

WESTERN AUSTRALIA

ARTIFICIAL BREEDING OF STOCK AMENDMENT ACT 1988

No. 22 of 1988

AN ACT to amend the *Artificial Breeding of Stock Act 1965*.

[Assented to 5 October 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Artificial Breeding of Stock Amendment Act 1988*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Artificial Breeding of Stock Act 1965** is referred to as the principal Act.

[*Reprinted as authorized 16 July 1970 and amended by Act No. 85 of 1976.]

Section 4 amended

4. Section 4 of the principal Act is amended by inserting after the definition of "authorized inseminator" the following definition—

“ “authorized ovum transplant technician” means a person who holds a certificate of competency as such granted under this Act; ”.

Section 5A amended

5. Section 5A of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection—

“ (1a) An authorized ovum transplant technician acting within the authority conferred by his certificate of competency and the regulations may lawfully carry out an operation relating to the artificial breeding of stock by way of ovum transplant if—

(a) that operation does not include the making of an incision;

and

(b) any ova used in the operation are obtained from stock in the same ownership or from licensed premises in compliance with the requirements of this Act,

but any such person is required to comply with the provisions of this Act as to the use of premises. ”; and

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) Notwithstanding section 26 (3) (b) of the *Veterinary Surgeons Act 1960* a person, other than a veterinary surgeon, who carries out an operation relating to the artificial breeding of stock by way of ovum transplant commits an offence against this Act, except in so far as that operation is authorized by this section. ”.

Section 5B amended

6. Section 5B of the principal Act is amended by repealing subsection (3) and substituting before the penalty provision the following subsections—

“ (3) Subject to subsection (4), a person who uses any premises, other than premises licensed for the purpose under this Act in relation to the relevant species, for the purposes of the performance of any of the operations or processes referred to in paragraph (b) of the definition of “artificial breeding” in section 4 commits an offence against this Act.

(4) Subsection (3) does not apply to the use of premises for the purposes of performing the operation of the removal of an ovum from a female animal and its implanting in another female animal where the person on whose behalf the operation is performed is the owner of both the donor and the recipient animal and the premises are his premises.

(5) A person who uses any premises licensed under this Act for ovum transplant purposes otherwise than in accordance with the licence relating thereto, commits an offence against this Act. ”.

Section 10 amended

7. Section 10 of the principal Act is amended in subsection (1) by inserting after paragraph (b) the following paragraph—

“ (ba) authorized ovum transplant technician; ”.

Section 11 amended

8. Section 11 of the principal Act is amended in subsection (4)—

(a) in paragraph (b) by deleting the full stop and substituting a semicolon; and

(b) by inserting after paragraph (b) the following paragraph—

“ (c) require a veterinary surgeon or authorized ovum transplant technician to furnish such returns and information as to the use of ova as may from time to time be so required. ”.

Section 13 amended

9. Section 13 of the principal Act is amended in subsection (1)—

(a) in paragraph (f), by deleting “for the collection, storage or packing of semen”; and

(b) by inserting after paragraph (g) the following paragraph—

“ (ga) the manner of performing any of the operations or processes referred to in paragraph (b) of the definition of “artificial breeding” in section 4 on licensed premises; ”.
