**HIDE, SKIN, AND WOOL DEALERS BILL 1915**

**HOUSE OF ASSEMBLY, 12 October 1915, PAGE 1290**

**Second reading.**

The COMMISSIONER ofCROWNLANDS (Hon. C. Goode)—The South Eastern Stock Owners' Protection Association have for a number of years been asking for some legislation to stop the theft of sheep in the South-East, where, unfortunately, thieves seem to particularly flourish in respect to stock, at any rate. It is proposed by the Bill to make it more difficult for these thieves who, in the past, have been in the practice of stealing sheep, slaughtering them in out-of-the-way places, and then, selling the hides and skins. The carcass is thrown aside, and the skin is the only portion they make any profit out of by reason of their roguery. Honorable members will remember the "Tantanoola Tiger," and the revelations discovered in the Teatree Scrub. The offender in that case has been brought to book, and the Bill now before us is to endeavour to bring to book those who have hitherto evaded the law. My honorable colleague, Mr. Reidy, no doubt will have something to say in this connection, because I believe in his former duties in theSouth-East he was brought somewhat closely in touch with cases brought forward there. He knows some of the difficulties there are in connection with securing prosecutions under present legislation. The Eastern Stock Association have written asking that we should bring in a Bill to deal with the registration of hide and skin merchants. It is addressed to thethen Premier (at present the Leader of the Opposition), and is dated May 30, 1914. It reads as follows:—

At a meeting of the above Association, held this week, the following resolution was carried:—"That this Association request the Government to introduce legislation for the licensing of all wool and skin buyers in the State, as a protection to stockowners, by assisting to prevent sheep and cattle stealing, and that said buyers be required to furnish monthly returns of all purchases to the police in the district in which purchases were made.'' The committee considers that legislation to the above effect will do something to cheek sheep and cattle stealing, which is very prevalent in this district.

We recognise the difficulty in framing legislation along these lines which will be effective without being unduly harassing to the honest trader, and that is just the difficulty we have in connection with this Bill. Some members may think that the Bill does not go far enough, and will not even meet the terms of the resolution passed by the South-Eastern Stock Owners' Association which I have just read; but while legislation is framed to try to check evildoers it is very problematical whether it should be so harassing in order to meet these abuses of the law as to, at the same time, inflict hardship on honest traders, and we have to draw the line between a very drastic Bill, which would have entailed that hardship on honest people, and a Bill framed in order to catch dishonest people. Consequently,there may be some difference of opinion whether this measure really will be effective from the standpoint of preventing a continuance of nefarious practices. The Chief Inspector of Stock reported as follows on June 16, 1914:—

In my opinion there should be legislation on the lines suggested. I think there is no doubt that many dishonest persons have been carrying on a traffic in sheepskins, and probably wool, with travelling hawkers. Even within 15 miles of Adelaide, cases are alleged to haveoccurred quite recently, where a man sold both sheep and cattle skins to a hawker. The matter was brought under my notice, and I communicated the facts to the police, but too long an interval had elapsed to admit of a clue obtained. I suggested in 1911 that legislation was needed to protect stockowners. All skin dealers should be required to furnish a return to the police, giving all brands and marks on any skins or hides, and the name and address of the seller, and where articles may be seen by the police. I know that hundreds were illegally taken off sheep and sold at Millicent a few years ago. I strongly urge the Government to bring in a Bill, as requested by the South-Eastern stockowners.

Since the present Government gave instructions for a Bill to be drafted on these lines the Chief Inspector of Stockhas furnished another report in which hesays:—

It has been a well-known fact that hundreds of sheep are stolen in the South-East yearly. They are driven off to some secluded spot, killed, and skinned; the carcasses being allowed to rot, while the skins are either sold to local dealers, or are forwarded to city agents, or taken over the border into Victoria and disposed of there. With a view of checking these criminal practices, drastic legislation will be necessary. 1. All persons buying hides or skins to hold a licence issued by the police on behalf of the Government. 2. That full particulars of the description, all brands, earmarks, etc., be entered on duplicate waybills, to be signed by the person selling or delivering such hides or skins, in the presence of a creditable witness, other than the licensed buyer. 3. That the original waybills be forwarded to the nearest police constable weekly, who shall examine them and compare the brands given with the latest Brands Directory. 4. That no person shall remove hides or skins from the State of South Australia into an adjoining State without first having furnished the nearest police with a waybill giving full descriptions of such hides or skins, with their brands or marks, when such police constable may issue a permit authorising the exportation of the said hides or skins, or he may personally examine them first. 5. Any person forwarding hides or skins from any country railway station to skin dealers or tanners, shall furnish the stationmaster with a waybill, which must accompany the goods, and be for­warded to the nearest police, on arrival of goods, who may examine. 6. Any stockowner or his manager, any justice of the peace, inspector of stock, police officer, or any person authorised in writing by any justice of the peace, inspector of stock, or police officer may demand the right and may examine all hides or skins held by, or in possession of, any licensed skin dealer. 7. In the event of hides or skins not being properly accounted for on waybills, the police may seize the same and hold them pending action. I venture the opinion that any legislation dealing with a matter of this nature must be far-reaching and drastic, if the practice of skin-stealing, which has to my knowledge, been going on in the South-East for over 25 years, is to be checked.

Members will see that the Chief Inspector of Stock is very strong on laying down rigid provisions, by means of which it was hoped that the stealing of stock would be checked; but when we came to draft a measure to give effect to his suggestions, we found that it would entail an enormous amount of work on every butcher and skin dealer in the matter of keeping a record of the skins in their possession. Members who have had any experience at all, in connection with sheep especially, know how difficult it is to recognise many brands after the fleece has nearly reached maturity. As the results of the effects of weather, the growth of wool, and the animal rubbing itself against fences and scrub, it is very difficult to decipher brands when the wool is nearly full grown. Consequently, any butcher, in trying to give an adequate description of a brand, would be faced by such great difficulties that we felt it would be imposing too much hardship on them in making the law so drastic as was desired. If any member can suggest—and my colleague, Mr. Reidy, particularly, has been brought into touch with the troubles of administering the law in the South-East, and trying to stop thieving—any means by which we may tighten up the provisions of this Bill against evildoers, without making it too difficult for the honest trader, the Government will be pleased to hear anything they have to say in that direction. The object of the Bill is to discourage sheep and cattle stealing, which is especially prevalent in the South-Eastern districts of the State, by rendering it difficult to dispose of stolen hides, skins, and wool, and facilitating the tracing of them if successfully disposed of. It has been discovered that dishonest persons in these districts, chiefly itinerant hawkers, make quite a trade of buying and selling hides, skins, and wool taken from stolen animals, and the facilities available for effecting sales to such persons undoubtedly provide a strong inducement to dishonesty. The stockowners of the South-East have represented to the Government that if provision were made for buyers of hides, skins, and wool to be licensed, and their premises to be open for inspection, the evil referred to would be considerably abated. The Bill has accordingly been prepared to give effect to the schemes suggested.

Clauses 3 to 9 deal with licences to buy and sell hides, skins, and wool. The licensing authority is the Chief Inspector of Stock, who may issue, renew, and transfer licences. The licences remain in force for one year only, but are renewable. The Chief Inspector may refuse to issue or renew or transfer any licence if, in his opinion, the applicant is not a fit and proper person to be licensed; but in such a case a right of appeal is given from his decision to the nearest Local Court, whose decision is final. These provisions will ensure as far as possible, that all persons dealing in hides, skins, and wool, shall be men ofsome character and standing in the community. Clause 10 requires every licensed person to keep posted on all premises and vehicles used by him in his business his name, licence number, and the words, ''Licensed hides, skin, wool dealer.'' This is necessary in order to let the public know what persons are licensed for the sale of hides, skins, and wool. Clause 11 gives every member of the police force and every inspector under the Stock Diseases Act powerto enter and search premises where hides, skins, or wool are stored, and to stop and search vehicles containing hides, skins, orwool. This will render it more easy to secure evidence of unlawful possession in the case of persons making a practice of dealing in stolen hides, skins, and wool.

Clause 12 is the substantial clause of the Bill. This clause must be read in the light of the definition of the verbs "to sell" and "to buy," contained in clause 2 of the Bill, which are very comprehensive. The clause requires all buyers and sellers of hides, skins, and wool to be licensed,and prohibits the buying and selling of hides, skins, and wool by unlicensed persons. The following exemptions are recognised by the clause:—(1) No licence is required for any butcher, stock owner, or farmer who sells only hides, skins, and wool taken from animals which are his own property, but in the event of a prosecution, the onus is on the defendant to prove that he comes within this exemption. Perhaps the legal members of the House may take exception to this provision as being somewhat opposed to the ordinary practices of British justice, but they will recognise that in this instant itis very difficult to frame legislation to meet the case. It should not be altogether troublesome for a man to prove that he has come by his skins honestly. If he has come by them dishonestly hemay be able to prove the contrary to the Court; but if he can do so he will be cleverer than the law, and, at any rate, the provision I have just read will make it more difficult for dishonest practices to be indulged in if the onus is on the defendant to prove that he comes within this exemption. The exemptions provided for in the Bill continue: —(2) No licence is required for the sale of any hide, skin, or wool if it is to be used for manufacturing or domestic purposes, or for instruction (e.g. wool-classing) in connection with an educational institution. (3) Licensed persons may buy from unlicensed persons, for it would be unreasonable to expect a dealer on a large scale in hides, skins, or woolto inquire into the bona fides of each of his customers, but, with the exceptions already stated, they may sell only to licencees. To provide against evasions of the Act by taking advantage of the exemption in the case of hides, skins, or wool sold for manufacturing or domestic purposes, the second proviso to clause 12 provides that where in a prosecution for an offence against the section this fact is relied upon as a defence, the onus of substantiating it will be on the defendant.

Clause 13 makes it an offence for any person to pretend to be or to hold himself out as being a licensed dealer under the Act, and clause 14 penalises the obstruction of inspectors and officers. Clause 15 prescribes the penalty for offences, namely, a fine not exceeding £50, or imprisonment, with or without hard labour, not exceeding 12 months. Clause 16 is the usual regulation clause. Clause 17 provides that in any proceedings the onus is to be on the defendant to prove that he is licensed. If he is licensed and proceeded against for a breach of any of the duties imposed by the Act upon licencees, he is to produce his licence to the Court (clause 18). If convicted, the Special Magistrate or Justice hearing the case may, in addition to imposing a penalty, cancel the licence (clause 19). The remaining clauses of the Bill provide for the usual summary procedure in respect of offences, and for appeals.

The foregoing will give membersa general outline of the scope of The Bill, and we shall be pleased to hear, in Committee, any suggestion that make the Act more effective anddiscouraging to evildoers. At the same time I think that members will find the difficulty that the Draftsman felt, in framing legislation to cure an evil, without being unduly harassing on the honest trader. It seems to me that the solution of the whole question is going to be found very largely in closer settlement. The bulk of the thieving that takes place in the South-East is due to the fact that the country is sparsely populated, and is of such a scrubby and level nature that it is possible for men to get away with stock without being seen; but if closer settlement prevailed the homesteads would be nearer, and the stock would be, as it were, more under the eyes of the owners, and there would not then be the same opportunities for thieving that there are at the present time. With its large sheep runs and level, scrubby country, the South-East does lend itself very considerably to the assistance of those who desire to steal stock and get away with it without detection. The same practices prevailed in the North when the sheep stations were in large holdings; but roguery in connection with the theft of stock has to a great extent been overcome, because the bulk of the large stations there have been cut up. The country being of an open character, it is difficult for people to get away with stock without being found out. As population increases in the South-East, and the large stations pass into the hands of more settlers, the opportunity for stealing stock will decrease, and legislation of this character may not be necessary. If, after the measure has been given a trial, it is found to be not satisfactory, it may be necessary to draft a more drastic Bill. The measure is not so stringent as was suggested by the Chief Inspector of Stock, but I hope it will act as a deterrent to people who are dealing in hides and skins of stolen stock.

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Mr. REIDY—I support the Bill, and am pleased the Government have taken this early opportunity to introduce it. It has been considered necessary in the South-East for a number of years. While in many ways it imposes penalties, and provides means whereby evildoers may be found out, I consider it to be defective in that it does not require the buyers of skins to say from whom they have purchased them. At present you may find skins in the possession of people—hawkers, principally—but they are unable to say from whom they have purchased them, and it is my wish to have the condition mentioned in the Chief Inspector's report embodied in the Bill, wherein he says it is necessary for the buyers of skins to keep a record, say, for one week, of the names of those from whom the skins were purchased. Many cases have come under my notice where stolen skins have been found, and the marks identified, but because the person who purchased them could not say from whom he bought them the thief went unpunished.

The Commissioner of Crown Lands—Would not that mean that the purchaser must keep a record of the marks on every skin he buys?

Mr. REIDY—Yes, or else have some other method of saying from whom he purchased particular skins. It would also be necessary to provide that skins should not be sold in mutilated condition. Very often the marks of identification are cut out, and I contend that this should be an offence under the measure. With these exceptions the Bill is very acceptable, and it would be of material assistance in preventing the sheep-stealing that is going on, particularly in my district. The Chief Inspector should not be asked to give his reasons for refusing to grant a licence to a particular person. If a licence is refused to a publican the Licensing Act provides that the Bench need not give its reason for doing so. There are many men of questionable character who follow the occupation of skin-buying, and who should not be given a licence, but it is very difficult to give definite reasons for refusing to grant licences to them. The inspector, in his discretion, would not refuse to give a licence to a person of good character, and he should not be compelled to justify his refusal in a Court of Law. There are provisions in the Bill where the inspector has discretionary powers, and need only register suitable persons. The difficulty at present is principally in regard to hawkers who keep no records, and are not conversant to any great extent with the English language. That class of individual should be prevented from dealing in skins. In Committee I will endeavour to have the amendments I have suggested inserted.

Mr. MOSELEY—This is a very necessary measure, and I agree with Mr Reidy that it will meet a long-felt want. I do not imagine that the people in the North are more honest than those in the other parts of the State, but the trouble in regard to stolen skins and hides is more noticeable in the South-East. When we read of thousands of sheep having been stolen, it seems on the face of it that runs in the South-East must be managed in a peculiar way. A few years ago we were told that it was the Tantanoola tiger that was responsible for the loss of so many sheep. This is a small Bill, and it gets at the crux of the question by licensing dealers in hides and skins. It has been said that if there were no receivers there would be no thieves, and that is the case in this matter. The men who take the skins are small dealers, chiefly Indians and Afghans, who send them to merchants in the city. Unless the dealer is a person of reputable character the police will see that he does not get a licence. It is very necessary that the dealer must be able to prove from whom he got the skins and hides, and a provision should be inserted to that effect The penalties are very heavy, and if the measure is made too drastic Magistrates will not convict. The Bill is a good one, and I will support it.

Bill read a second time.