**DRAUGHT STALLIONS ACT AMENDMENT BILL 1933**

**Legislative Council, 9 August 1933, pages 523-5**

Second reading

**The Hon. A. P. BLESING (Northern— Minister of Agriculture)—**This Bill is intro­duced for the purpose of amending the Draught Stallions Act, 1632, which was passed during; last session, and which provides for the registration and examination of draught stallions. The general principle of the Act is that a draught stallion shall not be used for stud purposes unless it has been examined by a veterinary officer and certified as sound. Certain exemptions are provided whereby an owner of an uncertificated stallion can use it for the service of mares which are his own property. The Act was proclaimed to come into operation on July 1 last, and various regulations necessary for its operation were made before that date. Since the proclamation, however, there has been considerable agitation against the provisions of the Act, and a very lively controversy as to the merits of the legislation has been conducted in the press and elsewhere. On behalf of the opponents of the Act it has been contended that it will result in increased cost to .the agricultural community, and that owing to the dearth of horses in the State the present is an inopportune time to enforce the restrictions laid down by the Act. On the other hand, the supporters of the legislation point out that the fact that horses are scarce is an added reason to enforce an Act which will secure that only sound stallions will be used for stud purposes, and thus ensure the raising of the general standard of draught stock in South Australia. It is further pointed out that with the system of examination of stallions in force in Victoria this State is more and more likely, by reason of the present shortage of horses, to become a dumping ground.

for animals rejected there as unsound. The fact that Victoria has had such an Act in operation while South Australia has not, has had a considerable effect on interstate trade in horses, particularly with Western Australia. That State takes from Victoria 90 per cent, of the horses it buys outside Western Australia, and it is stated that this condition applies because of the operation of the Victorian Horse Breeding Act with, of course, a resultant loss of trade to this State. The Government has also been informed by representatives of the Clydesdale Horse Breeding Society that the enforcement of the Act is not likely to result in a demand for increased fees by owners of stallions. In view, however, of the considerable diversity of opinion as to the desirability or otherwise of enforcing the Draught Stallions Act, 1932, the Government has prepared this Bill with a view to effecting a compromise, which it is hoped will be satisfactory to the farming community generally. The first amendment proposed is contained in clause 3. It provides that the provisions of the principal Act requiring the examination of draught stallions used for stud purposes shall not apply until June 30, 1938, in the case of stallions which are now three years old or more and which were in the State on July, 1, 1933. The effect will be that for five years these stallions may be travelled without having a certificate of soundness. It is also proposed by the clause to remove as from June 30, 1938, the existing exemption given under the Act to stallions used for the service of mares which are owned by the owner of the stallion. Consequently, while until June 30, 1938, most stallions will be free from the restrictions as to examination imposed by the principal Act, on that date the application of the principal Act will be extended to all stallions within the part of the State to which the measure applies. Clause 4 makes an amendment of the principal Act consequential upon clause 3. Clause 5 inserts a provision under which the age of stallions will be com­puted. The registration period under the principal Act is an annual period commencing on July 1 in any year. The clause therefore provides that any stallion born in any calendar year will be reckoned to be one year old on July 1 in the next calendar year, and thenceforth its age will be computed accordingly. Such a provision as this is, of course, very necessary from the administrative point of view and accords very nearly with the practice among horse breeders. Clause 6 introduces ft new principle into the principal Act. Under the present provision a stallion is examined only with a view to ascertaining whether it has any hereditary unsoundness or not, and no regard is paid to type and conformation, although such a provision is contained in the Victorian legislation. Clause 6 contains amendments to the principal Act which provide that after July 1, 1934, a certificate will not be issued with respect to a stallion unless he is of approved standard. It will be noted that the operation of these provisions is delayed until next year, as it is felt that stallions now being submitted for examination should not be required to comply with any more than the present requirements of the principal Act. As a corollary, subclause (4) provides that if any stallion before July 1, 1934, is granted a certificate of soundness, it will not be rejected in any future examination because of any deficiency in type or conformation. Clause 6 also makes provision for the hearing of appeals from any decision of the examining veterinary officer as to whether a stallion is of approved standard or not. If an owner is dissatisfied with such a decision, he may appeal to an appeal board consisting of the chief veterinary officer and two other members, one appointed by him and one by the Minister. The members to be so appointed are dealt with in clause S, Under that clause the Minister is required to appoint a panel of members who are to be competent judges of draught stock. The State will be divided into parts and members will be appointed for each part of the State and appeal boards will be recruited from members of the panel for that particular part of the State in which the stallion is examined. It will, of course, be possible for the same person to be on the panels for two or more parts of the State. Clause 7 also incorporates a new principle into the principal Act and provides for the payment of compensation to owners of stallions in respect of which certificates of soundness are issued, but which at a subsequent examination are rejected on the grounds of unsoundness. Several aspects of this clause need detailed explanation. The clause will not come into operation until July 1 1938, as, owing to the relaxation of the pro­visions of the principal Act proposed by clause 3, it is not considered that compensation should be paid until that date. Furthermore, as compensation will be paid out be payable only in the cases of four and five-year-olds at the time of the examination. In some cases examination of a two-year-old or even a three-year-old. will not reveal hereditary unsoundness which becomes apparent on examination as a four or five-year-old, and it is considered that, as such a stallion may be sold while holding a certificate of soundness, the Legislature should make some provision for compensation when it is subsequently rejected. If a stallion is rejected as a two or three-year- old the loss to the owner is, by reason of the value of the animal as a gelding, considerably less than if he is rejected two or three years later. The basis of compensation is fixed on the market value of the stallion on the 30 June preceding the examination, i.e., when the stallion had a certificate and was to all appearances sound. This market value will be determined by a valuation board appointed in the same manner as an appeal board referred to in clause 6. The compensation for a four- year-old will be half of the market value, and for a five-year-old two-thirds of the market value will be payable only on proof of the castration of the stallion. The payment of compensation will be at the discretion of the Minister. This is necessary in order to provide a check to any possible cases of imposition and also to permit the Minister to make pro rata payments in case of the draught stock fund "being insufficient to pay all claims in full". A further provision is inserted to enable the Minister, if he thinks fit, to devote any portion of the fund to the payment of insurance premiums to any assurance company for' the purpose of assuring compensation payable under the Act. Clause 9 contains an amendment consequential upon clause 7. So far as I can gather the amending Bill gives general satisfaction. As the operation of the complete measure will not come into force until 1938, the men concerned will have ample time to get over any hardship connected with the law. I hope members will pass the measure as early as possible so that horse owners may know their position. I move the second reading.

The Hon. W. HANNAFORD (Midland)—I support the second reading. Parliament was a little hasty in passing the Bill last year, although many of its provisions are desirable. During the last 12 months or so a big change has taken place in the attitude of farmers towards the use of tractors, because feed is cheaper and the price of wheat is low. This has made it imperative for agriculturists to give more attention to draught horses. Because of the growing need in recent years for more horses it became necessary that the State should have sufficient stallions. Some districts, which in ordinary circumstances would have four or five stallions travelling, to-day have only two. Any restriction on the use of stallions in such districts would considerably reduce the number of horses bred. The Minister has been wise in giving consideration to every aspect of the question and getting all information possible. The Bill will remove to a large extent the hardships that would arise under the measure passed last year. All members are desirous that the State’s horse stock should be improved. Provision is made in the Bill to prevent the introduction of unsound horses from Victoria or any other State, and to prevent farmers from being placed at a disadvantage in not being able to engage stallions already in the State. The measure is a wise compromise. Following publicity in the press some useful provisions have been included, which will prove of material assistance to farmers and help the State to keep its horses free from’ blemishes without putting any hardship on present owners.

The Hon. T. McCALLUM (Southern)—I have not looked through this Bill carefully, but I am inclined to approve of most of it because I disapproved of the Bill passed last session. My attitude is to leave such matters as these to the people themselves. I do not like Parliament interfering. It would not be right to pass this Bill this afternoon.

The Hon. G. Ritchie—No. The debate will be adjourned.

The Hon. T. McCALLUM—That is right. I support the Bill.

The Hon. W. G. DUNCAN secured the adjournment of the debate.