

Explanatory Notes, Stock Brands (Amendment) Bill, 1912.

Clause 1.

PRELIMINARY matter.

Clause 2.

Definitions—

- (a) The definition of "brand" has been extended to include "numeral," in order that any person wishing to adopt a numeral or numerals as a brand, or portion of a brand, may do so.
- (b) The definition of "brands directory" is extended, so that such directory shall include also a record of ear-marks of cattle.
- (c) The definition of "cattle" has been extended so as to include "camel or dromedary." That portion of the definition in respect of the Angora goat has been excised, as the brands used on horses and cattle are unsuitable for branding Angora goats. Further, in the amendment of the Pastures Protection Act as contemplated, provision will be made for branding or marking Angora goats in the same manner as in the case of sheep.
- (d) The definition of "fees" is amended, in order that the regulations under the Amending Act may be applicable also to the Principal Act.
- (e) The definition of "horse" is extended to include "jennet," in order that this class of horse may be subject to branding conditions.
- (f) The definition of "proprietor" is extended, so as to cover its application to the system of ear-marking of cattle as provided under the amending Bill.
- (g) The definition of "register" is amended so as to provide that the register shall also contain a record of ear-marks allotted to proprietors.
- (h) The definition of "run" is extended to include any premises on the run, station, &c., in order that in suspicious cases any search for stock branding or marking instruments or hides may be carried out.
- (i) The definition "distinctive brand" is included in order that persons desirous of doing so may use such brands on portions of animals not set apart for branding.
- (j) The definition of "hide" is included in order that suspected cases of improper or illegal use of brands or marks on stock destroyed may be traced where the circumstances appear to call for such action.
- (k) The definition "owner's ear-mark" is included in view of the proposed amendments contained in the bill authorising the system of ear-marking cattle.
- (l) The definition of "portions" is explanatory of the portions of stock where brands may be placed.
- (m) The definition of "prescribed" is included in view of the proposed alterations in the Principal Act omitting references to certain schedules and substituting such forms, &c., as may be prescribed by regulations. Any alterations found necessary may then be effected in absence of amendment of the Act.
- (n) The definition of "premises" is included in view of the amended definition of "run" and references to premises in the Bill.
- (o) The definition of "registered" is included so as to specifically define its meaning.
- (p) The definition of "regulations" is included so as to connect the regulations to be made with the Bill.
- (q) The definition of "stock" is included in view of references in the Bill to "stock."

Clause 3.

The misprint of the figures 1886 instead of 1866 in clause 169 of the Principal Act is corrected by the amendment proposed.

Clause 4.

These amendments are proposed in order—

- (1) to provide for the Registrar keeping one register for recording the brands of horses and cattle in lieu of two as now provided, and
- (2) that the register shall be in the form as prescribed instead of as at present fixed by Schedule to the Act.

Clause 5.

This clause has been inserted with a view to effecting the cancellation of all brands allotted up to the passing of the Amending Act and to provide for the re-registration of all brands in use upon application by the proprietors thereof within a time to be specified by notification in the Gazette. It also provides for the protection of the rights of proprietors of existing brands during the period to be allowed for re-registration. Action in this direction is necessary in view of the large number of simple brands allotted in years past, but now out of use owing to the proprietors having become deceased or left the State or in other ways having ceased to be used or required, but no proper provision exists for cancellation.

Clause 6.

This amendment has been inserted in order to provide for the disposal or recovery of fees and other moneys payable under the Act.

Clause 7.

This amendment is inserted with a view to providing—

- (1) that the brands for both horses and cattle shall be not less than two inches in length (At present the law requires that the brands for cattle shall be not less than three inches and for horses not less than two inches). Two inches is considered as a sufficiently large brand for cattle;
- (2) to specifically provide for registration of a numeral or numerals as a brand or part of a brand.
- (3) To provide for use of a numeral or numerals as a distinctive brand without registration when not placed on the portions of an animal set apart for brands.

Clause 8.

The objects of these amendments are—

- (1) To provide for the branding of horses and cattle on the portions of their bodies set apart for same, the terms "left side" and "right side" to be used in lieu of the terms "near and off sides";
- (2) The abolition of the present order of branding as provided by Schedules to the Act and the substitution of the order to be prescribed;
- (3) To specifically require that the first brand impressed upon horses shall be upon the left shoulder and upon cattle on the left rump;
- (4) That the succeeding brands on the same portion of an animal shall not be less than two inches apart instead of as at present one inch apart.

Proposed Order of Branding.

Position and Order of Brands on Horses.		Position and Order of Brands on Cattle.	
Portion	I. Embracing the left shoulder.	Portion	I. Embracing the left rump.
"	II. Embracing the right shoulder.	"	II. Embracing the right rump,
"	III. Embracing the left thigh.	"	III. Embracing the left side.
"	IV. Embracing the right thigh.	"	IV. Embracing the right side.
"	V. Embracing the left side.	"	V. Embracing the left cheek.
"	VI. Embracing the right side.	"	VI. Embracing the right cheek.
		"	VII. Embracing the left shoulder.

Clause 9.

These amendments are proposed in order to provide—

- (1) That the form of application to register a brand shall be as prescribed by the form to be provided under regulations instead of as at present fixed by schedule C to the Principal Act;
- (2) For notification once in the Gazette of the name and address of the applicant instead of three times as required by the Principal Act;
- (3) That one month be allowed for lodgment of objections after notification in the Gazette instead of, as at present, two months;

- (4) For the Registrar in cases of similar brands applied for, deciding more expeditiously as to which of the applicants is to have the brand either as applied for or in a modified form.
- (5) For the allotment of brands to Agricultural or allied Societies for use for identification purposes, and for the placing of such brand on any portion of the animal as may be directed.

Such a provision would be of advantage in connection with Dairy Herd Associations.

Clause 10.

(1) These amendments are intended to provide for the recording and publication of particulars of applications for ear-marks for cattle in a similar way as provided in respect of brands for cattle.

(2) For the certificate of application issued to applicants on receipt thereof and of registration when effected, being respectively on the forms prescribed, instead of as at present fixed by Schedules to the Act.

Clause 11.

(1) This amendment is intended to provide that the alphabetical list published in the *Gazette* shall be prepared in the form prescribed by regulations instead of as at present fixed by Schedule to the Act.

(2) For inclusion in such list of the names and residences of applicants for marks as well as of their brands.

Clause 12.

The proposed amendments under this clause are similar to those proposed in Clause 11, but have reference to the particulars for publication in the brands directory.

Clause 13.

This amendment is intended to provide :—

- (1) For the memorandum of transfer of brands and the certificate issued in connection therewith being in the forms as prescribed, instead of as at present fixed by Schedule to the Act, and
- (2) for inclusion of particulars as to the owner's ear-mark in the memorandum of transfer and certificate.
- (3) To protect an owner's ear-mark from use by other persons in like manner as to his brands before the transfer has been effected.

Clause 14.

This clause is intended to provide—

- (1) that the right to any registered brand shall cease with the proprietor's death, and that before the brand can be used again the legal representatives of the deceased proprietor or his next of kin shall be required to apply for and become the proprietors of the brand.
- (2) That six months shall be allowed as the period within which re-registration shall be applied for, the application to be accompanied by a statutory declaration as to the proprietor's decease, and if not so reapplied for the brand to become available for allotment to any other person who may apply for it.

Clause 15.

This clause is intended to provide that a registered brand belonging to any proprietor having fallen into disuse and ceasing to be further required, or any company, firm, or partnership having a brand and becoming dissolved, the registrar may, on receipt of satisfactory proof, cancel such brand by notification in the *Gazette* and re register the brand to any other person.

Clause 16.

This clause is intended to provide that a proprietor of a cattle brand may apply for registration, also of an ear-mark, and as to the ear upon which the mark should be made, also that the mark when so registered shall be subject to similar conditions as in the case of brands.

Clause 17.

This amendment provides that the directory to be kept by the poundkeepers as required by section 182 of the Principal Act shall contain also the particulars of marks allotted.

Clause 18.

This amendment is intended to provide that the form of delivery note required by section 184 of the Principal Act to be carried by a drover shall be as prescribed by the regulations, instead of as at present fixed by Schedule to the Act.

Clause 19.

These amendments are intended to provide—

1. (a) a similar penalty for false entries in any register, certificate, directory, list of brands, or any extract therefrom in regard to marks as now provided in respect to brands.
2. (d) similarly in regard to any person using an owner's ear-mark without his authority, and
3. (e) similarly in regard to disfiguring, altering, or defacing an earmark.

Clause 20.

In this clause it is intended to provide that the registrar or any deputy-registrar shall be authorised to enter upon any run or premises where he has reasons to suspect a breach of the provisions of the Principal Act or the Amending Act has been or is being committed to inspect stock branding or marking instruments or hides as also require production of stock branding or marking instruments or hides ; also to require persons to furnish information in respect thereof or employ persons to assist ; also as to the penalty which persons refusing or neglecting to comply with his requirements in respect thereto shall be liable to ; also as to the similar penalty in cases of persons hindering or obstructing the registrar or deputy-registrars or assistants in the execution of his duties.

Clause 21.

This amendment is intended to provide that the scale of charges in connection with applications for brands or marks or transfer of same shall be as prescribed by the regulations instead of as at present fixed by Schedule to the Act.

Clause 22.

This clause is intended to provide for the making of regulations under the Act and the matters in connection with which such regulations may be made, also the laying of same before Parliament within the period as specified.

1911-1912.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

Ordered by the Legislative Assembly to be printed, 27 March, 1912.

No. , 1912.

A BILL

To amend the Stock Act, 1901; to provide for the ear-marking of cattle; and for purposes consequent thereon or incidental thereto.

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:—

Preliminary.

1. This Act may be cited as the "Stock Brands (Amendment) Act, 1912," and shall be construed with the Stock Act, 1901, hereinafter referred to as the Principal Act. Short title.

Amendment of definitions.

2. (1) Section one hundred and sixty-eight of the Principal Act is amended as follows:—

- (a) In the definition of “brand” after “any letter” insert the word “numeral”
- (b) In the definition of “brand directory” after “horses” omit “or” and insert the word “and”; and after “cattle” insert the words “and the ear-marks of cattle”
- (c) In the definition of “cattle” omit “Angora goat or other goat producing hair used in or adapted for the manufacture of cloth or other textile fabrics” insert the words “camel or dromedary”
- (d) In the definition of “fees” after the word “part” omit “or the regulations made in pursuance thereof” and insert the words “or any Act amending the same”
- (e) In the definitions of “horse,” “ass” insert the word “jennet”
- (f) In the definition of “proprietor” after “brand” insert the words “or mark”
- (g) In the definition of “register” after “horses” omit “or” and insert the word “and”; and after “cattle” insert the words “and the ear-marks of cattle”
- (h) In the definition of “run” after “depastured” add the words “and includes any premises thereon”

New definitions.

(2) The following definitions are inserted in the same section:—

- (a) “Distinctive brand” means any numeral or numerals branded on a horse or head of cattle to denote its age or class.
- (b) “Hide” means hide or skin of any horse or head of cattle.
- (c) “Owner’s ear-mark” means any mark caused by the removal of a portion of the ears of cattle by means of approved pliers as prescribed.
- (d) “Portions” mean parts or portions of horses or cattle on which brands or marks may be made.
- (e) “Prescribed” means prescribed by the regulations.
- (f) “Premises” includes any building, land, vehicle, ship, vessel, or place.
- (g) “Registered” means registered under this Act.
- (h) “Regulations” means regulations made under this Act.
- (i) “Stock” means any horses or cattle as above defined.

Amendment of s. 169 as to date.

3. Subsection two of section one hundred and sixty-nine of the Principal Act is amended by omitting the figures “1886” and inserting “1866” in lieu thereof.

Amendment s. 171 register in lieu of two registers and repealing tenth section.

4. (1) Subsection one of section one hundred and seventy-one of the Principal Act is amended as follows:—

- (a) Omit “two registers one” and insert the words “a register”
 - (b) Omit the words “another for the registration of the brands of”
- (c)

(c) After "cattle" insert the words "and the ear-marks of cattle."

(d) After "all the brands" insert the words "and marks."

(2) Subsection two of the same section is amended as follows:—

(a) Insert the word "book" in lieu of "books";

(b) Omit the word "respectively" where first occurring;

(c) Omit "horse register and cattle register" insert the words "the horse and cattle register";

(d) Omit "Forms A and B respectively contained in the Tenth Schedule thereto" and insert the words "forms as prescribed."

Brands.

5. (1) Every registration of brands under the Principal Act in force at the commencement of this Act shall, upon the expiration of a period to be fixed by a proclamation of the Governor published in the Gazette, be deemed to be cancelled as from the date of such expiration. Cancellation of brands.

(2) Any proprietor of a brand duly registered under the Principal Act, and the registration of which is in force at the commencement of this Act, shall have a prior right to have the same re-registered with such alteration as may be duly made in the same, if he makes application in the prescribed form before the expiration of the period aforesaid and pays the prescribed fee. Rights of proprietors of existing brands.

6. All fees and other moneys payable under this Act shall be subject to section one hundred and eighty-nine and one hundred and ninety-two of the Principal Act. Fees.

7. Subsection one of section one hundred and seventy-three of the Principal Act is amended as follows:— Amendment of s. 171 as to the size of brands for cattle.

(a) After "horses" insert the words "and cattle";

(b) Omit the words "and for cattle not less than three inches in length";

(c) After "more letters" insert the word "numerals";

(d) After "such letters" insert the word "numerals"

(2) Subsection two of the same section is amended as follows:— Distinctive brands for cattle.

(a) after "numerals as a" insert the word "distinctive";

(b) at the end of the subsection insert the words "but a distinctive brand shall not be placed on any portion of an animal set apart for a registered brand."

8. (1) Subsection one of section one hundred and seventy-four of the Principal Act is amended as follows:—

(a) Omit "indicated by the Eleventh and Twelfth Schedules hereto" and insert the words "as prescribed, the primary brand to be placed on the left shoulder of horses and left rump of cattle"; Position of brands.

(b) Omit "therein stated" insert the word "prescribed" (2)

- (2) Subsection two of the same section is amended by omitting "an inch" and inserting the words "two inches"
- Form of application or brands.** **9.** (1) Subsection one of section one hundred and seventy-six of the Principal Act is amended by omitting "Form C contained in the Tenth Schedule hereto" and inserting the words "form prescribed"
- Notification of brands applied for,** (2) Subsection two of the same section is amended by omitting the words "at least three times."
- Period for lodgment of objections.** (3) Subsection three of the same section is amended as follows :—
- (a) Omit "two months" and insert the words "one month";
- (b) Omit "the first" and insert the word "such" in lieu thereof;
- (c) Omit "owning" and insert the words "being the proprietor of"
- (4) Subsections four and five of the same section are repealed, and the following are substituted in lieu thereof :—
- Conflicting applications for brands.** (4) When applications are made by different persons to register similar brands or where applications are made by persons to register brands similar to brands already registered, such applicants shall receive notice thereof from the registrar by letter, and on receipt of such notices such applicants shall accept within one month by letter to the registrar the modifications of the brands offered, or suggest other brands in lieu thereof so as to distinguish them from each other or from brands already registered, as the case may be. Upon receipt by the registrar of such communications with the prescribed fee from the applicants he shall register such modified brands by notification in the Gazette, and the brands so notified shall be deemed to be their respective brands.
- Brands for specific purposes.** (5) Notwithstanding anything in this Act, the registrar may allot to any agricultural or kindred society for specific purposes a brand to be used for a special object in connection with the working of such society, and such brand may be used on such portions of the body of the animal as the registrar may direct.
- Records and publication of particulars of ear-marks for cattle.** **10.** (1) Subsection one of section one hundred and seventy-seven of the Principal Act is amended by inserting after "of any brand" the words "or marks" and by omitting "Form D contained in the Tenth Schedule thereto" and inserting the words "form prescribed"
- Certificates to be in form prescribed.** (2) Subsection two of the same section is amended by inserting after the words "such brand" the words "or mark," and by omitting "Form E contained in the Tenth Schedule hereto" and inserting the words "form prescribed."

11. Section one hundred and seventy-eight of the Principal Act is amended as follows:—

- (a) Omit "Form F contained in the Tenth Schedule hereto" and insert the words "form prescribed"
- (b) After "of the brands" insert the words "and marks," and
- (c) Omit "thus" and insert the word "so"

12. Section one hundred and seventy-nine of the Principal Act is amended as follows:—

- (a) After "of all brands" insert the words "and marks," and
- (b) Omit "Form F contained in the Tenth Schedule hereto" and insert the words "form prescribed"

13. (1) Subsection one of section one hundred and eighty of the Principal Act is amended—

- (a) after "brand" whenever occurring insert the words "or mark";
- (b) omit "Form C contained in the Tenth Schedule hereto" and insert the words "form prescribed";
- (c) omit "Form E contained in the Fourth Schedule hereto," and insert the words "form prescribed."

(2) Subsection two of the same section is amended by inserting after "brand" the words "or mark"

14. Upon the death of any proprietor of a brand, such brand shall be deemed to be cancelled. The executors or next of kin shall have the prior right to apply to re-register such brand within a period of six months from the proprietor's death, provided a statutory declaration accompanies such application to the effect that the proprietor is deceased and that the applicant is the person best entitled to the brand in question. In the event of such brand not being applied for as before mentioned such brand shall be available to the public for registration.

15. Upon receipt of proof as prescribed, satisfactory to the registrar, that any brand has become out of use owing to the proprietor having ceased to require the brand, or in the case of a company, firm, or partnership, such company, firm, or partnership having become dissolved, such brand shall be cancelled forthwith, and the cancellation thereof shall be duly notified in the Gazette.

16. (1) Any proprietor of a cattle brand may apply on the form prescribed to the registrar for registration of an owner's ear-mark. Any such application shall be accompanied by the prescribed fees.

(2) An owner's ear-mark, when allotted, shall be made on the left ear of male animals and on the right ear of female animals.

(3) The owner's ear-mark shall be subject to the same conditions as to transfer and cancellation as provided in respect of horse and cattle brands.

Brands directory
supplied to pound-
keepers.

17. Subsection one of section one hundred and eighty-two of the Principal Act is amended by inserting after "lists of the brands" the words "and marks"

Form of delivery
note.

18. Subsection one of section one hundred and eighty-four of the Principal Act is amended by omitting "Form H contained in the Tenth Schedule hereto" and inserting the words "form prescribed."

False entries, &c., in
respect of marks also
a misdemeanour.

19. (1) Paragraph (a) of section one hundred and eighty-eight, of the Principal Act is amended by inserting after "lists of brands" (whenever occurring) the words "or marks" and by inserting after "brand" (where first occurring) the words "or mark"

(2) Subsection (d) of the same section is amended as follows:—

(a) After "wilfully" insert the words "has in his possession or";
and

(b) After "brand" insert the words "or mark"

(3) Subsection (e) of the same section is amended as follows:—

(a) After "brand" insert the words "or mark";

(b) After "branded" insert the words "or marked";

(c) After "cattle or horses" insert the words "or hides of the same"

Powers of registrar
or deputy-registrars,
re-entry on any run
or premises.

20. (1) The registrar of brands or any deputy-registrar—

(a) may with or without assistants enter any run or premises for the purpose of inspecting any stock or any brand or mark, or any branding or marking instrument or any hide, or may enter any run or premises on or within which he has reason to suspect there are branding or marking instruments or hides with respect to which a breach of any provision of this Act or Part VI of the Principal Act has been or is being committed; and

(b) may require the production of any stock or any branding or marking instruments or hides, and may seize and take away any such stock, instruments, or hides in order that they may be dealt with as the law may direct; and

(c) may require persons to furnish information as to the ownership of stock or of branding or marking instruments or hides, and may employ persons to assist in the carrying out of the provisions of this Act and Part VI of the Principal Act and the regulations thereunder.

(2) Any person who on request being made as provided in the two last-preceding subsections neglects or refuses to furnish the information required, or to produce the stock or the branding instruments or hides required to be produced shall be liable to a penalty not exceeding *fifty* pounds.

Any

Any person who prevents or attempts to prevent any registrar or deputy-registrar or assistants from entering, or obstructs or impedes any registrar or deputy-registrar or assistants being on any premises for the purpose of inspecting any stock or any branding or marking instruments, or obstructs or impedes any such officer or any assistant when carrying into execution the provisions of this Act, or Part VI of the Principal Act, shall be liable to a penalty not exceeding *fifty* pounds.

21. Section one hundred and eighty-nine of the Principal Act is amended by omitting "scale fixed by the Thirteenth Schedule hereto" and inserting the words "scale prescribed"

22. (1) The Governor may make regulations for the purpose ^{Regulations.} of carrying out the provisions of this Act, and Part VI of the Principal Act, and in particular with respect to the following matters:—

- (a) Cancellation of brands.
- (b) Registration, re-registration, and transfer of brands.
- (c) Order of branding and procedure in connection therewith.
- (d) Distinctive branding of stock.
- (e) Ear-marking of cattle.
- (f) Fees to be paid.
- (g) Duties of the registrar and deputy-registrars of brands.
- (h) Books and forms.
- (i) Gazettals and directories.

The Governor may in those regulations provide for the imposition of any penalty not exceeding *fifty* pounds for any breach of the same.

(2) A copy of every such regulation shall be laid before both Houses of Parliament within fourteen days from the publication thereof, if Parliament be then in session, or otherwise within fourteen days after the commencement of the next ensuing session.

23. Any penalties imposed by this Act or the regulations may ^{Recovery of} be recovered in a summary manner before any stipendiary or police ^{penalties.} magistrate, or any two justices in petty sessions.