



ANNO PRIMO

# EDWARDI VIII REGIS.

A.D. 1936.

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## No. 2334.

An Act to amend the Travelling Stock Waybills Act, 1911.

[Assented to, 3rd December, 1936.]

BE 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 "Travelling Stock Waybills Act Amendment Act, 1936". Short titles.

(2) The Travelling Stock Waybills Act, 1911 (which is hereinafter referred to as "the principal Act") and this Act may be cited together as the "Travelling Stock Waybills Acts, 1911 and 1936". No. 1044 of 1911.

2. Section 4 of the principal Act is amended by striking out the words "travelled or" therein. Amendment of principal Act, s. 4—  
Application.

3. Subsection (1) of section 5 of the principal Act is repealed and the following subsection enacted in lieu thereof :— Amendment of principal Act, s. 5—  
Waybill for stock.

(1) Every owner at the time of delivering any stock to a drover—

(a) to be driven on the hoof from any place within any hundred to any place distant fifteen miles or more from the place of departure of the stock ;  
or

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- (b) to be conveyed (other than by railway) within any hundred by means of any vehicle to any place ; or
- (c) to be driven on the hoof, or conveyed (other than by railway) by means of any vehicle from any place outside any hundred to any place outside any hundred which is distant fifty miles or more from the place of departure of the stock ; or
- (d) to be driven on the hoof, or conveyed (other than by railway) by means of any vehicle from any place outside any hundred to any place within any hundred which is distant fifteen miles or more from the place of departure of the stock,

shall deliver to the drover a waybill, in the form of the first schedule, or in a form to the like effect, accurately setting forth, with respect to all of the stock, the particulars indicated in the said schedule, and in the manner so indicated.

Amendment of  
principal Act,  
s. 6—  
Production of  
waybill.

4. (1) Subsection (1) of section 6 of the principal Act is repealed, and the following subsection enacted in lieu thereof :—

(1) Every drover (whether the owner or not) in charge of or having under his control any stock which—

- (a) are being driven on the hoof from any place within any hundred to any place distant fifteen miles or more from the place of departure of the stock ; or
- (b) are being conveyed (other than by railway) within any hundred, by means of any vehicle to any place ; or
- (c) are being driven on the hoof, or conveyed (other than by railway) by means of any vehicle from any place outside any hundred to any place outside any hundred which is distant fifty miles or more from the place of departure of the stock ; or
- (d) are being driven on the hoof, or conveyed (other than by railway) by means of any vehicle from any place outside any hundred to any place within any hundred which is distant fifteen miles or more from the place of departure of the stock,

shall have with him throughout the journey a waybill for the stock in the form of the first schedule, or in a form to

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the like effect, accurately setting forth, with respect to all of the stock, the particulars indicated in the said schedule, and in the manner so indicated, and shall produce the waybill on demand to any justice, inspector, ranger, or member of the police force, or to the owner or occupier of any land over which he is at the time, or has been, travelling or driving the stock or any of them.

(2) Subsection (2) of section 6 of the principal Act is amended by striking out the word “travelled” in the second line thereof, and by inserting in lieu thereof the word “conveyed”.

(3) Subsection (3) of section 6 of the principal Act is amended by striking out the word “information” in the eighth line thereof and by inserting in lieu thereof the word “complaint”.

5. Section 7 of the principal Act is amended by striking out the words “police officer” occurring in the first, ninth, eleventh, and eighteenth lines thereof and by inserting in lieu thereof in every case the words “member of the police force.”

Amendment of principal Act, s. 7—  
Power to examine waybills.

6. The principal Act is amended by inserting therein after section 9 the following section :—

Amendment of principal Act—

9A. (1) The drover of any stock for which a waybill is required by this Act, shall, upon the delivery of the stock to any person (whether upon sale or otherwise, and whether or not the said person is the owner of the stock or the servant or agent of the owner of the stock) deliver to the said person the waybill for the stock.

Obligation to retain waybill.

If the waybill comprises any stock in addition to the stock delivered as aforesaid, the drover shall deliver to the said person a copy of the waybill accurately setting forth, with respect to all of the stock so delivered, the particulars indicated in the first schedule, and in the manner so indicated.

(2) Every person to whom any waybill or copy thereof is delivered as aforesaid, shall keep the same for at least one month after the delivery to him or shall send by post or deliver the same to the member of the police force in charge of the nearest police station. During such time as the waybill or copy is kept by the said person, he shall permit any inspector, justice, ranger, or member of the police force to inspect the same at any time within the said period of one month.

(3) Any drover who fails to deliver to such person as aforesaid a waybill or copy thereof as aforesaid shall be guilty of an offence against this Act and liable to a penalty of not more than ten pounds.

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(4) Any person as aforesaid who—

- (a) fails to accept delivery of a waybill or copy thereof as aforesaid ; or
- (b) fails to keep same for at least one month after the delivery thereof or to send by post or deliver the same to the member of the police force in charge of the nearest police station ; or
- (c) during such time as a waybill or copy aforesaid is kept by him, refuses to allow any inspector, justice, ranger, or member of the police force to inspect the same at any time within one month after the delivery thereof,

shall be guilty of an offence against this Act and liable to a penalty of not more than ten pounds.

**Amendment of  
principal Act,  
s. 10—  
Interim  
waybill.**

7. Section 10 of the principal Act is amended by striking out the words “police officer” and the word “officer” in the fourth line thereof and by inserting in lieu thereof in each case the words “member of the police force”; and by striking out the words “one pound” in the penultimate line thereof and by inserting in lieu thereof the words “two shillings and sixpence”.

**Amendment of  
principal Act,  
s. 11—  
Evidence.**

8. Section 11 of the principal Act is amended—

(a) by striking out paragraph iv. thereof, and by inserting in lieu thereof the following paragraph :—

iv. any stock therein referred to were, at the time therein mentioned—

- (a) being driven on the hoof from any place within any hundred to any place distant fifteen miles or more from the place of departure of the stock ; or
- (b) being conveyed (other than by railway) within any hundred by means of any vehicle to any place ; or
- (c) being driven on the hoof, or conveyed (other than by railway) by means of any vehicle from any place outside any hundred to any place outside any hundred which is distant fifty miles or more from the place of departure of the stock ; or
- (d) being driven on the hoof, or conveyed (other than by railway) by means of any vehicle from any place outside any

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hundred to any place within any hundred which is distant fifteen miles or more from the place of departure of the stock ;

(b) by striking out the word “ information ” in the second line and the third to last line thereof and by inserting in lieu thereof in each case the word “ complaint ”;

(c) by striking out the word “ travelled ” in the last line thereof and by inserting in lieu thereof the word “ conveyed ”.

9. The first schedule to the principal Act is amended by inserting therein after the words “ to be driven ” the passage “ (or conveyed) ”.

Amendment of  
principal Act.  
First  
schedule.

10. The second schedule to the principal Act is amended by striking out the words “ while travelling ” and by inserting in lieu thereof the passage “ while being driven (or conveyed) ”.

Amendment of  
principal Act.  
Second  
schedule.

11. The principal Act is amended by inserting therein after section 11 thereof the following section :—

Amendment of  
principal  
Act—

11A. No prosecution for an offence against this Act shall be instituted without the consent of the Minister.

Consent to  
prosecutions.

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

W. DUGAN, Governor.