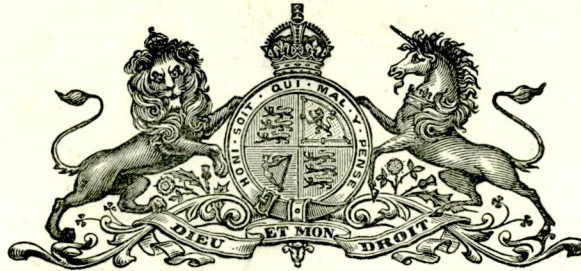


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 October, 1912. }*

RICHD. A. ARNOLD,
Clerk of the Legislative Assembly.

New South Wales.



ANNO TERTIO

GEORGII V REGIS.

Act No. , 1912.

An Act 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:—

5

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.

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2.

Stock Brands (Amendment).

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

- 5 (a) In the definition of "brand" after "any letter" insert the words "numeral used in combination with any letter or letters."
- (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"
- 10 (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"
- 15 (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"
- 20 (h) In the definition of "run" after "depastured" add the words "and includes any premises thereon"

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

- 25 (a) "Hide" means hide or skin of any horse or head of cattle.
- (b) "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.
- 30 (c) "Portions" mean parts or portions of horses or cattle on which brands or marks may be made.
- (d) "Prescribed" means prescribed by the regulations.
- (e) "Premises" includes any building, other than a dwelling-house, land, vehicle, ship, vessel, or place.
- 35 (f) "Registered" means registered under this Act.
- (g) "Regulations" means regulations made under this Act.
- (h) "Stock" means any horses or cattle as above defined.

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 of s. 169 as to date.

4. (1) Subsection one of section one hundred and seventy-one of the Principal Act is amended as follows:— Amendment s. 171 register in lieu of two registers and repealing tenth section.

- (a) Omit "two registers one" and insert the words "a register"
- 45 (b) Omit the words "another for the registration of the brands of"

(c)

Stock Brands (Amendment).

- (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";
- 10 (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
15 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. But such cancellation shall not affect the right to the ownership of any stock marked with any brand prior to the cancellation of such brand.
- 20 (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
25 the period aforesaid and pays the prescribed fee in all cases where an alteration is made in the original brand.
- 30 (3) All fees and other moneys payable under this Act shall be subject to sections one hundred and eighty-nine and one hundred and ninety-two of the Principal Act.
- 35 (4) Subsection one of section one hundred and seventy-three of the Principal Act is amended as follows :—
- (a) After "horses" insert the words "and cattle";
- (b) Omit the words "and for cattle not less than three inches in length";
- (c) Insert the words "brands shall not exceed the length set out in the registration notice";
- (d) After "more letters" insert the word "numerals";
- (e) After "such letters" insert the word "numerals"
- 40 (5) Subsection two of the same section is amended as follows :—
- At the end of the subsection insert the words "but an unregistered brand shall not be placed on any portion of an animal set apart for a registered brand."

Cancellation of brands.

Rights of proprietors of existing brands.

Fees.

Amendment of s. 173 as to the size of brands for cattle.

Distinctive brands for cattle.

Stock Brands (Amendment).

- 8.** (1) Subsection one of section one hundred and seventy-four of the Principal Act is amended as follows:— Amendment of s. 174.
- (a) Omit "indicated by the Eleventh and Twelfth Schedules hereto" and insert the words "as prescribed"; Position of brands.
- 5 (b) Omit "therein stated" insert the word "prescribed"
- (2) Subsection two of the same section is amended by omitting "an inch" and inserting the words "two inches"
- 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" Form of application for brands.
- 10 (2) Subsection two of the same section is amended by omitting the words "at least three times." Notification of brands applied for.
- (3) Subsection three of the same section is amended as follows:— Period for lodgment of objections.
- 15 (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
- 20 repealed, and the following are substituted in lieu thereof:—
- (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
- 25 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
- 30 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.
- (5) Notwithstanding anything in this Act, the registrar
- 35 may allot to any agricultural or kindred society or stock breeding association 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. Brands for specific purposes.
- 40 **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" Records and publication of particulars of ear-marks for cattle.
- (2)

Stock Brands (Amendment).

(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"

Certificates to be in form prescribed.

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

Alphabetical list of marks.

(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

10 (c) Omit "thus" and insert the word "so"

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

Amendment of s. 179.

(a) After "of all brands" insert the words "and marks," and

15 (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—

Transfer of marks.

(a) after "brand" whenever occurring insert the words "or mark";

20 (b) omit "Form C contained in the Tenth Schedule hereto" and insert the words "form prescribed";

(c) omit "Form E contained in the Tenth 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. Twelve months after 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 twelve 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.

Brands and marks become cancelled upon death of the proprietor.

35 **15.** Upon receipt of proof, satisfactory to the Minister, 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

Brands and marks out of use may be cancelled and reallocated.

40 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.

Owner's ear-marks for cattle.

(2) An owner's ear-mark, when allotted, shall be made on the ear of animals as prescribed.

(3)

Stock Brands (Amendment).

(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:—

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"

20. (1) In any case where reasonable grounds exist for suspecting that an offence against this Act or the Principal Act has been committed in respect of branding or marking instruments or hides, any police officer, upon his own initiative or at the request of the registrar of brands or deputy-registrar of brands— Powers of entry on any run or premises.

- (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; and
- (b) may require the production of any stock or any branding or marking instruments or hides, and may take possession of 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.

(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.

21.

Stock Brands (Amendment).

21. Section one hundred and eighty-nine of the Principal Act ^{Amendment of s. 183.} is amended by omitting "scale fixed by the Thirteenth Schedule hereto" and inserting the words "scale prescribed"

22. (1) The Governor may make regulations ^{Regulations.} for the purpose 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.
- 10 (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.
- 15 (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.

20 (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 ^{Recovery of penalties.} may be recovered in a summary manner before any stipendiary or police magistrate, or any two justices in petty sessions.

The House of Representatives, and being this day
passed by a majority of yeas and nays, the yeas being
two hundred and thirty-eight, and the nays being
ninety-two.

WILLIAM A. ALDRICH,
Speaker of the House of Representatives.

1. This Act may be cited as the "Stock Exchange (Amendment) Act of 1901," and shall be construed with the Stock Act, 1901, herein
after referred to as the Principal Act.