



Western Australia.

ANNO SECUNDO

EDWARDI VII. REGIS.

No. XXX.

AN ACT to regulate the Droving of Travelling Stock.

[Assented to, 20th December, 1902.]

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. THIS Act may be cited as the Droving Act, 1902, and shall come into operation on the first day of January, 1903.

Short title and commencement.

2. THE Droving Act, 1894, is hereby repealed.

Repeal.

3. IN this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively:—

Interpretation.

“Drover”—The proprietor or any other person driving or in possession or charge of any travelling stock.

“Inspector”—Any person appointed as an inspector under any Act for the time being regulating the branding of stock.

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“Manager”—The person for the time being in principal charge of any run.

“Constable”—Any officer or member of the police force.

“Proprietor”—The owner or proprietor, jointly or in severalty, of any stock.

“Run”—Any run, station, farm, freehold, or leasehold, where stock are kept or depastured.

“Stock”—Any horse, mare, gelding, colt, filly, ass, mule, camel, bull, cow, ox, heifer, steer, calf, ram, ewe, wether, lamb, or goat.

“Travelling stock”—Any stock taken or driven, or about to be taken or driven, to any place more than forty miles from the run upon which such stock were depastured previous to starting.

Proprietor of travelling stock to provide himself with way bill,

4. WHENEVER the actual proprietor of any stock, or the manager of any such proprietor, intends to act as the drover thereof, he shall—

(a.) Provide himself with a way bill in the form contained in the First Schedule, signed by such proprietor or manager in the presence of a subscribing witness; and

(b.) Send a duplicate of such way bill to the Chief Inspector of Stock in Perth, by posting the same in a letter.

and post duplicate to Chief Inspector of Stock.

First Schedule.

Proprietor to provide drover with delivery note.

5. (1.) WHENEVER any person, other than the actual proprietor or the manager of any such proprietor of any stock, acts as the drover thereof, such proprietor or manager shall make out in duplicate and sign, in the presence of a subscribing witness, a delivery note in the form contained in the Second Schedule.

(2.) One of such duplicate delivery notes shall be delivered to the drover, and the other shall, at the same time, be sent to the Chief Inspector of Stock in Perth, by posting the same in a letter.

and post duplicate to the Chief Inspector of Stock.

Second Schedule.

In event of loss of way bill or note, drover to apply for interim way bill or note.

6. IF the way bill or delivery note of any such travelling stock is accidentally lost or destroyed, the drover in charge thereof shall forthwith apply, in writing, to the nearest Justice of the Peace, or inspector, or to the officer in charge of the nearest police station, for an interim way bill or delivery note, as the case may be.

Justice of the Peace, Inspector, or officer may grant interim way bill or note.

Third Schedule.

7. (1.) SUCH Justice of the Peace, inspector, or officer shall, on satisfactory proof of such loss, and on payment by the applicant of a fee of Five shillings, grant an interim way bill or delivery note for such stock, in the form contained in the Third Schedule.

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(2.) The Justice of the Peace, inspector, or officer shall forthwith send a duplicate of such interim way bill or delivery note to the Chief Inspector of Stock, in Perth, in a registered letter.

8. THE Chief Inspector of Stock, on receipt of an interim way bill or delivery note, shall compare it with the original way bill or delivery note, and if he shall find any difference therein, may cause inquiry to be made, and such proceedings to be taken against the drover as he may think fit.

Inspector to compare interim way bill or delivery note with original.

9. ANY Justice of the Peace, constable, inspector, agent of an inspector authorised by an inspector in that behalf, or any occupier of any run through or along which such stock is, or has been travelling, or any person acting on his behalf, may inspect any travelling stock, and compare the brands or marks thereof with the brands or marks set forth in any such way bill or delivery note, or interim way bill or delivery note.

Way bill or delivery note and stock may be inspected.

10. THE drover of any such stock shall, on being requested so to do, submit the stock in his charge to such inspection accordingly, and shall, when required, produce his way bill or delivery note, or interim way bill or delivery note, as the case may be.

Drover to submit stock to inspection.

11. ANY person inspecting travelling stock as aforesaid, and being satisfied with the correctness of the way bill or delivery note, or interim way bill or delivery note, thereof, shall indorse thereon his name, designation, and address.

Indorsement of way bill or delivery note.

12. ANY Justice of the Peace, upon the complaint or information on oath by the Justice of the Peace, constable, inspector, or agent inspecting such stock—

Drover may, in certain cases, be punished summarily.

- (a.) That the drover had in his charge or possession stock not fully and accurately described in such way bill or delivery note; or
- (b.) Did not produce the way bill or delivery note, or interim way bill or delivery note, relating to such stock, when required as aforesaid.

may issue a summons to such drover to appear at a time and place mentioned in such summons, before any two or more Justices of the Peace, and such drover, so offending, shall be guilty of an offence against this Act.

13. ANY person purchasing or receiving from any drover any stock not described, or incorrectly described, in any such way bill or delivery note, or interim way bill or delivery note, or from any

Purchasing stock incorrectly described in any way bill or delivery note an offence.

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drover who has not produced a written authority from the proprietor of such stock, or his manager, to sell or otherwise dispose of the same, shall be guilty of an offence against this Act.

Travelling stock to be moved certain distances a day.

14. ALL travelling stock shall, if consisting of horses, mares, geldings, colts, fillies, asses, mules, or camels, or of bulls, cows, oxen, heifers, steers, or calves, be moved not less than eight miles a day, and if consisting of sheep, rams, ewes, wethers, lambs, or goats, not less than five miles a day, or when through enclosed lands, seven miles a day, towards their destination.

Proviso.

Provided that if it is made to appear to the satisfaction of any Justice of the Peace, or inspector, or the occupier of the run through or along which such stock are travelling, that, owing to some unforeseen cause, the compliance with the foregoing provisions would entail unnecessary hardship, it shall be competent for any such person to give a written permission varying the requirements of this section, in such manner as he may deem expedient.

Drover to give notice before entering run, and of approach to homestead, etc.

15. (1.) NO drover shall allow any travelling stock to—

- (a.) Enter any enclosed run ; or
- (b.) Approach within ten miles of the homestead or head station on any run ; or
- (c.) Approach within ten miles of the headquarters of any person in charge of stock on any part of any run,

unless he first gives the occupier or manager of such run, or the person in charge as aforesaid, as the case may be, not less than eighteen hours, nor more than three days' written notice of his intention to cross or enter such run.

(2.) Such notice shall specify by what route and on what day and time the stock are to cross or enter the run, and may be served by being left at the homestead, head station, or headquarters respectively.

(3.) No such notice shall be necessary in the case of stock *bona fide* used for saddle, packing, or draught, nor where stock, not exceeding in the whole seven in number, are in charge of a drover.

Travelling sheep to be branded T.

16. EVERY proprietor of travelling sheep shall cause the same to be legibly branded with the letter T on the rump with some suitable composition, such letter to be at least three inches in length, and shall keep such sheep so branded until their arrival at their destination.

Sheep or cattle returning to same district to pay a travelling charge.

17. (1.) IF any travelling sheep or cattle are brought back to the run from which they started to travel, or to any other run of the same owner in the same district, the proprietor of such sheep or cattle shall

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pay to an inspector for such district, or to the Resident Magistrate thereof, a travelling charge at the rate of Twopence per one hundred sheep and Twopence per ten head of cattle per mile for the whole distance such sheep or cattle shall have travelled from the time they started as aforesaid until they were brought back to either of such runs.

(2.) Provided this section and section sixteen shall not apply to any sheep or cattle being *bona fide* moved to another run of the same owner for change of pasture, or for purposes of shearing, nor to any sheep or cattle sent *bona fide* to and returning unsold from market. Exemption.

18. ALL moneys received by inspectors or Resident Magistrates for travelling charges shall be paid by them to the Treasury for the public uses of the State, and all such moneys payable by any proprietor may be recovered summarily before any Justice of the Peace in petty sessions, or by seizure and sale, under the written order of the Resident Magistrate, of the sheep or cattle so brought back as aforesaid. Application and recovery of charges.

19. ANY person who—

- (a.) Commits an offence against this Act; or
- (b.) Neglects to comply with any of the requirements thereof;
or
- (c.) Obstructs or impedes, or attempts to obstruct or impede, any person acting under the authority thereof; or
- (d.) Being the proprietor, manager, or drover of any stock, fails to assist in the inspection of such stock,

shall be liable, on summary conviction before any two or more Justices in petty sessions, to a penalty not exceeding Fifty pounds. Penalty.

20. SECTIONS D, F, G, and H of the Second Schedule to the Interpretation Act, 1898, are incorporated with and taken to form part of this Act to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act. Incorporation of 62
Vict., No. 30,
Schedule 2.

In the name and on behalf of the King I hereby assent
to this Act.

E. A. STONE, Administrator.

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First Schedule.

Section 4.

“*The Droving Act, 1902.*”

PROPRIETOR'S WAY BILL.

I, _____, of _____ declare that I am the actual proprietor (or the manager of A. B., of _____, the proprietor) of the stock named in the schedule below, consisting of [number in words] [description of stock], which are travelling from _____ to _____ by _____

Signed at _____ this _____ day of _____, 190 .
 Before me, _____ (Signature) _____
 (Witness) _____ Proprietor (or Manager).

SCHEDULE REFERRED TO ABOVE.

Number.	Description of Stock.	Brands or Marks of Stock.

(Signature)
 Proprietor (or Manager).

Second Schedule.

Section 5.

“*The Droving Act, 1902.*”

DELIVERY NOTE.

This is to certify that I have here this day delivered into the charge of _____, as my drover, the [state number in words] [description of stock] mentioned in the schedule below, for the purpose of their being _____ by him to _____ at _____

Signed at _____ this _____ day of _____, 19 .
 (Signature) _____
 Before me, _____ Proprietor (address).
 (Witness) _____ [or Manager for _____, of _____.]

SCHEDULE REFERRED TO ABOVE.

Number.	Description of Stock.	Brands or Marks.

(Signature)
 Proprietor (or Manager).

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Third Schedule.

Section 7.

“ *The Droving Act, 1902.* ”

INTERIM WAY BILL (OR DELIVERY NOTE).

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It having been represented to me that _____, the drover of the
[state number in words] [description of stock] belonging to _____,
mentioned in the schedule below, has accidentally lost his way bill (or delivery
note) while travelling from _____ to _____, this interim
way bill (or delivery note) is hereby granted to such drover for such stock.

(Signature)

J.P., Inspector (or Officer).

SCHEDULE ABOVE REFERRED TO.

Number.	Description of Stock.	Brands or Marks.

(Signature)

J.P., Inspector (or Officer).