

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1923.

A BILL

To provide for the inspection and registration of stallions; that only registered stallions may be used for stud purposes; for the payment of premiums in respect of approved stallions; and for purposes connected therewith.

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. This Act may be cited as the "Horse-breeding Short title. Act, 1923," and shall come into operation on the day of one thousand nine hundred and

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.

“Board of inspection” means a board appointed under the provisions of this Act for the inspection of stallions.

“Minister” means the Minister of Agriculture.

“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.

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

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

“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.

“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.

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

3. The chief veterinary officer of the Department of Agriculture shall be the registrar for the purposes of this Act.

4. (1) The Minister shall 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.

(2) A board of inspection shall consist of—

(a) a veterinary officer; and

(b)

(b) two persons of good repute who shall be competent judges of horses.

(3) A board of inspection shall be an inspecting authority within the meaning of this Act.

5. The Governor may at any time after the expiration of two years from the date of the commencement of this Act, by notification in the Gazette, terminate the appointment of boards of inspection. Substitution of veterinary officer for board.

From and after the date of such notification, an inspecting authority for the purposes of this Act shall be a veterinary officer.

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.

(2) Application for inspection of a stallion shall be made to the registrar in the prescribed manner before the first day of March in each year and shall be accompanied by the prescribed fee.

(3) 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 in addition to the prescribed fee pay to the registrar before such inspection the expenses incurred thereby as estimated by the registrar, but no person shall be entitled to the inspection of a stallion at a time or place other than that notified under subsection one if in the opinion of the registrar such inspection cannot reasonably be made, having regard to distance to be travelled, or the time at the disposal of the inspecting authority.

7. The owner of any stallion submitted for inspection shall give to the inspecting authority or veterinary officer (as the case may be) such particulars relating to the stallion as may be prescribed, and shall render any reasonable assistance required by such inspecting authority or officer.

8. If in the opinion of any inspecting authority or veterinary officer (as the case may be) the inspection of any stallion would be attended with danger such inspecting authority or veterinary officer may refuse to inspect such stallion until adequate provision has been made to obviate such danger.

9.

Horse-breeding.

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

(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 such board certifies that the stallion is of an approved standard ;
or

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

(3) 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, and shall issue certificates of registration to the owners of such stallions.

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

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

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

11. (1) The owner of a stallion may within the prescribed time and in the prescribed manner appeal against the report of an inspecting authority, or of a veterinary officer, which alleges that such stallion is unsound or not of approved standard. (2)

(2) Such appeal shall be accompanied by the prescribed fee, and such sum for the costs and expenses of examination as the registrar may decide.

(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 competent judges of horses,

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 such appeal: Provided that when such appeal is against a report which alleges that the stallion is unsound, such two members shall be veterinary surgeons.

(5) The appeal board shall 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 or veterinary officer. The decision of the board of appeal shall be final.

(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.

(7) If the report of the inspecting authority or veterinary officer is not confirmed by the board of appeal, the amount of the prescribed fee and of the costs and expenses paid by the owner shall be refunded to him.

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

12. The registrar shall, in the month of _____ 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 such list has been prepared, where copies may be obtained, and the charge therefor.

13. (1) The owner of every registered stallion shall before the _____ day of _____ in each year pay the prescribed fee in respect of such stallion. (2)

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

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

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

- (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
- (b) return the certificate of registration of the stallion to the registrar on the castration or death of the stallion (as the case may be).

15. 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 such stallion shall, on application to the registrar, be transferred to the new owner by indorsement of 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.

16. Not less than one half of the amount of fees received under this Act shall be applied in the payment of premiums for approved stallions, or for such other purpose in connection with improving the breeding of horses as the Minister may from time to time decide.

17. (1) No person shall use or permit to be used any unregistered stallion for stud 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.

18. (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.

- (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 such periods as are therein stated ;
 - (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 such entry.

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

(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.

(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 such publication that the stallion referred to was unregistered.

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

(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.

21. Any person who—

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

(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
- (c) forges or unlawfully alters, offers, utters, or puts off, knowing the same to be forged or unlawfully altered, any certificate of registration,

shall be liable to imprisonment for a term not exceeding *two* years, and to a penalty not exceeding *one hundred* pounds.

22. The Governor may by notice in the Gazette exempt from the operation of this Act any specified portion of the State.

23. (1) The Governor may make regulations prescribing—

- (a) the forms which shall be used under this Act ;
- (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 of stallions ;
- (e) the particulars which may be required by an inspecting authority, veterinary officer, or appeal board or the registrar in respect of any stallion ;
- (f) the payment of fees ;
- (g) the manner of appeal from the decision of an inspecting authority or veterinary officer, and the payment of and disposal of fee upon such appeal ;
- (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
- (i) generally all matters necessary or expedient for carrying out the provisions or purposes of this Act.

(2) Such 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.

(3)

-
- (3) Such regulations shall—
- (i) be published in the Gazette;
 - (ii) take effect from the date of such publication or from a later date to be specified in such regulations;
 - (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 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, such regulation or part shall thereupon cease to have effect.
-