

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 12 MAY 1871**

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## LEGISLATIVE ASSEMBLY.

*Friday, 12 May, 1871.*

Law of Larceny Amendment Bill.—Native Dog Destruction Bill.

## LAW OF LARCENY AMENDMENT BILL

THE SECRETARY FOR PUBLIC LANDS, in moving the second reading of this Bill, said that he did so in the absence of the honorable member for the Kennedy, who had introduced the Bill. The Bill, he might say, was an amendment of the criminal law, in so much as it related to embezzlement and larceny. The first clause was to make partners liable for acts of larceny committed as of themselves, which hitherto the law prevented them from doing, and they were unable to touch offenders of that description. It was a very obvious amendment of our present law, and, in fact, that law had been leading up to it for some time past, and the present seemed to be the first step in the matter. The next clause was very simple, as it enabled magistrates to deal summarily with petty cases of embezzlement. At present the law gave them the power to leave it to the option of a person charged with larceny to be dealt with summarily or otherwise; but no such provision existed in regard to embezzlement, and the consequence was that many persons charged with that offence got off free, because magistrates had no power

to inflict a slight punishment. He thought he had sufficiently described the provisions of the Bill, which, he believed, would be a very useful addition to our law.

Mr. FORBES thought the Bill might go a little farther, as cases might occur where, for instance, a mortgagor had got a mortgagee to release his mortgage, that he might be enabled to dispose of the property, and hand over the money to him, and instead of doing so he kept it. He thought provision might be made for treating such cases as larceny.

The SECRETARY FOR PUBLIC LANDS thought the best plan would be for the honorable member to frame a clause and bring it forward when the Bill was in committee.

Mr. LILLEY said that the present was a very useful little Bill, as from the want of it there had been to his knowledge several failures of justice in the colony. He had himself intended to introduce such a Bill some time ago. Its application would be especially useful in cases of small mining partnerships, as it was not an uncommon thing, he feared, among partners on the gold fields to effect larcenies which were not at present liable to the operation of the law. In the case of benefit societies again, it would be very useful, as at present a secretary could put the tin box of the society under his arm and walk away unpunished, so long as it was proved that it contained a small amount, no matter how small, of his property, as, according to a maxim in the English law, a man could not steal his own property.

The motion was then carried, and the Bill was read a second time.

#### NATIVE DOG DESTRUCTION BILL.

Mr. ROYDS, in moving the second reading of this Bill, said, he had been induced to bring it forward by the honorable the Colonial Secretary. The Bill was very similar to a measure which had been introduced by the Colonial Treasurer in the session of 1869, and by which a bonus of one pound per head was to be paid for every native dog destroyed. At the request of a large number of squatters, that Bill was, however, withdrawn, as they objected to such a high value being placed on the native dog, as it would prove such a profitable industry to those who destroyed them, that it would not be to their interest to destroy them altogether, as then their occupation would be gone. The Bill had been very carefully prepared, and all credit was due to Mr. Gordon, the Inspector of Sheep, who had been in correspondence with all the large sheep-owners, who had expressed their opinion that such a measure was necessary. Honorable members were aware that great improvements had recently been made by fencing in the runs, and if that had not been done, a very great extent of country would now have been abandoned, so great was the loss occasioned

by the native dog. It was in consequence of the objections of some, and the negligence of others, to poison the dogs, that it was necessary now to legislate on the subject. It would be, indeed, a great pity that squatters, who had gone to vast expense in fencing in their runs, should be compelled to resort to the employment of shepherds once more; but he had been informed by one gentleman, that his losses by native dogs had been so great that he would be compelled to do so. In some parts of the Downs, where there were only sheep stations, the squatters were able to keep down the dogs, but where a sheep station was adjoined by a cattle station, it was impossible to do so, as the dogs were bred on the neighboring run. He believed that a very small cost for the next year or two, if the Bill was passed, would be sufficient to carry out the provisions of it in their entirety. The honorable member continued to support the measure he had introduced by quoting from the reports of sheep inspectors in other colonies, and then went on to describe the several provisions of the Bill *seriatim*.

Mr. ATKIN said he was not at all astonished that the honorable member had endeavored to clear himself of the paternity of the measure, by saying that it was originally intended that the Bill should be brought in by the honorable the Colonial Treasurer. Of course, that being the case, it was not surprising to find that, when the Bill was brought forward for a second reading, the honorable member for the Northern Downs was not now in his place. He would not at all refer to the provisions of the Bill, so far as it might affect pastoral property; but it seemed to him strange that, in some inexplicable manner, as it appeared to him, the agricultural districts were brought under its operation, and that in a most arbitrary manner; and most unconstitutional provisions were introduced into it as regarded settlers on the sea-board. For instance, it was provided by the Bill that settlers in the interior should have six days' notice of entry to be made upon their runs, for the purpose of laying down poison for native dogs; but there was no clause in the Bill providing that farmers and selectors on the seaboard should have any notice whatever. Now, the omission of an equivalent provision such as he had indicated was, he thought, most unjustifiable. The squatters were to have notice served at the head station; but in the case of farmers and selectors the notice was to be given to them through the newspapers only—which they might not, on the particular occasion required, have the opportunity of seeing. Of course, their lands could, under such provisions, be entered upon and poisoned, without the owners knowing anything about it. He did not think that a more inequitable measure had ever been brought before the Legislature of this colony.

Mr. JORDAN said, that on his own behalf, and on behalf of others who were settlers along the seaboard, he must protest against this as a most monstrous Bill. It, in fact, proposed that the farmers along the seaboard should pay a tax for the purpose of producing a fund for the destruction of their friends—for the native dogs destroyed wallabys and kangaroo rats, which were more destructive to the farmer than the native dog was. In fact, if it was not for the native dog the farmers would be driven out of the colony altogether. He thought that this Bill must have been brought forward at the instigation of some members who were solely connected with the pastoral interest.

The COLONIAL SECRETARY said that the honorable member for East Moreton was altogether mistaken in thinking that this Bill was brought forward at the instance of the pastoral tenants of the Crown. He could assure the House that, for his own part, he had never seen it till to-day. He thought that the objection which the honorable member for East Moreton had to the Bill might be very easily met, by the insertion of a clause providing that the native dogs in the pastoral districts should be entrapped, and, instead of being killed, should be sent down to the farming districts on the seaboard. He did not altogether agree with the Bill, but he would support the second reading, though there were some of the clauses he felt he would have to oppose. He thought that, under careful consideration in committee, the Bill might be made a very useful measure.

Mr. LILLEY thought that honorable members might not be blamed for characterising this as an atrocious Bill,—as it was, in its present shape. He thought that it might be as well called a Bill for the destruction of native children, as a Bill for the destruction of the native dog. He would not, however, object to the second reading of the Bill.

Mr. FERRETT opposed the Bill on the ground that it would afford persons a very good excuse for going on to their neighbor's runs for any purpose they might have; and, also, because he believed that it would afford a premium for the breeding of native dogs.

Mr. THORN said he did not think that a measure of this kind was at all required in the settled districts; though it might be applicable to the outside districts. He thought that those settlers who had enclosed paddocks should pay a great deal more—say six times more—than those who had not enclosed paddocks. He also thought that the Bill should be wholly confined to the outside country. If the motion for the second reading should go to a division, he would certainly vote against it.

Mr. SCOTT said it was his intention to vote for the second reading of the Bill, because he

believed a great deal of good would result from it, especially in the case of outside districts. There were, for instance, many cattle station-holders who would not be at the trouble of poisoning their runs, and the consequence was, that those who held sheep runs in the neighborhood were subjected to very great losses.

Mr. DE SATGE said he would support the Bill, because he thought that a great deal of good would be done under it, by causing the holders of cattle stations to poison their runs. It was on such stations that the native dogs were most numerous, and they went from them to the neighboring sheep stations, and destroyed the sheep.

Mr. STEPHENS said he considered that the Bill before the House was one of the most extraordinary kind he had ever seen introduced into the House. Its application as regarded the farmers had been well exposed. He differed, however, from the opinion expressed by the honorable member for East Moreton, who seemed to regard it as a squatters' bill. Now it appeared to him that the introducers of the Bill must have been aware that the squatters would very probably have nothing to do with it. He must say it appeared to him that they must have been aware of that, for the Government had taken every precaution to secure the carrying out of its provisions. For instance, it was provided by the Bill that the Government might call a meeting of landholders resident in the district, and if only five persons were present they would constitute a quorum, and could proceed to the election of a local board. But if there were not five persons present at the meeting, then the Government was to have the power to appoint a local board. Again, if the local board did not act with alacrity, the Government would take the matter in their own hands. It appeared to him that the framers of the Bill must have very well known, all the time, that the squatters would not have anything to do with the measure. He thought certainly that a measure of this kind ought to be followed by one for the destruction of the wallaby, and of kangaroo rats. He knew of some districts which had been so devastated by the wallaby, that the occupants were almost compelled to relinquish their runs. He also observed by the provisions of the Bill that shepherds' dogs were to be exempted from destruction, though not registered; but he would like to know how shepherds' dogs could be prevented from eating poisoned meat that might be placed on a run. Notwithstanding his objections to the Bill, he would support the motion for the second reading. He believed this was the first measure the honorable member had ever ventured to introduce, and, therefore, it would be very discourteous to him if the House were not to allow it to be read a

second time, and to be considered in committee.

The SECRETARY FOR PUBLIC WORKS said he was very much afraid when he saw the honorable member for South Brisbane rise, that the Bill was to produce the usual discussion which anything connected with the pastoral interest was wont to do—one of those glorious onslaughts upon the squatters which the House knew of old. But evidently, neither that honorable member nor the honorable member for East Moreton, Mr. Jordan, was up to the occasion. The honorable member for South Brisbane, with that skill which nobody denied to him, had discovered what no one else could discover, and had charged the squatters with bringing in a Bill which they did not want. It was a novel style of argument; but he had failed to trace in the Bill any hostility on the part of the squatters to the country. He (the Secretary for Works) had been prepared for his speech by the extraordinary leader with which the *Courier* favored the public the other day in reference to the Bill; and the speech was, he supposed, made to justify it. What had been said by the opponents of the Bill? Nothing at all to justify its rejection. So far as he could see, the real objection to it had been instanced by the honorable member for East Moreton, and in the covert attack of the honorable member for South Brisbane. The Bill was akin to the Pleuro-pneumonia Act, and to the Scab Act, and others that had emanated from the squatters, but which, he (the Secretary for Works) considered, ought never to have become the law of the land. If measures of that kind were wanted, they should emanate from local bodies. Honorable members had no right to be called together to dictate to the whole colony how the destruction of native dogs, or scab, or pneumonia, should be treated. If localities were prepared to put up with the present state of things, he maintained that the Assembly was not the body that had jurisdiction to interfere with them. That was always his opinion. He saw no provision in the Bill to get rid of the native dog that would not take poison, and that was the greatest nuisance; and that destroyed more sheep than the dogs that would take poison. With all the astuteness of the honorable member for South Brisbane, he had not discovered that there was no plan for getting rid of the obnoxious brute. They could not compel him to take poisons; there was no law to compel him, and there could be no measure passed to compel him. So long as the House legislated on purely local matters for the whole colony, so long would they prevent the people from ranging themselves into societies or associations for dealing with such matters themselves. He would support the second reading of the Bill, to see if they could make

anything out of it in committee; not that he at all approved of such a measure or thought it necessary.

Mr. McILWRAITH observed that the Minister for Works had said the object of the Bill ought to be left to local effort. He understood the Bill so to provide; because the colony was to be divided into districts, and each district would have the power of saying whether the provisions of the Act should be extended to it, and carried into effect; and each district could fix the amount of assessment for carrying out the object of the Bill. The Bill aimed at the very thing that the Minister for Works thought ought to exist. With regard to the strictures passed upon the measure by honorable members, they were deserved, because the Bill aimed at doing too much; but, in committee, he believed the objectionable clauses could be amended. Therefore, he would vote for the second reading, with the view of amending the Bill in committee.

The Hon. B. B. Moreton said that after hearing all the squatters speak on the Bill, he for one must oppose it. He agreed with the Minister for Works, who saw no necessity for it. The squatters were, he thought, quite able to protect their property. There was a difference of opinion as to whether it would be beneficial to destroy the native dogs; and it was best to leave the matter to people outside to settle it for themselves. He condemned the eleventh clause, by which it was intended to impose a fine upon anyone making a noise at the board meetings.

Mr. HANDY was understood to say he believed the Bill could be made a very good one in committee, and that persons engaged in pastoral pursuits had great trouble from the native dogs, for which a remedy was required. As to the dog that would not take poison, referred to by the Minister for Works, he mentioned that in a neighboring legislature there had been a member who was called the Native Dog;—perhaps the honorable gentleman referred to him. Regarding the provisions for dividing the colony into proclaimed districts, and assessing rates, he said that it would be very hard if the few station holders in the large and thinly populated district which he represented were taxed a half-penny per head of sheep for the destruction of the native dog, and he instanced the proprietors of Bowen Downs Station, to shew how hard the assessment would bear upon individual run-holders. It was well known that native dogs were more numerous on cattle stations than on sheep stations, and cattle graziers ought to have to pay.

Question put and passed.