**BRANDS ACT AMENDMENT BILL 1966**

**LEGISLATIVE COUNCIL, 2 March 1966, pages 4306 - 4307**

Second reading

Received from the House of Assembly and read a first time.

The Hon. S. C. BEVAN (Minister of Local Government): I move:

*That this Bill be now read a second time.*

It is consequential on the repeal of the Travelling Stock Waybills Act effected by the State Law Revision Act of last year. Honourable members will recall that when the Statute-Law Revision Bill was introduced the Minister stated that, as a more satisfactory measure for detecting any stealing of stock, the Commissioner of *Police* proposed the introduction of stock movement forms to be completed bypolice officers whenever stock was observed on the move. Inquiries would then be made at the places of departure and destination of the stock, Accordingly, this Bill confers on inspectors of brands and on members of the Police Force powers to stop and search vehicles conveying stock, to stop stock driven on the hoof and to ask questions relating to the place of departure, the route and the destination of the stock.

Clause 3 inserts three new subsections in section 59 of the principal Act. New Subsection (la) enables an inspector or a member of the Police Force to request the driver of any vehicle that is carrying stock to stop his vehicle or to request any person driving any stock to stop the stock, to ask questions forthe purpose of ascertaining the name and address of the driver or the owner of the stock and the place of departure, route and destination of the stock. Also, he may, with assistance if necessary, search any such vehicle and examine and take particulars of the stock.

New subsection (lb), corresponding with a provision of the Road Traffic Act, provides for a penalty of $100 if a person fails to comply with a request made to him under subsection (la) or to truly answer any question put to him under that subsection. New subsection (5) extends the scope of section 59, as amended by this Bill, to pigs so that the powers conferred by the section may be used in the detection of any stealing of pigs.

The Hon. Sir LYELL McEWIN (Leader of the Opposition): The Bill is one to which I can give my support. Earlier in this session the Travelling Stock Waybills Act was repealed.

Everybody is conscious of the losses that occur through the stealing of stock and for some time we had legislation that provided for stock way-bills and imposed on people the responsibility to seek out stock waybills whenever they were conveying stock by vehicle. This was not a popular method of handling the problem so far as tracing stock was concerned and, when the Act was repealed, it was announced that the Commissioner had other suggestions that he thought would be just as effective and that would be perhaps less onerous on owners of stock.

This Bill gives effect to those suggestions.

The suggestions of the Commissioner of Police have been stated by the Minister, Power is given to the police to question people and to make inquiries. I think the standing covers power to enter property to question people regarding stock on the move and power to obtain the necessary information regarding stock being moved on the hoof or by transport, I think we can accept the Bill and assurance that it will be just as effective as the provisions under the old Travelling Stock Waybills Act while being less onerous than the repealed measure.

The Hon. M. B. DAWKINS (Midland): I support the Bill and endorse the remarks that have been made by the Hon. Sir Lyell McEwin. He said that the waybill system that we had for a number of years was not very popular. I agree with that and add that it was not very effective. Many people did not carry it out effectively. It was necessary to have provisions to replace those that were repealed and this Bill seems to meet the case and to give the police or the inspector the necessary power.

The Hon. R, A. GEDDES (Northern): I have three points that I wish to make on this Bill. The first is the report in this morning’s news of a plea by the Commissioner of Police that every endeavour to be made not to restrict police from questioning people in order to get the maximum information. This Bill gives the police the right to stop vehicles and examine them in connection with the problem of theft of stock which I understand is becoming very prevalent in certain parts of the State. My second point is that section 3 (la) provides that a member of the Police Force or an Inspector may at any time request the driver of a vehicle that is conveying stock to stop the vehicle, and request any person driving any stock to stop such stock. I suggest that would be physical impossibility. My third point is that I support the Bill.

The Hon. L. R. HART (Midland): As other speakers have stated, the old Travelling Stock Waybills Act was not very effective. It caused much irritating form-filling by people who conveyed stock, and it served no real purpose. It seems to me that the onus of proof in this Bill has been moved to the person conveying stock. He must prove that the stock carried was not stolen. Under the Travelling Stock Waybills Act it would appear that if a person had a form correctly filled out it was on the shoulders of the police to prove that the stock was not stolen. I think the proposal in the Bill is a very good move. It will give the police adequate powers and remove the friction causing job of filling in forms, particularly by carriers who have to move stock. I give the Bill my wholehearted support.

Bill read a second time and taken through its remaining stages.