# BRANDS BILL 1878

# HOUSE of ASSEMBLY, 24 September 1878, pages 983-985

## Second Reading

The CHIEF SECRETARY (Hon. W. Morgan) said this Bill had originated—as another had originated in 1877—from a large and influential deputation of stockowners waiting upon the Government and asking for legislation upon the subject to prevent the stealing of cattle and sheep. The Bill did not provide that there should be a system of branding sheep, but it authorized the registration of sheep brands by persons who liked to use them, and provided against the cutting off of the ear of the sheep to destroy the earmark, which was known in New South Wales as the rogue's mark. There was no compulsion as to the registration of sheep brands, but in the case of cattle and horses there would be a system of branding. The provisions of the Bill had been copied from the Act which had been in operation for some years in Queensland and had been found to work well. In New South Wales the Branding Act had not been a success as they had allowed all kinds of brands, but under the Bill a brand would consist of a letter and two numerals, and by the manipulation of these a very large number of brands could be provided. There were at present 13,000 registered in Queensland, and 7,000 more could be made up. There were also in the Bill provisions as to pounds and as to the keeping of registration books. A book of brands would be compiled at certain periods and between these newly registered brands would be advertised in the Government Gazette. He looked to hon. members who had a knowledge of the requirements of stockowners in this direction to assist him with the Bill, and would move that it be now read a second time.

The Hon. A. HAY would support the second reading of the Bill, but he thought clause 6, which provided that every registered brand should consist of not more nor less than one letter and two figures or of one sign or character and two figures, was likely to lead to cruelty in the animal being covered with brands. In New South Wales it was provided that there should be one letter and that the brands should be distinctive. It was optional whether more than one letter was used. The process for the transfer of brands appeared to him to be very fair. Every facility should be given for the transfer and registration of brands. He believed one reason why the New South Wales Act had not worked smoothly was the difficulty experienced in reference to those matters. If the Bill were modified in a few particulars on going into Committee he thought it would be desirable to pass it.

The Hon. J. CROZIER also supported the second reading, but the Bill would have to be altered before he could consent to its passing. It was provided that the last registered brand should be that of the owner. He thought it would be better if it were the breeder, who might give a receipt to the person to whom he disposed of the animal. There were 220,000 head of cattle in the colony, and their hides were valuable, but their value would be greatly decreased if they were branded in many places. He was not sure that there was a great deal of cattle or sheep stealing in the colony. The only case of any importance that he had heard of lately occurred in the Western District of Victoria. The Bill was very absurd in some particulars, and clauses 7 and 9 were absolutely contradictory. The seventh clause provided that a person might use as many distinctive brands as he thought proper, while the ninth clause said no one was to use a distinctive brand unless he had a registered brand. The provision that drovers should have a waybill was a very good one. The Queensland Act had not been in operation long enough for them to say whether it was a useful measure or not. The Act which we had had for the last 38 years had almost been a dead letter. He should do all in his power to help the Chief Secretary in making the Bill as complete as possible. It appeared to him that it had been very badly drawn, inasmuch as some of the clauses were mixed up together, and there were several contradictions,

Sir H. AYERS did not profess to have any practical knowledge on the subject, but he agreed with the last hon. member that the Bill was very badly drawn. In 1875 a similar measure was before the Council, which provided for the branding of cattle and the ear-marking of sheep. He believed the present Bill limited the branding to cattle and horses, although there were provisions having reference to sheep. He had no doubt the measure would receive the careful consideration of those hon. members who had a practical knowledge on the subject, and he trusted that a workable and satisfactory measure might be passed. He did not wish to cast any reflections upon the other House, but he certainly thought that the Bill had not been so carefully considered as its importance demanded. It was bad enough to receive a first print of a Bill so badly drawn, but it was worse when it had been passed as proposed law.

The Hon. H. SCOTT supported the Second reading of the Bill, although there was a diversity of opinion among stockholders as to how general the benefit arising from it would be. He had no doubt that those hon. members who were stockowners would give the Chief Secretary the full benefit of their practical knowledge and unbiased opinions. He certainly agreed that several alterations were necessary in the Bill; but he trusted that if only a portion of the Bill was good those who were opposed to the Bill as a whole would allow the valuable portion to become law.

The Hon. H. KENT HUGHES also supported the motion. The Chief Secretary had told hon. members that the Queensland Act had been a success, but he had not told them how long it had been in operation. There were some things that he thought would affect the higher class of sheep-farmers. In clause 33 it was provided that no person should brand with any mixture of a red colour; and clause 36 provided that no person should crop or cut off more than one-fourth of the ear, or cut the ear straight across, or slice off by a straight cut or otherwise any part of the ear of any sheep. He knew cases in which for years the red brand had been used where the owners had been in the habit of cutting off portion of the ear of the sheep. He hoped the Chief Secretary, while wishing to limit the size of the slices, would allow the tip of the ear to be slit. He should be happy to assist the Chief Secretary in perfecting the Bill.

The CHIEF SECRETARY (Hon. W. Morgan), in reply, said he was much obliged to hon. members for their promises of support. His desire was to make the Bill as workable as possible. Such a Bill he thought hon. members would admit was necessary. Regarding Mr Hughes's question why a red brand could not be placed on certain portions of the sheep, he pointed out that the place was left to be branded with a distinctive red brand in accordance with the provisions of the Scab Act. He was led to ask the same question, but he saw the reasonableness of the explanation. He would also point out to the hon. member that the Queensland Act had been in operation five years —sufficiently long he thought to have proved whether it was an imperfect measure or not. He understood that it was working very well. With regard to the New South Wales system of branding, as referred to by Mr. Hay, he believed it had proved a failure. Regarding Mr Crozier's objection that cattle might be branded all over and thus the hides injured, he pointed out that there was no obligation to brand, but if a brand was used it had to be registered. That was a very proper provision. He could not agree with the hon. member that clauses 7 and 9 contradicted themselves. Their intention was that they should work towards the same object. He should pay very great attention to the suggestions which might be brought forward.

The motion was carried.

The Bill was then formally taken into Committee, after which the Council resumed and the Committee obtained leave to sit again next day.

ADJOURNMENT.

The Council adjourned at 3.26 till 2 o'clock next day.