

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF BRANDS REGULATIONS

TABLE OF PROVISIONS

Regulation

1. Repeal and substitution:
"2. INTERPRETATION"
2. 3 letter brands
3. Repeal and substitution:
"7. BRANDS FOR CATTLE
"8. BRANDS FOR HORSES"
4. Distinctive brands and earmarks
5. Distinctive numeral brands
6. Repeal and substitution:
"11. REGISTERS"
7. Positions for brands
8. Repeal and substitution:
"16 DESCRIPTION AND USE OF BRANDS FOR SHEEP
AND SWINE"
9. Repeal and substitution:
"20. DIFFERENT EARMARKING FOR DIFFERENT
SEXES"
10. Fees
11. New regulation:
"36A. SIZE OF EXISTING REGISTERED BRANDS"
12. General penalty
13. New regulation:
"37A. REGULATORY OFFENCES"
14. The First Schedule
15. Further amendments

SCHEDULE

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 4*

Regulations under the *Brands Act*

I, JAMES HENRY MUIRHEAD, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Brands Act*.

Dated 1 March 1991.

J.H. MUIRHEAD
Administrator

AMENDMENTS OF BRANDS REGULATIONS

1. REPEAL AND SUBSTITUTION

Regulation 2 of the Brands Regulations is repealed and the following substituted:

"2. INTERPRETATION

"(1) For the purposes of these Regulations, unless the contrary intention appears, cattle includes buffalo.

"(2) For the purposes of these Regulations (other than regulations 5 and 6), unless the contrary intention appears, a reference in these Regulations to a 3 letter brand includes a brand for use on cattle or horses deemed under section 7 of the Act to be registered under the Act."

2. 3 LETTER BRANDS

Regulation 6(3) of the Brands Regulations is amended by omitting all words after "an impression" and substituting "of the brand made on linen, canvas, cardboard, leather or other material acceptable to the Registrar."

* Notified in the *Northern Territory Government Gazette* on 1 March 1991.

Brands Regulations

3. REPEAL AND SUBSTITUTION

Regulation 7 of the Brands Regulations is repealed and the following substituted:

"7. BRANDS FOR CATTLE

"Subject to these Regulations, every brand first used on cattle shall be a 3 letter brand.

"8. BRANDS FOR HORSES

"Subject to these Regulations, every brand first used on horses shall be -

- (a) a 3 letter brand; or
- (b) a distinctive brand."

4. DISTINCTIVE BRANDS AND EARMARKS

Regulation 9 of the Brands Regulations is amended -

- (a) by omitting subregulation (1) and substituting the following:

"(1) The owner of a 3 letter brand may forward to the Registrar an application in accordance with -

- (a) Form C for the registration of an earmark; and
- (b) Form CA for the registration of a distinctive brand.";

- (b) by omitting subregulation (3) and substituting the following:

"(3) When the Registrar allots an earmark or a distinctive brand under this regulation, the Registrar shall -

- (a) register the earmark or distinctive brand;
- (b) register the applicant as the owner of the earmark or distinctive brand; and
- (c) forward to the person to whom the earmark or distinctive brand is allotted a certificate in accordance with Form D in respect of an earmark and Form DA in respect of a distinctive brand.";

- (c) by adding at the end the following:

"(5) The Registrar may, from time to time, approve a code to be used to illustrate and describe an earmark in an application to register an earmark."

Brands Regulations

5. DISTINCTIVE NUMERAL BRANDS

Regulation 10(1) of the Brands Regulations is amended by omitting "a three-letter brand or of any other brand the registration of which was in force in the Territory at the commencement of the *Brands Ordinance*," and substituting "a 3 letter brand".

6. REPEAL AND SUBSTITUTION

Regulation 11 of the Brands Regulations is repealed and the following substituted:

"11. REGISTERS

"(1) For the purposes of section 16(1) of the Act, the Registrar shall keep -

- (a) a Register of 3 letter brands, earmarks, distinctive brands and numeral brands; and
- (b) a Register of sheep and swine brands and earmarks.

"(2) For the purposes of section 17 of the Act, the prescribed particulars are -

- (a) a description of the brand;
- (b) the name and address of the owner of the brand;
- (c) a reference number to the Registrar's file relating to the brand; and
- (d) the date of registration of the brand."

7. POSITIONS FOR BRANDS

Regulation 12 of the Brands Regulations is amended -

- (a) by omitting subregulation (1) and substituting the following:

"(1) Brands on cattle and horses shall be made or impressed as follows:

- (a) the first 3 letter brand made or impressed on cattle shall be made or impressed in one of the positions specified in Schedule 3;
- (b) a subsequent 3 letter brand made or impressed on cattle shall be made or impressed in the position specified in Schedule 3 next following the position used for the preceding brand (position 1 following position 8);

Brands Regulations

- (c) a distinctive brand made or impressed on cattle shall be made or impressed on the side of the neck, on the cheek, shoulder, rump or thigh or immediately below the 3 letter brand;
- (d) a distinctive numeral brand may be made or impressed on the cheek or neck or immediately below the 3 letter brand or distinctive brand;
- (e) the first brand made or impressed on a horse shall be made or impressed in one of the positions specified in Schedule 2;
- (f) a 3 letter brand or distinctive brand made or impressed on a horse shall be made or impressed by a subsequent owner of the horse in the position specified in Schedule 2 next following the position used for the preceding brand (position 1 following position 6);
- (g) the owner of a 3 letter brand may brand his cattle and horses with one numeral brand to denote the year of their birth.";
- (b) by omitting from subregulation (2) "paragraphs (a) and (b) of subregulation (1)" and substituting "subregulation (1)(a), (b), (e) and (f)"; and
- (c) by adding at the end the following:

"(4) Brands on cattle and horses shall be made or impressed in a manner which, so far as is practicable, is clear, legible and permanent."

8. REPEAL AND SUBSTITUTION

Regulation 16 of the Brands Regulations is repealed and the following substituted:

"16. DESCRIPTION AND USE OF BRANDS FOR SHEEP AND SWINE

"(1) A brand for sheep or swine shall not be registered under the Act unless it consists of one or more letters, conjoined or separated.

"(2) A brand for sheep or swine shall be made or impressed with red or black paint, raddle or dye, or by tattooing, in such position as is determined and specified by the Registrar in the certificate of registration of the brand."

9. REPEAL AND SUBSTITUTION

Regulation 20 of the Brands Regulations is repealed and the following substituted:

Brands Regulations

"20. DIFFERENT EARMARKING FOR DIFFERENT SEXES

The owner of an earmark for sheep or swine may earmark one ear of the sheep or swine for one sex and the other ear for the other sex, the ear and sex to be specified in the application for the registration of the earmark."

10. FEES

Regulation 36 of the Brands Regulations is amended by omitting subregulation (1) and substituting the following:

"(1) The following fees shall be paid to the Registrar in respect of an application for the registration of -

| | |
|---|-----------|
| a 3 letter brand | \$ 100.00 |
| a distinctive brand | 100.00 |
| an earmark for cattle | 75.00 |
| a distinctive numeral brand - for every 100 consecutive numerals in the application | 50.00 |
| a transfer of a 3 letter brand | 50.00 |
| a brand for sheep and swine | 100.00 |
| an earmark for sheep and swine | 75.00." |

11. NEW REGULATION

The Brands Regulations are amended by inserting after regulation 36 the following:

"36A. SIZE OF EXISTING REGISTERED BRANDS

"A brand deemed under section 7 of the Act to be registered under the Act shall be not less than 6 centimetres high and 6 centimetres wide and not more than 12 centimetres high and 30 centimetres wide."

12. GENERAL PENALTY

Regulation 37 of the Brands Regulations is amended by omitting "100 dollars" and substituting "\$2,000".

13. NEW REGULATION

The Brands Regulations are amended by inserting after regulation 37 the following:

Brands Regulations

"37A. REGULATORY OFFENCES

"An offence against these Regulations is a regulatory offence."

14. THE FIRST SCHEDULE

The First Schedule to the Brands Regulations is amended by omitting Forms C and D and substituting the following:

"FORM C

Regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Brands Act

APPLICATION FOR EARMARK FOR CATTLE

To the Registrar of Brands
Northern Territory

I,
the owner of the registered 3 letter brand mentioned hereunder, enclose the prescribed fee of \$75.00 and request that you allot and register an earmark for my use in respect of the run mentioned hereunder:

3 letter brand
already registered

*Earmark required

Run for which 3 letter
brand is registered

Postal address of applicant:

Date: _____

Signature of applicant

* Earmark desired should be illustrated and described by approved code.

Brands Regulations

"FORM CA

Regulation 9

NORTHERN TERRITORY OF AUSTRALIA

Brands Act

APPLICATION FOR DISTINCTIVE BRAND
FOR HORSES AND CATTLE

To the Registrar of Brands
Northern Territory

I,

the owner of the registered 3 letter brand mentioned hereunder, enclose the prescribed fee of \$100.00 and request that you allot and register a distinctive brand for my use in respect of the run mentioned hereunder:

3 letter brand
already registered

*Distinctive brand
required

Run on which distinctive
brand will be used

Position for distinctive
brand

Postal address of applicant:

Date: _____

Signature of applicant

* The letters or symbols desired for the distinctive brand should be shown.

Brands Regulations

15. FURTHER AMENDMENTS

The Brands Regulations are further amended as set out in the Schedule.

SCHEDULE

Regulation 15

| Provision | Amendment | |
|---|---------------------------------------|-----------------------------------|
| | omit | substitute |
| Regulation 4 | "the First Schedule" | "Schedule 1" |
| Regulations 5, 6, 9(4) and 13A | "three-" (wherever occurring) | "3" |
| Regulations 9A and 13B | the whole regulation | |
| Regulation 11 | "the Fourth Schedule" | "Schedule 4" |
| Regulation 12(3) | "of Brands" | |
| Regulation 13A | "or with a distinctive brand" | |
| | "Penalty: 100 dollars." | |
| Regulation 14 | "an animal of the bovine species" | "cattle" |
| Part IIA | the whole Part | |
| Regulations 28, 29 and 35 | "the Ordinance" | "the Act" |
| The First Schedule | "THE FIRST SCHEDULE" | "SCHEDULE 1" |
| - Forms FA, FB, FC, FD, T and U | the whole form | |
| - Forms A, B, E, F, G, H, J, K, L, M, N, O, and P | "THE NORTHERN TERRITORY OF AUSTRALIA" | "NORTHERN TERRITORY OF AUSTRALIA" |
| | "Brands Ordinance" | "Brands Act" |
| - Form A | "THREE-" | "3" |
| | "4 dollars" | "\$100.00" |
| | "Three-" | "3" |

Brands Regulations

| Provision | Amendment | |
|---------------------|--|---|
| | omit | substitute |
| - Form B | "THREE-" "Three-" | "3" "3" |
| - Forms E and L | "Three-" "4 dollars" | "3" "\$50.00" |
| - Form G | "2 dollars" "Black Paint Red Paint Raddle" | "\$100.00" |
| - Form H | "(Black paint. (Red paint. (Raddle." | |
| - Form J | "2 dollars" | "\$75.00" |
| - Forms L, M and N | "Domesticated Buffalo Brand" | |
| - Forms M, N and P | "Three-" (wherever occurring) | "3" |
| - Form O | "the Supreme Court of North Australia" "within 6 months from" | "the Local Court" "not later than 28 days after and including" |
| The Second Schedule | "THE SECOND SCHEDULE" | "SCHEDULE 2" |
| The Third Schedule | "THE THIRD SCHEDULE" | "SCHEDULE 3" |
| The Fourth Schedule | the whole Schedule | |
| The Fifth Schedule | the whole Schedule | |