



ANNO VICESIMO TERTIO

GEORGI V REGIS.

A.D. 1932.

No. 2076.

An Act to provide for the Registration and Examination of Draught Stallions, and for other purposes.

[Assented to, November 15th, 1932.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Draught Stallions Act, 1932."
2. This Act shall come into operation on a day to be fixed by proclamation.
3. (1) Subject to subsections (2) and (3) hereof, this Act shall apply only within those portions of the State comprised within any hundred.
(2) The Governor may by proclamation extend the application of this Act to any portion of the State outside any hundred.
(3) The Governor may by proclamation declare that this Act shall not apply within any portion of the State comprised within any hundred.
(4) Any proclamation made pursuant to this section may be revoked or varied by proclamation made by the Governor.

PART I.

Short title.

Commencement of Act.

Act to apply only within hundreds and proclaimed areas.

4. The provisions of this Act are arranged as follows :—

Arrangement.

PART I.—Preliminary :

PART II.—Registration of Draught Stallions :

PART III.—Examination of Draught Stallions :

PART IV.—General Provisions.

5. (1) In

PART I.

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Interpretation.

5. (1) In this Act, unless the context otherwise requires—

“Draught stallion” means any male draught horse not wholly castrated and over the age of two years :

“Examination” means examination by a veterinary officer appointed for that purpose under this Act :

“Government certificate of soundness and approval” means with respect to any draught stallion, a Government certificate of soundness and approval (issued for life) which has after examination been issued before the commencement of this Act by direction of the Minister of Agriculture :

“Inspection parade” means a parade of draught stallions for the purpose of examination under this Act, with a view to determining whether or not they are sound :

“Owner” means any owner, lessee, joint owner, or joint lessee of a draught stallion :

“Register” means the Register of Draught Stallions kept pursuant to this Act :

“Registered” means entered pursuant to this Act in the Register :

“Sound” means free from such diseases or defects as are declared by the regulations to constitute hereditary unsoundness, and “soundness” has a corresponding meaning :

“Special inspection parade” means an inspection parade held at the request of the owner of the draught stallion :

“Stud purposes” means mating with mares for the purpose of procreation :

“Veterinary officer” means a person holding a degree or diploma in veterinary science appointed by the Minister to conduct an examination.

(2) A Government certificate of soundness and approval shall be deemed to be in force unless it has been cancelled pursuant to this Act or to the conditions upon which it was issued.

PART II.

PART II.

REGISTRATION OF DRAUGHT STALLIONS.

Registration of draught stallions.

6. After the commencement of this Act every draught stallion shall be registered pursuant to this Act.

Mode of registration.

7. (1) Any person desiring to register a draught stallion shall himself or by his agent give to the Chief Veterinary Officer a description in writing of the draught stallion, embracing such particulars

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as are prescribed, together with a declaration to the truth of the said particulars, and shall pay to the Chief Veterinary Officer the prescribed fee.

(2) The Chief Veterinary Officer shall thereupon give to the said person or his agent a certificate of registration in the prescribed form.

8. Upon compliance with the provisions of subsection (1) of section 7 as to any draught stallion, the draught stallion shall be deemed to be duly registered until the thirtieth day of June next following the registration, and no longer.

Period of registration.

9. When any change takes place in the ownership of a registered draught stallion, and the new owner of the draught stallion within fourteen days of becoming the owner thereof gives notice thereof in the prescribed form to the Chief Veterinary Officer and pays to the Chief Veterinary Officer the prescribed fee, the registration thereof shall continue in force until the expiration of the period for which the draught stallion was registered.

Transfer of registration.

10. (1) The Minister shall cause to be kept a Register of Draught Stallions.

Register of draught stallions.

(2) The Register shall be in such form and shall contain such particulars as are prescribed.

PART III.

PART III.

EXAMINATION OF DRAUGHT STALLIONS.

11. (1) The owner of a registered draught stallion may submit the draught stallion to examination by a veterinary officer.

Examination of draught stallions.

(2) Every application for an examination of a draught stallion shall be made in the prescribed form to the Chief Veterinary Officer, and shall be accompanied by the prescribed fee.

(3) Draught stallions shall be examined by a veterinary officer at an inspection parade at such time and place as the Chief Veterinary Officer appoints, or at a special inspection parade.

12. (1) Any owner who is unable to submit his draught stallion to examination at an inspection parade may, on paying in advance the fee prescribed with regard to a special inspection parade, submit his draught stallion to examination at a special inspection parade.

Special inspection parades.

(2) Any owner may, on paying in advance the fee prescribed with regard to a special inspection parade and any extra cost thereby incurred, submit his draught stallion to examination at a special inspection parade held at his homestead.

13. The owner of every draught stallion submitting it for examination at a parade or elsewhere shall give to the veterinary officer all such particulars relating to the draught stallion as may be required

Owners to give particulars.

by

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by the veterinary officer, or as may be prescribed, and shall in every respect facilitate the examination.

Issue of certificate
of soundness.

14. On completion of any examination at an inspection parade or a special inspection parade (as the case may be) the veterinary officer shall report the result of the examination to the Chief Veterinary Officer who, subject to this Act, if the report shows the draught stallion to be sound, shall issue a certificate of soundness in respect of the draught stallion in the form prescribed.

Appeals from
report of veterinary
officer.

15. (1) If on an application under this Act for the examination of a draught stallion the report of a veterinary officer shows that the draught stallion is not sound, the owner, on application made within the prescribed time and in the prescribed manner and on payment of the prescribed fee (not exceeding Five Pounds), may have the draught stallion examined by an appeal board consisting of the Chief Veterinary Officer, one duly qualified veterinary surgeon, not being a member of the Stock and Brands Department, selected by the Minister, and one duly qualified veterinary surgeon selected by the applicant.

(2) Within fourteen days of making his application the applicant shall forward to the Chief Veterinary Officer the name of the duly qualified veterinary surgeon selected by the applicant as aforesaid together with a statement in writing by the veterinary surgeon of his willingness to act as a member of the appeal board. If the applicant fails to forward the said name and statement as before-mentioned within the said time the Minister shall select a duly qualified veterinary surgeon to act as a member of the appeal board in place of a member selected by the applicant, and the appeal board shall thereupon be constituted accordingly.

(3) The appeal board shall forward to the Minister the result of the examination under this section, and the Minister, after considering the same, shall confirm or vary the report of the veterinary officer.

(4) The said report as so confirmed or varied shall be final, and if the report is that the draught stallion is sound the Chief Veterinary Officer shall issue a certificate of soundness in respect of the draught stallion in the form prescribed.

(5) In addition to the fee payable on an application, there shall be paid by the applicant such sum for or towards the costs and expenses of the examination under this section as, in default of agreement between the applicant and the Chief Veterinary Officer, is fixed by the Minister.

(6) The fee payable on an application under this section shall, if the Minister does not confirm the report of the veterinary officer to which the application relates, be returned to the applicant; and no sum for or towards the costs and expenses of the examination shall in that event be payable by the applicant.

(7) The charges of a member of an appeal board in respect of an application shall be such as are fixed by the Minister and shall be payable out of the Draught Stock Fund.

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16. A certificate of soundness issued in respect of a draught stallion shall remain in force until the thirtieth day of June following the issue thereof, and no longer: Provided—

Period of certificate of soundness.

- I. A certificate of soundness issued not more than three months before the thirtieth day of June in any year shall remain in force until the thirtieth day of June in that year and for twelve months thereafter, and no longer:
- II. In any case where a certificate of soundness has been issued with respect to a draught stallion and the owner thereof applies in the prescribed manner before the thirtieth day of June on which the certificate of soundness would normally expire, submitting the draught stallion for examination, the certificate of soundness shall remain in force until the time appointed in the prescribed manner pursuant to the said application for the examination of the draught stallion and no longer:
- III. A certificate of soundness issued in respect of a draught stallion, which is stated in the certificate to be five years or more of age, shall remain in force until the death or castration of the draught stallion.

17. (1) The Minister may at any time require any draught stallion with respect to which a certificate of soundness has been issued and is in force, to be submitted for examination and report to a veterinary officer and, subject to subsection (2) of this section, may direct the cancellation of the certificate of soundness of any such draught stallion which is reported by the veterinary officer not to be sound.

Cancellation of certificate of soundness.

(2) If the owner of the draught stallion is dissatisfied with the report of the veterinary officer, he may, in accordance with the provisions of section 15, apply to have the draught stallion examined by an appeal board, and the provisions of section 15 shall, *mutatis mutandis*, extend and apply accordingly.

(3) For the purposes of this section a draught stallion, with respect to which a Government certificate of soundness and approval has been issued and is in force, shall be deemed to be a draught stallion with respect to which a certificate of soundness has been issued and is in force.

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PART IV.

GENERAL PROVISIONS.

18. After three months after the commencement of this Act if any draught stallion is not registered pursuant to this Act the owner thereof shall be liable to a penalty of not more than Five Pounds.

Penalty for keeping unregistered draught stallion.

19. (1) After

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Penalty for using draught stallion for stud purposes without a certificate of soundness.

19. (1) After three months after the commencement of this Act any person who uses or permits or allows to be used for stud purposes any draught stallion other than a draught stallion with respect to which a certificate of soundness has been issued and is in force, and also the owner of the draught stallion, shall be liable for a first offence to a penalty of not more than Twenty Pounds, and for a second or subsequent offence (whether committed in connection with the same or some other draught stallion) to a penalty of not less than Twenty Pounds nor more than One Hundred Pounds.

(2) For the purposes of this section a draught stallion, with respect to which a Government certificate of soundness and approval has been issued and is in force shall be deemed to be a draught stallion with respect to which a certificate of soundness has been issued and is in force.

(3) This section shall not apply in any case where a draught stallion is used for the service of a mare which is the exclusive and sole property of the owner of the draught stallion.

Production of certificates of soundness.

20. (1) The person for the time being in charge of a draught stallion shall produce a certificate of soundness issued with respect to the draught stallion at the time of or before the service by the draught stallion of a mare, if so required by the owner of the mare or the person in charge thereof: Provided that this subsection shall not apply in any circumstances to which subsection (3) of section 19 applies.

(2) The person for the time being in charge of a draught stallion shall produce the certificate of registration and the certificate of soundness (if any) issued with respect to the draught stallion at any time if so required by an officer of the Department of Stock and Brands authorised in writing by the Minister, either generally or in any particular case or, if so required, by a member of the Police Force or any prescribed person.

(3) If after three months after the commencement of this Act, any person in charge of a draught stallion fails at any time to produce a certificate of registration or soundness, as the case may be, as required by this section, then either that person or the owner of the draught stallion shall be liable to a penalty of not more than Five Pounds.

(4) For the purposes of this section a Government certificate of soundness and approval, which is in force shall be deemed to be a certificate of soundness.

Duties of owners of certificated draught stallions.

21. The owner of a draught stallion registered under this Act shall—

(a) give notice forthwith to the Chief Veterinary Officer in the prescribed manner of any sale or letting or change in the ownership of the draught stallion or of its castration or death; and

(b) return

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- (b) return the certificate of registration of the draught stallion and any copy thereof and any certificate of soundness of the registered stallion and any copy thereof to the Chief Veterinary Officer forthwith on the expiration of the period during which the certificate remains in force or on the castration or death of the draught stallion (as the case may be).

22. If at any time a draught stallion has been submitted for examination, and after examination a certificate of soundness has not been granted, any person who (except for the purposes of an appeal under this Act) submits the draught stallion for examination under this Act, or causes or permits the draught stallion to be so submitted, shall be liable to a penalty of not more than Fifty Pounds.

Subsequent submission of stallion for examination after refusal of certificate of soundness.

23. (1) Any person who wilfully makes or causes to be made any falsification in or in any manner relating to the Register shall be guilty of a misdemeanour, and shall be liable to be imprisoned for any term not exceeding twelve months.

Penalties for obtaining certificate, etc., by false representation.

(2) Any person who—

- (a) knowingly gives a false answer to any question put to him by a veterinary officer in the course of carrying out the provisions of this Act; or
- (b) is guilty of any contravention of this Act for which a penalty is not expressly provided,

shall be liable to a penalty of not more than Fifty Pounds.

24. If any certificate of registration or soundness of a draught stallion is lost or destroyed the owner may make application to the Chief Veterinary Officer for the issue of a copy of the certificate, and the Chief Veterinary Officer, upon being satisfied of the loss or destruction of the said certificate and upon payment of the prescribed fee, may issue a copy of the certificate in lieu of the certificate lost or destroyed.

Issue of duplicate certificates.

25. (1) No proceedings in respect of any offence against any provision of this Act (other than subsection (1) of section 23), shall be taken without the consent in writing of the Minister.

Institution of legal proceedings.

(2) The said consent may be proved by the production of a notice in the prescribed form to that effect purporting to be signed by the Minister.

26. In any proceedings for an offence against this Act—

Facilitation of proof.

- (a) the production of any bill, poster, or other printed or written matter advertising any draught stallion for stud purposes, or which contains any notification as to any draught

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draught stallion being available for stud purposes shall be *prima facie* evidence that the said draught stallion is being used for stud purposes :

- (b) the allegation in the complaint that a specified horse is a draught stallion shall be *prima facie* evidence of the fact alleged :
- (c) the allegation in the complaint that a draught stallion is not registered under this Act shall be *prima facie* evidence of the fact alleged :
- (d) the allegation in the complaint that a draught stallion is not a draught stallion in respect of which a certificate of soundness has been issued and is in force shall be *prima facie* evidence of the fact alleged :
- (e) the allegation in the complaint that a specified person was at a specified time the owner of a specified draught stallion shall be *prima facie* evidence that that person was at the time alleged the owner of the said draught stallion.

Appropriation of
examination fees
and penalties to
Draught Stock Fund.

27. (1) All moneys received—

- (a) for or on account of fees under this Act ; and
- (b) for or on account of penalties imposed for offences against this Act,

shall be paid to the Treasurer, and shall, together with any moneys provided by Parliament for the purpose, be placed to the credit of a fund to be called the “ Draught Stock Fund.”

(2) The Draught Stock Fund shall be under the control of, and be operated upon by, the Minister, and, subject to this section and to the regulations, shall be administered and applied by him to improving the standard of draught stock, and generally to encouraging the breeding of draught stock, and to no other purpose.

(3) The Draught Stock Fund shall be charged with all the expenses of and incidental to the administration of this Act and of the fund.

(4) In any case where before the commencement of this Act a draught stallion has been used for stud purposes and the owner thereof has received fees for the use of the draught stallion as aforesaid, and within one year after the commencement of this Act, the draught stallion is submitted for examination under this Act and a certificate of soundness is not granted in respect thereof, the Minister may, on application by the owner and on proof of the matters aforesaid, grant out of the Draught Stock Fund to the owner such sum as the Minister may think fit as compensation to the owner for the loss of the prospective fees for the use of the draught stallion for stud purposes which, but for the operation of this Act, the owner of the draught stallion may reasonably have expected to receive. The decision of the Minister shall be final and conclusive.

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conclusive. The Treasurer may, out of moneys provided by Parliament for the purpose, make advances to the Draught Stock Fund for the purpose of providing compensation as aforesaid. Such advances shall, together with interest at such rate as is fixed by the Treasurer, be repaid to the Treasurer from the said Fund at such time as is fixed by the Treasurer.

28. The Chief Veterinary officer shall, at least once in every twelve months and at such other times as directed by the Minister, cause to be published in the *Government Gazette*, and in such other journal or newspaper as the Minister may direct, a list of draught stallions in respect of which certificates of soundness have been issued and are at the time of the publication still in force, or in respect of which Government certificates of soundness and approval have been issued and are at the time of the publication still in force.

Publication of list of certified draught stallions.

29. All proceedings in respect of offences against any provision of this Act (other than subsection (1) of section 23) shall be disposed of summarily.

Procedure.

30. (1) The Governor may make regulations for or with respect to—

Regulations.

- (a) the particulars to be entered in the Register ;
- (b) the forms of certificates of registration and soundness, and of copies of certificates ;
- (c) the conduct of inspection parades and special inspection parades ;
- (d) prescribing the diseases or defects which shall be deemed to constitute hereditary unsoundness ;
- (e) the conditions to be observed in lodging an appeal, the grounds of and the time for lodging the appeal, the appeal board and the procedure thereof ;
- (f) prescribing fees to be payable under this Act ;
- (g) persons who may require the production of certificates of registration or soundness ;
- (h) the granting, without examination, of certificates of soundness with respect to draught stallions which have, after examination, been granted certificates of soundness in any other State of the Commonwealth pursuant to the provisions of any legislative enactment of that State ; the cancellation of any such certificates or of any Government certificates of soundness and approval ;
- (i) the qualifications of veterinary surgeons acting as members of an appeal board ;
- (j) the administration and application of the Draught Stock Fund ; and

(k) generally

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- (k) generally, any other matter or thing necessary or convenient to be prescribed for the purpose of carrying this Act into effect.
- (2) Any regulation may impose a penalty not exceeding Twenty Pounds for any breach of that or any other regulation.

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

A. HORE-RUTHVEN, Governor.