

NORTHERN TERRITORY OF AUSTRALIA

BRANDS ACT

As in force at 1 January 2002

Table of provisions

Part I Preliminary

1	Short title	1
2	Commencement	1
4	Definitions	1
5	Reference to kinds of stock	3
7	Provision as to existing registered brands	3

Part II Officers

8	Registrar of Brands.....	3
9	Appointment of officers.....	3
9A	Identity cards	3
11	Powers of entry.....	3
12	Power to seize stock, &c, in respect of which an offence is committed	4
13	Duty of owner to assist in inspection	4

Part III Registration of brands

14	Application to register brand.....	4
15	Power to refuse registration.....	5
16	Registers of Brands	5
17	Registration of brands	5
17A	Brands to be registered only for use on specified places or runs	5
18	Certification of registration	5
19	Registered owner of brand	6
20	Transfer of registered brand	6
21	Refusal to register transfer	6
21A	Notification of , &c.....	6
22	Cancellation of registration	6
22A	Cancellation of registration of brand for similarity	7
23	Delivery of certificate on cancellation	8
24	Appeal from Registrar.....	8
25	Cancellation when given effect to	8
26	Pound brands	9
26A	Brand to indicate tests upon stock.....	9
29	Evidence.....	9
29A	Brand prima facie proof of ownership	9

Part IV Offences

32	False statement, &c, to Registrar	10
34	Destruction, &c, of Register, &c.....	10
35	Only registered owners to use brands	10
36	Registered brands only to be used	10
36A	Registered brand to be used only on run in respect of which issued	11
37	Compliance with Regulations	11
38	Branding stock not own property	11
39	Blotching, &c, brands, &c	11
40	Blotching or defacing brands on hides or skins, &c	12
41	Possession of stock or hides bearing blotched, &c, brands.....	12
42	Forfeitures	12
42A	Delivery of unbranded cattle	13
42AA	Unbranded animals among travelling stock.....	13
42B	Sale, &c, of cattle.....	14
43	Penalty for ear-cropping sheep and swine	15
44	Stock not to be marked by straight cut off the ear or cropped	15
44A	Method of ear marking stock	15

Part VI Miscellaneous

52	Proceedings within 12 months.....	15
55	Possession prima facie evidence of blotching	16
56A	Provision of returns and statistics	16
57	Proceedings for forfeiture	16
58	Effect of official brand or mark.....	17
58A	Regulatory offences.....	17
58B	Infringement offences and notices.....	17
59	Regulations.....	18

The Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 January 2002

BRANDS ACT

An Act to relating to brands for stock and to the collection of statistics relating to animal Industry

Part I Preliminary

1 Short title

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

2 Commencement

This Act shall commence on a day to be fixed by the Government Resident by notice in the *Gazette* of North Australia.

4 Definitions

In this Act, unless the contrary intention appears:

brand means a letter, numeral, sign, mark or character made or impressed, or to be made or impressed, on stock and includes an earmark or other prescribed identification.

branding instrument means an instrument or appliance adapted to make or impress, or capable of making or impressing, a brand on stock.

buffalo means an animal of the species *Bubalus bubalis*.

cattle means animals of the bovine species.

distinctive brand means a brand other than a 3 letter brand, an earmark or a distinctive numeral brand.

distinctive numeral brand means a brand comprised of figures.

earmark means one or more marks or cuts made upon the ear of any stock.

horse includes ass, mule and hinny.

hide means the skin, or any portion of the skin, taken from any species of stock.

illicit branding instrument means a branding instrument which is adapted to make or impress, or is capable of making or impressing, a brand on stock and:

- (a) where it is capable of making or impressing a brand other than a registered brand, is in the possession of a person who has no reasonable excuse for having it in his possession; or
- (b) where it is capable of making or impressing a registered brand, is in the possession of a person, not being the owner of the registered brand, who has no reasonable excuse for having it in his possession.

inspector means a person appointed and holding office under this Act as an Inspector of Brands, and includes the Registrar, a member of the Police Force, and an inspector appointed under the *Stock Diseases Act* except where the Minister has otherwise directed under section 11 of that Act.

owner of stock means the owner of the stock, and includes any person being a representative, agent, manager or overseer, acting for the owner and having the custody or control of the stock.

Register means a Register of Brands kept pursuant to this Act.

Registrar means the Registrar of Brands appointed under this Act and includes the Deputy Registrar of Brands so appointed.

run includes:

- (a) land held from the Crown for an estate in fee simple;
- (b) land held from the Crown under a lease or licence granted under any Act, being a lease or licence that permits the land to be used for keeping or depasturing stock; and
- (c) any place where stock are kept or depastured.

sheep includes goats.

stock includes cattle, buffaloes, camels, horses, sheep and swine.

this Act includes the regulations.

3 letter brand means a brand consisting of 3 letters of a prescribed size and shape and including the letter T.

5 Reference to kinds of stock

In this Act reference to any kind of stock, unless the contrary intention appears, shall be read in a generic sense, and shall include the young of the kind of the stock referred to.

7 Provision as to existing registered brands

Subject to this Act every brand, the registration of which is in force in the Territory at the commencement of this Act, shall be deemed to be registered under this Act.

Part II Officers**8 Registrar of Brands**

The Chief Inspector of Stock appointed under the Stock Diseases Act shall be the Registrar of Brands.

9 Appointment of officers

The Minister may appoint persons to be:

- (b) Deputy Registrar of Brands;
- (c) Inspectors of Brands.

9A Identity cards

- (1) The Registrar shall issue to each inspector appointed under section 9(c) an identity card containing a photograph and the signature of the inspector verified by the signature of the Registrar.
- (2) An inspector issued with an identity card under subsection (1) shall, on the termination of the inspector's appointment, surrender the identity card to the Registrar.

11 Powers of entry

- (1) Every Inspector may, at all times, enter upon any land or premises and inspect any stock, hides, and brands or branding instruments thereon.
- (2) For the purpose of carrying out this section, the Inspector may muster the stock on the land or premises.
- (3) The Inspector may employ and take with him on to the land or premises all such assistance as he thinks necessary to enable him to carry out his powers under this section.

12 Power to seize stock, &c, in respect of which an offence is committed

- (1) Any Inspector may enter on any land or premises and seize any stock or hides in respect of which he has reasonable ground to believe that an offence has been or is being committed against this Act, or any illicit branding instrument, or any branding instrument which he has reasonable ground to believe is an illicit branding instrument.
- (2) Where any stock or hides seized in pursuance of this section are required for the purpose of evidence only, they may be detained in any place of security so long as is reasonably necessary for the purpose.
- (3) Stock, hides, or branding instruments seized as forfeited shall be taken before a court of summary jurisdiction to be dealt with according to law.

13 Duty of owner to assist in inspection

The owner of any stock shall:

- (a) when required by an Inspector so to do, muster the stock for inspection by him;
- (b) facilitate, by all reasonable means, the inspection of the stock by any Inspector; and
- (c) produce to an Inspector, on demand, all brands and branding instruments in his possession, custody, or control.

Penalty: \$5,000.

Part III Registration of brands**14 Application to register brand**

- (1) A person who has attained the age of 18 years may make application to the Registrar for the registration of one or more brands.
- (2) Where the applicant is not the owner or holder of a run, the application must be supported by evidence, to the satisfaction of the Registrar, that the applicant is a fit and proper person to own a brand, that the owner of a run has granted him permission to brand stock on his run, and that the circumstances are such as to render his application reasonable.

- (3) The application shall be in accordance with the prescribed form, and shall be accompanied by the prescribed fee.

15 Power to refuse registration

- (1) The Registrar shall consider each application, and may grant it, or may refuse it if he considers the brand is not in accordance with the regulations or that by reason of resemblance to the brand of any other person or otherwise it would be likely to deceive, or for any other reasonable cause, or, in case the applicant is not the owner or holder of a run, that the conditions prescribed by section 14(2) have not been complied with.
- (2) Before refusing an application the Registrar may permit the application to be amended in any particular.

16 Registers of Brands

- (1) The Registrar shall keep such Registers of Brands as are prescribed.
- (2) A person may, during normal business hours of the office of the Registrar, inspect a Register.
- (3) The Registrar shall, upon payment of the prescribed fee, if any, provide a person with a copy of an entry in a Register.

17 Registration of brands

A brand shall be registered by entering the prescribed particulars relating to it in the proper Register.

17A Brands to be registered only for use on specified places or runs

- (1) Subject to subsection (2) and to section 36A, a brand shall be registered only for use on a specified place or run or on specified places or runs.
- (2) The Registrar may register a brand for use in relation to a particular species, breed or type of stock without reference to a place or run.

18 Certification of registration

- (1) When a brand has been registered, the Registrar shall issue to the applicant a certificate, in accordance with the prescribed form, of the registration of the brand.

- (2) The certificate of registration of a brand shall be prima facie evidence of the registration of the brand, and that the person named therein is the owner of the brand.

19 Registered owner of brand

The person whose name appears in the Register as the owner of a registered brand shall be the owner of the brand.

20 Transfer of registered brand

The owner of a registered brand shall only be entitled to transfer it subject to this Act and the Regulations.

21 Refusal to register transfer

The Registrar may refuse to register the transfer of any registered brand on any ground he thinks fit.

21A Notification of , &c

- (1) The postal address provided by an applicant on a prescribed form is the address for service on the applicant of notices under this Act.
- (2) The owner of a registered brand shall, not later than 28 days after a change of address, notify the Registrar in writing of the change of the address for service.
- (3) The Registrar may cancel the registration of a brand if:
- (a) a notice pursuant to this Act, sent by post to the owner of a registered brand addressed to his last known address, is undelivered; or
 - (b) the owner of a registered brand fails or refuses to comply with a request to reply to a notice pursuant to this Act sent to his last known address.

22 Cancellation of registration

- (1) Subject to this section, the Registrar may cancel the registration of a brand:
- (a) upon receiving a written request in that behalf signed by the owner of the brand;
 - (b) if the owner of the brand sells or leases the run in respect of which the brand is registered;

- (c) if the owner of the brand no longer has the permission of the owner of the run, in respect of which the brand is registered, to brand stock on the run;
 - (d) which is of such a shape that it could be used to obliterate another brand on stock;
 - (e) upon the expiration of 12 months from the date of death of the owner of the brand, unless within that time the personal representative, or the administrator or executor of the estate, of the deceased owner applies for the registration of the brand to be continued;
 - (f) if the owner of the brand is found guilty of an offence against this Act;
 - (g) if the owner of the brand, in the opinion of the Registrar, is not a fit and proper person to continue to be the owner of a brand;
 - (h) if, to the knowledge and belief of the Registrar, the owner of the brand has not used the brand for a period of at least 3 years; or
 - (i) on such other ground as may be prescribed.
- (2) When the Registrar decides to cancel the registration of a brand under this section, he shall, except where he decides to cancel the registration of a brand pursuant to subsection (1)(a), serve notice by registered post on the owner of the brand, stating his decision to cancel the registration of the brand and the reasons for his decision.

22A Cancellation of registration of brand for similarity

Notwithstanding anything contained in this Act, when, in the opinion of the Registrar, any brand of whatever kind registered and used in a locality is similar to, or easily convertible into, another brand registered and used in the same locality, the Registrar may cancel the registration of the brand which was last registered and may register a brand in lieu thereof, without payment of any fee.

23 Delivery of certificate on cancellation

If the registration of a brand has been cancelled, the person who was the owner of the brand before cancellation, or any person having the custody or possession of the certificate of registration of the brand, shall, on demand by the Registrar or an Inspector, deliver the certificate of registration to the Registrar making the demand.

Penalty: \$2,000.

24 Appeal from Registrar

- (1) An appeal shall lie to a Local Court from any refusal of the Registrar to register any brand, or the transfer of a registered brand, or any decision of the Registrar to cancel the registration of a brand, not being a decision to cancel the registration of a brand under section 22(1)(a) or 22A.
- (2) An appeal may be instituted under this section at any time not later than 28 days after and including the date upon which the Registrar:
 - (a) refuses to register a brand;
 - (b) refuses to register the transfer of a brand; or
 - (c) serves a notice pursuant to section 22(2).
- (3) A person who institutes an appeal under this section shall serve a copy of the appeal on the Registrar either personally or by post.

25 Cancellation when given effect to

- (1) Where the Registrar makes a decision to cancel the registration of a brand under section 22(1)(a) or 22A, he may give effect to the decision immediately.
- (1A) Subject to subsection (1) where the Registrar makes a decision to cancel the registration of a brand he shall not give effect to the decision until the time for appeal has expired or pending any appeal.
- (2) Subject to this section the cancellation of the registration of a brand shall be entered in the Register, and when so entered shall be final.
- (3) Except where the registration of a brand is cancelled under section 22A, the cancellation of the registration of a brand operates as the cancellation of any earmark, distinctive brand or distinctive numeral brand registered for use in connection with that brand.

- (4) After the expiration of 5 years from the date upon which the cancellation of the registration of a brand becomes effective, the Registrar may, subject to this Act, register that brand upon the application of any person.

26 Pound brands

- (1) The Registrar shall allot to each public pound in the Territory a brand called a pound brand, and shall enter particulars of each brand so allotted in the proper Register of Brands.
- (2) All registered pound brands in existence at the commencement of this Act may be reallocated and registered under this Act.
- (3) The keeper of each pound shall, in case of the sale of any horse or cattle impounded in his pound, brand the horses or cattle with the pound brand in the manner prescribed.
- (4) A pound brand may be cancelled or a new brand allotted as prescribed.

26A Brand to indicate tests upon stock

- (1) The Registrar may, upon application by the person who holds the office of Chief Inspector of Stock under the *Stock Diseases Act*, register a distinctive brand.
- (2) A distinctive brand registered under this section may be used for the purpose only of indicating that stock branded with the distinctive brand have been subjected to a particular test or treatment.
- (3) The Registrar shall enter in the appropriate Register each distinctive brand registered under this section, together with particulars of the particular test or treatment to which the distinctive brand relates.

29 Evidence

An extract, signed by the Registrar, from a Register shall be prima facie evidence of the matters stated in the extract in any action, suit or proceeding.

29A Brand prima facie proof of ownership

In any proceedings, proof that an animal is branded in accordance with the provisions of this Act with a registered brand is prima facie proof that the animal is the property of the owner of the registered brand.

Part IV Offences**32 False statement, &c, to Registrar**

- (1) A person shall not make in any application or form delivered to the Registrar in pursuance of this Act or the Regulations, any statement which to his knowledge is false in any material particular.

Penalty: \$5,000.

- (2) A person shall not fail to provide information required for the purposes of this Act.

Penalty: \$5,000.

34 Destruction, &c, of Register, &c

Any person who wilfully and unlawfully destroys, defaces, injures, or alters any register, certificate or extract, signed by the Registrar, from a Register shall be guilty of an offence.

Penalty: \$5,000.

35 Only registered owners to use brands

A person shall not use or have in his possession or under his control, any brand for the purpose of branding stock or for any other purpose unless he is:

- (a) the registered owner of a brand under this Act; or
- (b) the representative, agent or employee of a registered owner of a brand and is acting with the authority of that owner.

Penalty: \$10,000.

36 Registered brands only to be used

Except as provided by the Regulations, the registered owner or the person deemed to be the registered owner of a brand shall not use, for the purpose of branding stock, any brand other than a brand of which he is, or is deemed to be, the registered owner.

Penalty: \$5,000.

36A Registered brand to be used only on run in respect of which issued

- (1) The registered owner of a brand shall not use or permit to be used, for the purpose of branding stock, the brand of which he is the registered owner on any place or run except on a place or run in respect of which that brand is registered.

Provided that the Registrar may authorize, for such period and on such conditions as he thinks fit, any person to use the brand of which he is the registered owner on a place or run other than the place or run in respect of which the brand is registered.

Penalty: \$2,000.

- (2) A person shall not use a brand registered under section 17A(2) to brand stock of a particular species, breed or type except with the authority of the owner of the stock and of the owner of the registered brand.

37 Compliance with Regulations

A person shall not impress or make any brand on stock otherwise than in accordance with the Regulations.

Penalty: \$5,000.

38 Branding stock not own property

Any person who unlawfully brands any stock of which he is not the owner shall be guilty of an offence.

Penalty: \$10,000.

39 Blotching, &c, brands, &c

Any person who:

- (a) wilfully blotches, defaces, alters, or renders illegible any brand upon any stock;
- (b) offers for sale any stock upon which he knows, or ought in the circumstances and with the use of reasonable care to have known, the brand has been blotched, defaced, altered or rendered illegible; or
- (c) receives any stock upon which he knows, or ought in the circumstances and with the use of reasonable care to have known, the brand has been blotched, defaced, altered or rendered illegible,

shall be guilty of an offence.

Penalty: \$10,000.

40 Blotching or defacing brands on hides or skins, &c

Any person who:

- (a) wilfully blotches, defaces, alters, renders illegible, or removes any brand upon any hide;
- (b) offers for sale any hide upon which he knows, or ought in the circumstances and with the use of reasonable care to have known, the brand has been blotched, defaced, altered, rendered illegible or from which he knows the brand has been removed; or
- (c) receives any hide upon which he knows, or ought in the circumstances and with the use of reasonable care to have known, the brand has been blotched, defaced, altered, rendered illegible or from which the brand has been removed,

shall be guilty of an offence.

Penalty: \$10,000.

41 Possession of stock or hides bearing blotched, &c, brands

- (1) Any person who has in his possession any stock, or the hide of any stock, having thereon any brand which has been blotched, defaced, altered, or rendered illegible, or from which any brand has been cut or taken away, shall be guilty of an offence, unless he proves that at the time when the stock or hide came into his possession he did not know and could not with reasonable care have ascertained that any brand thereon had been blotched, defaced, altered, or rendered illegible, or that any brand has been cut or taken away.

Penalty: \$5,000.

- (2) This section shall not apply to possession by or under the authority of any Inspector acting in the execution of his duty.

42 Forfeitures

Subject to this Act, any stock or hide bearing a brand which has been blotched, defaced, altered, or rendered illegible, and every illicit branding instrument, shall be forfeited to the Crown.

42A Delivery of unbranded cattle

- (1) This section does not apply in relation to cattle in respect of which written permission has been given under section 42B, and is in force, to offer for sale, give, exchange or receive the cattle.
- (2) A person shall not deliver to another person any cattle:
 - (a) which are of or over the age of 8 months; and
 - (b) which are not branded in accordance with this Act with a registered brand,

except for the purpose of so dealing with them that the ownership in them is not changed and they remain within the boundaries of the run of their owner or within the boundaries of a run on which they are ordinarily kept or depastured.

Penalty: \$2,000.

- (3) In this section **deliver**, in relation to cattle, means to do anything by which a person permits or purports to permit another person to exercise control or the right to control over the cattle.

42AA Unbranded animals among travelling stock

- (1) This section applies in relation to cattle that are of or over the age of 8 months and are not branded in accordance with this Act with a registered brand except such cattle that are included in travelling stock with the permission in writing of the Registrar.
- (1A) A person may apply to the Registrar for permission referred to in subsection (1) and shall include in the application details of the number and sex of the cattle in respect of which the application is made.
- (1B) The Registrar may, in his absolute discretion, permit or refuse to permit all or any of the cattle the subject of the application to be included in travelling stock for the purposes of the application of this section.
- (2) A person for the time being in charge of travelling stock shall ensure that no head of cattle in relation to which this section applies is among the travelling stock.

Penalty: \$2,000.

- (3) In a prosecution for an offence against this section, it is a defence if the person for the time being in charge of the travelling stock proves, in respect of each head of cattle in respect of which the offence is alleged to have been committed, that:

- (a) the head of cattle:

- (i) was not among the travelling stock at any time after the stock came into his charge except during the 3 days immediately preceding the day on which the offence is alleged to have been committed; and
- (ii) was not, while among the travelling stock or under his control, taken across a fenced boundary,

and he has a reasonable excuse for the presence of the head of cattle among the travelling stock on the day on which the offence is alleged to have been committed; or

- (b) on the day on which the offence is alleged to have been committed, the head of cattle was among the travelling stock because it was being taken:

- (i) to be branded in accordance with this Act with a registered brand; or
- (ii) to be impounded in accordance with the *Pounds Act*.

- (4) In this section ***travelling stock*** means cattle, buffaloes or horses:

- (a) driven on the hoof; or
- (b) on a railway, vehicle, vessel or aircraft,

outside the boundaries of the run on which those stock are ordinarily kept or depastured.

42B Sale, &c, of cattle

- (1) A person shall not offer for sale, give, exchange or receive, excepting with the written permission of the Registrar specifying the number and sex of the cattle:

- (a) which are of or over the age of 8 months; and
- (b) which are not branded in accordance with this Act with a registered brand.

Penalty: \$2,000.

- (2) Subsection (1) does not apply to or in relation to a sale, gift, exchange or receiving of cattle which takes place as part of the sale, gift, exchange or receiving of a run on which the cattle are ordinarily kept or depastured.

43 Penalty for ear-cropping sheep and swine

Any person who:

- (a) wilfully destroys, defaces or alters any earmark;
- (b) wilfully crops or cuts the ears of a sheep or swine straight across; or
- (c) wilfully slices off by a straight cut any part of the ear of a sheep or swine,

shall be guilty of an offence.

Penalty: \$5,000.

44 Stock not to be marked by straight cut off the ear or cropped

A person shall not introduce into the Territory or have in his possession any stock marked by a straight cut or crop off the ear.

Penalty: \$500 per head.

44A Method of ear marking stock

A person shall not earmark stock otherwise than:

- (a) in a prescribed manner; and
- (b) by means of pliers constructed or adapted for that purpose.

Penalty: \$2,000.

Part VI Miscellaneous

52 Proceedings within 12 months

Proceedings against any persons for an offence against this Act or the Regulations hereunder shall be commenced within 12 months after the commission of the offence.

55 Possession prima facie evidence of blotching

The possession or custody of any stock or hide bearing any brand which has been blotched, defaced, altered, or rendered illegible shall be prima facie evidence that the person in whose possession or custody the stock or hide is found did blotch, deface, alter or render illegible the brand.

56A Provision of returns and statistics

A person who is:

- (a) the owner of a registered brand;
- (b) the owner of stock; or
- (c) engaged as a principal in an industry relating to stock, other animals or birds,

shall, in the prescribed manner and form and at prescribed times or intervals, forward to the Registrar prescribed particulars and statistics.

Penalty: \$2,000.

57 Proceedings for forfeiture

- (1) Any Inspector who has seized any stock, hide, or branding instrument as forfeited may make application to a court of summary jurisdiction for an order for the forfeiture of the stock, hide, or instrument.
- (2) The court to which the application is made, or any other court to which the matter is referred, may, either ex parte or after summoning such parties as appear to the court to be interested, make such order for the forfeiture of the stock, hide, or instrument, or the delivery thereof to any person, as to the court seems just.
- (3) Where the court is satisfied that the possession of any stock or hide bearing a brand which has been blotched, defaced, altered, or rendered illegible, or of any hide from which a brand has been removed, is innocent, it may:
 - (a) order that the forfeiture of the stock or hide be waived; and
 - (b) order an Inspector to brand or mark the stock or hide with a prescribed official brand or mark.

- (4) Any stock or hides which have been ordered to be forfeited pursuant to this section may be sold by public auction or by private treaty after they have been branded with a prescribed official brand or marked with a prescribed official identification mark.

58 Effect of official brand or mark

Where any stock or hide bearing any brand which has been blotched, defaced, altered, or rendered illegible has in pursuance of this Act, been branded with a prescribed official brand or marked with a prescribed official identification mark, the brand which has been blotched, defaced, altered, or rendered illegible shall be deemed to be cancelled, and the possession or sale of the stock or hide shall be deemed to be lawful.

58A Regulatory offences

- (1) An offence of contravening or failing to comply with section 13(a) or (c), 23, 36, 36A, 37, 44A or 56A is a regulatory offence.
- (2) the Regulations may designate an offence against the Regulations to be a regulatory offence.

58B Infringement offences and notices

- (1) An inspector may serve an infringement notice on a person if it appears to the inspector that the person has committed an offence against this Act or the Regulations, being an offence prescribed as an infringement offence.
- (2) An infringement notice is a notice to the effect that:
 - (a) an offence is alleged to have been committed against this Act or the Regulations;
 - (b) if the penalty amount indicated is paid within the time and at the place specified – the alleged offence is expiated and no person is liable for any further proceedings in the matter; and
 - (c) the person served with the infringement notice can elect to have the matter dealt with by a court by serving written notice in accordance with the directions given on the infringement notice.
- (3) If the person served with an infringement notice pays the prescribed penalty for the alleged offence, the person is not liable to any further proceedings for the alleged offence.

- (4) Payment under this section is not to be regarded as an admission of liability for the purposes of, nor in any way to affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.
- (5) The *Fines and Penalties (Recovery) Act* applies to an infringement notice issued under this section if the amount payable under the infringement notice is not paid within the specified time..

59 Regulations

- (1) The Administrator may make Regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing:
 - (a) the different classes of brands and marks that may be used for branding stock;
 - (aa) the manner and the position in which brands and marks may be applied to different species of stock;
 - (b) the procedure for the registration, transfer and cancellation of brands and marks;
 - (c) the fees payable and the forms required for the purposes of the Act and the Regulations;
 - (d) the penalties not exceeding \$5,000 which may be imposed for breaches of the Regulations.

The Schedule

ACTS OF THE STATE OF SOUTH AUSTRALIA

The Brands Act 1879, No. 152 of the State of South Australia

The Brands Act 1882, No. 267 of the State of South Australia

An Act to amend the Law relating to Brands of Horses for Export
1890, No. 477 of the State of South Australia

The Brands Act Amendment Act 1905, No. 889 of the State of
South Australia

ORDINANCES OF THE NORTHERN TERRITORY

The Brands Ordinance 1914, (No. 1 of 1914)

The Brands Ordinance 1922, (No. 8 of 1922)

The Brands Ordinance 1923, (No. 16 of 1923)

ENDNOTES

1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION

Brands Ordinance 1928 (Act No. 2, 1928)

Assent date	22 February 1928
Commenced	1 April 1929

Brands Ordinance 1932 (Act No. 21, 32)

Assent date	17 November 1932
Commenced	17 November 1932

Brands Ordinance 1934 (Act No. 6, 1934)

Assent date	28 March 1934
Commenced	28 March 1934

Brands Ordinance 1936 (Act No. 1, 1936)

Assent date	6 February 1936
Commenced	6 February 1936

Brands Ordinance 1954 (Act No. 18, 1954)

Assent date	8 December 1954
Commenced	1 February 1956

Brands Ordinance 1958 (Act No. 4, 1958)

Assent date	12 May 1958
Commenced	26 June 1958

Brands Ordinance 1960 (Act No. 4, 1960)

Assent date	2 September 1960
Commenced	2 September 1960

Brands Ordinance 1966 (Act No. 35, 1966)

Assent date	7 September 1966
Commenced	7 September 1966

Brands Ordinance 1967 (Act No. 37, 1967)

Assent date 8 September 1967
Commenced 8 September 1967

Brands Ordinance 1969 (Act No. 37, 1969)

Assent date 9 October 1969
Commenced 1 April 1970

Ordinances Revision Ordinance 1973 (Act No. 87, 1973) (a)

Assent date 11 December 1973
Commenced 11 December 1973 (s 12(2))

Amending Legislation

Ordinances Revision Ordinance 1974 (Act No. 34, 1974)

Assent date 26 August 1974
Commenced 11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date 24 October 1974
Commenced 11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date 28 June 1976
Commenced ss 1, 2 and 6: 28 June 1976 (s 6(2));
ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Brands Ordinance 1969 (Act No. 87, 1974)

Assent date 28 October 1974
Commenced 1 January 1975 (Gaz No. 49, 5 December 1974, p 554)

Brands Ordinance 1977 (Act No. 20, 1977)

Assent date 31 May 1977
Commenced 31 May 1977

Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)

Assent date 1 July 1978
Commenced 1 July 1978 (s 2)

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date 5 September 1978
Commenced 5 September 1978

Statute Law Revision Act 1981 (Act No. 29, 1981)

Assent date 25 March 1981
Commenced 25 March 1981

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
Commenced 1 January 1984 (s 2 s 2 *Criminal Code Act 1983* (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

Statute Law Revision Act 1986 (Act No. 64, 1986)

Assent date 19 December 1986
Commenced 19 December 1986

Brands Amendment Act 1990 (Act No. 1, 1990)

Assent date 2 April 1990
Commenced 9 May 1990 (Gaz G18, 9 May 1990, p 5)

Brands Amendment Act (No. 2) 1990 (Act No. 3, 1990)

Assent date 2 April 1990
Commenced 9 May 1990 (s 2, s 2 *Stock Diseases Amendment Act 1990* (Act No. 2, 1990) and Gaz G18, 9 May 1990, p 5)

Statute Law (Miscellaneous Amendments) Act 1991 (Act No. 77, 1991)

Assent date 16 December 1991
Commenced 16 December 1991

Brands Amendment Act 1995 (Act No. 52, 1995)

Assent date 28 December 1995
Commenced 28 December 1995

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and Gaz S15, 13 June 1996)

Brands Amendment Act 1996 (Act No. 53, 1996)

Assent date 31 October 1996
Commenced 11 December 1996 (Gaz G50, 11 December 1996, p 3)

Fines and Penalties (Recovery) (Consequential Amendments) Act 2001 (Act No. 60, 2001)

Assent date 11 December 2001
Commenced 1 January 2002 (s 2, s 2 *Fines and Penalties (Recovery) Act 2001* (Act No. 59, 2001) and Gaz G50, 19 December 2001, p 3)

3**GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* as amended to the following provisions: Ss 4, 6, 10, 13, 15, 17A, 22, 23, 24, 25, 26A, 31, 32, 33, 34, 35, 36, 36A, 37, 38, 39, 40, 41, 42, 42A, 42AA, 42B, 43, 44, 44A, 52, 53, 56A and 59.

4**LIST OF AMENDMENTS**

It amd No. 18, 1954, s 3; No. 29, 1981, s 2
s 1 amd No. 58, 1978, s 4; No. 29, 1981, s 2
s 2 amd No. 29, 1981, s 2
s 3 amd No. 18, 1954, s 4
rep No. 87, 1974, s 4
s 4 sub No. 18, 1954, s 5
amd No. 37, 1969, s 3; No. 87, 1974, s 5; No. 29, 1981, s 2; No. 64, 1986, s 4; No. 1, 1990, s 4; No. 3, 1990, s 4
s 5 amd No. 29, 1981, s 2
s 6 amd No. 21, 1932, s 2; No. 29, 1981, s 2
rep No. 1, 1990, s 17

s 7	amd No. 21, 1932, s 2; No. 29, 1981, s 2
s 8	amd No. 35, 1966, s 2; No. 54, 1978, s 4; No. 3, 1990, s 5
s 9	amd No. 18, 1954, s 6; No. 35, 1966, s 3; No. 54, 1978, s 4; No. 3, 1990, s 6
s 9A	ins No. 3, 1990, s 7
s 10	amd No. 21, 1932, s 2 sub No. 18, 1954, s 7 amd No. 37, 1969, s 4; No. 29, 1981, s 2 rep No. 3, 1990, s 8
s 12	amd No. 18, 1954, s 8; No. 29, 1981, s 2
s 13	amd No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 14	amd No. 18, 1954, s 9; No. 37, 1969, s 5; No. 87, 1974, s 6; No. 1, 1990, s 5
s 15	amd No. 37, 1969, s 6; No. 87, 1974, s 7; No. 29, 1981, s 2
s 16	amd No. 1, 1990, s 6
s 17A	ins No. 21, 1932, s 3 amd by No. 1, 1990, s 7
s 17B	ins No. 37, 1969, s 7 rep No. 87, 1974, s 8
s 20	amd No. 29, 1981, s 2
s 212A	ins No. 1, 1990, s 8
s 22	amd No. 21, 1932, s 4 sub No. 18, 1954, s 10 amd No. 29, 1981, s 2; No. 17, 1996, s 6
s 22A	ins No. 21, 1932, s 5 amd No. 18, 1954, s 11; No. 4, 1958, s 3; No. 29, 1981, s 2
s 23	amd No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 24	amd No. 21, 1932, s 2; No. 18, 1954, s 12; No. 4, 1958, s 4; No. 29, 1981, s 2; No. 1, 1990, s 9
s 25	amd No. 18, 1954, s 13; No. 4, 1958, s 5; No. 29, 1981, s 2
s 26	amd No. 21, 1932, s 2; No. 29, 1981, s 2
s 26A	ins No. 18, 1954, s 14 amd No. 37, 1967, s 2; No. 29, 1981, s 2
s 27	amd No. 21, 1932, s 2; No. 29, 1981, s 2 sub No. 1, 1990, s 10 rep No. 52, 1995, s 4
s 28	amd No. 21, 1932, s 2; No. 54, 1978, s 4 rep No. 1, 1990, s 17
s 29	amd No. 21, 1932, s 2; No. 29, 1981, s 2; No. 1, 1990, s 11 sub No. 52, 1995, s 2
s 29A	ins No. 18, 1954, s 15 amd No. 29, 1981, s 2
s 30	amd No. 21, 1932, s 2; No. 18, 1954, s 16; No. 29, 1981, s 2 rep No. 1, 1990, s 17
s 31	amd No. 18, 1954, s 17; No. 37, 1967, s 3; No. 29, 1981, s 2 rep No. 1, 1990, s 17
s 32	amd No. 18, 1954, s 18; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, ss 12 and 17
s 33	amd No. 18, 1954, s 19; No. 37, 1967, s 3; No. 29, 1981, s 2 rep No. 1, 1990, s 17
s 34	amd No. 18, 1954, s 20; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 13; No. 52, 1995, s 4
s 35	amd No. 18, 1954, s 21; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, ss 14 and 17
ss 35A – 35C	ins No. 37, 1969, s 8 rep No. 87, 1974, s 8
s 36	amd No. 18, 1954, s 22; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17

s 36A	ins No. 21, 1932, s 6 amd No. 18, 1954, s 23; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, ss 15 and 17
s 36B	ins No. 37, 1969, s 9 rep No. 87, 1974, s 8
s 37	amd No. 18, 1954, s 24; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 38	amd No. 18, 1954, s 25; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 39	amd No. 18, 1954, s 26; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 40	amd No. 18, 1954, s 27; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 41	amd No. 18, 1954, s 28; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 42	amd No. 87, 1973, s 12; No. 29, 1981, s 2
s 42A	ins No. 18, 1954, s 29 rep No. 4, 1958, s 6 ins No. 4, 1960, s 2 amd No. 37, 1967, s 3; No. 37, 1969, s 10; No. 87, 1974, s 9; No. 29, 1981, s 2; No. 1, 1990, s 17; No. 77, 1991, s 2; No. 52, 1995, ss 3 and 4
s 42AA	ins No. 4, 1960, s 2 amd No. 37, 1967, s 3; No. 37, 1969, s 11; No. 87, 1974, s 10; No. 20, 1977, s 3; No. 54, 1978, s 4; No. 29, 1981, s 2; No. 1, 1990, s 17; No. 77, 1991, s 2; No. 52, 1995, s 4
s 42B	ins No. 18, 1954, s 29 amd No. 4, 1960, s 3; No. 37, 1967, s 3; No. 37, 1969, s 12; No. 87, 1974, s 11; No. 29, 1981, s 2; No. 1, 1990, s 17; No. 52, 1995, s 4
s 43	amd No. 18, 1954, s 30; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 44	amd No. 21, 1932, s 2; No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 44A	ins No. 18, 1954, s 31 amd 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 45	amd No. 29, 1981, s 2 rep No. 1, 1990, s 17
pt V hdg	rep No. 18, 1954, s 32
s 46	rep No. 18, 1954, s 32
s 47	amd No. 6, 1934, s 2 rep No. 18, 1954, s 32
s 47A	ins No. 6, 1934, s 3 rep No. 18, 1954, s 32
ss 48 – 50	rep No. 18, 1954, s 32
s 51	amd No. 29, 1981, s 2 rep No. 1, 1990, s 17
s 52	amd No. 29, 1981, s 2
s 53	amd No. 29, 1981, s 2 rep No. 1, 1990, s 17
s 54	amd No. 21, 1932, s 2 rep No. 37, 1969, s 13
s 56	amd No. 1, 1936, s 2; No. 37, 1967, s 3 rep No. 37, 1969, s 13
s 56A	ins No. 18, 1954, s 33 amd No. 37, 1967, s 3; No. 29, 1981, s 2; No. 1, 1990, s 17
s 57	amd No. 18, 1954, s 34; No. 1, 1990, s 17
s 58	amd No. 18, 1954, s 35; No. 29, 1981, s 2
s 58A	ins No. 68, 1983, s 58 amd No. 53, 1996, s 3

ENDNOTES

- s 58B ins No. 53, 1996, s 4
 amd No. 60, 2001, s 3
- s 59 amd No. 21, 1932, s 2; No. 18, 1954, s 36; No. 35, 1966, s 4; No. 37, 1967,
 s 3; No. 37, 1969, s 15; No. 95, 1978, s 14; No. 29, 1981, s 2; No. 1, 1990,
 s 16