



Australian Capital Territory

Pounds Regulations 1929

made under the

Pounds Act 1928

Republication No 2

Republication date: 7 August 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 Regulations 1929*, made under the *Pounds Act 1928*, as in force on 7 August 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.

Amendments incorporated to
12 September 2001



Australian Capital Territory

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Australian Capital Territory

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1 Name of regulations

These regulations are the *Pounds Regulations 1929*.

2 Meaning of *authorised officer*

In these regulations:

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

authorised officer, in relation to a function under these regulations, means a public servant authorised, in writing, by the Minister to exercise the function.

13 Statement of cattle impounded

- (1) A poundkeeper, on receiving into the pound any cattle brought there for impounding, shall require the person bringing the cattle to fill in and give to the poundkeeper a statement containing the information the poundkeeper requires, and that person shall do so accordingly.
- (2) The poundkeeper shall compare the particulars contained in the statement with the cattle impounded, and, if necessary, require the statement to be corrected.
- (3) The poundkeeper shall then give to the impounder a receipt for the cattle impounded.

Note If a form is approved under the Act, s 40 (Approved forms) for a receipt, the form must be used.

14 Pound book

- (1) The poundkeeper must enter in the pound book the particulars required by the Act of each impounding and dealing with impounded cattle.
- (2) The entries must be made as soon as practicable after the impounding or dealing.

- (3) However, a poundkeeper must not make an entry in the pound book if the subject matter of the entry is in dispute.

15 Registration of brands

A poundkeeper must register a brand or mark if asked in writing to do so by the owner of cattle.

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

16 Feeding and watering impounded cattle

- (1) A poundkeeper shall, at least once each day, sufficiently feed and water cattle in the poundkeeper's care, and if necessary may take cattle from the pound for that purpose.
- (2) However, if feed or water cannot, because of drought or other cause, be obtained, the poundkeeper shall report the fact to an authorised officer, and an authorised officer may give the directions the authorised officer considers advisable in the circumstances.
- (3) If the poundkeeper has so reported to an authorised officer, the poundkeeper shall not, in default of any directions from an authorised officer, or while acting in accordance with any such directions or any directions given by any authorised officer, nor shall the Territory, incur any liability for failure to feed or water cattle.

17 Pound to be kept dry, clean and secure

A poundkeeper shall—

- (a) keep the pound dry, clean and secure for the due care of cattle; and
- (b) provide a pen or crush for taking the brands or descriptions of cattle; and
- (c) in every case of doubt about the correct reading of a brand or mark—clip or shave the brand or mark.

18 Diseased cattle to be kept separate

A poundkeeper shall keep apart from sound cattle all cattle that the poundkeeper knows to be diseased, and shall report to an authorised officer for directions any disease known to exist in any impounded cattle.

20 Payments to impounders

- (1) The Territory shall pay to an impounder, on demand, during office hours on any week day, any fees, rates or charges collected to which the impounder is entitled.
- (2) The Territory shall take a receipt for each amount so paid.

21 Complaint of illegal impounding etc

- (1) A poundkeeper, on receipt from the owner of any cattle of notice of intention to complain to the Magistrates Court under the Act, section 32, shall note that fact and the date in the poundbook.
- (2) The poundkeeper shall likewise enter in the poundbook the fact of the receipt of the decision of the court and the purport of it.

23 Monthly account

At the close of each month a poundkeeper shall prepare and give to the Minister an account of—

- (a) all cattle in the pound at the beginning of the month; and
- (b) all cattle impounded during the month; and
- (c) all impounded cattle that have, during the month, been released or sold or have died; and
- (d) all money received by the poundkeeper during the month; and
- (e) all money due to the poundkeeper during the month; and
- (f) all notices of intention to complain served on the poundkeeper, during the month, under the Act, section 32; and

- (g) all cattle destroyed, during the month, the expense incurred for the destruction, and the proceeds of the sale of the carcasses; and
- (h) any deficiency or debt due by the owner of any cattle for fees, damages or charges.

24 Authorised payments

An authorised officer shall authorise the payment of amounts due to persons, under the Act and may cause steps to be taken to recover money due from owners of impounded cattle.

26 Poundkeeper ceasing to hold office

On ceasing to hold office, the poundkeeper shall, as directed by the Minister, hand over all property of the Territory in the poundkeeper's possession.

29 Notice of detention of cattle

If an occupier detains cattle under the Act, section 21, the occupier shall, within 24 hours after the beginning of the detention, give notice to the owner either personally or by post, or, if the owner is unknown, by advertisement in a newspaper published in the ACT, and may recover the costs of notice that would be recoverable by the Territory if the cattle had been impounded in a pound.

30 Delivery of cattle sold under Act

- (1) The poundkeeper shall not deliver any cattle sold under the Act, section 28 until they are paid for.
- (2) If they are not paid for within 15 minutes after the conclusion of the sale, the poundkeeper may put them up for resale and sell them.

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

These regulations were originally called the *Pounds Regulations* and were originally made under 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, and the regulations made under them, into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. The *Pounds Ordinance 1928* and the *Pounds Regulations* were converted into ACT enactments on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name of the ordinance 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).

These regulations were renamed as the *Pounds Regulations 1929* by the *Legislation Act 2001*.

Before 12 September 2001, regulations commenced on their notification day unless otherwise stated (see *Interpretation Ordinance 1937* s 16, *Interpretation Act 1967* s 50).

Legislation before becoming Territory enactment

Pounds Regulations 1929

notified 5 September 1929

commenced 9 September 1929 (see *Pounds Act 1928* and see Cwlth Gaz 1929 No 84)

as amended by

Seat of Government (Designation) Ordinance 1938 No 25 (as am by Ordinances Revision Ordinance 1938 No 35 as am by Ordinances Revision Ordinance 1959 No 21 s 2)

notified 8 September 1938

commenced 8 September 1938

Amendment of Pounds Regulations 1939

notified 23 March 1939

commenced 23 March 1939

Amendment of Pounds Regulations 1959 No 6

notified 14 May 1959

commenced 14 May 1959

Endnotes

3 Legislation history

Amendment of Pounds Regulations 1959 No 22

notified 31 December 1959
commenced 31 December 1959

Amendment of Pounds Regulations 1966 No 3

notified 11 February 1966
commenced 14 February 1966 (reg 1)

Amendment of Pounds Regulations 1979 No 13

notified 21 August 1979
commenced 21 August 1979

Regulations to repeal certain Regulations and to revise certain Regulations in force under the Ordinances of the ACT 1980 No 3 sch (as am by Regulations to amend Regulations 1980 No 3 SL 1980 No 14 sch)

notified 25 March 1980
commenced 25 March 1980

Pounds Regulations (Amendment) 1983 No 17

notified 30 September 1983
commenced 1 October 1983 (reg 1)

Magistrates Court Ordinance 1985 No 67 sch pt 2

notified 19 December 1985
commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

Self-Government (Consequential Amendments) Ordinance 1989 No 38 s 59 and sch 3

notified 10 May 1989 (Cwlth Gaz 1989 No S160)
s 1, s 2 commenced 10 May 1989 (s 2 (1))
s 59 and sch 3 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

Legislation after becoming Territory enactment

Legislation (Consequential Amendments) Act 2001 No 44 pt 293

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 293 commenced 12 September 2001 (s 2 (1) and see Gaz 2001 No S65)

4 Amendment history

Name of regulations

reg 1 hdg am R2 LA
reg 1 am R2 LA

Meaning of *authorised officer*

reg 2 om 1979 No 13 reg 2
ins Act 2001 No 44 amdt 1.3266

Interpretation

reg 3 am 1959 No 22 reg 1
def **authorised officer** ins regs gazetted 23 March 1939 reg 1
om Act 2001 No 44 amdt 1.3266
def **lands officer** om regs gazetted 23 March 1939 reg 1
def **the city area** am 1959 No 22 reg 1
om 1979 No 13 reg 2

Pound fees

reg 4 am regs gazetted 23 March 1939
sub 1959 No 6 reg 1; 1966 No 3 reg 2; 1979 No 13 reg 3
om 1983 No 17 reg 4

Driving charges

reg 5 am regs gazetted 23 March 1939
sub 1959 No 6 reg 1; 1966 No 3 reg 2; 1979 No 13 reg 3
om 1983 No 17 reg 4

Deterrent fees

reg 6 sub 1959 No 6 reg 1; 1966 No 3 reg 2; 1979 No 13 reg 3
om 1983 No 17 reg 4

Trespass rates

reg 7 sub 1959 No 6 reg 1; 1966 No 3 reg 2; 1979 No 13 reg 3
om 1983 No 17 reg 4

Fees for inspection of books

reg 8 am regs gazetted 23 March 1939 reg 3
sub 1959 No 6 reg 1; 1966 No 3 reg 2
am 1979 No 13 reg 4
am 1980 No 3 sch (as am 1980 No 14 sch)
om 1983 No 17 reg 4

Charges for safe custody

reg 9 om 1959 No 6 reg 1

Fees for registration of brands

reg 10 sub 1959 No 6 reg 2; 1966 No 3 reg 3
om 1983 No 17 reg 4

Repeated trespass by animals of one owner

reg 11 sub 1959 No 6 reg 2
om 1983 No 17 reg 4

Endnotes

4 Amendment history

Copy of Act etc to be kept at pound

reg 12 am regs gazetted 23 March 1939 reg 4; 1980 No 3 sch (as am 1980 No 14 sch)
om Act 2001 No 44 amdt 1.3267

Statement of cattle impounded

reg 13 am 1959 No 22 reg 2; Act 2001 No 44 amdt 1.3268,
amdt 1.3269

Pound book

reg 14 sub Act 2001 No 44 amdt 1.3270

Registration of brands

reg 15 am 1983 No 17 reg 2
sub Act 2001 No 44 amdt 1.3270

Feeding and watering impounded cattle

reg 16 am regs gazetted 23 March 1939 reg 5; ord 1989 No 38 sch 3;
regs renum R2 LA

Diseased cattle to be kept separate

reg 18 am regs gazetted 23 March 1939 reg 6

Payment of fees to Territory

reg 19 am regs gazetted 23 March 1939 reg 7; 1959 No 22 reg 3;
1980 No 3 sch (as am 1980 No 14 sch); ord 1989 No 38 s 59
om Act 2001 No 44 amdt 1.3271

Payments to impounders

reg 20 am regs gazetted 23 March 1939 reg 8; ord 1989 No 38 sch 3

Complaint of illegal impounding etc

reg 21 am ord 1985 No 67 sch pt 2

Receipt by poundkeeper

reg 22 om 1959 No 22 reg 4

Monthly account

reg 23 am regs gazetted 23 March 1939 reg 9; 1959 No 22 reg 5

Authorised payments

reg 24 am regs gazetted 23 March 1939 reg 10

Inquiries by post

reg 25 am 1983 No 17 reg 3
om Act 2001 No 44 amdt 1.3271

Poundkeeper ceasing to hold office

reg 26 am regs gazetted 23 March 1939 reg 11; ord 1989 No 38 sch 3

Notice of impounding

reg 27 om 1959 No 22 reg 6

Notice of private impounding

reg 28 om 1959 No 22 reg 6

Notice of detention of cattle

reg 29 am regs gazetted 23 March 1939 reg 12; 1959 No 22 reg 7;
1980 No 3 sch (as am 1980 No 14 sch); ord 1989 No 38
sch 3

Delivery of cattle sold under Act

reg 30 am 1980 No 3 sch (as am 1980 No 14 sch); regs renum R2 LA

Receipt for payment of fees for release of cattle

reg 31 om 1959 No 22 reg 8

Compliance with forms

reg 32 om 1959 No 22 reg 8

The schedule

sch am ord 1938 No 25 s 2; regs gazetted 23 March 1939 reg 13;
1959 No 6 reg 3; 1959 No 22 reg 9; ord 1985 No 67 sch pt 2
om Act 2001 No 44 amdt 1.3272

5 Earlier republications

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1939 No 38	30 September 1991

Authorised when accessed at www.legislation.act.gov.au or in authorised printed form

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