

DAIRY CATTLE IMPROVEMENT.

No. 36 of 1922

(as amended by No. 18 of 1932*).

AN ACT for the Registration of Bulls and the Improvement of Dairy Cattle.

[Assented to 23rd December, 1922.]

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 *Dairy Cattle Improvement Act, 1922-1932*, and shall come into operation on the first day of January, one thousand nine hundred and twenty-three.

Short title and commencement.
cf. No. 18 of 1932, s. 6.

2. (1.) This Act shall apply only in those portions of the State comprised within areas defined from time to time by an Order in Council published in the *Gazette*.

Act to apply only within prescribed areas.
See S.A., No. 1498, s. 3.

(2.) Any such Order in Council may, by a subsequent Order, be altered or revoked.

3. In this Act—

“Inspector” means an inspector appointed under this Act.

Interpretation.
See ibid., s. 4.

“Owner,” used with reference to a bull, includes any part owner or lessee of a bull, or any person in possession of the bull.

Inserted by No. 18 of 1932, s. 2.

“Pure-bred bull” means a bull whose parents are of the same breed, and who are registered in their breed stud-book.

“Registration” means the registration of a bull under the provisions of this Act.

* Assented to 6th December, 1932.

“Unregistered,” used with reference to a bull, means that registration is required by this Act and that no such registration for the time being is in force.

Inspectors.
See S.A. No.
1498, s. 5.

4. The Governor may appoint such officers of the Department of Agriculture as he thinks fit to be inspectors for the purposes of this Act.

Bulls to be
registered.
See S.A., No.
1498, s. 6.

5. (1.) Registration under this Act is hereby required for every bull kept within an area defined under section two.

(2.) If, after the commencement of this Act, any unregistered bull over the age of nine months is kept within an area defined under section two of this Act, the owner of such bull shall be guilty of an offence.

Penalty: Twenty pounds.

Method of
registration.
See *ibid.*, ss.
7-11.

Repealed and
re-enacted by
No. 18 of
1932, s. 3.

6. (1.) For the purpose of registration bulls shall be classified as—

- (a) pure-bred bulls; and
- (b) grade bulls,

according as they are pure-bred bulls or bulls which are not pure-bred.

(2.) Registration of pure-bred bulls shall be required only once, and shall continue during the life of the pure-bred bull so registered.

The registration shall be effected in the prescribed manner, at the Department of Agriculture, in Perth, on payment of a fee of ten shillings; and a certificate of registration in the prescribed form shall be issued to the owner of the bull.

(3.) Registration of grade bulls shall be effected annually in the prescribed manner, at the Department of Agriculture, in Perth, on payment of a fee of five shillings; and a certificate of registration in the prescribed form shall be issued to the owner of the bull.

(4.) On proof of the loss of any certificate of registration, and payment of a fee of two shillings and sixpence, a duplicate certificate may be issued.

Registration
to be renewed
annually. See
S.A. No.
1498, s. 10.
Amended by
No. 18 of
1932, s. 4.

7. Every registration of a grade bull shall be in force from the day on which it is made until the first day of January next ensuing and no longer, and shall be again effected in the like manner from year to year:

Provided that every such registration effected within twenty-one days after the first day of January in any year shall be deemed to have been made on that day.

8. Any inspector may at any time enter upon any land or premises where he has reason to believe that there is a bull and make such inspection, investigations, and inquiries as he thinks fit for the purpose of ascertaining whether the bull is registered.

Power of entry and inspection. S.A. No. 1498, s. 12.

9. (1.) Any inspector may—

- (a) require the owner or any person in charge of a bull to state his name and address, and, if the person in charge of the bull is not the owner, the name and address of the owner;
- (b) require the owner of a bull to produce the certificate of registration of such bull.

Power to require name of owner and production of certificate of registration. *Ibid.*, s. 13.

(2.) If—

- (a) the owner or person in charge of any bull, upon being required as aforesaid, refuses or fails to state his name or address, or the name or address of any owner of the bull, or states a false name or address; or
- (b) the owner of any bull, upon being required as aforesaid, without reasonable excuse, fails to produce such certificate of registration for the bull,

he shall be guilty of an offence.

Penalty: Twenty pounds.

10. Any person who in any way obstructs, hinders, or interferes with any inspector in the exercise of his duty under this Act shall be guilty of an offence.

Obstruction of officers.

Penalty: Twenty pounds.

11. (1.) Registration of any bull in either class of bulls may be refused if, in the opinion of the superintendent of dairying appointed for the purposes of this Act, the bull is below a reasonable standard:

Appeals from refusal of registration. See W.A., 1921, No. 17, s. 11.

Provided that if on application to the Department of Agriculture registration is refused, the owner may, within the time and in manner prescribed, appeal from

Amended by No. 18 of 1932, s. 5.

such refusal to an appeal board consisting of the Dairy Expert of the Department, and two other members, being cattle breeders, to be appointed by the Minister.

(2.) The appeal board may allow or dismiss the appeal, and the decision of the board shall be final.

(3.) Every appellant under this section shall on lodging his appeal with the Department of Agriculture pay a prescribed fee, not exceeding three pounds, and in default of such payment the appeal shall be treated as a nullity; the fee to be returned to the appellant if the appeal is upheld by the Board. If an appeal is upheld, the Board may award to the appellant such reasonable costs as the Board in its discretion thinks fit.

(4.) If, after registration has been refused under this section, an owner is convicted under section five of keeping such unregistered bull, the Board may order the bull to be emasculated, and it shall be lawful for an inspector to cause the bull to be emasculated accordingly at the owner's risk and expense.

12. In any prosecution under this Act, an averment in the complaint that a bull is unregistered, or that a bull is over the age of nine months, or that the defendant is the owner of a bull, shall be deemed to be proved until the contrary has been proved.

13. (1.) Every offence against this Act shall be reported to the Minister; and no proceedings for any such offence shall be taken without the consent of the Minister.

(2.) Such consent may be proved by the production of a memorandum in writing purporting to be signed by the Minister.

(3.) Subject thereto, proceedings may be taken by any inspector.

14. (1.) No matter or thing done by any inspector in good faith for the purpose of executing this Act shall subject such inspector or the Crown to any liability in respect thereof.

(2.) No action shall be brought against any inspector for or on account of any matter or thing done or committed by him in the execution, or intended execution,

Evidence.
See W.A.,
1921, No. 17,
s. 13. S.A.,
No. 1498, s.
18.

Offences to be
reported to
Minister and
proceedings
authorised by
him.
S.A., No.
1498, s. 17.

Protection to
officers.
S.A., No.
1498, s. 22.

of his duty or office under this Act, unless such action is commenced within six months after the cause of action arises.

15. The Governor may make regulations prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed, for the purpose of more effectually carrying out any of the provisions of this Act, or for better effecting the objects or purposes of this Act; and imposing a penalty not exceeding ten pounds for the breach of any such regulation.

Regulations.
S.A. No.
1498, s. 16.