

BRANDS.

26° GEO. V., No. XIII.

No. 13 of 1935.

AN ACT to amend the Brands Act, 1904-1932.

[Assented to 12th November, 1935.]

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

1. This Act may be cited as the *Brands Act Amendment Act, 1935*, and shall be read as one with the Brands Act, 1904-1932, as reprinted in the Appendix of the Sessional Volume of Statutes for the year 1932. Short title.
2. This Act shall come into operation on a date to be fixed by proclamation.* Commencement.
3. Subsection (2) of section six of the principal Act is hereby amended— Amendment of s. 6, principal Act.
 - (a) by adding the words "and woolbrand" after the word "earmark" in the second line of the subsection;
 - (b) by adding the word "or" after the word "firebrand" in the second line of the subsection;
 - (c) by striking out the words "or woolbrand" in the third line of the subsection;
 - (d) by striking out the words "some part of the body" at the end of the subsection and inserting the words "such part of the body and in such manner as may be prescribed," in place of the words struck out;

* Proclaimed to commence 1st February, 1936. (See *Gazette*, 7th February, 1936.)

(e) by adding a paragraph at the end of the subsection as follows:—

Every proprietor of sheep on any run must have a registered brand for sheep under this Act, and every such proprietor who fails to obtain such registered brand shall be guilty of an offence against this Act.

Amendment of
s. 6A, prin-
cipal Act.

4. Subsection (1) of section six A of the principal Act is hereby repealed and the following substituted:—

(1) In the case of sheep the owner may, in addition to marking the same with the registered brand,—

(a) mark the same with any one of the numerals 1 to 9 inclusive, in arabic figures, either as a woolbrand or firebrand or earmark for flock reference purposes, which mark shall not be registered;

(b) the breeder may place on that ear of the sheep allocated for an age mark under the provisions of section twelve any other private reference mark, which shall not be registered.

Amendment of
s. 7, principal
Act.

5. Section seven of the principal Act is amended by adding after the word “sheep” in the second line of the section the words “with its accompanying woolbrand.”

Amendment of
s. 12, prin-
cipal Act.

6. Section twelve of the principal Act is hereby amended by striking out the words “and no mark whatever shall be made thereon,” in the tenth and eleventh lines of the subsection, and inserting in lieu of the words struck out the words “except for any cullmark or any reference mark made on the ear under the provisions of section six A.”

Amendment of
s. 27, prin-
cipal Act.

7. Section twenty-seven of the principal Act is hereby amended by adding the words “or a flock reference mark under the provisions of section six A,” after the word “cullmark” in the last line of the section.

New section
27A.

8. A new section is hereby added after section twenty-seven of the principal Act, as follows:—

27A. (1.) Forthwith after every shearing of sheep

the owner shall place his woolbrand on the sheep in the prescribed manner: provided that this section shall not apply—

- (a) to stud sheep registered in any recognised stud or flock book;
- (b) to any sheep under the age of six months.

(2.) No person shall have in his possession any sheep which have been shorn within the period of one month preceding the date of possession, unless a woolbrand has been placed on such sheep in accordance with the requirements of the preceding subsection.

(3.) This section shall apply only to sheep which are at the material time in that part of the State bounded, as follows:—by lines starting at a point on the seashore situate at the centre of the mouth of the Murchison river and extending upwards along said centre to a point situate north of the trigonometrical station near Tallering Peak; thence south to said station; thence south-easterly through the cairn on Mugga Mugga Hill to the summit of Mt. Gibson; thence easterly to trigonometrical station K 83; thence East to the No. 1 line of the rabbit-proof fence; thence south-easterly to the centre of the Karalee station; thence again south-easterly through the summit of Mt. Ragged to the seashore, and thence generally westerly and northerly along said seashore, including the islands adjacent, to the starting point.

(4.) Any person who fails or neglects to comply with the provisions of this section shall be guilty of an offence against this Act.

9. (1.) Section thirty of the principal Act is amended by adding a paragraph after paragraph (3), as follows:—

Amendment of
s. 30, principal
Act.

(4.) Seize, remove, and impound any sheep which are being removed by any person in contravention of the provisions of section forty-three A.

(2.) Paragraph (4) of the section shall be renumbered (5).

Amendment of
s. 42 of the
principal Act.

10. (1.) Section forty-two of the principal Act is amended by adding after paragraph (g) the following new paragraph:—

(gg) has in his possession the skins of any sheep from which the ears or portion of the ears have been removed, except in accordance with—

(i) any lawful branding under this Act; or

(ii) the provisions of section forty-nine B of this Act;

or has in his possession any skins of any sheep the ears on which have been cropped, cut, sliced, or otherwise mutilated.

(2.) Section forty-two of the principal Act is further amended by adding a proviso at the end of the section, as follows:—

Provided that it shall be a defence to any charge under paragraph (gg) of this section if the defendant prove—

(i) that the skins came into his possession in the course of his business as an agent; and

(ii) that he took all reasonable precautions to prevent such skins coming into his possession; and

(iii) that on becoming aware that he had the skins in his possession he promptly gave to the officers of police or an inspector all information in his power relating to the person from whom and the date and circumstances under which he became possessed thereof.

New section
43A.

11. A new section is hereby added after section forty-three of the principal Act:—

43A. (1.) Subject as hereinafter provided, no sheep removed or in the course of removal from any run to any other place shall be so removed, unless—

(a) the proprietor is the owner of a woolbrand for such run;

- (b) a registered woolbrand is distinctly and legibly marked in the prescribed manner on the sheep:

Provided that this subsection shall not apply to any sheep under the age of six months.

- (2.) Any person (including the proprietor) who—
- (a) removes any sheep, or causes or permits any sheep to be removed from any run;
- (b) has in his possession, control, or custody any sheep which are in the course of removal from any run;

to any other place in contravention of the provisions of the preceding subsection shall be guilty of an offence against this Act.

12. A new section is inserted in the principal Act, as follows:— New section
43B.

43B. No owner of sheep shall sell or offer the same for sale unless a registered woolbrand is distinctly and legibly marked in the prescribed manner on the sheep: provided that this section shall not apply in any case where the sheep are under the age of six months.

13. Section forty-five of the principal Act is amended by— Amendment of
s. 45, principal
Act.

- (a) striking out the words “and no sheep under the age of six months” in lines one and two;
- (b) adding a proviso at the end of the section, as follows:—

Provided that no sheep under the age of six months shall be deemed unbranded by reason of the fact that no registered woolbrand has been placed thereon.

14. Section forty-nine A of the principal Act is hereby amended by inserting a further subsection at the end of the section, as follows:— Amendment of
section 49A,
principal Act.

(2) Any inspector or police officer may at any time stop and search any conveyance or boat which he suspects on reasonable grounds is carrying any stock or the skins of any slaughtered stock and inspect and

seize and detain for the purpose of evidence all such stock or skins which may afford evidence in connection with any breach or suspected breach of this Act.

Amendment of
section 49B,
principal Act.

15. Section forty-nine B of the principal Act is amended by inserting after the word "process" in the fourth line of the section the words "or immediately before export."

Citation of
principal Act
as amended.

16. (1.) The principal Act as amended by this Act may be cited as the Brands Act, 1904-1935.

Reprinting
of Act as
amended.

(2.) The Brands Act, 1904-1932, as amended by this Act, shall be reprinted by the Government Printer under the supervision of the Clerk of the Parliaments, and in such reprint the sections shall be renumbered in arithmetical order and the cross references adjusted.