**BRANDS ACT AMENDMENT BILL 1948**

**Legislative Council, 27 October 1948, page 1107**

Second reading

The Hon. E. J. RUDALL (Midland—Attorney-General)—The Brands Act, 1933-1936 provides for the registration of brands and marks used on stock. The Act lays down the various requirements to be complied with on the registration of a brand, the types of brands which may be registered, and the positions in which they are to be used. A brand on stock is, of course, evidence of the ownership of the stock and the Act provides for adequate penalties for the unauthorized use of a brand and for the defacing of any brand.

The purpose of this Bill is to make a number of administrative amendments to the Act which have been recommended by the Chief Inspector of Stock and the Registrar of Brands. Clause 2 makes a drafting amendment only by inserting a definition of “Minis­ter" in the interpretation section of the Act.

Section 17 of the Act provides that the owner of a registered brand for horses and cattle who desires to use distinctive numerals on his stock for stud book or herd book purposes may have distinctive numerals registered in his name. Section 18 sets out the positions in which these numerals may be used on horses and cattle respectively. The section now provides that these positions in the case of cattle are to be the ear, horn and neck. It is provided by clause 3 that the thigh shall be an additional position for these numerals. Clause 9 makes a consequential amendment to the third schedule. This schedule includes the thigh as one of the positions in which cattle may be branded in rotation with an ordinary registered brand. If clause 3 is passed, it follows that this position should be removed from the schedule and reserved for the distinctive numerals.

Subsection (2) of section 27 of the Act prescribes the size of a registered paint brand for sheep where the brand consists of a letter or letters within a sign. Clause 4 makes it clear that every such letter shall be not less than 2in. in height.

Clause 5 repeals subsection (4) of section32 of the Act. This subsection only had operation for two years from the passing of the Act in 1933 and has now ceased to have any effect, and is accordingly repealed by the clause.

Section 62 of the Act provides that an inspector of stock may brand with the broad arrow cattle which are infected with a contagious disease. It is proposed by clause 6 to extend this provision in various ways. It is provided by subclause (1) that the broad arrow brand may be placed on cattle affected with disease by an inspector of stock or by a veterinary surgeon approved by the Chief Inspector of Stock for the purpose. It is also provided that, in order to identify any such cattle, the cattle may be branded with a distinctive numeral. Subclause (2) provides that, where stock have been quarantined, an inspector of stock may place distinctive ear tags on the stock. Subclause (3) provides that where any cattle have been vaccinated against brucellosis by an inspector of stock, a veterinary surgeon, or by any person authorized by the Chief Inspector for the purpose, the person by whom the vaccination was performed may, with the consent of the owner of the cattle, earmark the cattle with a distinctive mark indicated in the clause.

Section 63 provides that a brand in a form approved by the Registrar of Brands may be placed on any cattle which have passed the herd test conducted by the Advisory Committee for the Improvement of Dairying. In practice, this brand is placed on the cattle whilst they are undergoing the test, and clause 7 therefore substitutes for the words “have passed” in the section the words “are undergoing or have undergone’’.

Clause 8 provides that the Act is not to prevent the use of paint for branding horses and cattle for temporary purposes. The use of any brand other than a registered brand is illegal under the Act. However, the Act makes no provision for the registration of paint brands for horses and cattle, although paint brands for sheep may be registered. It is considered that an unregistered paint brand should be capable of being used on horses and cattle for temporary purposes, but if this is to be allowed it is necessary that the Act should specifically authorize its use.

Clause 10 amends the sixth schedule and provides that, as regards horses and cattle, the lower lip shall be a position for a distinctive brand or mark. This position is being used in the United States of America as a position for the tattooing of marks on stud stock and it is considered that the Act should make provision in the way in case the practice obtains in this State. I move the second reading.

The Hon. F. J. CONDON secured the adjournment of the debate.