

No. , 1920.

A BILL

To provide for the better regulation of the branding of horses, asses, and mules, and the branding and earmarking of cattle and certain other animals; to amend the Stock Act, 1901; and for purposes connected therewith.

[CAPTAIN DUNN;— *October, 1920.*]

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 **1.** This Act may be cited as the "Registration of Stock Brands Act, 1920," and is divided into Parts, as follows:—

PART I.—PRELIMINARY—ss. 2, 3.

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PART II.—THE REGISTRAR—*ss.* 4, 5.

PART III.—CANCELLATION OF EXISTING BRANDS
—*s.* 6.

PART IV.—REGISTRATION OF BRANDS AND EAR-
MARKS—*ss.* 7-12. 5

PART V.—REGULATIONS—*s.* 13.

PART VI.—OFFENCES AND PENALTIES—*ss.* 14, 15.

PART VII.—MISCELLANEOUS—*ss.* 16-20.

PART I.

PRELIMINARY. 10

Repeal and
saving.

2. (1) Part VI of the Stock Act, 1901, and the Tenth, Eleventh, Twelfth, and Thirteenth Schedules to the said Act are hereby repealed.

(2) All persons appointed under Part VI of the said Act, and holding office at the commencement of this Act, shall be deemed to have been appointed hereunder.

(3) All brands registered under Part VI of the said Act shall be deemed to have been registered under this Act. 20

(4) Every brand directory compiled and published, and every alphabetical list of brands published in the Gazette under Part VI of the said Act, shall be deemed to have been compiled and published under this Act.

Interpreta-
tion.

3. In this Act, unless the context or subject matter otherwise indicates or requires,—

“Brand” means an impression of any letter, numeral, sign, or character, or of any combination of these, branded on any horse or cattle by a fire-branding instrument or other method prescribed. 30

“Brand directory” means the annual list of brands and earmarks compiled by the registrar.

“Cattle”

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- “Cattle” includes bovine cattle, camels, and dromedaries.
- 5 “Distinctive brand” means any numeral branded on any horse or cattle to denote the age or class thereof.
- “Earmark” means mark made by cutting the ear of any cattle.
- “Horse” includes ass or mule.
- 10 “Prescribed” means prescribed by this Act or regulation thereunder.
- “Proprietor” means registered proprietor of a brand or earmark.
- “Register” means register of brands and earmarks.
- 15 “Registrar” means registrar of brands.
- “Stock” means any horses or cattle.
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PART II.

THE REGISTRAR.

4. (1) The chief inspector of sheep appointed under the Pastures Protection Act, 1912, shall be registrar of ^{Registrar and} _{deputies.} brands for the whole of New South Wales.
- 20 (2) The Governor may appoint one or more deputy registrars, whose acts, under the direction of the registrar, shall have the same force and effect as if done by him.
5. (1) The registrar shall keep a register to be known ^{The register.} as the “Stock Brands Register,” and shall enter therein _{in the manner prescribed—}
- 25 (a) all brands and earmarks registered under this Act;
- (b) the names and addresses of proprietors ;
- 30 (c) such other particulars as may be prescribed.
- (2) No brand or earmark shall be registered unless approved of by the registrar.
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PART III.

CANCELLATION OF EXISTING BRANDS.

- Cancellation of existing brands. 6. (1) Every registration of brands under Part VI of the Stock Act, 1901, in force at the commencement of this Act, shall be deemed to be cancelled as from a date to be fixed by proclamation published in the Gazette. 5
- Rights of proprietor of existing brand. (2) Any proprietor of a brand registered at the commencement of this Act, on application in the prescribed form before the said date, shall have a prior right to have the same re-registered with such alteration as may be made therein. 10

PART IV.

REGISTRATION OF BRANDS AND EARMARKS.

- Brands and earmarks to be registered. 7. Every person who uses or intends to use a brand or earmark shall apply for registration of the same in the manner prescribed: 15
- Provided that no person shall be entitled to apply for registration of an earmark unless he is the proprietor of a brand.
- List of brands to be published and certificate granted. 8. As soon as practicable after the end of each month the registrar shall publish in the Gazette in the form prescribed a list of brands and earmarks registered during such month and shall thereupon transmit to the respective proprietors a certificate of registration in the form prescribed. 20 25
- Brand directory to be published. 9. As soon as practicable after the end of every year the registrar shall publish a brand directory containing the prescribed particulars of all brands and earmarks registered up to the thirty-first day of December of such year. 30
- Transfer. 10. When any brand or earmark registered under this Act is intended to be transferred the proprietor and the intending transferee shall execute a joint memorandum

memorandum in the form prescribed, and on the receipt of such memorandum and the prescribed fees, the registrar shall cancel the existing registration of such brand or earmark and shall register the same in the name of the transferee, and shall issue to him a certificate in the form prescribed.

11. Upon the death of any proprietor his personal representative shall be entitled to use any brand or earmark which belonged to such deceased proprietor at the date of his death for a period of six months after his death. Such representative may within the said period apply in the form prescribed to have such brand or earmark registered in the name of his nominee. If no such application has been made within the said period, the registration of such brand or earmark shall be cancelled and the brand or earmark shall be available for reallocation.

Death of proprietor.

12. If the registrar is satisfied that a proprietor, if an individual, does not require the further use of a brand or earmark, or where the proprietor of a brand or earmark is a company, firm, or partnership that such company, firm, or partnership has been dissolved, the registration of such brand or earmark shall be cancelled.

Brand out of use may be cancelled.

PART V.

REGULATIONS.

13. (1) The Governor may make regulations for the purpose of carrying out the provisions of this Act, and in particular with respect to the following matters:—

Regulations.

- (a) Registration, cancellation of registration, re-registration, and transfer of brands and earmarks.
- (b) The construction and use of branding and ear-marking instruments.
- (c) The order, size, position, and use of brands and distinctive brands and earmarks.
- (d)

- (d) Prescribing the payment of fees.
- (e) Prescribing the duties of the registrar and deputy-registrars.
- (f) The compilation and publication of the brand directory and list of brands and earmarks. 5
- (g) The allotment to any agricultural or kindred society or stock breeders association of brands to be used for specific purposes.

(2) Such regulations may impose a penalty not exceeding *fifty* pounds for any breach thereof. Any such penalty may be recovered before a police or stipendiary magistrate, or any two justices of the peace in petty sessions. 10

- (3) Such regulations shall—
- (i) be published in the Gazette; 15
 - (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
 - (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect. 25

PART VI.

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OFFENCES AND PENALTIES.

False entry,
&c.

14. (1) Any registrar, deputy-registrar, or other person who—

- (a) knowingly and unlawfully inserts, or causes or permits to be inserted, any false entry in any register, certificate, brand directory, or list of brands and earmarks, or in any extract therefrom; or 35
- (b)

- 5 (b) forges or unlawfully alters, offers, utters, or puts off, knowing the same to be forged or unlawfully altered, any such register, certificate, brand directory, or list, or any extract therefrom or entry therein; or
- 10 (c) with intent to defraud, destroys, defaces, injures or causes to be destroyed, defaced, or injured, any such register, certificate, brand directory, list, extract, entry, or any part thereof; or
- 15 (d) uses any unregistered brand or earmark, or without the consent of the proprietor uses or attempts to use or permits to be used any registered brand or earmark, or with intent to defraud has in his possession or under his control any branding or ear-marking instrument; or
- 20 (e) disfigures, alters, or defaces any registered brand or earmark branded or marked upon any cattle or horses or hides of the same,

shall be liable to imprisonment for a term not exceeding *two* years or to a penalty not exceeding *one hundred* pounds.

25 (2) Any information or complaint under this section may be laid or made at any time within twelve months from the time when the matter of the information or complaint arose.

30 **15.** (1) In any case where reasonable ground exists for suspecting that an offence against this Act has been committed, any member of the police force—

- (a) may with or without assistants enter any land or premises or upon any vehicle or ship for the purpose of inspecting any stock or any brand or earmark, or any branding or ear-marking instrument or any hide; and
- 35 (b) may require the production of any stock or any branding or ear-marking instrument or any hide, and may take possession of the same; and
- 40 (c) may require any person to furnish information as to the ownership of any stock or of any branding or ear-marking instrument or any hide. (2)

(2) Any person who neglects or refuses to produce the stock or branding or ear-marking instrument or hide required to be produced, or to furnish the information required, or knowingly furnishes false information, shall be liable to a penalty not exceeding *fifty* pounds.

PART VII.

MISCELLANEOUS.

- 16.** A document or publication purporting to be a brand directory published by the Government Printer and a copy of the Gazette containing a list of registered brands and carmarks shall be prima facie evidence in all legal proceedings that the person mentioned in such brand directory or list and no other person is the proprietor of and entitled to use the brand or earmark of which he is therein alleged to be the proprietor.
- 17.** Nothing herein contained shall affect any mortgage or other security under Part III of the Liens on Crops and Wool and Stock Mortgages Act of 1898.
- 18.** All fees and moneys payable under this Act shall be paid to the registrar, who shall pay the same to the Colonial Treasurer, and all such fees and moneys shall be carried over to the Consolidated Revenue Fund.
- 19.** Where it is necessary to give any notice, or send any document to any person, such notice or document may be communicated or sent to such person by letter, or delivered to him personally, or left at his usual or last known place of abode or business.
- 20.** All penalties recovered under this Act shall be paid to the Colonial Treasurer, to be by him carried over to the Consolidated Revenue Fund.

Brand directory and list prima facie evidence.

Not to affect mortgages under Act No. 7, 1898.

Fees, how disposed of.

Services of notices, &c.

Disposal of penalties.