**TRAVELLING STOCK WAYBILLS ACT AMENDMENT BILL 1936**

**Legislative Council, 23 June 1936, pages 256-7**

Second reading

Having obtained leave, the Minister of Agriculture introduced a Bill for an Aet to amend the Travelling Stock Waybills Act, 1911. Bill read a first time.

Second reading.

**The Hon. A. P. BLESING (Northern—Minister of Agriculture)—**This Bill has been prepared following representations made to the Government by the Stockowners’ Association of South Australia. As honourable members are aware, a considerable amount of sheep stealing has within recent times taken place in various parts of the State. It is almost certain that, in many cases, the thieves use motor trucks for the removal of the stolen animals. The Travelling Stock Waybills Act, 1911, was passed for the purpose of requiring drovers of travelling stock to carry waybills sufficient to identify the stock and the owner thereof. This Act, however, is limited in its application to stock being driven for 50 miles or more and there is some doubt whether it applies at all to stock being conveyed in vehicles. The 'tockowners’ Association has therefore suggested that the Act be amended so as to provide for stricter control of this matter. In both Victoria and Western Australia legislative action has been taken in an attempt to prevent these thefts and it is obvious that the existing South Australian Act does not, under modern conditions of transport, provide sufficient protection to owners of stock. The Bill therefore provides that a waybill must be provided for stock in the following cases:—

1. Where stock is driven on the hoof within hundreds for a distance of 10 miles or more:
2. Where stock is conveyed within hundreds in any vehicle (other than by railway) for any distance:
3. Where stock is driven on the hoof or conveyed as aforesaid outside hundreds for a distance of 50 miles or more.

The obligation to provide a waybill should not be unduly burdensome on owners of stock, and when it is realised that the provisions will operate for their protection all owners of stock should willingly comply with the law. If the Bill is passed, any member of the police force who discovers any stock in a vehicle will be entitled to demand and inspect the waybill. The result will be that all stock being honestly conveyed in any vehicle must be accompanied by a document sufficient to identify the transaction, and the absence of a waybill will place the person conveying the stock under suspicion. Furthermore, a general supervision of waybills will enable the police to detect false waybills and to trace the ultimate destination of stolen stock. In this manner the task of the police in preventing and detecting cases of theft of stock will be considerably simplified. As regards stock driven on the hoof or conveyed outside hundreds, the law is left unaltered as to the distance to be traversed, namely, 50 miles, before a waybill is required. It is considered that in this part of the State no alteration is needed.

Clause 2 deletes the word . “travelled” in section 4 of the principal Act as this word will become unnecessary if the other amendments proposed are agreed to. Clause 3 amends section 5 of the principal Act and places a duty on the owner of stock to furnish to his drover a waybill, for any stock to be driven for any of the distances already mentioned, while clause 4 amends section 6 and requires the drover to keep the waybill throughout the journey. The only alterations made to these sections are those relating to distances. Clauses 5 and 7 amend sections 7 and 10 of the principal Act under which a police officer has power to demand the production of a waybill and, in case of a lost waybill, to issue an interim waybill. The words “police officer” may be construed to mean an inspector of police or, higher officer, these ranks being the only ranks regarded as officers. Obviously, the powers given should be capable of being exercised by any member of the police force, and consequently the clauses substitute the words “member of the police force’' for “police officer.” Clause 6 is also the result of a recommendation of the Stockowners’ Association. This clause provides that when the drover of stock delivers the stock to any person, the drover shall also deliver the waybill to that person. In cases where part only of the stock comprised in the waybill are; delivered, the drover is to deliver a copy of the waybill with particulars of the stock so delivered. The person to whom the waybill or copy is thus delivered is required to keep the same for at least one month, and to make the same available for inspection during that time by any police constable, inspector, &c. Penalties are provided for the non-observance of these provisions. This provision is considered necessary in order to make the other provisions of the Bill fully effective. If a dishonest person accepts delivery of stolen stock, he can possibly evade conviction by either destroying the waybill (if any) or by alleging that a waybill was properly presented to him and destroyed. Again, if an auctioneer or agent bona fide accepts delivery of and sells stolen stock on the faith of what appears to be a valid waybill, the waybill would, if kept available for inspection, considerably assist the police in investigating the transaction and tracing the stock. Clauses 8, 9, and 10 contain amendments consequential upon the other clauses of the Bill, and do not require special explanation.

The Bill should do much towards preventing thefts of stock and facilitating the work of the police both in the prevention and detection of these crimes, and, as already intimated, has the unqualified approval of the Stockowners’ Association of South Australia. I move the second reading.

The Hon. W. HANNAEORD secured the adjournment of the debate