



Australian Capital Territory

Pounds Act 1928 No 10

Republication No 4

Republication date: 9 July 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Pounds Act 1928* as in force on 9 July 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Pounds Act 1928

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Amendments incorporated to
12 September 2001



Australian Capital Territory

Pounds Act 1928

An Act relating to the impounding of cattle, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Pounds Act 1928*.

5 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

cattle includes any horse, mare, gelding, colt, filly or foal, and any bull, cow, ox, steer, heifer or calf, and any sheep, pig, ass, mule or goat.

driving charges, in relation to cattle, means the charges determined under section 39 (Determination of fees, charges and rates) for leading, conveying or driving the cattle to a pound.

great cattle includes any horse, mare, gelding, colt, filly or foal, and any bull, cow, ox, steer, heifer or calf, and any ass or mule.

inspector means an inspector of pounds under section 37.

occupier of land includes the holder of land under any tenure whatsoever, and any person occupying any land the property of the Commonwealth under any lease, licence or other authority granted by or on behalf of or in the name of the Commonwealth or the Territory, and also any agent or overseer or other duly authorised person acting for and on behalf of any such occupier, and, for land the property of the Commonwealth, means the Territory or, for national land, the Commonwealth.

owner means any proprietor of cattle or any agent or overseer of any proprietor.

pound means any pound established under this Act.

poundkeeper, in relation to a pound, means the poundkeeper for that pound under section 9.

road means any street, road, lane, thoroughfare or footpath, open to, or used by, the public.

sheep includes any ram, ewe, wether or lamb.

sufficient fence means a fence or other means of enclosure, natural or artificial, that the Magistrates Court hearing any matter under this Act considers to be sufficient to prevent trespass by animals ordinarily controllable.

sustenance fees, in relation to cattle, means the fees determined under section 39 (Determination of fees, charges and rates) for feeding and maintaining the cattle.

trespass rates, in relation to cattle, means the rates determined under section 39 for compensation for a trespass committed by the cattle.

7A Causes of action not affected

Nothing in this Act affects any right that a person may have to recover damages or compensation apart from this Act.

Part 2 Pounds and poundkeepers

8 Establishment and abolition of pounds

The Minister may establish a pound at any place and may abolish any pound.

9 Poundkeepers

- (1) There may be a poundkeeper for any pound.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising the functions of a poundkeeper.
- (3) A poundkeeper shall be any public servant for the time being exercising the duties of a public service office referred to in subsection (2).

14 List of charges, fees and rates to be displayed on conspicuous part of pound

The poundkeeper shall display and keep displayed on a conspicuous part of the pound a list of all charges, fees and rates that are payable under this Act.

15 Notice of impounded cattle

Whenever cattle are impounded, the poundkeeper shall forthwith place a written notice on the gate or other conspicuous part of the pound giving the number, particulars, brands or apparent brands, and marks of the cattle so impounded and the notice shall remain so posted until the cattle have been claimed or disposed of in due court of law.

16 Pound book and register of brands

- (1) A poundkeeper must keep a pound book and a register of brands.

Note If a form is approved under s 40 (Approved forms) for a pound book or register of brands, the form must be used.

- (2) A person may inspect, or obtain a certified copy of, an entry in the pound book or register.

Note A fee may be determined under s 39 (Determination of fees, charges and rates) for this subsection.

Part 3 Impounding

17 Power to impound cattle trespassing

- (1) Any police officer or any person authorised by the Minister may, on any day and at any time of the day or night, impound any cattle found trespassing on any road or on any unleased land the property of the Commonwealth.
- (2) The occupier of any land adjoining a road, which road is fenced on both sides by a sufficient fence, may impound any cattle wandering without control on the road.
- (3) The occupier of any land, may, at any time between the hours of 8am and 5pm on any day, other than a Saturday, Sunday or any day observed as a holiday in the public service, impound any cattle found trespassing on the land occupied by him or her.

18 Impounding on private premises

- (1) Subject to the provisions of this section, any occupier may, if he or she knows their owner, temporarily impound in any convenient place on his or her own premises, for not longer than 4 days, any cattle found trespassing on his or her land.
- (2) The occupier shall, within 24 hours after so impounding the cattle, give notice to the owner, and shall feed and maintain the cattle while so impounded, and may, at or before the end of the period of 4 days, if they are not sooner duly released, impound them in accordance with the provisions of this Act.
- (3) The occupier may make a charge for feeding and maintaining the cattle and for sending the notice, not exceeding the total amount that would be payable to the Territory if the cattle were impounded in a pound and for trespass rates.

- (4) Any occupier contemplating impounding any cattle may detain them on his or her own premises for 24 hours (or any longer time prescribed under the regulations) before impounding them.

19 Return of trespassing cattle

- (1) An occupier of land where cattle are trespassing may return the cattle to the owner, including by sending the cattle to a convenient place near the home of the owner.
- (2) The occupier may require the owner to pay the driving charges (as if the cattle had been impounded) and trespass rates applying to the cattle.
- (3) If driving charges or trespass rates have not been determined under section 39 (Determination of fees, charges and rates), the occupier may require the owner to pay the reasonable costs of returning the cattle and reasonable compensation for the trespass committed by the cattle, as appropriate.
- (4) An amount that the occupier requires the owner to pay is a debt owing by the owner to the occupier.

20 Occupier may hold trespassing cattle

- (1) An occupier of land where cattle are trespassing may hold the cattle and give notice of the fact to the owner of the cattle.
- (2) The notice must state where the cattle are and require the owner to remove the cattle.
- (3) If the cattle are not removed within 24 hours of the notice being given to the owner, the occupier must impound the cattle.
- (4) The occupier may require the owner to pay the trespass rates applying to the cattle and reasonable costs of giving the notice.
- (5) If trespass rates have not been determined under section 39 (Determination of fees, charges and rates), the occupier may require the owner to pay, in addition to the reasonable costs of giving the

notice, reasonable compensation for the trespass committed by the cattle.

- (6) An amount that the occupier requires the owner to pay is a debt owing by the owner to the occupier.

23 Cattle more than 20m from road may be impounded

Occupiers of unenclosed lands the property of the Commonwealth through which any road passes may not impound any cattle travelling along or through the road unless they are at the time of seizure at a greater distance from either side than 20m, provided that, unless prevented by rain or flood, the cattle, other than sheep, are moved on or along the road, at least 16km, and the cattle being sheep at least 10km, in 1 direction, within every successive period of 24 hours.

24 Return of cattle to owner

- (1) The section applies if an occupier of land where cattle are trespassing takes possession of the cattle for the purpose of impounding them.
- (2) If the owner of the cattle or a person acting on the owner's behalf pays or tenders payment of the driving charges and trespass rates applying to the cattle, the occupier must give the cattle to the owner or the person acting on the owner's behalf.

25 Cattle to be impounded in nearest pound

- (1) Cattle shall be impounded under this Act in the nearest accessible pound to the place where the cattle were found trespassing, and the person by whom or by whose order any cattle are sent to the pound shall in a written memorandum specify to the poundkeeper the description, number, brands or apparent brands, and marks of the cattle, the place where they were found trespassing, the amount of trespass rates claimed, and, so far as the person impounding can state it, the name of the owner of the cattle.
- (2) The cattle may be either led, conveyed or driven to the pound.

26 Poundkeeper to detain impounded cattle

Every poundkeeper shall receive and detain in his or her custody any cattle sent to the pound until the trespass rates for which the cattle were impounded and all fees, rates and charges payable under this Act are paid, or until he or she receives notice of the decision or order of the Magistrates Court given or made under section 33, or receives an order in writing, signed by the person impounding the cattle, for their release without payment of the trespass rates.

27 Registration of brands etc

- (1) Every poundkeeper shall, on application made by or on behalf of the owner of the brand or mark, register any brand or mark (other than a brand or mark already registered) used in branding and marking cattle together with the name and address of the owner of the brand or mark.

Note A fee may be determined under s 39 (Determination of fees, charges and rates) for this subsection.

- (2) If any cattle are impounded, the poundkeeper shall forthwith, if the cattle are branded or marked with any registered brand or mark, deliver at or post to the registered address of the person causing the brands or marks to be registered, and, if the cattle are not so branded or marked, publish in a newspaper published in the ACT, a notice setting out particulars of the animals impounded and of the amounts due and payable in relation to the cattle.

Part 4 Sale of cattle

28 Cattle not released may be sold at pound

- (1) If cattle have not been released from the pound within 14 days after the giving or publication of the notice mentioned in section 27, the cattle shall be sold by public auction at the pound.
- (2) The sale shall be made on the first day after the end of the 14 days mentioned in subsection (1) that the Minister or a person authorised by the Minister determines by notice published in a newspaper published in the ACT to be a day when a sale shall be held at the pound.
- (3) At the sale, the poundkeeper shall act as auctioneer, and the sale shall begin at the hour of noon.
- (4) At any sale held under this section not more than 1 head of great cattle nor more than 10 sheep or goats shall be sold in a single lot, but nothing in this subsection shall prevent a cow with her calf or a mare with her foal from being sold in a single lot.
- (5) The poundkeeper shall neither in person nor by his or her agent purchase any cattle at the sale or have any interest of any kind in cattle so purchased.

29 If no purchaser at sale, cattle to be destroyed and sold

If any cattle have been offered for sale at any pound sale and a bid has not been made at the sale for the cattle, and they are not, in the opinion of an officer authorised by the Minister, worth the sustenance fees that would be payable during the interval between the sale and the next day appointed for holding a sale at the pound, that officer may cause the cattle to be destroyed and dispose of the carcasses in a way that he or she considers appropriate, and any proceeds of any sale of the carcasses or any part of them shall be deemed to be the proceeds of the sale of impounded cattle.

30 Application of the proceeds of pound sales

- (1) The proceeds of all sales of impounded cattle sold under this Act shall be applied in payment—
- (a) first, of any costs and charges attending the sale; and
 - (b) second, of all pound fees and sustenance fees; and
 - (c) third, of all other fees and charges payable under this Act; and
 - (d) fourth, to the impounder of the cattle, of the rates due to him or her for the trespass of the cattle;

and the residue (if any) shall be payable to the owner of the cattle.

- (2) If the fees, charges or rates are not or the residue is not claimed by any person entitled to them within 1 year after the sale, or, if the person has been a child, of unsound mind, or beyond the seas at the time of the sale, within 1 year after the end of the disability, the fees, charges, rates or residue shall become public money of the Territory.

31 Recovery of fees etc if cattle cannot be sold or proceeds of sale are not sufficient to pay fees etc

If any impounded cattle are not released, and cannot be sold as provided in this Act, or are sold for a sum less than the fees, charges and rates payable under this Act, the Minister or any person authorised by the Minister may recover in the Magistrates Court from the person who was the owner of the cattle when impounded, a sum equivalent to the fees, charges, and rates due to the ACT or to the difference by which the sale price of the cattle falls short of those fees, charges, and rates, and the impounder may recover, in the Magistrates Court, from that person the fees, charges and rates or any balance of them payable to him or her in relation to the cattle.

Part 5 Illegal impounding

32 Release of cattle on notice of illegal impounding

The owner of impounded cattle may give written notice to the poundkeeper that he or she intends to institute proceedings in the Magistrates Court against the person impounding the cattle claiming that the impounding was illegal under this Act, or that the rates demanded for the trespass of the cattle are excessive, and, on receipt of the notice and payment to the Territory of the rates with the fees and charges payable under this Act, the poundkeeper shall release the cattle.

33 Powers of Magistrates Court

- (1) An application to institute proceedings under section 32 shall be made within 10 days after the date the notice referred to in that section was given.
- (2) The court may—
 - (a) dismiss the application; or
 - (b) find that the cattle were not trespassing; or
 - (c) find that the impounding was illegal under this Act; or
 - (d) find that the rates demanded for the trespass of the cattle are excessive;

and may make an order against the defendant for the amount of damages sustained by the owner in consequence of the illegal impounding or excessive demand and for the amount of all fees, rates and charges paid by the owner to the Territory, and may make any order for costs and expenses that the court considers appropriate.

- (3) The order against the defendant shall be an authority to the Territory to pay to the owner the trespass rates paid under section 32.

- (4) The court may hear and determine an application notwithstanding any question of title to property or suggestion of right that may be involved in the application.

Part 6 Miscellaneous

34 Power to destroy goats, pigs and geese trespassing

The occupier of any land, and, for lands the property of the Commonwealth, any person authorised in writing by the Minister, may destroy or cause to be destroyed any goats, pigs, or geese trespassing on the land, and, if the owner of the goats, pigs or geese fails to remove their carcasses within 12 hours after their destruction, the person destroying the goats, pigs or geese shall cause the carcasses to be buried.

35 Penalty for offences by other people

Any person who—

- (a) rescues or attempts to rescue or interfere with or aids, abets, incites, counsels or procures any person to rescue or interfere with any cattle impounded or seized for the purpose of being impounded; or
- (b) destroys or injures or attempts to destroy or injure any pound; or
- (c) illegally impounds any cattle; or
- (d) removes cattle from any place to any other place for the purpose of impounding those cattle from the lastmentioned place; or
- (e) being in charge of or assisting in driving cattle refuses, on demand by any police officer or by or on behalf of any person on whose land the cattle are trespassing, to disclose or states untruly the name and address of the owner of the cattle or of his or her agent or overseer; or
- (f) drives cattle on or from the land of any other person without proper authority and without previous notice to that person or to his or her agent or overseer; or

- (g) wilfully leaves open any gate or slip panel or makes a gap in any fence for the purpose of permitting or causing any cattle to trespass, or otherwise wilfully causes any cattle to trespass; or
- (h) without proper authority, wilfully lets in any cattle or knowingly suffers any cattle to enter on the land of any other person, being land that—
 - (i) contains a garden or bears a growing crop; and
 - (ii) is enclosed with a sufficient fence; or
- (i) fails to comply with or contravenes any provision of this Act; commits an offence.

Maximum penalty: 10 penalty units.

36 Lands enclosed in ring fence

- (1) If 2 or more occupiers hold lands enclosed by a single common outward sufficient fence, those lands shall in regard to the liability for trespass rates, be deemed, as against all persons outside the common fence, to be sufficiently fenced, but as against each other if a sufficient fence does not stand between them, shall be deemed to be unenclosed lands.
- (2) If the occupier of any land having an insufficient dividing fence fails to make or repair his or her part of it and the occupant of the adjoining land has erected or kept in repair his or her part of it, the lastmentioned land shall be deemed to have a sufficient fence as against the trespass on it of any cattle of which the firstmentioned occupier is the owner.

37 Inspectors of pounds

- (1) There may be 1 or more inspectors of pounds.
- (2) The chief executive shall create and maintain 1 or more offices in the public service the duties of which include exercising the functions of an inspector of pounds.

- (3) An inspector shall be any public servant for the time being exercising the duties of a public service office referred to in subsection (2).

37A Powers of inspectors

- (1) Subject to the directions of the chief executive, an inspector of pounds has the supervision and control of the pounds and poundkeepers that the chief executive directs.
- (2) In the exercising of a function under subsection (1), an inspector may enter any land at any time to inspect any cattle impounded or detained for the purpose of being impounded.

37B Obstruction of inspectors

A person shall not, without reasonable excuse, obstruct or hinder an inspector in the exercising of his or her functions under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

38 Poundkeeper may send cattle out of pound for purposes of grazing etc

A poundkeeper may take or send any cattle out of his or her pound at the times and to the places that the poundkeeper considers appropriate for the purpose of grazing or watering.

39 Determination of fees, charges and rates

- (1) The Minister may, in writing, determine fees, charges and rates for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees, charges and other amounts (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

40 Approved forms

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form prescribed under the regulations immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire 1 year after this section commences.

41 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

3 Legislation history

This Act was originally a Commonwealth ordinance—the *Pounds Ordinance 1928 No 10* (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989 No 21*, s 5 on 11 May 1989 (self-government day).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

Legislation before becoming Territory enactment

Pounds Act 1928 No 10

notified 27 April 1928

commenced 9 September 1929 (s 2 and Cwlth Gaz 1929 No 84)

as amended by

Ordinances Revision Ordinance 1937 No 27 sch 2

notified 23 December 1937

commenced 23 December 1937

Pounds Ordinance 1959 No 5

notified 7 May 1959

commenced 7 May 1959

Ordinances Revision Ordinance 1959 No 21 sch 1

notified 23 December 1959

commenced 31 December 1959

Ordinances Revision (Decimal Currency) Ordinance 1966 No 19 sch 1

notified 23 December 1966

commenced 23 December 1966

Endnotes

3 Legislation history

Ordinances Revision (Metric Conversion) Ordinance 1977 No 64

notified 22 December 1977

commenced 22 December 1977

Ordinances Revision Ordinance 1977 No 65 sch 2

notified 22 December 1977

commenced 22 December 1977

Ordinances Revision Ordinance 1978 No 46 sch 2

notified 28 December 1978

commenced 28 December 1978

Pounds (Amendment) Ordinance 1983 No 35

notified 29 September 1983

commenced 1 October 1983

Pounds (Amendment) Ordinance 1984 No 37

notified 23 July 1984

commenced 23 July 1984

Magistrates Court Ordinance 1985 No 67 sch pt 1

notified 19 December 1985

commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Magistrates Court (Amendment) Ordinance (No 3) 1986 No 74

notified 14 November 1986

commenced 14 November 1986

**Self-Government (Consequential Amendments) Ordinance 1989
No 38 div 21 and sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

div 21 and sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 65

notified 30 June 1994 (Gaz 1994 No S121)
 s 1, s 2 commenced 30 June 1994 (s 2 (1))
 sch 1 pt 65 commenced 1 July 1994 (s 2 (2) and see Gaz 1994 No S142)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 November 1994 (Gaz 1994 No S253)
 s 1, s 2 commenced 29 November 1994 (s 2 (1))
 sch commenced 29 November 1994 (s 2 (2) and see Gaz 1994 No S269)

Statutory Offices (Miscellaneous Provisions) Act 1994 No 97 sch pt 1

notified 15 December 1994 (Gaz 1994 No S280)
 s 1, s 2 commenced 15 December 1994 (s 2 (1))
 sch pt 1 commenced 15 December 1994 (s 2 (2) and see Gaz 1994 No S293)

Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 25

notified 1 July 1996 (Gaz 1996 No S130)
 commenced 1 July 1996 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
 s 1, s 2 commenced 27 November 1998 (s 2 (1))
 sch commenced 9 December 1998 (s 2 (2) and see Gaz 1998 No 49)

Legislation (Consequential Amendments) Act 2001 No 44 pt 292

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 292 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3253

State Act to cease to apply

s 3 om 2001 No 44 amdt 1.3253

Endnotes

4 Amendment history

Parts

s 4 om 1977 No 65 sch 1

Definitions for Act

s 5 am 1983 No 35 s 4; 2001 No 44 amdt 1.3254, amdt 1.3256
def **cattle** am 1959 No 5 s 2
def **driving charges** ins 2001 No 44 amdt 1.3255
def **occupier of land** am 1937 No 27 sch; 1989 No 38 sch 1
def **seat of government fund** am 1927 No 27 sch
def **sufficient fee** am 1985 No 67 sch
def **sustenance fees** ins 2001 No 44 amdt 1.3255
def **tillage land** om 1959 No 5 s 2
def **trespass rates** ins 2001 No 44 amdt 1.3255

Application of Act

s 6 am 1937 No 27 sch
om 2001 No 44 amdt 1.3257

Power of Minister to determine fees

s 7 am 1937 No 27 sch
om 1959 No 21 sch 1
ins 1983 No 35 s 5
om 2001 No 44 amdt 1.3257

Causes of action not affected

s 7A ins 1984 No 37 s 2

Establishment and abolition of pounds

s 8 am 1937 No 27 sch

Poundkeepers

s 9 am 1937 No 27 sch
sub 1994 No 97 sch

Pound fees

s 10 am 1937 No 27 sch; 1983 No 35 s 6; 1989 No 38 sch 1
om 2001 No 44 amdt 1.3258

Driving charges, sustenance and deterrent fees and trespass rates

s 11 am 1937 No 27 sch; 1959 No 5 s 3; 1983 No 35 s 7; 1989
No 38 sch 1
om 2001 No 44 amdt 1.3258

Trespass rates for entire horse, bull or ram

s 12 am 1966 No 19 sch 1
om 1983 No 35 s 8

Driving charges etc payable to Territory

s 13 am 1937 No 27 sch; 1989 No 38 sch 1
om 2001 No 44 amdt 1.3258

List of charges, fees and rates to be displayed on conspicuous part of pound

s 14 sub 1959 No 5 s 4

Pound book and register of brands

s 16 am 1983 No 35 s 9
sub 2001 No 44 amdt 1.3259

Power to impound cattle trespassing

s 17 am 1937 No 27 sch; 1989 No 38 sch 1; 1994 No 38 sch 1

Impounding on private premises

s 18 am 1937 No 27 sch; 1959 No 21 sch 1; 1983 No 35 s 10; 1989
No 38 sch 1; 2001 No 44 amdt 1.3260

Return of trespassing cattle

s 19 am 1983 No 35 s 11; 1985 No 67 sch
sub 2001 No 44 amdt 1.3261

Occupier may hold trespassing cattle

s 20 am 1983 No 35 s 12; 1985 No 67 sch
sub 2001 No 44 amdt 1.3261

Occupier may detain cattle

s 21 am 1983 No 35 s 13
om 2001 No 44 amdt 1.3261

Lodging cattle in pound for safe custody

s 22 am 1937 No 27 sch
om 1959 No 5 s 5

Cattle more than 20m from road may be impounded

s 23 am 1937 No 27 sch; 1977 No 64 sch

Return of cattle to owner

s 24 am 1983 No 35 s 14
sub 2001 No 44 amdt 1.3262

Cattle to be impounded in nearest pound

s 25 am 1983 No 35 s 15

Poundkeeper to detain impounded cattle

s 26 am 1983 No 35 s 16; 1985 No 67 sch

Registration of brands etc

s 27 am 1959 No 5 s 6; 1959 No 21sch 1; 1983 No 35 s 17; 2001
No 44 amdt 1.3263, amdt 1.3264

Cattle not released may be sold at pound

s 28 am 1937 No 27 sch; 1959 No 5 s 7

If no purchase at sale, cattle to be destroyed and sold

s 29 am 1937 No 27 sch

Application of the proceeds of pound sales

s 30 am 1937 No 27 sch; 1983 No 35 s 18; 1996 No 26 sch

Endnotes

4 Amendment history

Recovery of fees etc if cattle cannot be sold or proceeds of sale are not sufficient to pay fees etc

s 31 am 1937 No 27 sch; 1985 No 67 sch; 1989 No 38 sch 1

Release of cattle on notice of illegal impounding

s 32 am 1937 No 27 sch; 1983 No 35 s 19; 1985 No 67 sch; 1986 No 74 s 93; 1989 No 38 sch 1

Powers of Magistrates Court

s 33 am 1937 No 27 sch; 1978 No 46; 1983 No 35 s 20; 1985 No 67 sch; 1986 No 74 s 93; 1989 No 38 sch 1

Power to destroy goats, pigs and geese trespassing

s 34 am 1937 No 27 sch

Penalty for offences by other people

s 35 am 1937 No 27 sch; 1959 No 5 s 8; 1966 No 19; 1994 No 81 sch

Lands enclosed in ring fence

s 36 am 1983 No 35 s 21

Inspectors of pounds

s 37 am 1937 No 27; 1966 No 19; 1994 No 81 sch
sub 1994 No 97

Powers of inspectors

s 37A ins 1994 No 97 sch

Obstruction of inspectors

s 37B ins 1994 No 97 sch
am 1998 No 54 sch

Determination of fees, charges and rates

s 39 sub 2001 No 44 amdt 1.3265

Approved forms

s 40 am 1937 No 27 sch
om 1996 No 26 sch
ins 2001 No 44 amdt 1.3265
s 40 (4)-(7) exp 12 September 2002 (s 40 (7))

Regulation-making power

s 41 am 1937 No 27 sch; 1959 No 5 s 9; 1983 No 35 s 22; 1989 No 38 sch 1
sub 2001 No 44 amdt 1.3265

5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

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Replication No	Amendments to	Replication date
1	Act 1989 No 38	31 August 1991
2	Act 1994 No 97	28 February 1995
3	Act 1998 No 54	31 March 1999

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