."

"Prescribed" means prescribed by this Act or by regulations, proclamations, or orders in council made under this Act:

"Protected."

"Protected" means wholly or partly protected by this Act:

"Quail."

"Quail" includes every known species of the bird:

"Sanctuary."

"Sanctuary" means any part of the State, whether Crown land or not, constituted a sanctuary under this Act:

"Skin."

"Skin" means the skin of an animal, and includes any part of the skin of an animal:

"Schedule."

"Schedule" means schedule to this Act:

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- "Section" means section of this Act : A.D. 1919.
- "Take" includes any act of hunting, pursuing, catching, shooting, netting, snaring, destroying, liming, killing, plucking, or injuring, or of attempting or assisting to hunt, pursue, catch, shoot, net, snare, destroy, lime, kill, pluck, or injure : "Section."  
"Take."
- "This Act" includes regulations, proclamations, and orders-in-council made under this Act : "This Act."
- "Vessel" includes any ship, barge, punt, boat, raft, or craft of whatsoever description and howsoever navigated or propelled. "Vessel."
- The verb "to sell" includes— "To sell."
- I. To sell, barter, or exchange :
  - II. To agree to sell, barter, or exchange :
  - III. To offer, expose, store, have in possession, send, consign, or deliver for or on sale :
  - IV. To receive for sale :
  - V. To cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged :
  - VI. To cause or suffer to be offered, exposed, stored, had in possession, sent, consigned, or delivered for or on sale :
  - VII. To cause or suffer to be received for sale : and
  - VIII. To attempt or assist to do any of such acts or things—
- and every derivative of the verb "to sell" shall be construed accordingly.
- The verb "to buy" includes to buy, to receive or accept under an agreement to sell, and to offer to receive or accept or cause or suffer to be received or accepted under an agreement to sell; and every derivative of the verb "to buy" shall be construed accordingly. "To buy."

*Application of Act.*

- 4—(1) Unless otherwise prescribed, the provisions of this Act shall apply throughout the whole of the State. Application of the Act.
- (2) This Act shall not apply to domestic animals or domestic birds or to seals.

*Administration.*

- 5—(1) The Governor may from time to time appoint a Chief Inspector. The person who, when this Act comes into operation, holds the office of Commissioner of Police, shall be deemed, without further appointment, to have been appointed Chief Inspector under this Act. Appointment of Chief Inspector and other officers.
- (2) The Governor may from time to time appoint an Acting Chief Inspector whenever necessary, and also on the recommendation of the Chief Inspector such guardians, inspectors, and other officers, as the Minister thinks fit, to carry out the provisions of this Act.
- (3) Every member of the Police Force shall, by virtue of his office, be an inspector under this Act.
- (4) The Chief Inspector, and such guardians, inspectors, and other officers, shall have such powers and duties as are conferred

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—

and imposed upon them by this Act, and such other powers and duties as the Minister may from time to time direct.

It shall be the duty of the Chief Inspector, and of every guardian, inspector, and other officer, to do all necessary acts for carrying this Act into effect, and for preventing and punishing any breach thereof. For such purpose such of them as are not members of the police force shall, in addition to the powers conferred upon them by this Act, have all the powers and authorities of a constable.

Authorising persons to act as inspectors.

**6**—(1) The Minister may, in writing, on the recommendation of the Chief Inspector, authorise any person to exercise all or any of the powers conferred by this Act on an inspector, and may at any time revoke such authority.

(2) Subject to such authority, every person so authorised shall have all the powers conferred by this Act on an inspector.

*Protection of Animals and Birds.*

Animals protected wholly.

Partly protected.

Unprotected.

**7**—(1) The animals and birds for the time being included in the First Schedule are hereby wholly protected.

(2) The animals and birds for the time being included in the Second Schedule are hereby partly protected.

(3) The animals and birds for the time being included in the Third Schedule are unprotected.

Close season.

**8**—(1) Wholly protected animals and wholly protected birds are protected animals and protected birds at all times.

(2) Partly protected animals and partly protected birds are protected animals and protected birds during the period specified in the Second Schedule, or during such other period as is prescribed.

Powers of the Governor.

Districts.

Societies.

Suspending operation of Act.

Reserves.

Sanctuaries.

Prohibition of sale.

**9** The Governor may from time to time, by proclamation—

i. Declare any part of the State to be a district for the purposes of this Act, and abolish any district :

ii. Approve of the constitution and rules of any society duly formed for the furtherance of the objects of this Act :

iii. Prescribe any area within which this Act, or any specified provisions thereof, shall or shall not apply during any period of the year specified in the proclamation, with respect to such animals or birds as are specified in the proclamation :

iv. Reserve any lands of the Crown as and to be hunting grounds—

(a) For mutton-birds; or

(b) For acclimatisation purposes :

v. Declare any Crown lands, and, with the consent of the owner or occupier thereof, any other land, to be a sanctuary with respect to animals and birds generally, or to any particular kind of animal or bird :

vi. Prohibit the selling of any specified animal or bird for such period as is fixed by the proclamation :

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- VII. With respect to any kind of animal or bird mentioned in the Second Schedule, fix the maximum number of animals or birds of that kind which any one person may take or have in his possession on any one day, or within any specified period, in which such animals or birds may lawfully be taken : A.P. 1919: 111  
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Limiting numbers.
- VIII. Subject to such conditions, limitations, and regulations as may be prescribed, place any sanctuary under the permanent or temporary control of an approved society. Control by society.
- IX. Explain, vary, revoke, or supersede any proclamation under this Act or any Act hereby repealed. General.
- 10—**(1) All animals and birds with respect to which a sanctuary has been declared shall, within such sanctuary, be deemed to be wholly protected animals and wholly protected birds, notwithstanding that they are elsewhere only partly protected or are unprotected : Provided that the Minister, upon the recommendation of the approved society (if any) controlling the sanctuary, or of the Chief Inspector where no such society controls the sanctuary, may grant permits for the taking of animals and birds generally or any particular kind of animal or bird within such sanctuary upon such terms and conditions as the Minister may think fit. Sanctuaries.
- (2) Any dog found trespassing upon any sanctuary may be destroyed, and the destruction thereof shall not confer any right to compensation upon any person.
- 11—**(1) Notwithstanding anything in this Act contained, the Minister may grant permits for the taking, on Crown lands or on any other land with the consent of the occupier of such land, for scientific purposes, of any protected animals or birds, or the eggs of any protected birds, or for the taking, on Crown lands or on any other land with such consent as aforesaid, of any protected animals or birds for the purpose of the same being kept in confinement or in a domesticated state. Permits to take animals and birds for scientific purposes or domestic pets.
- (2) Every permit granted hereunder may be issued subject to such restrictions and upon such terms as the Minister thinks fit : Provided that—
- I. Every permit shall be liable to revocation by the Minister :
  - II. Every permit shall specify a period during which the same will remain in force unless revoked before the expiration of such period : and
  - III. In no case shall such period exceed Twelve months.
- 12—**(1) In addition to all other things which he is by this Act empowered or required to do, the Minister may, notwithstanding anything in this Act contained— Special powers of the Minister.
- I. By order in writing, authorise the trustees or managers of any public gardens, grounds, or exhibition to have

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and keep in their possession or control any animal or bird specified in such order, or any eggs, flesh, or skin thereof :

- II. By order in writing, authorise any person to retain in a state of domestication or captivity such animals or birds as are specified :
- III. Direct the manner in which any forfeited property may be disposed of :
- IV. Revoke any licence issued under this Act : and
- V. Do all things which may be necessary or convenient for carrying into effect the provisions and objects of this Act.

(2) The Minister may at any time revoke any order made by him under Paragraphs I. or II. of Subsection (1) of this section.

**Powers of guardians and inspectors.**

**13** Every guardian or inspector may, at any time, without any warrant other than this Act—

- I. Take into custody any person offending against the provisions of this Act who—
  - (a) Refuses on demand to give his name in full and address; or
  - (b) In the opinion of the guardian or inspector gives a false name or address; or
  - (c) When required by a guardian or inspector to quit a sanctuary or Crown lands reserve, refuses or fails to do so forthwith; or
  - (d) Does not deliver up to such guardian or inspector on demand every animal and bird, and the carcase and skin of every animal and the carcase of every bird, and all eggs, and every gun, net, trap, or other instrument or thing, in his possession or under his control :
- II. Enter and search any premises, vessel, or place—
  - (a) Where there is, or he suspects there is, any animal, or the carcase or skin of any animal, or any bird, or the carcase of any bird, or any eggs, taken, or which he suspects to have been taken, in contravention of the provisions of this Act; or
  - (b) Where there is, or he suspects there is, any property liable to forfeiture under this Act; or
  - (c) Where any animal, or the carcase or skin of any animal, or any bird, or the carcase of any bird, is on sale, or in which he believes the same to be on sale :
- III. Search any vehicle or vessel, or (whether *in transitu* or not) any box, receptacle, or package, and open any box, receptacle, or package containing, or which he suspects to contain, any animal or bird, or any eggs, carcase, or skin taken, or which he suspects to have been taken, in



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- contravention of the provisions of this Act, or any property which he has reason to believe to be liable to forfeiture under this Act, and examine any such animal or bird or eggs, carcase, skin, or property :
- iv. Seize any property forfeited by, or which he has reason to believe to be liable to forfeiture under, this Act :
- v. Demand the production of any licence or permit issued under this Act :
- vi. Demand the name and address of any person whom he has reason to suspect of any offence against the provisions of this Act :
- vii. Require any person trespassing upon any sanctuary or Crown lands reserve to quit such sanctuary or reserve; and
- viii. Do any other thing prescribed, or which may be necessary for enforcing the provisions of this Act or for detecting offences against this Act, or for preventing evasions of this Act.

**14** Every animal or bird taken, and the carcase and skin of every animal taken, and the carcase of every bird taken, and all eggs taken, and every gun, net, trap, or other instrument or thing used, or intended to be used, in contravention of any provision of this Act, is hereby forfeited to His Majesty, and shall be disposed of as directed by the Minister; and the forfeiture and disposal thereof shall not confer any right to compensation upon any person.

**15—(1)** Subject to this Act, every person shall be guilty of an offence against this Act who—

- i. During the close season of such animal or bird takes any protected animal or bird, or uses any dog, gun, net, snare, trap, or other engine, instrument, or device for the purpose of taking any such animal or bird : **Taking during close season.**
- ii. At any time wilfully destroys the nest, or takes out of the nest, or destroys in the nest, the eggs of any protected bird, or knowingly has any such eggs on his premises or in his possession or under his control : **Destroying nests, &c.**
- iii. Takes on any one day on which such animals or birds may lawfully be taken a greater number of any kind of animal or bird for the time being included in the Second Schedule than is prescribed : **Taking greater number than prescribed.**
- iv. At any time sells or buys any wholly protected animal or bird, or any Quail or Plover, or the carcase or skin of any wholly protected animal, or the carcase or any eggs of any wholly protected bird, or of any Quail or Plover: Provided that any person may have in his possession or give away during the open season or within Seven days after the commencement of the close season of such birds, the carcase of any Quail or Plover taken in such open season : **At any time buying or selling wholly protected animal or bird or Quail or Plover. Saving.**

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Buying or selling during close season partly protected animals or birds, &c.

Saving.

Exporting wholly protected animal or bird, &c.

Offences in relation to sanctuaries.

Saving.

Prohibiting use of gun, bore of which exceeds No. 12, for shooting.

Allowing weasel or ferret at large.

Refusing to give name, &c., or produce licence.

Refusing to deliver up forfeited property.

Resisting officers.

Exemption of pheasants, &c., kept in a mew.

Saving for protection of crops.

v. After the expiration of Fourteen days from the commencement of the close season of such animal or bird sells or buys or holds in possession during such close season any partly protected animal or bird, or the carcase or skin of any such animal, or the carcase or any eggs of any such bird : Provided that the skins of Deer, Kangaroo, and Opossums taken in the open season may, subject to this Act, be sold and bought during the close season of such animals :

vi. Exports, or keeps for the purpose of export, any wholly protected animal or bird, or the carcase or skin of any wholly protected animal, or the carcase or any eggs of any wholly protected bird :

vii. Enters, or is upon, any sanctuary with any gun, net, trap, or other instrument capable of being used for the purpose of taking any animal or bird; or who refuses or fails to quit forthwith any sanctuary or Crown lands reserve when required by a guardian or inspector to do so : Provided that this subdivision shall not apply to any person so acting under a permit or other authority from the Minister, or from any person or body, corporate or otherwise, in whom the control of such sanctuary is vested :

viii. Uses, discharges, carries, keeps, or has in his possession any gun the bore of which is greater than No. 12 for the purpose of shooting at any animals or birds :

ix. Allows any weasel or ferret to go at large :

x. Refuses to give his name or address, or to produce any licence or permit, when lawfully demanded under this Act :

xi. Refuses to deliver up to any guardian or inspector any property forfeited by, or liable to forfeiture under, this Act : or

xii. Resists, or in any way interferes with or hinders, any guardian or inspector in the execution of his duty.

(2) This section, so far as relates to—

i. Paragraphs i. to v. inclusive, shall not apply to Pheasants, Partridges, or Grouse kept in a mew, or to the eggs therein of such birds, or to the owners of any mew in respect of such birds or eggs in such mew, or to any person in respect of any such eggs taken from the mew and given to him by such owner :

ii. Paragraph iv., shall not apply to Pheasants, Partridges, or Grouse brought into this State in a dead condition :

(3) Notwithstanding anything contained in this section, the Chief Inspector may, in writing, subject to the regulations and to any conditions thereby prescribed, authorise any person, or the

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servants of any such person, at any time to kill or destroy any animals or birds found on his property and committing any damage or injury to his crops: A.D. 1919.

Provided that the Chief Inspector is satisfied that such damage or injury is likely to arise through the presence of such animals or birds.

The skin of any Kangaroo or Opossum so killed or destroyed in the close season thereof shall be the property of the Crown.

**16** Every person who imports or brings into this State any Fox, Wolf, Wild Dog, or Dingo shall be guilty of an offence against this Act. Penalty for importing Fox, &c.

Penalty: Not less than Twenty-five Pounds nor exceeding One hundred Pounds for every such animal.

**17** Whoever at any time kills or attempts to kill or destroys any partly protected bird with any device or instrument known as a swivel or punt-gun, or with any gun other than such guns as are habitually raised at arms' length and fired from the shoulder, shall be guilty of an offence against this Act. Punt-guns, & not to be used.

Penalty: Ten Pounds.

Penalty.

**18** The owner or occupier of any land, or the servant or agent of such owner or occupier, may demand the name and address of any person trespassing upon such land whom he suspects of any offence against this Act, and may require any such trespasser to quit such land. Trespasser to give name, &c., and quit when required.

**19** Every person shall be guilty of an offence against this Act who— Offences by trespasser.

- i Enters or is upon any fenced land leased from the Crown, for the purpose of taking any animal or bird, or any eggs of any bird, without the consent in writing of the Commissioner of Crown Lands:
- ii. Refuses to give his name and address, or gives a false name or address, when lawfully demanded under Section Eighteen:
- iii. Refuses to quit any land when lawfully required under Section Eighteen: or
- iv. Re-enters upon any land after having been lawfully required under Section Eighteen to quit the same.

**20**—(1) Nothing in this Act shall render unlawful anything done by any person to whom a permit has been granted by the Minister to take any animals or birds, or the eggs of any birds, for scientific purposes, or to take any animals or birds for the purpose of the same being kept in confinement or in a domesticated state: Provided that such thing is within the authority conferred by such permit. Exemption to permit to take animals or birds for scientific purposes or for domestic pets.

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Domestic pets.

(2) Notwithstanding anything in this Act, any person may keep any animal as a domestic pet.

*Licences.*

No person to take, Mutton birds, Kangaroo, Deer, or Opossums, unless he holds a licence, &c.

**21**—(1) No person—

- I. Shall take any Mutton-bird, unless he holds a licence for that purpose, and has the permission mentioned in Subsection (2) in the case of occupied Crown land :
- II. Shall take Kangaroo, Deer, or Opossums, except in the prescribed manner :
- III. Shall take Kangaroo, Deer, or Opossums on any Crown land whatsoever unless he is the holder of a licence for that purpose extending to such land; and has the permission mentioned in Subsection (2) in the case of occupied Crown land :
- IV. Shall at any time buy or sell any skins of any Deer, Kangaroo, or Opossums, unless he holds a licence for that purpose.

Penalty : Twenty Pounds.

(2) Nothing in this Act contained shall be deemed to authorise any person holding any such licence to go upon any fenced land leased from the Crown for the purpose of taking any Mutton-bird, Kangaroo, Deer, or Opossums without the written consent of the Commissioner of Crown lands.

Mode of issuing and duration of licence.

**22**—(1) The Chief Inspector may from time to time—

- I. Issue licences under this Act :
- II. Appoint persons to issue licences under this Act :
- III. Revoke any appointment so made.

(2) Every licence for any of the purposes mentioned in the immediately preceding section—

- I. Shall be in the prescribed form; and
- II. May, on payment of the prescribed fee, be issued by the Chief Inspector or any person authorised by him to issue such licences, to such person as he sees fit; and
- III. Shall be in force in the district or locality named or described therein, and not elsewhere, for the period named in the licence; and
- IV. Be subject to the prescribed conditions.

Licences where packs of hounds are kept for hunting.

**23** Any person who keeps or intends to keep a pack of hounds for hunting Kangaroo or Deer for the purpose of recreation may receive from the Chief Inspector, or any person authorised by him to issue the same, a licence in the prescribed form, which such Chief Inspector or person may in his discretion grant upon payment of the prescribed fee, and which shall remain in force for the period therein named.

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Such licence shall exempt the person to whom the same is issued and all other persons hunting Kangaroo or Deer with the pack of hounds belonging to such licensed person, from the operation of so much of this Act as relates to persons hunting Kangaroo or Deer without a licence. A.D. 1919.

Any person found hunting Kangaroo or Deer with a pack of hounds for the purpose of recreation shall be guilty of an offence against this Act, unless the keeper of such pack of hounds is the holder of a licence for that purpose.

Penalty: Five Pounds.

**24** There shall be paid, upon the issue of any such licence as is hereinbefore mentioned such fees and such royalties as may be prescribed by regulations to be made by the Governor for such purpose; and all sums of money received for licences shall be paid into the Treasury, and form part of the Consolidated Revenue.

Fee for licence.  
Appropriation of fees.

**25** Nothing in this Act contained shall be deemed to authorise any person holding any licence issued under this Act to take any Mutton Birds, except during the prescribed time, nor to take Kangaroo, Deer, or Opossums during the close season prescribed for the same respectively.

Licence not to authorise holder to take during close season.

*Miscellaneous.*

**26**—(1) The Governor may from time to time make all such regulations as he deems necessary for giving full effect to the provisions and objects of this Act, and preventing any evasion thereof; and without limiting the generality of this power the Governor may from time to time make regulations for all or any of the following purposes:—

Regulations.

- i. The issue of licences and permits, and prescribing—
  - (a) The purposes and conditions thereof respectively;
  - (b) The term for which the same respectively are to be current; and
  - (c) The form thereof and the fees to be payable therefor respectively :
- ii. The preservation and protection of the animals and birds for the time being included in the First and Second Schedules :
- iii. Regulating the taking of any partly protected animals or birds, and prescribing a mode of taking the same :
- iv. Preventing interference with or injury to any sanctuary or other place, or the animals and birds therein :
- v. Regulating, restricting, or prohibiting the use of motor or other boats on the sanctuary known as Moulting Bay Lagoon, near Swansea :
- vi. Defining the duties of guardians, inspectors, and other officers under this Act :
- vii. Defining the duties, powers, and privileges of approved societies :

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- VIII. Prescribing the manner in which, and the officers by whom, any regulation may be enforced :
- IX. Regulating the lighting of fires upon any sanctuary or Crown lands reserve, and prohibiting the lighting of fires thereon during specified periods :
- X. Requiring licencees to furnish returns periodically to prescribed officials, and to keep records of specified matters, and prescribing the nature and particulars of the returns to be furnished, and of the matters to be recorded :
- XI. For the inspection, identification, and verification of skins of Deer, Kangaroo, and Opossums in the possession of persons or specified classes of persons at the end of the close season; requiring such persons or classes of persons within a prescribed time to take such skins to a prescribed official and have same examined, and particulars thereof entered by him in an official register; and providing for the issue to the owner of skins so produced of official authorities in writing to sell such skins conditionally upon his delivering up to the buyer with any skins sold to him the official authority for the sales thereof; and prohibiting the buying or selling of any such skins unless the official authority for the sale thereof is delivered up to the buyer therewith :
- XII. Enforcing or elucidating the provisions of this Act, and furthering the objects thereof.

(2) Any such regulation may be so framed as to apply throughout the State, or to any particular locality.

(3) Any such regulation may impose a penalty not exceeding Twenty Pounds for the breach of the same or any other regulation.

Penalties.

**27** Every person who is guilty of an offence against this Act shall, except where otherwise prescribed, be liable—

- I. For the first offence to a penalty of not less than One Pound nor more than Five Pounds :
- II. For a second or subsequent offence to a penalty of not less than Two Pounds nor more than Twenty Pounds; and
- III. In the case of any offence against Subdivision I., IV., V., or VI. of Section Fifteen, to pay, in addition to the penalty imposed for the offence, the value of every animal or bird, carcass, or skin improperly taken, held, or dealt with. Such value shall be deemed to be Two Pounds if the subject-matter of the offence is a wholly protected animal, or the carcass or skin of a wholly protected animal or a wholly protected bird, or the carcass of a wholly protected bird, and in all other cases shall be deemed to be One Pound.

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**28** In all proceedings against the holder of a licence under this Act for an offence against any provision of this Act, such holder shall produce his licence to the magistrate or justices hearing the case.

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Licencee to produce his licence on prosecution.

**29** The magistrate or justices before whom the holder of a licence under this Act is convicted of an offence against this Act may, in addition to imposing a penalty for the offence, cancel the licence by indorsing thereon a memorandum of such conviction; and in such case the licence shall be surrendered to the Clerk of the Court, who shall forward or deliver it to the Minister.

Cancellation of licence on conviction.

**30** All offences against this Act shall be heard and determined, and all penalties to be recovered, in a summary way by and before a police magistrate, or any Two or more justices, in the mode prescribed by "The Magistrates Summary Procedure Act," or by the provisions of any Act for the time being in force relating to the procedure before justices in respect of offences which may be tried summarily before justices.

Penalties to be recovered in a summary way.  
19 Vict. No. 8.

**31** Any allegation or averment contained in an information for an offence against or contravention of this Act shall be deemed proved in the absence of proof by the defendant to the contrary.

Onus of proof upon defendant.

**32** No action shall be brought against any guardian, inspector, or other person for or on account of any matter or thing done in pursuance or execution or intended execution of this Act, or of his duty or office under this Act, unless notice in writing of such action, and the cause thereof, is given to the defendant One calendar month at least before the commencement of the action.

Notice of action.

## Animals and Birds' Protection

A.D. 1916

## FIRST SCHEDULE.

Section 7.

## PART I.

## ANIMALS WHOLLY PROTECTED.

Name.	Close Season.
Flying Squirrel ( <i>Petaurus</i> ). Opossum Mouse ( <i>Dromicia</i> ). Platypus ( <i>Ornithorhynchus anatinus</i> ). Tasmanian Great or Forester Kangaroo ( <i>Macropus giganteus</i> ). Tasmanian Porcupine ( <i>Echidna</i> ).	The whole year.

## PART II.

## BIRDS WHOLLY PROTECTED.

Name.	Close Season.
1. Albatross, Black-browed ( <i>Diomedea melanophrys</i> ). 2. Albatross, Flat-billed ( <i>Diomedea culminata</i> ). 3. Albatross, Yellow-nosed ( <i>Diomedea chlororhynchus</i> ). 4. Albatross, Sooty ( <i>Phœbetria fuliginosa</i> ). 5. Albatross, Wandering ( <i>Diomedea exulans</i> ). 6. Albatross, White-capped ( <i>Diomedea cauta</i> ). 7. Avocet, Red-necked ( <i>Recurvirostra rubricollis</i> ). 8. Barn-owl, Tasmanian ( <i>Strix castanops</i> ). 9. Bittern ( <i>Botaurus poiciloptilus</i> ). 10. Brown Tail ( <i>Acanthiza diemenensis</i> ). 11. Brown Tail Ewings ( <i>Acanthiza Ewingi</i> ). 12. Caterpillar-eater, White-shouldered ( <i>Lalage tricolor</i> ). 13. Chat, White-fronted ( <i>Ephthianura albifrons</i> ). 14. Cockatoo, Black ( <i>Calyptorhynchus Xanthonotus</i> ). 15. Cockatoo, Gang-gang ( <i>Callocephalon galeatum</i> ). 16. Crane, Little ( <i>Porzana palustris</i> ). 17. Crane, Red-backed ( <i>Porzana tabuensis</i> ). 18. Crane, Spotted ( <i>Porzana fluminea</i> ). 19. Cuckoo, Broad-billed, Bronze ( <i>Chalcococcyx lucidus</i> ). 20. Cuckoo, Bronze ( <i>Chalcococcyx plagusus</i> ). 21. Channel-bill ( <i>Scythrops Novæ Hollandiæ</i> ). 22. Cuckoo, Fantailed ( <i>Cuculus flabelliformis</i> ). 23. Cuckoo, Narrow-billed Bronze ( <i>Chalcococcyx basalis</i> ). 24. Cuckoo, Pallid ( <i>Cuculus pallidus</i> ). 25. Curlew, Australian ( <i>Numenius cyanopus</i> ). 26. Diamond Bird ( <i>Pardalotus punctatus</i> ). 27. Diamond Bird, Allied ( <i>Pardalotus affinis</i> ). 28. Diamond Bird, Forty-spotted ( <i>Pardalotus quadragintus</i> ). 29. Dove, Ground—The Ground Bird ( <i>Cinclosoma punctatum</i> ). 30. Drongo ( <i>Chibia Bracteata</i> ). 31. Egret, White ( <i>Herodias timoriensis</i> ). 32. Fantail, Tasmanian ( <i>Rhiphidura diemenensis</i> ). 33. Finch, Fire-tailed ( <i>Zonæginthus bellus</i> ). 34. Flycatcher, Leaden ( <i>Mysagra plumbea</i> ). 35. Flycatcher, Satin ( <i>Myiagra nitidia</i> ).	The whole year.



## Animals and Birds' Protection.

Name.	Close Season.	A.D. 1919.
36. Gannet, Australian ( <i>Sula australis</i> ).		
37. Godwit, Barred-rumped ( <i>Limosa uropygialis</i> ).		
38. Goose, Maned ( <i>Chlamydochen jubata</i> ).		
39. Goshawk, White ( <i>Astur Novæ Hollandiæ</i> ).		
40. Grass Bird ( <i>Megalurus grammæus</i> ).		
41. Grass Warbler ( <i>Cisticola exilis</i> ).		
42. Grebe, Hoary-headed ( <i>Podiceps poliocephalus</i> ).		
43. Grebe, Little ( <i>Podiceps Novæ Hollandiæ</i> ).		
44. Grebe, Tippet ( <i>Podiceps Cristatus</i> ).		
45. Green-shank ( <i>Glottis nebularius</i> ).		
46. Grouse ( <i>Lagopus Scoticus</i> ).		
47. Gull, Little ( <i>Larus Novæ Hollandiæ</i> ).		
48. Gull, Pacific ( <i>Larus Pacificus</i> ).		
49. Harrier, Spotted ( <i>Circus assimilis</i> ).		
50. Harrier, Allied ( <i>Circus approximans gouldi</i> ).		
51. Hawk-owl, Brown ( <i>Ninox boobook</i> ).		
52. Hawk-owl, Spotted ( <i>Ninox maculata</i> ).		
53. Heron Night ( <i>Nycticorax Caledonicus</i> ).		
54. Heron, Pacific ( <i>Notophox Pacifica</i> ).		
55. Heron, Reef ( <i>Demiegretta sacra</i> ).		
56. Heron, White Reef ( <i>Demiegretta sacra</i> ).		
57. Heron, White-fronted ( <i>Notophox Novæ Hollandiæ</i> ).		
58. Honey-eater, Black-headed ( <i>Melithreptus melanocephalus</i> ).		
59. Honey-eater Crescent ( <i>Meliornis Australasiana</i> ).		
60. Honey-eater, Fulvous-fronted ( <i>Glyciphila fulvifrons</i> ).		
61. Honey-eater, Minah., Garrulous ( <i>Myzantha garrula</i> ).		
62. Honey-eater, Strong-billed ( <i>Melithreptus validirostris</i> ).		
63. Honey-eater, White-bearded ( <i>Meliornis Novæ Hollandiæ</i> ).		
64. Honey-eater, Yellow-throated ( <i>Ptilotis flavigularis</i> ).		
65. Ibis, Glossy ( <i>Plegadis falconellus</i> ).		
66. Ibis, Straw-necked ( <i>Carphibis spinicollis</i> ).		
67. Kingfisher, Blue ( <i>Alcyon azurea</i> ).		
68. Kingfisher, Giant, or Laughing Jackass of Australia ( <i>Dacelo gigas</i> ).		
69. Kingfisher, Sacred ( <i>Halcyon sanctus</i> ).		
70. Lark, Magpie ( <i>Grallina picata</i> ).		
71. Lyre Bird ( <i>Menura Superba</i> ).		
72. Lyre Bird, Albert ( <i>Menura Alberti</i> ).		
73. Lyre Bird, Victoria ( <i>Menura Victoria</i> ).		
74. Magpie, White ( <i>Gymnorhina organicum</i> ).		
75. More-pork or Frogmouth ( <i>Podargus strigoides</i> ).		
76. Musk Duck ( <i>Biziura lobata</i> ).		
77. Owlet, Night Jar ( <i>Egotheles Novæ Hollandiæ</i> ).		
78. Oyster Catcher, Sooty ( <i>Hæmatopus unicolor</i> ).		
79. Oyster Catcher, White-breasted ( <i>Hæmatopus longirostris</i> ).		
80. Parrott, Orange-bellied ( <i>Neophema chrysogasta</i> ).		
81. Parrott, Blue-winged ( <i>Neophema venusta</i> ).		
82. Parrakeet, Ground or Swamp ( <i>Pesoporus formosus</i> ).		
83. Partridge ( <i>Perdix cinerea</i> ).		
84. Pelican ( <i>Pelecanus conspicillatus</i> ).		
85. Penguin, Crested ( <i>Catarractes chrysocome</i> ).		
86. Penguin, Fairy ( <i>Eudyptula undina</i> ).		
87. Penguin, Little ( <i>Eudyptula minor</i> ).		
88. Petrel, Atlantic ( <i>Pterodroma Atlantica</i> ).		
89. Petrel, Black-bellied, Storm ( <i>Cymodroma melanogastra</i> ).		
90. Petrel, Blue ( <i>Halobæna cærulea</i> ).		
91. Petrel, Cape ( <i>Daption capensis</i> ).		
92. Petrel, Diving ( <i>Halodroma urinatrix</i> ).		

The whole year.

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Name.	Close Season.
93. Petrel, Giant ( <i>Ossifraga gigantea</i> ).	
94. Petrel, Grey ( <i>Priofinus cinereus</i> ).	
95. Petrel, Grey-backed, Storm ( <i>Garrodia nereis</i> ).	
96. Petrel, Long-winged ( <i>Pterodroma macroptera</i> ).	
97. Petrel, Silver-grey ( <i>Priocella glacialisoides</i> ).	
98. Petrel, Solander's ( <i>Pterodroma solandri</i> ).	
99. Petrel, Spectacled ( <i>Majaqueus equinoctialis</i> ).	
100. Petrel, White-bellied, Storm ( <i>Cymodroma gnallaria</i> ).	
101. Petrel, White-faced Storm ( <i>Pelagodroma marina</i> ).	
102. Petrel, White-headed ( <i>Estrelata lessoni</i> ).	
103. Petrel, White-winged ( <i>Estrelata leucoptera</i> ).	
104. Petrel, Yellow-footed Storm ( <i>Oceanites oceanicus</i> ).	
105. Pheasant ( <i>Phasianus colchicus</i> ).	
106. Pigeon, Superb Fruit ( <i>Ptilopus superbus</i> ).	
107. Pigeon, Wonga Wonga ( <i>Leucosarcia picata</i> ).	
108. Pigeon, Topnot ( <i>Lopholoemus antarcticus</i> ).	
109. Pigeon, Wood ( <i>Colombus palumbus</i> ).	
110. Pipit, Australian ( <i>Anthus Australis</i> ).	
111. Plover, Spur-winged ( <i>Lobivanellus lobatus</i> ).	
112. Plover, Double-banded Sand ( <i>Ægialitis bicaeta</i> ).	
113. Plover, Hooded Sand ( <i>Ægialitis cucullata</i> ).	
114. Plover, Red-capped Sand ( <i>Ægialitis ruficapilla</i> ).	
115. Plover, Southern Stone ( <i>Burhinus grallarius</i> ).	
116. Prion, Banks' ( <i>Prion Banksi</i> ).	
117. Prion, Broad-billed ( <i>Prion vittatus</i> ).	
118. Prion, Dove ( <i>Prion desoleatus-tartar</i> ).	
119. Prion, Fairy ( <i>Prion ariel</i> ).	
120. Rail, Pectoral ( <i>Hypotaenidia Phalipinensis</i> ).	
121. Rail, Short-toed ( <i>Hypotaenidia brachypus</i> ).	
122. Robin, Dusky ( <i>Petræca vittata</i> ).	
123. Robin, Flame-breasted ( <i>Petræca phœnicea</i> ).	
124. Robin, Pink-breasted ( <i>Petræca rhodinogaster</i> ).	
125. Robin, Scarlet-breasted ( <i>Petræca leggii</i> ).	
126. Rosella Parrot ( <i>Platycercus eximius</i> ).	
127. Sand-piper, Common ( <i>Tringoides hypoleucos</i> ).	
128. Sea Eagle, White-bellied ( <i>Haliæetus leucogaster</i> ).	
129. Shrike Thrush, Whistling ( <i>Collyriocinclæ rectirostris</i> ).	
130. Skylark ( <i>Aluda arvensis</i> ).	
131. Spine Bill ( <i>Acanthorhynchus tenuirostris</i> ).	
132. Stilt, Banded ( <i>Cladorhynchus pectoralis</i> ).	
133. Stilt, White-headed ( <i>Himantopus leucocephalus</i> ).	
134. Stint, Curlew ( <i>Tringa subarquata</i> ).	
135. Stint, Marsh ( <i>Tringa acuminata</i> ).	
136. Stint, Red-breasted ( <i>Tringa ruficollis</i> ).	
137. Summer-bird ( <i>Graculus parvirostris</i> ).	
138. Swallow, Australian ( <i>Hirundo neocæca</i> ).	
139. Swallow, Tree ( <i>Petrochelidon nigricans</i> ).	
140. Swallow, Wood ( <i>Artimus sandicus</i> ).	
141. Swift, Spine-tailed ( <i>Chaetura caudacuta</i> ).	
142. Swift, White-rumped ( <i>Mecropus pacificus</i> ).	
143. Tern, Bass Straits ( <i>Sterna poliocæca</i> ).	
144. Tern, Black-billed ( <i>Sterna frontalis</i> ).	
145. Tern, Caspian ( <i>Sterna caspia—Hydroprogne</i> ).	
146. Ternlet, White-faced ( <i>Sterna nereis</i> ).	
147. Thickhead, Grey-tailed ( <i>Pachycephala glaucura</i> ).	
148. Thickhead, Olivaceous ( <i>Pachycephala olivacea</i> ).	
149. Thickhead, Yellow-breasted ( <i>Pachycephala gutturalis</i> ).	
150. Thrush ( <i>Turdus musicus</i> ).	

The whole year.

*Animals and Birds' Protection.*

Name.	Close Season.	A.D. 1919.
151. Thrush, Ground ( <i>Geocichla macrorhyncha</i> ). 152. Treecreeper, White-throated ( <i>Climacteris Eucophaca</i> ). 153. Treecreeper, Southern Brown ( <i>Neodima ricumora Victoria</i> ). 154. Turnstone ( <i>Streptilas interpres</i> ). 155. Warbler, Reed ( <i>Acrocephalus Australis</i> ). 156. Warbler, Rush ( <i>Calamanthus fuliginosus</i> ). 157. Wattle-bird, Brush ( <i>Ancanthochoera mellivora</i> ). 158. Whimbrel ( <i>Numenius phaeopus</i> ). 159. White-eye ( <i>Zosterops caeruleascens</i> ). 160. Wren, Blue, or Long-tailed Warbler ( <i>Malurus Gouldii</i> ). 161. Wren, Brown Scrub ( <i>Sericornis humilis</i> ). 162. Wren, Emu ( <i>Stipiturus malachurus</i> ). 163. Wren, White-breasted Scrub ( <i>Acanthornis magna</i> ). 164. Yellow Tail ( <i>Acanthiza chrysorrhœa</i> ).	The whole year.	

## SECOND SCHEDULE.

## PART I.

## ANIMALS PARTLY PROTECTED.

Section 7.

Name.	Close Season.
Deer	From 1st March in each year to 30th November in the same year (both dates inclusive)
Kangaroo, <i>Macropus</i> (including all species except the Tasmanian Great or Forester Kangaroo, <i>Macropus giganteus</i> ) Kangaroo Rats (all species) Opossums and Ringtailed Opossums Wallaby (all species)	From 1st August in each year to 30th April in the following year (both dates inclusive)

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## PART II.

## BIRDS PARTLY PROTECTED.

Name.	Close Season.
Cape Barren Geese	} From 1st July in each year to the last day of February in the following year (both dates inclusive)
Bronze-winged Pigeons and Brush Bronze-winged Pigeons	
Mutton Birds or Short-tailed Petrels ( <i>Puffinus tenuirostris</i> )	} During such period in each year as the Governor may prescribe from time to time by proclamation
Wild Duck and Coot and Bald Coot of every species	
Teal and Black Swans	} From 1st July in each year to the last day of February in the following year (both dates inclusive)
Quail of every species, and Wattle Birds except Brush Wattle Birds	
	} From 1st July in each year to 31st May in the following year (both dates included)

## THIRD SCHEDULE

Section 7.

## PART I.

## ANIMALS UNPROTECTED.

Foxes ( <i>Canis vulpis</i> ).	Native Tiger ( <i>Thylacinus cynocephalus</i> ).
Hares ( <i>Lepus europæus</i> ).	Rabbits ( <i>Lepus cuniculus</i> ).
Native Cats ( <i>Dasgurus macolatus</i> ).	Tasmanian Devil ( <i>Sarcophilus harrisi</i> ).
Tiger Cats ( <i>Dasgurus viverrinus</i> ).	Wombat ( <i>Phascalomys</i> ).

## PART II.

## BIRDS UNPROTECTED.

Native Hen ( <i>Tribonyx mortieri</i> ).	English Starling ( <i>S. vulgaris</i> ).
Black Cormorant ( <i>Phalacrocorax carbo</i> ).	Blue-bellied Lorikeet ( <i>Trichoglossus novae hollandiae</i> ).
Little Black Cormorant ( <i>Phalacrocorax sulcirostris</i> ).	Musk Lorikeet ( <i>Glosopittacus concinnus</i> ).
White-breasted Cormorant ( <i>Phalacrocorax gouldi</i> ).	Little Lorikeet ( <i>Glosopittacus pusillus</i> ).
Little White-breasted Cormorant ( <i>Phalacrocorax melanoleucus</i> ).	White Cockatoo ( <i>Cacatua galluta</i> ).
Australian Goshawk ( <i>Astur novae hollandiae</i> ).	Green Parrot ( <i>Platycercus flaviventris</i> ).
Collared Sparrowhawk ( <i>Accipiter cirrocephalus</i> ).	Tasmanian Raven ("Crow") ( <i>Corone australis</i> ).
Wedge-tailed Eagle ( <i>Uroaetus audax</i> ).	Black Crow-Shrike ("Jay"), ( <i>Strepera fuliginosa</i> ).
Little Falcon ( <i>Falco lanulatus</i> ).	Hill Crow-Shrike ("Mountain Magpie"), ( <i>Strepera arguta</i> ).
Black-cheeked Falcon ( <i>Falco melanogenys</i> ).	English House Sparrow.
Striped Brown Hawk ( <i>Hieracidea orientalis</i> ).	Blackbird.
	Goldfinch.