

NORTHERN TERRITORY OF AUSTRALIA

BRANDS AMENDMENT ACT 1990

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No. 1 of 1990

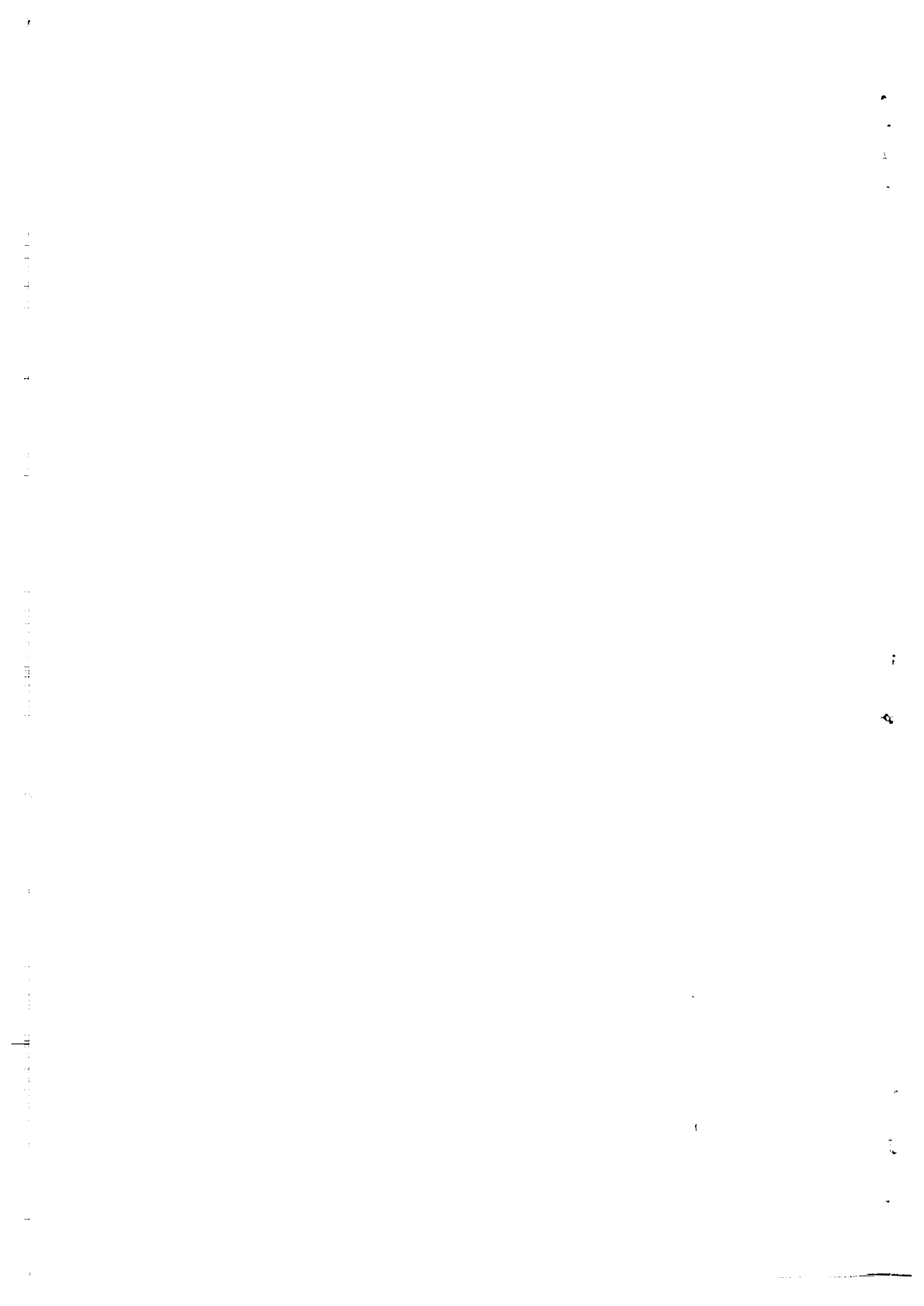
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SCHEDULE





## NORTHERN TERRITORY OF AUSTRALIA

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No. 1 of 1990

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### AN ACT

to amend the *Brands Act*

[Assented to 2 April 1990]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Brands Amendment Act 1990*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Brands Act* is in this Act referred to as the Principal Act.

4. DEFINITIONS

Section 4 of the Principal Act is amended -

- (a) by adding at the end of the definition of "brand" the words "or other prescribed identification"; and
  - (b) by omitting the definition of "Brands Directory".
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5. APPLICATION TO REGISTER BRAND

Section 14(1) of the Principal Act is amended by omitting "Any person" and substituting "A person who has attained the age of 18 years".

6. REGISTERS OF BRANDS

Section 16 of the Principal Act is amended by adding at the end the following:

"(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."

7. BRANDS TO BE REGISTERED ONLY FOR USE ON SPECIFIED PLACES OR RUNS

Section 17A of the Principal Act is amended -

(a) by omitting "section 36A" and substituting "subsection (2) and to section 36A"; and

(b) by adding at the end the following:

"(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."

8. NEW SECTION

The Principal Act is amended by inserting after section 21 the following:

"21A. NOTIFICATION OF ADDRESS, &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

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- (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."

9. APPEAL FROM REGISTRAR

Section 24 of the Principal Act is amended -

- (a) by omitting from subsection (1) "the Supreme Court" and substituting "a Local Court"; and
- (b) by omitting from subsection (2) "within 6 months from" and substituting "not later than 28 days after".

10. REPEAL AND SUBSTITUTION

Section 27 of the Principal Act is repealed and the following substituted:

"27. ANNUAL STATEMENTS OF BRANDS

"The Registrar shall, as soon as practicable after the end of each calendar year publish in the *Gazette* a statement containing particulars of all brands registered, cancelled or transferred during the year, and the names and addresses of the owners of the brands."

11. EVIDENCE

Section 29 of the Principal Act is amended -

- (a) by omitting "half-yearly statement" and substituting "annual statement"; and
- (b) by omitting ", and the Brands Directory,".

12. FALSE STATEMENT, &c., TO REGISTRAR

Section 32 of the Principal Act is amended by adding at the end the following:

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

Penalty: \$5,000."

13. DESTRUCTION, &c., OF REGISTER, &c.

Section 34 of the Principal Act is amended by omitting ", Brands Directory, or half-yearly statements" and substituting "or annual statement".

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14. ONLY REGISTERED OWNERS TO USE BRANDS

Section 35 of the Principal Act is amended by inserting after "use" the words "or have in his possession or under his control,".

15. REGISTERED BRAND TO BE USED ONLY ON RUN IN RESPECT OF WHICH ISSUED

Section 36A of the Principal Act is amended by adding at the end the following:

"(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.".

16. REGULATIONS

Section 59(1)(d) of the Principal Act is amended by omitting "\$100" and substituting "\$5,000".

17. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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SCHEDULE

Section 17

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Provision	Amendment	
	omit	substitute
Sections 6, 28, 30, 31, 33, 45, 51 and 53	The whole section	
Sections 13 and 37	"\$100"	"\$5,000"
Section 23	"\$40"	"\$2,000"
Sections 32, 34 and 43	"\$400 or imprisonment for 6 months"	"\$5,000"
Section 35	"\$200 or imprisonment for 3 months"	"\$10,000"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 36	"\$200 or imprisonment for 3 months"	"\$5,000"
Section 36A	"\$200 or imprisonment for 3 months"	"\$2,000"
Sections 38, 39 and 40	"\$400 or imprisonment for 6 months"	"\$10,000"
Section 41	"\$200 or imprisonment for 3 months"	"\$5,000"
Sections 42A, 42AA and 42B	"\$200 or imprisonment for 3 months"	"\$2,000"
Section 42A	"permit"	"way-bill"
Section 42AA	"permit" (twice occurring)	"way-bill"
Section 44	"\$20"	"\$500"
Sections 44A and 56A	"\$100"	"\$2,000"
Section 57(2)	"of summary juris- diction"	