

Queensland



ANNO VICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 79 of 1974

An Act to amend the Brands Act 1915–1973 and the Stock Act 1915–1973 each in certain particulars

[ASSENTED TO 1ST NOVEMBER, 1974]

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. Short title and citation. (1) This Act may be cited as the *Brands Act and Another Act Amendment Act 1974*.

(2) The *Brands Act 1915–1973* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Brands Act 1915–1974*.

2. Amendment of s. 6. Section 6 of the Principal Act is amended by—

(a) in subsection (5),

(i) in provision (a) of the second paragraph, inserting before the words “in conjunction” where they firstly occur the words “upon cattle and”;

(ii) in the proviso to the last paragraph, adding at the end thereof the following provision:—

“;

(e) a registered cattle earmark upon the ear of a head of cattle previously marked in accordance with provision (a) or (d) of this proviso”;

(b) omitting subsection (6);

(c) in subsection (7), omitting the words “petty sessions” and substituting the words “the court”.

3. Repeal of s. 6A. The Principal Act is amended by repealing section 6A.

4. Amendment of s. 7. Section 7 of the Principal Act is amended by, in subsection (4), omitting the words “or camel” and substituting the words “, camel or head of cattle”.

5. Amendment of s. 9. Section 9 of the Principal Act is amended by, in subsection (1), adding at the end thereof the following paragraph:—

“Where the registered person to whom a distinctive brand has been allotted transfers the horse and cattle brand allotted to him to another person the registrar shall cancel the registration of the distinctive brand so allotted.”.

6. Amendment of s. 10. Section 10 of the Principal Act is amended by, in subsection (4), omitting the words “petty sessions” and substituting the words “the court”.

7. Amendment of s. 14. Section 14 of the Principal Act is amended by—

(a) omitting the word “portions” and substituting the word “positions”;

(b) omitting the words “fifty pounds” and substituting the expression “\$400”.

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

“14B. Special brands to the Commissioner of Police. (1) The registrar may upon application and with the approval of the Minister allot to the Commissioner of Police a special brand or special brands and shall register every special brand so allotted in the name of the Commissioner of Police.

A special brand so allotted and registered 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.

(2) A member of the Police Force who lawfully has possession of horses, cattle or sheep in connection with the commission of an offence may, solely for the purpose of identification, brand those horses, cattle or sheep with a special brand registered pursuant to this section.

(3) The branding of horses, cattle and sheep with a special brand pursuant to this section—

(a) is lawful notwithstanding any other Act;

(b) does not affect the right of ownership of those horses, cattle and sheep had by any person.”.

9. Repeal of and new s. 15. The Principal Act is amended by repealing section 15 and substituting the following section:—

“ **15. Duty as to Brands and Earmarks Directories.** Every poundkeeper, inspector and clerk of the court shall keep at his respective office a copy of the latest edition of the Brands Directory and the Sheep Brands and Earmarks Directory and shall make those directories available for inspection by any person at all reasonable times.”.

10. Repeal of and new s. 19. The Principal Act is amended by repealing section 19 and substituting the following section:—

“ **19. Cancellation of brand or earmark not in use.** If at any time it appears to the registrar that a registered brand or earmark is not in use, he may, by notice signed by him and given to the registered owner thereof, call upon the registered owner to show cause why the brand or earmark specified in the notice should not be cancelled.

The registrar may in the notice or in a further notice nominate a place, date (being not less than three months from the date of the notice) and time at which cause is to be shown.

If cause is not shown to the satisfaction of the registrar within the time specified in the notice, the registrar may cancel the brand or earmark in respect of which the notice was given.”.

11. Amendment of s. 20. Section 20 of the Principal Act is amended by, in subsection (2), inserting after the word “ use ” the words “ by the registered owner thereof ”.

12. Amendment of s. 24. Section 24 of the Principal Act is amended by omitting the words “ two hundred pounds ” and substituting the expression “ \$400 ”.

13. Repeal of and new s. 24A. The Principal Act is amended by repealing section 24A and substituting the following section:—

“ **24A. Prohibition on sale of unbranded cattle.** (1) A person shall not sell any cattle of a live weight in excess of 100 kilograms unless those cattle are branded.

Penalty: \$400 or imprisonment for six months.

(2) For the purposes of subsection (1), cattle shall be taken to be branded if and only if—

- (a) they are branded with a horse and cattle brand;
- (b) they are branded with a brand registered pursuant to the law of any other State or a Territory of the Commonwealth and recognised therein as evidence of ownership of those cattle; or
- (c) they are branded with a brand impressed or otherwise applied in a State or Territory of the Commonwealth, the law whereof does not require the registration of such a brand, and accepted therein as evidence of ownership of those cattle.

(3) This section applies subject to section 24B.”

14. Amendment of s. 24B. Section 24B of the Principal Act is amended by, in subsection (4), omitting the expression “ \$200 or imprisonment for three months ” and substituting the expression “ \$400 or imprisonment for six months ”.

15. Amendment of s. 25. Section 25 of the Principal Act is amended by—

- (a) in subsection (4),
 - (i) omitting the expression “ sections 9A or fourteen ” and substituting the expression “ section 9A, 14 or 14B ”;

(ii) adding at the end thereof the following paragraph:—

“ For the purposes of this subsection, the existence of a registered earmark on a sheep shall be evidence and, in the absence of evidence to the contrary, conclusive evidence that the sheep is the property of the registered owner of the earmark but the existence of a registered earmark on a head of cattle shall not be such evidence unless that earmark exists thereon in conjunction with a registered horse and cattle brand with which such earmark is at the material time registered.”;

(b) inserting after subsection (6) the following subsection:—

“ (6A) A mark or cut wholly within the off ear of any head of cattle, being a mark or cut of a shape and size approved by the Minister for a particular purpose, shall be prima facie evidence that such purpose has been carried out.”.

16. Amendment of s. 29. Section 29 of the Principal Act is amended by—

(a) omitting the words “ both Houses of Parliament ” and substituting the words “ the Legislative Assembly ”;

(b) omitting the words “ either House of Parliament ” and substituting the words “ the Legislative Assembly ”;

(c) omitting the words “ such House ” and substituting the word “ it ”.

17. Amendment of s. 31. Section 31 of the Principal Act is amended by, in subsection (1), omitting the words “ one hundred pounds ” and substituting the expression “ \$200 ”.

18. Amendment of the Stock Act 1915-1973. (1) The *Stock Act* 1915-1973 is amended by, in Schedule II, in Clause 15,

(a) inserting after the word "generally" the words "or of certain classes of stock, whether throughout the State or in a district or part of a district";

(b) omitting the word "and" where it occurs before the words "the licensing" and substituting the words "of holdings, the registration of holdings,".

(2) The provisions of the *Stock Act* 1915-1973 set forth in the schedule are amended by omitting from the provision of that Act set forth in the first column of the schedule the expression set forth in the second column of the schedule opposite to that provision and substituting the expression set forth in the third column of the schedule opposite to that provision.

(3) The *Stock Act* 1915-1973 as amended by this section may be cited as the *Stock Act* 1915-1974.

SCHEDULE

[s. 18 (2)]

First Column	Second Column	Third Column
Number of Provision	Expression to be Omitted	Expression to be Substituted
Section 4 (1)	One hundred pounds	\$500
Section 5A (2) (c)	one hundred pounds	\$500
Section 7	one pound	\$2
	two pounds	\$4
	one pound	\$2
	one hundred pounds	\$500
Section 9 (3E)	two hundred and fifty pounds	\$2,000
Section 9 (4)	two hundred and fifty pounds	\$2,000
Section 9A (5)	two hundred and fifty pounds	\$500
Section 12A (4)	one hundred pounds	\$500
Section 12B (4)	\$200	\$500
Section 12C (4)	\$200	\$500
Section 13 (1)	one hundred pounds	\$500
Section 16A (4)	five shillings	\$5
	, and in addition to such mustering charge a fee of one pound for any stallion over eighteen months of age so claimed by him	
Section 16A (6)	ten shillings	\$10
Section 16A (8)	one hundred pounds	\$500
Section 18 (1)	\$200	\$500
Section 18 (3)	One hundred pounds	\$500
Section 19 (4)	one hundred pounds	\$500
Section 19 (5)	one hundred pounds	\$500
Section 19 (6)	one hundred pounds	\$500
Section 19 (7)	One hundred pounds	\$500
Section 19 (8)	One hundred pounds	\$500
Section 19 (9)	\$200	\$500
Section 21 (1)	one hundred pounds	\$500

SCHEDULE—*continued*

First Column	Second Column	Third Column
Number of Provision	Expression to be Omitted	Expression to be Substituted
Section 25A (9) ..	One hundred pounds ..	\$500
Section 25A (10) ..	one hundred pounds ..	\$500
Section 25A (11) ..	one hundred pounds ..	\$500
Section 25A (12) ..	one hundred pounds ..	\$500
	ten pounds ..	\$50
Section 26A (2) (c) ..	five hundred pounds ..	\$1,000
Section 26B (5) ..	fifty pounds ..	\$500
Section 26C (8) (a) ..	One hundred pounds ..	\$500
Section 26C (8) (b) (i) ..	One hundred pounds ..	\$500
Section 26C (8) (b) (ii) ..	One hundred pounds ..	\$500
Section 26C (9) (d) ..	One hundred pounds ..	\$500
Section 26C (12) (a) ..	One hundred pounds ..	\$500
Section 26C (13) ..	One hundred pounds ..	\$500
Section 26C (14) ..	One hundred pounds ..	\$500
Section 26C (15) ..	One hundred pounds ..	\$500
Section 28 (1) ..	one hundred pounds ..	\$500
Section 29 ..	one hundred pounds ..	\$500
Section 30 (2) ..	fifty pounds ..	\$500