TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL 1959

House of Assembly, 11 October 1959, page 1016

Second reading

**The Hon. G. G. PEARSON (Minister of Agriculture)—**I move—

That this Bill be now read a second time.

The Travelling Stock Waybills Act provides that where stock, that is, horses, cattle or sheep are being driven on the hoof or conveyed by means of a vehicle, then, in general, they must be accompanied by a waybill giving particulars of the stock, the place of departure and their destination. In 1947, the Act was extended to include the conveyance of stock by sea or air. Under the existing Act a waybill must be carried with stock under the following circumstances: where stock are being driven on the hoof within hundreds for a journey of 15 miles or more, where stock are being conveyed on a vehicle (other than by railway) within hundreds for any distance, where stock are being driven on the hoof outside hundreds for a journey of 50 miles or more, where stock are being conveyed by vehicle (other than a railway) outside hundreds for a distance of 15 miles or more, and where stock are being conveyed for any distance by sea or air. A waybill must, on demand, be produced to any inspector, justice, ranger or member of the police and the purpose of the legislation is, of course, to provide a means of identification of travelling stock and thus to render it difficult to move stolen stock.

The purpose of this Bill is to make a number of amendments to the Act. Some of the amendments relax the existing provisions whilst others provide for a greater degree of control. Generally, the additional control desired is to prevent sheep stealing. The Act, at present, applies to horses, cattle and sheep although, as a matter of drafting interest, it may be mentioned that the term “cattle” is, in section 3 defined to include camels; the term “horses”' includes asses and mules, whilst ‘‘sheep”includes goats and kids. It is now considered that it is unnecessary to extend the provisions of the Act to horses, including, of course, the asses and mules included in the statutory definition of “horses.” The only horses now conveyed to any extent are racehorses and trotters and it is considered that the time has come to repeal the provisions of the Act relating to horses. Clauses 2, 3, 6 to 10 and other provisions of the Bill therefore delete from the Act all reference to horses.

As has been previously mentioned, the Act now requires that a waybill must be carried with stock being travelled on the hoof for 15 miles or more. It is considered that this distance should be increased to 20 miles and that the obligation to have a waybill with the stock should apply only where the journey is 20 miles or more. The amendments to give effect to this change are contained in clauses 4, 5 and 9.

A further relaxation of the present provision is proposed by paragraph *(f)* of clause 5, The effect of this paragraph is to provide that it will not be necessary to have a waybill with stock conveyed in a vehicle where the journey is less than 20 miles and where the stock are conveyed during daylight hours, that is, between half an hour before sunrise and half an hour after sunset. However, paragraph (e) of clause 5 provides for a more stringent control where stock are moved during the night. This paragraph provides that where stock are driven on the hoof or conveyed in any vehicle, other than a railway, during the period between half an hour after sunset and half an hour before sunrise, the stock must be accompanied by a waybill, irrespective of the distance travelled. In addition to having the usual particulars included in the waybill, the waybill must be endorsed with a certificate as to its truth given by a justice, inspector, ranger, member of the police force, or authorized employee of the Stock Salesmen's Association, or two neighbours occupying land within a mile of the place of departure of the stock. It is obvious that, if stock are stolen, they are most likely to be moved during the hours of darkness. The effect of this amendment will therefore be to require a person who travels stock in the night time to have a waybill with the stock certified by a person occupying an official position or by two neighbouring landholders in the district from which the stock commence their journey.

Proof of the times of sunrise and sunset on any day is provided under the Proof of Sunrise and Sunset Act, 1923. Under this Act an almanac is published quarterly giving the times of sunrise and sunset on each day for the quarter and in any legal proceedings the times shown in the almanac are prima facie evidence of the time of sunrise or sunset, as the case may be. From this brief resume of the Bill it will be seen that it affords valuable assistance in preventing sheep stealing and in apprehending offenders. If sheep are moved at night, other than by railways, they must be accompanied by a waybill. The driver of any transport carrying sheep may be stopped and interrogated if moving at night. Irksome provisions relating to movement of stock on the hoof have been removed. I commend the Bill as a practical approach to a rather involved problem.

Mr. O’HALLORAN secured the adjournment of the debate.