
Pounds (Amendment) Ordinance 1983

No. 35 of 1983

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 September 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

TOM UREN
Minister of State for Territories
and Local Government

An Ordinance to amend the *Pounds Ordinance 1928*

Short title

1. This Ordinance may be cited as the *Pounds (Amendment) Ordinance 1983*.¹

Commencement

2. This Ordinance shall come into operation on 1 October 1983.

Principal Ordinance

3. In this Ordinance, "Principal Ordinance" means the *Pounds Ordinance 1928*.²

Interpretation

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

"(2) A reference in a provision of this Ordinance to a determined fee, charge or rate shall be read as a reference to the fee, charge or rate determined under section 7 for the purposes of that provision."

5. After section 6 of the Principal Ordinance the following section is inserted in Part I:

Power of Minister to determine fees

"7. The Minister may, by notice in writing published in the *Gazette*, determine fees, charges and rates for the purposes of this Ordinance."

Pound fees

6. Section 10 of the Principal Ordinance is amended by omitting “as pound fees such sums as are prescribed” and substituting “such pound fees as are determined”.

Driving charges, &c.

7. Section 11 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “prescribed” and substituting “determined”;
- (b) by omitting from sub-section (1A) “fixed by the Minister from time to time” and substituting “determined”;
- (c) by omitting from sub-section (2) “fixed in pursuance of this section”;
and
- (d) by omitting from sub-section (3) “fixed in pursuance of this section”.

Repeal of section 12

8. Section 12 of the Principal Ordinance is repealed.

Poundkeeper to keep pound book and register of brands

9. Section 16 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1) “and a register of brands” after “pound book”;
- (b) by omitting from sub-section (3) “prescribed” and substituting “determined”; and
- (c) by adding at the end thereof the following sub-section:

“(4) A person may, upon payment of the determined fee, obtain a copy of, or an extract from, an entry in the pound book or the register of brands.”.

Impounding on private premises

10. Section 18 of the Principal Ordinance is amended by omitting from sub-section (3) “as prescribed”.

Occupier may send cattle to owner and demand payment

11. Section 19 of the Principal Ordinance is amended by omitting “as prescribed”.

Occupier entitled to trespass rates

12. Section 20 of the Principal Ordinance is amended by omitting “prescribed” and substituting “determined”.

Occupier may detain cattle

13. Section 21 of the Principal Ordinance is amended by omitting “as prescribed”.

Restoration of cattle to owner

14. Section 24 of the Principal Ordinance is amended by omitting "prescribed" and substituting "payable".

Cattle to be impounded in nearest pound

15. Section 25 of the Principal Ordinance is amended by omitting from sub-section (1) "of damage claimed for the trespass according to the rates prescribed in pursuance of this Ordinance" and substituting "of trespass rates claimed".

Poundkeeper to detain impounded cattle

16. Section 26 of the Principal Ordinance is amended by omitting "prescribed fees, rates and charges" and substituting "fees, rates and charges payable under this Ordinance".

Registration of brands, &c.

17. Section 27 of the Principal Ordinance is amended by omitting from sub-section (1) "prescribed" and substituting "determined".

Application of proceeds of pound sales

18. Section 30 of the Principal Ordinance is amended by omitting from paragraph (1) (c) "prescribed fees and charges" and substituting "fees and charges payable under this Ordinance".

Release of cattle upon notice of illegal impounding

19. Section 32 of the Principal Ordinance is amended by omitting "prescribed fees and charges" and substituting "fees and charges payable under this Ordinance".

Powers of Court of Petty Sessions

20. Section 33 of the Principal Ordinance is amended by omitting from sub-section (2) "prescribed".

Lands enclosed in ring fence

21. Section 36 of the Principal Ordinance is amended by omitting from sub-section (1) "the prescribed".

Regulations

22. Section 41 of the Principal Ordinance is amended by omitting "and in particular for providing for fees for inspection of books and for notices".

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 29 September 1983.
2. No. 10, 1928 as amended by No. 5, 1930; No. 27, 1937; Nos. 5 and 21, 1959; No. 19, 1966; Nos. 64 and 65, 1977; No. 46, 1978.