

Act No. 18, 1903.

NATIVE ANIMALS
PROTECTION.An Act to protect native animals, and to amend
the Birds Protection Act, 1901. [5th Decem-
ber, 1903.]

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:—

Short title.

1. This Act may be cited as the "Native Animals Protection Act, 1903."

Application of Act.

2. This Act shall apply to native animals (hereinafter referred to as scheduled native animals) of any of the kinds mentioned in or hereafter added to the Schedule.

Colonial Secretary
may add or remove
any native animal to
or from Schedule.

3. (1) The Colonial Secretary, by a notice published in the Gazette, may add to the Schedule the name of any native animal not included therein for any particular district or for the whole State, and prescribe a close season or a period of absolute protection for such native animal.

The production of the Gazette containing such notice shall be conclusive evidence of such addition.

(2) The Colonial Secretary, by notice published in the Gazette, may remove the name of any native animal from the Schedule 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 native animals, or of their being found to be injurious, and annul any such notice of removal.

Close season and
absolute protection.

4. The close seasons for scheduled native animals are those appearing in the second column of the Schedule against the respective names of such animals.

The periods of time during which such native animals are to be absolutely protected are those set down against their names in the third column of the Schedule:

Provided that the Colonial Secretary may, by notice in the Gazette, vary the close season, or the period of absolute protection of any such animal for any district described in such notice or for the whole State whenever it appears to him to be expedient so to do.

Penalty for killing
scheduled native
animals in close
season or time of
absolute protection.

5. Notwithstanding anything contained in the Pastures Protection Act, 1902, or in any other Act, any person who, during the close season, or period of absolute protection of any scheduled native animal, wilfully kills, captures, or injures, or attempts or uses any means whatever to kill, capture, or injure any such animal shall, for every such offence, be liable to a penalty not exceeding five pounds.

Native Animals Protection.

6. (1) Any person who, during the close season or period of absolute protection of any scheduled native animal, sells, offers for sale, or has in his control or possession any such animal recently killed or taken, or the skin of such animal or any part of such animal or skin, shall be liable to a penalty not exceeding five pounds, unless he proves that such animal was killed, taken, bought, or received either during the period and in the district in which such native animal could legally be killed, or in or from another State or Colony.

(2) No person shall be convicted of an offence against this section with regard to any such native animal or skin if he proves that he or some other person from whom the same was obtained had the same in his possession before the commencement of this Act.

(3) Nothing herein contained shall prevent any person from having or keeping any native animal in a state of confinement, provided the animal is not taken or captured in the close season or period of absolute protection of such animal.

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

(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 or place of abode, he may be arrested and taken before some justice of the peace, and shall be liable for every such offence to a penalty not exceeding five pounds.

8. All informations or charges for offences against this Act may be heard and determined before two justices of the peace.

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

10. 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, or for the purpose of carrying on any scientific investigation, nor shall it apply to any person authorised by the Colonial Secretary to collect native animals for any purpose specified in such authority.

11. The Colonial Secretary, by notice in the Gazette, may prescribe in respect of any of the birds named in the Schedule to the Birds Protection Act, 1901, or added in pursuance of that Act to such Schedule, such period of absolute protection as he may think fit, and may in like manner alter or annul such period, and thereupon the provisions of the said Act applicable during the close season prescribed by that Act shall in respect of such birds apply during such period of absolute protection.

Commercial Causes.

SCHEDULE.

Scientific name—Common name.	Close season.	Period of absolute protection.
<i>Macropus rufus</i> —Red Kangaroo ...		
<i>Macropus robustus</i> —Wallaroo ...		
<i>Phascolarctos cinereus</i> —Native Bear ...		
<i>Phascolomys mitchelli</i> } <i>Phascolomys ursinus</i> } Wombats ...	1 August in every year to 31 January then next succeeding inclusive.	
<i>Phascolomys latifrons</i> } <i>Ornithorhynchus anatinus</i> —Platypus ..		
<i>Tachyglossus aculeatus</i> —Echidna or Native Porcupine.		
<i>Petaurus sciureus</i> } <i>Petaurus breviceps</i> } Sugar Squirrels ...		
<i>Petaurus australis</i> }		
<i>Petauroides volans</i> —Flying Opossum .		The whole period from the commencement of this Act to 31 January, 1905.