

Horse-breeding Bill.

EXPLANATORY NOTE.

THE object of this Bill is to bring about a greatly-needed improvement in the standard of horses by preventing the use of undesirable stallions. Provision is made for inspection by inspecting authorities who will report on the type, conformation, and breeding of stallions and their freedom from hereditary disease. The inspecting authorities will consist either of a Government Veterinary Surgeon and two other persons who are competent judges of horses, or of a Government Veterinary Surgeon acting alone. In the former case, questions as to hereditary disease will be solely for the determination of the Veterinary Surgeon.

Appeal against decisions of an inspecting authority lies to an appeal board selected from a panel of referees appointed for the purpose.

Approved stallions will be registered, and none but registered stallions may be used for breeding purposes.

James D. ...

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No. , 1924.

A BILL

To improve the breed of horses; to provide for the inspection and registration of stallions and that only registered stallions may be used for breeding purposes; and for purposes connected therewith.

[CAPTAIN CHAFFEY;—7 August, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Horse-breeding Act, 1924." Short title and application.

(2) Subject to the next succeeding subsection this Act shall come into operation on the first day of January, one thousand nine hundred and twenty-five.

(3) The Governor may divide the State into districts for the purposes of this Act, and may by proclamation, published in the Gazette, define such districts, and may by the same or other proclamations from time to time appoint dates on which this Act, or such parts thereof as are specified in the proclamation, shall come into force in each district respectively. 5 10

Interpretation.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“Appeal board” means a board constituted under this Act for the purpose of hearing appeals.

“Approved standard” means a satisfactory standard in respect of type, conformation, and breeding. 15

“Owner” includes any person (other than a mortgagee not in possession) claiming jointly or severally any right, title, or interest in any stallion, and any person in possession or charge of a stallion. 20

“Prescribed” means prescribed by this Act or the regulations.

“Registered” means registered in pursuance of the provisions of this Act. 25

“Registrar” means the registrar appointed under the provisions of this Act.

“Stallion” means any male horse or donkey not wholly castrated and over the age of two years. 30

“Unsoundness” means any one or more of such diseases as may by the regulations be declared to be unsoundness, and “sound” and “unsound” shall, mutatis mutandis, have a corresponding interpretation. 35

“Veterinary officer” means a veterinary surgeon in the employment of the Department of Agriculture.

“Veterinary surgeon” means a veterinary surgeon registered under the provisions of the Veterinary Surgeons Act, 1923, and possessing the qualifications described in subsection one of section thirteen of that Act. 40 **3.**

- 3.** (1) The Minister may appoint such boards of inspection as he deems necessary for the purposes of this Act, and may define the districts within which such boards of inspection shall act. Boards of inspection.
- 5 (2) A board of inspection shall consist of—
(a) a veterinary officer; and
(b) two persons of good repute who, in the opinion of the Minister, are competent judges of horses.
- (3) A board of inspection shall be an inspecting
10 authority within the meaning of this Act.
- 4.** The Governor may at any time after the first day of January, one thousand nine hundred and twenty-seven, by notification in the Gazette, terminate the appointment of any board of inspection. Substitution of veterinary officer for board.
- 15 After the date of such notification in the districts to which it relates, an inspecting authority for the purposes of this Act shall be a veterinary officer.
- 5.** (1) The owner of every stallion shall, not later than the first day of March in each year, forward to the registrar a notice containing the prescribed particulars of such stallion. Owner to give prescribed particulars of stallion.
- (2) If the owner desires to have the stallion registered, he shall forward with the notice an application in the prescribed form for inspection of the stallion.
- 25 Such application shall be accompanied by the prescribed fee.
- 6.** (1) Inspections of stallions shall be held by an inspecting authority at such times and places as shall be notified in the prescribed manner. Inspection.
- 30 (2) If an owner requires the inspection of a stallion at a time or place other than that notified under subsection one of this section, he shall make application therefor in the prescribed manner and shall in addition to the prescribed fee pay to the registrar before such
35 inspection the expenses of the inspection as estimated by the registrar.
- (3) No person shall be entitled to the inspection of a stallion at a time or place other than that notified under subsection one of this section if in the opinion
40 of the registrar the inspection cannot conveniently be made, having regard to the distance to be travelled, or the time at the disposal of the inspecting authority.
- (4)

Assistance to
be given by
owner.

(4) The owner of any stallion submitted for inspection or for examination by an appeal board shall give to the inspecting authority or appeal board (as the case may be) such particulars relating to the stallion as may be prescribed, and shall render any reasonable assistance required by the inspecting authority or board. 5

Inspecting
authority,
&c., may
refuse inspec-
tion where
dangerous.

(5) If in the opinion of an inspecting authority or appeal board (as the case may be) the inspection or examination of a stallion would be attended with danger, the inspecting authority or board may refuse to inspect or examine the stallion until adequate provision has been made to obviate danger. 10

Report of
inspection.

7. (1) As soon as practicable after the inspection of a stallion, the inspecting authority shall forward to the registrar a report in the prescribed form. 15

(2) No stallion shall be deemed to be approved by an inspecting authority unless—

(a) where the inspecting authority is a board of inspection the veterinary officer on such board certifies that the stallion is sound, and a majority of the members of the board certifies that the stallion is of an approved standard; or 20

(b) where the inspecting authority is a veterinary officer he certifies that the stallion is sound and is of an approved standard. 25

Appointment
and duties of
registrar.

8. (1) The Governor shall appoint a registrar for the purposes of this Act.

(2) The registrar shall enter in a register, to be known as the "Register of Stallions," the prescribed particulars of all stallions approved by an inspecting authority or by an appeal board, and shall issue certificates of registration to the owners of such stallions. 30

(3) The registration of a stallion shall be for a period recommended by the inspecting authority, and may be for the life of the stallion or any specified period, provided that the period shall not exceed one year in respect of a stallion under the age of five years. The period of the registration shall be endorsed on the certificate. 40

(4)

(4) The registrar shall, in the month of July of each year, cause a list of registered stallions in the prescribed form to be prepared, and a notification to be published in the Gazette stating that the list has been prepared, where copies may be obtained, and the charge therefor.

Registrar to prepare list of registered stallions.

9. (1) The registrar may, by notice as prescribed, require the owner of any stallion registered as aforesaid to submit the stallion to further inspection by a veterinary officer, at a time and place specified in the notice.

Registrar may require further inspection.

(2) The veterinary officer shall for the purposes of such further inspection be an inspecting authority.

15 (3) If the veterinary officer reports that the stallion is unsound, or if the stallion is not submitted for inspection at the time and place specified in the notice, the registrar may cancel the registration of the stallion, and the owner shall thereupon return to the registrar the certificate issued in respect thereof.

20 10. (1) The owner of a stallion may within the prescribed time and in the prescribed manner appeal against the report of an inspecting authority which alleges that the stallion is unsound or not of approved standard.

Appeal from report of inspecting authority.

25 (2) Before the hearing of any appeal the appellant shall pay to the registrar the prescribed fee, together with such sum for the costs and expenses of examination as the registrar may decide.

30 (3) For the purpose of hearing such appeals, there shall be constituted a panel of referees, which shall consist of—

- (a) such veterinary surgeons; and
- (b) such other persons, being in the opinion of the Minister competent judges of horses,

35 as the Minister may appoint.

(4) An appeal made under subsection one of this section shall be considered by an appeal board consisting of the chief veterinary officer of the Department of Agriculture and two members of the panel of referees nominated by the Minister for hearing the appeal: Provided that when the appeal is against a report which alleges that the stallion is unsound, the two members shall be veterinary surgeons. (5)

(5) The appeal board shall, subject to the provisions of subsection five of section six of this Act, examine any stallion in respect of which an appeal has been lodged under this section, and shall confirm or vary the report of the inspecting authority. The decision of the board of appeal shall be final. 5

(6) When the report appealed against does not allege that the horse is unsound, the board of appeal may postpone its decision for any period not exceeding twelve months. 10

(7) If the report of the inspecting authority is not confirmed by the board of appeal, any moneys paid by the appellant under subsection two of this section shall be refunded to him. Such moneys shall not be refunded in any case in which the appellant fails to proceed with his appeal. 15

(8) The fee and expenses to be paid to a referee in respect of an appeal shall be determined by the Minister.

Castration.

11. (1) Where an inspecting authority reports that any stallion is unsound or is not of approved standard and— 20

(a) no appeal against such report as provided for in section ten of this Act has been lodged within the time prescribed therefor; or 25

(b) the appeal board has confirmed the report, the registrar shall within three weeks after the expiration of the time prescribed as aforesaid or after the decision of the appeal board confirming the report, as the case may be, serve a notice on the owner of the stallion requiring him to cause the stallion to be castrated within a period specified in the notice. 30

(2) Any owner who fails to comply with the provisions of this section or with the requirements of any such notice within the period therein specified shall be liable to a penalty not exceeding *twenty* pounds, and to an additional penalty not exceeding *one* pound for every day after the expiration of the said specified period during which he fails to comply with such requirements. 35

(3) A notice under this section may be served on any owner either personally or by registered letter addressed to his usual or last known place of abode or residence. 40

12.

12. (1) The owner of every registered stallion shall before the thirtieth day of June in each year pay the prescribed fee in respect of the stallion. Annual fee.

(2) The registrar may cancel the registration of a stallion in respect of which the prescribed fee has not been paid.

(3) If the registration of a stallion has been cancelled under this section, the registrar may renew the registration upon payment of the prescribed fee.

10 13. (1) The owner of a stallion registered under this Act shall— Change of ownership, &c.

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

15 (b) return the certificate of registration of the stallion to the registrar on the castration or death of the stallion.

(2) If a stallion registered under this Act is sold or let for a period exceeding six months, or if the ownership of a stallion so registered is otherwise changed, the register shall be altered accordingly, and the certificate of registration of the stallion shall, on application to the registrar, be transferred to the new owner by indorsement on the certificate or otherwise; but unless so transferred, the registration and the certificate shall cease to be in force at the expiration of one month after the change of ownership. Alteration of register.

14. (1) No person shall use or permit to be used an unregistered stallion for breeding purposes. Unregistered stallion not to be used for breeding purposes.

(2) Any person contravening the provisions of this section shall be liable for the first offence to a penalty not exceeding *five* pounds, and for the second and any subsequent offence to a penalty not exceeding *fifty* pounds.

15. (1) In any proceedings under this Act or in connection with the registration of a stallion the onus of proof of the age of any stallion shall be on the owner thereof. Onus of proof of age of stallion.

Evidence of registration

- (2) In any such proceedings—
- (a) the production of a printed paper purporting to contain the latest list of registered stallions, and to be printed by the Government Printer, shall be prima facie evidence that the stallions mentioned therein and no others are registered for the periods therein stated; 5
- (b) the production of a copy of any entry in the register purporting to be certified under the hand of the registrar shall be prima facie evidence of the entry. 10

Exhibiting advertisements, &c., re unregistered stallions.

16. (1) No person shall exhibit or publish any statement, whether by way of advertisement or otherwise, intimating that an unregistered stallion is available for breeding purposes. 15

(2) Any person contravening the provisions of this section shall be liable to a penalty not exceeding *twenty* pounds.

(3) In any proceedings under this section, proof of the exhibition or publication of any such statement shall be prima facie evidence of exhibition or publication by the owner of the stallion therein mentioned. 20

(4) This section shall not apply to the editor, printer, or publisher of any newspaper who, bona fide and without negligence, publishes any such statement, not knowing at the time of the publication that the stallion referred to was unregistered. 25

Use of title of "registered stallion."

17. (1) No person shall use (either alone or in combination with any other words or letters), with respect to an unregistered stallion, the name or title of "registered stallion," or a name, title, addition, or description implying that the stallion is registered or is recognised by law as a registered stallion. 30

(2) Any person who knowingly uses any such name or title or addition or description in contravention of this section shall be liable to a penalty of not more than *fifty* pounds. 35

Offences.

18. (1) Any person who—

- (a) wilfully makes or causes to be made a false entry in, or falsification of the register, or a false copy of any entry therein; or 40

(b)

- (b) wilfully procures or attempts to procure the registration of any stallion by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing ; or
- 5 (c) forges or unlawfully alters, offers, utters, or puts off, knowing the same to be forged or unlawfully altered, any certificate of registration ; or
- 10 (d) knowingly gives any false particulars or information in relation to a stallion to the registrar or an inspecting authority or appeal board,

shall be liable upon summary conviction to imprisonment for a term not exceeding *six* months, and to a penalty

15 not exceeding *one hundred* pounds.

(2) Any person who contravenes or fails to comply with any provision of this Act shall, unless a penalty is otherwise specifically provided in this Act for such failure or contravention, be liable upon summary

20 conviction to a penalty not exceeding *fifty* pounds.

19. (1) The Governor may make regulations pre-Regulations.
scribing—

- (a) the forms which shall be used under this Act ;
- 25 (b) the method of registration and cancellation of registration of stallions ;
- (c) the method of service of notices required by this Act or the regulations ;
- (d) the manner of inspection and examination of stallions ;
- 30 (e) the particulars which may be required by an inspecting authority or appeal board or the registrar in respect of any stallion ;
- (f) the payment of fees ;
- 35 (g) the manner of appeal from the decision of an inspecting authority ;
- (h) the terms upon which stallions registered under Acts regulating horse-breeding in other States of the Commonwealth may be registered in this State without further inspection ; and
- 40 (i) generally all matters necessary or expedient for carrying out the provisions or purposes of this Act.

(2) The regulations may impose a penalty not exceeding *fifty* pounds for any breach thereof. Any such penalty may be recovered before a stipendiary or police magistrate, or any two justices of the peace in petty sessions. 5

(3) The regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of the publication or from a later date to be specified in the regulations; 10
- (iii) be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament 15 passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House, disallowing any regulation or part thereof, the regulation or part shall thereupon 20 cease to have effect.