

ARTIFICIAL BREEDING BOARD.

No. 97 of 1965.

AN ACT to establish an Artificial Breeding Board and regulate its functions and for incidental and other purposes.

[Assented to 17th December, 1965.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the 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 *Artificial Breeding Board Act, 1965.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

3. In this Act, unless the contrary intention appears— Interpretation.

“artificial breeding” includes—

- (a) the collection, dilution, examination, chilling, freezing, processing, storing, distribution, sale and use of semen;

- (b) any process connected with the handling of semen during the period between its collection from a sire and its deposition in a female of the relevant species of stock;
- (c) the performance of the operation of artificially inseminating stock; and
- (d) the performance, in relation to a female animal of any species of stock, of the operation of transplanting an ovum taken from another female animal of that species;

“Board” means the Artificial Breeding Board constituted under this Act;

“chairman” means the chairman of the Board;

“manager” means the manager of the Board;

“member” means a member of the Board and includes an acting member;

“semen” means semen obtained from a sire;

“sire” means an entire male animal of any species of stock;

“stock” means any goats, horses, oxen, sheep or pigs and includes poultry of all kinds and such other animals of any kind of species that the Governor proclaims to be stock for the purposes of this Act;

“Veterinary Surgeon” means a person who is registered or deemed to be registered under the Veterinary Surgeons Act, 1960;

“vice-chairman” means the vice-chairman of the Board.

The
Artificial
Breeding
Board.

4. (1) There shall be a Board, to be known as the Artificial Breeding Board constituted as provided in section five of this Act.

(2) The Board—

- (a) is a body corporate having perpetual succession and a common seal;

(b) may sue and be sued in its corporate name; and

(c) may do and suffer all such other acts and things as bodies corporate may by law do and suffer, and in particular is capable, in its corporate name, of acquiring, holding and disposing of real and personal property.

(3) The Board is not a corporate agency of the Crown in right of the State.

(4) Court, judges and persons acting judicially shall take notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

(5) The seal of the Board shall not be affixed to a document, except in pursuance of a resolution of the Board and each sealing shall be authenticated by the signature of two members.

5. (1) The Board shall consist of a chairman, vice-chairman and three other members, appointed by the Governor. Constitution
of Board.

(2) The Governor shall nominate one member to be chairman and another to be vice-chairman when appointing the members.

(3) Of the members, one shall be a veterinary surgeon, two shall be persons so appointed, from a panel of the names of five persons submitted to the Governor by the body known as The Farmers' Union of Western Australia (Inc.) and one shall be a person so appointed, from a panel of the names of three persons submitted by the body known as The Royal Agricultural Society of Western Australia and who are eligible and willing to act as members.

(4) Where any body fails to submit to the Governor the panel of names required under this section to be submitted to him within twenty-eight days after the receipt by it of a written request by

the Minister to do so, the Governor may on the recommendation of the Minister appoint a person or persons to the office or offices of member in respect of which no such panel has been submitted to the Governor.

(5) Subject to this Act each member shall hold office for a term of four years.

(6) A member is eligible for re-appointment.

(7) If a member ceases to hold office before the expiration of the period for which he was appointed member, another member shall be appointed by the Governor for the unexpired portion of that period.

(8) Unless he sooner vacates his office as provided in section eight of this Act, each member shall continue in office until his successor comes into office, notwithstanding that the period for which he was appointed member may have expired.

Acting
member.

6. When the Minister is satisfied that any member is unable to perform the duties of his office because of illness, absence or other sufficient cause, the Minister may appoint a person having the necessary qualifications to act for that member during his inability, and while so acting he—

(a) shall be deemed to be a member; and

(b) shall be paid such remuneration and allowances, as the Minister may determine from time to time.

Remunera-
tion.

7. The members shall be paid such fees and allowances, as the Governor may determine from time to time.

Vacation of
office.

8. The office of a member becomes vacant if—

(a) he dies;

(b) he attains the age of seventy years;

- (c) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration payable under this Act, for their benefit;
- (d) he resigns his office by writing under his hand addressed to the Minister;
- (e) he is absent, except on leave granted by the Minister, from three consecutive meetings of the Board;
- (f) he ceases to hold any office or qualification that by this Act he is required to hold as a member; or
- (g) he is removed by the Governor for inability, inefficiency or misbehaviour.

9. (1) The Board shall hold such meetings at such time and place as, in the opinion of the Board, are necessary for the efficient conduct of its affairs. Meetings of Board.

(2) The first meeting of the Board shall be convened by the chairman.

(3) The Minister may at any time convene a meeting of the Board.

(4) The chairman shall preside at all meetings of the Board at which he is present but in the event of his absence from a meeting of the Board, the vice-chairman shall so preside.

(5) At a meeting of the Board—

- (a) the chairman or vice-chairman and any two other members form a quorum for the transaction of business at the meeting, and the Board may function notwithstanding a vacancy in its membership, so long as a quorum remains;

- (b) a question arising at the meeting shall be decided by a majority of the votes of the members present at the meeting and voting and in the event of an equality of votes the question shall be deemed to be resolved in the negative.

(6) The exercise or performance of the powers or functions of the Board shall not be affected by reason only of there being—

- (a) a vacancy in the office of a member; or
- (b) a defect or irregularity in connection with the appointment of a member.

(7) Subject to this Act, the proceedings of the Board shall be regulated as the Board determines.

**Functions of
the Board.**

10. (1) The Board may,
- (a) establish, maintain and carry on, in such places as it thinks desirable, such centres as it thinks fit—
 - (i) for the collection and storage of semen for use in connection with the artificial breeding of stock; and
 - (ii) for providing services for or in connection with the artificial breeding of stock;
 - (b) supplement supplies of semen produced at the Board's centres with supplies of semen purchased by the Board from other persons;
 - (c) establish such centres in this State as the Board thinks desirable, at such places as it thinks fit, for the sale and distribution of semen by the Board to other persons and may sell and distribute semen at and from those centres;
 - (d) establish and maintain field services to provide for the artificial breeding of stock;

- (e) conduct such experiments and do all such other acts and things as the Board thinks desirable for the purpose of securing improvements in the techniques employed, and operations carried out, in relation to the artificial breeding of stock;
- (f) promote the practice of the artificial breeding of stock in all places where, in the opinion of the Board, it may effectively be used; and
- (g) enter into such contracts, agreements and arrangements as it thinks necessary for the proper performance of the functions, powers and duties of the Board under this Act.

(2) For effectually carrying out the objects and purposes of this Act, the Board is entitled free of charge to such assistance from the Animal Health Laboratory in the State Department of Agriculture, as the Board may require.

(3) The Board is entitled at all reasonable times to inspect and take copies of the herd production records of the State Department of Agriculture.

(4) The Board may charge such fees for—

- (a) any work done by it;
- (b) any services provided by it; or
- (c) any semen supplied by it,

as the Board determines.

11. (1) The Governor shall, on the recommendation of the Board, appoint a person who has such qualifications as are approved by the Minister, to be the manager.

Manager of
Board.

(2) The terms and conditions of employment of the manager shall be such as are determined by the Governor on the recommendation of the Board.

(3) The manager shall be the chief executive officer of the Board and subject to any direction of the Board, is responsible for the control and management of the operation of the Board.

Appointment
and terms
and condi-
tions of
employment.

12. (1) The Board may appoint such officers and employees as it thinks necessary for the purposes of this Act.

(2) The terms and conditions of employment of officers and employees appointed by the Board shall be such as are determined by the Board.

(3) Where the manager or an officer or employee appointed in pursuance of this section was, immediately before his appointment, an officer of the Public Service of the State—

(a) he retains his existing and accruing rights; and

(b) for the purpose of determining those rights, his service as manager or an officer or employee of the Board shall be taken into account as if it were service in the Public Service of the State.

(4) If the Minister administering any department of the Public Service of the State approves, the Board may, for the purposes of this Act, co-opt the services of any person employed in that department upon such terms and conditions as may be agreed upon between that Minister and the Board.

Application
of revenue
of Board.

13. The revenue of the Board shall be applied—

(a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Board in the exercise of its powers and functions under this Act;

(b) in payment of the remuneration and allowances of the members and acting members.

14. (1) Any officer or employee of the Board who is not an employee within the meaning of section six of the Superannuation and Family Benefits Act, 1938 may at his option, subject to that Act, contribute to the superannuation fund established under that Act, as if—

Superannuation of officers and employees.

- (a) he were such an employee; and
- (b) his service as an officer or employee of the Board were service within such meaning.

(2) Before any such officer or employee is entitled to become a contributor under the Superannuation and Family Benefits Act, 1938 the Board shall comply with the provisions of that Act generally, and in particular shall enter into such an agreement with the Treasurer of the State as is referred to in the proviso to the interpretation of "department" in section six of that Act.

15. (1) The Treasurer of the State may on such terms and conditions as are agreed between the Treasurer and the Board from time to time, advance to the Board such sums of money as are required by the Board for the purposes of defraying the costs, charges and expenses incurred by it in the exercise of its powers and functions under this Act, during the twelve months next following the coming into operation of this Act.

Power of Treasurer to make advances to Board.

(2) If at any time during any financial year the Treasurer is of opinion that the funds of the Board are not sufficient for the purposes referred to in subsection (1) of this section, the Treasurer may advance to the Board on such terms and conditions as are agreed between the Treasurer and the Board such amounts of money as are sufficient for the time being to make up the deficiency.

(3) The amount of any advance made pursuant to subsection (2) of this section, is a charge upon the revenue of the Board and is repayable by the Board to the Treasurer as and when money becomes available to the Board to make the repayment.

(4) Any moneys paid by the Treasurer to the Board under this section may be paid to the Board out of moneys appropriated by Parliament for the purpose.

Accounts.

16. (1) The Board shall keep accounts in such form as the Treasurer of the State approves.

(2) The accounts of the Board shall be subject to inspection and audit, at least once yearly, by the Auditor General appointed under the Audit Act, 1904.

(3) The Auditor General has in respect of those accounts the powers conferred on him by the Audit Act, 1904 in respect of public moneys under that Act.

Report of Board.

17. (1) The Board shall as soon as practicable after the thirtieth day of June each year, prepare and send to the Minister a report of its operations under this Act during the year ended on that date.

(2) The report shall be laid before each House of Parliament within twelve sitting days of that House after its receipt by the Minister.

(3) The Board shall send to the Minister such other reports and such documents and information, relating to the operations of the Board, as the Minister requires.

Power of Governor to permit use of premises, etc., by Board.

18. (1) The Governor may—

(a) subject to such terms and conditions as he thinks fit; and

(b) with the approval of the Minister under whose administration the land and buildings are placed,

grant the Board the right to use and occupy for the purposes of this Act any land and buildings of the Crown in right of the State.

(2) Any Minister of the Crown or any public authority may, subject to such terms and conditions as he or it thinks proper, transfer to the Board on behalf of the Crown in right of the State, any stock, plant or equipment that is vested in the Minister or public authority and is reasonably required by the Board for the purpose of carrying out its powers and functions under this Act.

19. The operations of the Board relating to the collection, storage and distribution of semen and the artificial breeding of stock shall comply with the provisions of the Artificial Breeding of Stock Act, 1965 and the regulations made thereunder and for the time being in force.

Duty of Board to comply with the Artificial Breeding Stock Act, 1965.

20. (1) The revenues of the Board for the purposes of this Act comprise—

Revenue of Board.

(a) moneys received by the Board for or in respect of—

- (i) the sale or distribution of semen;
- (ii) the sale by the Board of articles, goods or other property; and
- (iii) services rendered by the Board in the exercise or performance of its functions, powers and duties under this Act;

(b) any moneys advanced to the Board by the Treasurer of the State under section fifteen of this Act;

(c) moneys received by the Board from any other source.

(2) All moneys to which subsection (1) of this section relates shall, as and when received by the Board, be paid by the Board to the credit of an account in a bank approved by the Treasurer to be known as the Artificial Breeding Board Account, and in this section called "the Account".

- (3) There shall be paid out of the Account all—
- (a) fees and allowances payable to members;
 - (b) salaries, wages and allowances payable to officers and employees appointed by the Board;
 - (c) amounts repayable to the Treasurer under section fifteen of this Act; and
 - (d) other expenses properly incurred by the Board in the administration of this Act.

Protection
of members
etc., from
liability.

21. No matter or thing done, or contract entered into, by any member, veterinary surgeon, manager or officer or employee of the Board subjects that member, veterinary surgeon, manager, officer or employee to any personal liability in respect thereof, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of this Act.

Regulations.

22. (1) The Governor may, on the recommendation of the Board, make any regulations not inconsistent with this Act that are necessary or convenient to be made for the due administration of this Act and in particular may make regulations for—

- (a) the administration and facilitation of the work and operations of the Board under this Act;
- (b) the protection of the property and premises of or occupied or used by the Board and the plant and equipment thereon or therein, against damage or loss.

(2) The regulations may impose penalties not exceeding fifty pounds for offences against the regulations.
