

Legislative Council

No. , 1900.

A BILL

To prevent the stealing of stock, hides, and skins; to regulate the sales of the same; to regulate the slaughtering of stock; to amend the Act Fifth William the Fourth number one; and for purposes consequent upon and incidental to such objects.

[MR. F. B. SUTTOR;—31 October, 1900.]

BE it enacted by the Queen'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:—

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Preliminary.

1. This Act may be cited as the "Stock Stealing Prevention Short title.
Act, 1900," and shall take effect on the day of
(hereinafter called the commencement of this Act).

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2.

Definitions.

2. In this Act, unless the context otherwise requires,—
- “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. 5
- “Cattle” means bull, cow, ox, heifer, steer, or calf.
- “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of the board of directors in any district as constituted by the Pastures and Stock Protection Act, 1898, or any Act repealed by the same.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. 10
- “Inspector” means inspector of sheep appointed under the Diseases in Sheep Act of 1866, and any person appointed under forty-one Victoria number nineteen to act as an inspector.
- “Justice” means justice of the peace. 15
- “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. 20
- “Prescribed” means prescribed by this Act or the regulations made thereunder.
- “Sheep” means ram, ewe, wether, or lamb.
- “Stock” means horse, ass, mule, camel, head of cattle, sheep, goat, or pig. 25

Regulation of sales of stock, hides, and skins.

Stock salesmen to be registered.

3. Every person who desires to act as a salesman of stock, hides, or skins may, at any time after the passing of this Act, apply to the nearest clerk of petty sessions for a certificate of registration as such salesman. The said clerk shall thereupon register such person as prescribed, and grant such certificate, which shall be in force until the thirty-first day of December then next ensuing, and shall on application to any such clerk be renewed from year to year. 30

Any person other than a person registered as aforesaid or an auctioneer holding a license under the Auctioneers' Licensing Act, 1898, or any person authorised by or under that Act to sell without such license, who receives any stock, hides, or skins for the purpose of selling or disposing of the same for and on behalf of any other person, or sells or otherwise disposes of for and on behalf of any other person any stock, hides, or skins in his possession or under his control, shall be liable to a penalty not exceeding *twenty* pounds. 40

Persons selling stock, or delivering same for sale, to give document containing description.

4. Every owner of any stock, hides, or skins who—
- (a) sells or disposes of and delivers the same to any person; or
- (b)

(b) delivers or causes to be delivered the same to any person for sale or disposal,

shall sign and give to such person a document in writing, containing a description of the said stock, hides, or skins and of the brands and 5 marks on the same, and a statement of the date on which such stock were so delivered. And the person to whom such document is given shall produce the same to any director, justice, inspector, or officer of police on demand.

Any such owner who fails to sign and give a document containing 10 the matters aforesaid, and any person to whom any stock, hides, or skins have been delivered as aforesaid who neglects or refuses on demand made by any director, justice, inspector, or officer of police at any time during a period of twelve months from the date of such delivery to produce any such document given to him as aforesaid, 15 shall be liable to a penalty not exceeding *twenty* pounds.

5. Every person who receives any stock, hides, or skins for sale or disposal for or on behalf of any other person, shall,—

Persons to keep record of stock, hides, and skins received.

(a) make in the manner prescribed, and during a period of twelve 20 months from the date of such receipt, keep a record of the description of the stock, hides, and skins, and of the brands and marks thereon, and of the name and address of the person from whom he received the same; and

(b) at all reasonable times within the said period produce any 25 stock, hides, or skins which are in his possession for sale or disposal as aforesaid, or any such record, for the inspection of any director, justice, inspector, or officer of police, on demand, and permit any such person to take a copy of or extract from any such record.

Any person who fails to comply with the requirements of this 30 section shall be liable to a penalty not exceeding *twenty* pounds.

6. After the expiration of _____ months from the commence- ment of this Act, no person shall sell any sheepskin to which both of the ears are not attached, or from the ear which more than one-fourth is cut off. Any person who contravenes any provision of this section 35 shall be liable to a penalty not exceeding *twenty* pounds.

Sheepskins not to be sold without ears.

Regulation of the slaughtering of stock.

7. Every person who desires to slaughter stock at any slaughter- 40 house, slaughter-yard, or place, 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. Such registration shall be in force until the thirty-first day of December next ensuing, but shall be renewed on application to any such officer.

Slaughter houses and yards to be registered.

Any

Any person who, at any slaughter-house, slaughter-yard, or place not being an abattoir established under the Act fourteen Victoria, number thirty-six nor an abattoir established by a municipality) which is not registered under this Act as aforesaid, or in respect of which a license is not held under the Noxious Trades and Cattle Slaughtering Act, 1894, slaughters, or causes to be slaughtered, any stock, except stock which has met with an accident making it necessary to destroy the same, or starving stock, or stock required for rations at out-stations or station camps, or stock required for rations by drovers while travelling, or wild or unmanageable stock (in which latter case the stock shall not be skinned or dressed) shall, unless he proves that such stock was within one of the exceptions aforesaid, be liable to a penalty not exceeding *fifty* pounds. 5 10

Duties of persons
slaughtering stock.

8. Every person who slaughters, or causes to be slaughtered, any stock shall,— 15

- (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, and shall, 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; 20
- (b) 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, including the hide and hair of the tail, provided that it shall not be necessary to take off the skin or hide on the head or on the legs below the knee; 25
- (c) 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 first happens. 30
- (d) 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, hair, or wool of the stock, and permit the same to be examined and marked for identification. 35

Any person who contravenes any provision of this section shall be liable to a penalty not exceeding *twenty* pounds. 40

9. Any person who except for the purpose of tanning, felling, or export—

- (a) wilfully or negligently cuts off, destroys, defaces, or alters any brand or mark on any slaughtered stock, or on the hide, skin, wool, or hair of any such stock, or is privy to any such destruction, defacement, or alteration; or, 45

(b)

(b) places on 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,

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

5 **10.** Any person who slaughters any stock on any land of which he is not the owner, lessee, or licensee without having first obtained the permission of the owner or occupier of such land shall be liable to a penalty not exceeding *twenty* pounds. Stock not to be slaughtered without permission of owner or occupier of land.

10 **11.** 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 15 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.

20 **12.** 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 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.

25 **13.** 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, wool, or hair of the same, it shall lie upon the defendant to prove that such things were done as prescribed. Proof in prosecution for offences against this Act.

30 **14.** Any director, justice, inspector, or officer of police where he has reason to believe that any offence against this Act has been or is being committed in or on any premises, may enter such premises and seize any stock, hides, skins, books, records, or other matters therein. Entry.

35 **15.** 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.

40 **16.** Every person who contravenes any provision of this Act or the regulations, 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.

45 **17.** All penalties imposed under this Act may be recovered in a summary way before a court of petty sessions, and shall be paid to the credit of the Brands Account at the Treasury. Recovery of penalties.

(3) placed on any slaughtered stock or on any hide or skin any brand or mark or initials or on the ear of the hide or skin of any slaughtered stock, shall be liable to a penalty not exceeding one hundred pounds.

30. Any person who slaughters any stock on any land of which he is not the owner, lessee or licensee without having first obtained the permission of the owner or occupier of such land shall be liable to a penalty not exceeding twenty pounds.

31. The Justice of the Peace and the Magistrate shall have power and authority to inspect and to require any person to produce any stock or to require any person to produce any hide or skin of any stock or to require any person to produce any brand or mark or initials or on the ear of the hide or skin of any slaughtered stock, and to require any person to produce any evidence in respect of any such stock or hide or skin or brand or mark or initials or on the ear of the hide or skin of any slaughtered stock.

32. In any prosecution for an offence under this Act, it shall be sufficient to prove that the defendant was found in possession of any such stock or hide or skin or brand or mark or initials or on the ear of the hide or skin of any slaughtered stock.

33. In any prosecution for an offence under this Act, it shall be sufficient to prove that the defendant was found in possession of any such stock or hide or skin or brand or mark or initials or on the ear of the hide or skin of any slaughtered stock, and that the defendant was found in possession of any such evidence in respect of any such stock or hide or skin or brand or mark or initials or on the ear of the hide or skin of any slaughtered stock.

34. In any prosecution for an offence under this Act, it shall be sufficient to prove that the defendant was found in possession of any such stock or hide or skin or brand or mark or initials or on the ear of the hide or skin of any slaughtered stock, and that the defendant was found in possession of any such evidence in respect of any such stock or hide or skin or brand or mark or initials or on the ear of the hide or skin of any slaughtered stock.

35. The Governor may make regulations for carrying out the provisions of this Act, and any such regulations may be made subject to the approval of the Council of the Government.

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37. Any person who contravenes any provision of this Act or any regulation made under this Act shall be liable to a penalty not exceeding one hundred pounds.

38. All penalties imposed under this Act may be recovered in a summary way before a court of petty sessions, and shall be paid to the credit of the Branch Account of the Treasury.

Stock on land
slaughtered without
permission of
owner or occupier
land

Justice of the Peace
Magistrate

Evidence in respect
of any such stock
or hide or skin
or brand or mark
or initials or on
the ear of the
hide or skin of
any slaughtered
stock

Proof of possession
of any such stock
or hide or skin
or brand or mark
or initials or on
the ear of the
hide or skin of
any slaughtered
stock

Regulations

Penalty not exceeding
one hundred pounds

Summary way before
a court of petty
sessions

