**STOCK DISEASES ACT FURTHER AMENDMENT BILL 1926**

**House of Assembly, 31 August 1926, page 537**

Second reading

The MINISTER of AGRICULTURE (Hon. T. Butterfield)—This Bill is introduced for the purpose of effecting certain amendments mainly of a legal nature to the Stock Diseases Act Further Amendment Act, 1915; which are essential if that Act is to be properly administered. The Stock Diseases Act Further Amendment Act, 1915, imposes various obligations on owners of sheep in certain parts of the State to dip those sheep within certain specified periods of time. In the administration of this Act, however, it has been found quite impossible to secure the evidence necessary for convictions under the Act, although officers of the Stock and Brands Department have been quite certain that breaches of the Act have taken place. Thus the Act applies only to certain parts of the State, and in any proceedings it is at present necessary to give formal legal evidence that any sheep concerned was within that part of the State. This matter although it may be a matter of common knowledge is often extremely difficult to prove in a court of law. Again it is often extremely difficult to prove the ownership of the sheep even though an officer may know that the sheep is on a person’s property, and is within the common knowledge of all persons concerned the property of the landowner in question. Then again, under the present Act, the obligation for dipping sheep exists during specified periods of some four or five months, and in order to secure a conviction it is necessary to present evidence showing that that sheep was not dipped within the time. The only strict evidence which a court would receive on the subject would be that of a person who had this particular sheep constantly under his notice for the period in question, and could say of his own knowledge and observation that that sheep had not been dipped. It is, of course, quite impossible to obtain evidence of this nature, and consequently the Bill provides various evidentiary provisions in order to overcome the difficulties now faced by the officers of the Stock and Brands Department. The justification for such a course is that while it is impossible to expect prosecuting officers to be able to give the necessary legal evidence on the points in question, it is a simple matter for the owner of the sheep to give evidence in disproof of the facts alleged by the prosecution. The department is, of course, not likely to commence any prosecution unless it is certain that there has been an evasion of the Act, and in any case where a frivolous prosecution is lodged, the Court would undoubtedly mulct the prosecution by granting costs to the defendant. Clause 4 of the Bill, therefore, inserts three new sections in the principal Act. The new sections 7 and 8 render the assistance already referred to, and provide that the allegation of certain facts in a complaint are to be deemed proved in the absence of proof to the contrary, and that, to put it generally, the onus of proof that the Act did not apply within the portion of the State concerned is to be on the defendant. As already pointed out, this will place no hardship on the defendant, as the provisions apply only to matters which will be fully within his knowledge, and easily capable of disproof by him. The new section 9 gives power to insert charges in respect of any number of sheep in the one complaint. At the present time it is necessary to make a fresh complaint for every sheep alleged not to have been dipped. The new procedure should, of course, be more convenient both to the prosecution and the defendant. Clause 2 effects an amendment to section 5 of the Act of 1915. That section imposes the obligation on owners of sheep to dip sheep within the times specified in the section. Under the section, if change of ownership takes place during the period in which the sheep are required to be dipped, and the, sheep are not dipped during that period, neither the present owner nor the former owner is liable under the section. Clause 2 amends the section so that the liability to dip will rest on every owner of the sheep during the period of dipping. A safeguard against any possible abuse of the section is in the proviso which provides that if the sheep are dipped by any person during the period in question there is no further obligation on any subsequent owner or other person to dip the sheep. Clause 3 provides that when any sheep are dipped pursuant to the Act the owner is to furnish a return to the Chief Inspector of Stock within 14 days after the dipping. The clause provides penalties for failure to comply with the clause. This provision, it is stated by the Department of Stock and Brands, will provide useful information to the department for statistical purposes and in connection with the registration of sheep brands, in addition to being of great assistance in the administration of the Act. I move the second reading.

Mr. MOSELEY secured the adjournment of the debate until September 1.