

Legislative Council.

No. , 1901.

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## A BILL

For the prevention of the stealing of stock, hides, and skins ; to regulate the receipt, holding, sale, and other disposal of the same ; to regulate the slaughtering and skinning of stock ; to amend the Act Fifth William the Fourth number one ; and for purposes consequent upon and incidental to such objects.

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**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

*Preliminary.*

1. This Act may be cited as the "Stock Stealing Prevention Short title. Act, 1901," and shall take effect on the                      day of (hereinafter called the commencement of this Act).

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2. In this Act, unless the context otherwise requires,— Definitions.
- “Brand” means the impression of any letter, sign, figure, or character on any stock, or on any portion of the body thereof, including the horns (if any) and the hoof by burning, tattooing, or with paint, pitch, tar, raddle, lamp-black, or other material.
- “Cattle” means bull, cow, ox, heifer, steer, or calf.
- “Dealer” means a person whose business it is, whether in connection with or in addition to any other business or not, to buy and sell or otherwise dispose of stock, hides, or skins on his own account.
- “Director” means director of the board of directors in any district as constituted by the Pastures and Stock Protection Act, 1898, or any Act repealed by the same.
- “Horse” means horse, mare, gelding, colt, filly, or foal.
- “Inspector” means inspector of sheep appointed under the Diseases in Sheep Act of 1866, as amended by the Diseases in Sheep Acts Amendment Act of 1878, and any person appointed under the last-named Act to act as an inspector.
- “Justice” means justice of the peace.
- “Mark” means mark made on the ear or other portion of stock to denote the ownership, breed, class, age, sex, or any other matter or thing relating to stock.
- “Owner” includes the authorised agent or superintendent of the owner.
- “Prescribed” means prescribed by this Act or the regulations made thereunder.
- “Salesman” means a person whose business it is, whether in connection with or in addition to any other business or not, to receive and hold, or sell, or otherwise dispose of stock, hides, or skins for or on behalf of another person.
- “Sheep” means ram, ewe, wether, or lamb.
- “Stock” means horse, ass, mule, camel, head of cattle, sheep, goat, or pig.

*Regulation of sales of stock, hides, and skins.*

3. (1) Any person may, at any time after the passing of this Act, apply in the prescribed manner to the clerk of the petty sessions office nearest to the residence of such person for a certificate of registration as a dealer or salesman. Stock salesmen and dealers to be registered.

The said clerk shall thereupon notify the officer in charge of the nearest police station of such application, and if within *fourteen* days from the issue of such notification no objections are lodged by such officer the clerk shall, in the prescribed manner, register such person, and issue such certificate. If any objections are lodged by the

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the said officer, the clerk shall refer the application to the court of petty sessions held next after the day on which the objections are received.

The court shall thereupon grant or refuse such application, and in the former case the clerk shall in the prescribed manner register such person and issue such certificate.

Every certificate issued under this section shall be in force until the thirty-first day of December then next ensuing, and may on application be renewed from year to year.

The procedure on an application for a renewal of a certificate shall be the same as an application for an original certificate.

(2) Any dealer or salesman other than a person holding a certificate issued and in force under this section, or an auctioneer holding a license under the Auctioneers' Licensing Act, 1898, or a person authorised by or under that Act to sell without such license, who receives any stock, hides, or skins—

- (a) for the purpose of selling or otherwise disposing of the same on his own account; or
  - (b) for the purpose of holding, selling, or otherwise disposing of the same for and on behalf of any other person,
- shall be liable to a penalty not exceeding *twenty* pounds.

4. (1) Every person who—

- (a) sells or otherwise disposes of and delivers any stock, hides, or skins to any other person; or
  - (b) delivers or causes to be delivered any stock, hides, or skins to any other person to hold, or for sale or other disposal,
- shall sign and give to such other person a document in writing, containing a description of the said stock, hides, or skins and of the brands and marks on the same, and a statement of the date on which such stock, hides, or skins were so delivered.

Any person who sells, disposes of, delivers or causes to be delivered any stock, hides, or skins as aforesaid, and fails to sign and give as above required a document containing the matters aforesaid, shall be liable to a penalty not exceeding *twenty* pounds.

(2) Every person to whom any stock, hides, or skins are delivered as aforesaid shall produce the same if in his possession, and any document given to him as aforesaid in respect of such stock, hides, or skins to any director, justice, inspector, or officer of police on demand within a period of six months from the date of such delivery.

Any person who neglects or refuses on demand as aforesaid to produce within the said period any stock, hides, or skins in his possession delivered to him as aforesaid, or any document given to him as aforesaid in respect of such stock, hides, or skins shall be liable to a penalty not exceeding *twenty* pounds.

Penalty.  
Persons delivering stock to give document containing description, and persons receiving stock or document to produce same.

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5. After the expiration of six months from the commencement of this Act, no person shall sell any sheepskin to which both of the ears are not attached, or from either ear of which more than one-fourth is cut off, except where the ear has been unavoidably destroyed or mutilated, in which case the person selling the sheepskin shall make a statutory declaration stating, to the best of his knowledge, information, or belief, the cause of the destruction or mutilation, and shall deliver such declaration with the sheepskin. Any person who contravenes any provision of this section shall be liable to a penalty not exceeding *twenty* pounds.

Sheepskins not to be sold without ears.

*Regulation of the slaughtering of stock.*

6. (1) Every person who desires to slaughter stock at any slaughter-house, slaughter-yard, or other place not being an abattoir established under the Act fourteen Victoria, number thirty-six, or an abattoir established by a municipality, or a slaughter-house or premises in respect of which a license is held, or which is registered under Part II of the Noxious Trades and Cattle Slaughtering Act, 1894, may at any time after the passing of this Act apply to the officer-in-charge of the nearest police station for the registration of such slaughter-house, slaughter-yard, or place, and the said officer shall thereupon register the same.

Slaughter houses and yards to be registered.

Such registration shall be in force until the thirty-first day of December next ensuing, but shall be renewed annually on application to any such officer.

(2) Any person who, at any slaughter-house, slaughter-yard, or other place not registered under this section, and not being an abattoir or a slaughter-house or any premises excepted as aforesaid, slaughters, or causes to be slaughtered, any stock shall, unless he proves that the stock were—

- (a) stock which had met with an accident making it necessary to destroy the same; or
- (b) starving stock; or
- (c) stock required for rations at out-stations or station camps; or
- (d) stock required for rations by drovers while travelling in charge of stock; or
- (e) wild or unmanageable stock (in which latter case the stock shall not be skinned or dressed),

be liable to a penalty not exceeding *fifty* pounds.

7. Every person who slaughters, or causes to be slaughtered, any stock, or removes, or causes to be removed, the skins from any stock shall,—

Duties of persons slaughtering stock.

- (a) in a book to be provided by him for the purpose, make a clear and legible entry describing such stock and the brands and marks thereon, and stating the place where and time when such stock were slaughtered or skinned; (b)

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- (b) at any time within twelve months after such entry is made therein, produce such book to any director, justice, inspector, or officer of police, on demand ;
- (c) in dressing any sheep take off the whole of the skin thereof and the ears, and in dressing any cattle take off the whole of the hide and ears, provided that it shall not be necessary to take off the skin or hide on the head or on the legs below the knee ;
- (d) keep carefully such skin, hide, and ears, and the brands and marks, and the wool and hair thereon, until the same has been inspected by an inspector, inspector of slaughter-houses, or officer of police, or until the expiration of a period of fourteen days from the day when the stock were slaughtered whichever event first happens.
- (e) on demand by any director, justice, inspector, inspector of slaughter-houses, or officer of police, at any time within fourteen days after the slaughter of the stock, produce the skin, ears, and the hair, or wool of the stock, and permit the same to be examined and marked for identification.

Any such person who fails to carry out any of the provisions of this section shall be liable to a penalty not exceeding *twenty* pounds.

**8.** Any person who—

- (a) wilfully or negligently cuts off, destroys, defaces, or alters any brand or mark on any slaughtered stock, or on the hide, skin, hair or wool of any such stock, or is privy to any such cutting off, destruction, defacement, or alteration ; or,
- (b) places on the hide or skin of any slaughtered stock, or on any hide or skin any brand or mark, or cuts off the ear of the hide or skin of any slaughtered stock,

Defacement of  
brands and marks.

shall be liable to a penalty not exceeding *one hundred* pounds :

Provided that this section shall not apply in the case of the cutting off or destruction of any brand or mark on any hide or skin or on the hair or wool thereof, or the cutting off of the ear of any hide or skin where the defendant proves that such act was done for the purpose of tanning or fellmongering or of preparing such hide or skin for tanning, fellmongering, or export.

**9.** Any person who slaughters any stock on any land of which he is not the owner, lessee, or licensee, shall, unless he proves that he had first obtained the permission of the owner or occupier of such land, or that the stock were—

Stock not to be  
slaughtered without  
permission of  
owner or lessee of  
land.

- (a) stock which has met with an accident making it necessary to destroy the same ; or
- (b) starving stock ; or
- (c) stock required for rations at out-stations or station camps ; or
- (d) stock required for rations by drovers while travelling in charge of stock ; or
- (e)

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(e) wild or unmanageable stock (in which case the stock shall not be skinned or dressed),  
be liable to a penalty not exceeding *twenty* pounds.

10. The duties, powers, and authorities imposed and conferred upon inspectors of slaughter-houses and of cattle intended for slaughter by section four of the Act Fifth William Fourth number one in respect of cattle are hereby, and so far as practicable, imposed and conferred upon such inspectors in respect of sheep; and the notices required by section five of that Act to be given in respect of cattle shall be given in respect of sheep.

Provision of sections 4 and 5 of 5 Wm. IV No. 1 as to cattle to apply to sheep.

*General and supplemental.*

11. In any prosecution for stealing or for receiving, knowing to be stolen, any stock or any hides or skins of any stock, proof that the brands or marks on such stock, hides, or skins, or on the hair or wool thereof, are the brands or marks recorded or registered under any Act as the brands or marks of any person in respect of that description of stock shall be prima facie evidence that such stock were the stock of such person.

Evidence of ownership in prosecution for stealing stock, hides, or skins.

12. In any prosecution for failing to do anything prescribed relating to the slaughtering of stock, or the treatment of slaughtered stock or the hides, skins, hair, wool, or of the same, the burden of proving that such things were done as prescribed shall lie upon the defendant.

Proof in prosecution for offences against this Act.

13. Where any director, justice, inspector, or officer of police has reason to believe that any offence against this Act has been or is being committed in or on any premises or vehicle, he may enter and search such premises or vehicle and seize any stock, hides or skins, or any books or records relating thereto, or other like matters therein.

Entry.

14. The Governor may make regulations for carrying this Act into effect, and may in any such regulations impose penalties not exceeding in any case *ten* pounds for any breach thereof. All such regulations shall, when published in the Gazette, have the force of law, and shall be laid before both Houses of Parliament within fourteen days of such publication if Parliament is in session, or within fourteen days from the commencement of the next ensuing session if Parliament is not in session.

Regulations.

15. Every person who contravenes any provision of this Act for the contravention of which no specific penalty is provided, shall be liable to a penalty not exceeding *twenty* pounds.

Penalty where no specific penalty provided.

16. All penalties imposed by or under this Act may be recovered in a summary way before a court of petty sessions, and shall be paid to the Colonial Treasurer.

Recovery of penalties.