

BRANDS ORDINANCE 1969

123

No. 37 of 1969

An Ordinance to amend the *Brands Ordinance* 1928-1967

[Assented to 9 October, 1969]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Brands Ordinance* 1969. Short title
and citation

(2.) The *Brands Ordinance* 1928-1967 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Brands Ordinance* 1928-1969.

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

3. Section 4 of the Principal Ordinance is amended— Definitions

(a) by inserting after the definition of “Brands Directory” the following definition:—

“‘buffalo’ means an animal of the species *Bubalus bubalis*;”;

(b) by inserting after the definition of “distinctive numeral brand” the following definition:—

“‘domesticated buffalo’ means a buffalo that is under human control and is so accustomed to human control that it can be handled with similar restraints to those used with domesticated cattle;”;

(c) by omitting the definition of “run” and inserting in its stead the following definition:—

“‘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 Ordinance, being a lease or licence that permits the land to

* The date fixed was 1 April, 1970 (see *Northern Territory Government Gazette* No. 11 of 18 March, 1970, page 74).

Brands

be used for keeping or depasturing stock; and

(c) any place where stock are kept or depastured;"; and

(d) by inserting in the definition of "stock", after the word "cattle", the words ", domesticated buffaloes".

Ex officio
inspectors

4. Section 10 of the Principal Ordinance is amended by inserting after the word "Registrar" (second occurring) the words ", each person appointed and holding office as an Inspector of Stock Routes under the *Stock Routes and Travelling Stock Ordinance* 1954-1963, each person appointed and holding office as an inspector of stock under the *Stock Diseases Ordinance* 1954-1962".

Application to
register brand

5. Section 14 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

"(4.) If the application is an application for a brand for branding buffaloes it shall be endorsed by the applicant with a statement that he intends to use the brand for branding domesticated buffaloes."

Power to refuse
registration

6. Section 15 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

"(3.) The Registrar shall refuse an application endorsed with a statement that the applicant intends to use the brand for branding domesticated buffaloes unless he is satisfied that the applicant is the owner of domesticated buffaloes."

7. After section 17A of the Principal Ordinance the following section is inserted:—

Brands for
branding
domesticated
buffaloes

"17B.—(1.) Where an application for the registration of a brand is endorsed with a statement that the applicant intends to use the brand for branding domesticated buffaloes and the Registrar grants the application, the brand shall be registered only for branding domesticated buffaloes.

"(2.) The Registrar shall not register a brand for branding domesticated buffaloes unless the application for the brand is endorsed by the applicant with a statement that he intends to use the brand for branding domesticated buffaloes."

8. After section 35 of the Principal Ordinance the following sections are inserted:—

Branding
instruments for
branding
domesticated
buffaloes to be
placed in custody
of Registrar

"35A. The registered owner of a brand registered for branding domesticated buffaloes shall place in the custody of the Registrar all branding instruments acquired by him for use in the branding of domesticated buffaloes.

Penalty: Two hundred dollars or imprisonment for three months.

“35B.—(1.) A person shall not brand a buffalo except in accordance with this section or the next succeeding section.

Branding of domesticated buffaloes

Penalty: Two hundred dollars or imprisonment for three months.

“(2.) When the registered owner of a brand registered for branding domesticated buffaloes proposes to brand domesticated buffaloes he may notify the Registrar of his intention and specify a time and place convenient for the proposed branding.

“(3.) On receiving such a notification the Registrar shall confirm the time and place so specified or arrange with the registered owner some other convenient time and place for the branding.

“(4.) The time and place so confirmed or arranged may be varied as agreed between the registered owner and an inspector.

“(5.) An inspector shall be present at the time and place fixed in accordance with this section, or as nearly as may be, and shall have with him the branding instruments to be used in the branding of the domesticated buffaloes.

“(6.) The branding shall be done under the supervision of an inspector.

“(7.) No buffalo shall be branded unless an inspector is present and is satisfied that the buffalo is domesticated.

“(8.) Where a branding or proposed branding is done or to be done under an authority granted under the next succeeding section, then, subject to that authority, sub-sections (2.) to (7.) inclusive of this section do not apply in relation to the branding or proposed branding.

“35C.—(1.) The registered owner of a brand registered for branding domesticated buffaloes may apply in writing to the Registrar for an authority to brand his domesticated buffaloes without the supervision of an inspector.

Branding of domesticated buffaloes without supervision

“(2.) The application shall set out the facts relied on by the applicant to support the application.

“(3.) If the Registrar is satisfied that the applicant—

- (a) is the registered owner of a brand registered for branding domesticated buffaloes;
- (b) is the owner of domesticated buffaloes that are branded with that brand;
- (c) is engaged in—
 - (i) breeding domesticated buffaloes or acquiring them by other lawful means; or
 - (ii) taking and domesticating unbranded buffaloes under the *Wildlife Conservation and Control Ordinance* 1963-1968; and
- (d) keeps his domesticated buffaloes in an area of land to which their movement is restricted by adequate natural boundaries or fences, or both,

the Registrar may grant to the applicant an authority to brand his domesticated buffaloes without the supervision of an inspector.

“(4.) An authority under the last preceding sub-section—

- (a) shall be in writing;
- (b) may be subject to such conditions in relation to its exercise as the Registrar thinks fit and specifies in the authority; and
- (c) may be cancelled by the Registrar, for any reason he thinks sufficient, by notice in writing served personally or by post on the person to whom it is granted.

“(5.) When the Registrar grants such an authority he shall forthwith place in the custody of the person to whom it is granted all branding instruments that have been placed by that person in the custody of the Registrar under section 35A of this Ordinance and are relevant to the exercise of the authority.

“(6.) When the Registrar cancels such an authority the person to whom it was granted shall forthwith place in the custody of the Registrar all branding instruments that have been acquired by him for use in the branding of domesticated buffaloes and were relevant to the exercise of the authority.

Penalty: Two hundred dollars or imprisonment for three months.

“(7.) Where an authority has been granted under sub-section (3.) of this section and is in force, the person to whom it has been granted may brand his domesticated buffaloes with his brand registered for branding domesticated buffaloes provided he does so in accordance with the authority and with the provisions of this Ordinance contained elsewhere than in sub-sections (2.) to (7.) inclusive of the last preceding section.”.

Domesticated
buffalo brand
to be used only
on domesticated
buffaloes

9. After section 36A of the Principal Ordinance the following section is inserted:—

“36B. The registered owner of a brand registered for branding domesticated buffaloes shall not use the brand for the purpose of branding any stock other than domesticated buffaloes.

Penalty: Two hundred dollars or imprisonment for three months.”.

Delivery of
unbranded cattle,
domesticated
buffaloes or
horses

10. Section 42A of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “cattle or horses” (wherever occurring) and inserting in their stead the words “cattle, domesticated buffaloes or horses”;
- (b) by omitting from sub-section (2.) the words “cattle or horses” and inserting in their stead the words “cattle, domesticated buffaloes or horses”;

- (c) by omitting from sub-section (2.) the word "holding" (wherever occurring) and inserting in its stead the word "run"; and
- (d) by omitting from sub-section (3.) the words "cattle or horses" (wherever occurring) and inserting in their stead the words "cattle, domesticated buffaloes or horses".
- 11.** Section 42AA of the Principal Ordinance is amended—
- (a) by omitting from sub-section (4.) the words "cattle or horses" (wherever occurring) and inserting in their stead the words "cattle, domesticated buffaloes or horses"; and
- (b) by omitting from sub-section (4.) the word "holding" (wherever occurring) and inserting in its stead the word "run".
- 12.** Section 42B of the Principal Ordinance is amended—
- (a) by omitting from sub-section (1.) the words "cattle or horses" and inserting in their stead the words "cattle, domesticated buffaloes or horses";
- (b) by omitting from sub-section (2.) the words "cattle or horses (wherever occurring) and inserting in their stead the words "cattle, domesticated buffaloes or horses";
- (c) by omitting from sub-section (2.) the word "holding" and inserting in its stead the word "run"; and
- (d) by omitting sub-section (3.).
- 13.** Section 54 of the Principal Ordinance is repealed.
- 14.** Section 56 of the Principal Ordinance is repealed.
- 15.** Section 59 of the Principal Ordinance is amended by omitting the words "The Administrator" and inserting in their stead the words "The Administrator in Council".

Unbranded cattle,
domesticated
buffaloes or
horses among
travelling stock

Sale, &c., of
unbranded cattle,
domesticated
buffaloes or
horses

Repeal of
section 54

Repeal of
section 56

Regulations

