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WESTERN AUSTRALIA.

ARTIFICIAL BREEDING OF STOCK.

No. 90 of 1965.¹

[As affected by Act No. 113 of 1965; and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT relating to the Control of the Artificial Breeding of Stock.

[Assented to 8th 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 of Stock Act, 1965*. Short title.

2. This Act shall come into operation on a date to be fixed by proclamation.¹ Commencement.

¹ Came into operation 4th August, 1967. See G.G. 4/8/67, p. 1903.

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Construction.

3. This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of this State to the intent that where any provision of this Act, or the application of that provision to any person or circumstance is held invalid, the remainder of this Act, and the application of that provision to other persons or circumstances shall not be affected.

Interpretation.

4. In this Act, unless the contrary intention appears—

“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;

“Chief Veterinary Surgeon” means the person for the time being holding the office of Chief Veterinary Surgeon and Chief Inspector of Stock in the State Department of Agriculture;

“disease” used in relation to stock means any disease, parasite or pest that the Governor proclaims to be a disease for the purposes of this Act;

“inspector” means a person who is an inspector under the Stock Diseases Act, 1895;

“licence” means a licence granted under this Act, that is valid and current;

“licensed premises” means premises that are the subject of a licence;

“licensee” means the holder of a licence;

“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.

5. A person shall not use any premises, other than licensed premises, for the purposes of the collection, dilution, examination, chilling, freezing, processing, storing, packing, distribution, sale or use of semen of any species of stock, otherwise than under the authority of a licence in respect of such premises and species.

License to collect, store or pack, etc., semen.
Amended by No. 113 of 1965, s. 8.

Penalty: Two hundred dollars.

6. (1) A licence shall be in the form prescribed and unless sooner cancelled, shall remain in force for a period of three years from the date of its issue.

Licence.

(2) A licence may, at any time within three months of its expiry, be renewed, and on each renewal, unless sooner cancelled, has effect for a further period of three years.

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(3) A licence—

- (a) may authorise the use of any number of premises for the purposes specified therein; and
- (b) shall be restricted to one species of stock.

(4) A licence—

- (a) may be transferred upon the application of the proposed transferee to the Minister;
- (b) may be varied with respect to the premises specified therein, upon the application of the licensee to the Minister,

and where a licence is so transferred or so varied the transfer or variation shall be effected by the Minister endorsing the licence accordingly.

(5) A licence shall be subject to such terms and conditions as are prescribed or imposed by the Minister.

(6) A person who contravenes or fails to comply with any of the terms or conditions of a licence commits an offence against this Act.

Applications for grant, renewal or transfer of a licence.

7. (1) An application for the grant, renewal or transfer of a licence shall be in the form prescribed and shall be made to the Minister.

(2) The Minister may in his discretion grant or refuse any application made under this section.

Revocation, etc., of licence.
"This Act" includes regulations—
s. 4 Act No. 30 of 1918.

8. (1) If a licensee is convicted of an offence against this Act, the Court before which he is convicted may, in addition to, or instead of imposing any other penalty that it may impose in respect of that offence, order that—

- (a) the licence be cancelled or suspended for such period as the Court thinks fit; or

- (b) the licence be varied so as to exclude therefrom for such period as the Court thinks fit any premises or part thereof, authorised to be used thereunder,

and the licence shall, for the purposes of this Act, be deemed to have been cancelled, suspended or varied accordingly as from the date of the making of the order.

(2) Where a licence is cancelled, suspended or varied pursuant to subsection (1) of this section, the licensee shall forthwith surrender the licence to the Clerk of the Court that made the order cancelling, suspending or varying the licence, as the case may be.

(3) The Clerk of the Court shall forward the licence together with a certified copy of the order to the Minister.

(4) Upon receipt of the licence the Minister shall endorse it with the terms of the order and—

- (a) if it has been varied but has not been cancelled or suspended, return it, as so endorsed, to the licensee; or
- (b) if it has been suspended, return it, as so endorsed to the holder at the expiration of the period of suspension.

9. (1) The Governor may from time to time by proclamation prohibit either absolutely or conditionally, the introduction into this State of semen obtained from stock of the species specified in the proclamation from any other State or Territory of the Commonwealth, where he has reason to believe that any disease in that stock exists in that State or Territory, or that the introduction of such semen into this State would adversely affect the breeding of stock in this State.

Prohibition
of importa-
tion of semen
in certain
circum-
stances.

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(2) A proclamation made under subsection (1) of this section may be revoked or varied by subsequent proclamation.

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

Artificial
insemination
of stock.

10. (1) Except as provided in subsection (2) of this section, a person, not being a veterinary surgeon or a person possessing the prescribed qualifications, who performs any of the operations, that are referred to in paragraphs (c) and (d) of the interpretation "artificial breeding" in section four of this Act, commits an offence against this Act.

(2) Nothing in subsection (1) of this section prevents a person from performing any of the operations, referred to in that subsection, if they are performed by that person on stock of which he is the owner.

Powers of
inspector and
veterinary
surgeon
employed in
Department
of Agricul-
ture.

11. (1) An inspector or veterinary surgeon employed in the State Department of Agriculture may—

- (a) enter and inspect any licensed premises and examine and make copies of, or take extract from, any records required by the regulations to be kept in relation to the use of and to operations that are performed on those premises, and examine any semen or package containing or reasonably suspected by him to contain semen that he finds on those premises;
- (b) enter, search and examine any place that is being used or that he has reasonable grounds to suspect is being used for or in connection with the collection, storage or packing of semen for sale or for or in connection with the performance, carrying out, or doing of any operations, acts or

things relating to the practice of artificial breeding, and examine any semen or package containing, or reasonably suspected by him to contain, semen, that he finds in that place;

- (c) enter and search any vehicle, ship or aircraft that is being used, or that he has reasonable grounds to suspect is being used, for the conveyance of semen, and examine any semen or package containing, or reasonably suspected by him to contain, semen that he finds in that vehicle, ship or aircraft;
- (d) take possession of any semen or package containing semen in respect of which, in his opinion, an offence against this Act has been committed;
- (e) require any person to produce to him any records or other documents relating to semen or packages containing semen that are in the possession or custody or under the control of that person, and to answer truly any questions put to him by the inspector or veterinary surgeon in relation thereto or in relation to any suspected contravention of the provisions of this Act; and
- (f) require a licensee to produce for inspection any licence held by him.

(2) Any veterinary surgeon acting under the instructions of the Chief Veterinary Surgeon may at all reasonable hours enter any licensed premises, and may examine any stock found thereon and subject them to tests for the presence of disease and such tests as may be necessary to determine their eligibility for use in the collection of semen for sale.

(3) A person who hinders or obstructs or wilfully delays any inspector or any veterinary surgeon referred to in subsection (1) or (2) of this section in the exercise of the powers conferred upon him by this Act commits an offence against this Act.

General
penalty.
Amended by
No. 113 of
1965, s. 8.

12. A person who is guilty of an offence against this Act is liable on conviction to the penalty expressly prescribed as the penalty for the offence, or if a penalty is not so prescribed, to a penalty not exceeding one hundred dollars.

Regulations.
Amended by
No. 113 of
1965, s. 8.

13. (1) The Governor may make regulations under this Act for or with respect to—

- (a) the terms and conditions of licences;
- (b) the fees payable in respect of licences, renewal and transfer of licences;
- (c) the cases in which, and condition upon which, duplicates of licences may be issued;
- (d) the movement of stock onto, upon and off licensed premises;
- (e) the sale, exportation and importation of semen and ova;
- (f) the manner in which licensed premises shall be equipped for the collection, storage or packing of semen;
- (g) the manner of collecting, diluting, examining, chilling, freezing, processing, storing and packing semen on licensed premises;
- (h) the conditions of eligibility of stock for use in the collection of semen or the transplantation of ova;
- (i) the records to be kept by licensees and the records to be kept in relation to the use of licensed premises in connection with any operation, act or thing done under the authority of this Act;
- (j) the returns to be furnished to the Minister by licensees, the times or periods when or within which those returns shall be so furnished and the contents and verification of those returns;

- (k) the qualifications of persons for the purpose of section ten of this Act and the qualifications of persons for the grant of licences and other conditions to be fulfilled by applicants therefor;
and
- (l) such other matters as may be necessary or convenient for carrying out or giving effect to the provisions of this Act.
- (2) A provision in any regulation may apply to stock generally or to stock of any specified species or to species of stock other than those specified.
- (3) The regulations may—
 - (a) impose penalties, not exceeding one hundred dollars, for offences against the regulations; and
 - (b) require that, in such cases as may be prescribed, documents lodged with or forwarded to the Minister shall be verified by statutory declaration.

