

POUNDS ORDINANCE 1951.⁽¹⁾

No. 68 of 1951.

An Ordinance relating to the Impounding of Animals found straying and at large.

BE it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

1. This Ordinance may be cited as the *Pounds Ordinance* Short title 1951.⁽¹⁾

2. This Ordinance shall come into operation on a date to be Commencement. fixed by the Administrator by notice⁽¹⁾ in the *Gazette*.

3.—(1.) The Ordinances and the Regulations specified in the Repeal. First Schedule to this Ordinance are repealed.

(2.) All notices made under the Regulations of the Territory of New Guinea repealed by this Ordinance and in force immediately before the commencement of this Ordinance shall continue in force as if made under this Ordinance.

(3.) Section fourteen of *The Trespass and Brands Ordinance of 1891*⁽²⁾ of the Territory of Papua is repealed.

(4.) *The Trespass and Brands Ordinance of 1891*⁽²⁾ of the Territory of Papua, as amended by this Ordinance, may be cited as the *Trespass and Brands Ordinance 1891-1951*.

4. In this Ordinance, unless the contrary intention appears— Definitions.
- “cattle” includes a horse mare gelding colt filly or foal, a bull cow ox steer heifer or calf, a sheep and an ass mule goat or pig;
 - “poundkeeper” includes the person for the time being in the authorized charge of a pound;
 - “sheep” includes a ram ewe wether or lamb.

5. The Administrator may by notice in the *Gazette*⁽³⁾ specify Administrator may specify towns to which Ordinance applies. the towns to which the provisions of this Ordinance shall apply.

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwth. Administrator in Council.	Date on which notified in <i>Cwth. Gaz.</i>	Date on which took effect.
13. 11. 1951	13. 11. 1951	22. 11. 1951 (<i>Papua and N.G. Govt. Gaz.</i> of 22. 11. 1951)

(2) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. I., on pp. 111-119.

(3) No notice has been published in *Papua and N.G. Govt. Gaz.* before 1. 1. 1952.

PART A: ANIMALS AND BIRDS—

Impounding
of cattle.

6. All cattle found straying and at large within the limits of a town to which the provisions of this Ordinance apply are liable to be impounded.

Recovery of
impounded
cattle.

7.—(1.) The owner of cattle impounded pursuant to the last preceding section or a person acting on his behalf and with his authority may recover the cattle upon payment of the prescribed pound, conduct and sustenance fees.

(2.) The right to recover cattle from a pound given by the last preceding sub-section may be barred if application for its recovery is not made within fourteen days of the impounding.

Administrator
may appoint
places to be
pounds.

8. The Administrator may from time to time by notice in the *Gazette*⁽⁴⁾ appoint places in the Territory to be pounds.

Administrator
may appoint
poundkeepers.

9.—(1.) The Administrator may from time to time by notice in the *Gazette*⁽⁵⁾ appoint a person to be a poundkeeper.

(2.) If a poundkeeper is absent or incapable through illness or any other cause from acting as poundkeeper, a person appointed in writing by him for the purpose may act as poundkeeper during the absence or incapacity of the poundkeeper and while so acting shall be deemed to be the poundkeeper.

(3.) The Administrator may by notice in writing addressed to a person appointed in pursuance of the last preceding sub-section revoke the appointment and by the same or another notice appoint a person to act as poundkeeper during the absence or incapacity of the poundkeeper.

Fees.

10.—(1.) A poundkeeper shall demand and receive as pound, conduct and sustenance fees the several sums set forth in the Second Schedule to this Ordinance.

(2.) Conduct fees shall be payable in respect of the conduct or conveyance of impounded cattle from the place of seizure to the pound.

(3.) Sustenance fees shall be payable in respect of the sustenance in the pound of impounded cattle.

(4.) All fees received by the poundkeeper shall be paid by him to the Treasurer.

Impounding
to be at
nearest pound.

11. All cattle shall be impounded under the provisions of this Ordinance in the nearest accessible pound to the place where the cattle were found straying and at large.

(4) A Table containing particulars of notices (made under Reg. 4 of the repealed *Pounds Regulations* 1923 and continued in force by the present Sec. 3 (2)) establishing public pounds is printed in this Volume on p. 136.

(5) A notice dated 7. 11. 1936 and published in *N.G. Gaz.* of 20. 11. 1936 (made under Reg. 4 (2) of the repealed *Pounds Regulations* 1923 and continued in force by the present Sec. 3 (2)) appointed the member of the New Guinea Police Force for the time being holding the office of senior gaoler, under the *Prisons Regulations*, of the prison at each of the following places to be poundkeeper of the pound at each of those places:—Rabaul, Kokopo, Kavieng, Namatanai, Lorengau, Aitape, Madang, Wau and Kieta.

Pounds Ordinance 1951—cont.

12.—(1.) On the gate or some other conspicuous part of a pound there shall be erected and maintained a board having painted thereon in white letters on a black ground the name of the poundkeeper and a table in the form of the Second Schedule to this Ordinance of all fees charges and rates which he is authorized by this Ordinance to receive. Table of fees to be erected.

(2.) When cattle are impounded the poundkeeper shall forthwith post a written notice on the gate or other conspicuous part of the pound giving the number particular brands or apparent brands and marks of the cattle so impounded and the notice shall remain so posted until the cattle have been claimed or disposed of in due course of law.

13. A poundkeeper shall keep a pound book in the form of the Third Schedule to this Ordinance and shall make all entries therein as soon after the doing of the several things required to be entered therein as possible. Poundkeeper to keep pound book.

14. A poundkeeper shall detain in his custody any cattle impounded until all lawful fees and charges are paid. Poundkeeper to detain cattle.

15. When cattle are impounded the poundkeeper shall post a notice in the form of the Fourth Schedule to this Ordinance upon the District Commissioner's Office nearest the pound. Posting of notice of impounded cattle.

16.—(1.) When impounded cattle have not been released from the pound within fourteen days after the posting of the notice in pursuance of the last preceding section the cattle shall be sold by public auction at the pound upon the day named in the notice. Sale by auction of cattle not released.

(2.) The poundkeeper shall act as auctioneer and the sale shall commence at the hour of Ten in the forenoon.

(3.) The poundkeeper shall neither in person nor by his agent purchase cattle at the sale nor have an interest in cattle so purchased.

(4.) Not more than one head of cattle other than sheep goats or pigs, nor more than ten sheep goats or pigs, shall be sold in one lot but nothing in this sub-section shall prevent a cow with her calf or a mare with her foal from being sold in one lot.

17. Where cattle have been offered for sale at a pound and no bid has been made at the sale for the cattle and the cattle are not worth the fees payable in pursuance of section ten of this Ordinance in respect thereof, the poundkeeper may cause the cattle to be destroyed and dispose of the carcasses in such way as he thinks best and the proceeds of the sale of the carcasses or any portion thereof shall be deemed the proceeds of the sale of impounded cattle. Destruction of unsold cattle.

PART A: ANIMALS AND BIRDS—

Proceeds of
sale of
impounded
cattle.

18.—(1.) The proceeds of all sales of impounded cattle sold under the provisions of this Ordinance are applicable in payment firstly of the costs and charges attending the sale, secondly of all costs incurred by the poundkeeper in sustenance and conduct of the impounded cattle and thirdly of all fees and charges payable to the Treasurer; and the residue if any is payable to the owner of the cattle.

(2.) If the residue referred to in the last preceding sub-section is not claimed by a person entitled thereto within one calendar month after the sale the poundkeeper shall pay the amount of the residue to the Treasurer and all right or claim of a person to the same thereupon ceases and determines.

Penalty for
allowing cattle
to stray.

19. The owner or person having control of cattle shall not allow the cattle to stray and be at large within the limits of a town to which the provisions of this Ordinance apply.

Penalty: Ten pounds.

Regulations.

20. The Administrator may make regulations⁽⁶⁾ not inconsistent with this Ordinance prescribing all matters required or permitted to be prescribed or necessary or convenient to be prescribed, for carrying out or giving effect to this Ordinance.

THE SCHEDULES.

Section 3.

FIRST SCHEDULE.

ORDINANCES OF THE TERRITORY OF NEW GUINEA.

Pounds Ordinance 1920.⁽⁷⁾

Pounds Ordinance 1925.⁽⁸⁾

REGULATIONS OF THE TERRITORY OF NEW GUINEA.

Pounds Regulations 1923.⁽⁹⁾

Amending Regulation dated 30.4.1925 and published in *New Guinea Gazette* on 15.5.1925.⁽⁹⁾

Section 10.

SECOND SCHEDULE.

SCALE OF FEES.

Pound Fees—

For every head of cattle—Two shillings and sixpence.

Conduct Fees—

For every horse mare gelding colt filly or foal and every bull cow or ox steer heifer or calf—Five shillings.

For every sheep goat or pig—Two shillings and sixpence.

For every head of other cattle—Five shillings.

(6) No regulations were made before 1.1.1952.

(7) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I., on pp. 75-76.

(8) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I., on p. 77.

(9) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. I., on pp. 78-80.

SECOND SCHEDULE—continued.

Sustenance Fees—

For every horse mare gelding colt filly or foal—Five shillings per day or part of a day.
 For every sheep goat or pig—Two shillings per day or part of a day.
 For every head of other cattle—Two shillings and sixpence per day or part of a day.

THIRD SCHEDULE.

FORM OF POUNDKEEPER'S BOOK.

Section 13.

No.	Date.	Particulars of cattle impounded.	Owner.	Date of posting of notice.	How disposed of.	Date of release or sale.	Name of purchaser.	Particulars of sale.			
								Gross proceeds of sale.	Deductions.	Net proceeds of sale.	
											Signature of purchaser or owner releasing.

FOURTH SCHEDULE.

Section 15.

FORM OF NOTICE TO BE POSTED UPON DISTRICT COMMISSIONER'S OFFICE.

Impounded at [*here state the place and number and kind of cattle and where and how branded and the particular sex colour and descriptive marks of each*].

If not claimed and expenses paid to be sold on

A.B., Poundkeeper.

NOTICES MADE PURSUANT TO SECTION 8 OF THE POUNDS ORDINANCE 1951 APPOINTING PLACES TO BE POUNDS.

Particulars of these notices are set out in the Table below and the Table also indicates where the notices are printed.

TABLE.

Date on which notice made.	Date on which published in <i>N.G. Gaz.</i>	Place appointed to be Pound.	Page in Laws of T.N.G., Vol. I., on which printed.
21.12.1923 ^(a)	29.12.1923	Rabaul	81
5.2.1925 ^(a)	16.2.1925	Aitape	82
5.9.1930 ^(a)	15.9.1930	Wau	83
5.9.1930 ^(a)	15.9.1930	Kokopo	83
5.9.1930 ^(a)	15.9.1930	Madang	84
5.9.1930 ^(a)	15.9.1930	Kieta	84
24.1.1931 ^(a)	31.1.1931	Kavieng	85
14.3.1931 ^(a)	31.3.1931	Namatanai	86
14.3.1931 ^(a)	31.3.1931	Lorengau	86
7.6.1934 ^(a)	15.6.1934	Keravat	87

^(a) Made under Reg. 4 (1) of the repealed *Pounds Regulations* 1923 and continued in force by Sec. 3 (2) of the *Pounds Ordinance* 1951.