



ANNO VICESIMO SEPTIMO ET VICESIMO OCTAVO

VICTORIÆ REGINÆ.

A.D. 1864.

No. 23.

An Act to prevent the wanton Destruction of certain Wild and Acclimatized Animals.

[Assented to, 9th December, 1864.]

WHEREAS it is expedient to prevent the wanton destruction of certain wild animals—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. If any person shall, during the close season mentioned in the Schedule to this Act, wilfully kill or destroy any bird or beast of the species mentioned in the said Schedule, not being domesticated, or shall use any instrument, net, or other means, during such season, for the purpose of killing or destroying any such bird or beast, he shall, upon conviction, forfeit and pay a sum not exceeding the sum of Two Pounds, in addition to the sum of Five Shillings for each bird or beast so killed or destroyed: Provided that this clause shall apply only within the limits of Counties and Hundreds, and the rivers, creeks, lakes, and other inland waters adjacent to Counties and Hundreds. Penalty for killing birds, not indigenous, out of season.
Proviso.

2. If any person shall wilfully kill or destroy any bird or beast, or shall use any instrument, net, or other means for the purpose of killing or destroying any bird or beast, or the eggs or young of any bird or beast, or enter for the purpose of killing or destroying any bird or beast, or the eggs or young of any bird or beast, on any enclosed land, except any land whereof he is owner or occupier, without having first obtained permission from the owner or occupier Penalty for trespassing in pursuit of animals.

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occupier of such land, he shall, on conviction, forfeit and pay a sum not exceeding Five Pounds, in addition to the sum of Five Shillings for each bird or beast so destroyed: Provided that this clause shall have effect only within the limits of Counties and Hundreds.

Proof of permission having been obtained to be given by defendant.

3. In any proceeding for any offence against the last preceding clause, the proof of permission having been obtained, shall lie on the defendant.

Action for damages.

4. Nothing in this Act shall remove the liability of any person to an action for damages, in respect of any bird or beast destroyed or injured by such person.

Penalty on sale during close season.

5. If any person shall sell, or offer for sale, or have in his possession, during the close season, as mentioned in the said Schedule, except during seven days after the commencement of such season, any of the birds or beasts mentioned in the said Schedule, and not being domesticated, such person shall be liable to a penalty of not less than Forty Shillings, nor more than Ten Pounds: Provided that this clause shall not apply to any such bird or beast, unless such bird or beast shall have been killed or destroyed contrary to the provisions of this Act; and proof that such bird or beast was domesticated, or shall have been lawfully killed or destroyed, shall lie on the defendant.

Act not to apply to aborigines.

6. Nothing in this Act shall prevent any aboriginal native from killing for his own consumption, and consuming any of the native animals mentioned in the said Schedule.

Summary procedure.

7. All fines and penalties for any offence against this Act may be recovered, in a summary way, before any Special Magistrate or two Justices of the Peace, under the provisions of an Ordinance, No. 6 of 1850, "To facilitate the performance of the duties of Justices of the Peace out of Session, with respect to summary convictions and orders," or of any Act hereafter to be in force relating to the duties of Justices of the Peace with respect to summary convictions and orders; and all convictions and orders may be enforced as in the said Ordinance is mentioned.

Who may lay informations.

8. Informations may be laid for any offence against this Act at the instance of any person.

Appropriation of penalties.

9. One moiety of every penalty recovered for any offence against this Act shall be paid to the complainant or informant, and the other to the Treasurer for the use of Her Majesty, Her heirs and successors, for the public uses of the said Province.

Appeal.

10. There shall be an appeal from any order or conviction, of any Special Magistrate or Justices under this Act, or from any order dismissing any information, or for the payment of costs, or otherwise, which appeal shall be to the Local Court of Adelaide of full jurisdiction

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diction only, and the proceedings on such appeal shall be conducted in manner appointed by the said Ordinance, No. 6 of 1850, for appeals to Local Courts; but such Local Court of Adelaide, aforesaid, may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

In the name and on behalf of the Queen I hereby assent to
this Act.

D. DALY, Governor.

SCHEDULE REFERRED TO.

Imported or Acclimatized Animals.

Pheasants	}	Close season—From 1st August to 31st December.
Partridges		
Grouse		
Swans		
Sparrows		
Thrushes		
Linnets		
Deer		
Hares		
Antelopes		
Rabbits		
Finches		
Blackbirds		
Starlings		

Native Birds.

Landrails	}	Close season—1st September to 30th November.
Wild Ducks		
Teal		
Plover		
Water Hens		
Widgeon		
Bitterns		
Herons		
Quail		
Black Swans		
Nankeen Birds		
Geese—		
Grey		
White		
Black		
Turkey Bustards	}	Close season—1st August to 30th November.
Pheasants		
Emus		
Laughing Jackasses		
Magpies		
Pigeons		
Curlews		