



ANNO DECIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1964

No. 36 of 1964

An Act to provide for the branding of pigs and for matters incidental thereto.

[Assented to 22nd October, 1964.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

1. This Act may be cited as the "Branding of Pigs Act, 1964". Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

"brand" means a letter, numeral, sign or character, or any combination of these, impressed or intended to be impressed on a pig :

"pig" includes boar, sow, barrow or pig of any age, sex or breed :

"proprietor" means the person in whose name a brand is registered :

"register" means the register of brands kept pursuant to this Act :

"registered" means registered under this Act :

"sell" includes barter and exchange, and "sale" has a corresponding meaning.

Registrar and
deputy
registrar.

3. (1) The registrar of brands holding office under the Brands Act, 1933-1963, shall be the registrar of brands under this Act.

(2) Every deputy registrar of brands holding office under the Brands Act, 1933-1963, shall be a deputy registrar of brands under this Act.

(3) Whenever directed by the registrar or in any matter or class of matters directed by the registrar, a deputy registrar may act on behalf of the registrar and when so acting shall be deemed to be the registrar for the purposes of this Act.

Register of
pig brands.

4. The registrar shall in the prescribed manner keep a register of pig brands and shall enter the prescribed particulars therein.

Duty to
brand pigs
before sale.

5. (1) On and after a day to be fixed by proclamation a person shall not sell or offer for sale a pig unless within seven days before the sale or offer the pig has been branded in the prescribed manner and in the prescribed position with the registered pig brand of which that person is the proprietor.

Penalty : One hundred pounds.

(2) Notwithstanding subsection (1) of this section, a person may sell or offer for sale a pig not branded with his registered brand if the pig was purchased by him and delivered to him by the previous owner within seven days before such sale or offer and at the time of delivery bore the registered brand of which the previous owner was the proprietor.

(3) Notwithstanding subsection (1) of this section, a person may sell or offer for sale a pig which is not branded in accordance with that subsection if he is the holder of a permit issued in that behalf by the Chief Inspector of Stock appointed under the Stock Diseases Act, 1934-1962. The Chief Inspector may, upon application therefor, issue a permit under this subsection if he is satisfied that the applicant owns not more than three pigs.

Allotment and
registration of
pig brands.

6. (1) Application for the allotment and registration of a brand shall be made to the registrar in the prescribed form and shall be accompanied by the prescribed fee.

(2) The registrar shall allot a brand to the applicant and register the brand in the name of the applicant as proprietor thereof.

(3) Upon registration of a brand the registrar shall issue to the proprietor a certificate of registration in the form prescribed.

7. A registered brand may be transferred by a memorandum in the prescribed form executed by the proprietor and the transferee and lodged with the registrar together with the prescribed fee. Upon receipt of such a memorandum and the prescribed fee, the registrar shall record the transfer in the register and register the brand in the name of the transferee and issue to him a certificate in the prescribed form.

Transfer of brand.

8. (1) Within six months after the death of a proprietor of a brand his personal representative shall notify the registrar of the fact and of the date of the death.

Death of proprietor of brand.

(2) The personal representative shall be entitled to use the brand until the expiration of the said period of six months or until the brand is registered in the name of his nominee, whichever date is the earlier.

(3) The personal representative may within the said period of six months apply for registration of the brand in the name of his nominee.

(4) If application is not made and the prescribed fee paid within that period, the registrar shall cancel the registration of the brand.

9. (1) If a proprietor of a brand does not further require the use of the brand he shall immediately notify the registrar of that fact.

Cancellation of brand.

(2) Notwithstanding the absence of any such notice, the registrar shall, if he is satisfied that the brand of a proprietor is no longer required by him, cancel the registration of the brand.

(3) Where the proprietor of a brand is a company or partnership, and the registrar is satisfied that such company or partnership has been wound up or dissolved, he shall cancel the registration of the brand.

10. After the registration of a brand has been cancelled, the former proprietor or his personal representative may apply to the registrar in the prescribed form to restore it to the register, and the registrar may on payment of the prescribed fee restore the brand to the register in the name of the applicant.

Restoration to register.

11. (1) The registrar, a deputy registrar, an inspector of stock appointed under the Stock Diseases Act, 1934-1962, or any member of the police force may—

Powers of entry and inspection.

(a) with or without assistants, enter any land or premises or upon any vehicle or ship on which he has

reasonable cause to believe that there is any pig, carcass of a pig, or branding instrument, or any books, documents or records relating to dealings in pigs or carcasses of pigs ;

(b) inspect and examine any such pig, carcass, branding instrument, books, documents or records and for that purpose take possession of and retain any of such things ;

(c) require any person to answer any questions put to him for the purpose of ascertaining the name and address of the owner of any pig, carcass of a pig or branding instrument.

(2) Any person who—

(a) hinders, obstructs, or interferes with any person exercising or attempting to exercise any power conferred by subsection (1) of this section ; or

(b) does not answer or gives a false answer to any question put to him under subsection (1) of this section,

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

Regulations.

12. (1) The Governor may make regulations not inconsistent with this Act prescribing any matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act, and without limiting the generality of the foregoing power may make regulations with respect to the following matters :—

(a) the registration, cancellation of registration and transfer of brands ;

(b) the construction and use of branding instruments ;

(c) the minimum and maximum sizes of brands and the position and use of brands ;

(d) prescribing the fees payable under this Act ;

(e) prescribing the forms to be used under this Act ;

(f) the allotment to any agricultural society, association of primary producers, or other body of brands to be used on pigs in specified circumstances ;

(g) requiring the keeping of books and records relating to pigs or carcasses of pigs by the persons specified in the regulations.

(2) The regulations may prescribe penalties recoverable summarily and not exceeding fifty pounds for any breach thereof.

(3) Any regulation made under this Act may apply to pigs generally or to a particular class of pigs or to pigs of a particular age or within a particular age limit.

13. Proceedings for offences against this Act shall be disposed of summarily. Summary procedure.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.