DAIRY CATTLE IMPROVEMENT ACT, 1921-1934.

BEING

DAIRY CATTLE IMPROVEMENT ACT, 1921, No. 1498 OF 1921
[ASSENTED TO 7TH DECEMBER, 1921.]

AS AMENDED BY

STATUTE LAW REVISION ACT, 1934, No. 2168 OF 1934
[ASSENTED TO 15TH NOVEMBER, 1934.]

An Act to provide for the licensing of bulls and for utilizing the money derived from such licensing in encouraging the dairy industry of the State.

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

1. This Act may be cited as the "Dairy Cattle Improvement Act, 1921-1934." Short title.

2. This Act shall come into force on the first day of July, nineteen hundred and twenty-two. Commencement of Act.

3. (1) This Act shall apply only within those portions of the State comprised within any hundred. Act to apply only within hundreds and proclaimed areas.

(2) The Governor may, by proclamation, extend the application of this Act to any other portion of the State, and may, in like manner, revoke any such proclamation.

4. In this Act— Interpretation.

"inspector" means any inspector appointed under this Act:

"licence" means licence for a bull issued under this Act:

"owner," used with reference to a bull, includes any part-owner or lessee of the bull or any person in possession of the bull:

"unlicensed," used with reference to a bull, means that a licence is required by this Act for such bull, but that no such licence is for the time being in force.

Administration: The administration of this Act was by proclamation committed to the Minister of Agriculture: *Gazette* 2nd February, 1922, p. 471.

Governor may appoint inspectors and persons to issue licences.

5. The Governor may, for the purposes of this Act, appoint such inspectors and such persons to issue licences under this Act as he thinks fit.

Every bull over six months old to be licensed.

Cf. U.K., 21 & 22, Geo. 5, c. 43, s. 1 (1).

6. (1) A licence is hereby required for every bull over the age of six months.

(2) If—

(*a*) after the thirty-first day of July in any year, any bull over the age of six months on the first day of the said month is unlicensed; or

(*b*) after the thirty-first day of January in any year, any bull over the age of six months on the first day of the said month is unlicensed,

the owner of such bull shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

Licence fee.

7. There shall be payable for every licence the fee prescribed by the first schedule.

Issue of licences.

8. Every person appointed to issue licences under this Act and every member of the police force who is for the time being in charge of any police station is hereby authorised to issue licences and to receive the prescribed fee therefor.

Licence to issue on application.

U.K., 21 & 22, Geo. 5, c. 43, s. 2.

9. Upon application made in writing in the prescribed form to any person or member of the police force authorised to issue licences under this Act, and upon payment of the prescribed fee, such person or member shall issue to the person applying therefor a licence in the prescribed form for the bull specified in the application.

Duration and effect of licence.

Cf. U.K., 21 & 22, Geo. 5, c. 43, s. 3 (1).

10. (1) Every licence shall be an annual licence, and may be issued at any time.

(2) Every licence shall come into force on the day on which it is issued, and shall continue in force until the thirtieth day of June next after the date of the issue thereof, and whilst so in force shall be effective and operative throughout the State.

Duplicate licences.

11. (1) Any person or member of the police force authorised to issue licences under this Act may, on proof to his satisfaction of the loss or destruction of any licence, and on payment of the fee prescribed by the first schedule, issue to the applicant a duplicate of such licence.

(2) Such duplicate licence shall avail for all purposes as if it were the original licence.

12. Any inspector or any member of the police force may, at any time, enter upon any land or premises where he has reason to believe that there is any bull, and may make such inspection, investigations, and inquiries as he thinks fit for the purpose of ascertaining whether any bull is unlicensed.

Power of entry and inspection.

Cf. U.K., 21 & 22, Geo. 5, c. 43, s. 4 (1) (b).

13. (1) Any inspector or any member of the police force may do any of the following things:—

Power to require name and address and production of licence.

U.K., 21 & 22, Geo. 5, c. 43, s. 4 (2).

I. He may require the owner or any person in charge of any bull to state his name and address, and, if such person is not the owner, the name and address of the owner of the bull;

II. He may require the owner of any bull to produce the licence for such bull; or

III. He may require the owner of any bull to satisfy him as to the age of such bull.

(2) If—

(*a*) the owner or person in charge of any bull, upon being required as aforesaid, refuses or fails to state his name or address or the name or address of any owner of the bull, or states a false name or address;

(*b*) the owner of any bull, upon being required as aforesaid, fails to produce the licence for the bull; or

(*c*) the owner of any bull, upon being required as aforesaid refuses to satisfy the inspector or member of the police force as to the age of the bull,

he shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty pounds: Provided that in the case of a requisition to produce a licence, the owner shall not be guilty of an offence if the licence is produced to the inspector or member of the police force within forty-eight hours of the making of the requisition.

14. Any person who in any way obstructs, hinders, prevents, or interferes with any inspector or any member of the police force in the exercise of any of the powers conferred or the discharge of any of the duties imposed on him by this Act shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding ten pounds.

Obstruction of officers.

U.K., 21 & 22, Geo. 5, c. 43, s. 10.

Appropriation of licence fees and penalties to Dairy Cattle Fund.

15. (1) All moneys received—

(*a*) for or on account of fees for licences; and

(*b*) for or on account of penalties imposed for offences against this Act,

shall be paid to the Treasurer, to be by him placed to the credit of a fund (which fund is hereby constituted) to be called the "Dairy Cattle Fund."

(2) The Dairy Cattle Fund shall be under the control of and be operated upon by the Minister, and, subject to the regulations, shall be administered and applied by him to improving the standard for dairy cattle, and generally to promoting and encouraging the dairying industry of the State, and to no other purpose.

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

Regulations. U.K., 21 & 22, Geo. 5, c. 48, s. 11 (1).

16. (1) The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed, for the purpose of more effectually carrying out any of the provisions of this Act, or for better effecting the objects or purposes of this Act, including, though without limiting the operation of this section, regulations with respect to the administration and application of the Dairy Cattle Fund.

(2) Any such regulation may fix a penalty not exceeding in any case the sum of ten pounds for a breach of the same or of any other regulation.

Offences to be reported to Minister, who may direct prosecution.

17. (1) Every offence against this Act shall be reported to the Minister.

(2) No proceedings for any such offence shall be taken without the consent in writing of the Minister.

(3) Such consent may be proved by the production of a document in the form in the second schedule, or to the like effect, purporting to be signed by the Minister.

(4) Proceedings may be taken by any inspector or any member of the police force.

18. In any proceedings in respect of an offence against this Act, the onus shall be on the defendant to prove— Onus of proof. **Amended by S.L.R. Act, 1934.**

(*a*) that the person named in the complaint as being the owner of any specified bull was not such owner; and

(*b*) that any bull mentioned in the complaint as being unlicensed was not unlicensed.

19. All proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings for offences.

* * * * * * * * * * * **Ss. 20 and 21 repealed by S.L.R. Act, 1934.**

22. (1) No matter or thing done by any inspector or any member of the police force in good faith for the purpose of executing this Act shall subject such inspector, or member, or the Crown, to any liability in respect thereof. Protection to officers.

(2) No action shall be brought against any inspector or any member of the police force for or on account of any matter or thing done or committed by him in the execution, or intended execution, of his duty or office under this Act, unless such action is commenced within six months after the cause of action arises.

THE SCHEDULES.

THE FIRST SCHEDULE. Sections 6, 10.

Fees Payable for Licences.

	s.	d.
For a licence for any bull over the age of six months on the first day of July in any year	10	0
For a licence for any bull not over the age of six months on the first day of July in any year, but over such age on the first day of January in the next year	5	0
For a duplicate licence	1	0

THE SECOND SCHEDULE. Section 17.

Dairy Cattle Improvement Act, 1921.

Consent of Minister.

I, the Hon. , the Minister of the Crown to whom the administration of the Dairy Cattle Improvement Act, 1921, is for the time being committed by the Governor, hereby consent to proceedings being taken by (1) against (2) , for an alleged offence against the said Act.

(1) Here insert the name of the proposed informant, and state whether an inspector or a member of the police force.

(2) Here insert full name, address, and occupation of proposed defendant.

Regulations.

The following regulations were in force under this Act on 22nd March, 1937:—

Gazette—11th May, 1922, p. 1218.
10th August, 1922, p. 277.
20th August, 1925, p. 424.
12th April, 1928, p. 774.
29th May, 1930, p. 1005.
14th May, 1936, p. 1002.