

PROOF

No. , 1935.

# A BILL

To improve the breed of certain horses; to provide for the inspection and registration of certain stallions; to restrict the use for breeding purposes of stallions which are required to be registered but are not registered; and for purposes connected therewith.

**B**E 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, 1935."

Short title and commencement.

Horse-breeding.

(2) This Act shall commence upon the first day of January in such year as may be appointed by the Governor, and notified by proclamation published in the Gazette.

(3) The Governor may from time to time, by proclamation published in the Gazette, exempt any part of the State from the operation of all or any of the provisions of this Act during such period as may be specified in the proclamation.

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.

“ Chief Veterinary Surgeon ” means the Chief Veterinary Surgeon of the Department of Agriculture and includes any person for the time being acting in his place.

“ 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.

“ Regulations ” means regulations made under this Act.

“ Stallion ” means any male horse or donkey not wholly castrated and which is over the age of two years, but does not include any thoroughbred horse entered in the Australian Stud Book or any horse entered in the Australian Stud Book for Trotters.

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

“ Veterinary

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

5 “ 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.

10 3. (a) The owner of every stallion shall, not later than the first day of March in each year, forward to the Chief Veterinary Surgeon a notice containing the prescribed particulars of such stallion, and shall if he desires to have the stallion registered, forward with such notice the prescribed fee for registration. Registra-  
tion.

15 (b) The fees so collected shall be paid into an account in the Special Deposits Account in the Treasury to be called the Horse-breeding Account, and the said fund shall be used to defray the expenses involved in the administration and carrying out of the provisions  
20 of this Act, and for such other purposes as may from time to time be approved by the Minister.

4. (1) Every owner of a stallion who applies for the registration thereof shall submit the stallion to examination by a veterinary officer at a stallion examination  
25 parade. Stallion  
examination  
parades.

(2) Stallion examination parades shall be held at such times and places as shall be notified in the prescribed manner.

30 (3) If an owner requires the examination of a stallion at a time or place other than that notified under this section, he shall make application therefor in the prescribed manner and shall in addition to the prescribed fee pay to the Chief Veterinary Surgeon before such examination the expenses of the examination  
35 as estimated by the Chief Veterinary Surgeon.

(4) No person shall be entitled to the examination of a stallion at a time or place other than that notified under this section if in the opinion of the Chief  
Veterinary

Veterinary Surgeon the examination cannot conveniently be made, having regard to the distance to be travelled, or the time at the disposal of the veterinary officer.

(5) The owner of any stallion submitted for examination by a veterinary officer or by an Appeal Board shall give to the veterinary officer 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 veterinary officer or Appeal Board.

(6) If in the opinion of a veterinary officer or Appeal Board (as the case may be) the examination of a stallion would be attended with danger, the veterinary officer or Appeal Board may refuse to examine the stallion until provision has been made which in his or its opinion is adequate to obviate danger.

Report by examining officer.

5. (1) As soon as practicable after the examination of a stallion by a veterinary officer he shall forward to the Chief Veterinary Surgeon a report in the prescribed form.

(2) No stallion shall be deemed to be approved unless the veterinary officer or Board of Appeal examining the stallion reports to the Chief Veterinary Surgeon that the stallion is not unsound and is of approved standard.

(3) The Chief Veterinary Surgeon shall cause to be entered in a register the prescribed particulars of each approved stallion, and shall cause to be issued a certificate of registration in or to the effect of the prescribed form to the owner of the stallion.

Period of registration.

6. The registration of each stallion and the certificate of registration issued thereon shall come into force on the thirty-first day of August next following the date of issue of the certificate and shall remain in force for one year.

Cancellation of certificate.

7. (1) The Chief Veterinary Surgeon may, by notice as prescribed, require the owner of any stallion registered as aforesaid to submit the stallion to further examination by a veterinary officer at a time and place specified in the notice.

(2)

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

8. (1) The owner of a stallion may within the prescribed time and in the prescribed manner appeal against the report of a veterinary officer which alleges that the stallion is unsound or not of approved standard.

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

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

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

(4) An appeal made under this section shall be considered by an Appeal Board consisting of the Chief Veterinary Surgeon 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) The Appeal Board shall, subject to the provisions of subsection six of section four 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 veterinary officer.

The decision of the Board of Appeal shall be final.

(6) Where 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)

(7) If the report of the veterinary officer 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. 5

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

Registered stallions over five years of age.

9. Any stallion being five or more years of age which after due examination has been registered under this Act shall not, except by direction of the Minister, be subject to further examination under this Act. 10.

Notice of sale, etc.

10. (1) The owner of a stallion registered under this Act shall— 15.

(a) give notice forthwith to the Chief Veterinary Surgeon in the prescribed manner of any sale or leasing 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 Chief Veterinary Surgeon on the castration or death of the stallion. 20

(2) If a stallion registered under this Act is sold or is leased 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 Chief Veterinary Surgeon, be transferred to the new owner by endorsement 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. 25 30

Unregistered stallion not to be used for breeding purposes.

11. (1) On and after the thirty-first day of August next following the commencement of this Act, a person shall not use or permit to be used an unregistered stallion for breeding purposes. 35

This

This subsection shall not extend to the use of an unregistered stallion for breeding purposes at any time during the period of three years next following the said thirty-first day of August, if such stallion is used only  
 5 with mares which are the property of the owner of the stallion and a license as prescribed has been issued in respect of the stallion to the owner thereof.

(2) Any person contravening the provisions of this section shall be liable, upon summary conviction,  
 10 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.

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

(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,  
 20 shall be prima facie evidence that the stallions mentioned therein and no others are registered for the periods therein stated;

(b) the production of a copy of any entry in the register purporting to be certified under the hand of the Chief Veterinary Surgeon shall be  
 25 prima facie evidence of the entry.

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

(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  
 35 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)

(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. 5

Use of title "registered stallion."

**14.** (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. 10

(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. 15

Offences and penalties.

**15.** (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
- (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 20
- (c) forges or unlawfully alters, offers, utters, or puts off, knowing the same to be forged or unlawfully altered, any certificate of registration; or 25
- (d) knowingly gives any false particulars or information in relation to a stallion to the Chief Veterinary Surgeon or a veterinary officer or Appeal Board. 30

shall be liable upon summary conviction to imprisonment for a term not exceeding *six* months, and to a penalty not exceeding *one hundred* pounds. 35

(2)



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

**16.** (1) The Governor may make regulations not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act; and in particular and without prejudice to the generality of the foregoing power, the Governor may prescribe—

- (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 and examination of stallions;
- (e) the particulars which may be required by a veterinary officer or Appeal Board or the Chief Veterinary Surgeon in respect of any stallion;
- (f) the payment of fees;
- (g) the manner of appeal from the decision of a veterinary officer;
- (h) the manner in which and the person by whom licenses referred to in section eleven of this Act may be issued, the duration of any such license, the terms and conditions to be observed by the holder of any such license, and the fee payable for the issue thereof;
- (i) the terms upon which stallions registered under Acts regulating horse-breeding in other States of the Commonwealth and other countries may be registered in this State without further inspection; and
- (j) the diseases or defects which shall be deemed to constitute unsoundness.

(2)

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(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—

- (a) be published in the Gazette;
- (b) take effect from the date of the publication or from a later date to be specified in the regulations; 10
- (c) be laid before both Houses of Parliament within fourteen sitting days after such publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. 15

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 20 regulation or part shall thereupon cease to have effect.

