



ANNO SECUNDO

GEORGI VI REGIS.

A.D. 1938.

No. 2413.

An Act to amend the Impounding Act, 1920-1935.

[Assented to 8th December, 1938.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Impounding Act Amendment Act, 1938". Short titles.

(2) The Impounding Act, 1920-1935, as amended by this Act, may be cited as the "Impounding Act, 1920-1938".

(3) The Impounding Act, 1920-1935, is hereinafter referred to as "the principal Act".

2. Subsection (1) of section 3 of the principal Act is amended by inserting therein after the definition of "enclosed" the following definition :— Amendment of principal Act, s. 3—

"nearest public pound" means the public pound nearest by distance measured along the shortest route usually used in travelling ; Definition of "nearest public pound".

3. Section 14 of the principal Act is amended by inserting after the word "nearest" in subsection (4) thereof the word "public". Amendment of principal Act, s. 14.

4. Section 19 of the principal Act is amended— Amendment of principal Act, s. 19—

(a) by inserting after the word "and" in the second line thereof the words "with the consent in writing of the Minister"; and Variation of fees.

(b) by inserting after the word "the" in the fifth line thereof the word "fourth".

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Impounding Act Amendment Act, 1938.

Amendment of
principal Act,
s. 28—

Security for
amount
payable.

5. Subsection (1) of section 28 of the principal Act is amended so as to read as follows :—

(1) Notwithstanding that the moneys payable pursuant to paragraph (a) of subsection (1) of section 27 have not been paid, the keeper of any public pound may, upon receiving an undertaking in writing to secure the payment of the said moneys in the form in the eighth schedule signed by the owner of the impounded cattle or by some person on his behalf, release the cattle and deliver them to the owner thereof or to any person authorised in writing by the owner to receive them.

Amendment of
principal Act,
s. 46—

Cattle at large.
Cf. 1929, 1929,
s. 273.

6. Section 46 of the principal Act is amended by adding at the end thereof the following subsection :—

(3) If whilst in any street or public place, any cattle in charge of any person do not travel at the rate of at least five miles a day in a direct line, the cattle shall, for the purposes of this section, be deemed to be at large: Provided that if any cattle are being driven to any market, this subsection shall not apply in respect of such cattle on the day when the cattle are driven to the market or to the preceding day.

Amendment of
principal Act—

Provision as to
leasing of
roads, &c.

7. The principal Act is amended by inserting therein after section 46 the following section :—

46a. (1) If the Governor is satisfied that any road—

- (a) is one which is necessary to be used by travelling stock; or
- (b) is a main road within the meaning of the Highways Act, 1926-1937; or
- (c) is a road which by reason of the traffic thereon should not be leased or over which depasturing licences should not be granted,

he may by proclamation declare that this section shall apply to the road.

(2) The Governor may by proclamation revoke or vary any such proclamation.

(3) During such time as any proclamation is in force with respect to any road no council shall let that road or permit the use thereof as provided by section 375 of the Local Government Act, 1934-1936, or shall grant pursuant to the Local Government Act, 1934-1936, or any by-law of the council, any depasturing licence over any such road.

(4) If at the time of the making of a proclamation under subsection (1) in respect of any road, any such letting, permission to use, or depasturing licence is in force in respect of the road, the same shall be deemed to be determined and the person entitled thereunder shall be

entitled to be repaid by the council such proportion of any fees paid thereunder as the unexpired period thereof at the time of the making of the proclamation bears to the full period thereof.

(5) In this section "road" includes a part of a road.

8. The fifth schedule to the principal Act is amended by striking out the heading "For each day or part of a day", twice occurring and by inserting in lieu thereof in each case the heading "For each period of twenty-four hours or part thereof".

Amendment of
principal Act,
fifth schedule.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.