

ANNO DECIMO SEXTO

# GEORGII V REGIS.

A.D. 1925.

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## No. 1711.

An Act to further amend the Pastoral Act, 1904, and the Stock Diseases Act, 1888, and for other purposes.

*[Assented to, January 6th, 1926.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Pastoral Act Further Amendment Act, 1925." Short titles.

(2) The Pastoral Acts, 1904 to 1922, and this Act may be cited together as "the Pastoral Acts, 1904 to 1925."

(3) The Pastoral Act, 1904, is hereinafter referred to as "the No. 850 of 1904. principal Act."

### *Amendments to the principal Act.*

2. Section 67 of the principal Act is amended by adding at the end thereof the following proviso :—

Amendment of principal Act, s. 67—  
Repayment for Government improvements.

Provided that if any payment for improvements made by the Commissioner pursuant to section 65 is made out of General Revenue, then any moneys received by the Commissioner in respect of any such improvements shall be paid into General Revenue.

*Pastoral Act Further Amendment Act.—1925.*

Amendment of  
principal Act, s. 94—

3. Section 94 of the principal Act is amended so as to read as follows :—

Rights to travel  
stock.

94. (1) Any person may enter and cross any run with sheep or cattle subject, however, to the observance of the following rules :—

- i. Notice in writing shall be given by the owner or person in charge of the sheep or cattle to the lessee, overseer, or manager of the run or to a person authorised by the lessee, overseer, or manager, to accept notices pursuant to this section, not less than two days or more than seven days before it is proposed to enter and cross the run as aforesaid ; if at the time it is desired to give the notice there is no person on the run to whom the same may be given, then the notice may be given by affixing the same to a conspicuous place on the homestead on the run, or, if there is no homestead, then on a conspicuous place at the gateway or place where the stock are to enter the run.
- ii. Every such notice shall specify—
  - (a) the number of such sheep or cattle and by whom they are owned ;
  - (b) their starting point and proposed destination and whether they are or are not only travelling for feed ;
  - (c) the points (which shall be by gates where the run is fenced) and dates on which it is proposed to enter and leave the run ; and
  - (d) the person in whose charge the sheep or cattle will be.
- iii. In the event of the entry on the run being delayed to the extent of not more than forty-eight hours, a corresponding extension shall be allowed in the time for leaving the run :
- iv. The person in charge of the sheep or cattle, if there is a stock route through the run leading to their destination, shall follow that stock route ; and if there is no such stock route, shall follow the directions of the lessee, overseer, or manager of the run as to the line of travel which shall be practicable, in which the run is to be crossed ; if no directions are given as aforesaid, and there is no such stock route through the run, the person in charge of the sheep or cattle shall cross the run from the point of entry to the point of leaving the run by the most direct practicable line of travel :

v. The

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*Pastoral Act Further Amendment Act.—1925.*

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- v. The person in charge of the sheep or cattle shall, in the case of sheep, travel the sheep a distance of not less than five miles on each day while crossing the run, and shall, in the case of cattle, travel the cattle a distance of not less than ten miles on each day while crossing the run, and shall securely close all gates on the line of travel:
- vi. If the sheep or cattle are only travelling for feed the owner or person in charge of the sheep or cattle shall be liable to pay to the lessee of the run, or to the overseer or manager of the run on behalf of the lessee, a sum of Six Pence for every hundred of such sheep or part of one hundred of such sheep, and Six Pence for every twenty of such cattle or part of twenty of such cattle, for every day or part of a day during which the sheep or cattle may be upon the run, which sum shall be recoverable by the lessee from the owner or person in charge of the sheep or cattle either summarily or by action in any Court of competent jurisdiction.
- (2) If there is a stock route leading to their destination, then the sheep or cattle shall be travelled by the most direct practicable line of travel from their starting point to the nearest point on the nearest stock route leading to their destination: Provided that, as far as practicable, the starting point in such a case shall be the point on the run from which the sheep or cattle are proceeding which is nearest to the nearest stock route leading to their destination.
- (3) Any notice required to be given pursuant to this section may be given in the form set out in the Fifth Schedule.
- (4) The lessee of any run which is fenced shall provide a gate at every point where any fence on the run crosses a stock route and shall, in addition, provide gates in every fence on the said run so that there is at least one gate provided in every ten miles of such fence.
- (5) For the purpose of this section "stock route" shall mean any stock route shown in red on the plan in the Schedule to the Pastoral Act Further Amendment Act, 1925, and shall also include any further stock route which is declared by the Governor by proclamation to be a stock route for the purpose of this section. The Governor may, by proclamation, declare that any stock route shall cease to be a stock route, and may, by proclamation, declare that any stock route shall be varied, altered, or amended in the manner set forth in the proclamation.
- (6) Any person who commits any act in contravention of this section shall be liable to a penalty of not less than Twenty Pounds or more than One Hundred Pounds.
- (7) Nothing in this section shall in anywise affect the operation of the provisions of section 20 of the Stock Diseases Act, 1888, as amended by section 6 of the Pastoral Act Further Amendment Act, 1925.

Pastoral Act Further Amendment Act.—1925.

Amendment of principal Act—

4. The principal Act is amended by inserting after section 131 the following section :—

Giving of notices.

131A. (1) Any notice to be given to any lessee pursuant to this Act or under any lease shall be deemed to have been duly given if the same has been sent through the post office enclosed in an envelope addressed to the lessee at—

- (a) any address stated in any application, letter, or document received from the lessee ;
(b) the lessee's usual or last known place of abode in the State ; or
(c) the care of any solicitor, attorney, or agent acting in the lessee's behalf in the particular matter in respect whereof such notice is given,

and such notice shall be deemed to have been given on, and shall run from, the day of the posting thereof.

(2) This section shall not apply to any notice given pursuant to section 94.

Amendment of principal Act— Addition of new Schedule.

5. The principal Act is amended by adding after the Fourth Schedule therein the following Schedule :—

THE FIFTH SCHEDULE.

Pastoral Act, 1904.

NOTICE OF INTENTION TO CROSS RUN WITH SHEEP. CATTLE. CAMELS. HORSES.

To..... of..... the lessee, overseer, or manager of..... run.

Please take notice that it is proposed to cross..... run with

sheep cattle camels horses in the charge of.....

It is proposed to enter the said run at..... on the..... day of..... 19..... and to leave the run at..... on the..... day of.....

19..... The sheep cattle camels horses are owned by..... and are proceeding from..... to..... and are not only travelling for feed.

Dated this..... day of..... 19.....

Signature of owner or person in charge of the stock

NOTE :—This notice must be given not less than two days or more than seven days before the proposed date of entry on the run.

*Pastoral Act Further Amendment Act.—1925.**Amendments to the Stock Diseases Act, 1888.*

6. Section 20 of the Stock Diseases Act, 1888, is amended so as to read as follows:—

Amendment of  
443, 1888, s. 20—

20. (1) Any person may enter and cross any lands outside any hundred which are leased from the Crown (but not including lands which are leased by the Crown pursuant to the provisions of the Pastoral Act, 1904) or any Crown lands within any hundred, other than travelling stock reserves, with a flock of sheep, or drove of cattle, camels, or horses subject, however, to the observance of the following rules:—

Rights to travel  
stock.

- i. Notice in writing shall be given by the owner or person in charge of the sheep, cattle, camels, or horses, when the land to be crossed is leased lands, to the proprietor of the leased lands, or, when the land to be crossed is Crown lands, to the nearest constable or Crown lands ranger not less than two days or more than seven days before it is proposed to enter and cross the leased lands or Crown lands as aforesaid:
  - (a) the number of such sheep, cattle, camels, or horses and by whom they are owned;
  - (b) their starting point and proposed destination, and whether they are or are not only travelling for feed;
  - (c) the points (which shall be by gates where the lands proposed to be crossed are fenced) and dates on which it is proposed to enter and leave the said lands; and
  - (d) the person in whose charge the sheep, cattle, camels, or horses will be.
- ii. Every such notice shall specify—
- iii. In the event of the entry on the said lands being delayed to the extent of not more than forty-eight hours a corresponding extension shall be allowed in the time for leaving the said lands;
- iv. The person in charge of the sheep, cattle, camels, or horses, if there is a stock route through the lands to be crossed leading to their destination, shall follow that stock route, and, in the case of any leased lands, if there is no such stock route, shall follow the directions of the proprietor of the leased lands as to the line of travel, which shall be practicable, in which the leased lands are to be crossed; if in any such case no directions are given as aforesaid, or if the lands to be crossed are Crown lands and there is no such stock route

*Pastoral Act Further Amendment Act.—1925.*

route through the said Crown lands, the person in charge of the sheep, cattle, camels, or horses shall cross the said lands from the point of entry to the point of leaving the said lands by the most direct practicable line of travel.

- v. The person in charge of the sheep, cattle, camels, or horses shall, in the case of sheep, travel them a distance of not less than five miles on each day while crossing the said lands, and shall, in the case of cattle, camels, or horses, travel the cattle, camels, or horses a distance of not less than ten miles on each day while crossing the said lands, and shall securely close all gates on the line of travel.

(2) If there is a stock route leading to their destination, then the sheep, cattle, camels, or horses shall be travelled by the most direct practicable line from their starting point to the nearest stock route leading to their destination: Provided that, so far as is practicable, the starting point in such a case shall be the point on the run or lands from which the sheep, cattle, camels, or horses are proceeding which is nearest to the nearest stock route leading to their destination.

(3) Any notice required to be given pursuant to this section may be given in the form set out in Schedule D.

(4) The lessee of any lands outside any hundred which are leased from the Crown (but not including lands which are leased by the Crown pursuant to the provisions of the Pastoral Act, 1904), and which are fenced, shall provide a gate at every point where any fence on the said lands crosses a stock route and shall, in addition, provide gates in every fence on the said lands so that there is at least one gate provided in every ten miles of such fence.

(5) For the purpose of this section "stock route" shall mean stock route as defined by section 94 of the Pastoral Act, 1904, as amended by section 3 of the Pastoral Act Further Amendment Act, 1925.

(6) Any person who commits any act in contravention of this section shall be liable to a penalty of not less than Twenty Pounds or more than One Hundred Pounds.

(7) Nothing in this section shall in anywise affect the operation of the provisions of section 94 of the Pastoral Act, 1904, as amended as aforesaid.

Amendment of 443,  
1888, s. 21—

Detention of  
diseased stock.

7. Section 21 of the Stock Diseases Act, 1888, is amended by adding at the end thereof the following subsection (the preceding portion of the said section being read as subsection (1) thereof):—

(2) This section shall apply to sheep, cattle, camels, or horses which cross any run pursuant to the provisions of section 94 of the Pastoral Act, 1904, as amended by section 3 of the  
Pastoral

*Pastoral Act Further Amendment Act.—1925.*

Pastoral Act Further Amendment Act, 1925, and in any such case "proprietor" shall, for the purposes of this section include the lessee, overseer, or manager of any such run.

8. The Stock Diseases Act, 1888, is amended by adding after Schedule C. thereto the following Schedule :—

Amendment of 443,  
1888—  
Addition of new  
Schedule.

SCHEDULE D.

*Stock Diseases Act, 1888.*

NOTICE OF INTENTION TO CROSS LANDS LEASED FROM THE CROWN WHICH ARE OUTSIDE HUNDREDS OR CROWN LANDS WITHIN ANY HUNDRED.

To.....of.....

Please take notice that it is proposed to cross .....

with ..... { sheep  
cattle in the charge of..... It is proposed  
camels  
horses

to enter the said { leased lands at..... on the..... day of  
Crown ..... 19.... and to leave the said lands at..... on the.....

day of..... 19.... The { sheep  
cattle are owned by..... and are  
camels  
horses

proceeding from..... to..... and are *not* only travelling for feed

Dated this..... day of..... 19....

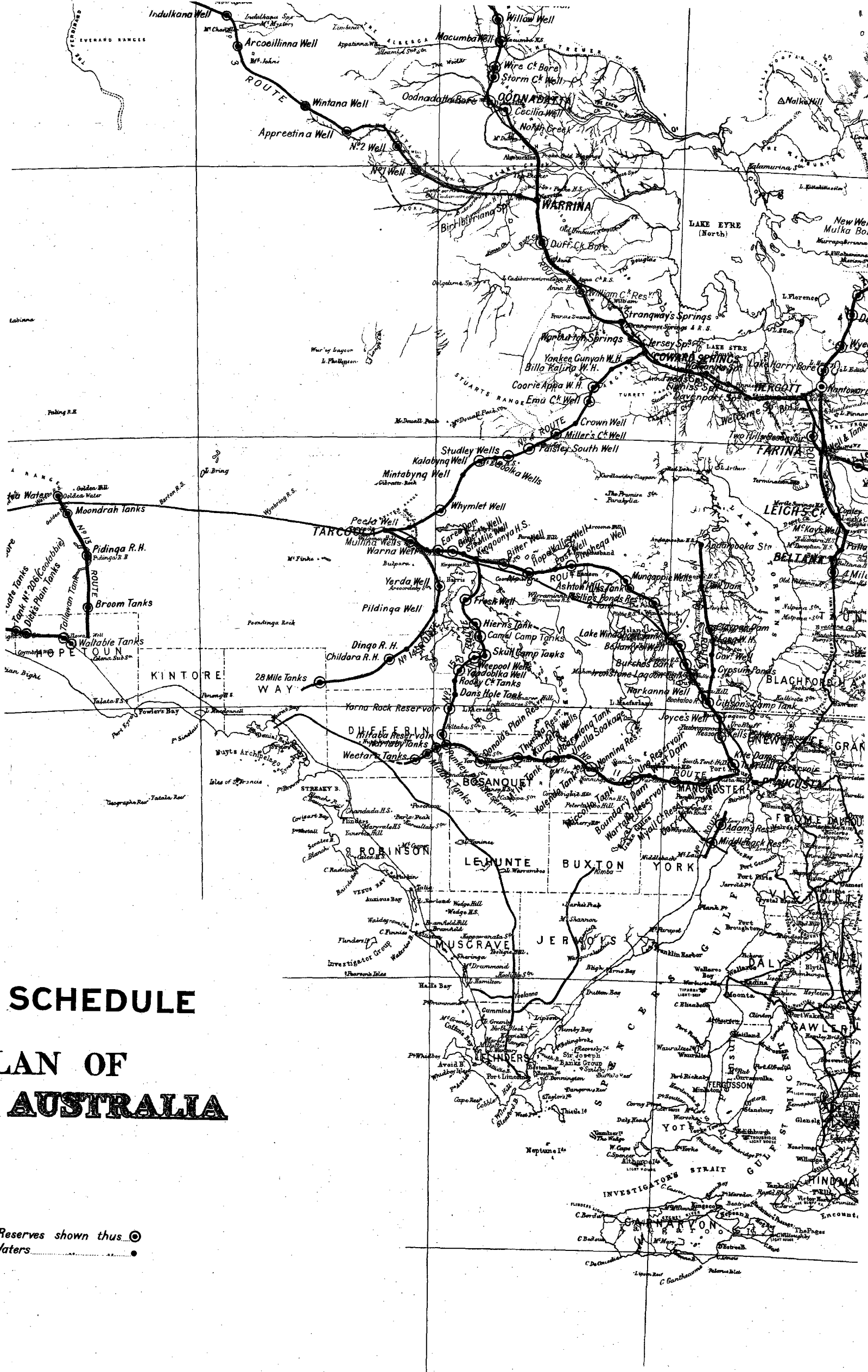
Signature of owner or  
person in charge of stock.....

NOTE.—This notice must be given not less than two days or more than seven days before the proposed date of entry on the lands to be crossed.



In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.

PLAN.



**SCHEDULE  
PLAN OF  
AUSTRALIA**

Reserves shown thus   
 Vaters..... 

*Thos. E. Dav.*