

ARTIFICIAL BREEDING OF STOCK.

No. 85 of 1976.

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

[Assented to 21st October, 1976.]

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. (1) This Act may be cited as the *Artificial Breeding of Stock Act Amendment Act, 1976*.

Short title
and
citation.

(2) In this Act the Artificial Breeding of Stock Act, 1965, is referred to as the principal Act.

Act No. 90 of
1965 as
affected by
Act No. 113
of 1965 and
approved
for reprint
16th July,
1970.

(3) The principal Act as amended by this Act may be cited as the Artificial Breeding of Stock Act, 1965-1976.

Commence-
ment.

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

Section 4
amended.

3. Section 4 of the principal Act is amended—

(a) by inserting in their respective appropriate alphabetical sequence the following new definitions—

“artificial insemination” includes—

(a) the processes connected with the collection, dilution, examination, chilling, freezing, storing, distribution, sale and use of semen and any other process connected with the handling of semen during the period commencing with the process of collection from a sire and ending with its deposition in a female of the relevant species of stock; and

(b) the performance of the operation of artificially inseminating stock;

“authorised inseminator” means a person who holds a certificate of competency as such granted under this Act;

“cattle” means a bull, cow, ox, steer, heifer or calf of the bovine genus;

“custom collector of semen” means a person who holds a certificate of competency as such granted under this Act;

“herdsman-inseminator” means a person who holds a certificate of competency as such granted under this Act;

“owner” means a person who has the sole property, right, title or interest in, or in the use for breeding purposes of, the sire or dam but may, where the context so permits, be construed

as including a body of not more than four persons who together, whether jointly or severally, hold between them exclusively any such property, right, title or interest;

- (b) by deleting the definition of the term “artificial breeding” and substituting a new definition as follows—

“artificial breeding” includes—

- (a) artificial insemination; and
- (b) the performance of any of the operations or processes involved in the removal of an ovum from a female animal and its implanting in another female animal of a prescribed species of stock, whether by way of an intermediate carrier or otherwise; ;
- (c) as to the definition of “inspector”, by deleting the passage “Act, 1895” and substituting the passage “(Regulations) Act, 1968”; and
- (d) as to the definition of “stock”, by deleting the word “oxen” and substituting the word “cattle”.

4. Section 5 of the principal Act is repealed and a new section substituted as follows—

Section 5
substituted.

5. (1) Nothing in this Act limits or affects the right of an owner to perform with respect to his own stock the operation of artificial insemination—

Artificial
insemina-
tion.

- (a) with semen obtained from his own stock; or
- (b) with semen obtained from licensed premises in compliance with the requirements of this Act,

or to carry out for the purposes of such artificial insemination any necessary related process on his premises.

(2) Nothing in this Act shall be construed as rendering unlawful the carrying out by a veterinary surgeon of any process or operation in relation to the artificial insemination of stock, and any such person—

(a) does not require a certificate of competency under this Act, but is required to furnish returns and information as though he was the holder of a certificate of competency relevant to the circumstances; and

(b) is required to comply with the provisions of this Act as to the use of premises.

(3) A herdsman-inseminator may lawfully inseminate stock in the ownership of the person by whom he is employed as a herdsman using semen obtained from other stock in the same ownership or from licensed premises in compliance with the requirements of this Act.

(4) An authorised inseminator acting within the authority conferred by his certificate of competency and the regulations may lawfully inseminate stock using semen obtained from other stock in the same ownership or from licensed premises in compliance with the requirements of this Act.

(5) A custom collector of semen may lawfully collect semen from a sire for or on behalf of the owner of the sire, but shall not supply or permit the supply of the semen collected by him otherwise than to the owner of that sire.

(6) Except in so far as that process or operation is authorised by this section, a person who carries out any of the processes or

operations referred to in the interpretation of the term "artificial insemination" in section four of this Act commits an offence against this Act. .

5. The principal Act is amended by adding a new section, to stand as section 5A, as follows—

Section 5A added.

5A. (1) Nothing in this Act shall be construed as rendering unlawful the carrying out by a veterinary surgeon of any process or operation in relation to the artificial breeding of stock by way of ovum transplant, but any such person shall furnish such returns and information as may be prescribed and is required to comply with the provisions of this Act as to the use of premises.

Ovum transplants.

(2) Notwithstanding the provisions of subsection (2) of section twenty-five of the Veterinary Surgeons Act, 1960, a person, other than a veterinary surgeon, who carries out any operation relating to the artificial breeding of stock by way of ovum transplant commits an offence against this Act. .

6. The principal Act is amended by adding a new section, to stand as section 5B, as follows—

Section 5B added.

5B. (1) Subject to the provisions of subsection (1) of section five of this Act, a person who uses any premises, other than premises licensed for the purpose under this Act in relation to the relevant species, for the purpose of collecting, diluting, examining, chilling, freezing, processing, or storing the semen of any species of stock, commits an offence against this Act.

Licensing of premises.

(2) A person who uses any premises licensed under this Act for artificial insemination purposes otherwise than in accordance with the licence relating thereto commits an offence against this Act.

(3) A veterinary surgeon who, for the purposes of the removal of an ovum from any female animal of a prescribed species of stock or for the implanting in any female animal of a prescribed species of stock of an ovum obtained from another animal—

- (a) uses any premises other than premises licensed for the purpose under this Act in relation to the relevant species; or
- (b) uses any such premises otherwise than in accordance with the licence relating thereto,

commits an offence against this Act unless the operation is performed on that owner's premises on behalf of a person who is the owner of both the donor and the recipient animal.

Penalty: Five hundred dollars. .

Section 6
amended.

7. Section 6 of the principal Act is amended—

- (a) as to subsection (1), by inserting after the word "licence", in line one, the words "authorising premises to be used for the purposes of the artificial breeding of stock";
- (b) by deleting subsection (3), subsection (5) and subsection (6);
- (c) by inserting a new subsection (3), as follows—

(3) A licence—

- (a) authorises the processes and operations in relation to the artificial breeding of stock referred to therein;
- (b) may be issued in relation to the premises referred to therein to the persons referred to therein; and

(c) relates to the species of stock referred to therein,

but does not confer any general authority as to the artificial breeding of stock. ;

(d) as to subsection (4), by deleting paragraph (a) and paragraph (b) and substituting two new paragraphs as follows—

(a) may be transferred to another person or so as to relate to other premises; and

(b) may be varied with respect to the processes, operations, premises in use, persons employed, or species dealt with, ; and

(e) by adding three new subsections as follows—

(5) The grant, renewal, variation or transfer of a licence may be made subject to the payment of a prescribed fee.

(6) In determining whether or not a licence to use premises for artificial breeding purposes shall be granted or transferred under this Act and the conditions which shall be imposed in relation to any such licence, the Minister shall have regard to the need to protect the owners of stock using artificial breeding methods by ensuring that the semen or ova to be utilised are obtained from stock that meet criteria approved by the Minister on the recommendation of the Chief Veterinary Surgeon not only as to freedom from disease but also in relation to production standards and freedom from inherited defects.

(7) For the purposes of this Act a licence may be made subject to such conditions, restrictions or limitations as may be prescribed or imposed by the Minister. .

Section 7
amended.

8. Section 7 of the principal Act is amended by inserting after the word "renewal", in line one, the passage ", variation,".

Section 8
amended.

9. Section 8 of the principal Act is amended by deleting paragraph (b) of subsection (1) and substituting a new paragraph as follows—

(b) the licence be varied as the Court thinks fit, .

Section 9
substituted.

10. Section 9 of the principal Act is repealed and a new section substituted as follows—

Prohibition
of
importation.

9. (1) The Minister may, by notice in the *Gazette*, from time to time prohibit, either absolutely or conditionally, the introduction into or use within the State of ova or semen obtained from any specified stock or stock of a specified species where he has reason to believe that the introduction or use of that ova or semen would adversely affect the breeding of stock in the State, whether by reason of inherited defects, disease, production standards or otherwise.

(2) A notice published under this section may be varied or revoked by a subsequent notice so made and published.

(3) A person who contravenes or fails to comply with the provisions of a notice published under this section commits an offence against this Act.

Penalty: Two thousand dollars. .

Section 10
substituted.

11. Section 10 of the principal Act is repealed and a new section substituted as follows—

Certificates
of
competency.

10. (1) The Chief Veterinary Surgeon shall have the power to grant certificates of competency of the following classes—

(a) herdsman-inseminator;

- (b) authorised inseminator;
- (c) custom collector of semen; or
- (d) any other prescribed class.

(2) The extent of the authority conferred by any certificate shall be as prescribed.

(3) On an applicant successfully completing a prescribed course of instruction or otherwise satisfying the Chief Veterinary Surgeon that he possesses the requisite knowledge and experience, and paying the prescribed fee, the Chief Veterinary Surgeon shall grant to that person a certificate of competency of the appropriate class.

(4) Where it appears to the Chief Veterinary Surgeon that a person who is the holder of a certificate of competency under this Act—

- (a) obtained that status by fraud or misrepresentation; or
- (b) is guilty of an offence against this Act or of misconduct in relation to artificial breeding procedures,

the Chief Veterinary Surgeon, after affording to that person an opportunity of giving an explanation, may revoke that certificate by notice in the *Gazette*.

12. Section 11 of the Principal Act is amended—

Section 11
amended.

- (a) by inserting after the word “semen”, in line six and again in line eight of paragraph (a) of subsection (1); line five, line nine, and line eleven of paragraph (b); line four, line five and line seven of paragraph (c); line one and line two of paragraph (d); and line three, in each place where it appears, of paragraph (e), the words “or ova”;

(b) by deleting paragraph (f) of subsection (1) and substituting a new paragraph as follows—

(f) require any person who he has reason to believe is the holder of a licence or certificate of competency under this Act to produce for inspection that licence or certificate. ;

(c) by deleting the words “the collection of semen for sale”, in lines seven and eight of subsection (2), and substituting the words “artificial breeding”; and

(d) by adding two new subsections as follows—

(4) Any inspector or veterinary surgeon employed in the State Department of Agriculture may—

(a) require the owner of any stock in which an ovum has been artificially implanted to furnish to the Chief Veterinary Surgeon such information as to the operation or resulting progeny as may be reasonably required for the purpose of assessing the success or otherwise of the implant and the characteristics of the progeny;

(b) require a veterinary surgeon, any holder of a certificate of competency granted under this Act, or a person who has utilised semen obtained from licensed premises to furnish such returns and information as to the use of semen as may from time to time be so required.

(5) A person who fails to comply with a requirement made pursuant to subsection (4) of this section within such

reasonable time as may be specified by the inspector or veterinary surgeon seeking the information commits an offence against this Act. .

13. Section 12 of the principal Act is amended— Section 12 amended.

- (a) by inserting after the section designation "12." the subsection designation "(1)" and a new subsection as follows—

(1) A person who contravenes or fails to comply with any condition, restriction, or limitation prescribed or imposed in relation to a licence or a certificate of competency granted under this Act commits an offence against this Act, and the provisions of section eleven of The Criminal Code shall not apply thereto notwithstanding that such condition, restriction or limitation is subsequently varied. ;

- (b) by re-designating the existing provision as subsection (2) of the section; and

- (c) by deleting the words "one hundred dollars", in line five, and substituting the words "two hundred dollars".

14. The principal Act is amended by adding a new section, to stand as section 12A, as follows— Section 12A added.

12A. In the exercise of his functions under this Act the Chief Veterinary Surgeon shall give effect to any direction that may be given to him by the Minister. . Ministerial direction.

15. Subsection (1) of section 13 of the principal Act is amended— Section 13 amended.

- (a) as to paragraph (a), by deleting the words "of licences", and substituting the words "applicable to licences and certificates of competency";

- (b) as to paragraph (b), by deleting the passage "licences," and substituting the passage "licences and certificates, and the";
 - (c) as to paragraph (c), by inserting after the word "licences" the words "or certificates";
 - (d) as to paragraph (i), by deleting the word "licensees", in line one, and substituting the word "persons"; and
 - (e) as to paragraph (j), by deleting the words "by licensees", in line two.
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