

STOCK (BRANDS AND MOVEMENT).

No. 42 of 1978.

AN ACT to amend the Stock (Brands and Movement) Act, 1970-1973.

[Assented to 29th August, 1978.]

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:—

1. (1) This Act may be cited as the *Stock (Brands and Movement) Act Amendment Act, 1978.* Short title and citation.

(2) In this Act the Stock (Brands and Movement) Act, 1970-1973 is referred to as the principal Act. Approved for reprint 12th May, 1977.

(3) The principal Act as amended by this Act may be cited as the Stock (Brands and Movement) Act, 1970-1978.

Commence-
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation.

Section 5
amended.

3. Section 5 of the principal Act is amended—

(a) by deleting the interpretation “brand directory”;

(b) by adding after the interpretation “cullmark” the following interpretation—

“Director” means the person holding or acting in the office of Director of Agriculture; ; and

(c) by deleting the passage “, containing a list of brands registered hereunder”, in lines three and four of the interpretation “register”.

Section 15
amended.

4. Section 15 of the principal Act is amended—

(a) as to subsection (3), by deleting the article “A” in line one and substituting the passage “Subject to subsections (4) and (5) of this section, a” ; and

(b) by adding after subsection (3) the following subsections—

(4) Where, pursuant to subsection (2c) or subsection (2d) of section 21 of this Act, the Registrar allots a registered brand consisting of an arrangement of numerals in arabic figures to a proprietor of swine the registered brand for all swine of that proprietor on and after the date of such allotment shall consist of the registered brand so allotted, and shall be applied as a tattoo.

(5) Notwithstanding subsection (3) of this section, on and after the appointed day fixed under subsection (2a) of section 21 of this Act, a registered brand for swine—

- (a) shall consist of five numerals in arabic figures as allotted by the Registrar;
- (b) shall be arranged in the manner approved by the Registrar; and
- (c) shall be applied as a tattoo.

5. Subsection (3) of section 20 of the principal Act is amended by inserting after the word “form”, in line two, the words “and manner”. Section 20 amended.

6. Section 21 of the principal Act is amended— Section 21 amended.

- (a) by deleting the word “An” in line one of subsection (2) and substituting the passage “Subject to this section, an”; and
- (b) by adding after subsection (2) the following subsections—

(2a) For the purposes of subsections (2b) and (2c) of this section the Minister may by order published in the *Government Gazette* declare a day not earlier than one month from the day on which the order is so published to be the appointed day.

(2b) The provisions of subsection (2) of this section do not apply to or in relation to an application made on or after the appointed day for a brand for swine, and on and after that day an application for a brand for swine shall be made separately from any other application with respect to other stock of the applicant and the Registrar may thereupon allot to the applicant the first

unallotted brand for swine consisting of an arrangement of a combination of five numerals in arabic figures standing in the register.

(2c) Notwithstanding that the appointed day has not been fixed by the Minister the Registrar may—

- (a) request any person who applies for a brand to make a separate application in respect of swine;
- (b) by notice in writing addressed to any person who is the proprietor of swine and to whom a brand has been allotted under this Act, or any Act repealed by this Act, request that person to apply within such time as is specified in the notice for a brand in the form and arrangement prescribed by subsection (2b) of this section,

and the provisions of subsection (2b) of this section relating to the application for and the allotting of a brand for swine shall thereupon apply to any application for a brand for swine made by such a person.

(2d) Where the Registrar has, by notice pursuant to paragraph (b) of subsection (2c) of this section, requested a person to apply for a brand and the person so requested fails to do so within the time specified in the notice the Registrar may allot to that person a brand containing an arrangement of numerals in arabic figures as prescribed by subsection (2b) of this section.

(2e) No fee is payable with respect to an application for or the allotting of a brand for swine pursuant to paragraph

(b) of subsection (2c) or for the allotting of a brand for swine pursuant to subsection (2d) of this section. .

7. Section 24 of the principal Act is repealed and the following section substituted—

Section 24 substituted.

24. The Registrar may, and shall when so requested by the Director, furnish to any person a print of the information that is contained in the register or such part of the register as may be requested. .

Registrar to furnish print of information in register.

8. Section 29 of the principal Act is repealed and the following section substituted—

Section 29 substituted.

29. The Registrar shall maintain a record of all transfers and cancellations of registered brands. .

Record of transfers and cancellations.

9. Section 51 of the principal Act is repealed.

Section 51 repealed.

10. The principal Act is amended by adding after section 53 the following section—

Section 53A added.

53A. A person who is the proprietor of a spayed bovine female animal shall mark it or cause it to be marked in the manner prescribed by the regulations. .

Marking of spayed bovine females.

11. Section 57 of the principal Act is repealed and the following section substituted—

Section 57 substituted

57. A certificate purporting to be signed by the Registrar containing a statement as to the registration, transfer or cancellation of any brand, shall in any action, suit, prosecution or trial be received as *prima facie* evidence of such registration, transfer or cancellation.

Certificate to be *prima facie* proof.

12. Subsection (2) of section 59 of the principal Act is amended by deleting the words "and brand directory" in lines two and three of paragraph (a).

Section 59 amended.