**IMPOUNDING ACT AMENDMENT BILL 1947**

**Legislative Assembly, 18 September 1947, page 550**

Second reading.\

**The Hon. Sir GEORGE JENKINS (Newcastle—Minister of Agriculture)—**The purpose of this Bill is to make a number of amendments to the Impounding Act. These amendments arise out of suggestions which have been made from time to time by local governing bodies and have, after consideration by the Local Government Act Advisory Committee, been recommended by that committee. The Impounding Act provides that, if cattle are impounded, the poundkeeper is to give notice to the owner of the cattle. If the owner is unknown to the poundkeeper, notice may be given by advertisement either in the Government Gazette or in a newspaper circulating in the locality. Other provisions of the Act require notice of such as the sale of impounded cattle to be similarly advertised. The purpose of these provisions is, of course, to give reasonable notice to the owner of the cattle that his cattle have been impounded and so that, on payment of the fees prescribed by the Act, he may recover possession of his property. It is obvious that publication in the Government Gazette does not adequately serve this purpose as, outside of official circles, it cannot be claimed that the Gazette is very widely read. It is accordingly provided by the Bill that the provisions giving the present alternative of advertising either in the Gazette or in a newspaper be altered and that these advertisements are, in future, to be given in a newspaper circulating in the locality in question. The amendments for this purpose or to make consequential alterations to the Act are made by clauses 2, 5, 6, 7(2), 8, 9 and 10.

Section 12 of the Impounding Act requires a poundkeeper to provide a notice board at the pound on which various tables of fees are to be painted. Clause 3 amends this provision by providing that these tables may either be painted on the board or be printed or typed on paper or cloth affixed to the board in which case the tables are to be protected by glass. Clause 4 amends section 14 by substituting the words “Minister of Lands” for “Commissioner of Crown Lands”.

Section 32 of the Act provides that where impounded cattle are not recovered by the owner and the necessary notice has been given to the owner by post, proceedings may be started for the sale of the cattle after 21 days after this notice was posted. It is provided by clause 7(1)that this time should run from 14 days after the time when the notice would have beenreceived by the owner in the ordinary course of post, it being considered that 14 days’ notice is sufficient if that time begins to run from the time the owner received the notice or should have received it in the ordinary course of post.

Section 39 of the Act provides that a justice may authorize the destruction of impounded cattle which are in a dying state or in such a weak condition as not to be likely to recover and may order the carcasses to be sold or otherwise disposed of. It is provided by clause 10 that where any such carcass is disposed of other than by sale, the owner of the cattle is to. be liable to pay the costs of disposal. In support of this amendment, which is suggested by the Local Government Association, it has been stated that instances have occurred where worthless animals have been turned out in the expectation that they will be impounded and subsequently destroyed by the council, thus saving the owner the expense of so doing.

Section 42 of the Act provides that before straying cattle can be driven off the land of any person, notice must be given to that person. It sometimes occurs, however, that land which is owned by a person is a public highway over which the public have right of access although the land may not be a public road within the meaning of the Local Government Act. In such a case it is obviously unnecessary to provide for the giving of notice to the owner and clauseprovides accordingly.

Section 46 of the Act imposes penalties upon the owners of cattle which are found straying or at large or tethered or depastured in any street or public place. The maximum penalty now provided by the section is £2 and clause 11 provides that this maximum is to be increased to £5. Straying cattle upon roads are a nuisance and a potential danger to traffic and it is considered that the present maximum penalty is inadequate to prevent the practice of permitting cattle to stray on the public roads.

Clause 12 also provides for another alteration of section 46. If cattle are upon a road under the charge of some person they are not straying or at large. It sometimes occurs that cattle are driven on roads, not for the purpose of making a journey, but for the purpose of being depastured on the roadsides, and an amendment passed in 1938 attempted to curb this practice by providing in effect that the cattle were to be travelled at a rate not less than five miles per day in a direct line. This provision has been found to be inadequate to deal with the matter and it is therefore provided by clause 12 that if the court is satisfied that cattle, although in charge of some person, were in any street or public place for depasturing purposes only the cattle shall be deemed at large and the owner will then be liable to the penalties provided by the section. I move the second reading.

The Hon. E. S. RICHARDS secured the adjournment of the debate.