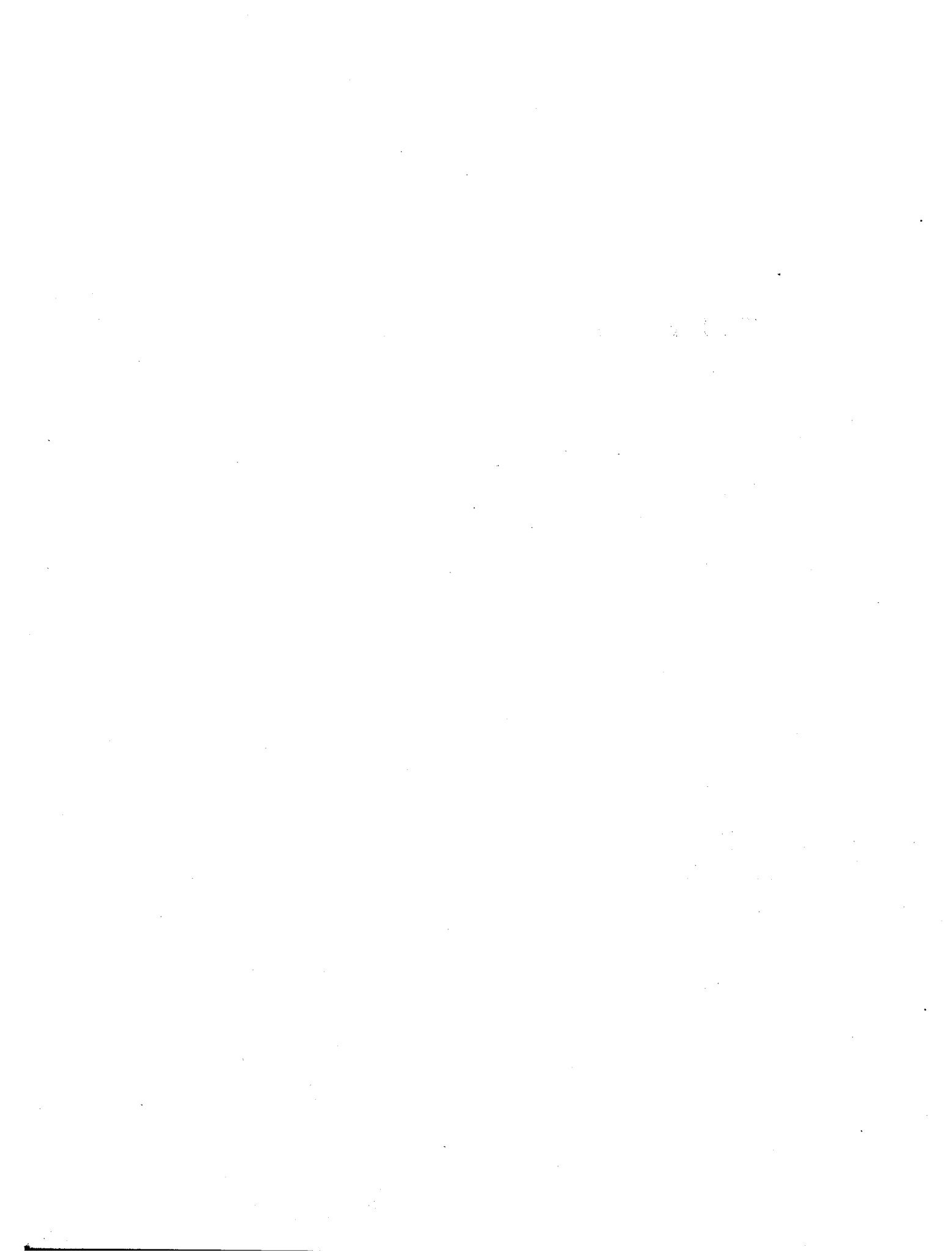


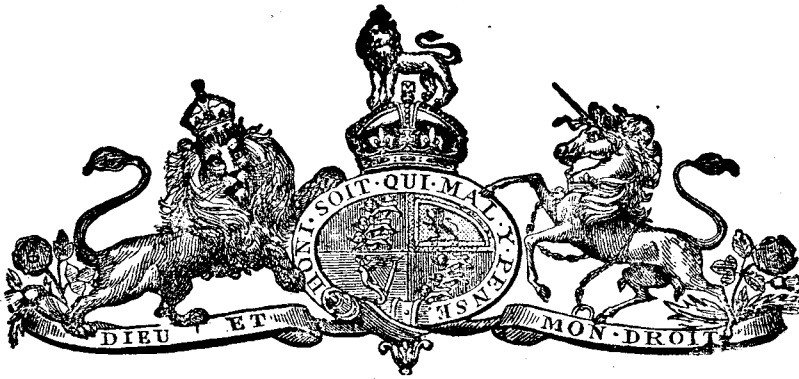
# THE STALLIONS REGISTRATION ACT, 1916.

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T A S M A N I A.

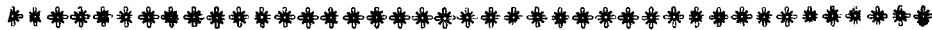


1916.

ANNO SEPTIMO

GEORGII V. REGIS.

No. 43.



AN ACT to provide for the Registration of Stallions, and for other purposes. A.D. 1916.  
[8 February, 1917.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1** This Act may be cited as “The Registration of Stallions Act, 1916,” and shall come into operation on the First day of July, One thousand nine hundred and seventeen. Short title and commencement.

- 2** In this Act, unless the context otherwise requires—
- |  |                             |
|--|-----------------------------|
| “Board” means the Board of Control and Appeal constituted under this Act :                                     | Interpretation.<br>“Board.” |
| “Certificate” means the prescribed certificate of approval granted by the examining authority under this Act : | “Certificate.”              |
| “Examination” means examination by the examining authority appointed for that purpose under this Act :         | “Examination.”              |
| “Examining Authority” means the authority appointed under this Act to examine stallions :                      | “Examining authority.”      |

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<p>A.D. 1916.</p> <p>“ Government Veterinary Surgeon.”</p> <p>“ Minister.”</p> <p>“ Owner.”</p> <p>“ Parade.”</p> <p>“ Registrar.”</p> <p>“ Register.”</p> <p>“ Stallion.”</p> <p>“ Standard.”</p> <p>“ Stud purposes.”</p> <p>“ The said Council.”</p> <p>“ Uncertificated stallion.”</p> <p>“ Unsoundness.”</p>	<p>“ Government Veterinary Surgeon ” means the Government Veterinary Surgeon for the time being of this State, and includes an acting Government Veterinary Surgeon :</p> <p>“ Minister ” means the responsible Minister of the Crown for the time being controlling the Department of Agriculture of this State :</p> <p>“ Owner ” means every person (other than a mortgagee not in possession), claiming jointly or in severalty any right, title, or interest in any stallion, and includes any manager, agent, or other person in possession or charge of any stallion :</p> <p>“ Parade ” means a parade of stallions for inspection and examination :</p> <p>“ Registrar ” means the person for the time being holding the office of secretary and registrar by appointment under this Act, and includes an acting secretary and registrar :</p> <p>“ Register ” means the register of stallions kept in pursuance of this Act :</p> <p>“ Stallion ” means an entire male horse Two years of age or over :</p> <p>“ Standard ” means standard as regards type, conformation, and breeding :</p> <p>“ Stud purposes ” means the service of mares by stallion :</p> <p>“ The said Council ” means the Agricultural Show Council of Tasmania :</p> <p>“ Uncertificated stallion ” means a stallion in respect of which a certificate under this Act is not in force :</p> <p>“ Unsoundness ” means any one or more of the following hereditary unsoundnesses, namely :—Roaring, curb, thorough-pin and bursal enlargements, ringbone, bog spavin, nasal disease (<i>osteo porosis</i>), sidebone, bone spavin, chorea (“shivering” or “nervy”), or any other hereditary or transmissible unsoundness or disease which the Governor may, by proclamation, declare to be “unsoundness” for the purposes of this Act.</p>
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Board of Control and Appeal established.

**3—**(1) There is hereby established a Board of Control and Appeal (hereinafter referred to as the Board) consisting of Six members.

(2) The members of the Board shall from time to time be appointed by the Governor, and the members who are not *ex officio* members shall hold office for terms of Three years, and may be re-appointed.

(3) The permanent head for the time being of the Department of Agriculture of this State, or, during any vacancy in that office, the Acting-Director of Agriculture, and the Government Veterinary Surgeon shall, *ex officio*, be members of the Board.

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The other Four members of the Board shall be appointed on the recommendation of the Agricultural Show Council of Tasmania. **A.D. 1916.**

(4) The recommendation of the said Council shall be made in such manner as the Governor may direct.

(5) If the said Council fails to make any recommendation in accordance with such directions, or to recommend a sufficient number of persons, the Governor may from time to time appoint such number of fit persons as may be required, and the persons so appointed shall be deemed to have been appointed on the recommendation of the said Council.

(6) The permanent head for the time being of the Department of Agriculture of this State, or, during any vacancy in that office, such member of the Board as the Board shall from time to time appoint, shall be Chairman of the Board.

**4—(1)** A member of the Board other than an *ex officio* member may resign his office by giving notice of his resignation in writing to the Registrar. **Duration of office.**

(2) A casual vacancy occurring through death, resignation, or otherwise in the office of a member of the Board may be filled by the appointment of a fit person under and subject to the provisions of this Act regulating the appointment of the person whose office is vacant. **Casual vacancies.**

(3) A person appointed to fill a casual vacancy shall hold office for so long only as the vacating member would have held it.

**5—(1)** The Board shall hold meetings at such times and places as it thinks fit. **Meetings of the Board.**

(2) At all meetings of the Board the Chairman, if present, shall preside. **Chairman to preside.**

(3) At any meeting of the Board at which the Chairman is not present the Board shall elect One of the members present to preside at that meeting, and the member so elected shall at that meeting have all the powers and privileges of the Chairman. **Acting-chairman.**

(4) During a vacancy on the Board the continuing members may act as if no vacancy had occurred. **Vacancy on Board.**

(5) Any Four members of the Board shall be a quorum, and shall have and may exercise all the powers and authority conferred upon the Board by this Act. **Quorum.**

**6** The Board is hereby entrusted with the making of, and empowered to make, all arrangements necessary or expedient for effectuating the objects and purposes of this Act; and the matters to which this Act relates shall, subject to the provisions herein contained, be under and subject to the control, management, and superintendence of the Board. **General control vested in Board.**

**7** Subject to the provisions of this Act and the regulations, the Board may regulate its own procedure. **Board may regulate its own procedure.**

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Minutes of proceedings to be kept.

Secretary to Board.

Appointment of examining authority.

Inspections and examinations of stallions.

Agricultural societies and owners to facilitate parades and examinations.

**8**—(1) The Board shall keep accurate minutes of all its proceedings in fit books.

(2) Extracts from such books shall be *prima facie* evidence of the matters therein stated, and of the meetings to which the same relate having been duly and regularly convened and held.

**9** The Governor may, on the recommendation of the Public Service Board, from time to time appoint some officer of the Department of Agriculture to be Registrar and Secretary of the Board, and such person may hold that office in conjunction with his office in that Department.

**10**—(1) The Board shall, as soon as may be after it is constituted, and may from time to time appoint in the prescribed manner such examining authorities as may be required to examine stallions.

(2) An examining authority shall consist of—

- i. The Government Veterinary Surgeon; and
- ii. Two persons of good repute, being competent judges of horses, to be nominated as prescribed.

(3) Subject to appeal to the Board—

- i. The Government Veterinary Surgeon alone shall decide whether or not a certificate under this Act shall be refused in respect of a stallion on the ground of its being affected with unsoundness:
- ii. The examining authority shall decide whether or not a certificate under this Act shall be refused in respect of a stallion on the ground that the stallion is below a reasonable standard as regards type, conformation, and breeding.

**11**—(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 Board may direct and appoint.

(2) Whenever the Board appoints a parade to be held at grounds under the control of or used by an 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.

(3) 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.

(4) If the owner of any stallion requests the examination of such stallion at his homestead for the issue of a certificate, such examination shall take place upon his payment of the cost incurred therein.

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**12** The examining authority shall, as soon as may be after each examination of stallions, report as prescribed to the Board with respect to all stallions examined by such authority.

A.D. 1916.

Examining authority to report.

Certificates to be issued.

On receipt of such report the Board shall forthwith furnish the Department of Agriculture with a true copy thereof, and the permanent head of that Department, or, during a vacancy in that office, the Acting-Director of Agriculture, shall thereupon cause to be issued, in the cases of all stallions approved by the examining authority, the prescribed certificate granted by that authority, and shall cause the names of such stallions, with such other particulars as may be prescribed, to be entered in a register to be kept in accordance with the regulations.

Register to be kept.

**13**—(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.

(2) Subject to the provisions of Subsection (3) of this section, where life certificates have been issued in respect of stallions prior to the commencement of this Act by the Department of Agriculture, and are in force, the owners of such stallions shall be entitled to receive in exchange for such certificates life certificates under this Act in respect of such stallions without examination under this Act.

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

Board may require a re-examination.

(4) 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 Board may cancel the certificate.

Fee payable.

**14**—(1) The Registrar shall in the prescribed month in each year commencing with the year One thousand nine hundred and seventeen 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 then still in force.

List of certificated stallions to be gazetted annually.

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(2) A copy of the "Gazette" purporting to contain any such list, or a document purporting to be signed by the Registrar, and to be a copy of any such list, shall be evidence that the stallions named in such copy of the "Gazette" or in such document are stallions in respect of which certificates have been issued as therein appearing and for the period therein set forth, and the absence of the name of any stallion from such copy or document, as the case may be, shall be *prima facie* evidence that such stallion is an uncertificated stallion.

Permitting  
uncertificated  
stallions to stand  
or travel is an  
offence.

Penalty.

**15**—(1) No person shall stand or travel any stallion for stud purposes or permit the same unless a certificate under this Act shall have been issued in respect of such stallion and is then in force.

(2) If any person contravenes any provision of this section he shall be liable, on summary conviction, for the First offence, to a penalty of not less than Five Pounds nor more than Twenty-five Pounds, and for the Second or any subsequent offence, to a penalty of not less than Twenty-five Pounds nor more than Fifty Pounds.

Onus of proof.

(3) In any proceedings for a breach of this section the onus of proving—

- i. That a certificate has been issued in respect of a stallion and is in force; and
- ii. The age of a stallion—

shall lie on the defendant.

Appeal from  
refusal of certifi-  
cate.

**16**—(1) Any owner of a stallion who is dissatisfied with the refusal of a certificate in respect of the stallion, may appeal from such refusal to the Board at any time within Thirty days of the examination, and the following provisions shall apply:—

- i. The appeal shall be in writing and be accompanied by a deposit of Five Pounds, to be forfeited in the event of the appeal not being upheld, unless the Board shall, for good cause, otherwise direct:
- ii. The appeal shall be accompanied by a satisfactory undertaking, in writing, to pay any travelling and hotel expenses incurred by the Board in connection with the appeal:
- iii. If the certificate shall have been refused on the ground of unsoundness, the appeal shall be accompanied by a certificate from a veterinary surgeon stating that the stallion has been found by him on examination, since the refusal appealed from, to be free from all unsoundness:
- iv. If the certificate shall have been refused on the ground of the stallion being below standard, the appeal shall be accompanied by a certificate from the president or chairman and Two members of the council or executive body of the association or society under whose auspices the parade was held, stating that in their opinion the stallion is of fit and proper type, conformation, and breeding, to be approved as a stud horse.



*Stallions Registration.*

(2) The Board shall hear and determine the appeal, and its decision shall be final and conclusive. A.D. 1916.

(3) In the event of the appeal being allowed—

- I. Refund shall be made of the deposit, and any expenses paid by the appellant, under Paragraph II. of Subsection (1) of this section : and
- II. The Board may recommend the Minister to grant to the appellant so much of his expenses in supporting his appeal as it may consider reasonable under the circumstances of the case, and the Minister may, in his discretion, confirm the recommendation in whole or in part, whereupon payment of the amount allowed shall be made to the appellant accordingly out of the Consolidated Revenue :
- III. The Board shall forthwith furnish the Department of Agriculture with a record of its decision in the prescribed form, and the permanent head of that Department, or, during a vacancy in that office, the Acting-Director of Agriculture, shall thereupon cause to be issued to the owner of the stallion the prescribed certificate in respect of such stallion.

**17—**(1) The Governor may, on the recommendation of the board from time to time make regulations for all or any of the matters following :— Regulations.

- i. Prescribing and regulating the holding and conducting of parades of stallions and the inspection and examination of stallions at parades or elsewhere.
- ii. 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 :
- iii. Prescribing the conditions to be complied with and the particulars to be furnished by owners of stallions for the purposes of inspections and examinations or of this Act :
- iv. Prescribing the form of the register and the manner of keeping and controlling the same :
- v. 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 :
- vi. Regulating the procedure of the Board concerning appeals, the conducting of appeals, and the method of taking evidence at a distance :
- vii. Regulating and determining the scale or amount to be paid to members of the Board or examining authority (not being officers of the public service), for travelling allowances or expenses :

*Stallions Registration.*

A.D. 1916.

VIII. 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.

Provisions as to reciprocity.

**18** The Board may from time to time, with the consent of the Governor, make arrangements with the Government of any part of the British Dominions for the reciprocal recognition of certificates.

Expenses of administration.

**19** The expenses of administering and enforcing this Act shall be defrayed out of moneys from time to time appropriated by Parliament for the purpose.

Evidence of advertisement.

**20** The production of any bill, poster, or other printed or written matter advertising any stallion for stud purposes shall be *prima 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.

Procedure.

**21** All informations for offences against the provisions of this Act or the regulations, and all penalties or sums of money imposed or made payable by this Act or the regulations, may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate, or Two justices in the mode prescribed by "The Magistrates' Summary Procedure Act," the provisions of which Act shall apply.

Appropriation.

**22** All fees and all penalties received or recovered under this Act shall be paid into and form part of the Consolidated Revenue.