

No. , 1901.

A BILL

To make better provision for the travelling of stock and for the regulation of travelling stock ; to provide reserves and driftways for such stock, and for the management, regulation, and improvement of such reserves and driftways ; for the mustering, collecting, and driving of stock ; and for purposes consequent on or incidental to those objects.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5

PART I.

PRELIMINARY.

1. This Act may be cited as the "Travelling Stock Act, 1901," Title and commencement. and shall take effect on the first day of , one thousand nine hundred and .

85193

359—A (5)

2.

Division of Act.

2. This Act is divided into the following Parts :—

PART I.—PRELIMINARY—*ss.* 1–7.

PART II.—RESERVES AND DRIFTWAYS—*ss.* 8–18.

PART III.—MUSTERING AND DRIVING—*ss.* 19–22.

PART IV.—PERMITS AND TRAVELLING STATEMENTS—*ss.* 23–30. 5

PART V.—RULES OF TRAVELLING—*ss.* 31–42.

PART VI.—FINANCE—*ss.* 43, 44.

PART VII.—SUPPLEMENTAL—*ss.* 45–57.

Repeal.

3. The Acts mentioned in Schedule One are, to the extent therein set forth, hereby repealed. 10

Interpretation.

4. In this Act, unless the context otherwise indicates,—

“Board” or “local stock board” means board of directors constituted under the Pastures and Stock Protection Act, 1898, for the district.

“Cattle” means bull, cow, ox, heifer, steer, or calf. 15

“Director” means director of the board.

“District” means sheep district as defined under any Act relating to diseases in sheep.

“Driftway” means road declared under this Act to be a driftway.

“Drover” means person in charge of travelling stock. 20

“Horse” means horse, mare, gelding, colt, filly, or foal.

“Inspector” means inspector appointed under the Stock Act, 1901, or any Act repealed by that Act.

“Justice” means justice of the peace.

“Large stock” means cattle, horses, camels, asses, and mules. 25

“Local land board” means land board of the land district in which the land in question is situate.

“Minister” means Minister of the Crown charged with the administration of this Act.

“Occupier” includes the superintendent of a run or any person 30 in the authorised charge of a run.

“Owner of stock” includes the superintendent, consignee, or agent of the owner.

“Prescribed” means prescribed by this Act or by the regulations.

“Road” includes track dedicated to the public, or which has been 35 ordinarily used by the public for ten years at least as a track for driving stock.

“Run” means land, place, or premises, where stock are kept, or depastured.

“Stock” means large stock, sheep, goats, and pigs. 40

“The regulations” means the regulations made under this Act.

“Travelling

Travelling Stock.

3

“Travelling stock” means stock taken or driven on any road or on any land other than that on which they are ordinarily kept or pastured, or carried on any railway or vessel, but not stock in actual work.

5 “Travelling stock reserve” means land set apart before or after the commencement of this Act for travelling stock or as a stock route, or on which travelling stock have the right of camping, resting, watering, travelling, or depasturing, but does not include any reserve declared under the Public
10 Watering Places Act, 1900, to be a public watering place.

5. Travelling stock traffic within any district shall, subject to the direction of the Minister, be under the supervision of the inspector. Supervision of travelling stock traffic.

15 6. An inspector may, within his district, at any time enter any land and inspect any travelling stock, and take possession of stock trespassing upon any travelling stock reserve, or in respect of which any breach of this Act or the regulations has been or is being committed, and detain such stock until the requirements of this Act and the regulations are complied with. Inspectors may enter land and seize and detain stock.

20 7. An inspector may where necessary employ any person to assist him in carrying out the provisions of this Act or the regulations; and the owner of stock through whose neglect or omission or other default, or in respect of whose stock such person has been so employed, shall on demand repay the expense of the same to the inspector. Inspector may employ assistants and recover from defaulting owner.

25

PART II.

RESERVES AND DRIFTWAYS.

8. (1) Lands may be reserved and set apart under the Crown Lands Act of 1884, and any Acts amending the same, as reserves for travelling stock or as stock routes, or on which travelling stock shall
30 have the right of camping, resting, watering, travelling, or depasturing, and such reserves may be cancelled or the boundaries thereof may be altered, and the land within such reserves may be withdrawn from lease or license under and subject to the provisions of the said Acts : How reserves may be notified and withdrawn from lease.

35 Provided that such reservation, setting apart, cancellation, alteration, or withdrawal shall in each case be made after reference to the local land board, and with the approval of the Secretary for Mines and the concurrence of the Secretary for Lands and shall be notified to the local stock board.

40 of this section— (2) Where any reserve is withdrawn from lease in pursuance Provisions where reserve withdrawn from lease.

(a) any compensation for improvements on the reserve payable to the outgoing Crown tenant shall be payable after appraisal by the local land board out of the travelling stock account; and

(b)

Reserves to be sixty chains wide.

(b) no rent shall be charged to the board by the Crown for the use of the reserve for the purposes of this Act.

(3) Where Crown lands are available, travelling stock reserves shall not be less than sixty chains wide, unless the Minister thinks such width in the circumstances unnecessary. 5

Savings.

(4) Nothing in this section shall prevent any travelling stock reserve or any part thereof being declared under the Public Watering Places Act, 1900, to be a public watering place, or shall apply to the making or revoking of reserves within the meaning of the Public Watering Places Act, 1900, for the purpose of declaring such reserves 10 to be public watering places under that Act.

Driftways.

9. (1) The Governor by notice in the Gazette may declare any road to be a driftway.

Driftways may be altered or cancelled.

(2) The Governor may, subject to the approval of the Secretary for Mines and the concurrence of the Secretary for Lands, 15 by notification in the Gazette, cancel any driftway or alter the boundaries of any driftway, but only after notice of such intended cancellation or alteration has been given to the chairman of the board for the district in which such driftway is situated, and an opportunity has been afforded to such board to be heard with respect thereto. 20 The manner of such hearing shall be as prescribed.

Boards to have the general management of the reserves and driftways.

10. The boards shall, under the control of the Minister and subject to the regulations, and subject also to the rights of the Crown tenants and licensees of lands within any travelling stock reserves, have the general management of all travelling stock reserves and all 25 driftways in their respective districts, and may, subject as aforesaid, take such measures for the protection of such reserves and driftways from trespass and noxious animals, and their improvement by conservation of water, fencing, ringbarking, and other means as may be deemed advisable. 30

Stock trespassing on reserve.

Penalty.

11. (1) Except as hereinafter provided, if any stock other than bona fide travelling stock and stock in actual work are found on any travelling stock reserve or driftway, whether or not such reserve or driftway is marked or notified as in this Act provided, the owner of such stock shall, on the prosecution of the inspector for the district 35 in which such reserve is situate, or a director, be liable to a penalty not exceeding *ten* pounds; and if after conviction for such offence the same or any other such stock belonging to the same owner are found on the same reserve or driftway such owner shall be liable as aforesaid to a penalty not exceeding *fifteen* pounds, and for the third 40 or any subsequent conviction for such offence to a penalty of not less than *five* pounds and not exceeding *twenty-five* pounds.

Lessees of reserves right to pasture.

(2) Provided that where any such reserve or any part thereof is under lease or license from the Crown, the stock of the tenant or licensee, or of any person holding from such tenant under a sublease 45 made with the consent of the Minister, may be kept and depastured on such reserve or on such part thereof. 12.

Travelling Stock.

5

12. Instead of prosecuting for a penalty for trespass by stock upon a travelling stock reserve or driftway, any person authorised so to prosecute may impound the stock so trespassing, and for that purpose shall have the powers conferred on an occupant by the 5 Impounding Act, 1893, and any Act amending the same; and the provisions of those Acts shall apply in respect of any impounding under this section and in respect of the stock so impounded, but the damages for such trespass shall be at the rates fixed by Schedule Two to this Act, and double such rates for every second or subsequent 10 trespass on the same reserve or driftway by stock belonging to the same owner.

Instead of prosecuting owner for trespass, stock may be impounded.

13. No person shall enclose any travelling stock reserve or driftway unless under the prescribed conditions; and where any fence now exists on any such reserve or driftway the person owning such 15 fence shall forthwith at his own expense provide free ingress and egress by sufficient gates in such fence, of the description and dimensions and at the places directed by the board, and distinguished by being painted the colour prescribed. If any such person contravenes or fails to comply with any provisions of this section, he shall be liable to a 20 penalty not exceeding *twenty* pounds.

Reserve or driftway not to be enclosed except under conditions prescribed.

14. If a travelling stock reserve or any part thereof which is under annual lease or license from the Crown is overstocked, the tenant or licensee shall, on conviction, be liable to a penalty not exceeding *fifty* pounds, and to have his lease or license forfeited:

Reserve under lease or license not to be overstocked.

25 Provided that a prosecution for such offence shall not be commenced unless the board is of opinion that the reserve or part thereof is overstocked, and orders the prosecution.

At the hearing the burden of proving that the reserve or part thereof was not overstocked shall lie on the defendant.

30 15. Any lessee or licensee of a travelling stock reserve or any part thereof may, with the approval of the board, apply to the Secretary for Lands to surrender such lease or determine such license, and on obtaining the approval of the said Secretary may so surrender or determine such lease or license.

Lease or license of reserve may be surrendered.

35 16. All travelling stock reserves shall be plainly and legibly marked, and all driftways shall be notified as prescribed.

Reserves to be marked.

17. All bona fide travelling stock may, subject to this Act and the regulations, be camped, watered, depastured, and driven on any travelling stock reserve or driftway, and may, with the sanction of the 40 inspector or a director, be kept for a period not exceeding forty-eight hours on any such reserve for the purpose of branding or for carrying out any other necessary provision of this or of any other Act or of any regulations thereunder.

Travelling stock may use reserves.

Travelling stock may remain on reserve by order of inspector.

18.

Saving right of
Crown tenant to
impound or sue for
trespass.

18. Nothing in this Part of the Act shall affect or prejudice the right of the Crown lessee or licensee of land in any reserve to impound stock trespassing on such land or to sue for damages for such trespass.

PART III.

MUSTERING AND DRIVING.

5

Mustering.

Notice of mustering.

19. (1) Where any owner of fifty or more sheep, or twenty or more horses or cattle, proposes to muster any such stock on his run for the purpose of travelling, shearing, branding, marking, or weaning the same or removing them from the run, he shall, not less than 10 twenty-four hours nor more than five days before commencing to muster such stock, serve personally or by post on the occupier of any run adjoining his said run, or separated therefrom by a road only, and who is possessed of stock of a kind similar to the stock to be mustered and of a number equal to or greater than that abovementioned, a notice 15 in writing of the times when and places where it is proposed to muster such stock :

Provided that such notice need not be so served on any such occupier who by document in writing, served personally or by post on such owner, waives his right to such notice. 20

Attending muster.

(2) Such owner shall allow any such occupier and his agents and servants to attend such mustering.

Penalty.

(3) If any such owner mustering any such stock fails to serve any notice as aforesaid on any such occupier, he shall, unless he proves that he received from that occupier a document in writing 25 waiving his right to such notice, be liable to a penalty not exceeding *fifty* pounds.

Driving.

Notice by drover of
travelling stock
straying on a run.

20. Where the drover of travelling stock has reason to believe that any of his stock, or any stock in actual work by him, have strayed 30 and are then on any run, he may, subject to the provisions of this Act, enter such run and search for, drive, and remove any such stock. But, except where the part of the run proposed to be entered is included in a travelling stock reserve or is Crown land on which such stock are lawfully travelling, such drover shall, not less than twenty-four hours 35 nor more than forty-eight hours before such entry, serve personally on the occupier of such run a notice in the form prescribed, and shall give the occupier an opportunity to accompany him or send a servant with him.

21.

21. Where the owner of any stock other than travelling stock, and large stock in actual work by the drover of such stock, has reason to believe that any of such stock have strayed, and are then on the run of any other person, such owner may, subject to the provisions of this Act, enter such run and search for and remove such stock, subject to the provisions of this Part of this Act and to the following conditions:—

Notice by owner of other stock so straying.

- (a) Such owner shall not enter the run for the purpose aforesaid more than once in any three months.
- 10 (b) Such owner shall, at least two days before such entry, serve personally on the occupier of such run a notice in the form prescribed, but if before the day named for such entry he receives from such occupier a notice in writing that such occupier objects to such entry, he shall not enter, except in pursuance of an order of a director of the board as hereinafter provided.
- 15 (c) If such notice of objection is received, such owner may apply to a director of the board who may make such order as he may think fit, after hearing the objections of the occupier.

22. No drover, owner, or other person shall, for the purpose of searching for, driving, or removing stock,—

Prohibitions and penalties.

- (a) enter any run, except under the authority of this Part of this Act; or,
- 25 (b) except in the case of an entry by the drover of travelling stock on the part of a run included in a travelling stock reserve or being Crown land on which such stock are lawfully travelling, or in the case of the mustering of stock, remain on such run for more than twenty-four hours without the permission in writing of the occupier of such run; or
- 30 (c) without such permission, enter any paddock where sheep are lambing; or
- (d) refuse or fail when required by the occupier of the run to take the stock to the yard of such occupier, and draft them there before removing them from the run; or
- 35 (e) drive any stock other than stock of which he has charge or of which he is the owner off such run without the permission in writing of the occupier of such run.

And if any drover, owner, or other person contravenes or fails to comply with any of the provisions of this section, he shall be liable to a penalty not exceeding *one hundred* pounds, or to imprisonment for any period not exceeding six months.

PART IV.

PERMITS AND TRAVELLING STATEMENTS.

1. *The issue of permits for travelling stock.*

Meaning of "permit" and "travelling statement."

Act,— 23. For the purpose of this and the following Parts of this 5

- (a) a "permit" is a document in the prescribed form, to be obtained on application made in the prescribed manner to the inspector for the district in which the stock then are, or to a director, or to any person authorised in that behalf by the Minister on the recommendation of the board; 10
- (b) a "travelling statement" is a document in the prescribed form, and containing the prescribed particulars, signed by the owner of stock which it is intended to travel; such statement shall be retained by the owner, where he is the drover of the stock, and in any other case shall be issued by 15 the owner to the drover in charge of such stock;
- (c) a permit or travelling statement shall contain a description of the stock which it is intended shall travel, and a statement of the route by which it is intended they shall travel, and of the destination of the stock. 20

Stock travelling more than forty miles.

24. (1) No stock other than large stock actually in work shall commence to travel a distance greater than forty miles unless—

- (a) the drover of such stock is the holder of a valid permit; and
(b) the authorised travelling charges are paid.

Stock travelling up to forty miles.

(2) No stock other than large stock actually in work shall 25 commence to travel any distance not exceeding forty miles unless—

- (a) the drover of such stock is the holder of a valid permit; or
(b) the drover is the holder of a valid travelling statement, a copy of which shall be served on the inspector; and
(c) the authorised travelling charges are paid: 30

Provided that the above provisions shall not apply to the removal of any stock from one part to any other part of lands of the same occupier distant not more than ten miles from each other.

Stock to commence to travel within fourteen days.

(3) If the stock mentioned in any permit or travelling statement do not commence to travel within fourteen days after 35 the issue thereof, such permit or travelling statement shall, on the expiration of such fourteen days, be invalid and void.

Penalties.

(4) If stock commence to travel in contravention of this section, the owner or drover of such stock shall be liable to a penalty not exceeding *fifty* pounds. 40

If an owner acting as drover or furnishing his drover with a travelling statement does not serve on the inspector of the district a copy of such travelling statement, within the time prescribed, he shall be liable to a penalty not exceeding *twenty-five* pounds. 2.

Travelling Stock.

9

2. Lost permit or travelling statement.

25. (1) If a drover, furnished with a permit or travelling statement, loses the same, he may make an application in writing to the nearest inspector or director for an interim permit, which application shall be accompanied with a statutory declaration made by him before a justice in the form and containing the particulars prescribed.

Drover losing permit or travelling statement may apply for interim permit.

(2) On full consideration of such application and declaration, and on being satisfied that the stock are correctly described therein, and on payment of the prescribed fee, such inspector or director may grant an interim permit, authorising the applicant to travel such stock to the destination mentioned in the original permit or travelling statement.

Issue of such permit.

3. Production of permit or travelling statement.

26. (1) Every drover shall upon demand produce and show the permit or travelling statement authorising his stock to travel, to any justice, director, inspector, officer of police, officer of the board, or occupier of any run through which or along the boundary of which such stock may be travelling, or to the lessee, caretaker, or person in the possession or charge of any public watering-place, and shall allow such person to compare, and shall assist him in comparing, the stock with the particulars of the stock described in such permit or travelling statement.

Drover to produce permit and allow stock to be examined.

(2) Any director or inspector may make such additions to or amendments in the permit or travelling statement as may be thought by him to be necessary in order to more clearly define the route to be taken by the stock, and the destination of the same; and may correct any inaccuracies or ambiguities in any permit or travelling statement.

Director or inspector may amend permit or travelling statement.

(3) Every drover, on the arrival of the stock in his charge at their destination, shall with such stock hand over the permit or travelling statement for the same to the consignee or the person taking delivery from him of the stock; and such consignee or person shall see that the stock agree with the particulars of the stock described in such permit or travelling statement, and shall, within seven days, remit the permit or travelling statement to the inspector or director of the district in which such stock then are.

Drover to hand over permit with stock.

(4) No drover shall transfer the stock in his charge, or any part thereof, to any other drover before the prescribed alteration has been made by the inspector in the permit or travelling statement for such stock, or a fresh permit or travelling statement has been obtained.

How transfer of stock from one drover to another is to be made.

(5)

Penalty for any breach of this section.

Drover may in certain cases be apprehended.

Stock sent on to destination.

Stock illegally in drover's charge may be impounded.

(5) Every drover neglecting or refusing to comply with or offending against any of the provisions of this section shall on conviction be liable to a penalty not exceeding *twenty-five* pounds.

27. (1) If the inspector, or other person authorised by this Act to view any permit or travelling statement, has any good reason to suspect or believe that the drover is in the unauthorised possession of travelling stock, such inspector or person may without warrant apprehend such drover and take him before any justice, who shall deal with such drover as the case may require. 5

(2) In such case where any stock in the possession of the 10 drover are not described, or are not correctly described in any permit or travelling statement, all stock correctly described in such permit or travelling statement may by order of any justice be forwarded to their destination at the risk and expense of their owner.

28. Any justice, director, inspector, or officer of police, or 15 officer of the board, to whom any permit or travelling statement is produced may cause any travelling stock not therein described, or not therein correctly described, to be put in some place for safe keeping, or placed in the nearest pound, and kept there at the expense of the drover. 20

Stock so impounded shall be dealt with as stock impounded for trespass: Provided that the sale by the poundkeeper of any such stock may be deferred at the instance of the justice, director, inspector, or officer impounding the same.

4. *Purchasing travelling stock.*

25

Stock not in drover's permit not to be purchased from him.

29. (1) No person shall purchase from a drover any travelling stock not described in a permit or travelling statement then held by such drover, nor any such stock for which the drover (not being the owner of the stock) does not produce a written authority from such owner to the drover to dispose of. 30

Penalty.

(2) Any person committing a breach of any of the provisions of this section shall on conviction be liable to a penalty not exceeding *fifty* pounds.

5. *Travelling Charges.*

Large stock and sheep to pay travelling charges.

30. (1) For the purpose of raising funds for the maintenance 35 and improvement of travelling stock reserves, driftways, and roads, travelling charges according to the scale mentioned in Schedule Three, shall be levied in respect of travelling stock:

Provided that no charge shall be payable in respect of stock in the Eastern Land Division of the Colony which travel any distance 40 not exceeding thirty miles, and do not use any travelling stock reserve or driftway; and that in computing distances for the purposes of this section and Schedule Three, any distance travelled by railway shall not be taken into account. (2)

Travelling Stock.

11

(2) Every applicant for a permit to travel stock shall, with his application, and every person intending to travel such stock on a travelling statement shall, before commencing to travel such stock, tender the prescribed travelling charges. When travelling charges to be paid.

5 (3) Such charges shall be payable as prescribed for the whole distance from the place at which such stock in travelling first touch on a stock route or road to their destination: Provided that if the stock do not travel the whole distance paid for, the owner shall be entitled to a proportionate refund of the travelling charges so paid: Charges payable for whole distance.

10 (4) The money collected as travelling charges shall be paid into the Treasury and placed to the credit of the Travelling Stock Account. Charges collected to be paid into special account at Treasury.

PART V.

RULES OF TRAVELLING.

15 1. *As to the route.*

31. All travelling stock shall be taken by the most direct practicable route ordinarily used for travelling stock to the destination mentioned in the permit or travelling statement: Provided that such route or destination may, on application being made in the prescribed manner, be varied by an inspector by endorsement on, or amendment of the permit or travelling statement, or by the issue of a fresh permit, according as the regulations may prescribe; and on payment of the prescribed charges. Travelling stock to be taken by direct route.

25 32. (1) Where a travelling stock reserve has been marked, or where a driftway has been notified under this Act, all travelling stock shall, except where otherwise in this Act provided, and so far as practicable, be driven thereon, and the right to drive, depasture, water, or camp such stock on other Crown lands near or along such reserve or driftway shall thereupon cease and determine. Where reserves are marked, travelling stock to use them.

30 (2) Where it is not practicable to drive stock on such reserve or driftway, travelling stock shall, except where otherwise provided as aforesaid, be travelled by the most direct practicable road in the direction of their destination. Where no reserve, drover to take most direct road.

35 (3) No travelling stock shall be travelled along a road not declared to be a driftway passing through any homestead paddock, except where such paddock is included in a reserve, or where no other practicable direct route is available. Stock not to be taken through homestead paddock.

40 (4) Any person who commits a breach of any of the provisions of this section shall, on conviction, be liable to a penalty not exceeding *twenty* pounds. Penalty.

33.

Rate at which stock are to travel.

33. (1) Unless prevented by rain or flood, or delayed or stopped for any other necessary cause, all travelling horses and cattle shall be moved at least ten miles, and all travelling sheep and large stock in actual work shall be moved at least six miles in one and the same direction during the twenty-four hours from six o'clock in the morning of one day to the same hour in the morning of the next following day. 5

Distance may be reduced where stock are weak.

(2) The distances hereinbefore mentioned may be reduced to eight and four miles respectively in the case of any stock which the inspector certifies are unable through poverty or otherwise to travel the longer distances above prescribed. 10

Penalty.

(3) If any drover or other person fails to comply with the provisions of this section, he shall be liable to a penalty not exceeding *fifty* pounds.

Stock detained by flood or otherwise to pay grass charge to occupier of run.

34. (1) If any travelling stock are delayed or stopped on Crown lands by rain or flood, or for any other necessary cause beyond twenty-four hours, such stock and any large stock in actual work by the drover may be kept and depastured on such lands, and the drover shall for every twenty-four hours or portion of twenty-four hours during which the stock are so kept pay to the occupier of the land on demand a grazing charge of one-eighth of a penny each for sheep, and one penny per head for other stock. 15 20

Travelling stock may go round flood-waters.

35. It shall be lawful for travelling stock to leave the reserve, driftway, or road by which they are travelling, and proceed round flood-water on Crown lands making from point to point by the nearest practicable way until they can again reach a reserve, driftway, or road leading in the direction in which they are travelling. 25

Penalty for keeping travelling stock from food or water.

36. Whosoever personally or by the erection of any building or fence or by any other means unlawfully obstructs travelling stock in the use of any travelling stock reserve, driftway, or road, or any pasture or water thereon to which they are entitled shall, on conviction, be liable to a penalty not exceeding *twenty* pounds. 30

2. Notices to be given by drover while travelling.

Notice to proprietors of adjoining runs.

37. (1) Any drover intending to take his travelling stock along a road intersecting or forming a boundary of any run containing not less than one thousand acres shall give the occupier of such run notice of such intention in the form within the time and containing the particulars prescribed: Provided that such notice need not be given in respect of sheep carried in a conveyance. 35

Penalty.

(2) Every drover who fails to give the notice required by this section shall be liable to a penalty not exceeding *ten* pounds. 40

3. Prevention of loafing.

Where stock removed from their destination within three months of arrival.

38. (1) No stock other than stock in actual work shall, within three months after their arrival at a destination to which they have travelled

Travelling Stock.

13

travelled under a permit or travelling statement, commence to travel otherwise than by railway to any other destination, unless—

- (a) a permit is first obtained for such stock; and either
 (b) travelling charges on a scale double those mentioned in
 5 Schedule Three are paid; or
 (c) the inspector granting the permit is satisfied that such stock have been bona fide sold, or are fat stock travelling to a fat stock market, and the travelling charges on the scale mentioned in Schedule Three are paid.

10 If stock commence to travel in contravention of the above provisions, the owner or drover of such stock shall on conviction be liable to a penalty not exceeding *fifty* pounds.

(2) If any travelling stock are brought back to the run from which they started to travel, or to any run in the same district as the
 15 run aforesaid, within three months after they started as aforesaid, the owner of such stock shall be liable to pay double travelling charges for the whole distance such stock travelled from the time they started until they were brought back as aforesaid: But this provision shall not
 apply to stock sent bona fide to and returning unsold from market.

Where stock brought back within three months.

20 (3) If, in the opinion of an inspector to whom application is made to vary the route or destination of any travelling stock, such stock are travelling in search of grass, or of a purchaser, he shall demand and recover from the owner of such stock double travelling charges for the same from the place where the change is to take place
 25 in the route of the stock to their destination.

Where change of route applied for.

(4) It shall be lawful for the Minister, on the recommendation of the board, to remit any double travelling charges imposed under this section or any part thereof where it is shown to his satisfaction that the stock were compelled to travel through want of
 30 grass or water, and that the run from which such stock started to travel was not overstocked.

Travelling charges may be remitted.

(5) Such double travelling charges may be paid under protest to the inspector, or in lieu of such payment a bond for the amount of such charges, executed by two responsible persons to be
 35 approved by the inspector, may be lodged with him under protest, and in either case the drover of the stock or their owner or some one on his behalf may appeal to the board in the manner prescribed, against
 the payment of such charges.

Travelling charges or bond may be lodged under protest.

39. Where any owner of travelling stock, at any time between
 40 the first day of January, one thousand eight hundred and ninety-four, and the commencement of this Act, has paid under protest travelling charges on any sheep under the Diseases in Sheep Act Amendment of 1878, or section sixty-seven of the Stock Act, 1901, such owner may appeal to the board in the manner prescribed against the payment of
 45 such charges.

Certain other rights of appeal.

4. *Miscellaneous.*

No stock to be abandoned.

40. Travelling stock which are unable to proceed shall not be left on any occupier's land without his permission, or on any reserve, driftway, or road, or on any Crown lands, but the drover of such stock shall either destroy them or leave them with some person by his permission; and no travelling stock shall in any case be abandoned. Any person who wilfully contravenes any provision of this section shall be liable to a penalty not exceeding *twenty* pounds. 5

Stock not to be put into enclosures without occupier's consent.

41. No drover or other person shall take, drive, or admit any travelling stock into a paddock, yard, or other enclosure (not being an enclosed travelling stock reserve) without the consent of the owner or occupier of such paddock, yard, or enclosure, under a penalty not exceeding *twenty* pounds. 10

Travelling sheep to be branded.

42. All travelling sheep shall be legibly branded with the letter **T** in addition to any other brand under a penalty not exceeding *one* penny for every such sheep not so branded: 15

Proviso.

Provided that it shall not be necessary so to brand—

- (a) sheep bearing an owner's legible brand being driven from a run to any other run or to a railway station not more than forty miles distant; or 20
- (b) sheep being taken to a neighbouring run; or
- (c) stud sheep entered for exhibition at a sheep show, or entered for sale at an established sheep sale; or
- (d) sheep being taken to pound.

PART VI.

25

FINANCE.

All charges, fees, &c., to be paid into "Travelling Stock Account" at Treasury.

43. (1) All travelling charges, fees, expenses, rents, penalties, and other moneys collected or levied under this Act shall be paid to the Colonial Treasurer or such other person as the Minister may authorise to receive the same, and shall be carried to the trust fund to the credit of a special account at the Treasury, to be called "The Travelling Stock Account," to be used for the purposes of this Act. 30

Advance out of Consolidated Revenue.

(2) For the purpose of providing money for carrying out the provisions of this Act, the Governor may, within twelve months after the commencement of this Act, advance to the Travelling Stock Account from the Consolidated Revenue Fund such sums as may be appropriated by Parliament for that purpose. 35

44.

44. (1) The funds standing on the thirty-first day of December in each year at the credit of the Travelling Stock Account shall be distributed by the Governor among the boards to be expended by them as may be prescribed in protecting and improving the travelling stock reserves, and driftways in their respective districts :

(2) With the view to the distribution of such funds to the best advantage in the interest of the owners of travelling stock the chief inspector under the Stock Act, 1901, shall as prescribed on or before the thirty-first day of January in each year prepare and submit for the consideration of the Minister a scheme for the distribution of such funds among the boards for the purposes aforesaid.

In the preparation of such scheme the chief inspector shall, among other things keep in view and give effect to the considerations mentioned in Schedule Four and such other considerations as may be prescribed.

PART VII.

SUPPLEMENTAL.

1. Regulations.

45. (1) The Governor may make regulations—
- (a) for managing, protecting, and improving travelling stock reserves and driftways ;
 - (b) for regulating the mode in which travelling charges shall be paid and collected ;
 - (c) for regulating and prescribing the mode and form in which applications for permits may be made and granted ;
 - (d) for prescribing and regulating the routes by which travelling stock shall be taken and the terms on which alterations of routes and destinations of travelling stock may be granted ;
 - (e) for regulating the hearing and determination of appeals to the board under this Act ;
 - (f) providing for and regulating the keeping and disposal of stock seized for breaches of this Act or the regulations ;
 - (g) for carrying out the provisions of this Act ;
 - (h) imposing any penalty not exceeding *twenty* pounds for any breach of the regulations.

(2) All regulations shall, on being published in the Gazette, have the full force of law, and copies thereof shall be laid before Parliament within fourteen days after such publication, if Parliament is sitting, but if Parliament is not sitting, within fourteen days after the commencement of the next session.

(3)

Regulations may be cancelled by resolution of either House of Parliament.

(3) If either House of Parliament, within the next forty days after any regulations have been so laid before that House, resolve that those regulations or any of them ought to be annulled or altered, the same shall after the date of such resolution be so annulled or altered, without prejudice to the validity of anything done in the meantime under those regulations, or to the making of any new regulations. 5

2. Offences.

Damaging marks, notices, gates, or fences, or for offence against Act or regulations.

46. Any person who—

- (a) removes, destroys, or damages, or in any way interferes with any marks, notices, gates, or fences made, posted, or erected, under this Act or the regulations; or
 (b) commits any breach of this Act or the regulations for which no special penalty is provided,

shall on conviction be liable to a penalty not exceeding *twenty* pounds. 15

Obstructing inspector or refusing to give information or assistance.

47. Any person who wilfully obstructs, hinders, or interrupts any inspector, director, or other person in the exercise of any power vested in him by this Act, or threatens, assaults, or uses improper language to any such inspector, director, or person whilst in the performance of his duty, under this Act, or refuses or neglects when requested by any inspector to disclose where any travelling stock have been taken, or to assist an inspector in the examination and detention of any such stock, shall on conviction be liable to a penalty not exceeding *one hundred* pounds. 20
 But no proceeding for the recovery of any such penalty nor the payment thereof shall be a bar to any action by any inspector, director, or other person for or in respect of any such assault. 25

Penalty not to bar action for assault.

Forging or uttering false documents.

48. Any person who makes, signs, exhibits, or utters any application, notice, permit, statement, or other document or paper required or purporting to be required by this Act, knowing the same to be false, untrue, incorrect, or misleading, shall be guilty of a misdemeanour, and shall be liable to imprisonment for any period not exceeding *twelve* months, or, at the discretion of the court, to forfeit and pay any sum not exceeding *one hundred* pounds. 30

3. Legal proof.

Burden of proof.

49. In any prosecution for failing to do anything as prescribed, it shall lie upon the defendant to prove that such thing was done as prescribed. 35

What is to be prima facie evidence.

50. In any proceedings under this Act or the regulations—

- (a) any permit or other document under the hand of an inspector shall be evidence of the facts therein set forth; 40
 (b) the registered or recorded brand or mark duly branded or marked on any stock shall be prima facie evidence of the ownership of such stock; (c)

Inspector's certificate.

Registered brand.

Travelling Stock.

17

(c) the fact that stock found on or near a road bearing the same brand or mark as stock in the possession or charge of a drover who passed along the road within fourteen days of the date on which such stock were so found shall be evidence of their having been in the possession or charge of such drover on such road. Lot of stock.

51. Where by this Act or the regulations it is necessary to give any notice or send any document to any person, such notice or document, except where otherwise provided, shall be held to be duly given or sent if delivered to him personally, or forwarded by registered letter through the post, or left at his usual place of abode or business. What is to be held to be notice.

52. In any proceedings under this Act or the regulations it shall not be necessary to prove that the board of directors for any district has been duly constituted, or to prove the appointment of the prosecutor, complainant, or defendant to the office in the name of which such proceedings have been taken. Evidence of constitution of board or of office not to be required.

53. In any such proceedings, all notifications of reserves, and all notices of regulations and appointments, purporting to be made under the authority of this Act and published in the Gazette, shall be evidence of the matters or facts therein stated. Notice in Gazette to be held to be evidence.

54. In any such proceedings, proof that any ten or more of the stock in any flock or mob had at any time within three months previously travelled under a permit or travelling statement shall be prima facie evidence that the whole of the stock in the same flock or mob had within such three months so travelled. The whole lot of stock to be held to be same as a part.

4. Legal procedure.

55. All penalties for any breach of this Act or the regulations other than such as are in this Act declared misdemeanours, and all moneys due and payable under this Act, may be recovered at any time within twelve months after such penalty was incurred or such moneys became due in a summary way before a stipendiary or police magistrate or any two or more justices on information or complaint by any inspector, director, owner, or occupier, or by any person authorised by the Minister in that behalf. Penalties and claims under the Act to be recovered in a summary way.

56. (1) If a drover or owner refuses or is unable to pay any penalty imposed under this Act or the regulations, the court may order that so many of the stock which are in charge of such drover or are the property of such owner as may be sufficient to satisfy the penalty and the costs incurred in recovering the same be seized and sold by auction, and that the proceeds of the sale be applied to pay such penalty and costs. If drover cannot pay penalty, or if it be doubtful who is owner, stock may be sold to pay.

(2) If it is uncertain who is the owner of any stock in respect of which an offence against this Act or the regulations has been committed, proceedings for the recovery of the penalty incurred Proceedings may be taken against owner by description of stock.

Travelling Stock.

may be taken, and an adjudication may be made against the owner of such stock by their description merely, and such penalty and the costs of recovering the same may be levied by seizure and sale by auction of such stock, or of so many of such stock as may be sufficient to satisfy the same.

Neither informer nor prosecutor to receive moiety of penalty.

Prosecutor to be paid reasonable expenses.

57. No informer or prosecutor shall be entitled to receive any moiety of any penalty recovered under this Act, but the whole penalty shall be paid by the clerk of petty sessions into the Travelling Stock Account at the Treasury: Provided that in every case where a conviction is obtained the court shall adjudge the offender or defendant to pay the prosecutor all reasonable travelling and other expenses incurred in initiating and carrying through the prosecution.

5

10

SCHEDULES.

SCHEDULE ONE.

Number of Act.	Title of Act.	Portions of Acts repealed.	
Act No. 17, 1900 ...	Public Watering Places Act, 1900	So much of the Act as relates to travelling stock reserves.	15
Act No. 27, 1901 ..	Stock Act, 1901	Sections 66 to 73 (inclusive), so much of section 112 as relates to travelling stock and reserves for travelling stock, and sections 21, 129, 184, 185, and 186.	20

SCHEDULE TWO.

Rates of damages for trespass on reserves or driftways.

25

Description of animals trespassing.	Damages.	
	s. d.	
For every camel...	1 0	
„ horse or head of cattle	0 6	
„ sheep under 100	0 0 $\frac{1}{2}$	
„ sheep 100 and over	0 0 $\frac{1}{4}$	30
„ goat or pig	0 1	

SCHEDULE

Travelling Stock.

19.

SCHEDULE THREE.

Scale of travelling charges.

							s.	d.
	Every 100 sheep or goats, per mile ...	...	...	...	...	...	0	0 $\frac{1}{2}$
	Every 10 large stock, per mile ...	...	...	...	...	...	0	0 $\frac{1}{2}$
5	Every 30 pigs, per mile ...	...	...	...	...	...	0	0 $\frac{1}{2}$
	Minimum charge for permit ...	...	...	...	...	...	1	0

SCHEDULE FOUR.

Considerations to be kept in view in the distribution of funds among the boards.

1. The relative importance of the travelling stock reserves and driftways in the
10 several districts including—
 - (a) The number of stock annually using such reserves and driftways.
 - (b) The extent of the acreage contained in such reserves and driftways.
 - (c) The length of the mileage of the reserves and driftways.
2. The relative requirements of the reserves and driftways in the several districts,
15 including—
 - (d) Protection from trespass.
 - (e) Protection from noxious weeds and plants.
 - (f) Protection from noxious animals.
 - (g) Ringbarking.
 - 20 (h) Scrubbing.
 - (i) Fencing and watering where necessary.