IMPOUNDING ACT AMENDMENT BILL 1925

House of Assembly, 30 September 1925, page 1018

Second reading

**The ATTORNEY-GENERAL (Hon. W. J. Denny)—**This Bill is necessary in order to make certain minor administrative amendments to the Impounding Act, 1920. Section 10 of the principal Act provides that every poundkeeper appointed pursuant to the Act shall give a recognisance in the sum of £25, and shall secure one or more sureties in the further sum of £25, that he will faithfully perform his duties as poundkeeper, according to the provisions of. the principal Act. If he fails in his duty, the amounts secured by the recognisances are liable to forfeiture. Some municipal and district councils have experienced difficulty in securing the services of poundkeepers by reason of this section. The appointment, in many instances, is neither an attractive or lucrative one, and applicants in some cases refuse to enter into, the necessary recognisances. It is somewhat of an anomaly to require poundkeepers to give guarantees of the proper performance of their duties when no such action is made obligatory in the case of persons holding far more responsible positions in the gift of local governing bodies, district clerks, treasurers, surveyors, assessors, and other important officials may be appointed without the councils concerned taking security for the faithful discharge of their duties. The Municipal Association has consequently asked that section 10 be repealed. This is done by clause 2 of the Bill, and henceforth poundkeepers will not be required to give any recognisance for the faithful discharge of their duties. Consequential on clause 2, clause 4 repeals the second schedule to the principal Act. This schedule sets out the form of recognisance to be entered into by poundkeepers, and becomes unnecessary on the repeal of section 10. Section 46 of the principal Act, as enacted by section 3 of the Impounding Act Amendment Act, 1923, provides that if any cattle are found straying, or at large, or tethered or depastured in any street or public place within any town or township, the owner shall be liable to a penalty not exceeding £2. Many district councils complain that they are unable to take full advantage of the provisions of this section by reason of the difficulty of proving that the street or public place on which the cattle were found straying is situate within a town or township. Clause *2* consequently provides an evidentiary provision in order to assist councils in administering the section. This provision sets out that in any proceedings for an offence against section 46, the allegation in the complaint that any street or public place is situate within a town or township shall be deemed proved in the absence of proof to the contrary. Under this provision, therefore, the onus will be on the defendant to show that the place where the alleged offence was committed is not situate within a town or township. Undoubtedly, if this measure is passed, it will assist greatly in carrying out the work of the Impounding Act. I move the second reading.

Mr. McLACHLAN secured the adjournment of the debate until October 1.