

DROVING.

26° GEO. V., No. XIV.

No. 14 of 1935.**AN ACT to amend the Droving Act, 1902.**

[Assented to 12th November, 1935.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as the *Droving Act Amendment Act, 1935*, and shall be read as one with the Droving Act, 1902, as amended by the Droving Act Amendment Act, 1919 (No. 41 of 1919). Short title.

(2.) The Droving Act, 1902, as amended by the Droving Act Amendment Act, 1919, is hereinafter referred to as "the principal Act."

2. This Act shall come into operation on a date to be fixed by proclamation.* Commencement.

3. Section three of the principal Act is amended— Amendment of s. 3, principal Act.

(a) by inserting after the word "leasehold" in the definition of "Run" the words "or place," and by inserting after the word "kept" in the second line of the definition the word "held."

(b) by striking out the word "forty" in the definition of "Travelling stock" and inserting the word "fifteen" in its stead.

4. Section four of the principal Act is hereby amended— Amendment of s. 4, principal Act.

(a) by adding after the words "way bill" in paragraph (a) the words "in triplicate";

* Proclaimed to commence 1st February, 1936. (See *Gazette*, 7th February, 1936.)

- (b) by striking out the words “a duplicate of such way bill” in paragraph (b) and inserting the words “one of such triplicates”;
- (c) by adding paragraphs after paragraph (b) as follows:—
 - (c) before commencing to move the stock send one of such triplicates to the nearest officer of police, together with particulars of the route intended to be taken in the droving of such stock and also the approximate time of arrival at the intended destination;
 - (d) Provided that, where an owner desires to travel stock from one place to another for the purpose of temporary grazing, the way bill may be in the prescribed form and may cover the outward and return movement of the stock.

Amendment of
s. 5, principal
Act.

5. Section five of the principal Act is hereby amended—

- (a) by striking out the word “duplicate” in the fifth line of subsection (1) and inserting the word “triplicate”;
- (b) by striking out the word “duplicate” in the third line of subsection (2) and inserting the word “triplicate” in its stead;
- (c) by striking out the word “duplicate” in the first line of subsection (3) and inserting the word “triplicate” in its stead, and by striking out the words “the other” in the second line of the same subsection and inserting the word “another” in their stead;
- (d) by adding a further subsection as follows:—
 - (4) before commencing to move the stock the proprietor or manager or agent shall send one of such triplicate delivery notes to the nearest officer of police, together with a notification in the prescribed form stating the route intended to be taken in the droving of the stock and the approximate time of arrival at

the intended destination: Provided that, where an owner desires to travel stock from one place to another for the purpose of temporary grazing, the delivery note may be in the prescribed form and may cover the outward and return movement of the stock.

6. Section seven of the principal Act is hereby amended by adding after the word "Perth" in the third line of subsection (2) the words "and to the officer in charge of the nearest police station (where the original is not issued by such officer)."

Amendment of
s. 7, principal
Act.

7. A new section is added after section fifteen of the principal Act:—

New section
15A.

15A. (1.) Subject as hereinafter provided, no sheep shall be removed from any place pursuant to any sale or contract of sale, unless the owner or agent selling the sheep on behalf of the owner—

- (i) first makes out and signs in duplicate a statement relating thereto in the prescribed form;
- (ii) delivers one of such duplicates to the person into whose control or custody the sheep are to be given.

(2.) Every such person, on taking control or custody, whether as principal or agent of any sheep, shall be obliged to obtain the duplicate of the statement and retain it in his possession while the sheep are in course of removal and until they reach their intended destination.

(3.) The owner or his agent giving possession of any such sheep shall retain the remaining duplicate statement in his possession for inspection for at least six months.

(4.) Every person removing sheep as agent shall, after completion of the removal of the sheep to their destination, deliver up the duplicate statement to his principal, who shall keep it in his possession for inspection for at least six months.

(5.) Every person having any such statement in his possession shall at all times on demand produce it for inspection to any justice of the peace, constable, inspector, or authorised agent of an inspector.

(6.) This section shall not apply to any case coming within the provisions of section four or section five of this Act, or to any sheep which are removed pursuant to any sale or contract of sale from any place in the metropolitan area for consignment by rail, or from any approved saleyard for consignment by rail. For the purpose of this section—

- (i) the Governor shall define the metropolitan area by proclamation, and may by any subsequent proclamation vary or amend such definition;
- (ii) the Minister may on payment of the prescribed fee approve of any specified saleyard as a saleyard for the purpose of this section, and may also cancel any such approval from time to time at his discretion.

(7.) Every person who fails or neglects to comply with the provisions of this section shall be guilty of an offence against this Act.

Repeal s. 16
principal Act.
New section
enacted.

8. Section sixteen of the principal Act is hereby repealed and the following substituted therefor:—

16. Every proprietor of travelling sheep shall cause the same to be legibly branded with a woolbrand, in accordance with the provisions of any statutory law relating to branding, and for that purpose no proprietor of travelling sheep shall permit the same to be driven to any place, unless he is the registered proprietor of a woolbrand in accordance with such laws.

Amendment of
s. 21, prin-
cipal Act.

9. Section twenty-one of the principal Act (inserted in the principal Act by Act No. 41 of 1919) is amended by inserting “and section 15A” after the figure “15” in line one of the section.

Citation of
principal Act
as amended.

10. The principal Act as amended by this Act may be cited as the Droving Act, 1902-1935.