

FIRST PRINT

STOCK (ARTIFICIAL BREEDING) BILL 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

Veterinary Surgeons (Artificial Breeding of Stock) Amendment Bill 1985;
Search Warrants (Artificial Breeding of Stock) Amendment Bill 1985.

The objects of this Bill are—

- (a) to repeal the Stock (Artificial Insemination) Act 1948 (“the former Act”), which regulated certain aspects of the artificial breeding of stock;
- (b) subject to exceptions (including those relating to owners of stock and to registered veterinary surgeons), to require that an artificial breeding procedure shall be carried out only on premises licensed under the proposed Act and by an appropriately qualified person;
- (c) except in cases described in regulations made under the proposed Act, to require a person who conducts a course in an artificial breeding procedure to hold an instructor’s certificate and a course approval certificate under that Act relating to the course;
- (d) to regulate, and to empower the Minister to prohibit, the introduction of semen and ova into the State;
- (e) to require stock used for artificial breeding to comply with standards to be fixed by regulations made under the proposed Act;
- (f) to require that semen or ova used in artificial breeding or sold or otherwise distributed shall have been produced in conditions controlled under the proposed Act and be properly identified;
- (g) to provide for regulations to be made imposing further controls on the use of premises for the artificial breeding of stock and the stock used in connection with artificial breeding procedures; and
- (h) to make other provisions of a minor or ancillary nature and of a saving or transitional nature, including provisions saving certain licenses and certificates of competency issued under the former Act and the regulations made under it.

The Bill contains the following provisions:

PART I—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day or days appointed by the Governor-in-Council.

Clause 3 states that the proposed Act binds the Crown. This clause also excepts owners of stock and their full-time employees and registered veterinary surgeons from certain obligations imposed by the proposed Act.

Clause 4 is an interpretation provision and includes a definition of the expression “artificial breeding procedure”.

PART II—LICENCES, APPROVALS AND CERTIFICATES

DIVISION 1—*Licensing of premises*

Clause 5 requires the licensing under the proposed Act of premises on which an artificial breeding procedure is carried out.

Clause 6 states requirements relating to the issue of licences. A licence will not be issued unless the premises to which it relates comply with standards to be fixed by the regulations.

Clause 7 provides for matters to be specified in a licence. A licence is to be of one of the following classes:

- (a) Artificial Breeding Centre Licence;
- (b) Distribution Centre Licence;
- (c) Ovum Transfer Centre Licence.

Clause 8 fixes the duration of a licence or renewed licence, if not sooner cancelled or surrendered, as being so much of the current prescribed 3 year licence period as is unexpired when the licence takes effect.

Clause 9 states the authority conferred by a licence of a class referred to above.

DIVISION 2—*Supervision*

Clause 10 requires an occupier of premises to ensure that the technical aspects of artificial breeding procedures carried out at the premises are carried out or directly supervised by a superintendent. This clause also requires that any prescribed restricted activity, being or forming part of an artificial breeding procedure, shall be carried out or directly supervised by a veterinary surgeon.

Clause 11 states requirements relating to the issue of supervisors’ approvals. They will be issued only to veterinary surgeons or holders of appropriate certificates of competency.

DIVISION 3—*Certificates of competency*

Clause 12 requires a person who carries out an artificial breeding procedure to be the holder of an appropriate certificate of competency.

Clause 13 states requirements relating to the issue of certificates of competency. A certificate of competency will not be issued unless the Director-General is satisfied that the applicant is adequately trained and capable.

Clause 14 provides for matters to be specified in a certificate of competency. A certificate is to be of one of the following classes:

- (a) Class "A"—collector's certificate of competency;
- (b) Class "B"—handler's certificate of competency;
- (c) Class "C"—inseminator's certificate of competency;
- (d) Class "D"—transferor's certificate of competency.

Clause 15 states the authority conferred by a certificate of competency of a class referred to above.

DIVISION 4—*Courses and instructors*

Clause 16 requires a person who conducts a course of instruction in any artificial breeding procedure to hold an instructor's certificate and a course approval certificate relating to the course. Clause 42 empowers the making of regulations providing for exemptions from the application of that requirement.

Clause 17 states requirements relating to the issue of instructors' certificates and the authority which they confer.

Clause 18 states requirements relating to the issue of course approval certificates.

DIVISION 5—*General*

Clause 19 defines the word "authority" for the purposes of Division 5 as meaning a licence, an approval or a certificate under Part II.

Clause 20 contains provisions applicable generally to applications for authorities.

Clause 21 states how authorities are made subject to terms and conditions. Terms and conditions may be prescribed in the regulations or imposed by the Director-General when the authority is issued or at a later time.

Clause 22 provides for the duration of authorities and for their renewal. The duration of licences will be fixed in accordance with the proposed Act and the duration of other authorities will be fixed by the regulations.

Clause 23 provides for the suspension (for not more than 60 days) of an authority or for its cancellation by the Director-General. The clause states the circumstances in which an authority may be so cancelled or suspended.

Clause 24 enables appeals to be made to a Local Court against the refusal, suspension or cancellation of authorities or against terms or conditions to which they are made subject by the Director-General.

PART III—SUPPLEMENTARY

DIVISION 1—*Offences*

Clause 25 imposes conditions on the introduction into the State of semen or ova from another State or a Territory.

Clause 26 imposes conditions on the introduction into the State of semen or ova from another country.

Clause 27 empowers the Governor-in-Council to prohibit the introduction into the State of semen or ova from another State, a Territory or another country in defined circumstances.

Clause 28 requires that stock used or kept for a purpose related to artificial breeding shall comply with standards fixed by regulations made under the proposed Act.

Clause 29 requires that semen or ova used for a purpose related to artificial breeding or sold or otherwise distributed shall have been lawfully obtained and processed, handled, stored and labelled in accordance with the proposed Act and the regulations made under that Act.

Clause 30 creates an offence of contravening terms or conditions of a licence, approval or certificate issued under Part II and certain other offences relating to those licences, approvals and certificates.

Clause 31 creates offences aimed at ensuring that the powers of inspectors granted by the proposed Act may be exercised and that certain requirements made by inspectors in the exercise of those powers shall be complied with.

DIVISION 2—*Inspection*

Clause 32 confers specified powers on inspectors for the purposes of the proposed Act. An inspector under the Stock Diseases Act 1923 will be an inspector under the proposed Act. Under this provision an inspector may seize and destroy stock in defined circumstances.

Clause 33 provides that an inspector may obtain a search warrant from an authorised justice to authorise the entry of a dwelling-house in certain circumstances.

Clause 34 empowers inspectors to serve written orders on the holder of a licence for premises requiring, among other things, that the premises be put into a clean and serviceable condition or that infected stock on the premises be treated or destroyed in accordance with the order.

Clause 35 empowers an inspector to seize semen or ova in defined circumstances.

DIVISION 3—*Miscellaneous*

Clause 36 provides that proceedings for offences against the proposed Act are to be taken in Local Courts and that any such proceedings may be taken up to 2 years after the commission of an offence.

Clause 37 dispenses with the requirement for the giving of evidence of certain formal matters in proceedings for the purposes of the proposed Act or regulations made under it and enables the giving of evidence of certain matters by the tender of a certificate in any such proceedings.

Clause 38 renders a director or other person concerned in the management of a corporation liable for certain offences committed by the corporation.

Clause 39 renders an employer liable for certain offences committed by an employee.

Clause 40 enables the Director-General to delegate functions of the Director-General under the proposed Act to other persons.

Clause 41 provides for refunds of a proportional part of certain fees paid under the proposed Act.

Clause 42 empowers the making of regulations under the proposed Act.

Clause 43 repeals the Stock (Artificial Insemination) Act 1948 and gives effect to the savings and transitional provisions contained in Schedule 3.

Clause 44 will make certain amendments to the proposed Act as a consequence of the commencement of the Search Warrants Act 1985.

Schedule 1 contains particulars relating to the issue and execution of a search warrant under the proposed Act.

Schedule 2 states certain matters that may be the subject of regulations to be made under the proposed Act.

Schedule 3 contains savings and transitional provisions (which will, among other things, save certain licenses and certificates of competency already issued) and empowers the making under the proposed Act of regulations containing further savings and transitional provisions.

