



NORTHERN TERRITORY OF AUSTRALIA

No. 6 of 1983

AN ACT

To amend the *Pounds Act*

[Assented to 27 April 1983]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Pounds Amendment Act 1983*.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

The *Pounds Act* is in this Act referred to as the Principal Act.

4. REPEAL

Sections 3, 4 and 5 of the Principal Act are repealed and the following substituted:

"3. DEFINITIONS

"In this Act, unless the contrary intention appears -

'cattle' includes an entire horse, mare, gelding, colt, filly or foal, a bull, cow, ox, steer, heifer or calf, and a sheep, camel, ass, mule, goat, pig or buffalo;

'inspector' means a person appointed under section 4(a) as an inspector for the purposes of this Act;

Pounds Amendment

'local area' means a municipality or community government area, within the meaning of the *Local Government Act*;

'local authority' means a council or community government council, within the meaning of the *Local Government Act*;

'owner' includes the agent, overseer, bailiff or manager for the owner and, where used in reference to land, includes the occupier;

'pound' means a place established under section 5(a) as a pound or land in respect of which an arrangement has been made under section 5(b) by the Minister or a local authority;

'poundkeeper' means a person appointed under section 4 as a poundkeeper, and includes a person for the time being authorized to act as the poundkeeper of a pound;

'sheep' includes a ram, ewe, wether or lamb.

"4. APPOINTMENT OF INSPECTOR OR POUNDKEEPER

"A local authority in respect of its local area and the Minister in respect of an area other than an area for which a local authority is responsible may appoint a person to be -

- (a) an inspector for the purposes of this Act; or
- (b) a poundkeeper of a pound.

"5. ESTABLISHMENT OF POUNDS

"A local authority in respect of its local area and the Minister in respect of an area other than an area for which a local authority is responsible may -

- (a) by notice in the *Gazette*, establish a pound; or
- (b) make such arrangements as the local authority or Minister, as the case may be, thinks fit for the use of land for impounding cattle seized under this Act."

5. ACCOUNTING FOR MONEY RECEIVED BY POUNDKEEPER

Section 13 of the Principal Act is amended by omitting -

- (a) "to the Receiver of Public Moneys, Sub-Treasury, Darwin,"; and

Pounds Amendment

- (b) "the provisions of this Ordinance" and substituting the following:

"this Act, where the poundkeeper is appointed by -

- (a) the Minister, to the Territory; or
- (b) a local authority, to the local authority and such money shall form part of the revenue of that local authority."

6. NEW SECTION

The Principal Act is amended by inserting after section 14 the following:

"14A. TRANSPORT TO POUND

"(1) Where cattle are to be impounded in pursuance of section 14, they may be driven, led or conveyed by a vehicle suitable for the purpose to the pound where they are to be impounded.

"(2) Where cattle are driven, led or conveyed under sub-section (1) to a pound, the reasonable cost of driving, leading or conveying the cattle is recoverable from the owner of the cattle as a debt due and payable by him to the poundkeeper."

7. CATTLE TO BE RELEASED ON PAYMENT OF FEES, &c.

Section 25 of the Principal Act is amended by inserting after "impounded" the words "and reasonable costs incurred under section 14A".

8. POWERS OF POUNDKEEPER WHERE NO BID MADE AT SALE

Section 32 of the Principal Act is amended by omitting -

- (a) "the provisions of this Ordinance" and substituting "this Act";
- (b) from paragraph (a) "the Gazette in accordance with Form B in the Second Schedule" and substituting "a newspaper circulating in the area in accordance with Form B in Schedule 2"; and
- (c) paragraph (d) and substituting the following:
"(d) where he is appointed by the Minister, take over the cattle as the property of the Territory or, where he is appointed by the local authority, take over the cattle as the property of the local authority."

Pounds Amendment

9. REPEAL AND SUBSTITUTION

Section 33 of the Principal Act is repealed and the following substituted -

"33. DISPOSAL OF PROCEEDS OF SALE AFTER DEDUCTING POUNDAGE FEES

"Where impounded cattle have been sold under this Act, the proceeds of the sale shall be applied by the poundkeeper to pay (in the order in which they appear) -

- (a) costs of the sale;
- (b) poundage fees in respect of the cattle impounded; and
- (c) reasonable costs incurred under section 14A, and the remainder, if any -
- (d) where the owner of the cattle is known, to that owner;
- (e) where the owner of the cattle is not known, one calendar month has expired after the date of the sale and the poundkeeper was appointed by the Minister, to the Territory; or
- (f) where the owner of the cattle is not known, one calendar month has expired after the date of the sale and the poundkeeper was appointed by the local authority, to the local authority."

10. NEW SECTIONS

The Principal Act is amended by inserting after section 36 the following:

"36A. CERTAIN FINES PAID TO LOCAL AUTHORITY

"Where an offence against this Act or the Regulations is committed in an area for which a local authority has responsibility, a fine or monetary penalty recovered in relation to the offence shall be paid to the local authority.

"36B. OFFENCES AND PENALTIES

"(1) A person shall not contravene or fail to comply with a provision of, or an order under, this Act or the Regulations.

"(2) A person who contravenes or fails to comply with a provision of, or an order under, this Act or the Regulations for which a penalty is not provided by a

Pounds Amendment

provision of this Act or the Regulations other than this section, is punishable on conviction by a fine of \$500 or imprisonment for 3 months."

11. SCHEDULE 2

Form B of Schedule 2 is amended by omitting "FORM OF NOTICE IN THE GAZETTE" and substituting "FORM OF NOTICE TO BE PUBLISHED".

12. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 12

Provision	Amendment	
	omit	substitute
Section 8	"the provisions of the <i>Stock Diseases Ordinance</i> 1927-1928, or of any Ordinance amending or repealing that Ordinance,"	"the <i>Stock Diseases Act</i> "
	"any police officer"	"a member of the Police Force"
Section 11	"the Second Schedule"	"Schedule 2"
Section 12	"the provisions of this Ordinance"	"this Act"
Section 14(1)	"or by any police officer"	", a member of the Police Force or inspector"
Section 14(2)	"Any police officer"	"A member of the Police Force or inspector"
Section 15	"Ordinance"	"Act"
	"20 dollars"	"\$500"
Section 16	"the provisions of this Ordinance"	"this Act"

Pounds Amendment

Provision	Amendment	
	omit	substitute
Section 19	"or a police officer"	", a member of the Police Force or inspector"
	"or police officer" (twice occurring)	", a member of the Police Force or inspector"
	"the provisions of this Ordinance as poundage fees for one day in respect of the cattle seized"	"this Act as poundage fees for one day in respect of the cattle seized and reasonable costs incurred under section 14A"
Section 21	"the provisions of this Ordinance" (twice occurring)	"this Act"
Section 24	"the Gazette" (wherever occurring)	"a newspaper circulating in the area"
	"the Second Schedule" (twice occurring)	"Schedule 2"
Section 26	"the provisions of"	
	"the Gazette"	"a newspaper circulating in the area"
	"the provisions of this Ordinance"	"this Act"
Section 27	"the Gazette"	"a newspaper circulating in the area"
	"the provisions of"	
Section 28(c)	"the Gazette"	"a newspaper circulating in the area"
Section 29	"North Australia"	"the Territory"

Pounds Amendment

Provision	Amendment	
	omit	substitute
Section 31(2)	"the provisions of"	
	"10 dollars"	"\$500"
Section 34(1)	"20 dollars"	"\$500"
Section 35	"4 dollars"	"\$500"
Section 36(1)	"100 dollars"	"\$1,000"
Section 36(2)	"North Australia"	"the Territory"
Schedule 1	"THE FIRST SCHEDULE"	"SCHEDULE 1"
Schedule 2	"THE SECOND SCHEDULE"	"SCHEDULE 2"
Long title and sections 1, 2, 36(2) and 37	"Ordinance" (wherever occurring)	"Act"