

## BRANDS.

1° Elizabeth II., No. LV.

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No. 55 of 1952.

**AN ACT to amend the Brands Act, 1904-1948.**

[Assented to 23rd December, 1952.]

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

Short title  
and citation

1. (1) This Act may be cited as the *Brands Act Amendment Act, 1952*.

Reprntd  
Acts Vol. 5,  
1952  
Apprvd for  
reprint 21st  
Aug. 1950.

(2) The Brands Act, 1904-1948,

Act No. 61 of 1904 as reprinted with amendments to and including Act No. 5 of 1948 incorporated pursuant to the provisions of the Amendments Incorporations Act, 1938,

is referred to in this Act as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Brands Act, 1904-1952.

S. 4  
amended.

2. Section four of the principal Act is amended by—

(a) adding after the word, "sheep" being the last word in the interpretation, "Brand" the words, "or a brand mentioned in subsection (4) of section six of this Act as a brand for use in connection with stock diseases or a flock reference mark or private reference mark respectively mentioned in paragraphs (a) and (b) of subsection (1) of section seven of this Act";

- (b) substituting for the words, "cattle or horses" in line one of the interpretation, "Stud" the word, "stock".

3. Section six of the principal Act is amended <sup>S. 6</sup> amended.  
by—

- (a) deleting the words, "with branding oil, or such other suitable material as may be specified in the certificate of registration," in lines ten, eleven and twelve of subsection (2);
- (b) adding after the word, "prescribed" in line fourteen of subsection (2) the words, "with suitable material but if and when regulations prescribing the material or class of material with which the brand shall be marked are made the wool brand shall thereupon be marked with a material so prescribed;

(c) adding the following subsection—

(4) (a) In addition to the brands mentioned in subsections (1), (2) and (3) of this section the registrar may register other brands for use in connection with control of stock diseases.

(b) Where the registrar so registers other brands he shall specify in the certificate of registration the marks of those other brands, the purposes for which and the manner in which and the persons by whom the marks may be used.

(c) A person who uses the marks without authority or otherwise than specified in the certificate of registration commits an offence.

4. Subsection (2) of section fourteen of the principal Act is amended <sup>S. 14</sup> amended.  
by adding after the word, "cullmark" in line two the words, "or a brand men-

tioned in subsection (4) of section six of this Act as a brand for use in connection with stock diseases or a flock reference mark or private reference mark mentioned respectively in paragraphs (a) and (b) of subsection (1) of section seven of this Act”.

S. 16  
amended.

5. Subsection (1) of section sixteen of the principal Act is amended by substituting for the words, “in the Second Schedule” in line two the word, “prescribed”.

S. 17  
amended.

6. Section seventeen of the principal Act is amended by—

- (a) substituting for the words, “in the Third Schedule” in lines two and three the word, “prescribed”;
- (b) substituting for the words, “seven shillings and sixpence” in lines three and four the words, “ten shillings, or if and when another fee is prescribed accompanied by the fee so prescribed”.

S. 21  
amended.

7. Section twenty-one of the principal Act is amended by—

- (a) substituting for the words, “in the Fourth Schedule” in lines three and four of subsection (1) the word, “prescribed”;
- (b) adding after the word, “pence” in line three of subsection (2) the words, “or if and when another fee is prescribed on payment of the fee so prescribed”.

S. 22  
amended.

8. Section twenty-two of the principal Act is amended by—

- (a) adding after the section designation, “22” the figure “1” in brackets thus—(1);
- (b) substituting for the word, “up to that date” in line four, the words, “during that year”;
- (c) adding the following subsection—

(2) The registrar shall cause a brand directory containing all brands registered or transferred and not cancelled up to the date of the compilation to be compiled and published in the Government Gazette at least once in every ten years.

9. Subsection (1) of section twenty-four of the principal Act is amended by— S. 24  
amended.

- (a) substituting for the words, “in the Fifth Schedule” in line five the word, “prescribed”;
- (b) substituting for the words, “two shillings and sixpence” in the last line the words, “five shillings, or if and when another fee is prescribed together with the fee so prescribed”.

10. Section twenty-five of the principal Act is amended by— S. 25  
amended.

- (a) substituting for the words, “in the Sixth Schedule to this Act” in lines three and four of subsection (1) the word, “prescribed”;
- (b) substituting for the words, “two shillings and sixpence” in line five of subsection (1) the words, “five shillings or if and when another fee is prescribed pays the fee so prescribed”;
- (c) adding after subsection (2) the following subsection—

(2a) (a) In this subsection “decennial year” means the year one thousand nine hundred and sixty-five and every tenth year thereafter.

- (b) The Registrar may, whether he does or does not comply with the provisions of subsection (1) of this section, cancel the registration of the ownership of any brand which is not re-registered during the decennial year next following the year of its allotment if he has served on the owner notice by registered post of his intention to do so and the owner has not within three months of the service of the notice shown to

the satisfaction of the Registrar cause why the registration should not be cancelled.

- (c) Re-registration of the ownership of brands may be applied for and effected in the manner prescribed and on payment of the prescribed fee for all brands shown in the register as used by each owner on any one run or farm.

S. 27  
amended.

11. Section twenty-seven of the principal Act is amended by—

- (a) substituting for the words, "Seventh Schedule" in line three of paragraph (a) of subsection (1) the word, "regulations";
- (b) substituting for the words, "Seventh Schedule" in line five of the proviso to paragraph (a) of subsection (1) the word, "regulations";
- (c) repealing paragraphs (b), (c) and (d) of subsection (1);
- (d) deleting the word, "hereinbefore" in line four of subsection (2);
- (e) adding the following subsection—
  - (3) (a) In this subsection, "specified area" means that part of the State comprising—
    - (i) the districts of Dundas, Esperance, Westonia and Yilgarn, constituted road districts under the Road Districts Act, 1919-1951;
    - (ii) the South-West Division of the State as defined by section twenty-eight of the Land Act, 1933-1950; and
    - (iii) such parts of the districts of Lake Grace, Merredin, Naremben

and Phillips River, so constituted road districts, as do not form part of that Division.

- (b) the owner shall mark with his registered brand—

his horses, in whatever part of the State they may be, before they attain the age of eighteen months;

- (c) the owner shall mark with his registered brand or earmark—  
his cattle, if they are in the specified area, before they attain the age of twelve months;

if they are elsewhere than in the specified area, before they attain the age of eighteen months.

12. Section twenty-eight of the principal Act is amended by— S. 28 amended.

- (a) adding after the section designation, “28” the following subsection—

(1) The owner shall earmark with his registered earmark his sheep before they attain the age of six months, but in the case of stud sheep the breeder may tattoo his registered woolbrand on the ear of the sheep or may brand them with his registered sheep firebrand instead of earmarking them. ;

- (b) adding before the words, “All earmarks” in line one the figure “2” in brackets thus—  
(2).

13. Subsection (3) of section twenty-nine of the principal Act is amended by substituting for all words after the word, “State” in line two to the end of the subsection the words, “comprised in the specified area mentioned in paragraph (a) of subsection (3) of section twenty-seven of this Act”. S. 29 amended.

S. 32  
amended.

14. Section thirty-two of the principal Act is amended by adding the following subsection—

- (6) order the return to the run from which they have been removed of any stock which are not branded or earmarked in accordance with this Act and which are removed or are in the course of removal from the run and the stock shall be returned to the run immediately and shall be branded or earmarked forthwith upon their return and shall not be removed from the run without the consent in writing of an inspector.

S. 33  
amended.

15. Section thirty-three of the principal Act is amended by adding after paragraph (c) the word, “or” and the following paragraph—

- (d) fails to carry out an order given by an inspector under subsection (6) of section thirty-two of this Act,

S. 44  
amended.

16. Section forty-four of the principal Act is amended by—

- (a) adding after the word, “brand” in line one of paragraph (a) the words, “except with a brand mentioned in subsection (4) of section six of this Act as a brand for use in connection with stock diseases”;
- (b) substituting for the words, “section five” in line three of paragraph (b) the words, “sections five, seven, twelve and fourteen of this Act”.

S. 47  
amended.

17. Section forty-seven of the principal Act is amended by—

- (a) adding after the section designation, “47” the figure, “1” in brackets thus—(1);
- (b) adding after the word, “unless” in line two the words, “a registered earmark has been placed and”;
- (c) adding after the word, “months” being the last word in the section the words, “or are stud sheep branded in accordance with the provisions of section twenty-eight of this Act”;

(d) adding the following subsection—

(2) An owner of horses or cattle shall not sell or offer them for sale unless a registered horse and cattle brand or earmark is distinctly and legibly marked on them as required by this Act but this section does not apply to a sale or offering for sale of horses or cattle which by subsection (3) of section twenty-seven of this Act are not required by reason of their age to be so branded or earmarked.

18. Section forty-eight of the principal Act is amended by— S. 48  
amended.

- (a) deleting the word, “unbranded” in line one;
- (b) substituting for the words, “unless he claims the same by notice under section thirty-two, subsection three” in lines four and five the words, “if the stock is not branded or earmarked as required by this Act”.

19. Section forty-nine of the principal Act is repealed. S. 49  
repealed.

20. Subsection (1) of section fifty of the principal Act is amended by— S. 50  
amended.

- (a) substituting for the word, “shall” in line six the word, “and renewal of notice before the expiration of each period of three years the first of which commences with the original notice may”;
- (b) adding before the word, “entered” in line seven the words, “if so given shall be”;
- (c) adding after the words, “cancellation of” in line nine the words, “registration of”;
- (d) adding after the word, “notice” in line ten the words, “or renewal”.

21. The Second, Third, Fourth, Fifth, Sixth and Seventh Schedules to the principal Act are repealed. Second,  
Third,  
Fourth,  
Fifth, Sixth  
and Seventh  
Schedules  
repealed.