

STALLIONS.

12° GEO. V., No. XVII.

No. 17 of 1921.

AN ACT to provide for the Certification and Registration of Stallions and for other relative purposes.

[Assented to 29th November, 1921.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Stallions Act*, 1921, and shall come into operation on the first day of January, nineteen hundred and twenty-two. Short title and commencement.

2. In this Act, subject to the context—

Interpretation.

“Inspector” means the Chief Inspector of Stock appointed under the Stock Diseases Act, 1895:

“Minister” means the Minister for Agriculture:

“Owner” includes part owner or lessee:

“Parade” means a parade of stallions for inspection and examination, and includes a special parade of one or more stallion or stallions:

“Register” means the register of stallions provided for in this Act.

“Registrar” means the registrar of stallions under this Act:

“Stallion” means an entire male horse two years of age or over:

“Standard” means standard as regards type, conformation, and breeding:

“Stud purposes” means the service of mares by a stallion:

“Uncertificated stallion” means a stallion in respect of which there is no certificate under this Act in force:

“Unsoundness” means any hereditary or transmissible unsoundness or disease which may be declared by proclamation to be unsoundness within the meaning of this Act:

“Veterinary surgeon” means a registered veterinary surgeon within the meaning of the Veterinary Act, 1911.

Applications for certificates.

3. Any owner of a stallion who desires to obtain a certificate in respect thereof under this Act shall, in the prescribed manner—

- (a) apply to the Inspector for the issue of a certificate of the desired description;
- (b) forward with such application a fee of one pound.

Secretary to Inspector.

4. (1.) The Governor may appoint a secretary to the Inspector and such officers as may be necessary for the purposes of carrying out this Act.

(2.) The secretary to the Inspector shall be the registrar under this Act.

Examining authorities.

5. (1.) The Inspector shall from time to time appoint, in the prescribed manner and subject to the prescribed conditions, such examining authorities as he may deem necessary for the examination of stallions.

(2.) An examining authority shall consist of—

- (a) a veterinary surgeon approved by the Governor; and
- (b) two persons of good repute being competent judges of horses to be nominated as prescribed.

(3.) The decision of the examining authority shall, on the question of whether a stallion is affected with unsoundness, be in accordance with the opinion of the veterinary surgeon alone, and on the question whether the animal conforms to a reasonable standard, it shall be in accordance with the opinion of the majority of the examining authority.

(4.) If the examining authority shall decide that the stallion is not affected with unsoundness and is not below a reasonable standard, it shall in its report to the Inspector signify its approval of the stallion and its allowance of the issue of one of the descriptions of certificate hereinafter mentioned in respect thereof, but otherwise a certificate shall be refused, and such refusal reported to the Inspector.

6. (1.) Inspections and examinations of stallions shall be held, conducted, and carried out in such manner and at such times and places annually as the Inspector may direct and appoint, and he may appoint general or special parades to be held for the purpose of such inspections and examinations.

Inspections and examinations of stallions.

(2.) Whenever the Inspector appoints a parade to be held at grounds under the control of or used by any agricultural or pastoral association or society, the council or executive body of such association or society shall provide a suitable place for holding the parade and conducting the examination of stallions, and shall give the examining authority every reasonable assistance in the arrangements for and in connection with the parade and examination.

Agricultural Societies and owners to facilitate parades and examinations.

(3.) Any owner who is unable to submit his stallion to examination at a general parade may, on paying in advance the prescribed fee, submit his stallion to examination at a special parade to be appointed by the Inspector.

(4.) The owner of every stallion submitting it for examination at a parade or elsewhere shall give to the examining authority all such particulars relating to the stallion as may be required by such authority, or may be prescribed, and shall in every respect facilitate the examination.

7. (1.) Every examining authority shall, as soon as may be after each examination of stallions, report in writing as prescribed to the Inspector with respect to all stallions examined by such authority.

Examining authority to report.

(2.) On receipt of such report by the Inspector, the registrar shall, under his direction, cause to be issued in the case of all stallions approved by the examining authority the description of certificate allowed by that authority.

Certificates to be issued.

8. (1.) There shall be two descriptions of certificate, one termed a "season certificate," the other a "life certificate."

Season certificates and life certificates.

Every season certificate shall be issued for a period commencing not earlier than the first day of July in any year and ending on the thirtieth day of June, in the immediately succeeding year.

Life certificates shall be issued only in respect of stallions of or over the age of five years, and shall, subject to this Act, last for the life of the animal.

In case any person has applied for a life certificate in respect of a stallion, and it shall appear that he is not entitled to that description of certificate but is entitled to a season certificate, then the latter description of certificate shall, if he so desires, be issued to him.

Inspector may require re-examination of stallion.

(2.) Notwithstanding the issue of a season certificate or life certificate in respect of a stallion, the Inspector, if of opinion that a stallion is affected with unsoundness, may require the owner or person in charge of the stallion to submit it for examination during the currency of the certificate, and may cancel the certificate in the event of the stallion being found, on such examination, to be affected with unsoundness, or in the event of the stallion not being submitted for such examination as directed by the Inspector.

(3.) Such fee as may be prescribed shall be paid to the registrar by the owner of a stallion prior to the issue of every certificate in respect of such stallion; and where a life certificate has been issued in respect of a stallion a fee of one guinea shall, so long as the life certificate continues in force, be paid annually by the owner of the stallion to the registrar upon demand being made therefor in the prescribed manner, and in the event of non-payment of any such fee the Inspector may cancel the certificate.

Register of certificated stallions.

9. (1.) The registrar shall keep a register of certificated stallions in accordance with the regulations, and shall enter therein the prescribed particulars.

List to be gazetted annually.

(2.) The registrar shall in the prescribed month in each year, commencing with the year one thousand nine hundred and twenty-two, cause to be published in the *Gazette* a list of stallions in respect of which season certificates have been taken out for the then current year, and a list of stallions in respect of which life certificates have been granted and are still in force.

10. No uncertificated stallion shall be used for stud purposes except on mares the property of the owner or one of the owners of the stallion, and no person shall stand or travel or permit or be party or privy to the standing or travelling of any uncertificated stallion for stud purposes:

No uncertificated stallion to be used for stud purposes.

Provided that this section shall not have effect in any defined portion of the State in which the Governor may by an Order in Council declare that this section shall not apply, but any such Order in Council may be altered or revoked.

11. (1.) If on an application under this Act for a certificate for a stallion a certificate is refused the owner may, on application made by way of appeal within the time and in the manner prescribed, have the stallion examined by an appeal board consisting of the Inspector and such two members of the panel of referees constituted under this section as the Minister selects.

Appeals from refusal of certificate.

(2.) The appeal board shall forward to the Minister the result of the examination under this section, and the Minister, after considering the same, shall either allow or dismiss the appeal or vary the decision appealed from; and the Minister's decision shall be final and shall be given effect to.

(3.) When the appeal is against the refusal of a certificate, wholly or partly on the ground of the stallion being below a reasonable standard, the appeal board may postpone its report for any period not exceeding one year, and during the period of postponement the stallion shall be deemed to be uncertificated.

(4.) For the purposes of examination under this section there shall be constituted a panel of referees consisting of such veterinary surgeons and other competent persons as the Minister shall select and appoint.

(5.) Every appellant under this section shall on lodging his application pay the prescribed fee not exceeding four pounds, and in default of such payment the application shall be treated as a nullity.

(6.) The Minister shall decide if any and what portion of the application fee shall be returned to an appellant and may direct an appellant to pay such sum for or towards the costs, charges, and expenses of and incidental to the examination hereunder as the Minister shall deem just, and any sum

so directed to be paid may be recovered by the Registrar by complaint before justices in manner set out in the Justices Act, 1902-1920.

Offences and penalties.

12. (1.) The contravention by any person of any section or provision of this Act, whether by act or omission, shall be deemed an offence against this Act.

(2.) Every offence against this Act for which no specific penalty is provided shall be punishable on summary conviction by a fine not exceeding Fifty pounds.

(3.) This section does not apply to the contravention of any regulation.

Evidence.
Onus of proof.

13. In any prosecution under this Act an averment in the complaint—

(a) that a stallion is uncertificated; or

(b) that a stallion is of or under or over a certain age;
or

(c) that the defendant is the owner or one of the owners of a stallion,

shall be deemed to be proved until the contrary has been proved, and the production of any bill, poster, or other printed or written matter advertising any stallion for stud purposes shall be *primâ facie* evidence that such bill, poster, or other advertising matter was used to advertise the stallion named and described therein by or with the consent of the owner of the said stallion, and that the person (if any) named therein as owner of the stallion is such owner.

Regulations.

14. (1.) The Governor may from time to time make regulations for all or any of the matters following:—

(a) Prescribing and regulating the holding and conducting of parades of stallions and the inspection and examination of stallions at parades and elsewhere:

(b) Prescribing the events in which and the conditions subject to which special examinations of stallions may be held in cases where owners of stallions fail to submit them at parades:

(c) Prescribing the conditions to be complied with and the particulars to be furnished by owners of stallions for the purposes of this Act:

- (d) Prescribing the form of register and the manner of keeping and controlling the same:
- (e) Prescribing the forms and regulating the granting and issuing of certificates in respect of stallions, and prescribing any other forms for use under this Act:
- (f) Regulating the procedure in respect of appeals, and the method of taking evidence at a distance:
- (g) Regulating or prescribing all matters which by this Act are required or permitted to be regulated or prescribed, or which the Governor deems necessary or convenient for carrying out the provisions of this Act.

(2.) Such regulations may impose any penalty, not exceeding Five pounds, for any breach thereof.

15. (1.) The Governor may from time to time, by proclamation, exempt any portion of the State from the operation of this Act, and may at any time revoke any such proclamation.

Exemption of portions of State from operation of Act.

(2.) Whilst any such proclamation is in force, this Act shall not be operative in the portion of the State thereby exempted.

16. The Governor may by regulation provide that any special kind of certificate granted under a statute in force in any State of the Commonwealth or other part of the King's Dominions shall be of the same force and validity in this State as if it had been granted under the authority of this Act, provided that the Governor has first satisfied himself that such State or other part of the King's Dominions accords recognition to certificates granted under this Act.

Provisions as to reciprocity.

17. The expenses of administering and enforcing this Act (including the reasonable expenses and charges of members of the panel of referees or any examining authority as allowed by the Minister) shall be paid out of the consolidated revenue fund, which is hereby permanently appropriated to the necessary extent accordingly.

Expenses of administration.
Appropriation.