



Australian Capital Territory

Pounds Regulation 1929

made under the

Pounds Act 1928

Republication No 3

Effective: 1 November 2004 – 25 August 2005

Republication date: 1 November 2004

Last amendment made by A2001-44
(republication includes editorial amendments
under Legislation Act)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Pounds Regulation 1929*, made under the *Pounds Act 1928* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 1 November 2004.

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.



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R3
01/11/04

Pounds Regulation 1929
Effective: 01/11/04-25/08/05

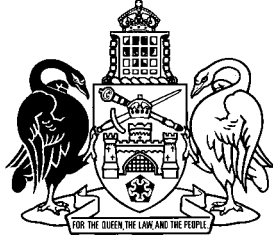
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Australian Capital Territory

Pounds Regulation 1929

made under the

Pounds Act 1928

1 Name of regulation

This regulation is the *Pounds Regulation 1929*.

2 Meaning of authorised officer

In this regulation:

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

authorised officer, in relation to a function under this regulation, 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, must 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 must do so accordingly.
- (2) The poundkeeper must compare the particulars contained in the statement with the cattle impounded, and, if necessary, require the statement to be corrected.
- (3) The poundkeeper must then give to the impounder a receipt for the cattle impounded.

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

14 Poundbook

- (1) The poundkeeper must enter in the poundbook 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 poundbook 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 for this subsection.

16 Feeding and watering impounded cattle

- (1) A poundkeeper must, 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 must 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 does 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 does the Territory, incur any liability for failure to feed or water cattle.

17 Pound to be kept dry, clean and secure

A poundkeeper must—

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

20 Payments to impounders

- (1) The Territory must 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 must 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 must 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 must 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 owing 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 owing by the owner of any cattle for fees, damages or charges.

24 Authorised payments

An authorised officer must authorise the payment of amounts owing to people under the Act and may take steps to recover money owing from owners of impounded cattle.

26 Poundkeeper ceasing to hold office

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

29 Notice of holding of cattle

If an occupier holds cattle under the Act, section 20, the occupier must, within 24 hours after the cattle are held, 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 must 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.

2 Abbreviation key

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

3 Legislation history

This regulation was originally called the *Pounds Regulation* and was 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).

This regulation was renamed under 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 Regulation 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 (s 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 (s 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 regulation

s 1 am R2 LA; R3 LA

Meaning of *authorised officer*

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

Interpretation

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

Pound fees

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

Driving charges

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

Deterrent fees

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

Trespass rates

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

Fees for inspection of books

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

Charges for safe custody

s 9 om 1959 No 6 s 1

Fees for registration of brands

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

Repeated trespass by animals of one owner

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

Endnotes

4 Amendment history

Copy of Act etc to be kept at pound

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

Statement of cattle impounded

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

Poundbook

s 14 sub Act 2001 No 44 amdt 1.3270

Registration of brands

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

Feeding and watering impounded cattle

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

Diseased cattle to be kept separate

s 18 am regs gazetted 23 March 1939 s 6

Payment of fees to Territory

s 19 am regs gazetted 23 March 1939 s 7; 1959 No 22 s 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

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

Complaint of illegal impounding etc

s 21 am ord 1985 No 67 sch pt 2

Receipt by poundkeeper

s 22 om 1959 No 22 s 4

Monthly account

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

Authorised payments

s 24 am regs gazetted 23 March 1939 s 10

Inquiries by post

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

Poundkeeper ceasing to hold office

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

Notice of impounding

s 27 om 1959 No 22 s 6

Notice of private impounding

s 28 om 1959 No 22 s 6

Notice of holding of cattle

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

Delivery of cattle sold under Act

s 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

s 31 om 1959 No 22 s 8

Compliance with forms

s 32 om 1959 No 22 s 8

The schedule

sch am ord 1938 No 25 s 2; regs gazetted 23 March 1939 s 13; 1959 No 6 s 3; 1959 No 22 s 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
2	A2001-44	7 August 2002

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