

5 GEO. VI. No. 18, 1941. *Brands Acts, Etc., Amendment Act.*

STOCK.

- (1) *Brands Acts and Diseases in Stock Acts Amendment Act of 1941* 5 *Geo. VI. No. 18*
- (2) *Buffalo Fly Control Act of 1941* .. 5 *Geo. VI. No. 20*

An Act to Amend "The Brands Acts, 1915 to 1940," and "The Diseases in Stock Acts, 1915 to 1940," each in certain particulars, and for other purposes.

5 GEO. VI.
No. 18.
THE
BRANDS
ACTS AND
DISEASES
IN STOCK
ACTS
AMENDMENT
ACT OF
1941.

[ASSENTED TO 20TH NOVEMBER, 1941.]

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:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. This Act may be cited as "*The Brands Acts and Diseases in Stock Acts Amendment Act of 1941.*" Short title.

2. This Act is divided into Parts as follows:— Parts of Act.

PART I.—PRELIMINARY ;

PART II.—AMENDMENTS OF *"THE BRANDS ACTS, 1915 TO 1940" ;

PART III.—AMENDMENTS OF †"THE DISEASES IN STOCK ACTS, 1915 TO 1940."

PART II.—AMENDMENTS OF *"THE BRANDS ACTS, 1915 TO 1940."

PART II.—
AMENDMENTS
OF "THE
BRANDS ACTS,
1915 TO 1940."

3 This Part of this Act shall be read as one with *"*The Brands Acts, 1915 to 1940,*" herein in this Part referred to as the Principal Act. Construction of Part II.

The Principal Act and this Part of this Act may be cited collectively as "*The Brands Acts, 1915 to 1941.*" Collective title.

Amendments of the Principal Act.

4. The following definition "Spay mark" is inserted after the definition "Sheep Earmark" in section three of the Principal Act, namely:— Amendment of s. 3.

" "Spay mark"—A circular mark not exceeding one inch and one-half of an inch in diameter made or cut wholly within the off or near ear of cattle." Spay mark.

* 6 G. 5 No. 9 and amending Acts. See v. 8, pp. 1222 *et seq.*

† 6 G. 5 No. 16 and amending Acts. See v. 8, pp. 1239 *et seq.*

Amendment
of s. 6 (5).

5. The following proviso is added to subsection five of section six of the Principal Act, namely:—

“Provided that no provision of this subsection shall prohibit or be deemed to prohibit the making of a spay mark upon either ear of a cow or heifer which has been spayed.”

New s. 6A
inserted.

6. The following section, numbered 6A, is inserted after section six of the Principal Act, namely:—

Spay mark
not to be
used as
registered
cattle
earmark.

“[6A.] (1.) No cut or mark wholly within either ear or both of the ears of cattle shall be used (either alone or in conjunction with any other cut or mark) at any time after the passing of **“The Brands Acts and Diseases in Stock Acts Amendment Act of 1941”* for the purpose of marking any cattle with a cattle earmark.

(2.) Any owner of a cattle earmark registered at the passing of **“The Brands Acts and Diseases in Stock Acts Amendment Act of 1941”* may, if such earmark consists of a cut or mark wholly within either ear or both of the ears of cattle, or consists of such cut or mark together with any other cut or mark or other cuts or marks upon the ear or ears of cattle, apply to the registrar for another cattle earmark and the registrar may allot to and register in the name of such owner another cattle earmark. No fee shall be payable in respect of any earmark registered under this subsection.

(3.) Where the use of any cattle earmark registered at the passing of **“The Brands Acts and Diseases in Stock Acts Amendment Act of 1941”* is prohibited under this section the Minister may, upon surrender of the earmarking pliers used for such prohibited earmark, authorise earmarking pliers to be supplied without fee to any owner in whose name another cattle earmark is applied for and registered under this section if the Minister is satisfied that the surrendered pliers cannot be used for such other cattle earmark:

Provided that any owner possessing earmarking pliers by means of which a mark not exceeding one inch and one-half of an inch in diameter may be made or cut wholly within the ear of cattle may retain such pliers for marking spayed cows or heifers.

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PART II.—
AMENDMENTS
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BRANDS ACTS,
1915 TO 1940."

(4.) The registration of a cattle earmark the use of which is prohibited under this section may be continued in the name of the owner in addition to the other cattle earmark applied for and registered under this section for the period of five years next succeeding the passing of **"The Brands Acts and Diseases in Stock Acts Amendment Act of 1941,"* but upon the expiration of such period the registrar shall forthwith cancel the registration of all cattle earmarks so prohibited."

7. The following paragraphs, numbered (iii.b), Amendment of s. 24. (iii.c) and (iii.d), are inserted after paragraph (iii.a) of section twenty-four of the Principal Act, namely:—

- “(iii.b) Marking with a spay mark any cattle other than a cow or heifer which has been spayed;
- (iii.c) Making or cutting any mark other than a spay mark wholly within the off or near ear of any cattle;
- (iii.d) Failing at the time when he spays a cow or heifer to mark such cow or heifer with a spay mark.”

8. The following paragraph is added to subsection one of section twenty-five of the Principal Act, namely:— Amendment of s. 25 (1).

“Upon the expiration of a period of five years from and after the passing of **"The Brands Acts and Diseases in Stock Acts Amendment Act of 1941"* a spay mark upon any cow or heifer shall be *primâ facie* evidence that such cow or heifer has been spayed, except in the case of any cow apparently of such an age that such mark could have been made before the passing of such lastmentioned Act.”

9. Section twenty-six of the Principal Act is repealed and the following section twenty-six is inserted in lieu thereof, namely:— Repeal of and new s. 26.

“[26.] Fees at the prescribed rate shall be payable Fees. upon the registration or transfer of any brand or earmark of any kind whatever under this Act.

In every case the prescribed fee shall accompany the application for the registration or transfer but if the registration or transfer is not effected the whole or part of such fee may be refunded upon application made in that behalf.”

* This Act.

PART II.—
AMENDMENTS
OF “THE
BRANDS ACTS,
1915 TO 1940.”

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Repeal of
and new
s. 27.

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

Costs of
adminis-
tering Act.

“[27.] The costs, charges, and expenses of administering this Act shall be paid out of the Stock Diseases Fund constituted under **“The Diseases in Stock Acts, 1915 to 1941.”*”

All fees paid and penalties recovered under this Act shall be paid into and form part of the Stock Diseases Fund.”

Closure of
Brands Acts
Fund.

11. The Fund kept under the provisions of †*“The Brands Acts, 1915 to 1940,”* repealed by this Act shall be closed, and all moneys to the credit thereof at the passing of this Act shall be transferred to and form part of the Stock Diseases Fund constituted under **“The Diseases in Stock Acts, 1915 to 1941.”*

PART III.—
AMENDMENTS
OF “THE
DISEASES IN
STOCK ACTS,
1915 TO 1940.”

PART III.—AMENDMENTS OF **“THE DISEASES IN STOCK ACTS, 1915 TO 1940.”*

Short title
and
construction
of Part III.

12. This Part of this Act shall be read as one with *“The Diseases in Stock Acts, 1915 to 1940.”*

**“The Diseases in Stock Acts, 1915 to 1940,”* and this Part of this Act may be cited collectively as *“The Diseases in Stock Acts, 1915 to 1941.”*

Repeal of
s. 6 (3).

13. Subsection three of section six of **“The Diseases in Stock Acts, 1915 to 1940,”* is repealed.

Amendment
of s. 7.

14. Section seven of **“The Diseases in Stock Acts, 1915 to 1940,”* is amended as follows:—

(a) In the first paragraph thereof the words and brackets “(to be utilized for the purposes as set forth in the said scale)” are repealed.

(b) All words in the third column of the scale set out therein (including that part of such scale set out under the caption “(a) Horses and cattle together” and that part thereof set out under the caption “(b) Sheep”) are repealed.

* 6 G. 5 No. 16 and amending Acts. See v. 8, pp. 1239 *et seq.*

† 6 G. 5 No. 9 and amending Acts. See v. 8, pp. 1222 *et seq.*