



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 39 of 1965

**An Act to Amend "The Brands Acts, 1915 to 1945," in certain
particulars**

[ASSENTED TO 29TH OCTOBER, 1965]

BE IT ENACTED by the Queen'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. (1) **Short title.** This Act may be cited as "*The Brands Acts Amendment Act of 1965.*"

(2) **Principal Act.** "*The Brands Acts, 1915 to 1945*" are, in this Act, called the Principal Act.

(3) **Collective title.** The Principal Act and this Act may be collectively cited as "*The Brands Acts, 1915 to 1965.*"

2. Amendments to s. 3. Section three of the Principal Act is amended by—

(a) inserting after the definition “Cattle Earmark” the following definition:—

“ “Cow” —Includes a spayed cow;”;

(b) inserting after the definition “Goat” the following definition:—

“ “Heifer” —Includes a spayed heifer;”;

(c) inserting after the definition “Inspector” the following definition:—

“ “Local Authority” —A Local Authority within the meaning of “*The Local Government Acts, 1936 to 1965,*” and, in relation to the area of the City of Brisbane, the Brisbane City Council constituted under “*The City of Brisbane Acts, 1924 to 1960*”;”;

(d) omitting the definition “Minister” and inserting in its stead the following definition:—

“ “Minister” —The Minister for Primary Industries or other Minister of the Crown for the time being charged with the administration of this Act: The term includes any person for the time being performing the duties of the Minister;”;

(e) adding to the definition “Owner” the symbol and words “: In relation to stock or any holding, the term includes a lessee of such stock or, as the case may be, holding”;

(f) in the definition “Register”, omitting the word “book”;

(g) omitting the definition “Spay mark” and inserting in its stead the following definition:—

“ “Spay mark” —A circular mark not exceeding one and one-half inches in diameter made or cut wholly within the near ear of any head of cattle;”;

(h) omitting the definition “This Act” and inserting in its stead the following definition:—

“ “Travelling sheep” —Sheep which—

(a) are being travelled, driven or carried elsewhere than in a holding; or

(b) although in a holding at the time a sheep brand or sheep earmark is imprinted or made thereon, are at that time intended by their owner to be travelled, driven or carried elsewhere than in such holding within seven days after such branding or marking and are so travelled, driven or carried within that period or, if not within that period on account of reasonable cause, then as soon as is reasonably practicable after such branding or, as the case may be, marking;”.

3. Amendments to s. 6. Section six of the Principal Act is amended by—

(a) in subsection (1),—

(i) omitting the words “and register”;

(ii) adding to the first paragraph the words “and shall register such brand or, as the case may be, earmark in the name of the applicant”;

(iii) omitting the proviso and inserting in its stead the following proviso:—

“ Provided that if, in the opinion of the registrar, any horse and cattle brand or cattle earmark applied for is similar to or easily convertible into any other horse and cattle brand or, as the case may be, cattle earmark

registered in the name of a person who uses or is likely to use it in the same locality as the brand or earmark applied for is likely to be used the registrar shall make such modification in the brand or earmark applied for as renders it dissimilar to such other brand or earmark or, as the case may require, less easily convertible into such other brand or earmark.”;

(b) omitting subsection (2) and inserting in its stead the following subsection:—

“(2) A horse and cattle brand other than a symbol brand shall consist of letters, numerals, signs or characters or any combination thereof.

The shape, pattern and arrangement of the letters, numerals, signs or characters comprising a horse and cattle brand shall be as the Minister, subject to this Act, determines.”;

(c) omitting subsection (3) and inserting in its stead the following subsection:—

“(3) The registrar, if satisfied that an application made by the owner of a horse and cattle brand (other than a symbol brand) for a symbol brand is in conformity with this Act, shall allot to the applicant a symbol brand and shall register the same in conjunction with such horse and cattle brand.

Such a symbol brand may be imprinted upon an animal in accordance with this Act either instead of or in addition to such horse and cattle brand.

Upon application by a person to whom a symbol brand has been or is about to be allotted the registrar may allot to the applicant a specified position upon which such symbol brand may be imprinted in the case of horses, cattle or camels acquired by him and which have been branded prior to such acquisition.

When a specified position has been so allotted the owner of the symbol brand concerned may imprint such brand upon that position notwithstanding any other provision of this Act.

A symbol brand shall not be registered nor shall any person use such a brand unless it includes a dot to the right of and on the line with the lower part of the symbol brand.

Such a dot upon any horse, camel or head of cattle shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the symbol brand of which it forms a part was, at the time of the imprinting of such brand, registered in Queensland.”;

(d) omitting subsection (4) and inserting in its stead the following subsection:—

“(4) **Size of brands.** A letter, numeral, sign or character included in a horse and cattle brand (other than a symbol brand) shall have a face depth of not less than one and one-quarter inches nor more than two and one-half inches.

The face depth of any letter, numeral, sign or character which, when properly imprinted upon an animal would be in a position other than vertical, shall be measured with such letter, numeral, sign or, as the case may be, character in the vertical position.

A symbol brand shall have a face depth of not less than one and one-quarter inches nor more than three inches.”;

(e) in subsection (5).—

(i) omitting the first paragraph and inserting in its stead the following paragraphs:—

“The registrar shall register a cattle earmark only in conjunction with a horse and cattle brand and for use only within the district in which the applicant therefor indicates it is proposed to use such earmark.

A person shall not use a cattle earmark except—

(a) in conjunction with the horse and cattle brand in conjunction with which such earmark is, for the time being, registered; and

(b) in the district for use within which such earmark is, for the time being, registered.”;

(ii) omitting the second proviso (being the paragraph commencing “Provided also that a breeder”) and inserting in its stead the following paragraphs:—

“The registrar may allot to any applicant for or owner of a horse and cattle brand and register in his name in conjunction with such brand more cattle earmarks than one for use in conjunction with such brand: Provided that—

(a) notwithstanding the provisions of subsection (1) of this section, the registrar shall not allot a second or third cattle earmark for use in conjunction with one and the same horse and cattle brand in one and the same district unless he is satisfied that such allotment is justified; and

(b) a person shall not be allotted more than three cattle earmarks for use in conjunction with one and the same horse and cattle brand in one and the same district.”;

(iii) omitting the last two paragraphs (being the paragraphs commencing with the words “No mark” down to and including the word “spayed”) and inserting in their stead the following paragraphs:—

“A person shall not make upon an ear of any head of cattle a mark or cut except a registered cattle earmark:

Provided that this provision shall not be construed to prohibit the making of—

(a) a spay mark upon the near ear of a cow or heifer which has been spayed;

(b) a tattoo within either ear of any head of cattle; or

(c) a mark or cut upon either ear of any head of cattle necessary for the insertion in or the affixing to that ear of a tag;

(d) a mark or cut wholly within the off ear of any head of cattle such mark or cut being of such a shape and size and made for such a purpose as the Minister approves.”;

(f) omitting from subsection (7) the words “in every second year” and inserting in their stead the words “in every fourth year”.

4. Repeal of s. 7 and new ss. 7 and 7A. The Principal Act is amended by repealing section seven and inserting in its stead the following sections:—

“[7.] **Order of branding horses, camels and cattle.** (1) Save where this Act otherwise provides a person shall not imprint a brand upon any horse, camel or head of cattle except upon a position prescribed by this section and in accordance with the provisions of this section.

(2) (a) For the purposes of this section there shall be deemed to be upon every horse and camel six positions to be used for branding located on the animal as follows:—

- First position—Near shoulder;
- Second position—Off shoulder;
- Third position—Near quarter or near thigh;
- Fourth position—Off quarter or off thigh;
- Fifth position—Near ribs;
- Sixth position—Off ribs.

(b) For the purposes of this section there shall be deemed to be upon every head of cattle four positions to be used for branding located on the animal as follows:—

- First position—Neck;
- Second position—Rump or thigh;
- Third position—Ribs;
- Fourth position—Shoulder.

(3) Subject to the succeeding provisions of this section, a person shall not imprint a brand on a horse, camel or head of cattle upon any position other than the first position set forth in subsection (2) of this section in relation to the type of animal concerned unless there is not sufficient space for such brand on the immediately preceding position as set forth in that subsection in relation to the type of animal concerned.

(4) A person who is about to imprint the first brand on any horse or camel shall—

- (a) if the brand is a horse and cattle brand, imprint the same upon any one of the positions set forth in subsection (2) of this section in relation to the type of animal concerned; or
- (b) if the brand is a symbol brand, imprint the same upon any one of the said positions or upon the cheek of the animal concerned.

(5) A person who is about to imprint a second brand on any horse, camel or head of cattle branded only on the cheek with a symbol brand shall imprint such brand upon any one of the positions set forth in subsection (2) of this section in relation to the type of animal concerned.

(6) Subject to the provisions of subsection (5) of this section, a person who is about to imprint a second or subsequent brand on any horse, camel or head of cattle shall imprint such brand—

- (a) if there is sufficient space,—
 - (i) upon the same position as and exactly beneath the brand which was the last imprinted in accordance with the provisions of this Act; and
 - (ii) so that the distance between the topmost extremity of such second or, as the case may be, subsequent brand and the lowest extremity of such last imprinted brand shall be not less than one and one-half inches nor more than two and one-half inches; or

- (b) if there is not sufficient space to imprint such brand in accordance with the provisions of paragraph (a) of this subsection, upon the position next succeeding the position upon which such last imprinted brand appears as set forth in subsection (2) of this section in relation to the type of animal concerned.

(7) A person who is about to imprint a brand on a horse, camel or head of cattle which is so branded that there is not sufficient space on the last position set forth in subsection (2) of this section in relation to the type of animal concerned to imprint such brand shall imprint such brand upon the first of the preceding positions as set forth in that subsection in relation to the type of animal concerned on which there is sufficient space to imprint such brand.

(8) Save where this Act otherwise provides, a person about to imprint a second or subsequent brand on any head of cattle shall imprint such brand on the same side of the animal concerned as bears the brand last imprinted in accordance with the provisions of this Act unless there is not sufficient space on such side for the purpose.

(9) Every branded horse, camel and head of cattle shall be deemed to have been last branded with the brand which appears to be the brand last imprinted thereon in accordance with the provisions of this section.

[7A.] (1) **Manner of imprinting horse and cattle brands.** A person shall so imprint the letters, numerals, signs and characters comprising a horse and cattle brand that—

- (a) they appear on the animal concerned consistent with the design of such brand;
- (b) the lateral extremity of one such letter, numeral, sign or character as it appears on the animal concerned is no more than one inch from the nearest lateral extremity of the contiguous such letter, numeral, sign or character.

(2) **Design of certain branding instruments.** A person shall not use a branding instrument bearing a letter, numeral, sign or character which, consistently with the design of the horse and cattle brand concerned is to be imprinted in a position other than the vertical unless such instrument also bears another letter, numeral, sign or character included in the horse and cattle brand concerned.”

5. Repeal of and new s. 8. The Principal Act is amended by repealing section eight and inserting in its stead the following section:—

“[8.] **Age numerals and stud and herd book references.** (1) Notwithstanding any other provision of this Act the person imprinting the first registered brand upon any horse or head of cattle may, in addition, imprint upon such animal in accordance with the provisions of this section any numeral or numerals to denote the age of such animal or as a reference to a stud or herd book which contains a description of such animal or the particulars of its breeding.

(2) A person imprinting a numeral or numerals pursuant to this section shall imprint the same—

- (a) exactly beneath the registered brand imprinted on the animal concerned or, where there is a numeral or numerals already imprinted beneath such brand pursuant to this section, exactly beneath such numeral or numerals; and

- (b) so that the topmost extremity of each such numeral is no less than one and one-half inches nor more than two and one-half inches from the lowest extremity of such brand or, where there is a numeral or numerals already imprinted beneath such brand pursuant to this section, from the lowest extremity of such numeral or numerals:

Provided that in the case of any head of cattle branded on the ribs a person may imprint a numeral or numerals pursuant to this section—

- (a) exactly above the registered brand imprinted on the animal concerned; and
- (b) so that the lowest extremity of each such numeral is no less than one and one-half inches nor more than two and one-half inches from the topmost extremity of such brand.

(3) A numeral imprinted pursuant to this section shall have a face depth of not less than one and one-quarter inches nor more than two and one-half inches.”

6. Repeal of and new s. 9. The Principal Act is amended by repealing section nine and inserting in its stead the following section:—

“[9.] **Distinctive brands.** (1) The registrar, if satisfied that an application for a distinctive brand is in conformity with this Act, shall allot to the applicant a distinctive brand and shall register such brand in the name of the applicant in conjunction with a horse and cattle brand for use in conjunction with such brand.

The registrar shall not allot a distinctive brand to a person who is not the registered owner of a horse and cattle brand.

A person shall not use a distinctive brand except in conjunction with the horse and cattle brand in conjunction with which it is registered.

(2) A distinctive brand shall be of such a character, design, shape and size as the Minister, subject to this Act, determines.

(3) A person imprinting a distinctive brand upon any horse, camel or head of cattle shall imprint the same upon the cheek of the animal concerned.”

7. New s. 9A. The Principal Act is amended by inserting after section nine the following section:—

“[9A.] **Special brands.** (1) The registrar, if satisfied that an application for a special brand is in conformity with this Act, shall allot to the association by whom or on whose behalf such application is made, a special brand and shall register such brand in the name of such association or its nominee.

In the case of registration in the name of a nominee the register shall show that such registered owner holds such special brand as nominee of the association concerned.

Upon application by or on behalf of an association in that behalf the registrar may, from time to time, cancel the registration of the holder of such a special brand and register another nominee of such association as holder of such special brand in his stead.

(2) A person shall not apply for a special brand unless he applies as or on behalf of an association of persons formed with a view to establishing, fostering or improving the breeding of a particular breed of stock or of stock generally of a particular type and which is approved by the Minister.

(3) A special brand shall be of such character, design, shape and size as the Minister, subject to this Act, determines.

(4) A person imprinting a special brand shall imprint the same upon such portion of the animal concerned as the registrar specifies (the registrar being hereby thereunto empowered)."

8. Amendments to s. 10. Section ten of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words " and register ";

(ii) adding the words " and shall register such brand or, as the case may be, earmark in the name of the applicant ";

(iii) adding the following proviso:—

" Provided that if, in the opinion of the registrar, any sheep brand or sheep earmark applied for is similar to or easily convertible into any other sheep brand or, as the case may be, sheep earmark registered in the name of a person who uses it or is likely to use it in the same locality as the brand or earmark applied for is likely to be used the registrar shall make such modification in the brand or earmark applied for as renders it dissimilar to such other brand or earmark or, as the case may require, less easily convertible into such other brand or earmark."

(b) omitting subsection (2) and inserting in its stead the following subsection:—

" (2) The registrar shall register a sheep brand or a sheep earmark for use only within a particular district to be specified by him and notified by him to the applicant.

A person shall not use a sheep brand or sheep earmark elsewhere than in the district for use within which the same is registered except in the case of travelling sheep."

(c) in subsection (3), omitting the word " black ";

(d) in subsection (4),—

(i) omitting the words " in each year " and inserting in their stead the words " in every second year ";

(ii) omitting the words " in the *Gazette* ".

9. Amendment to s. 14. Section fourteen of the Principal Act is amended by omitting the first paragraph and inserting in its stead the following paragraph:—

" The registrar may allot to a Local Authority a special brand to be used in connection with a public pound conducted by such Local Authority and shall register such brand in the name of such Local Authority."

10. New s. 14A. The Principal Act is amended by inserting after section fourteen the following section:—

" [14A.] **Special brands, &c., to public instrumentalities.** Upon application therefor by or on behalf of a Department of the Government of the State or a statutory body established for public purposes by or under legislation of the State or such other body performing functions of a public nature as the Minister approves the registrar, if he is satisfied that such application is in conformity with this Act, shall allot to the Department, statutory body or, as the case may be, body by or on whose behalf such application is made one or more special brands or special earmarks and

shall register every such brand or, as the case may be, earmark in the name of such Department, statutory body or body or a nominee of any of the same.

A nominee in whose name registration of a special brand or special earmark is effected under this section may be designated by name or by reference to an office which he holds or as the holder for the time being of a particular office.

A special brand shall be of such character, design, shape, size and (in the case of a paint brand) colour as the Minister, subject to this Act, determines."

11. Amendments to s. 17A. Section 17A of the Principal Act is amended by—

(a) numbering that section as subsection (1);

(b) adding the following subsections:—

"(2) The registrar may require any inspector to furnish to him particulars as to the fitness of any applicant for or registered owner of any brand or mark to be allotted or, as the case may be, to be registered as owner of such brand or mark.

(3) An inspector who furnishes to the registrar a report on the fitness of any person to be allotted or to be registered as owner of any brand or mark (whether or not such inspector was required by the registrar so to do) shall not incur any liability in respect of such report."

12. Repeal of and new s. 18. The Principal Act is amended by repealing section eighteen and inserting in its stead the following section:—

"[18.] **Returns of registered brands and earmarks.** (1) A person who is the owner of a registered brand or registered earmark on the first day of January of any year shall, before the thirty-first day of January of that year, furnish to the registrar a return in the prescribed form of all such brands or earmarks.

Where two or more persons are the owner of a registered brand or registered earmark it shall be sufficient compliance with the provisions of this subsection if one of such persons furnishes the return as prescribed by this subsection.

(2) If a person required by the preceding subsection to furnish a return fails to furnish such return at any time during three consecutive years the registrar may give to such person a notice calling upon him to show cause why the registration of the brand or earmark in question should not be cancelled.

If such cause is not shown to the satisfaction of the registrar within three months of the giving of such notice the registrar may cancel the registration of such brand or earmark.

Where two or more persons are registered as the owner of a registered brand or registered earmark the registrar, if he gives a notice prescribed by this subsection, shall give such a notice to each such person."

13. Repeal of and new s. 18A. The Principal Act is amended by repealing section 18A and inserting in its stead the following section:—

"[18A.] **Cancellation of brand or mark for similarity.** (1) When in the opinion of the registrar any registered brand or earmark which is used or is likely to be used in a locality is similar to or easily convertible into another registered brand or earmark which is used or is likely to be used in the same locality he shall certify accordingly to the Minister.

Upon a certification by the registrar, the Minister may cause the registration of the brand or earmark which last became a brand or, as the case may be, earmark used or likely to be used in the locality in question to be cancelled and the registered owner thereof to be notified forthwith.

(2) The registered owner of a brand or earmark which has been cancelled pursuant to this section may apply for a brand or, as the case may be, earmark in lieu of the one so cancelled and the registrar shall, if he receives such application within ninety days of such cancellation, without payment of any fee, but subject to the provisions of subsection (1) of section six and subsections (1) and (2) of section ten of this Act where those provisions respectively apply, allot to the applicant another brand or, as the case may be, earmark in lieu of the brand or earmark so cancelled and shall register such brand or earmark in the name of the applicant."

14. Repeal of and new s. 19A. The Principal Act is amended by repealing section 19A and inserting in its stead the following section:—

"[19A.] (1) **Cancellation and re-allotment by Minister of certain brands and marks.** When a change in the ownership of a holding has occurred the Minister may in his discretion, upon the application of the current owner of such holding made in conformity with this Act and upon the recommendation of the registrar,—

- (a) cancel the allotment and registration of any horse and cattle brand, sheep brand or sheep earmark used in respect of such holding prior to such change in ownership and continued to be so used after such change; and
- (b) cause to be forthwith allotted to the current owner of such holding and registered in his name such a brand or earmark, where—
 - (i) a transfer of the same by or on behalf of the last registered owner of such brand or earmark in favour of the current owner of such holding cannot be produced; and
 - (ii) such a transfer signed as aforesaid cannot be obtained; and
 - (iii) the Minister is satisfied that such last registered owner is not lawfully using such brand or mark.

When the Minister exercises the powers conferred upon him by this subsection in relation to a horse and cattle brand he shall cause to be cancelled and re-allotted to the current owner of the holding concerned (if such owner applies therefor in conformity with this Act) any and every cattle earmark and symbol brand registered for use in conjunction with such brand.

(2) **Cancellation and re-allotment of cattle earmarks.** When a change in the ownership of a holding has occurred and the current owner of such holding is the registered owner of a horse and cattle brand the registrar may, in his discretion,—

- (a) upon the application of such current owner made in conformity with this Act; and
- (b) upon the written authority of the last registered owner of the cattle earmark concerned being furnished to him,

cancel the allotment and registration of any and every cattle earmark registered for use in conjunction with a horse and cattle brand used in respect of such holding prior to such change of ownership and forthwith re-allot the same to such current owner for use in conjunction with his horse and cattle brand in respect of such holding and shall register the same in the name of such current owner accordingly.”

15. Repeal of and new s. 20. The Principal Act is amended by repealing section twenty and inserting in its stead the following section:—

“**[20.] Manner of dealing with cancelled brands and marks.** (1) Upon the application of the last registered owner of a brand or earmark the allotment and registration of which has been cancelled and upon the payment of the prescribed fee the registrar, if satisfied that such application is in conformity with this Act, shall, subject to this Act, re-allot such brand or, as the case may be, earmark to the applicant and register the same in his name unless, in the meantime, such brand or, as the case may be, earmark, has been allotted to another person and registered in his name.

(2) Save as is provided in section 19A of this Act and in the preceding subsection, the registrar shall not allot a horse and cattle brand or cattle earmark which is cancelled to any person unless he is satisfied that a period of five years has elapsed since such brand or, as the case may be, earmark was in regular use.”

16. New s. 20A. The Principal Act is amended by inserting after section twenty the following section:—

“**[20A.] Cancellation of conjoint brands and marks.** Whenever the allotment and registration of a horse and cattle brand has been cancelled pursuant to this Act the allotment and registration of every cattle earmark and symbol brand registered for use in conjunction with such brand shall also be cancelled.”

17. Amendments to s. 22. Section twenty-two of the Principal Act is amended by—

(a) in subsection (2), adding to the third paragraph the words “or by action as for a debt due to the Crown in a court of competent jurisdiction”;

(b) in subsection (4), omitting the words "Under Secretary, Department of Agriculture and Stock," and inserting in their stead the words "Under Secretary of the Department of Primary Industries,".

18. Repeal of and new s. 23. The Principal Act is amended by repealing section twenty-three and inserting in its stead the following section:—

"[23.] **Powers of inspector.** (1) For the purposes of this Act an inspector may, with such assistants, animals, vehicles and equipment as he considers necessary for the proper discharge of his duties,—

- (a) enter upon and leave as often as he considers necessary any holding;
- (b) search for and inspect any stock, brand, mark, branding instrument or pliers and, in the case of travelling stock, stop such stock and, for the purpose of exercising any of the powers by this paragraph conferred, stop any vehicle or vessel;
- (c) muster, yard, detain, clip and otherwise deal with any stock when he considers it necessary in the proper discharge of his duties so to do;
- (d) seize and detain any stock in respect of which he suspects on reasonable grounds that the owner or person in charge has committed or is committing an offence against this Act;
- (e) seize and detain any thing in respect of which he suspects on reasonable grounds that an offence against this Act has been committed or is being committed by any person, whether known to the inspector or not;
- (f) use such force as is reasonably necessary to exercise any of the aforesaid powers;
- (g) require the owner or person in charge or apparently in charge of any holding or stock or any person found in or on any holding or any person who, within the preceding twelve months, has been employed in or on any holding to answer such questions as the inspector puts to him with respect to matters within the purview of this Act to ascertain whether any provision of this Act has been or is being contravened or has not been or is not being complied with and require any such person to sign a declaration as to the truth of his answers;
- (h) with the authority in writing of the Minister, require the owner, occupier or person apparently in charge of a holding to cause stock on such holding to be mustered and held until the inspector approves to the contrary.

(2) A person who—

- (a) hinders or obstructs an inspector or any of his assistants in the execution of his duty under this Act or attempts so to do; or
- (b) upon being required by an inspector in that behalf, fails to produce a branding instrument or pliers for the purpose of inspection; or
- (c) does not permit any stock, branding instrument or pliers to be inspected by an inspector; or

(d) fails to comply with a requisition of an inspector lawfully made upon him pursuant to this Act, commits an offence against this Act.

(3) No provision of this section shall be construed—

- (a) to oblige any person to answer any question or make any statement which answer or statement would or would tend to incriminate him; or
- (b) to render any person liable to a penalty for failing to make such an answer or statement.”

19. Amendments to s. 24. Section twenty-four of the Principal Act is amended by—

(a) omitting the words “ fifty pounds ” and inserting in their stead the words “ two hundred pounds ”;

(b) renumbering provisions (iii.a), (iii.b), (iii.c), (iii.d) and (iv) as provisions (iv), (v), (vi), (vii) and (ix) respectively;

(c) omitting provision (vi) as renumbered by this section and inserting in its stead the following provision:—

“ (vi) Making or cutting any mark other than a mark which he is authorised or permitted by this Act to make or cut; ”;

(d) inserting after provision (vii), as renumbered, the following provision:—

“ (viii) Having in his possession or suffering to be on or in a holding of which he is the owner or the person apparently in charge any branding instrument bearing a letter, numeral, sign, character, symbol, or mark which does not comply with the provisions of this Act applicable thereto or, as the case may require, a determination of the Minister made in relation thereto; ”;

(e) omitting the second paragraph.

20. Repeal of and new s. 25. The Principal Act is amended by repealing section twenty-five and inserting in its stead the following section:—

“ [25.] **Evidentiary aids.** (1) The registration of any brand or earmark in the name of any person shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that such person is the owner of such brand or, as the case may be, earmark.

(2) A certificate purporting to be signed by the registrar that a brand or earmark described therein is registered in the name of a person named therein shall be conclusive evidence that such brand or, as the case may be, earmark is registered in the name of such person.

(3) A copy of a certificate of registration of, or of a notification of transfer or cancellation of, a brand or earmark verified by a certificate purporting to be signed by the registrar shall be conclusive evidence of the fact and the date of such registration or, as the case may be, transfer or cancellation.

(4) The existence on any head of stock of a registered brand (other than a special brand allotted under sections 9A or fourteen of this Act and a distinctive brand) or a registered earmark shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the animal concerned is the property of the registered owner of such brand or earmark and, where there are more than one such brand on such animal, of the registered owner of the brand which appears to be the last imprinted in accordance with the provisions of this Act.

(5) The fact that any stock bearing any brand or earmark (whether registered or not) has been claimed or dealt with by any person as his property shall be *primâ facie* evidence that such person imprinted or made such brand or earmark.

(6) A spay mark upon any cow or heifer shall be *primâ facie* evidence that such cow or heifer has been spayed.

(7) No provision of this section shall be construed to prejudice the operation of or to derogate from any provision of "The Criminal Code".

21. Amendment to s. 27. Section twenty-seven of the Principal Act is amended by omitting the words "Stock Diseases Fund" where they twice occur and inserting in their stead where so omitted the words "Stock Fund".

22. Repeal of and new s. 31. The Principal Act is amended by repealing section thirty-one and inserting in its stead the following section:—

"[31.] (1) **Recovery of penalties.** A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

A prosecution for an offence against any provision of this Act shall be by way of summary proceeding under "The Justices Acts, 1886 to 1964."

Such a proceeding may be instituted within the time limited therefor by those Acts or within six months after the offence in question comes to the knowledge of the complainant whichever period is the later to expire.

Unless some other penalty is specifically prescribed by this Act a person convicted of an offence against this Act is liable to a penalty of one hundred pounds.

(2) **Recovery of fees.** Unless some other method of recovery is specifically prescribed by this Act any fee payable under this Act shall be recovered by way of summary proceeding under "The Justices Acts, 1886 to 1964." or by way of action as for a debt due to the Crown in a court of competent jurisdiction.

(3) **Disposal of branding instruments, &c.** A court which hears a charge of an offence against any provision of this Act may order that any thing (other than stock) seized by or on behalf of an inspector in the course of an investigation into such offence be forfeited to the Crown.

Any thing ordered to be forfeited to the Crown under this subsection or any other thing (other than stock) which, either before or after the date of commencement of "*The Brands Acts Amendment Act of 1965.*"—

(a) has been seized by or on behalf of an inspector and which does not conform with the provisions of this Act or with a determination made under this Act; or

(b) has been surrendered to an inspector, the registrar, or the Under Secretary of the Department of Primary Industries,

may be disposed of in such manner as the said Under Secretary determines."

23. New s. 32. The Principal Act is amended by inserting after section thirty-one the following section:—

"[32.] **Protection from liability.** An inspector shall not incur any liability on account of anything reasonably done by him for the purpose of carrying this Act into effect."