

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1919.

A BILL

To provide that only approved stallions shall be used for stud purposes; and for purposes consequent thereon or incidental thereto.

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 "Stallions Act, 1919." It shall commence and come into operation on the day of , one thousand nine hundred and

2. In this Act, unless the context otherwise indicates,—

“Agricultural Society” means any Agricultural, Horticultural, and Pastoral Society, Agricultural and Pastoral Society, or Agricultural or Horse Breeding Association, which registers for the purpose of this Act with the board of control as prescribed.

“Government veterinary surgeon” means veterinary surgeon employed by the Department of Agriculture.

“Owner” means any owner, whether jointly or in severalty, or person in possession or charge of any stallion.

“Prescribed” means prescribed by this Act or by any regulation made thereunder.

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

“Stud purposes” means the service of mares by stallion.

“The board of control” means the board of control as constituted by this Act.

“The inspecting board” means the board appointed under this Act to inspect stallions.

“The register” means the register of stallions kept in pursuance of this Act.

“The chief veterinary officer” means the senior government veterinary surgeon.

“The Minister” means the Minister for Agriculture.

3. As soon as may be after the commencement of this Act, a board of control shall be appointed by the Governor as follows :—

Two members shall be nominated by the Royal Agricultural Society of New South Wales.

Four members shall be elected as prescribed by other Agricultural Societies in the State.

Two members shall be nominated by the Minister, such members shall be the Under Secretary for Agriculture and the Chief Veterinary Officer.

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The elected members shall hold office for a period of three years, and shall be eligible for re-election.

The said Under Secretary shall be president of the board.

Four members shall form a quorum.

4. (1) The board of control shall, as soon as may be after it is constituted, and may from time to time appoint in the prescribed manner such inspecting boards as may be required to inspect stallions.

(2) An inspecting board shall consist of—

- (a) a Government veterinary surgeon appointed by the chief veterinary officer, and such veterinary surgeon shall examine for soundness; and
- (b) two persons of standing and repute, nominated as prescribed, who shall be competent judges of horses.

5. The inspection and examination of stallions shall be carried out at such times and places and in such manner as the board of control may direct. Owners of stallions shall give facilities to the inspecting board to make such inspection.

6. (1) An inspecting board shall report as prescribed to the board of control with respect of all stallions inspected by them. On receipt of such report the board of control shall so inform the Stock Branch of the Department of Agriculture, and the said branch shall cause to be issued certificates in respect of such stallions as have been approved by such inspecting board, and shall cause the names of such stallions, with such other particulars as may be prescribed, to be entered on a register of stallions to be kept in pursuance of this Act. A copy of such register shall from time to time be printed in the Gazette.

(2) Any person aggrieved by the report of the inspecting board under this section may appeal to the board of control.

7. (1) The sum of twenty shillings shall be paid to the Stock Branch, Department of Agriculture, by the owner of any stallion on the issue of a certificate in respect thereof, and annually thereafter so long as the name of such stallion is on the register.

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(2) Not less than one-half of the total amount so paid, together with any additional moneys that may be similarly appropriated, shall annually be apportioned by the Minister, on the recommendation of the board of control, for the purpose of providing premiums for approved stallions, or for such other purpose as may from time to time be decided upon, for the purpose of effecting improvement in the breeding of horses.

8. (1) A stallion shall not be used for stud purposes unless a certificate under this Act has been issued in respect of the stallion, and the name of the stallion is on the register; provided that the above provisions shall not apply to any stallion which is over the age of five years at the commencement of this Act.

(2) If any person contravenes any provision of this section he shall be liable for the first offence to a penalty not exceeding *five* pounds, for the second offence to a penalty not exceeding *twenty-five* pounds, and for the third offence to a penalty not exceeding *one hundred* pounds.

(3) In any proceedings for a breach of this section the onus of proving that a certificate has been issued in respect of that stallion or that such stallion was over the age of five years at the commencement of this Act shall be on him. In such proceedings the production of the register or of the Gazette purporting to contain a copy of the register shall be *prima facie* evidence that the stallions the names of which appear therein and no others are on the register.

9. (1) The Minister may on the recommendation of the board of control make such regulations as may from time to time be considered necessary for carrying out the provisions of this Act and may in such regulations impose any penalty not exceeding *twenty* pounds for any breach thereof.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and

(iii)

(iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

10. Any person failing to carry out any requirement or committing any breach of this Act or of any regulation thereunder, and for which a penalty is not specially provided, shall be liable to a penalty not exceeding *five* pounds.

11. Any penalties under this Act or the regulations made thereunder may be recovered in a summary way before a stipendiary or police magistrate or any two justices in petty sessions.

12. This Act shall apply throughout New South Wales unless the Minister, on the recommendation of the board of control, notifies in the Gazette that any particular locality or district is exempted from the provisions of this Act, in which case this Act shall thereupon cease to apply in such locality or district. The Minister may, by a like notification, amend or revoke any notification made under this section.

13. Any advertisement, whether in a newspaper or not, and any written or printed matter in the nature of an advertisement, which states or implies that any stallion is available for stud purposes, shall be prima facie evidence that the said stallion is being used for such purposes.
