

NORTHERN TERRITORY OF AUSTRALIA

STOCK (ARTIFICIAL BREEDING) ACT

As in force at 9 May 1990

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 9 May 1990

STOCK (ARTIFICIAL BREEDING) ACT

An Act to provide for the control and regulation of the artificial breeding of stock

1 Short title

This Act may be cited as the *Stock (Artificial Breeding) Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

approved sire means a sire that is declared by the Chief Inspector to be an approved sire for the purposes of this Act.

authorised veterinary surgeon means a veterinary surgeon authorised by the Minister to make examinations and tests pursuant to this Act.

Chief Inspector means the Chief Inspector appointed under the *Stock Diseases Act*.

disease means any disease to which any animal or bird is subject which the Minister, by notice published in the *Gazette*, declared to be a disease for the purposes of this Act.

inspector means an inspector appointed under the *Stock Diseases Act* except where the Minister has otherwise directed under section 11 of that Act.

licence means a licence issued by the Minister pursuant to this Act.

licensed premises means premises in respect of which a licence is held pursuant to this Act.

semen means semen obtained from any species of stock.

sire means an entire male or any species of stock.

stock means all cattle and any animal or bird which the Minister, by notice in the *Gazette*, declares to be stock for the purposes of this Act.

veterinary surgeon means a veterinary surgeon registered under any law in force in the Commonwealth, a State or Territory relating to the registration and regulation of veterinary surgeons.

4 Collection, use and sale of semen

- (1) A person shall not:
 - (a) collect semen for sale from any sire;
 - (b) sell semen from any sire; or
 - (c) use semen from any sire for the purpose of artificial breeding:
unless, at the time of collection, sale or use the sire is an approved sire.
- (2) Application for the approval of a sire under this Act shall be made to the Chief Inspector in the prescribed form.
- (3) Subsection (1)(c) does not apply to or in relation to the use, with the written approval of the Chief Inspector, of semen collected from a sire, not being an approved sire, for the artificial insemination of female stock of the owner of the sire.

5 Approved sires

- (1) The Chief Inspector may declare a sire to be an approved sire if:
 - (a) an authorized veterinary surgeon:
 - (i) has examined and tested the sire at a time and place determined by the Chief Inspector;
 - (ii) has reported in writing to the Chief Inspector that the sire is free from disease, and that the health, general condition, conformation, pedigree and results of a performance test of the sire and of conformation and records of production of ancestors, related animals and progeny, if any, of the sire are satisfactory; and
 - (iii) the sire complies with such other conditions as the Chief Inspector may either generally or in a particular case determine; or

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- (b) the Chief Inspector is of the opinion that it is impracticable for the sire to be examined and tested by an authorised veterinary surgeon and he is satisfied, after due inquiry, that the sire and the ancestors, related animals and progeny, if any, of the sire would conform to all the conditions required of a sire so examined and tested.
- (2) After declaring a sire to be an approved sire, the Chief Inspector shall send to the owner of the sire a notice in writing of that approval.

6 Cancellation of approval

- (1) Where the Chief Inspector is of the opinion that an approved sire:
- (a) is or may be infected with disease;
 - (b) is infertile or is suffering a substantial reduction in fertility;
 - (c) shows evidence of any unsatisfactory trait, deformity, malformation or unsatisfactory result of a performance test; or
 - (d) has produced any progeny which show signs of any undesirable trait, deformity, malformation or unsatisfactory record of production,

he may cancel the approval of an approved sire and shall then inform the owner in writing that the sire is no longer an approved sire.

- (2) On the owner of a sire being informed under this section that the sire is no longer an approved sire, he shall immediately inform every person to whom semen collected from that sire has been sold within the preceding 12 months that the sire is no longer an approved sire.
- (3) Every purchaser of semen notified under subsection (2) shall, if he has sold the whole or part of that semen so purchased, immediately inform every person to whom that semen was sold within the preceding 12 months that the sire is no longer an approved sire.

7 Use of imported semen

- (1) The Chief Inspector may approve of the sale and use in the Territory of semen which has been imported into Australia with the consent in writing of the Director of Quarantine, appointed under the *Quarantine Act 1908* of the Commonwealth, where the Chief Inspector is of the opinion that the health, general condition, conformation, pedigree and results of a performance test of the sire from which the semen was collected and the conformation and

records of production of ancestors, related animals and progeny, if any, of the sire are satisfactory.

- (2) An approval by the Chief Inspector pursuant to subsection (1) with respect to any semen imported into Australia shall be deemed to be a declaration by him that the sire from which the semen was collected is an approved sire for the purposes of this Act.
- (3) An approval pursuant to subsection (1) may be cancelled by the Chief Inspector if he is of the opinion that the sire from which the semen was collected:
 - (a) shows evidence of any undesirable trait, deformity, malformation or unsatisfactory result of a performance test; or
 - (b) has produced any progeny which show signs of any undesirable trait, deformity, malformation or unsatisfactory record of production.
- (4) On cancellation pursuant to subsection (3), of approval of a sire granted under subsection (1), that sire shall cease to be an approved sire for the purposes of this Act.
- (5) Where the Chief Inspector cancels an approval under subsection (1) he shall inform the importer or agent through whom the semen was purchased of the cancellation of approval of the semen for sale and use in the Territory.
- (6) On the importer or agent being informed, pursuant to subsection (5), of the cancellation of approval he shall immediately inform every purchaser of the semen that approval for its sale and use in the Territory has been cancelled.
- (7) A person shall not sell or use semen imported into Australia after being informed that the approval for its sale and use in the Territory has been cancelled by the Chief Inspector.

8 Licenses

- (1) A person shall not keep or use any premises for the collection, storage, packing, dilution, chilling, freezing or processing of any semen for sale unless he has a licence issued under this Act for such a purpose.
- (2) Subject to this Act, the Minister may grant a licence to a person for the purposes of subsection (1) if he is satisfied that the premises with respect to which the licence may be granted are under the personal supervision and control of an authorised veterinary surgeon who can ensure the continuous freedom from disease of the stock in those premises and the continuous sanitary condition of

those premises.

9 Form of licences

- (1) Subject to subsection (2) every licence granted under section 8:
 - (a) shall be in force for a period of 3 years from the date of issue;
 - (b) shall be renewable from time to time and, if so renewed, be in force for a further period of 3 years;
 - (c) shall be restricted to one species of stock;
 - (d) may authorise the use of one or more premises for the purposes specified in section 8; and
 - (e) shall be subject to such terms and conditions as the Minister thinks fit including terms and conditions relating to:
 - (i) the amount of semen which may be stored on the premises;
 - (ii) the sires or breeds of sires from which semen may be stored;
 - (iii) the persons, bodies or organizations to whom or which semen may be delivered or sold; and
 - (iv) the district or area within which semen may be distributed after sale.
- (2) The Minister may revoke, suspend, vary or amend any licence on such terms and conditions as he thinks fit.

10 Entry onto premises to inspect stock

- (1) The Chief Inspector, or any veterinary surgeon authorized by him, may enter any licensed premises at any reasonable time for the purpose of examining and testing any stock on those premises to determine the eligibility of that stock for use in the collection of semen for sale.
- (2) An inspector may:
 - (a) enter and inspect any licensed premises, examine any records or registers required to be kept pursuant to this Act and take notes or extracts therefrom;
 - (b) require any licence holder under this Act to produce his licence for examination and inspection;

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- (c) enter and inspect any land, building, premises or place which he reasonably believes is being used for the collection, storage or packaging of semen for sale or for the artificial breeding of stock;
 - (d) enter and search any vehicle, boat or aircraft used for the transportation of goods or persons which he reasonably believes is being used for the conveyance of semen.
 - (e) examine any semen or any package or container, found in the course of an inspection or search under this section, including the contents thereof, believed to contain semen;
 - (f) seize and destroy any semen which in his opinion is defective, offensive or unsuitable for use; and
 - (g) where, in his opinion, an offence has been committed against this Act, take possession of any semen, package or container and require any person to hand over to him any documents or papers relating to that semen, package or container and provide such information as he requires in relation to that semen, package or container.
- (3) A person who enters premises under subsection (1) or (2) shall report, in writing, to the Minister:
- (a) the name, address or location of the premises;
 - (b) the date of entry;
 - (c) any action taken by him under the Act on the premises; and
 - (d) any article of which he has taken possession under subsection (2)(g).

11 Return or forfeiture of articles

- (1) In this section **article** means any semen, package or container or document or paper relating to any semen, package or container.
- (2) Where an inspector has taken possession of an article under section 10(2)(g) he shall, as soon as practicable, deliver the article to the Chief Inspector or a person nominated by the Chief Inspector.
- (3) The Chief Inspector or nominated person may retain the article for 60 days after the date of its delivery to him or, if a prosecution with respect to the article is instituted within that time, until the prosecution is disposed of.

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- (4) Where that prosecution is instituted within 60 days and the person prosecuted is found guilty, the court before which the person is found guilty may order that the article be forfeited to the Crown.
 - (5) Where a prosecution is not instituted within 60 days or where the court does not order the article to be forfeited to the Crown, the Chief Inspector or other person having possession of the article shall return it to the person from whose possession it was taken or to the premises from which it was taken.

12 Use of semen

A person shall not use semen for performing the operation of artificial insemination on any stock unless:

- (a) he is a veterinary surgeon or a person possessing other qualifications approved by the Chief Inspector; or
- (b) he is the owner, or is acting under the authority of the owner, of the stock and uses semen collected from male stock of that owner.

13 Collection, storage, &c., of semen

Where the collection, storage, dilution, chilling, freezing, processing or use of semen from a sire, which is not an approved sire, is not prohibited by this Act, that semen shall not be collected, stored, diluted, chilled, frozen, processed or used by any person unless:

- (a) it is collected by a person approved by the Chief Inspector; and
- (b) the Chief Inspector, after satisfying himself that the health of the sire is such that use of its semen is not likely to be a cause of the spread of disease, permits the collection, storage, dilution, chilling, freezing, processing or use of the semen.

14 Appeal

Where the Chief Inspector:

- (a) refuses to declare a sire an approved sire;
- (b) cancels the approval of a sire as an approved sire;
- (c) refuses to approve, or cancels an approval for, the sale of, and use in the Territory of, semen imported into Australia;

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- (d) refuses to give approval for the use of semen collected from a sire, not being an approved sire, for the artificial insemination of female stock of the owner of the sire; or
 - (e) refuses permission for the collection, storage, dilution, chilling, freezing, processing or use of semen from a sire which is not an approved sire,

a person aggrieved by that decision of the Chief Inspector may appeal to the Minister who may conclusively vary, rescind or confirm the decision of the Chief Inspector.

15 Penalty

- (1) Any person who contravenes or fails to comply with any provision of this Act, any term or condition of any licence granted under this Act or any lawful requirement made pursuant to this Act is guilty of an offence.

Penalty: \$2,000 or imprisonment for 6 months.

- (2) Any semen in respect of which there has been a finding of guilt pursuant to this Act is forfeited and shall be destroyed together with any package or container containing that semen, unless otherwise disposed of as determined by the court before which that finding of guilt was recorded.

15A Regulatory offences

An offence of contravening or failing to comply with section 4, 6(2) or (3) or 7(6) is a regulatory offence.

16 Prohibition of importation

The Minister may, by notice in the *Gazette*, prohibit absolutely or conditionally the importation or introduction into the Territory of semen obtained from stock of the species specified in that notice, from any other Territory, State or country where he reasonably believes that any disease exists in that Territory, State or country in that stock which would adversely affect the breeding of stock in the Territory if that semen were imported or introduced into the Territory.

17 Regulations

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act and, in particular:

- (a) making provision for records and returns to be kept for the purposes of this Act; and
- (b) making provision for penalties not exceeding \$2,000 for a breach of the regulations.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2 LIST OF LEGISLATION***Stock (Artificial Breeding) Act 1979 (Act No. 129, 1979)***

Assent date 15 October 1979
 Commenced 9 October 1981 (*Gaz* G40, 9 October 1981, p 3)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
 Commenced 1 January 1984 (s 2 s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz* G46, 18 November 1983, p 11 and *Gaz* G8, 26 February 1986, p 5)

Stock (Artificial Breeding) Amendment Act 1990 (Act No. 8, 1990)

Assent date 2 April 1990
 Commenced 9 May 1990 (s 2, s 2 *Stock Diseases Amendment Act 1990* (Act No. 2, 1990) and *Gaz* G18 9 May 1990, p 5)

3 LIST OF AMENDMENTS

s 3 amd No. 8, 1990, s 3
 s 15A ins No. 68, 1983, s 61