
Brands Acts Amendment Act. 4 GEO. VI. No. 10,

STOCK.

- (1) *Brands Acts Amendment Act of 1940* 4 *Geo. VI. No. 10*
 (2) *Diseases in Stock Acts and Other Acts*
Amendment Act of 1940 4 *Geo. VI. No. 11*

4 GEO. VI.
NO. 10.
THE
BRANDS ACTS
AMENDMENT
ACT OF
1940.

**An Act to Amend "The Brands Acts, 1915 to 1937,"
in certain particulars.**

[ASSENTED TO 31ST OCTOBER, 1940.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction.

1. This Act may be cited as "*The Brands Acts Amendment Act of 1940*," and shall be read as one with *"*The Brands Acts, 1915 to 1937*," herein referred to as the Principal Act.

Collective
title.

The Principal Act and this Act may be collectively cited as "*The Brands Acts, 1915 to 1940*."

Amendments of the Principal Act.

Amendment
of s. 3.

2. Section three of the Principal Act is amended as follows:—

(a) The words "and any premises or saleyard" are added to the definition "Holding."

(b) The following new definition "Saleyard" is inserted after the definition "Residence," namely:—

Saleyard.

" "Saleyard"—Any yard, premises, or place where stock are sold or offered or exposed for sale, or where stock are held or kept for the purpose of being sold or offered or exposed for sale, or where stock are kept or held on sale."

Amendment
of s. 4.

3. The following paragraph is added to subsection one of section four of the Principal Act, namely:—

"Every member of the Police Force shall, without any appointment whatsoever under this Act, be and be deemed to be *ex officio* an inspector duly appointed under this Act."

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Brands Acts Amendment Act.

4. Subsection three of section seven of the Principal Act is repealed and the following new subsections three and four are inserted in lieu thereof, namely:—

“(3.) The letters, numerals, signs, and/or characters comprised in a horse or cattle brand shall be so imprinted on any horse or cattle branded therewith that no such letter, numeral, sign, or character shall be imprinted at a greater distance than one inch from the next contiguous such letter, numeral, sign, or character.

(4.) Any person who contravenes or fails to comply with any provision of this section shall be liable to a penalty not exceeding fifty pounds.

Proceedings for an offence against this section may be instituted within six months after the offence is committed or within three months after the discovery of the offence, whichever is the later period.”

5. In subsection three of section ten of the Principal Act the words “on the face or horn” are repealed and the words “upon the position on the face or horn specified in the prescribed certificate of registration of such fire brand” are inserted in lieu of such repealed words; and, in addition, the words “on the shoulder, ribs, back, or rump” are repealed and the words “shall be imprinted upon the position on the shoulder, ribs, back, or rump specified in the prescribed certificate of registration of such paint brand” are inserted in lieu of such repealed words.

6. In section eleven of the Principal Act the words “of a registered sheep mark or sheep brand” are inserted after the word “owner.”

7. In the first paragraph of section twenty-two of the Principal Act all words from and including the words “and any such stock may be seized” to and including the words “purposes of any prosecution” are repealed and the words “and any inspector who is of the opinion that any horse or cattle bears a brand which has been altered, defaced, rendered illegible, or blotched, or that the ear upon any cattle or sheep has been cut or cropped contrary to this Act, may seize such horse, cattle or sheep and detain same for the purposes of enquiring into such branding or earmarking and/or of any prosecution” are inserted in lieu of such repealed words.

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The said section twenty-two as amended by this section is renumbered subsection one of section twenty-two, and the following new subsections are added thereto, namely :—

“(2.) Both the owner and the person in charge thereof at the time of their seizure shall be liable for the payment of all expenses incurred by an inspector in seizing and detaining any stock under this section.

In the event of the sale price of any such stock (whether sold after their forfeiture to the Crown or sold under subsection three hereof) not being sufficient to defray in full such expenses as aforesaid, both the aforesaid persons shall also be liable for the amount of the insufficiency.

If any person fails to pay any moneys payable by him hereunder upon demand made by an inspector the amount thereof may be recovered from him in a summary way under **“The Justices Acts, 1886 to 1932.”*

(3.) If no prosecution is instituted in relation to any stock seized and detained hereunder or, if upon such prosecution the adjudicating court does not order such stock to be forfeited to the Crown, the inspector may, upon the completion of the inquiry for the purposes of which such stock were seized and detained, or (as the case may be) of the prosecution, publish in some newspaper circulating in the locality where such stock were seized a notice that such stock will be sold to defray the expenses of their seizure and detention.

Such notice shall specify the place, date, and time of sale, and such date shall be not less than seven days after the date of publication of the notice.

The stock concerned shall be sold by public auction upon the date and at the place and time specified in the notice unless such expenses as aforesaid are sooner paid in full.

All costs incurred by an inspector in carrying out the provisions of this subsection in relation to any stock shall be and be deemed to be included in and shall form part of the expenses incurred in seizing and detaining such stock.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

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(4.) The sale price of any stock sold under subsection three of this section shall be paid to the Under Secretary, Department of Agriculture and Stock, who, after defraying thereout all expenses incurred by any inspector in seizing and detaining such stock, shall pay the balance (if any) to the owner of such stock.

(5.) No person shall have any claim for any loss or damages sustained or alleged to have been sustained by him, whether directly or indirectly, or, except as hereinafter provided, any other right or remedy whatsoever against the Crown or the Minister or any inspector or any other person whomsoever by reason or in respect of the seizure and/or detention and/or sale of any stock under this section: Provided that this subsection shall not prejudice the right of an owner of stock which, having been seized and detained hereunder, have not been forfeited to the Crown as herein provided, to recover possession thereof upon paying in full all expenses incurred by the inspector concerned in relation to such seizure and detention before such stock have been sold pursuant to subsection three of this section."

An Act to Amend "The Diseases in Stock Acts, 1915 to 1936," "The Dairy Produce Acts, 1920 to 1939," and "The Stallions Registration Acts, 1923 to 1934," each in certain particulars.

4 GEO. VI.
NO. 11.
THE
DISEASES IN
STOCK ACTS
AND OTHER
ACTS
AMENDMENT
ACT OF
1940.

[ASSENTED TO 31ST OCTOBER, 1940.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—
PRELIMINARY.

1. This Act may be cited as "*The Diseases in Stock Acts and Other Acts Amendment Act of 1940.*"

Short title.

2. This Act is divided into Parts as follows:—

Parts of
Act.

PART I.—PRELIMINARY;

PART II.—AMENDMENTS OF *"THE DISEASES IN STOCK ACTS, 1915 TO 1936";

* 6 Geo. V. No. 16 and amending Acts, *supra*, pages 7015 *et seq.*