



ANNO VICESIMO QUARTO

GEORGII V REGIS.

A.D. 1933.

No. 2111.

An Act to amend the Draught Stallions Act, 1932.

[Assented to, August 31st, 1933.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Draught Stallions Act Amendment Act, 1933". Short titles.
- (2) The Draught Stallions Act, 1932 (which is hereinafter referred to as "the principal Act") and this Act may be cited together as the "Draught Stallions Acts, 1932 and 1933". No. 2076 of 1932.
2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.
3. Section 19 of the principal Act is amended by adding at the end thereof the following subsections:— Amendment of principal Act, s. 19—
Exemption of certain stallions.
 - (4) This section shall not apply to any draught stallion which was born in the year nineteen hundred and thirty, or at any time prior to that year, and which was in the State on the first day of July, nineteen hundred and thirty-three.
 - (5) The provisions of subsections (3) and (4) of this section shall continue in operation until the thirtieth day of June, nineteen hundred and thirty-eight, and no longer.
4. Section 20 of the principal Act is amended by inserting after the figure "(3)" in the sixth line thereof passage "or subsection (4)". Amendment of principal Act, s. 20—
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Amendment of
principal Act—

5. The principal Act is amended by inserting therein after section 26 the following section :—

Computation of age
of draught stallion.

26A. A stallion born in any calendar year shall on the first day of July in the next calendar year be deemed for the purposes of this Act to be one year of age and thereafter for the purposes of this Act the age of the draught stallion shall be computed from the said first day of July.

Approved standard
for draught
stallions.

6. (1) After the first day of July, nineteen hundred and thirty-four, no certificate shall be issued pursuant to Part III. of the principal Act unless the stallion conforms to a reasonable standard in respect of type, conformation, and breeding.

(2) For the purpose of giving effect to this section the principal Act is amended in manner following :—

I. Subsection (1) of section 5 is amended by inserting therein the following definition :—

“Approved standard” means a standard which conforms to a reasonable standard in respect of type, conformation, and breeding :

II. Section 14 is amended by inserting after the word “sound” in the fifth line the words “and of approved standard” and by inserting after the word “soundness” in the said line the words “and approval” :

III. Section 15 is amended by inserting therein after subsection (1) the following subsection :—

(1A) If on an application under this Act for the examination of a draught stallion the report of a veterinary officer shows that the draught stallion is not of approved standard, the owner, on application made within the prescribed time and in the prescribed manner, and on payment of the prescribed fee (not exceeding five pounds) may have the draught stallion examined by an appeal board consisting of the chief veterinary officer and two members chosen from the panel appointed by the Minister pursuant to section 27B for the part of the State in which the examination of the draught stallion is conducted. One of the said members shall be selected by the Minister and one by the applicant.

IV. Subsection (2) of section 15 is amended—

(a) by inserting after the word “surgeon” in the second line the words “or, as the case may be, member of the panel aforesaid” ;

(b) by inserting after the word “surgeon” in the fourth line the words “or member” ; and

(c) be

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(c) by inserting after the word “surgeon” in the eighth line the words “or, as the case may be, member of the said panel”:

- v. Subsection (4) of section 15 is amended by inserting after the word “sound” in the second line the words “and of approved standard” and by inserting after the word “soundness” in the third line the words “and approval”;
- vi. Section 16 and subsections (1) and (2) of section 17 are amended by inserting after the word “soundness” wherever it occurs the words “and approval”;
- vii. Subsection (3) of section 17 is amended by inserting after the word “soundness” in the fourth line the words “and approval”;
- viii. Subsections (1) and (2) of section 20 are amended by inserting after the word “soundness” wherever it occurs the words “and approval”;
- ix. Subsection (3) of section 20 is amended by inserting after the word “soundness” in the last line the words “and approval”;
- x. Sections 21, 22, 24, 26, and 28 are amended by inserting after the word “soundness” wherever it occurs the words “and approval”;
- xi. Section 30 is amended by inserting after the word “soundness” in the fourth, fifteenth, and eighteenth lines thereof in every case the words “and approval”.

(3) The amendments made by subsection (2) of this section shall come into operation on the first day of July, nineteen hundred and thirty-four.

(4) If pursuant to any application made under the principal Act before the first day of July, nineteen hundred and thirty-four, a certificate of soundness is after examination issued in respect of any draught stallion, and the draught stallion is subsequently submitted for examination, a certificate of soundness and approval shall be issued in respect of the draught stallion if the draught stallion is found to be sound, notwithstanding that at such examination the report of the veterinary officer and on any appeal the report of the appeal board shows that the draught stallion is not of approved standard.

7. The principal Act is amended by inserting therein after section 27 the following section:—

27A. (1) If upon the report after examination of a veterinary officer or, in the case of an appeal, of an appeal board, a certificate of soundness and approval is, after the first day of July, nineteen

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principal Act—

Compensation.

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nineteen hundred and thirty-eight, not issued on the grounds of unsoundness in respect of any draught stallion which was four years or five years old at the time of the examination, and on the thirtieth day of June preceding the said examination the draught stallion was a draught stallion in respect of which a certificate of soundness and approval was in force, the owner shall subject to this section be entitled to compensation out of the Draught Stock Fund in manner hereinafter provided.

(2) Application for compensation shall be made to the Minister in writing within fourteen days of the notification to the owner of the decision of the examining veterinary officer or appeal board as the case may be.

(3) Subject to subsection (7) the amount of compensation shall be—

(a) in the case of a draught stallion which is four years old at the time of the said examination, one-half of the market value of the draught stallion on the thirtieth day of June preceding the said examination :

(b) in the case of a draught stallion which is five years old at the said time, two-thirds of the market value of the draught stallion on the thirtieth day of June preceding the said examination.

(4) The said value shall be assessed by a valuation board consisting of the chief veterinary officer and two members of the panel appointed by the Minister pursuant to section 27B for the part of the State in which the draught stallion was examined. One of the said members shall be selected by the Minister and one by the applicant.

(5) Within fourteen days of making his application the applicant shall forward to the chief veterinary officer the name of the member of the panel selected by the applicant as aforesaid together with a statement in writing by the member of his willingness to act as a member of the valuation board. If the applicant fails to forward the said name and statement as beforementioned within the said time, the Minister shall select a member of the panel to act as a member of the valuation board in place of a member selected by the applicant, and the valuation board shall thereupon be constituted accordingly.

(6) The decision of the valuation board as to such market value shall be final.

(7) The Minister may after proof to his satisfaction of the castration of the draught stallion and in any case which he thinks fit and if in his opinion the moneys in the Draught Stock Fund are sufficient to permit of any payment under this section, pay to the applicant out of the Draught Stock Fund the

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the whole or any part of the amount of any such compensation assessed pursuant to this section. The decision of the Minister as to any amount to be paid as aforesaid shall be final and no proceedings shall be taken in any court for the recovery of any such amount.

(8) For the purposes of providing moneys to be payable as compensation as aforesaid the Minister may enter into any contract of assurance with any insurance company and may apply any part of the Draught Stock Funds in payment of premiums to any insurance company for the purpose of assuring payment to the Draught Stock Fund of any amounts payable as compensation aforesaid.

(9) In this section "owner" does not include a lessee or joint lessee of a draught stallion.

8. The principal Act is further amended by inserting therein after section 27A the following section :—

Panel for appeal
and other purposes

27B. (1) The Minister shall, from time to time, on the recommendation of the chief veterinary officer, appoint to be members of the panel for the purposes of section 15 and section 27A, persons who in the opinion of the Minister are competent judges of draught stock and may, from time to time, cancel any such appointment.

(2) For the purpose aforesaid the Minister shall, by notice in the *Gazette*, divide into parts such portion of the State to which this Act applies, and every member of the said panel shall be appointed to act as such in any one or more of the said parts of the State. Any notice under this subsection may be varied by any subsequent notice published in the *Gazette*.

(3) Notice of the appointment of any person to the said panel or cancellation of any such appointment shall be published in the *Gazette*. Any such notice of appointment shall specify the part or parts of the State in respect of which the appointment is made.

9. Section 27 of the principal Act is amended by inserting therein after the word "section" in the second line of subsection (2) thereof the words "section 27A."

Amendment of
principal Act,
s. 27—

Consequential
Amendment.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

A. HORE-RUTHVEN, Governor.