



ANNO VICESIMO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1975

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**No. 49 of 1975**

An Act to amend the Impounding Act, 1920-1974.

[Assented to 10th April, 1975]

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, 1975". Short titles.

(2) The Impounding Act, 1920-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Impounding Act, 1920-1975".

2. Section 7 of the principal Act is amended by striking out from subsection (2) the passage "five pounds" and inserting in lieu thereof the passage "forty dollars". Amendment of principal Act, s. 7—  
Pound to be fenced, enclosed and kept clean and in repair.

3. Section 9 of the principal Act is amended by striking out the passage "not less than one pound and not more than twenty pounds" and inserting in lieu thereof the passage "not less than eight dollars and not more than one hundred and sixty dollars". Amendment of principal Act, s. 9—  
Persons using or milking cattle without consent of owner.

4. Section 11 of the principal Act is amended—

(a) by striking out from subsection (4) the word "sixpence" and inserting in lieu thereof the passage "twenty cents";

(b) by striking out from subsection (6) the passage "ten pounds" and inserting in lieu thereof the passage "eighty dollars";

and

(c) by striking out from subsection (7) the passage "twenty pounds" and inserting in lieu thereof the passage "one hundred and sixty dollars". Amendment of principal Act, s. 11—  
Pound book, copy of this Act etc., to be kept by poundkeeper.

Amendment of principal Act, s. 12—

Poundkeeper to keep a board of fees and charges, and rates for ordinary damage.

5. Section 12 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “two shillings and sixpence” and inserting in lieu thereof the passage “one dollar”;

and

(b) by striking out from subsection (2) the passage “five shillings” and inserting in lieu thereof the passage “two dollars”.

Amendment of principal Act, s. 13—

Poundage fees and charges, how to be accounted for.

6. Section 13 of the principal Act is amended by striking out from subsection (5) the passage “five pounds” and inserting in lieu thereof the passage “forty dollars”.

Amendment of principal Act, s. 16—

Impounding unlawfully or in unauthorized place.

7. Section 16 of the principal Act is amended by striking out the passage “ten pounds” and inserting in lieu thereof the passage “eighty dollars”.

Amendment of principal Act, s. 21—

Cattle to be restored to owner on payment or tender of amount claimed.

8. Section 21 of the principal Act is amended by striking out from subsection (2) the passage “ten pounds” and inserting in lieu thereof the passage “eighty dollars”.

Amendment of principal Act, s. 24—

Notice of cattle impounded to be posted up at pound.

9. Section 24 of the principal Act is amended by striking out from subsection (3) the passage “two pounds” and inserting in lieu thereof the passage “sixteen dollars”.

Amendment of principal Act, s. 25—

Notice of impounding.

10. Section 25 of the principal Act is amended by striking out from subsection (7) the passage “ten pounds” and inserting in lieu thereof the passage “eighty dollars”.

Amendment of principal Act, s. 27—

Cattle to be released on payment of damages and poundkeeper's fees and charges.

11. Section 27 of the principal Act is amended by striking out from subsection (2) the passage “not less than two pounds nor more than five pounds” and inserting in lieu thereof the passage “not less than sixteen dollars nor more than forty dollars”.

Amendment of principal Act, s. 30—

Delivery of cattle on recognizance without payment of damages.

12. Section 30 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “twenty pounds” and inserting in lieu thereof the passage “one hundred and sixty dollars”;

and

(b) by striking out from subsection (2) the passage “five pounds” and inserting in lieu thereof the passage “forty dollars”.

Amendment of principal Act, s. 31—

Payment to person impounding of money received in respect of cattle impounded.

13. Section 31 of the principal Act is amended by striking out from subsection (2) the passage “five pounds” and inserting in lieu thereof the passage “forty dollars”.

14. Section 33 of the principal Act is amended by striking out from subsection (5) the passage "five pounds" and inserting in lieu thereof the passage "forty dollars".
- Amendment of principal Act, s. 33—  
Time and mode of sale of impounded cattle.
15. Section 42 of the principal Act is amended by striking out from subsection (2) the passage "not less than five pounds nor more than twenty pounds" and inserting in lieu thereof the passage "not less than forty dollars nor more than one hundred and sixty dollars".
- Amendment of principal Act, s. 42—  
Stray cattle not to be taken away without notice to owner of land where they are.
16. Section 43 of the principal Act is amended by striking out from subsection (1) the passage "five pounds" and inserting in lieu thereof the passage "forty dollars".
- Amendment of principal Act, s. 43—  
Pound rescues or breaches.
17. Section 44 of the principal Act is amended by striking out the passage "ten pounds" and inserting in lieu thereof the passage "eighty dollars".
- Amendment of principal Act, s. 44—  
Penalty for taking down rails or opening gates, to let cattle into or out of enclosed land.
18. Section 45 of the principal Act is amended—
- (a) by striking out from subsection (1) the passage "twenty-five pounds" twice occurring and inserting in lieu thereof in each case the passage "two hundred dollars";
- and
- (b) by striking out from subsection (1) the passage "ten pounds" and inserting in lieu thereof the passage "eighty dollars".
- Amendment of principal Act, s. 45—  
Penalty for allowing any bull, entire horse, or ram to be at large.
19. Section 46 of the principal Act is amended by striking out from subsection (1) the passage "twenty-five pounds" and inserting in lieu thereof the passage "two hundred dollars".
- Amendment of principal Act, s. 46—  
Liability of owner of straying cattle.
20. Section 47 of the principal Act is amended by striking out from paragraph (a) the passage "twenty pounds" and inserting in lieu thereof the passage "one hundred and sixty dollars".
- Amendment of principal Act, s. 47—  
Two justices to have jurisdiction in all matters arising out of the impounding of cattle in causes under one hundred and sixty dollars.
21. The fourth schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—
- Repeal of fourth schedule of principal Act and enactment of schedule in its place.

THE FOURTH SCHEDULE

Section 14.

TABLE OF FEES CHARGEABLE BY RANGER IN RESPECT OF IMPOUNDING OF CATTLE

(1) In respect of the impounding of cattle comprising entire horses, mares, geldings colts, fillies, foals, mules, asses, camels, bulls, oxen, cows, steers, heifers, calves, rams, or deer—

	\$ c
For any number of such cattle up to five, per head .....	8 00
For the next fifteen of such cattle, per head .....	2 00
For any number of such cattle after the first twenty, per head .....	0 50

(2) In respect of the impounding of cattle comprising goats, pigs, ewes, sheep, wethers, lambs, or Angora goats—

	\$ c
For any number of such cattle up to five, per head .....	4 00
For any number of such cattle after the first five, per head .....	0 25

(3) In respect of the impounding of cattle, some of which are of the descriptions mentioned in paragraph (1) hereof, and some of which are of the descriptions mentioned in paragraph (2) hereof—

	\$ c	
For any number of such cattle up to five .....	4 00	
For any number of such cattle of the descriptions } mentioned in paragraph (1) hereof, after the first } five .....		At the rates per head specified in paragraph (1) hereof.
For any number of such cattle of the descriptions } mentioned in paragraph (2) hereof, after the first } five .....		At the rates per head specified in paragraph (2) hereof.

The above fees are payable by each owner in respect of the cattle owned by him impounded at any one time.

No fee shall be chargeable for a suckling animal under the age of six months running with its mother.

Repeal of fifth schedule of principal Act and enactment of schedule in its place.

22. The fifth schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—

THE FIFTH SCHEDULE

Section 17.

TABLE OF POUNDAGE FEES FOR CATTLE IMPOUNDED

	For each period of 24 hours or part thereof \$ c
For every entire horse above the age of two years—	
For the first day the sum of \$20 and thereafter .....	4 00
For every entire horse under the age of two years .....	4 00
For every mare, gelding, colt, filly, foal, mule, ass, and camel .....	1 00
For every goat and pig .....	2 00
For every bull above the age of two years—	
For the first day the sum of \$20 and thereafter .....	4 00
For every bull under the age of two years .....	4 00
For every ox, cow, steer, heifer, calf and deer, of the first twenty .....	1 00
For every ox, cow, steer, heifer, calf and deer, of the next twenty .....	0 50
For every ox, cow, steer, heifer, calf and deer, of all others above forty...	0 25
For every ram above the age of twelve months—	
For the first day the sum of \$20 and thereafter .....	0 50
For every ewe, sheep, wether, and lamb, of the first forty .....	0 50
For every ewe, sheep, wether, and lamb, of all others above forty .....	0 25

TABLE OF CHARGES FOR SUSTENANCE OF CATTLE IMPOUNDED

	For each period of 24 hours or part thereof \$ c
For every entire horse, mare, gelding, filly, ass, mule, bull, ox, steer, heifer, cow, calf, colt, foal, camel, and deer .....	2 00
For every ram, ewe, sheep, wether, and lamb .....	0 50
For every goat .....	0 25
For every pig .....	1 00

No fee or charge, whether for poundage or sustenance, to be made for a suckling animal under the age of six months running with its mother.

23. The sixth schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—

Repeal of sixth schedule of principal Act and enactment of schedule in its place.

THE SIXTH SCHEDULE

RATES FOR DAMAGE BY TRESPASS BY CATTLE

Section 18.

Description of Cattle	Trespass in unenclosed forest, pasture land, stubble, after-grass, or other unenclosed land	Trespass in any enclosed paddock or meadow of grass or stubble	Trespass in any enclosed growing crop of any kind, or any garden or enclosure whence the crop has not been removed, or in any enclosed public cemetery
	\$ c	\$ c	\$ c
For every entire horse, mare, gelding, filly, ass, mule, bull, ox, steer, heifer, cow, calf, colt, foal, camel, and deer	0 15	2 00	8 00
For every ram, ewe, sheep, wether and lamb .....	0 05	0 25	0 50
For every goat .....	2 00	2 00	8 00
For every pig .....	5 00	5 00	8 00

No damage to be claimed in respect of a suckling animal under the age of six months running with its mother.

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

M. L. OLIPHANT, Governor