**BRANDING OF PIGS ACT AMENDMENT BILL 1988**

**Legislative Assembly, 24 March 1988, pages 3537-8**

Second reading

**The Hon. M.K. MAYES (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Branding of Pigs Act 1964. Read a first time.

The Hon. M.K. MAYES: I move: That this Bill be now read a second time.

I seek leave to have the detailed explanation of the Bill inserted in Hansard without my reading it. Leave granted.

Explanation of Bill

The amendments proposed by this Bill seek to improve the department’s means of determining the ownership of pigs and to accurately trace pigs back to their property of origin when either a disease is detected in pigs at slaughter, or more particularly, when chemical residues at unacceptable levels, are detected in the pig. Chemical residues in meat are undesirable and pose a serious risk to the South Australian export market. The duty imposed to brand pigs under the present Act, results in only about 39 per cent of pigs being accurately branded. The pig industry is in full support of the amendments to the Act proposed by this Bill.

The amendment requires that pigs, consigned directly for slaughter at licensed abattoirs or slaughterhouses, also be branded pursuant to the Act. The amendments proposed by this Bill repeal section 5 (3), which exempted a person who owned three pigs or less from the duty to brand. The new section now exempts an owner from branding pigs that weigh less than 20 kilograms, for reasons of animal welfare. A new provision for the regular regional cancellation and re-registration of brands on a three to five year rotating basis is also implemented by this amending Bill. This will enable the department to accurately monitor brands within the industry, as there is currently concern of specific brands falling into the hands of unregistered owners.

The provision imposed by the current Act to notify the Registrar of Brands of the death of a proprietor of a brand is repealed by this amending Bill, as the provision has proved to be ineffective. The Bill also amends the penalties in the Act for failure to comply with the Act and any regulation under the Act, bringing them into line with Government policy.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 expands the definition of ‘to sell’ by including ‘to offer or exhibit for sale’.

Clause 3 inserts a new section 5 in the principal Act. The new section expends the duty imposed to brand pigs, by including pigs consigned for slaughter. The section also provides a substantially increased penalty, for breach of the section. The new section also provides two exceptions to the duty imposed to brand pigs. The first is where the pig is purchased by and delivered to a person by the previous owner within seven days before sale or consignment, where the pig has the registered brand of the previous owner at the time of delivery. The second exception is where the pig weighs less than 20 kilograms.

Clause 4 provides that an application for the allotment and registration of a brand, accompanied by the prescribed fee, must be made to the registrar in a form determined by the registrar.

Clause 5 amends section 7 by deleting the reference ‘in the prescribed form’ twice occurring.

Clause 6 repeals section 8 of the principal Act.

Clause 7 inserts a new section 10 in the principal Act. The new section firstly provides that the term of the registration of a brand will extend for a term not less than three years and not more than five years, as determined by the registrar, and secondly that renewal for a further term may be made. Brands allocated prior to this new section will run from the commencement of this section, with the proprietor of the brand being notified of the expiry date of the registration by the registrar. The registration of a brand that has lapsed may be renewed by the registrar by application in writing, accompanied by the prescribed fee.

Clause 8 increases the penalties payable from $100 to $1 000, for failure to comply with section 11.

Clause 9 amends the regulation-making powers of section 12 by allowing regulations to be made empowering the registrar to determine the forms used under the Act, and also increasing the penalties that may be prescribed by regulations from $100 to $1 000, for failure to comply with any regulation.

Mr GUNN secured the adjournment of the debate.