

DAIRY CATTLE IMPROVEMENT ACT, 1921-1972

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];
Dairy Cattle Improvement Act Amendment Act, 1940, No. 49 of 1940 [Assented to 28th November, 1940];

Dairy Cattle Improvement Act Amendment Act, 1955, No. 9 of 1955 [Assented to 29th September, 1955]¹;

Dairy Cattle Improvement Act Amendment Act, 1960, No. 47 of 1960 [Assented to 24th November, 1960];

Dairy Cattle Improvement Act Amendment Act, 1968, No. 16 of 1968 [Assented to 28th November, 1968];

Dairy Cattle Improvement Act Amendment Act, 1972, No. 29 of 1972 [Assented to 13th April, 1972]²;

and

Dairy Cattle Improvement Act Amendment Act (No. 2), 1972, No. 111 of 1972 [Assented to 23rd November, 1972]³.

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, 1921-1972".

Short title.
Citation
amended by
111, 1972,
s. 1 (2).

2. This Act shall come into force on the first day of July, 1922⁴.

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:

¹ For application of amendments made by Act No. 9 of 1955, see s. 2 (2) of that Act.

² Came into operation 1st July, 1973: *Gaz.* 22nd February, 1973, p. 632.

³ Came into operation 1st July, 1973, being the day on which Act No. 29 of 1972 came into operation. See Act No. 111 of 1972, s. 2.

⁴ Reference to the year nineteen hundred and twenty-two altered to 1922 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

“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.

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.

Bulls over twelve months old to be licensed.

Subsec. (1) amended by 47, 1960, s. 3; 29, 1972, s. 3 (a), (b), (c); substituted by 111, 1972, s. 3¹.

6. (1) A licence is hereby required for every bull over the age of twelve months used as a herd sire for dairy purposes.

Subsec. (2) substituted by 16, 1968, s. 2; amended by 29, 1972, s. 3 (d).

(2) If after the thirty-first day of July in any year any bull over the age of twelve months on the first day of that month is unlicensed, the owner of that bull shall be guilty of an offence against this Act and, on conviction, shall be liable to a penalty not exceeding forty dollars.

Licence fee. S. 7 amended by 29, 1972, s. 4.

7. There shall be payable for every licence issued after the day of commencement of the Dairy Cattle Improvement Act Amendment Act, 1972, the fee prescribed by the first schedule.

S. 7a enacted by 49, 1940, s. 2; repealed by 47, 1960, s. 4.

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Issue of licences.

S. 8 amended by 29, 1972, s. 5.

8. Every person appointed to issue licences under this Act is hereby authorized to issue licences and to receive the prescribed fee therefor.

Licence to issue on application. S. 9 amended by 29, 1972, s. 6 (a), (b).

9. Upon application made in writing in the prescribed form to any person authorized to issue licences under this Act, and upon payment of the prescribed fee, such person 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.

Subsec. (1) amended by 16, 1968, s. 3.

10. (1) Subject to subsection (2) of this section, 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.

Subsec. (1) amended by 29, 1972, s. 7.

11. (1) Any person authorized 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.

Power of entry and inspection.

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.

¹ For commencement of Act No. 111 of 1972, see footnote 3 on p. 4 ante.

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.

- 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—

Subsec. (2) amended by 16, 1968, s. 4.

- (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 forty dollars: 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 twenty dollars.

Obstruction of officers.
S. 14 amended by 16, 1968, s. 5.

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".

Appropriation of licence fees and penalties to 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.

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.

Regulations.

Subsec. (2)
amended by
16, 1968, s. 6.

(2) Any such regulation may fix a penalty not exceeding in any case the sum of twenty dollars 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.

Onus of proof.

18. In any proceedings in respect of an offence against this Act, the onus shall be on the defendant to prove—

Para. (a)
amended by
2168, 1934, s. 4,
2nd sched.

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

Para. (b)
amended by
2168, 1934,
s. 4, 2nd sched.

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

Summary
proceedings for
offences.

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

Ss. 20 and 21
repealed by
2168, 1934, s. 4,
2nd sched.

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Protection to
officers.

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.

Subsec. (2)
struck out by
29, 1972, s. 8.

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THE SCHEDULES

THE FIRST SCHEDULE

Section 7.
1st Sched.
amended by
9, 1955,
s. 2 (1) (a),
(b)¹;
substituted by
16, 1968, s. 7;
amended by
29, 1972,
s. 9 (a), (b).

Fees payable for Licences and Duplicate Licences

For a licence for any bull over the age of twelve months on the first day of July in any year ... \$4

For a duplicate licence 10c

¹ For application of amendments, see Act No. 9 of 1955, s. 2 (2).

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.
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