

Act No. 26, 1901.

An Act to consolidate the enactments relating BIRDS PROTECTION.
to the protection of certain imported and
other birds. [30th October, 1901.]

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 :—

1. This Act may be cited as the “Birds Protection Act, 1901.” Short title.
2. (1) The Act fifty-six Victoria number eighteen is hereby Repeal.
repealed. (2)

Birds Protection.

Savings.

(2) Every notice published in the Gazette under the authority of the Act hereby repealed, the effect or operation of which is not exhausted at the time of the passing of this Act, shall be deemed to have been so published hereunder.

Interpretation.

56 Vic. No. 18, s. 3.

Schedule.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Close season” means the periods of time prescribed by this Act for the protection of the birds included in the Schedule hereto.

“Scheduled bird” means a bird of any of the kinds or families mentioned in or which are hereafter added to the Schedule to this Act.

Colonial Secretary
may add or remove
any bird to or from
Schedule.
Ibid. s. 4.

4. (1) Any bird not mentioned in the Schedule hereto may, by direction of the Colonial Secretary by a notice published in the Gazette, at any time hereafter, be added to the Schedule.

(2) After the publication of such notice the provisions of this Act shall apply to such bird, and the production of the Gazette containing such notice shall be conclusive evidence of such addition.

Ibid. s. 17.

(3) The Colonial Secretary may, by notice in the Gazette, remove the name of any bird from the Schedule hereto 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 birds or of their being found to be injurious; and the Colonial Secretary may, by notice in the Gazette, annul any such notice of removal.

Close season.

Ibid. s. 5.

5. The close season for all scheduled birds, save quail, shall be the period of time between every first day of August and the thirty-first day of January then next succeeding, both days inclusive, and the close season for quail shall be the period of time between every first day of October and the thirty-first day of March then next succeeding, both days inclusive:

Provided that the Colonial Secretary may, by notice in the Gazette, vary the period of the close season for any district described in such notice whenever it appears to him to be expedient so to do for the better preservation of the scheduled birds or any of them.

Penalty for killing,
&c., scheduled birds
during the close
season.

Ibid. s. 7.

6. Whosoever during the close season wilfully kills, captures, or injures, or attempts or uses any means whatever to kill, capture, or injure any scheduled bird shall, for every such offence, be liable to a penalty not exceeding five pounds.

Penalty for having
dead birds in
possession.

Ibid. s. 8.

7. Whosoever sells or offers for sale, or has in his control or possession during the close season any scheduled bird recently killed or taken shall, for every such bird, be liable to a penalty not exceeding five pounds, unless he proves that the bird was killed, taken, bought, or received either during the period in which such bird could legally be killed, or in or from another State or Colony.

Birds Protection.

8. Whosoever for the purpose of shooting any scheduled bird—
 (a) uses a firearm having a greater length of barrel than six feet, or with the bore exceeding one inch in diameter; or
 (b) affixes to any boat, punt, or floating vessel of any kind a firearm of any description; or
 (c) loads with a charge exceeding four drachms of gunpowder or two ounces of shot a firearm of any description,
 shall be liable to a penalty not exceeding ten pounds.
Restriction on methods of shooting scheduled birds.
56 Vic. No. 18, s. 9.
9. Whosoever takes out of the nest or destroys in the nest the eggs of any scheduled bird shall be liable to a penalty not exceeding the sum of ten shillings for each egg so taken or destroyed.
Penalty on taking or destroying eggs.
Ibid. s. 10.
10. Nothing in this Act shall apply to the taking or killing by the owner thereof of any bird in a domesticated state or ordinarily kept in confinement, or to the taking or destroying by him of the eggs of any such bird, or to any eggs, or any such bird taken or killed by the owner thereof within any mew or breeding place:
 Provided that the bird so killed or taken was not originally caught or taken during the close season.
Act not to extend to birds domesticated.
Ibid. s. 11.
11. Whenever any sheet of water, island, or enclosed land has been or is hereafter set apart by the Government or any private person for preserving any scheduled birds, the Colonial Secretary may by notice in the Gazette declare such setting apart, and may by a like notice cancel such setting apart.
Birds may be protected in preserves.
Ibid. s. 12.
12. After such notice of setting apart whosoever, not being the owner thereof, kills, captures, or injures any scheduled bird within the limits of such water, island, or land shall be liable to a penalty not exceeding five pounds.
Penalty for killing, &c., in preserves.
Ibid. s. 12.
13. (1) Any householder or constable may require any person offending against any of the provisions of this Act to give his name in full and place of abode.
Penalty for refusing to give name, place of abode, &c.
Ibid. s. 13.
 (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, he may be at once arrested and taken before some justice of the peace, and shall be liable for every such offence to an additional penalty not exceeding five pounds.
14. All informations or charges for offences against this Act may be heard and determined before one justice of the peace.
Prosecution of offences.
Ibid. s. 14.
15. All penalties recovered under this Act shall be paid—one-half to the person who in the opinion of the convicting justice of the peace gave such information as led to the conviction, and one-half to the Zoological Society.
Disposal of penalties.
Ibid. s. 15.
16. 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.
Exceptions.
Ibid. s. 16.

Birds Protection.

SCHEDULE.

FOREIGN BIRDS.					Scientific name.
Common name.					
Skylark ...	...	...	...	...	<i>Alauda arvensis.</i>
Chaffinch ...	...	...	...	...	<i>Fringilla cœlebs.</i>
Goldfinch ...	...	...	...	...	<i>Carduelis elegans.</i>
Linnet ...	...	...	...	...	<i>Linaria cannabina.</i>
Starling ...	...	...	...	...	<i>Sturnus vulgaris.</i>
Thrush ...	...	...	...	...	<i>Turdus musicus.</i>
Blackbird ...	...	...	...	...	<i>Turdus merula.</i>
Nightingale ...	...	...	...	...	<i>Sylvia luscinæa.</i>
Pheasant...	...	...	...	...	<i>Phasianus colchicus.</i>
Grouse of every species	...	...	...	...	<i>Tetrao and Lagopus.</i>
Partridges of every species	...	...	...	...	<i>Perdix.</i>
White Swans ...	...	...	...	...	<i>Cygnus.</i>
Californian Quail ...	...	...	...	...	<i>Callipepla Californica.</i>

AUSTRALIAN BIRDS.

Fish Hawks or Sea Eagles	...	...	...	...	<i>Haliaetus Haliastur and Pandion.</i>
Lyre Birds	...	...	...	...	<i>Menura.</i>
Regent Birds	...	...	...	...	<i>Sericulus melinus.</i>
Rifle Bird	...	...	...	...	<i>Ptiloris paradisea.</i>
Bell Bird	...	...	...	...	<i>Manorhina melanophrys.</i>
Black Cockatoos	...	...	...	...	<i>Calyptorhynchus.</i>
Native Companion	...	...	...	...	<i>Grus Australiensis.</i>
Nankin Crane	...	...	...	...	<i>Nycticorax Caledonicus.</i>
Laughing Jackass	...	...	...	...	<i>Dacelo gigas.</i>
Kingfishers	...	...	...	...	<i>Haleyon and aleyone.</i>
Emu	...	...	...	...	<i>Dromaius Novæ Hollandiæ.</i>
Seagulls of every description.					
Brush Turkey	...	...	...	...	<i>Talegallus Latham.</i>
Mallee Hen	...	...	...	...	<i>Leipoa ocellata.</i>
Land Curlew	...	...	...	...	<i>Oedienemus grallarius.</i>
Bittern	...	...	...	...	<i>Botaurus poicilopterus.</i>
Land Rail	...	...	...	...	<i>Hypotaenidia Phillipensis.</i>
Black Swan	...	...	...	...	<i>Cygnus atratus.</i>
Bustard or Plains Turkey	...	...	...	...	<i>Eupodotis Australis.</i>
Wild Ducks of every species, including Teal.					
Plovers of every species.					
Pigeons and doves of every species.					
Wild geese of every description.					
Dollar Bird	...	...	...	...	<i>Eurystomus pacificus.</i>
Wood Swallow	...	...	...	...	<i>Artamus.</i>
Magpies (other than the Black Magpie)					<i>Gymnorhina.</i>
Pecwit or Magpie Lark	...	...	...	...	<i>Grallina Australis.</i>
Thrush	...	...	...	...	<i>Collyriocincla harmonica.</i>
Wagtails	...	...	...	...	<i>Sauloprocta and Seisura.</i>
Jackey Winter	...	...	...	...	<i>Micreeca fascians.</i>

AUSTRALIAN

*Stock.*AUSTRALIAN BIRDS—*continued.*

Common name.						Scientific name.
Robins	...	...	...	...	...	<i>Petrœca.</i>
Yellow Robins	...	...	...	...	...	<i>Eopsaltria Australis.</i>
Blue Wrens	...	...	...	...	...	<i>Malurus cyaneus</i> and <i>Malurus Lamberti.</i>
Emu Wren	...	...	...	...	...	<i>Stipiturus malachurus.</i>
Lark	...	...	...	...	...	<i>Anthus Australis.</i>
Skylark or Nightingale...	...	...	...	...	...	<i>Cinchoramphus.</i>
Diamond Sparrow	...	...	...	...	...	<i>Estrilda guttata.</i>
Gang Gang Cockatoo	...	...	...	...	...	<i>Callocephalon galeatum.</i>
Indian Minah	...	...	...	...	...	<i>Acridotheres tristis.</i>
Butcher Bird	...	...	...	...	...	<i>Cracticus torquatus.</i>
Coachwhip Bird...	...	...	...	...	...	<i>Psophodes crepitans.</i>
Honeysucker	...	...	...	...	...	<i>Meliornis.</i>
Mocking Bird	...	...	...	...	...	<i>Anellobia mellivora.</i>
Swamp Pheasant.						
King Parrots	...	...	...	...	...	<i>Aprosmictus</i> and <i>Ptistes.</i>
Ibis	...	...	...	...	...	<i>Geronticus</i> and <i>Threskiornis.</i>
The bird commonly known as "The Happy Family," or "The Twelve Apostles."						

Quail of every species, including Turnix, Pedionomus, Coturnix, Synoicus, and Excalforia.