GAME BILL 1885

**House of Assembly, 23 July 1885, page 354**

Second reading

**The COMMISSIONER of CROWN LANDS (Hon. J. H. Howe),** in moving the second reading, said it would be in the recollection of hon. members that about a week ago Dr. Stirling called attention to the wholesale and wanton destruction of game now being carried out on the waters of the Murray. On the following day he (the Commissioner) caused enquiries to be made, and was amazed on learning the amount of the destruction. He was told by those fairly conversant with the matter that in some cases more than a hundred — (the Treasurer — “One hundred and fifty”) — pelicans were killed by one discharge of this murderous little gun, and no matter how plentiful game might be, destruction such as this would soon exterminate the game of the province. (Hear, hear.) The Victorian legislature found it necessary to protect their game, and he would ask the House to assist the Government to pass a law dealing with the question as soon as possible. The police had received instructions to exercise all the powers they at present possessed, but they were very small and perfectly inadequate.

The Bill was read a second time.

In committee.

Clause 1.

Dr. E C. STIRLING said that as the action of the Government in introducing the measure had resulted from some observations of his own, he would like to express his satisfaction at the exceedingly prompt manner in which the suggestions he had thrown out had been met. He was glad that the statements he had made had been thoroughly borne out as the result of the enquiries instituted by the Commissioner of Crown Lands, although he was surprised to learn that the destruction of game was so considerable as he had just heard it was. The close season was about to commence. Under the existing regulations of the Game Act certain birds were excluded from the operation of the Act, and this man with his murderous weapon might go on with perfect impunity slaughtering much of this game. He had heard that this individual had made it a boast that it took five years for him to be turned out of Victoria. He again thanked the Government in the interests of the country, of sportsmen, and of those who wished to see our game protected, for the promptness of their action.

Mr. CATT wished to know whether the clause would prevent a man destroying game on his own land. When living near the lakes he had known the birds to be a great nuisance to persons who had put in crops, and he had seen crops of wheat black with wild ducks.

Mr. JOHNSON thought the hon. member must be laboring under a delusion when he said that he had seen wheat crops black with wild ducks. He had some knowledge of the subject, and he was aware that there were certain birds classed as game which might do damage to crops, but he did not think such a charge could be brought against wild ducks. Our game birds were rapidly decreasing, and if the use of swivel guns were permitted, we would not have too much game in the very near future. He hoped before the session was over a measure would be introduced dealing with the Game Act itself.

Mr. J. L. STIRLING said Mr. Catt having lived near the lakes must be aware that the nature of the game birds was such that a mere shot with a small gun would have equally as deterrent an effect as wholesale slaughter by means of a swivel gun. (Hear, hear) The birds were of a very timid nature.

Mr. CATT said he had seen within a mile of Strathalbyn the wheat crops black with wild ducks in addition to having witnessed a similar scene on the edge of the lake. At that time no doubt they were much more plentiful than at present. Hares were increasing rapidly, and it might be necessary to exterminate them otherwise than by a gun which could be raised to the shoulder.

The COMMISSIONER of CROWN LANDS (Hon. J. H. Howe) said the Bill applied to private as well as to Crown lands, but it was scarcely likely that the holder of any land would go to the expense of buying a swivel gun when the mere flash of a pistol would suit his purpose. (Hear, hear.)

Dr. E. C. STIRLING asked if the words “this section shall also apply to aborigines” meant that aborigines were to be considered in place of game. (Laughter.)

Mr. CATT thought the penalties were too high, and moved to strike out £20 and insert £10.

The Hon. J. COLTON pointed out that the magistrates had discretionary power and could fine as low an amount as they thought suited the case.

Mr. CATT said in England the game laws were nearly always interpreted in favor of the landed proprietors, and it might be so here. (Oh, 110.)

The COMMISSIONER of CROWN LANDS (Hon. J. H. Howe) said the penalties proposed were simply to be imposed on persons who fired swivel guns, and extreme acts must be met by extreme measures.

Mr. COPLEY supported the amendment, and pointed out that near Manoora the farmers’ crops were eaten down by hares. Some exceptional means must be taken to destroy them.

Mr. J. L. STIRLING was rather amused at the idea that a farmer would use a swivel gun to shoot hares. (Laughter.) He had seen something of the habits of hares, and on one occasion managed to shoot two hares with one shot, which was looked upon as rather a remarkable incident. (Laughter.) He did not think any hardship would be perpetrated on farmers in asking them not to use swivel guns. (Laughter.)

The ATTORNEY-GENERAL (Hon. J. W. Downer) did not think hares ought to be treated as game. (Mr. Rounsevell — “They are under the Game Act.”) There was power to exclude them from the operation of the Act by means of a proclamation, but he did not think this had ever been done. (Mr. J. L. Stirling — “Yes.’) If not, he would take care that it should be done. (Hear, hear.)

The amendment was put and declared negatived.

Mr. CATT called for a division, which was taken, and resulted as follows: —

Ayes, 15—The Treasurer, Attorney-General, Commissioner of Public Works, Minister of Education, Hon. J. Colton, Messrs. Bower, Glyde, Harvey, Johnson, Rounsevell, Smith, J. L. Stirling, E. C. Stirling, Tennant, and Commissioner of Crown Lands (teller).

Noes, 8—Messrs. Beaglehole, Bews, Burgoyne, Copley, Furner, Moody, Rees, and Catt (teller).

Majority of 7 for the Ayes.

The clause was then passed.

Clause 2 was passed, the preamble and title agreed to, the Bill reported, the report agreed to, and the third reading of the Bill fixed for Tuesday next.