

South Australia

Brands Act 1933

An Act to consolidate and amend the law relating to the branding of horses, cattle, and sheep, and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Brands Act 1933*.

4—Interpretation

- (1) In this Act, except where inconsistent with the context or some other meaning is clearly intended—

brand means any letter, numeral, sign, or mark, impressed or made, or intended to be impressed or made, upon any stock; and to brand includes mark;

cattle means bulls, cows, oxen, heifers, steers, calves, and camels, and where the context shows that the singular number is intended, means a bull, cow, ox, heifer, steer, calf, or camel;

crop means a straight cut taking off any portion of the ear;

distinctive brand or mark, or *distinctive brand*, or *distinctive mark*, means any brand or mark registered as provided by section 15;

horse means any horse, mare, gelding, colt, filly, ass, or mule;

inspector means the chief or any other inspector of brands;

mark means any ear or other mark or ear cut made on any stock; and to mark includes to cut;

Minister means the Minister of the Crown to whom for the time being the administration of this Act is committed by the Governor;

owner means any proprietor of any stock and also his agent, manager, or overseer, or any person authorised to act or usually acting on such proprietor's behalf;

prescribed fee means the fee provided in respect of the particular matter by Schedule 24 or by regulation;

quarterly statement means a quarterly statement published pursuant to section 46 of *The Brands Act 1913* or to section 55 of this Act;

registered brand when used with reference to horses or cattle or both means brand registered as provided by section 8; **registered paint brand** or **registered tattoo mark** when used with reference to sheep means paint brand or tattoo mark registered as provided by section 25; **registered stud stock brand** means any stud stock brand registered as provided by section 39; **registered brand or mark** when used generally and not with reference to horses or cattle only or sheep only means brand or mark registered as provided by any of the provisions of this Act;

registrar means the registrar of brands or any deputy registrar of brands;

repealed Act means any Act repealed by this Act or any Act repealed by any Act repealed by this Act;

run means any run, station, farm, or place where stock are kept or depastured;

sheep means rams, ewes, wethers, lambs, goats, and kids, and, where the context shows that the singular number is intended, means a ram, ewe, wether, lamb, goat, or kid;

sign means any brand, other than letters or numerals, impressed or made, or intended to be impressed or made upon stock;

skin or **hide** means the skin or hide of any stock;

stock includes horses, cattle, and sheep;

tag means a piece of metal or plastic or of any other material prescribed by regulation on or in which numerals, letters, or signs are impressed or otherwise marked;

tattoo mark means any indelible brand or mark made by means of Indian ink or other pigment on any portion of the body.

The expression **near** when used with reference to any animal means on the left side of the animal.

The expression **off** when used with reference to any animal means on the right side of the animal.

the Department means the department of the Public Service of the State for the time being declared by proclamation under subsection (2) of this section to be the Department for the purposes of this Act.

- (2) The Governor may by proclamation declare any department of the Public Service of the State to be the Department for the purposes of this Act and may by subsequent proclamation amend, vary or revoke any such declaration.

Part 2—Officers

5—Registrar of brands and inspectors of brands

- (1) The chief inspector of stock shall be the chief inspector of brands. The Governor may appoint any person, who may be the chief inspector of stock or any other person, to be the registrar of brands.
- (2) All inspectors and temporary inspectors of stock under the *Stock Diseases Act 1934* and all inspectors of police shall be inspectors of brands.

6—Power to appoint officers

The Governor may appoint such deputy registrars of brands, inspectors of brands, and other officers as he deems expedient for carrying the provisions of this Act into effect.

Part 3—Horses and cattle brands

Division 1—Registered brands

7—Registration of brands for horses and cattle

- (1) Any person may, in manner hereinafter provided, obtain the registration of a brand for the purpose of branding his horses and cattle, distinct from the brands of owners of other horses or cattle.
- (2) The registration of such brand shall entitle him to the exclusive use thereof.

8—Application for and registration of brands

- (1) Any owner of horses or cattle, or both, who desires to obtain the registration of a brand for horses and cattle shall make application to the registrar in the form in Schedule 1, and pay the prescribed fee.
- (2) Thereupon, subject to section 9 and unless the brand applied for is already registered, the registrar shall register the brand in the name of the applicant. If the brand is already registered, the registrar shall allot to the applicant some other brand, and shall register such other brand in the name of the applicant and mark upon the application the design of the brand so allotted.
- (3) Upon registration the registrar shall deliver or send to the applicant a certificate of the registration in the form in Schedule 2.

9—Description of brands that may be registered

- (1) No horse and cattle brand shall be registered as provided by section 8 unless—
 - (a) it is approved by the registrar; and
 - (b) it consists of one letter and two numerals, or of one sign with or without two numerals, and the numerals are not placed under the letter or sign.
- (2) When a registered brand for horses and cattle consists of or contains a letter or sign, no other brand consisting of or containing such letter or sign either with or without numerals, shall be registered unless such other brand is so arranged as to be dissimilar to the first-mentioned brand.

10—Restriction on number of brands to be registered

Only one horse and cattle brand shall be registered as provided by section 8 in the name of any person, unless he is the proprietor of more runs than one, in which case, in the discretion of the registrar, a separate brand may be registered in his name in respect of each of such runs.

11—Use of same brand for horses and cattle

Every owner of horses and cattle shall use the same registered brand for both horses and cattle.

12—Size of brand on animal

A registered brand placed upon any horse or cattle shall be not less than 30 millimetres and not more than 80 millimetres in height, but where the brand consists of a letter within a sign it shall not be a breach of this section if the sign exceeds 80 millimetres but does not exceed 105 millimetres in height.

13—Position of brands

A registered brand shall not be placed on any horse or cattle except as follows, namely:

- I. Every brand shall be placed on one of the positions appropriate to the particular animal described in Schedule 3, and in the consecutive order of rotation therein specified:
- II. The owner placing the first brand upon any horse or cattle may place the brand on such one of the said positions as he thinks fit:
- III. Every subsequent brand shall be placed on the position next in the said order of rotation to the brand last theretofore placed upon the horse or cattle, the first position being for this purpose regarded as following next after the sixth position; or, in the case of a camel, the fourth position;

and any horse or cattle shall at any time be deemed to have been last branded with the brand which appears to be the brand last theretofore placed upon the horse or cattle, according to the said order of rotation.

14—Use of numerals for denoting age

- (1) The person placing the first registered brand upon any horse or cattle may place any numerals under such brand for the purpose of denoting the age of the horse or cattle; but the numerals shall not be placed at a less distance than 50 millimetres nor at a greater distance than 80 millimetres from the brand and shall not exceed 80 millimetres in height.
- (2) This section shall not apply to the placing of numerals upon any horse which is registered in any register of racehorses for the time being approved by the Minister. The Minister may, by notice published in the Government Gazette approve any such register of racehorses for the purposes of this section and may, by notice published as aforesaid, revoke or vary any such notice.

Division 2—Registered distinctive brands and marks

15—Application for and registration of distinctive brands

- (1) Any owner of a registered brand for horses and cattle who desires to use another brand or mark on his horses or cattle for the purpose of denoting his ownership thereof, or the class, age, or description thereof, or any other circumstance, may make application to the registrar in the form in Schedule 4 for the registration of such brand or mark as a distinctive brand or mark.
- (2) Thereupon the registrar, if he approves of such brand or mark, shall, upon payment of the prescribed fee, register it in the name of the applicant: Provided that he may, in the case of two or more owners applying for registration of the same brand or mark as a distinctive brand or mark, register such brand or mark in the name of one applicant, and such brand or mark, modified so as to render the brands or marks dissimilar, in the name or names of the other applicant or applicants.
- (3) Upon registration the registrar shall deliver or send to the applicant a certificate of the registration in the form in Schedule 5.
- (4) No distinctive brand or mark for horses or cattle shall be registered in the name of, or be used by, any person who is not the owner of a registered brand for horses and cattle.

16—Position of distinctive brand

A distinctive brand or mark—

- (a) shall not be placed on any horse or cattle except on the position determined by the registrar and stated on the certificate of registration thereof, which shall be one of the positions mentioned in Schedule 6:
- (b) shall not exceed 80 millimetres in height.

17—Numerals and certain symbols may be used without registration

It shall not be an offence against this Act for the owner of a registered brand for cattle—

- (a) to brand cattle with one or more of the numerals 1, 2, 3, 4, 5, 6, 7, 8, 9 or 0; or
- (b) to brand cattle on the near or off ribs with any letter or symbol.

Division 3—Registered brands for export

19—Brands for horses for export

- (1) Any person who desires to use a special brand for horses to be exported from the State may apply in the form contained in Schedule 9 to the registrar to register the same.
- (2) The registrar may, upon payment of the prescribed fee, issue a certificate in the form in Schedule 10 for such special brand, and such person may thereafter use the brand on horses for export only.

20—Description of special brand that may be registered

- (1) A special brand for horses for export shall consist of one or more letters or signs, or a combination of letters and signs.
- (2) When used on any horse such brand shall be not less than 25 millimetres nor more than 50 millimetres in height, and shall be accompanied by a dot impressed to the left of and on a line with the lower part of such brand, which dot shall not be more than 25 millimetres nor less than 15 millimetres in diameter, and shall be taken to indicate that such brand is registered in the State: Provided that the said limitation in height shall not apply to any special brand registered under any repealed Act.

21—Position of special brand

A special brand for horses for export shall be placed only in such position as is determined by the registrar and stated on the certificate of registration thereof.

Division 4—Ear tags for cattle

21A—Ear tags for cattle

- (1) Where—
 - (a) an owner of cattle is the owner of a registered brand or stud-stock brand; or
 - (b) the registrar has approved of any other brand for cattle under this Act,the owner of the cattle may attach a tag to the ear of those cattle.
- (2) The tag may specify, in relation to the cattle on which it is fixed—
 - (a) the registered brand; or
 - (b) the distinctive brand; or
 - (c) the stud-stock brand; or
 - (d) any other brand approved of by the registrar under this Act; or
 - (e) such numerals as are necessary to identify the cattle,and shall not specify any other matter.
- (3) The tag shall be fixed to the base of the ear in such a manner as not to render any mark or tattoo illegible or misleading.
- (4) A hole made in the ear of any cattle for the purpose of attaching a tag under this section shall not, unless it is unnecessarily large, be taken to be a mark.
- (5) Nothing in this section shall affect the operation of subdivisions (b) and (c) of section 69 of this Act.

Part 4—Sheep brands

Division 1—Sheep brands districts

22—Sheep brands districts

- (1) The divisions of the State described in Schedule 11 shall, until other divisions are fixed by or pursuant to subsection (2) or (3), be sheep brands districts for the purposes of this Act.
- (2) Upon the day first fixed pursuant to section 53 for the cancellation of all registered paint brands for sheep, the divisions of the State described in Schedule 12 shall, subject to subsection (3), be the sheep brands districts for the purposes of this Act.
- (3) The Governor may, by proclamation to be made to take effect on any subsequent day fixed pursuant to section 53 for the cancellation of all registered paint brands for sheep, divide the State into any other divisions which shall be the sheep brands districts for the purposes of this Act.
- (4) Any district as aforesaid shall be known by the name assigned to it by proclamation: Provided that the Governor may, by proclamation, assign a new name to any district, in which case it shall be known by the name so assigned.
- (5) Subject to subsections (2) and (3) any paint brand or tattoo mark registered before the passing of this Act shall be deemed to be registered in respect of the sheep brands district as defined by this Act in which is situated the run in respect of which the brand or mark is registered to be used.

23—Similar brands not registrable for same district

- (1) Similar brands and tattoo marks for sheep may be registered, but not in respect of the same sheep brands district.
- (2) Similar earmarks and firebrands for sheep may be registered, but not in respect of the same sheep brands district.

Division 2—Registered paint brands

24—Provision for registration of brands and marks for sheep

- (1) Any person may, in manner hereinafter provided, obtain the registration of a paint brand or a tattoo mark for the purpose of branding or marking his sheep, distinct from the brands and marks of owners of other sheep, and the registration of such brand or mark shall entitle him to the exclusive use thereof within the sheep brands district in respect of which it is registered: Provided that no person shall be entitled to the registration of a tattoo mark unless he is also the owner of a registered paint brand.
- (2) Two or more paint brands, although all consisting of the same design, shall be deemed to be different brands if registered for use in different colours or in different positions.

25—Registration of brand or mark

- (1) Any owner of sheep who desires to obtain the registration of a paint brand, or paint brand and tattoo mark, for sheep, shall make application to the registrar in the form in Schedule 13 and pay the prescribed fee.

- (2) Thereupon the registrar shall, if he approves of the brand or brand and mark applied for, and the same is or are not already registered in respect of the sheep brands district, register the brand or brand and mark in the name of the applicant. If any brand or mark applied for is already registered, the registrar shall allot to the applicant some other brand or mark and register it in the name of the applicant, and mark upon the application the design of the brand or mark so allotted.
- (3) Upon registration the registrar shall deliver or send to the applicant a certificate of the registration in the form in Schedule 14.

26—Limitation of registration of brands and marks

Only one paint brand, or paint brand and tattoo mark, shall be registered in the name of any owner, unless he is the proprietor of more runs than one, in which case, in the discretion of the registrar, a separate brand or brand and mark may be registered in his name in respect of each of such runs.

27—Size of brand on sheep

- (1) A registered paint brand placed on any sheep shall be not less than 50 millimetres nor more than 105 millimetres in height or if the brand consists of a dot it shall be not less than 25 millimetres nor more than 50 millimetres in diameter.
- (2) If the brand consists of a letter or letters within a sign each letter shall be not less than 50 millimetres in height and the brand may exceed 105 millimetres in height but shall not be more than 125 millimetres in height.

28—Requisites of paint brands

A paint brand shall be made with a substance prescribed by regulation, and shall be of a colour prescribed by regulation.

29—Position of brands

- (1) A registered paint brand for sheep shall only be used in such colour, manner, and form, and only be placed in such position, as are determined by the registrar and stated on the certificate of registration.
- (2) A registered tattoo mark shall only be used in such manner and form as the registrar directs; and a registered tattoo mark shall be placed on any sheep only as follows:
 - I. Every tattoo mark shall be placed on one of the positions described in Schedule 15, and in the consecutive order of rotation therein specified:
 - II. The owner placing the first tattoo mark upon any sheep may place such mark on such one of the said positions as he thinks fit:
 - III. Every subsequent tattoo mark shall be placed on the position next in the said order of rotation to the tattoo mark last theretofore placed upon the sheep, the first position being for this purpose regarded as following next after the ninth position;

and any sheep shall at any time be deemed to have been last marked with the tattoo mark which appears to be the tattoo mark last theretofore placed upon such sheep, according to the said order of rotation.

Division 3—Distinctive brands and earmarks

30—Distinctive brands for sheep

Any owner of a registered paint brand for sheep may, without registration, use any of the numerals 2, 3, 4, 5, 6, 7, 8, 9 in paint on any position as a distinctive brand for his sheep: but he may use only one of such numerals on any one sheep and the numeral as used shall not exceed 105 millimetres in height.

31—Earmarks and tags

Subject to Division 4 of this Part and to sections 60 and 71 any owner of a registered paint brand or tattoo mark for sheep may mark his sheep with any earmarks which he thinks proper, and may also attach tags to the backs of the ears of his sheep, but no such owner shall make any such mark or attach any tag to the off ear of any male sheep or to the near ear of any female sheep.

Division 4—Registered earmarks and firebrands

32—Registration of earmarks and firebrands

- (1) Any owner of a registered paint brand for sheep may obtain the registration of—
 - (a) an earmark:
 - (b) a firebrand.
- (2) Every earmark or firebrand shall be registered in respect of a run of which the person applying for registration is the proprietor; and shall be used by such person only so long as he is the proprietor of such run. Upon ceasing to be the proprietor as aforesaid the registration of such earmark or firebrand shall be deemed to be cancelled: Provided that the registration may be transferred or transmitted by any such proprietor to his successor as proprietor.
- (3) The registration of an earmark or firebrand shall entitle the person by whom it is registered to the exclusive use thereof within the sheep brands district within which the said run is situated.

33—Limitation of earmarks and firebrands

Only one earmark and only one firebrand shall be registered in the name of any owner unless he is the proprietor of more runs than one, in which case, in the discretion of the registrar, a separate earmark and a separate firebrand may be registered in his name in respect of each of such runs.

34—Earmarks

- (1) Every registered earmark shall in the case of male sheep be placed on the off ear and in the case of female sheep be placed on the near ear.
- (2) Every registered earmark shall be of the kind and placed in the position approved by the registrar who may reserve the registration of single earmarks to owners of five thousand sheep or more.

35—Firebrands

- (1) A registered firebrand shall be placed on the face or horn of the sheep and shall not exceed 40 millimetres in height.
- (2) Every registered firebrand shall be of the kind and placed in the position approved by the registrar.

36—Application for earmarks and firebrands

- (1) Application for registration of an earmark or firebrand may be made in the form in Schedule 16, and the prescribed fee shall in all cases be paid before the earmark or firebrand is registered.
- (2) Upon registration the registrar shall deliver or send to the applicant a certificate of registration in the form set forth in Schedule 17.

37—Placing of earmarks and firebrands

No person shall place any registered earmark or firebrand on any sheep except in the position determined by the registrar and stated on the certificate of registration of that earmark or firebrand.

38—Prohibition on earmarking sheep already earmarked

If any sheep has been earmarked with a registered earmark, no person shall place any other earmark on such sheep on the ear upon which such sheep is earmarked as aforesaid: Provided that nothing in this section shall apply to the placing of a registered tattoo mark or a registered stud-stock brand on the ear of any sheep.

Part 5—Stud-stock brands

39—Registration of brands for stud-stock

- (1) Any member of an association which in the registrar's opinion is formed for the purpose of encouraging the breeding of pure-bred stock, may apply to the registrar for the registration of a brand to be used for the purpose of branding the stud-stock of such member.
- (2) Application for registration of a stud-stock brand may be made in the form in Schedule 18.
- (3) Upon the receipt of an application under this section and upon payment of the prescribed fee, the registrar shall, if he is satisfied that the applicant is a person entitled under subsection (1) of this section to make the application, and if the brand in respect of which the application is made is not already registered as a stud-stock brand, register the brand as a stud-stock brand in the name of the applicant.
- (4) Upon registration the registrar shall deliver or send to the applicant a certificate of the registration in the form in Schedule 19.
- (5) Except in attaching a tag to the ear of any cattle as provided by section 21A of this Act, no person shall place any registered stud-stock brand on any stock except in the position determined by the registrar and stated on the certificate of registration of that brand.

- (6) Except in attaching a tag to the ear of any cattle as provided by section 21A of this Act, no person shall use a registered stud-stock brand except for branding stock belonging to the person who is registered as the owner of such brand, which stock is registered by the association of which such owner is a member, as pure-bred stock.
- (7) A stud-stock brand may be granted under this section notwithstanding that the applicant is not the owner of any registered brand for horses and cattle or any registered paint brand for sheep, and may be of any letters, numerals, sign, or mark approved by the registrar.

40—Power of owners of stud-stock brands to use numerals

Any person who is the owner of a stud-stock brand registered under the next preceding section may without registration use any one or more of the numerals 1, 2, 3, 4, 5, 6, 7, 8, 9, 0 in any position as a distinctive brand for his stud-stock.

Part 6—Pound brands

41—Distinguishing brand to be used by every public pound

The registrar—

- (a) shall allot to every public pound in the State a brand in such form as he thinks fit:
- (b) shall register the brands so allotted as pound brands:
- (c) may at any time transfer or cancel any such brand.

42—Duty of poundkeeper to brand stock before delivery on sale

Every keeper of a public pound shall—

- (a) on the sale of any horse or cattle impounded in such pound, before the delivery thereof to the purchaser or to any person on his behalf, brand the same with the brand of such pound on the position and in the order prescribed by this Act, in such manner as to show that at that time the said brand is the last brand placed on such horse or cattle:
- (b) on the sale of any sheep impounded in such pound, before the delivery thereof to the purchaser or to any person on his behalf, brand the same on the top or back of the head with the mark ↑ as a green paint brand.

43—Duty of poundkeeper to give notice to owner

- (1) When any horse or cattle is impounded the poundkeeper shall (in addition to any other notice which he is by law required to give) forthwith notify that fact to the owner of the registered brand which appears last in order on such horse or cattle, and if the poundkeeper has reason to suppose that the horse or cattle belongs to some person other than such owner he shall also notify such other person.
- (2) When any sheep is impounded the poundkeeper shall (in addition to any other notice which he is by law required to give) forthwith notify that fact to the owner of every registered paint brand, earmark, or firebrand, which appears on such sheep.

44—Penalty for neglect of duty by poundkeeper

Any keeper of a public pound who—

- (a) neglects to give any notice required by this Act to be given; or
- (b) neglects, on the sale of any horse, cattle, or sheep impounded in a pound under his charge, to brand such horse, cattle, or sheep, as required by this Act; or
- (c) neglects or refuses to give any necessary information within his knowledge when requested by an inspector so to do;

shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

Part 7—Transfers and cancellations

45—Transfer of registered brands and marks

- (1) Subject to section 47, any person may transfer to any other person the right to his registered brand or mark. Any such person transferring any such right shall sign a memorandum in the Form No 1 in Schedule 20 (which shall also be signed by the person to whom such right is intended to be transferred), and shall transmit the same to the registrar.
- (2) The registrar may, upon the receipt of such memorandum and on payment of the prescribed fee, and upon being satisfied that the provisions of this Act are complied with, transfer the registration of such brand or mark accordingly, and shall thereupon deliver or send to the transferee a certificate in the Form No 1 in Schedule 21; and the transferee shall thereafter have the same exclusive right to use such brand or mark as the transferor had.
- (3) This section shall not apply to distinctive numerals registered as provided by section 17.

46—Transfer in case of death of owner

- (1) Upon being satisfied that the owner of any registered brand or mark (not being distinctive numerals registered as provided by section 17) is dead, the registrar may, upon the application of the personal representative of such deceased owner, in the form of Form No 2 in Schedule 20, and payment of the prescribed fee, and upon being satisfied that the provisions of this Act are complied with, transfer the registration to such representative or to such person as he nominates in the application.
- (2) Thereupon the registrar shall deliver or send to the transferee a certificate in the form of Form No 2 in Schedule 21, and the provisions of subsection (2) of section 45, *mutatis mutandis*, shall apply.

47—Power of registrar to refuse to transfer

- (1) The registrar may, in his discretion, refuse to transfer the registration of any brand or mark.
- (2) A brand or mark shall not be transferred to any person who, under the provisions of this Act, would not be entitled to register such brand or mark.

48—Cancellation of registration on application by owner

The owner of any registered brand or mark shall, upon making application in the form of Schedule 22 and payment of the prescribed fee, be entitled to have the registration of such brand or mark cancelled by the registrar.

49—Cancellation of registration if brand or mark not in use

- (1) When it appears to the registrar, upon the report of an inspector or otherwise, that a registered brand or mark is not in use, the registrar may cause notice to be given to the owner of such brand or mark, calling upon him to show cause why the registration thereof should not be cancelled. The notice may be given by posting the same to the last known place of residence of such owner.
- (2) Unless within two months after the giving of the notice cause is shown to the satisfaction of the registrar why the registration of the brand or mark should not be cancelled, the registrar may cancel the registration.

50—Cancellation of registration to avoid abuse

The registrar may, after three months' previous notice published in the Government Gazette, and posted to the last known place of residence of the owner of any registered brand or mark, cancel the registration of the said brand or mark when, for the prevention of abuse, or to prevent infringements of this Act, he deems it advisable so to do. In any such case the registrar may, in his discretion, allot to the owner of the said brand or mark another brand or mark, and shall thereupon register the same in the name of such owner without any fee.

51—Cancellation of registration on transfer of run

The registrar may cancel the registration of any brand or mark registered in the name of any owner in respect of any run upon the transfer or conveyance or lease of such run, unless the right to the brand or mark is transferred as provided by this Act.

52—Registration after cancellation

Any brand or mark, the registration of which has been cancelled, may, in the discretion of the registrar, be again registered in the name of the former owner or any other person.

53—Revision of registration of brands and marks

- (1) The registrar may by notice published at least once in the Government Gazette and at least twice in a daily newspaper, and in a weekly newspaper, published in Adelaide advertise that after a day fixed in the notice the registration of all brands and marks registered under this Act or any repealed Act before any date specified in the notice, shall be cancelled. Any such notice may apply to all such brands and marks or to any specified kind of brand or mark.
- (2) The day fixed as aforesaid for the cancellation of such brands or marks shall be not less than six months after the first publication of such notice.
- (3) Any person in whose name any brand or mark is registered may give notice in writing to the registrar that he desires the registration of such brand or mark to be retained. The said notice may be given in any form, and no fee shall be payable in respect thereof.

- (4) After the expiration of the period fixed in the notice published pursuant to subsection (1) hereof the registrar without giving any other notice may cancel the registration of any brands or marks in respect of which he is not notified pursuant to subsection (3) hereof. Sections 50 and 55 shall not apply to the cancellation of any registration pursuant to this section.
- (5) The registrar may from time to time give notice as provided by subsection (1) hereof, but after any such notice is given no further notice relating to the kind of brand or mark specified in the preceding notice shall be given until the expiration of at least ten years after the giving of the preceding notice.

Part 8—Brands register

54—Register of brands

- (1) The registrar shall keep—
 - (a) a register in the form of Part 1 of Schedule 23 of all horses and cattle brands registered as provided by section 8:
 - (b) a register in the form of Part 2(A) of the said Schedule of all sheep paint brands registered, as provided by section 25, divided according to sheep brands districts; and a register in the form of Part 2(B) of the said Schedule of all tattoo marks for sheep registered, as provided by that section, divided according to sheep brands districts; and a register in the form of Part 2(C) of the said Schedule of all earmarks and firebrands registered as provided by section 32, divided according to sheep brands districts:
 - (c) a register in the form of Part 3 of the said Schedule of all registered transfers of brands and marks:
 - (d) a register in the form of Part 4 of the said Schedule of all cancellations of registrations of brands and marks:
 - (e) a register in the form of Part 5 of the said Schedule of all brands for horses to be exported:
 - (f) a register in the form of Part 6 of the said Schedule of all distinctive brands for horses or cattle:
 - (h) a register in the form of Part 8 of the said Schedule of all pound brands:
 - (i) a register in the form of Part 9 of the said Schedule of all registered stud-stock brands:

and such (if any) other registers and books as are prescribed or are necessary for the purposes of this Act: Provided that the registers and books to be kept by the registrar, and the forms thereof, may from time to time be altered or varied by regulation.

- (2) The registrar shall, in respect of any register and book required to be kept by him pursuant to subsection (1) hereof, make and keep an index thereto.

55—Publication of quarterly statement and brands directory

- (1) The registrar shall, at the end of every quarter of a year, or as soon thereafter as possible, publish in the Government Gazette, a statement in the forms of Parts 1, 2(A), 2(C), 3, 4, and 8 of Schedule 23, of all brands and marks to which the said parts relate which have been registered or transferred, or the registrations whereof have been cancelled during the said quarter, and such (if any) other statements as are prescribed: Provided that the statements to be so published, and the forms thereof, may from time to time be altered or varied by regulation.
- (7) Any quarterly statement, or a copy of any such statement purporting or appearing to have been printed by the Government Printer, shall, in any action, suit, prosecution, or trial, be received without proof as *prima facie* evidence of the matters, statements, and things contained therein.

56—Evidence of register

- (1) *Prima facie* evidence of any entry in or part of a register or book kept pursuant to section 54 may be given by the production of a document purporting to be a copy of such entry or part and purporting to be certified as a correct copy by the registrar.
- (2) The entries and records in a register or book kept pursuant to section 54 shall be *prima facie* evidence of the facts so entered or recorded.
- (3) A certificate in writing purporting to be signed by the registrar and stating that any brand or mark is or is not registered under this Act shall be *prima facie* evidence of the statement contained therein.

57—Duty to give information as to brand

If any person, whether by letter, telephone, pre-paid reply telegram, or in person, requests to be supplied with any information as to any registered brand or mark, it shall be the duty of the registrar to supply that information.

Part 8A—Brands not requiring registration

57A—Approval of brands by approved authority

- (1) Notwithstanding any other provision of this Act, the owner of an animal that is registered with an approved authority may brand the animal—
 - (a) with a brand the design of which has been approved by the authority; and
 - (b) in a position and in a manner approved by the authority.
- (2) An approved authority shall keep records of approvals given by it under this section and shall allow the registrar to examine and to make copies of, or take extracts from, those records.
- (3) In this section—

approved authority means a person, association or other body approved by the registrar.

Part 9—Miscellaneous

58—Preference to longest user of brand

In allotting and registering any brand or mark of any kind, the registrar shall, as far as practicable, give preference to the owner of stock who has used the brand or mark for the longest time.

59—Power of inspectors and others to enter premises and seize suspected stock and instruments

- (1) Any inspector or any member of the police force may, at any time, either alone or with such persons as he deems necessary, enter upon any run or other premises or any public or private place, and inspect any stock, or any hide or skin, or any brand or branding iron or instrument for branding thereon.
- (1a) Any inspector or any member of the police force may, at any time—
- (a) request the driver of a vehicle which is conveying stock to stop that vehicle;
 - (b) request any person driving any stock to stop such stock;
 - (c) ask the driver or the person apparently in charge of a vehicle which is conveying stock or any person driving any stock questions for the purpose of ascertaining—
 - I. the name and place of residence or place of business of such driver or other person or of the owner of the stock; or
 - II. the place of departure and the route of the stock and the place to which they are intended to be conveyed or driven;
 - (d) either alone or with such persons as he deems necessary, search any such vehicle and examine and take particulars of any stock which is so conveyed or driven.
- (1b) A person shall forthwith—
- (a) comply with a request made to him under subsection (1a) of this section; and
 - (b) truly answer a question put to him under subsection (1a) of this section.
- Penalty: One hundred dollars.
- (2) Such inspector or member of the police force may seize and take away—
- (a) any stock with respect to which it appears to him that any offence against this Act has been or is being committed; or
 - (b) any hide or skin; or
 - (c) any brand, branding iron, or other instrument which appears to him to be used, or to be capable of being used, for committing any offence against this Act,

whether such stock, hide, skin, brand, iron, or instrument is in the possession or under the care or control of any person or not.

- (3) When any person seizes any stock pursuant to this section he may impound it, in which case it shall be dealt with in the manner set forth in and as if impounded under any Act regulating the impounding of stock but if the stock is seized at a greater distance than 8 kilometres from the nearest public pound, the person seizing it shall either hold it, or impound it in such place or places as he deems convenient, until it is delivered up to such person as a justice orders or is otherwise disposed of as a justice orders, or shall impound it in a public pound as aforesaid.
- (4) When any person seizes any hide, skin, brand, branding iron, or other instrument pursuant to this section he shall hold it, or deposit it in such place or places as he deems convenient, until it is delivered up to such person as a justice orders or is otherwise disposed of as a justice orders.
- (5) In this section—
stock includes pigs.

60—How earmarks to be made

- (1) No earmark other than a slit shall be made on any cattle or sheep except with pliers.
- (2) A distinctive mark shall be made only as indicated by the registrar on the certificate of registration.
- (3) In the case of cattle, not more than one-third of the ear shall be affected by the making of any earmark thereon.
- (4) In the case of sheep, no earmark shall exceed 20 millimetres in length or 15 millimetres in width or diameter, unless such earmark is a slit, in which case it may be 35 millimetres in length from the tip of the ear.
- (5) In no case, either of cattle or sheep, shall an earmark be made by means of a crop.
- (6) In the case of cattle, if any registered earmark is placed on the ear of any such cattle, no further earmark, mark, cut, or crop, shall be placed on either ear of such cattle, except in attaching a tag as provided by section 21A of this Act: Provided that this subsection shall not apply to anything done before the passing of this Act.

60A—Earmarks identifying heterozygous sheep

Notwithstanding any other provision of this Act, a person may earmark a sheep that carries the colour pattern gene *w* with a mark consisting of three holes that are not less than six nor more than ten millimetres in diameter placed in a line from the root to the tip of the animal's left ear (in the case of a male sheep) or the animal's right ear (in the case of a female sheep).

61—Power to deal with stock improperly earmarked

- (1) Any cattle or sheep having its ear marked contrary to the provisions of section 60 or section 71, wherever such cattle or sheep is found, and whether in the possession or under the care or control of any person or not, may be seized by an inspector, and shall thereupon be dealt with in manner prescribed.
- (2) Subject to anything prescribed, any cattle or sheep so seized may be forfeited, and sold or otherwise disposed of as directed by the Minister.

62—Official mark to indicate diseased or quarantined stock

- (1) Notwithstanding anything in this Act, the chief inspector, or any inspector or temporary inspector of stock under the *Stock Diseases Act 1934* who is also an officer of the Department, may brand with a firebrand, a freeze-brand or an acid brand any cattle in such position as he may think fit with the mark ↑ R or another mark approved by the registrar, for the purpose of indicating that the cattle have been found by the chief inspector, or by any such inspector or temporary inspector of stock, or by a veterinary surgeon to be affected with a disease.

In order to identify any individual cattle found as aforesaid to be affected as aforesaid, any person authorised to brand the cattle as aforesaid may (whether or not the cattle are branded as aforesaid) brand the cattle by means of a firebrand, a freeze-brand or an acid brand with any distinctive numeral in such position as he may think fit.

- (2) If, pursuant to the *Stock Diseases Act 1934*, any stock have been quarantined upon any land, then, in order to identify any such stock, any inspector or temporary inspector of stock under the said Act who is also an officer of the Department, may, notwithstanding anything in this Act, adopt and give effect to any means of identification of the stock as are approved by the chief inspector.
- (3) If any cattle have been vaccinated against brucellosis by the chief inspector of the Department or by a person who has been appointed by the chief inspector to perform such vaccinations, the person by whom the vaccination was performed may, notwithstanding anything in this Act, adopt and give effect to any means of identification of the cattle as are approved by the chief inspector.
- (4) In this section—

disease means disease as defined for the purposes of the *Stock Diseases Act 1934*;

veterinary surgeon means a person registered as a veterinary surgeon under subsection (1) of section 17 of the *Veterinary Surgeons Act 1935* and who has been approved by the chief inspector as a person to exercise the powers conferred by this section.

63—Branding of cattle by Department

Notwithstanding anything in this Act, any officer of the Department or person authorised in writing by such an officer may brand any cattle with a brand approved of by the registrar in any position for the purpose of indicating that such cattle are undergoing or have undergone a herd test or that such cattle have received or are receiving artificial insemination or are the progeny of cattle that have been so inseminated.

64—Re-branding in case of indistinct paint brand

Notwithstanding anything in this Act, when a registered paint brand on any sheep has become indistinct, the owner of such sheep may, if the brand is registered in his name, after obtaining the permission in writing of the registrar so to do, rebrand such sheep in the same position as the brand which has become indistinct.

65—Non-application of Act to stock mortgages

Nothing in this Act contained shall affect any mortgage or other security under the provisions of the *Stock Mortgages and Wool Liens Act 1924*.

66—Fees

There shall be charged and payable in respect of the several matters and things mentioned in Schedule 24 the fees therein indicated, or such fees as are prescribed in substitution therefor.

67—Method of serving notices

- (1) Any notice or other document required to be given or served under this Act may be given or served by being delivered personally to, or being left at the usual or last known place of residence or business of, the person to or upon whom it is to be given or served, or by being sent through the post in a prepaid letter addressed to such person at his usual or last known place of residence or business.
- (2) Where any such notice or document is required to be given to or served upon any person, the giving or serving thereof as aforesaid to or upon the manager or agent of such person, shall be sufficient giving or service thereof.

Part 10—Regulations

68—Power of Governor to make regulations

The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which may be necessary or convenient to be prescribed for the effectual carrying out of this Act, including regulations for the following, amongst other purposes:

- I. For the registration and the transfer and cancellation of the registration of brands and marks; and
 - Ia. Prescribing any material for the purpose of being used as a tag; and
 - Ib. Prescribing any substance with which a paint brand may be made, and prescribing the colours which may be used for paint brands; and
- II. For fixing fees, and providing forms, in addition to, or in substitution for, any fees or forms fixed or provided in the Schedules to this Act; and
- III. Generally for fully and effectually carrying out and giving force and effect to the various objects, powers, purposes, and authorities of this Act, and guarding against evasions and violations thereof:

and may by any such regulation impose penalties for the breach of the same or other regulations, not exceeding for any one offence fifty dollars.

Part 11—Offences, penalties, and legal procedure

69—Certain offences

Any person who—

- (a) except as expressly permitted by this Act, in any manner or position whatsoever brands or marks, or assists in branding or marking, any horse, cattle, or sheep, or causes, authorises, or suffers any horse, cattle, or sheep to be branded or marked, unless with a brand or mark which at the time is registered in his name, or in the name of the person by whose direction he so acts or suffers; or

- (b) destroys, alters, defaces, or renders illegible any brand or mark of whatever description, or causes, authorises, suffers, or assists in the destroying, altering, defacing, or rendering illegible of any brand or mark of whatever description, upon any horse, cattle, or sheep, or any hide or skin; or
- (c) sells or otherwise disposes of, or offers for sale or disposition, or has in his possession, any hide or skin, on which any brand or mark has been altered, defaced, or rendered illegible either before or after the death of the animal; or
- (d) marks, or assists in marking, or causes, authorises, or suffers to be marked, any cattle or sheep on the ear in any manner contrary to the provisions of section 21A, 38 or 60, or by cutting off part of the dewlap; or
- (e) has in his possession any cattle or sheep with its ear marked contrary to the provisions of section 21A, 38 or 60, or, in the case of cattle, with any part of the dewlap cut off; or
- (f) except in attaching a tag to the ear of any cattle as provided by section 21A of this Act, marks or cuts the ear of any cattle whereon a distinctive mark has already been made;

shall be guilty of an offence, and liable to a penalty of not less than four dollars and not more than two hundred dollars, or shall be liable to be imprisoned for any term not exceeding six months:

Provided that subdivision (b) of this section shall not, as regards a registered brand, apply to anything done in the shearing of sheep at the usual shearing time of the owner of such sheep, if done by him or by his direction or with his consent: Provided further that it shall be a defence in any proceedings under subdivision (e) of this section if the defendant satisfies the court that the ear was marked or dewlap cut off by some person other than the defendant and without his knowledge or authority, express or implied.

70—Further offences

Any person who—

- (a) places or uses on any horse, cattle, or sheep, or on any hide or skin, any brand or mark of any kind in any manner, form, or position, otherwise than as registered under, provided for, or permitted by, this Act, or contrary to any provisions of this Act; or
- (b) marks any sheep with any of the numerals mentioned in section 30, or with any earmark or tag, unless he is the owner of a registered paint brand for sheep; or
- (c) removes any ear from or mutilates any ear on any sheep skin unless it is removed immediately before the skin is subjected to any tanning process; or
- (d) brands or marks, or assists in branding or marking any horse, cattle, or sheep, or causes, authorises, or suffers any horse, cattle, or sheep to be branded or marked, with a registered brand or mark which is not registered in the name of the owner of such horse, cattle, or sheep; or
- (da) places or applies on any sheep or on the fleece or skin of a sheep, whether for the purpose of branding or otherwise:
 - (i) any tar, paint or any substance that is black in colour; or

- (ii) any substance whatsoever, other than raddle, grease crayon or a substance registered as a stock medicine under the *Stock Medicines Act 1939* or prescribed as a scourable substance or as one with which a paint brand may be made; or
- (e) introduces into the State from any other State of the Commonwealth of Australia any cattle or sheep with its ear marked contrary to the provisions of section 60 or, in the case of cattle, with any part of the dewlap cut off; or
- (f) hinders, molests, or obstructs any inspector or other officer in the execution of any of his powers or duties, or refuses to suffer any inspector or other officer to do anything which by this Act he is required or authorised to do; or
- (g) commits or attempts to commit any breach or violation of any provision of this Act, or does any act, matter, or thing directed by this Act not to be done, or omits to do any act, matter, or thing which he is directed by this Act to do, or in any manner whatsoever contravenes, whether by commission or omission, any provision of this Act;

shall be guilty of an offence, and liable to a penalty, which, except where a different penalty is expressly prescribed by this Act, shall be not more than fifty dollars, or shall be liable to be imprisoned for any term not exceeding three months.

71—Introduction of illegally marked stock for slaughter

No person shall be deemed guilty of an offence against paragraph (e) of section 70 if the cattle or sheep introduced by that person contrary to the provisions of the said paragraph are, within ten days after introduction into the State, slaughtered at the metropolitan abattoirs established under the *South Australian Meat Corporation Act 1936*, as amended; but the Minister may with respect to any sheep or cattle extend the time for slaughter mentioned in this section, and may approve of some other place than the said metropolitan abattoirs as the place for slaughter, or may approve of the keeping of the sheep or cattle in the State for any period he thinks fit.

72—Prohibition of certain earmarks etc on sheep

Any person—

- (a) who is the owner of or in possession of any male sheep which has any earmark or tattoo mark on its off ear which is not registered pursuant to Division 2 or Division 4 of Part 4, or has any cut, mark, or crop upon any such ear, or who places any such unregistered mark on any such ear:
- (b) who is the owner of or in possession of any female sheep which has any earmark or tattoo mark on its near ear which is not registered pursuant to Division 2 or Division 4 of Part 4, or has any cut, mark, or crop upon any such ear, or who places any such unregistered mark on any such ear,

shall be guilty of an offence and liable to a penalty not exceeding fifty dollars:
Provided that it shall be a defence to show—

- I. that any such cut or mark was caused by any accidental cause; or
- II. that the sheep was imported into the State and that the ear of the sheep was at the time of importation in the same condition as when the proceedings under this section were commenced; or

- III. that any such earmark, cut, mark, or crop, was made before the passing of this Act.

73—Wilfully branding stock of which not the rightful owner

- (1) Any person who wilfully brands or marks or assists in branding or marking with his brand or mark, or wilfully authorises, causes, or suffers to be branded or marked with his brand or mark, any horse, cattle, or sheep, or any skin or hide, of which he is not the rightful owner shall be guilty of an offence, and shall be liable to be imprisoned for any term not exceeding three years.
- (2) If any registered brand or mark of any person is found on any horse, cattle, or sheep, or any skin or hide, which at the time the brand is so found, is not the property of such person, it shall be *prima facie* evidence that such person has wilfully branded or marked, or assisted in branding or marking, such horse, cattle, sheep, skin, or hide, or wilfully authorised, caused, or suffered the same to be branded or marked, with his brand or mark, and that he knew at the time of such branding or marking that such horse, cattle, sheep, skin, or hide, was not his property; but if evidence is given that at any time the horse, cattle, sheep, skin, or hide was at any time his property, the presumption created by this subsection shall be deemed to be rebutted.

74—Penalty where offence is in respect of several animals, skins, or hides

Where any person is convicted of an offence against this Act in respect of several horses, cattle, sheep, skins, or hides, the offence shall be deemed to be complete in respect of each animal, or skin, or hide, and a penalty may be imposed in respect of each animal, skin, or hide, notwithstanding that the aggregate of the penalties thus imposed exceeds the sum provided by any section of this Act as the maximum penalty for an offence thereunder.

75—Punishment for forged or false registrations or entries

Any person who—

- (a) knowingly and unlawfully inserts, or causes or suffers to be inserted, any false entry of any matter relating to any brand or mark in any register, certificate, or quarterly statement of brands, or in any extract from any register, certificate, or quarterly statement of brands; or
- (b) forges, or, with intent to defraud, alters any brand or mark or any register, certificate, or quarterly statement, or any extract therefrom or entry therein, or that which purports to be such extract or entry, or, with intent to defraud, offers, utters, disposes of, or puts off any of such things knowing it to have been forged or altered; or
- (c) wilfully and unlawfully destroys, defaces, or injures, or causes to be destroyed, defaced, or injured, any brand or mark, register, certificate, or quarterly statement, or any extract therefrom or entry therein, or any part thereof; or
- (d) knowingly and wilfully, with intent to defraud, uses the brand or mark of any person without his authority,

shall be guilty of an offence and shall be liable to be imprisoned for any term not exceeding three years.

75A—Exemption of certain paint brands

Nothing in this Act shall apply to the branding for temporary purposes of any horses or cattle if the brand is made by means of paint.

76—Proceedings within twelve months

Notwithstanding any enactment to the contrary, any summary proceedings in respect of any offence against this Act may be instituted at any time within twelve months after the commission of such offence.

78—Protection to officers

An action for anything done under this Act by any officer shall be commenced within twelve months after the cause of action arises, and not afterwards. Notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action.

Schedule 1

Brands Act 1933

Application for horse and cattle brand

To the Registrar of Brands

Sir—I enclose herewith the prescribed fee of and request that you will register in my name a brand, as shown in the schedule hereunder. (*Add, if so,—I am not the owner of more than 100 horses and cattle.*)

Name of applicant	Brand required	Run or farm upon which brand is to be used	Post address of run or farm	Number of horses and cattle at time of application

I, (*full name*) of,
in the State of South Australia,, declare that the several matters and things
contained in the above application are true to the best of my knowledge and belief.

Signed at the day of 20....

..... (*Signature of applicant*)

Schedule 2

Brands Act 1933

Certificate of registration of horse and cattle brand

No (Date)

This is to certify that the brand set forth in the margin hereof was this day duly registered as the brand of, of, for horses and cattle, in the terms of the above-mentioned Act.

Fee \$

..... Registrar

Schedule 3

Position and order of rotation of brands on horses

First position	Near shoulder
Second position	Off shoulder
Third position	Near quarter
Fourth position	Off quarter
Fifth position	Off saddle or off ribs
Sixth position	Near saddle or near ribs

Position and order of rotation of brands on cattle (other than camels)

First position	Off rump and hip
Second position	Near rump and hip
Third position	Near shoulder
Fourth position	Off shoulder

Position and order of rotation of brands on camels

First position	Near neck
Second position	Off neck
Third position	Near thigh
Fourth Position	Off thigh

Schedule 4

Brands Act 1933

Application for distinctive brand or mark for horses or cattle

To the Registrar of Brands

Sir—I enclose herewith the prescribed fee of and request that you will register in my name a distinctive brand or mark for horses (*or* cattle), as shown in the schedule hereunder:

Name of applicant	Distinctive brand or mark required, and position	Run or farm upon which distinctive brand or mark is to be used	Post address of run or farm	Registered horse and cattle brand

I, (*full name*), of,
in the State of South Australia, declare that the several matters and things
contained in the above application are true to the best of my knowledge and belief.

Signed at the day of 20....

..... (*Signature of applicant*)

Schedule 5

Brands Act 1933

Certificate of registration of distinctive brand or mark for horses or cattle

No (*Date*)

This is to certify that the distinctive brand or mark for horses (*or* cattle), set forth in the margin hereof, and for use in the position stated in the margin hereof, was this day duly registered as belonging to of,
in accordance with the above-mentioned Act.

Fee \$

..... Registrar

Schedule 6—Positions of distinctive brands or marks

Horses.

Near neck.

Cattle.

Near neck.

Horses.

Off neck.
Near cheek.
Off cheek.
Near ear.
Off ear.
Lower lip.

Cattle.

Off neck.
Near cheek.
Off cheek.
Near loin.
Off loin.
Near horn.
Off horn.
Dewlap.
Near ear.
Off ear.
Lower lip.

Schedule 8

Brands Act 1933

Certificate of registration of distinctive numerals for horses (or cattle)

No (Date)

This is to certify that the distinctive numerals for horses (*or* cattle) set forth in the margin hereof, were this day duly registered as belonging to, of, in accordance with the above-mentioned Act.

Fee \$

..... Registrar

Schedule 9

Brands Act 1933

Application for special brand for horses for export

To the Registrar of Brands

Sir—I (*full name*), of,
in the State of South Australia,, enclose herewith the prescribed fee of,
and request that you will register in my name a special brand for horses to be exported
from the State, as shown in the schedule hereunder:

Name of applicant	Brand required	Position of branding	Farm or run upon which brand is to be used	Post address of farm or run	Registered horse and cattle brand (if any)

Signed at the day of 20....

..... (*Signature of applicant*)

Schedule 10

Brands Act 1933

Certificate of special export brand for horses for export

No (*Date*)

This is to certify that of
is authorised to use the special brand set forth in the margin hereof, and in the position
therein indicated, as a special export brand for horses, in terms of the above-mentioned
Act.

Fee \$

..... Registrar

Schedule 11—Divisions for sheep brands districts

Division No. 1, consisting of the Counties of Albert, Alfred, Russell, Buccleuch, Chandos, Cardwell, Buckingham, MacDonnell, Robe, and Grey.

Division No. 2, consisting of all the territory in the State enclosed by a line commencing at the south-east corner of the County of Manchester, going thence westward along the northern boundaries of the Counties of York, Buxton, and LeHunte as far as the 136th degree of longitude, thence northward to the 30th degree of latitude, thence westward to the western boundary of the State, thence southward to the sea-coast, and thence along the sea-coast returning to the point of commencement.

Division No. 3, consisting of the County of Carnarvon (Kangaroo Island).

Division No. 4, consisting of all the land in sections 97 and 720, Hundred of Yatala, which is vested in the Metropolitan and Export Abattoirs Board.

Division No. 5, consisting of the whole of the State not included within any of the divisions above described: Provided that islands, other than Kangaroo Island, are deemed to be included within the Divisions nearest thereto respectively, and in case two or more Divisions are equidistant, then within such Division as the Registrar of Brands decides.

Schedule 12—Divisions for sheep brands districts

Division No. 1, consisting of the Counties of Albert, Alfred, Russell, Buccleuch, Chandos, Cardwell, Buckingham, MacDonnell, Robe, and Grey.

Division No. 2, consisting of all the territory in the State enclosed by a line commencing at the south-eastern corner of the County of Manchester; thence going westward and northward along the northern boundaries of the Counties of York, Buxton, LeHunte, the eastern boundary of the County of Robinson, the eastern and northern boundaries respectively of the Counties of Dufferin and Way, the northern boundary of the County of Kintore, the eastern and northern boundaries of the County of Hopetoun, to the 132nd degree of longitude, thence northward to the 30th degree of latitude, thence westward to the western boundary of the State; thence southward to the sea-coast; and thence along the sea-coast returning to the point of commencement.

Division No. 3, consisting of the County of Carnarvon (Kangaroo Island).

Division No. 4, consisting of all the land in sections 97 and 720, Hundred of Yatala, which is vested in the Metropolitan and Export Abattoirs Board.

Division No. 5, consisting of the whole of the Counties of Frome, Dalhousie, Herbert, Kimberley, Victoria, Stanley, Burra, Daly, Fergusson, Gawler, Light, Eyre, Adelaide, Sturt, and Hindmarsh.

Division No. 6, consisting of the whole of the State not included within any of the divisions above described: Provided that islands, other than Kangaroo Island, are deemed to be included within the Divisions nearest thereto respectively, and in case two or more Divisions are equidistant, then within such Division as the Registrar of Brands decides.

Schedule 13

Brands Act 1933

Application for brand or brand and tattoo mark for sheep

To the Registrar of Brands

Sir—I enclose herewith the prescribed fee of and request that you will register in my name a brand (*or* brand and tattoo mark) as shown in the schedule hereunder. (*Add, if so—I am not the owner of more than 1 000 sheep.*)

Name of applicant	Brand or brand and tattoo mark required, and position of brand or mark	Colour of paint	Run or farm upon which brand or brand and mark to be used	Post address of run or farm	Number of sheep at time of application

I, (*full name*), of,
in the State of South Australia,, declare that the several matters and things contained in the above application are true to the best of my knowledge and belief.

Signed at the day of 20....

..... (*Signature of applicant*)

Schedule 14

Brands Act 1933

Certification of registration of sheep brand or brand and tattoo mark

District

No

(*Date*)

This is to certify that the sheep (*or* sheep brand and tattoo mark) mentioned in the margin hereof was this day duly registered as the brand of,
of, in the terms of the above-mentioned Act.

Fee \$

..... Registrar

Schedule 15—Positions and order of rotation of tattoo marks on sheep

First Position	Near or left ear.
Second Position	Off or right ear.
Third position	Underneath part of the tail.
Fourth position	Inside near or left forearm.
Fifth position	Inside off or right forearm.
Sixth position	On the inner side of the near or left hind leg.
Seventh position	On the inner side of the off or right hind leg.
Eighth position	On near brisket.
Ninth position	On off brisket.

Schedule 16

Brands Act 1933

Application for earmark or firebrand for sheep

To the Registrar of Brands

I enclose herewith the prescribed fee of and request that you will register in my name in respect of the run described in the schedule hereunder an earmark (*or* firebrand) as shown in the said schedule.

Name of applicant	Earmark or firebrand required	Position of earmark or firebrand	Registered brand	Run or farm upon which earmark or firebrand is to be used, including the hundred	Postal address of run or farm	Number of sheep at run or farm at time of application

I, (*full name*), of,
in the State of South Australia, declare that the several matters and things
contained in the above application are true to the best of my knowledge and belief.

Signed at the day of 20

..... (*Signature of applicant*)

Schedule 17

Brands Act 1933

Certification of registration of earmark or firebrand for sheep

Special sheep brand district (*name or number*)

No (Date)

This is to certify that the sheep earmark (*or* sheep firebrand) mentioned in the margin hereof and for use on sheep in the position stated in the margin hereof was this day duly registered as the brand of of for use in respect of sheep at the run of the said at in accordance with the above-mentioned Act.

Fee \$

..... Registrar

Schedule 18

Brands Act 1933

Application for registration of stud-stock brand

To the Registrar of Brands

Sir—I enclose herewith the prescribed fee of, and request that you will register in my name a stud-stock brand as shown in the schedule hereunder for use on (*here insert cattle or sheep*).

I am a member of the following association, namely:

Name of applicant	Brand required and position	Run or farm upon which brand is to be used	Postal address

I, (*full name*) of in the State of South Australia,, declare that the several matters and things contained in the above application are true to the best of my knowledge and belief.

Signed at the day of 20....

..... (*Signature of applicant*)

Schedule 19

Brands Act 1933

Certificate of registration of stud-stock brand

No

This is to certify that the stud-stock brand set forth in the margin hereof, and for use on (*here insert cattle or sheep*) in the position stated in the margin hereof, was this day duly registered as belonging to, of, in accordance with the above-mentioned Act.

Fee \$

..... Registrar

Schedule 20

Form No 1

Brands Act 1933

Application for transfer

To the Registrar of Brands

I, (*full name*) of, being the registered owner of the brand (*or mark*) mentioned in the margin hereof, do hereby request that you will transfer the said brand (*or mark*) to the undersigned (*full name, address, and occupation*); and I enclose herewith the sum of being the prescribed fee for such transfer.

Dated the day of 20

..... (*Signature of owner*)

..... (*Signature of transferee*)

Form No 2

Brands Act 1933

Application for transfer on death of owner

To the Registrar of Brands

I, (*full name*) of, being the executor (*or administrator*) of (*full name*) of, deceased, the registered owner of the brand (*or mark*) mentioned in the margin hereof, do hereby request that you will transfer the said brand (*or mark*) to me (*or to the undersigned (full name, address, and occupation)*); and I enclose herewith the sum of, being the prescribed fee for such transfer.

Dated the day of 20

..... (*Signature of applicant*)

..... (*Signature of transferee if not the applicant*)

Schedule 21

Form No 1

Brands Act 1933

Certificate of transfer

No (Date)

This is to certify that the brand (*or* mark) mentioned in the margin hereof was this day transferred from, of, to, of

Fee \$

..... Registrar

Form No 2

Brands Act 1933

Certificate of transfer on the death of owner

No (Date)

This is to certify that the brand (*or* mark) mentioned in the margin hereof was this day transferred from, of, the executor (*or* administrator) of, of, deceased, to, of

Fee \$

..... Registrar

Schedule 22

Brands Act 1933

Application for cancellation of brand

To the Registrar of Brands

I (*full name*) of, being the registered owner of the brand (*or* mark) mentioned in the margin hereof, do hereby request that you will cancel the registration of the said brand (*or* mark), and I enclose herewith the sum of, being the prescribed fee for such cancellation.

Dated the day of 20

..... (*Signature of owner*)

Schedule 23

Part 1—Horse and cattle brands registered

Brands registered	No. of certificate	No. of horses and cattle at time of application	Owner's name	Run or farm where brand is to be used	Nearest post town to run or farm

Part 2(A)—Sheep brands registered

Brands registered	No. of certificate	No. of sheep at time of application	Owner's name	Run or farm where brand is to be used	Nearest post town to run or farm

Part 2(B)—Tattoo marks for sheep registered

Tattoo mark for sheep registered	No. of certificate	No. of sheep at time of application	Registered brand, if any	Owner's name	Run or farm where mark is to be used	Nearest post town to run or farm

Part 2(C)—Earmarks and firebrands for sheep registered

Earmark or firebrand registered	No. of certificate	No. of sheep at time of registration	Registered brand	Owner's name	Run or farm where earmark or fire-brand is to be used	Nearest postal town to run or farm	Name or number of special sheep brands districts

Part 3—List of brands transferred

Brand or earmark	No. of certificate	Transferor	Transferee	Run or farm where brand is to be used	Nearest post town to run or farm

Part 4—List of brands cancelled

Name of registered owner of brand before cancellation	Brand or earmark cancelled	Run or farm in respect of which the brand was used	Nearest post town to run or farm

Part 5—Export brands for horses registered

Special brand registered	No. of certificate	Owner's name	Where to be used	Nearest post town to place where to be used

Part 6—Distinctive brands for horses or cattle registered

Distinctive brand or mark registered	No. of certificate	Owner's name	Run or farm where to be used	Nearest post town to run or farm	Registered brand	District

Part 8—Pound brands registered

Pound brand registered	No. of certificate	Pound at which brand is to be used	Government, corporation, or district council pound	Name of poundkeeper	Post town for pound

Part 9—Stud stock brands registered

Brand registered	No. of certificate	Owner's name	Run or farm where brand is to be used	Nearest post town to run or farm	Name of stud stock association

Schedule 24

The undermentioned fees shall be paid in respect of the matters set opposite to such matters respectively:

	\$
For registration of any brand, earmark or tattoo	4.00
For transfer of any brand, earmark or tattoo	4.00

	\$
For issuing a duplicate copy of any certificate of registration or transfer	1.00

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Repeal of Act

The *Brands Act 1933* was repealed by Sch 2 cl 1(c) of the *Livestock Act 1997* on 1.1.2016.

Legislation repealed by principal Act

The *Brands Act 1933* repealed the following:

Brands Act 1913

Brands Act Amendment Act 1923

Brands Act Amendment Act 1927

Principal Act and amendments

Year	No	Title	Assent	Commencement
1933	2117	<i>Brands Act 1933</i>	19.10.1933	19.10.1933
1936	2293	<i>Statute Law Revision Act 1936</i>	8.10.1936	8.10.1936
1948	23	<i>Brands Act Amendment Act 1948</i>	2.12.1948	2.12.1948
1955	45	<i>Brands Act Amendment Act 1955</i>	8.12.1955	8.12.1955 except s 5(1)—1.8.1960 (<i>Gazette 24.9.1959 p759</i>): s 5(2)
1957	29	<i>Brands Act Amendment Act 1957</i>	31.10.1957	31.10.1957
1961	21	<i>Brands Act Amendment Act 1961</i>	9.11.1961	9.11.1961
1963	6	<i>Brands Act Amendment Act 1963</i>	10.10.1963	10.10.1963
1966	19	<i>Brands Act Amendment Act 1966</i>	17.3.1966	17.3.1966
1969	26	<i>Brands Act Amendment Act 1969</i>	18.9.1969	18.9.1969
1975	32	<i>Statutes Amendment (Miscellaneous Metric Conversions) Act 1975</i>	3.4.1975	15.1.1976 (<i>Gazette 15.1.1976 p174</i>)
1976	60	<i>Brands Act Amendment Act 1976</i>	18.11.1976	20.1.1977 (<i>Gazette 20.1.1977 p99</i>)
1982	50	<i>Brands Act Amendment Act 1982</i>	29.4.1982	19.8.1982 (<i>Gazette 19.8.1982 p507</i>)
1994	59	<i>Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994</i>	27.10.1994	1.1.1995 (<i>Gazette 8.12.1994 p1942</i>)

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 1 of The Public General Acts of South Australia 1837-1975 at page 611.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3	<i>amended by 50/1982 s 3</i>	19.8.1982
	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 4		
s 4(1)	s 4 redesignated as s 4(1) by 60/1976 s 3(b)	20.1.1977
the Department	inserted by 60/1976 s 3(a)	20.1.1977
s 4(2)	inserted by 60/1976 s 3(b)	20.1.1977
Pt 3		
s 17	substituted by 60/1976 s 4	20.1.1977
s 18	<i>deleted by 60/1976 s 4</i>	20.1.1977
Pt 7		
s 53		
s 53(1)	amended by 60/1976 s 5	20.1.1977
Pt 8		
s 54		
s 54(1)	(g) deleted by 60/1976 s 6	20.1.1977
Pt 8A	inserted by 50/1982 s 4	19.8.1982
Pt 9		
s 60A	inserted by 50/1982 s 5	19.8.1982
s 62	substituted by 60/1976 s 7	20.1.1977
s 62(1)	amended by 50/1982 s 6	19.8.1982
s 63	amended by 60/1976 s 8	20.1.1977
	amended by 50/1982 s 7	19.8.1982
Pt 11		
s 70	amended by 50/1982 s 8	19.8.1982
s 73		
s 73(1)	amended by 59/1994 Sch 2	1.1.1995
s 75	amended by 59/1994 Sch 2	1.1.1995
s 77	<i>deleted by 59/1994 Sch 2</i>	1.1.1995
Sch 3	amended by 60/1976 s 9	20.1.1977
Sch 7	<i>deleted by 60/1976 s 10</i>	20.1.1977
Sch 23		
Pt 7	<i>deleted by 60/1976 s 11</i>	20.1.1977

Historical versions

Reprint No 1—1.7.1991