

STOCK (ARTIFICIAL INSEMINATION) ACT.

Act No. 11, 1948.

An Act to make provision with respect to the control and regulation of the artificial insemination of stock; and for purposes connected therewith. [Assented to, 30th April, 1948.]

George VI.
No. 11, 1948.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Stock (Artificial Insemination) Act, 1948."

Short title
and
commence-
ment.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2.

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Definitions.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires,—

“Disease” means any disease, parasite or pest affecting or attacking stock declared by the Governor by proclamation published in the Gazette to be a disease for the purposes of this Act.

“License” means a license issued under this Act in respect of a particular species of stock.

“Licensed premises” means premises in respect of which a license is held.

“Licensee” means the holder of a license.

“Prescribed” means prescribed by this Act or the regulations.

“Regulations” means regulations made under this Act.

“Semen” means semen obtained from stock.

“Stock” means cattle, horses, sheep, pigs, poultry and any animals or birds to which the Governor by proclamation published in the Gazette may apply the provisions of this Act.

(2) 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 the State, to the intent that where any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances shall not be affected.

Semen to be collected, stored or packed for sale under license.

3. Any person who uses any premises for the collection, storage or packing of semen of any species of stock for sale otherwise than under the authority of a license issued to him under this Act in respect of such species shall be guilty of an offence against this Act.

Licenses.
cf. Act No. 40, 1935,
s. 4.

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

(2) A license may be renewed and on each renewal shall, unless sooner cancelled, have effect for a further period of three years.

(3).

(3) A license--

No. 11, 1943.

(a) may authorise the use of any number of premises; and

(b) shall be restricted to one species of stock.

(4) A license may be transferred upon the application of the transferee and a license may upon the application of the licensee be varied with respect to the premises authorised to be used thereunder. Such transfer or variation shall be effected by the endorsement thereof upon the license.

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

If any person commits a breach of any of the terms or conditions of any such license he shall be guilty of an offence against this Act.

5. Applications for the issue, renewal, transfer or variation of a license shall be in or to the effect of the form prescribed and shall be made to the Minister. An application for the transfer of a license shall be accompanied by the consent in writing of the licensee to the transfer.

Applications
for licenses,
etc.

The Minister may in his discretion grant or refuse any application under this section.

6. (1) On the conviction of a licensee for any offence against this Act or the regulations, the court may, in addition to any penalty it may impose upon such licensee in respect of such offence, order that his license be cancelled, suspended for such time as the court thinks fit or varied so as to exclude therefrom for such time as it thinks fit any of the premises authorised to be used thereunder. The license shall be deemed to have been cancelled, suspended or varied, as the case may be, as from the date of the making of such order.

Cancellation,
suspension
or variation
of license

(2) The licensee shall thereupon surrender his license to the clerk of the court and in default of so doing shall be guilty of an offence against this Act. The clerk of the court shall forward the license together with a certified copy of the order of the court to the Minister. The Minister shall endorse the license with the terms of the order and if it has not been cancelled or suspended
return

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No. 11, 1948. return the same to the licensee. If the license has been suspended the Minister shall return it to the licensee on the expiration of the period of suspension.

Prohibition of importation of semen.
cf. Act No. 34, 1923, s. 11B; Act No. 38, 1924, s. 4.

7. (1) The Governor may from time to time by proclamation published in the Gazette prohibit the importation or introduction into the State of New South Wales of semen obtained from stock of the species specified therein from any other State or from any colony or country where he has reason to believe that any disease in such stock exists in such State, colony or country or that the importation or introduction of such semen would adversely affect the breeding of stock in the State of New South Wales.

(2) Such prohibition may be absolute or conditional.

(3) The Governor may at any time revoke or vary any such proclamation.

(4) Any person who contravenes or fails to comply with the provisions of any proclamation under this section shall be guilty of an offence against this Act.

Artificial insemination of stock.

8. Any person, not being a veterinary surgeon registered under the Veterinary Surgeons Act, 1923-1946, or a person possessing the prescribed qualifications, who performs the operation of artificial insemination of any stock shall be guilty of an offence against this Act.

It shall not be an offence against this Act for any person to perform the operation of artificial insemination of stock of which he is the owner.

Entry and inspection.

9. (1) Any inspector appointed under section six of the Stock Diseases Act, 1923-1934, or under section twenty-one of the Pastures Protection Act, 1934-1943, or any veterinary officer in the employment of the Department of Agriculture may—

- (a) enter and inspect any licensed premises and examine and make extracts from any records required to be kept under the regulations;
- (b) enter and search any land, building, premises or place which is being used or which he has reasonable grounds for believing is being used for the collection, storage or packing of semen for sale or on which stock are being artificially inseminated.

inseminated or on which he has reasonable grounds for believing that stock are being artificially inseminated; No. 11, 1948.

- (c) enter and search any vehicle, ship, vessel or aeroplane or other means of transport which is being used or which he has reasonable grounds for believing is being used for the conveyance of semen;
- (d) examine any semen or package containing semen found upon any such licensed premises, land, building, premises, place, vehicle, ship, vessel, aeroplane or other means of transport and open and inspect any such package;
- (e) take possession of any semen or package containing semen in respect of which in his opinion an offence against this Act or the regulations has been committed and order any person to produce any documents or papers in his possession or under his control relating to such semen or package and to answer truly any questions put to him relating thereto;
- (f) require any licensee to produce any license held by him under this Act.

(2) Any veterinary officer in the employment of the Department of Agriculture, or any veterinary surgeon registered under the Veterinary Surgeons Act, 1923-1946, acting under the instructions of the Chief Veterinary Surgeon of the Department of Agriculture, 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) Any person who hinders, obstructs or interferes with any inspector or veterinary officer, or any veterinary surgeon acting under the instructions of the Chief Veterinary Surgeon, in the exercise of the powers conferred upon him by this Act shall be guilty of an offence against this Act.

10. (1) Any person guilty of an offence against this Act or the regulations shall be liable to a penalty not exceeding fifty pounds. Penalty.

(2)

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(2) All proceedings for offences against this Act or the regulations shall be disposed of summarily before a court of petty sessions.

Regulations.

11. (1) The Governor 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 and without limiting the generality of the foregoing power the Governor may make regulations for or with respect to—

- (a) the forms to be used under this Act;
- (b) the terms or conditions of licenses;
- (c) the sale, exportation and importation of semen;
- (d) the movement of stock on to, upon and off licensed premises;
- (e) the manner in which licensed premises shall be equipped for the collection, storage or packing of semen;
- (f) the manner of collecting, storing and packing semen on licensed premises and the qualifications to be held by persons so collecting, storing and packing semen;
- (g) the conditions of eligibility of stock for use in the collection of semen for sale;
- (h) keeping of records on licensed premises; and
- (i) the qualifications of persons who may perform the operation of artificial insemination of stock.

Any 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.

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

**Factories and Shops (Home Deliveries) Amendment
Act.**

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If either House of Parliament passes a resolution, of No. 11, 1948.
which notice has been given at any time within fifteen
sitting days after such regulations have been laid before
such House, disallowing any regulation or part thereof,
such regulation or part shall thereupon cease to have
effect.

