

## BRANDS.

23° GEO. V., No. XXIV.

No. 24 of 1932.

### AN ACT to amend the Brands Act, 1904.

[Assented to 15th December, 1932.]

**B**E 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, 1932*, and shall be read as one with the Brands Act, 1904, as reprinted in the Appendix to the Sessional Volume of the Statutes for the year 1907, hereinafter referred to as the principal Act. Short title.

2. Section four of the principal Act is amended as follows:— Amendment of s. 4, No. 61 of 1904. Def. "Registrar."

- (a) by adding after the word "Act," in the definition of "Inspector," the words "or Registrar, as hereinafter defined";
- (b) by adding the following words at the end of the definition of "Stock":—"and also includes swine or goats";
- (c) by adding the following definition after the definition of "Stock":—

"Stud," used in reference to cattle or horses, means any breed or strain thereof which is registered in any recognised herd, stud, or flock book.

Amendment of s. 6.

3. Section six of the principal Act is hereby amended by adding the words "or left" after the word "near," in line four of subsection two, and the words "or right" after the word "off," in line five of the same subsection; and by striking out the word "pitch," in line ten of the said subsection two, and inserting in lieu thereof the words "branding oil."

New sections 6A and 6B.

4. The following sections are added after section six of the principal Act:—

Flock marks for sheep.

6A. (1.) In the case of sheep the owner may, in addition to marking same with the registered brand, mark the same with any one of the numerals one to nine inclusive in Arabic figures, either as a wool-brand or fire-brand or earmark for flock reference purposes, which mark shall not be registered.

(2.) Such mark shall be placed in such a manner and in such position as shall render the same clearly distinguishable from the registered brand.

Brands for swine or goats.

6B. (1.) A proprietor of swine or goats may apply for and obtain a registered brand for the same.

(2.) Such brand shall be similar to a sheep brand under subsections two and three of section six, and the provisions of those subsections shall apply.

(3.) It shall not be compulsory to brand swine or goats, but if they are branded, none other than a registered brand shall be used, and then only by the proprietor of the brand in accordance with the certificate of registration thereof.

Amendment of s. 9.

5. Section nine of the principal Act is hereby amended, as follows:—

(a) by deleting subsection one and inserting in lieu thereof the following subsection:—

(1) Every brand for horses and cattle shall not exceed in overall measurements 9 inches by 3 inches, nor shall each letter or figure be less than  $1\frac{1}{4}$  inches in length or width. Any horse or head of cattle branded with any smaller letters or larger brand shall be deemed unbranded;

(b) In subsection two by adding after the word "sheep," wherever it occurs in the said subsection, the words "swine or goat";

(c) By adding the following subsection:—

(3) No earmark for cattle shall exceed 1 inch in length and  $\frac{5}{8}$  of an inch in width.

6. Section ten of the principal Act is hereby amended by adding after the word “cheek,” in paragraph (a), the words “or near thigh”; or “immediately under the registered brand, not less than 2 inches nor more than 3 inches from such brand.” Amendment of s. 10.

7. Section eleven of the principal Act is hereby amended by inserting “6A” after the word “sections,” in the first line of the said section. Amendment of s. 11.

8. Section twelve of the principal Act is hereby amended by adding after the words “off” and “near,” wherever they occur in the said section, the words “or right” and the words “or left” respectively. Amendment of s. 12.

9. Section fourteen of the principal Act is amended by adding thereto a subsection, as follows:— Amendment of s. 14.

(2.) If any person shall desire any information concerning any registered brand and shall make application for the same in the prescribed form, the Registrar shall, upon receipt of such application, and on payment of the prescribed fee, not exceeding one shilling, furnish to the applicant the information asked for in such application or so much thereof as can be obtained from the register.

10. Section nineteen of the principal Act is amended, as follows:— Amendment of s. 19.

(a) by striking out all words of the section after the words “Fourth Schedule”;

(b) by adding a subsection, as follows:—

(2) On proof of the loss of a certificate of registration, and payment of a fee of two shillings and sixpence, a duplicate certificate may be issued.

11. Section twenty of the principal Act is hereby repealed. Repeal of s. 20.

12. Section twenty-one of the principal Act is hereby amended by inserting after the word “registered,” in the said section, the word “transferred.” Amendment of s. 21.

Amendment of s.  
22.

13. Section twenty-two of the principal Act is hereby amended by the excision of the words "statement and," in the second line thereof.

Amendment of s.  
24.

14. Section twenty-four of the principal Act is amended—

(a) by striking out the words "on an application in the form in the Sixth Schedule, and on payment of a fee of two shillings and sixpence," in subsection one; and by repealing paragraphs (a), (b), and (c) and inserting in lieu thereof the following paragraphs:—

(a) Where the registered owner makes application for the cancellation of the same in the form in the Sixth Schedule and on payment of a fee of two shillings and sixpence;

(b) Where it is proved to the satisfaction of the Registrar that such brand has ceased to be used by the owner thereof, or that the owner has died or has left Western Australia without possessing any stock for which such brand might be required;

(b) by repealing subsection two thereof, and inserting the following subsections:—

(2) Before cancelling any such brand under paragraph (b) of subsection (1), the Registrar shall send three calendar months' notice of intention to do so by prepaid registered post to the place of business of the proprietor specified in the original application for the brand, or to the last known place of business of such proprietor;

(3) In the absence of any reason being given to the satisfaction of the Registrar as to why such registration should not be cancelled on the ground stated in the notice within the time therein specified, the Registrar may cancel the said registration, whereupon the brand shall be available for reallocation to another applicant.

Amendment of s.  
25.

15. Section twenty-five of the principal Act is hereby amended by striking out the words "as they occur in the *Government Gazette*," in line three, and inserting in lieu thereof the words "as provided in section twenty-one."

16. Section twenty-six, subsection one (a), of the principal Act is hereby amended by adding after the words "Seventh Schedule," in the said subsection, the following proviso:—

Amendment of s.  
26.

Provided that, in the case of stud horses and stud cattle, the breeder may tattoo his registered brand on the ear of the animal in lieu of imprinting the brand in the position provided in the Seventh Schedule.

17. Subsection three of section thirty of the principal Act is hereby amended by inserting the words "other than swine or goats" after the word "stock," in line one of the said subsection.

Amendment of s.  
30.

18. Section thirty-nine of the principal Act is hereby amended by striking out paragraphs (b) and (c) thereof.

Amendment of s.  
39.

19. Section forty-two of the principal Act is hereby amended, as follows:—

Amendment of s.  
42.

(i) in paragraph (d) by inserting the word "sheep" between the words "any" and "horse," and inserting the words "Six A and section" after the word "section";

(ii) by deleting paragraph (f) and inserting in lieu thereof paragraphs, as follows:—

(f) slices, crops the ears, blotches, defaces, alters, or otherwise renders illegible any brand upon stock or any numeral brand on any horse or head of cattle or any cull mark or age mark;

(f1) has in his possession sheep with cropped or mutilated ears.

20. Section forty-four of the principal Act is hereby amended by inserting the words "other than swine or goats" after the word "stock," in line one.

Amendment of s.  
44.

21. Section forty-five of the principal Act is hereby amended by inserting the words "and no sheep under the age of six months" after the words "eighteen months," in the second line.

Amendment of s.  
45.

New section.

22. A section is inserted in the principal Act after section forty-six, as follows:—

Owner of mortgaged stock of the age of four months or more must brand such stock in certain cases.

46A. (1.) Every owner of stock which is included in a mortgage existing at the commencement of this section, and which is not already branded with the registered brand of such owner shall, if required so to do by the mortgagee of such stock, brand with the registered brand of such owner each and every head of stock which is already four months old, and also each and every head of stock which is not yet four months old as and when it reaches that age.

(2.) Every owner of stock which is included in a mortgage given after the commencement of this section shall, if required so to do by the mortgagee of such stock, forthwith, after the giving of the mortgage, brand with the registered brand of the owner each and every head of stock which is then already four months old and is not so branded, and also each and every head of stock which thereafter during the continuance of the mortgage shall become four months old as and when it reaches that age.

(3.) For the purposes of this section, the term “mortgage” means any deed, memorandum, or other instrument whereby security for payment of money is granted over any stock, and includes all charges and liens given or created by any statute as a security for payment of money; and the term “stock” includes the progeny thereof.

(4.) Any mortgagee of stock to whom this section applies may, at any time and from time to time during the continuance of the mortgage of such stock, serve on the owner thereof notice in writing requiring such owner, within a specified time in the notice, being not less than one month, to brand with the registered brand of the owner the stock included in the mortgage in accordance with the provisions of this section.

(5.) If the owner of stock included in a mortgage to whom this section applies, refuses or neglects to comply with the provisions of any notice served upon him by the mortgagee of such stock under and in accordance with subsection (4) of this section, such owner shall be guilty of an offence against this Act.

(6.) This section shall apply only to the South-West Division of the State as constituted under the provisions of the Land Act, 1898, and to such other defined portions of the State to which the Governor may from time to time declare by proclamation that this section shall apply.

23. Section forty-seven of the principal Act is amended by inserting the words "the brand directory published in" after the word "of," in the first line thereof. Amendment of s. 47.

24. Section forty-nine of the principal Act is amended by striking out the words "horse or cattle," in line one thereof, and inserting, between the words "stealing" and "it," in line two thereof, the words "any stock." Amendment of s. 49.

25. The following sections are inserted in the principal Act, to follow section forty-nine:— New sections after s. 49.

49A. Any inspector or police officer may at any time enter any land, holding, building, structure, or place where any stock or the skins of any slaughtered stock are usually kept, or are on reasonable grounds suspected of being, 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. Inspector or police officer may seize stock illegally branded.

49B. No person shall remove from or mutilate the ears on any sheep skins: Provided that nothing herein contained shall prevent a person removing the ears from a sheep skin immediately before the skin is subjected to any tanning process. Offence to mutilate ears on sheepskins.

Any person who commits a breach of this section shall be guilty of an offence against this Act.

26. The principal Act as amended by this Act may be cited as the Brands Act, 1904-1932. Citation of principal Act as amended.