BRANDS BILL.

Second reading.

The Hon. M. McIntosh (Albert—Commissioner of Crown Lands)—This Bill is substantially similar to that introduced at the end of last session. It passed the Legislative Council, but owing to the prorogation of Parliament, lapsed in the Assembly. The Bill repeals the Brands Act, 1913, and the two amending Acts passed in 1923 and 1927, re-enacts the provisions of those Acts, and in addition incorporates certain amendments which will permit of the further registration of different kinds of brands, and make various important administrative amendments which should have the effect of cheapening the cost of the administration of the Brands Department. Its provisions have been considered by the executive of the Stockowners’ Association of South Australia, which is, of course, very much interested in the effect of legislation of this nature, and the council of that association has unanimously approved of the Bill. In large measure it is only a consolidation of the existing law. Parts I. and II. deal with interpretation and the appointment of officers, and do not differ in any material manner from the present Act. Part III. deals with the registration of horse and cattle brands, and in this part no material change is made from the present provisions. Under this part any owner or persons or cattle may obtain the registration of a brand, and is then entitled to the exclusive right to use that brand. Only one brand can be registered in the name of one person unless he owns more runs than one, in which case he may register separate brands for each run. Provision is made in the size of brands and the position in which they are placed on the animals are identical with existing law, and the owner of a registered brand is also given the right to register under clause 15 a distinctive brand or mark to denote his ownership, or the age, class, or description of any or his horses and cattle. This is also identical with existing legislation. The provisions relating to registered brands for export are also similar to those now contained in the Brands Act, and provide that a person may obtain a special brand for use on horses for export. Part IV. deals with sheep brands, and in this part some alterations in the law have been made. Under the present Act the State is divided into four sheep breed districts. The same brands may be registered in different districts, but not in the same district. It is proposed by clause 22 of the Eleventh Schedule to add a fifth district, which will comprise the land vested in the Metropolitan Abattoirs Board at the Abattoirs. In this limited area various brands are used by the Board on sheep, which are almost immediately slaughtered, and in no case registered from the Abattoirs. It is proposed to make this part of the State a separate district so as to enable the brands used at the Abattoirs to be registered for use elsewhere, as no brand can be registered twice in the same district. Under the present law the only brands which are registered for sheep are paint brands and tattoo marks, and of these each is registered in respect of the particular sheep breed district concerned. With the exception already discussed of the metropolitan abattoirs district, these provisions are re-enacted in almost the same form as the present law, and the right of the registered paint brand owner to use numerals as distinctive brands for his sheep is also retained. Division IV. of Part IV. is new, and deals with the registration of earmarks and firebrands. Districts will be established for the purpose of these brands. The districts may be the same as the existing sheep brands districts or any such district may be subdivided, but there will be no overlapping as between the two kind of districts. Clause 33 provides that the owner of a registered brand may only obtain the registration of an earmark or firebrand. This right will only obtain so long as the owner is the proprietor of a run. Upon ceasing to be such proprietor the registration will cease, so that a brand will not for all practical purposes be identified with the particular run. There is power to transfer the right to a successor as proprietor. Registration of an earmark or firebrand will entitle the holder to the exclusive use thereof, and only one of these brands or marks will be
registered for any person unless he holds more than one. It is provided by clause 35 that the registered earmark in the case of a male sheep must be placed on the off ear, and in the case of a female sheep to be placed on the near ear. Registered earmarks consisting of a single earmark will, so far as possible, be reserved for owners of 5,000 sheep or more. A registered firebrand is to be placed on the face or horn of a sheep. It is provided by clause 39 that if a sheep has once been earmarked with a registered earmark no person shall place any other earmark on the ear on which a registered earmark is placed, except a registered tattoo mark or registered stud stock brand. Part V deals with stud stock brands, and makes no change in the existing law. Any member of an association which is formed for the purpose of encouraging the breeding of pure bred stock may apply for registration of a brand to be used for the purpose of branding his stock. The brand must only be used for branding stock belonging to the registered owner which is registered by the association as pure bred stock. Part VI makes no change in the existing law, and provides that the Registrar of Brands must not register a brand to every public pound, and imposes upon the keepers of public pounds the duty to notify persons whose brands appear on the cattle, of the fact of the imposition. Part VII deals with transfers and cancellations of brands and makes no changes in the existing law. Clause 48 gives the right to transfer a registered brand or earmark, and clause 47 deals with the death of the owner of a registered brand. Clauses 49 and 50 deal with the cancellation of a brand and clause 51 gives the Registrar power to cancel registration to avoid abuse. Clause 54 is new and should do much to reduce the cost of administration of the Brands Act.

At the present time the Register of Brands comprises some fifty or sixty thousand brands, and the department is of the opinion that a large proportion of these brands is now unused, but no expedient or convenient way is provided under the Act for the cancellation of these unused brands. The Registrar may, under clause 50, cause notice to be given to the owner of a registered brand or mark calling upon him to show cause why the registration should not be cancelled, and after the lapse of two months may cause the registration to be cancelled. This, of course, involves a considerable amount of clerical work, and, in addition, the Registrar must have some time to serve the notice before he can act, and it is apparent it would take a very long time to clear the Register of duplicate brands if this were allowed to go on. Clause 54 therefore proposes that the Registrar may, by notice published in the "Government Gazette" not less than twice a month, fix a time for the purposes of the Act of 1918 for the cancellation of brand and earmark records, and that notices be given to the owners of brands and earmarks which are to be cancelled, and that the records of the same be cancelled unless the owner complies with the notice within 21 days. It is provided that the day fixed in the notice shall not be less than three days from the day fixed after the day of the last publication of the notice. It will thus be a burden upon any registered owner who is required to retain the registration of his brand or earmark, but the provision of the Act that the Registrar may proceed to cancel brands and earmarks for which no claim has been made, although it may not follow that the Registrar will be required to cancel in a case in which it is obvious that the brand is still in use, it is provided that this procedure shall not be brought into operation with respect to any brand or earmark more often than once in 10 years. It is apparent that by this means a cheap and expeditious method of clearing from the register the unused brands will be provided, and it is one to which the Stockowners Association has no objection. Part VIII deals with the Brands Register and the Brands Directory. The Bill is required to keep a register of all brands and earmarks, and under clause 56 it is provided that the directories are to be published in alternate years. In one year a directory is published excluding the sheep and cattle brands Directory, which includes the histories of the existing brands, and a subsequent year the Sheep Brands Directory is published, including all sheep, cattle brands, registered earmarks, and fire brands. The cost involved in the publication and distribution of the directories for the last two years, but with the great saving of the register contemplated under clause 34, it is expected that this cost will be considerably reduced and that the directories will be again published. Pavel is given to the Registrar to the purpose of compiling a directory of all persons applying for or holding it as he thinks fit. Under clause 57 the directories must be distributed to all the deputy registrars and inspectors of police, and to members of the police force to which, in the Registrar's opinion, the directory should be sent. Under clause 58 poundkeepers and other persons supplied with directories must make them available for public survey. Part IX deals with miscellaneous matters, and the Act is concluded by clause 61 that earmarks must only be made with piers, being the existing law. In addition to the requirements now found for, it is set out that in the case of cattle if a registered earmark is placed on the ear of cattle no further earmark or cut shall be placed on either ear of such cattle. It is provided that this provision is not to apply to anything done before the passing of the Bill. The purpose of this provision is, of course, to prevent an earmark being bestowed by the association on a larger earmark being placed over it, or fraud from taking place. The remaining clauses of the Bill make no change in the law and do not require any special comment. The same remarks apply to Part X which deals with the legislation of regulations. The Act is no provision for penalties for offences. Clauses 70 to 72 are the same as the existing law. Clause 73 provides for the necessary penalties consequent upon the provisions dealing with the registration of earmarks, and provision for penalties for non-compliance with any provisions of the Act. Clause 74 makes a provision for the compulsory acquisition of any sheep which has a registered earmark on its ear, also any other mark placed upon that ear, both he and the person placing the mark will be liable to penalities. It is provided that if it shall be a defence to show that the ear or mark was not made by the owner or registered person. Clause 75 is in that condition when it was imported into the State, or that the mark or cut was made before the passing of the Bill. The remaining clauses of the Bill make no material change in the existing law and do not require special comment. This is a comprehensive measure designed to resist and prevent stockowners, it will make it safer for those persons who have a good property in their stock and easier for the police to detect and to check earmarks. It is entirely a non-party measure. I am sure the House will deal with it in that way and turn out a really good working scheme.