

DROVING.

10° GEO. V., No. XXIX.

No. 41 of 1919.

AN ACT to amend the Droving Act, 1902.

[Assented to 17th December, 1919.]

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 Amendment Act*, 1919, and shall be read as one with the *Droving Act*, 1902, hereinafter referred to as the principal Act. Short title.

2. Section three of the principal Act is hereby amended by omitting the words "taken or driven or about to be taken or," in the interpretation of the term "travelling stock." Amendment of Sec. 3.

3. Section five of the principal Act is repealed, and a section is inserted in place thereof, as follows:— Repeal of Sec. 5 and substitution of new section.

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 on behalf of such proprietor or manager, the 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. Proprietor to provide drover with delivery note. Second Schedule.

(2.) Whenever the drover acts for himself or as the agent of some other party, the proprietor or manager shall make out in duplicate and sign, in like manner as aforesaid, a delivery note in the form contained in the Third Schedule. Such form shall be signed by both parties in the presence of a subscribing witness. Third Schedule.

Duplicate to be
sent to Chief
Inspector of
Stock.

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

Amendment of
Sec. 7.

4. Section seven of the principal Act is hereby amended, by substituting the words "fourth schedule" for "third schedule."

Amendment of
Sec. 9.

5. Section nine of the principal Act is hereby amended, by omitting the word "occupier," in line three, and inserting the word "manager" in place thereof.

Amendment of
Sec. 10.

6. Section ten of the principal Act is hereby amended, by inserting, in line two, after the word "do," the words "yard to same when a yard is available within two miles when not travelling on a stock route, or at the leaseholder's last gate when travelling on a stock route, and shall"; and by adding a proviso, as follows:—"Provided that the yard shall be in the direction the stock are travelling, and in the case of stock travelling on a stock route the yard is provided by the lessee at the last gate on his run"; and by adding to the section the following words:—"Any drover failing to comply with any provision of this section shall be guilty of an offence against this Act."

Amendment of
Sec. 12.

7. Section twelve of the principal Act is hereby amended, by inserting before the word "agent," in line three, the word "his," and by inserting after the word "agent," in line three, the words "or the manager or other person acting on his behalf."

Amendment of
Sec. 14.

8. Section fourteen of the principal Act is hereby amended, by omitting the word "occupier," in the second line of the proviso, and inserting the word "manager" in place thereof.

Amendment of
Sec. 15.

9. Section fifteen of the principal Act is hereby amended by adding a subsection, as follows:—

(4.) The owner or lessee of a run into which any travelling stock enter shall keep the route clear of his own stock after receiving such notice as aforesaid while the travelling stock are crossing the run.

10. A section is hereby inserted in the principal Act as New Section.
section eighteen (a), as follows:—

18a. No stock shall be driven through or over any run Stock to be kept to stock routes.
on which is a lawfully reserved stock route, except along
such route:

Provided that this section shall not apply—

(a) where stock is being driven to a destination
which cannot be reached by such stock route;

(b) where the drover has obtained the written per-
mission of the owner or manager of the run
to leave the stock route;

but in every case the drover shall drive the stock on the
stock route to the nearest point thereon to his ultimate
destination.

Any drover committing a breach of this section shall
be guilty of an offence against this Act; and shall be
liable, also, to be proceeded against by the owner of any
run, in any court of competent jurisdiction, for recovery
of any damages arising from such breach.

11. Section twenty of the principal Act is hereby amended Amendment of Sec 20.
by omitting the figures “1898” and inserting “1918” in place
thereof.

12. A section is hereby inserted in the principal Act as Application of Act to South-West Division.
section twenty-one, as follows:—

21. (1.) This Act, except section fifteen thereof, shall
not apply within the South-West Division of the State as
defined by the Land Act, 1898, except when travelling
stock are required to cross land held under pastoral
lease.

(2.) In the application of section fifteen to the South-
West division of the State paragraphs (b) and (c) of
subsection (1) thereof shall not apply, and the words
“twelve hours” shall be read in lieu of “eighteen
hours,” and the section shall be subject to a proviso, as
follows:—“Provided that it shall not be necessary for
notice to be given if the stock are driven over a main
road fenced on both sides thereof.”

Insertion of a
new schedule.

13. A schedule is hereby inserted in the principal Act as the Third Schedule, as follows:—

THIRD SCHEDULE.

THE DROVING ACT, 1902.

Delivery Note.

This is to certify that I have here this day delivered into the charge of _____, as drover, the stock mentioned below, as (*state whether as the purchaser or lessee thereof or as agent for* _____, of _____, or how otherwise).

And I the said (*drover*), _____, certify that I am about to drive such stock to (*state place*) _____, for (*state whether for his own account or for delivery to* _____) _____.

Number.	Description of Stock.	Brands or Marks.

Signed at _____, this _____ day of _____, 19 _____.

Signature (*proprietor or manager*)

(Address)

Signature (*drover*)

Before me—

(*witness*)

Amendment of
Third Schedule.

14. The Third Schedule to the principal Act is hereby amended, by substituting the word “Fourth” for the word “Third.”

Reprinting of
principal Act
with amend-
ments.

15. All copies of the principal Act printed by the Government Printer shall be printed as amended by this Act under the supervision of the Clerk of Parliaments and all necessary references made in the margin. In such reprint section eighteen (a) of this Act may be numbered section nineteen, and the following sections of the principal Act may be renumbered accordingly.