

I GEO. VI. No. 17, 1937. *Brands Acts Amendment Act.*

PURE SEEDS.

See AGRICULTURE.

SEEDS, PURE.

See AGRICULTURE.

STOCK.

An Act to Amend "The Brands Acts, 1915 to 1932,"
in certain particulars.

[ASSENTED TO 18TH NOVEMBER, 1937.]

I GEO. VI.
 No. 17.
 THE
 BRANDS ACTS
 AMENDMENT
 ACT OF 1937.

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 1937*," and shall be read as one with *"*The Brands Acts, 1915 to 1932*," herein 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 1937*." Collective title.

Amendments of the Principal Act.

2. Section three of the Principal Act is amended, as follows:— Amendment of s. 3.

(a) In the definition of "distinctive mark" the words "goats, or swine" are repealed and the words "or goats" are inserted in lieu thereof. [Distinctive mark.]

(b) In the definition of "sheep earmark" the words "or swine" are repealed. [Sheep earmark.]

(c) In the definition of "stock" the words "goat, or swine" are repealed and the words "or goat" are inserted in lieu thereof. [Stock.]

3. Subsection four of section six of the Principal Act is repealed and the following subsection four is inserted in lieu thereof, namely:— Amendment of s. 6.

"(4.) Branding irons used for horses, cattle, and camels shall not be less than one and one-quarter inches in length or more than two and one-half inches in length." Branding irons.

* 6 Geo. V. No. 9 and amending Acts, *supra*, pages 8179 *et seq.*

Brands Acts Amendment Act. 1 GEO. VI. No. 17,

Amendment
of s. 11.

4. In section eleven of the Principal Act the words “goats, or swine” are repealed and the words “or goats” are inserted in lieu thereof.

Repeal of
and new s.
22.

5. Section twenty-two of the Principal Act is repealed and the following section twenty-two is inserted in lieu thereof, namely :—

Stock on
which brand
has been
altered or
blotched to
be deemed
unbranded.

“[22.] Any horse or cattle bearing a brand which has been altered, defaced, rendered illegible, or blotched shall be held to be unbranded, and any cattle, or sheep, or goats upon which the ear has been cut or cropped contrary to this Act shall be held to be not earmarked, and any such stock may be seized by any justice of the peace, inspector, or police officer and detained for the purposes of any prosecution ; and if in the case of any prosecution the defendant shall be found guilty of the offence of which he is charged, any such stock so seized and detained for the purposes of such prosecution may be forfeited to His Majesty by the order of the adjudicating court and thence become the property of His Majesty and may be disposed of by the Minister in such manner as he thinks fit :

Provided that the conviction of any person proceeded against upon any such prosecution shall not render the stock the subject-matter of the prosecution liable to forfeiture as against the owner thereof if such owner proves to the satisfaction of the court that he did not know and had no means of knowing—

- (a) That the brand borne by any horse or cattle comprising such stock had been altered, defaced, rendered illegible, or blotched ; and/or
- (b) That the ear of any cattle, or sheep, or goat comprising such stock had been cut or cropped contrary to this Act.”

Amendment
of s. 24.

6. Section twenty-four of the Principal Act is amended, as follows :—

(a) Paragraph (ii.) of the said section is amended by inserting after the words “to brand or mark” the following words and brackets, namely :—“without lawful excuse (the proof whereof shall lie upon him).”

(b) In paragraph (iii.) of the said section the words “goat, or swine” are repealed and the words “or goat” are inserted in lieu thereof.

1937.

Brands Acts Amendment Act.

(c) In paragraph (iii*a.*) of the said section the words "goat, or swine" are repealed and the words "or goat" are inserted in lieu thereof.

7. Subsection two of section twenty-five of the Principal Act is amended, as follows:—The words "goat, or swine" where they twice occur are repealed and the words "or goat" are inserted in lieu thereof. Amendment of s. 25.

8. Section twenty-nine of the Principal Act is hereby amended, as follows:— Amendment of s. 29.

(a) The first paragraph thereof, being the paragraph commencing with the words "The Governor" and ending with the word "prescribing," is repealed and the following new paragraphs are inserted in lieu thereof, namely:—

"The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act. Regulations.

Without limiting the generality of these provisions, the Governor in Council may make regulations prescribing—"

(b) The following new paragraph is inserted in the said section after paragraph four thereof and numbered 4A, namely:—

"(4A.) Grades for hides of horses or cattle or skins of sheep or goats, and the matters and things to be considered in determining the grade of any such hide or skin."

(c) The paragraph thereof beginning with the words "All such regulations" and ending with the words "equal validity" is repealed and the following new paragraph is inserted in lieu thereof, namely:—

"All such regulations made or purporting to be made under this Act shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were contained in this Act and shall be judicially noticed and shall not be questioned in any proceedings whatever, and the publication in the *Gazette* of any such regulation shall be conclusive evidence of the matters contained therein and of the power and authority to make same."