

South Australia

Branding of Pigs Act 1964

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

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Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Branding of Pigs Act 1964*.

2—Interpretation

In this Act, unless the context otherwise requires—

brand means a mark of a kind prescribed for the purposes of this Act and ***to brand*** means to impress a pig with a brand;

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;

to sell includes—

- (a) to barter or exchange;
- (b) to offer or exhibit for sale,

and ***sale*** has a corresponding meaning.

3—Registrar and deputy registrar

- (1) The registrar of brands holding office under the *Brands Act 1933* shall be the registrar of brands under this Act.
- (2) Every deputy registrar of brands holding office under the *Brands Act 1933* 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.

4—Register of pig brands

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

5—Duty to brand pigs

- (1) A person must not—
 - (a) sell a pig; or
 - (b) consign a pig for slaughter,unless the pig is branded with the registered brand of the proprietor, in the prescribed manner and position, within seven days before the sale or consignment.
Penalty: \$2 000.
- (2) Notwithstanding subsection (1), a person may sell or consign for slaughter a pig that is not branded with that person's registered brand if—
 - (a) the pig was purchased by and delivered to that person by the previous owner within seven days before the sale or consignment and at the time of delivery the pig had the registered brand of which the previous owner was the proprietor; or
 - (b) if the pig weighs less than twenty kilograms.

6—Allotment and registration of brands

- (1) Application for the allotment and registration of a brand must be made to the registrar in a form determined by the registrar and must 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.

7—Transfer of brand

A registered brand may be transferred by a memorandum 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.

9—Cancellation of brand

- (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.
- (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—Term of registration

- (1) The registration of a brand—
 - (a) will be for a term of not less than three years nor more than five years determined by the registrar; and
 - (b) may be renewed from time to time for a further term.
- (2) Where a brand was allocated before the commencement of this Act, the term of the registration will run from the commencement of this section and the registrar will notify the proprietor of the date on which the term of registration will expire.
- (3) The registrar may on application, reinstate the registration of a brand that has lapsed or has been cancelled.
- (4) An application for renewal of the registration of a brand, or for reinstatement of the registration of a brand—
 - (a) must be made in writing to the registrar; and
 - (b) must be accompanied by the prescribed fee.

11—Powers of entry and inspection

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

12—Regulations

- (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, or empowering the registrar to determine, 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 one thousand dollars 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—Summary procedure

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

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Repeal of Act

The *Branding of Pigs Act 1964* will be repealed by Sch 2 cl 1(b) of the *Livestock Act 1997*.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1964	36	<i>Branding of Pigs Act 1964</i>	22.10.1964	22.10.1964
1966	52	<i>Branding of Pigs Act Amendment Act 1966</i>	3.11.1966	3.11.1966
1988	20	<i>Branding of Pigs Act Amendment Act 1988</i>	14.4.1988	14.4.1988

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 606.

New entries appear in bold.

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

Provision	How varied	Commencement
s 2		
<i>sell</i>	<i>deleted by 20/1988 s 2</i>	<i>14.4.1988</i>
to sell	inserted by 20/1988 s 2	14.4.1988
s 5	substituted by 20/1988 s 3	14.4.1988
s 6		
s 6(1)	substituted by 20/1988 s 4(a)	14.4.1988
s 6(3)	amended by 20/1988 s 4(b)	14.4.1988
s 7	amended by 20/1988 s 5	14.4.1988
s 8	<i>deleted by 20/1988 s 6</i>	<i>14.4.1988</i>
s 10	substituted by 20/1988 s 7	14.4.1988
s 11		
s 11(2)	amended by 20/1988 s 8	14.4.1988
s 12		
s 12(1)	amended by 20/1988 s 9(a)	14.4.1988
s 12(2)	amended by 20/1988 s 9(b)	14.4.1988