

23 GEO. V. No. 14, 1932. *Brands Acts Amendment Act.*

STOCK.

- (1) *The Brands Acts Amendment Act of 1932* .. 23 *Geo. V. No. 14*
 (2) *The Dairy Cattle Improvement Act of 1932* .. 23 *Geo. V. No. 32*
 (3) *The Stallions Registration Act Amendment Act*
of 1932 23 *Geo. V. No. 18*

An Act to Amend "The Brands Acts, 1915 and 1916," in certain particulars.

23 Geo. V.
No. 14.
THE
BRANDS
ACTS
AMENDMENT
ACT OF 1932.

[ASSENTED TO 11TH NOVEMBER, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Brands Acts Amendment Act of 1932*," and shall be read as one with *"*The Brands Acts, 1915 and 1916*," and the amendments thereto made by †"*The Diseases in Stock and Brands Acts Amendment Act of 1931*," herein collectively referred to as the Principal Act.

Short title
and
construction.

The Principal Act and this Act may collectively be cited as "*The Brands Acts, 1915 to 1932*."

Amendments of the Principal Act.

2. Section three of the Principal Act is amended as follows:—

Section 3.

(a) In the definition of "Distinctive Mark" the words "other than a sheep earmark" are repealed.

(b) Two new definitions are inserted after the definition of "Minister," namely:—

"Near side"—The left side of stock;

Near side.

"Off side"—The right side of stock.

Off side.

(c) In the definition of "Owner" the word "of" is inserted after the word "agent"; also the words "or superintendent of" are repealed and the words "or superintendent or manager for" are inserted in lieu thereof.

* 6 Geo. V. No. 9 and 7 Geo. V. No. 3, *supra*, page 8179.

† 22 Geo. V. No. 34, *supra*, page 13887.

(d) In the definition of "Pliers," after the words "approved by," the words "the registrar or" are inserted.

(e) In the definition of "Sheep Brand" the word "pitch" is repealed; also the words "or tar" are repealed; also the comma (,) is deleted after the word "paint."

Section 6.

3. Section six of the Principal Act is amended as follows:—

(a) The following proviso is inserted after the second paragraph of subsection three, namely:—

"Provided that the owner of a symbol brand may be allotted upon application a specified position upon which such symbol brand may be imprinted in the case of purchased stock previously branded."

(b) The following words are added after the word "length" in subsection four, namely, "or more than three and a-half inches in length: Provided that such stock when fully grown may be branded with a brand not less than one and one-quarter inches in length or more than five inches in length."

(c) The first paragraph of subsection five is amended by inserting after the words "shall be registered" the words "and used"; also by omitting the words "district in" and inserting in lieu thereof the words "district for."

(d) A new proviso is added after the first proviso of subsection five, namely:—

"Provided also that a breeder of stud cattle may be allotted additional earmarks, but not exceeding three in any one district, for use in conjunction with his horse and cattle brand."

Section 8.

4. In section eight of the Principal Act after the words "registered brand," where these words first occur, the words "to denote the age of such horses or cattle or" are inserted.

Section 9.

5. Section nine of the Principal Act is amended by inserting two provisos to subsection three as follows:—

"Provided that the breeder or person imprinting the first brand upon any horses or cattle registered in a stud book of any stud horse or stud cattle society approved of by the Minister may use a distinctive brand upon such horses and cattle upon such portion of the

1932.

Brands Acts Amendment Act.

animal as may be specified by the registrar : Provided that such distinctive brand is used on the same side of the animal as the breeder or first brander's registered three-piece brand :

Provided further, that in the case of age numbers the breeder or person imprinting the first brand upon any horses or cattle may imprint numerals to denote the age of his stock under his three-piece brand at a distance of not less than one and a-half nor more than two and a-half inches from and directly underneath such registered brand."

6. Section ten of the Principal Act is amended as Section 10 follows :—

(a) In subsection three the words " tar, pitch, or " are repealed.

(b) The following words are inserted after the first paragraph of subsection three, namely :—" The letter " T " in black paint shall not be registered."

(c) A further proviso is inserted after proviso (b) namely :—

" (c) All earmarks shall be made with pliers."

7. Section eleven of the Principal Act is amended Section 11. by omitting after the word " earmark " occurring at the end of the first paragraph the full stop (.), and adding the following words, namely :—" and shall not be such as, in the opinion of the registrar or an inspector, is similar to or readily convertible into any sheep earmark registered and used in the same locality."

8. In subsection one of section sixteen of the Section 16. Principal Act after the words " justice of the peace " the words " or barrister or solicitor or legal practitioner " are inserted.

In the said subsection one, after the words " to the same person " the following proviso is inserted :—

" Provided that in the case of any cattle earmark it shall not be transferred unless the registered horse and cattle brand is to be used in the district for which the cattle earmark was originally registered."

Section 17A. **9.** A new section (17A) is inserted after section seventeen of the Principal Act, as follows :—

Power of refusal of Minister. “ [17A.] The Minister in his discretion shall have power and authority—

- (a) To refuse to register any brand or mark in the name of an applicant ; or
- (b) To refuse to transfer any brand or mark to any person ; or
- (c) To refuse to alter the registration of any brand or mark registered in any owner's name ;

on a certificate furnished to the Minister by the registrar setting forth such facts as appear to the registrar warranting any such refusal and recommending to the Minister any such refusal aforesaid accordingly.”

Section 18A. **10.** Section 18A of the Principal Act is amended by inserting after the words “ locality is similar ” the word “ to ” ; also by inserting after the words “ was last registered ” the words “ or transferred or which was the last brand or mark to be made use of in that locality.”

New s. 19A. **11.** A new section (19A) is inserted after section nineteen of the Principal Act, namely :—

Powers of cancellation and reallocation by Minister. “ [19A.] The Minister in his discretion shall have power and authority to cancel and forthwith reallocate to the present owner of a holding a brand or mark used in respect of such holding where a transfer of such brand or mark to such present owner was not executed, and the authority of the original owner cannot be secured for the transfer thereof, on a certificate furnished to the Minister by the registrar setting forth such facts as appear to the registrar warranting such cancellation and reallocation and recommending to the Minister such cancellation and reallocation accordingly.”

Section 20. **12.** Section twenty of the Principal Act is amended by inserting before the words “ No horse and,” occurring at the commencement of the second paragraph thereof, the words “ Save as provided in the last preceding section.”

Section 22. **13.** In section twenty-two of the Principal Act the words “ wilfully altered, blotched, defaced, or rendered illegible ” are repealed, and the words “ altered, defaced, wilfully rendered illegible or wilfully blotched ” are inserted.

1932.

Brands Acts Amendment Act.

14. Section twenty-three of the Principal Act is Section 23. repealed and a new section twenty-three is inserted in lieu thereof, namely :—

“ [23.] For the purposes of this Act every inspector, Powers of inspectors. 6 Geo. V., No. 9. with or without assistants, is entitled to enter upon any part of any holding and to search for and inspect any stock, brand, or branding instrument or pliers, and to seize and detain any stock in respect of which the owner or person in charge has committed or is suspected of committing any breach of this Act, and to seize any brand, branding instrument, or pliers which is or are not authorised by this Act or which is or are, or is, or are suspected to be had in possession or used contrary to this Act, and for the purposes aforesaid to use such force as may be necessary.

Any person who hinders or impedes or attempts to hinder or impede any inspector or assistant in the execution of his duty, or refuses to produce any branding instrument or pliers to be inspected or to permit any stock or branding instrument or pliers to be inspected, or who refuses to assist any inspector when called upon to muster any stock for inspection in accordance with the provisions of this section shall be liable to a penalty not exceeding fifty pounds.”

15. Section twenty-four of the Principal Act is Section 24. amended as follows :—

(a) In paragraph (ii.) after the word “ registered ” the words “ in his name ” are added.

(b) After paragraph (iii.) the following new paragraph (iii.a) is inserted, namely :—

“ (iii.a) Marking any cattle, sheep, goat, or swine by means of any instrument other than pliers.”

(c) A new provision is added to the said section, namely :—

“ A prosecution for any of the offences defined in this section may be instituted within six months after the offence is committed or within three months after the discovery of the offence, whichever is the later period.”

16. Subsection three of section twenty-five of the Section 25. Principal Act is amended by inserting after the words “ kind whatever ” the words “ or a certificate as to ownership of a brand or earmark.”

Section 29.

17. Section twenty-nine of the Principal Act is amended as follows :—

(a) In subsection three after the words “or reallocated” the words “and authorising such cancellation upon conviction of certain offences to be specified in such regulations” are added.

(b) A new subsection is inserted after subsection six as follows :—

“(6a.) The giving of notice by owners of intention to muster, shear, brand, mark, or travel stock.”

Determina-
tion of
certain
rights in
respect of
earmarks.

18. From and after the passing of **“The Brands Acts Amendment Act of 1932,”* and notwithstanding anything contained in the Principal Act to the contrary—

(a) Any right granted or purporting to have been granted to any person prior to the date of the coming into operation of †*“The Brands Act of 1915,”* and existing or purporting to exist subsequent to that date, to use any distinctive earmark for any distinctive purpose other than any purpose as prescribed in ‡*“The Brands Acts, 1915 to 1932,”* shall cease and determine; and

(b) Any right granted or purporting to have been granted to any person prior to the date of the coming into operation of †*“The Brands Act of 1915”* and existing or purporting to exist subsequent to that date, to make any earmark otherwise than by means of pliers, shall cease and determine.

* 23 Geo. V. No. 14 (this Act).

† 6 Geo. V. No. 9, *supra*, page 8179.

‡ 6 Geo. V. No. 9 and 7 Geo. V. No. 3, *supra*, page 8179; 22 Geo. V. No. 34, *supra*, page 13887; and this Act.