

Stock (Artificial Breeding) Regulation 1995

[1995-522]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Note**
The Regulation is to be repealed on the commencement of sec 5 of the [Stock Diseases Amendment \(Artificial Breeding\) Act 2004 No 35](#).
- **Repeal**
The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2005.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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Stock (Artificial Breeding) Regulation 1995



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation may be cited as the *Stock (Artificial Breeding) Regulation 1995*.

2 Commencement

This Regulation commences on 1 September 1995.

3 Definitions

In this Regulation:

admission area means that part of licensed premises used for the purpose of health testing of stock prior to entry to the centre proper of the licensed premises.

approved means approved by the Director-General.

assessment means the examination of semen or an ovum to determine its quality and its suitability for further processing and use.

cattle means any cattle of any age or sex, and includes any buffalo.

centre proper, in relation to licensed premises, means that part of licensed premises to which only fully health tested stock are permitted entry.

Commonwealth licensing standards means the standards contained in the publication entitled "Minimum Health Standards for Stock Standing at Licensed or Approved Artificial Breeding Centres in Australia" (3rd edition), as published in 1988 by the Commonwealth Department of Primary Industries and Energy, copies of which are available from the office of the New South Wales Department of Agriculture.

Commonwealth Code of Practice means the code of practice contained in the publication entitled "Code of Practice for Australian Livestock Artificial Breeding Centres", as published in 1988 by the Commonwealth Department of Primary Industries and Energy, copies of which are available from the office of the New South Wales Department of Agriculture.

donor stock means any stock from which either semen or ova are collected.

examination, treatment or test, in relation to stock, means any examination, treatment or test of the stock to detect disease or hereditary defect.

goat means a goat of any age or sex.

hereditary defect means an inherited fault or undesirable genetic trait, and includes any fault or trait specified in Schedule 1.

implanting means the process by which an ovum is introduced into stock.

isolation means the keeping apart of any stock in an enclosure so that direct physical contact with any other stock, not of the same health status, is prevented.

isolation area means an area within licensed premises where stock can be isolated for examination, treatment or test.

recipient stock means any female stock into which semen is artificially introduced or an ovum implanted.

sheep means any sheep of any age or sex.

swine means any swine of any age or sex.

the Act means the [Stock \(Artificial Breeding\) Act 1985](#).

4 Technical aspects of artificial breeding: sec 4

For the purposes of section 4 (2) of the Act, the following are prescribed as technical aspects of an artificial breeding procedure:

- (a) the collection, assessment, dilution, chilling or freezing of semen or ova from stock,
- (b) the insemination of female stock,
- (c) the implanting of an ovum in female stock.

Part 2 Licences and approvals

Division 1 Licensing of premises

5 Licensing standards: sec 6

For the purposes of section 6 of the Act, the prescribed standards for premises are the Commonwealth licensing standards for those premises.

6 Prescribed licence period: sec 8

For the purposes of section 8 of the Act, the prescribed licence period is the period ending

on 31 March 1998, or any successive period of 3 years ending on the third, sixth or other such anniversary of that date.

Division 2 Supervision

7 Restricted activities of artificial breeding: sec 10

- (1) For the purposes of section 10 (2) of the Act, any procedure that involves a surgical incision or laparoscopy is prescribed as a restricted activity.
- (2) In this clause, **laparoscopy** means the examination, manipulation or penetration of organs within the abdominal cavity by means of a probe or other instrument.

Division 3

8, 9 (Repealed)

Division 4 General

10 Application forms: sec 20

For the purposes of section 20 (1) of the Act, the prescribed manner of making an application for:

- (a) the issue, renewal, variation or transfer of a licence, or
- (b) the issue of a supervisor's approval,
- (c)-(e) (Repealed)

is by lodging an application in the approved form with the Director-General.

11 Fees: sec 20

For the purposes of section 20 (1) of the Act, the prescribed fee for making an application for the issue, renewal, variation or transfer of an authority specified in Schedule 3 is:

- (a) the fee specified in that Schedule in respect of the authority, or
- (b) such lesser fee as is determined by the Director-General in a particular case.

12 Terms and conditions of licence: sec 21

For the purposes of section 21 (1) of the Act:

- (a) a licence for premises is subject to the condition that its holder:
 - (i) must comply with the requirements of this Regulation, and with the requirements of the Commonwealth licensing standards, for those premises, and
 - (ii) must ensure that any artificial breeding procedure that is carried out on the

premises is carried out in accordance with the requirements of this Regulation, and with the requirements of the Commonwealth Code of Practice, for the conduct of artificial breeding procedures.

- (b) a certificate of competency (including a provisional certificate) is subject to the condition that its holder must comply with the requirements of this Regulation, and with the requirements of the Commonwealth Code of Practice, for the conduct of artificial breeding procedures.

13 Duration of authorities: sec 22

For the purposes of section 22 of the Act:

- (a) an authority (other than a supervisor's approval) remains in force, unless sooner cancelled or surrendered, for the residue of the licence period that is current when the authority first takes effect, and
- (b) a supervisor's approval remains in force until cancelled or surrendered.

14 Time limit for appeals: sec 24

For the purposes of section 24 (1) of the Act, the prescribed time within which an aggrieved person may appeal to a Local Court against a decision by the Director-General concerning an authority is the period ending 28 days after the person is notified of the decision.

Part 3 Operation of licensed premises

15 Entry of stock to licensed premises

- (1) A licensee must not allow stock to enter the licensed premises unless the stock has been examined by a veterinary surgeon and the veterinary surgeon has certified that:
 - (a) the stock is adequately individually identified, and
 - (b) the stock has been examined and found to be free of any evidence of infectious or contagious disease, and has been held in isolation prior to entry to the licensed premises, and
 - (c) in the case of donor stock, the stock is free of any evidence of hereditary defect specified in Part A of Schedule 1 in relation to stock of that species, and
 - (d) in the case of stock of a breed specified in Part B of Schedule 1 or stock derived from such a breed:
 - (i) the stock has been tested, by an approved method and at an approved laboratory, for the hereditary defect specified in Part B of that Schedule in relation to stock of that breed, and

- (ii) the test shows no evidence of that defect, and
- (e) the stock otherwise complies with approved health standards for entry to the licensed premises.

Maximum penalty: 10 penalty units.

- (2) A licensee must not allow stock to enter the centre proper of licensed premises unless the stock has, not more than 30 days before the proposed entry or such other period as is approved, been examined by a veterinary surgeon and the veterinary surgeon has certified that the stock meets approved health standards for entry to the centre proper.

Maximum penalty: 10 penalty units.

16 Maintenance health testing

- (1) A licensee must ensure that all stock held in the centre proper of the licensed premises undergo approved maintenance health testing:
 - (a) at intervals of not more than 15 months and not less than 9 months, or
 - (b) at such other intervals as may be approved.

Maximum penalty: 10 penalty units.

- (2) Unless otherwise approved, a licensee must immediately remove from the licensed premises any stock that, on being tested, fails to comply with the approved health standards for entry to the licensed premises.

Maximum penalty: 10 penalty units.

- (3) Subclause (2) does not apply to stock that entered the centre proper within the period of 90 days immediately preceding the completion of the testing.

17 Annual declaration of stock health

On or before 15 January each year, the holder of an Artificial Breeding Centre Licence or Ovum Transfer Centre Licence must submit to the Director-General, a declaration of stock health, in the approved form, for the preceding calendar year.

Maximum penalty: 5 penalty units.

18 Cause of death of stock to be investigated

A licensee must ensure that the cause of death of any stock that dies on the licensed premises is investigated by a veterinary surgeon.

Maximum penalty: 10 penalty units.

19 Register of stock

- (1) The holder of an Artificial Breeding Centre Licence or Ovum Transfer Centre Licence must keep a register, in accordance with this clause, of all stock that enter, that are born in, that die in or that leave the licensed premises.

Maximum penalty: 5 penalty units.

- (2) The register must contain the following particulars for stock in the admission area:
- (a) the identity and date of entry of any stock that enters the admission area,
 - (b) the identity of such of the stock as enters for the purpose of becoming recipient stock,
 - (c) the identity and date of birth of any stock that is born in the admission area,
 - (d) the identity and date of death of any stock that dies in the admission area,
 - (e) the identity and date of leaving of any stock that leaves the admission area,
 - (f) details of any examination, treatment or test conducted on the stock (including the results of any investigation into the cause of death of stock that dies in the admission area), and the date and results of any such examination, treatment or test.
- (3) The register must contain the following particulars for stock in the centre proper:
- (a) the identity and date of entry of any stock that enters the centre proper, including the breed and species, and (if appropriate) the name, brand or tattoo and the breed society registration,
 - (b) the premises of origin of the stock,
 - (c) the name and address of the owner of the stock,
 - (d) the identity and date of birth of any stock that is born in the centre proper,
 - (e) the identity and date of death of any stock that dies in the centre proper,
 - (f) the identity and date of leaving of any stock that leaves the centre proper,
 - (g) details of any examination, treatment or test conducted on the stock (including the results of any investigation into the cause of death of stock that dies in the centre proper), and the date and results of any such examination, treatment or test.
- (4) Each entry of an examination, treatment or test:
- (a) must be made in the register as soon as possible, but not later than 7 days after

the examination, treatment or test, and

- (b) must be certified by the veterinary surgeon who conducted or supervised the examination, treatment or test.

Part 4 Conduct of artificial breeding procedures

20 Conduct of artificial breeding procedures

In carrying out any artificial breeding procedure, a person:

- (a) must take such precautions as are necessary to prevent the transmission of disease between stock, and
- (b) must exercise care in the collecting, processing, handling, storage and use of semen or ova to ensure that the identification, quality and viability of the semen or ova are retained, and
- (c) must use clean, sterilised instruments and equipment during the collection, processing, handling, storage and use of semen or ova.

Maximum penalty: 10 penalty units.

Part 5 Miscellaneous

21 Importation from a State or Territory: sec 25

- (1) For the purposes of section 25 (1) (b) of the Act, a person may introduce into the State any semen or ova from any other State or Territory:
 - (a) if the semen or ova was collected, processed and stored on premises licensed for that purpose under a law of the State or Territory corresponding to the Act, or
 - (b) if the person is a licensee and the semen or ova is to be used to perform an artificial breeding procedure on stock owned by the owner of the stock from which the semen or ova was collected.
- (2) For the purposes of section 25 (2) of the Act, the prescribed manner of making an application for an approval to introduce into the State any semen or ova from any other State or Territory is by lodging an application in the approved form with the Director-General.
- (3) The fee for making such an application is the fee specified in Schedule 3 in respect of the application.
- (4) The licensee of licensed premises must keep a record of any semen or ova introduced into the State through the licensed premises.

Maximum penalty: 10 penalty units.

22 Storage of semen or ova on licensed premises

(1) In this clause:

licensed semen or ova means semen or ova:

- (a) collected and processed at licensed premises, or
- (b) introduced into the State in accordance with clause 21 (1) (a), or
- (c) introduced into the State from another country in accordance with section 26 of the Act,

and subsequently stored only at licensed premises or under the control of a veterinary surgeon (or under the control of the person who purchased the semen or ova directly from a licensed premises or from a veterinary surgeon).

(2) A person must not cause or permit licensed semen or ova to be stored on licensed premises in containers used, at the same time, for the storage of unlicensed semen or ova.

Maximum penalty: 10 penalty units.

23 Retention of records

A licensee must ensure that any register or record required by this Regulation:

- (a) is certified, in relation to each entry, by the person making the entry, and
- (b) is of a permanent nature, and
- (c) is retained in safe custody at the licensed premises, or at the usual place of business of the licensee, for a period of not less than 3 years after the record was made, and
- (d) is made available at any reasonable time for examination by an inspector.

Maximum penalty: 10 penalty units.

24 Stock to comply with certain requirements: sec 28

For the purposes of section 28 of the Act, the prescribed standards for stock are the Commonwealth licensing standards for the stock.

25 Offences relating to semen and ova: sec 29

For the purposes of section 29 (f) of the Act, the prescribed manner for identifying semen and ova is the manner set out in the Commonwealth Code of Practice.

26 Powers of inspectors: sec 32

(1) For the purposes of section 32 (1) (n) of the Act, the prescribed manner of taking any

sample, package or material referred to in that paragraph is by taking it in the presence of its owner, or in the presence of an employee of its owner, and by giving a receipt for it to the owner or employee.

(2) The receipt:

(a) must identify the sample, package or material being taken, and

(b) must state the name of, and be dated and signed by, the inspector by whom it is taken.

(3) For the purposes of section 32 (4) of the Act, the prescribed period after which detained stock must be returned is 30 days.

27 Orders: sec 34

(1) For the purposes of section 34 (1) (b) and (3) (b) of the Act, the prescribed standards for things found on or in licensed premises are those contained in the Commonwealth licensing standards for those premises.

(2) For the purposes of section 34 (3) (b) of the Act, the prescribed standards for stock are the Commonwealth licensing standards for the stock.

28 Seizure of semen or ova: sec 35

(1) For the purposes of section 35 (2) of the Act, the prescribed form of notice to be given by an inspector when seizing anything under section 35 of the Act is Form 1 in Schedule 4.

(2) For the purposes of section 35 (4) of the Act, the prescribed period after which anything detained under section 35 of the Act must be returned is 30 days.

29 Misdescription of semen or ova

A person must not sell or distribute any semen or ova in any package or container if the package or container misdescribes the semen or ova.

Maximum penalty: 10 penalty units.

30 Hereditary defects

A person must not advertise the sale or distribution of semen or ova if:

(a) the person is aware that the stock from which the semen or ova has been produced carried, or may have carried, an hereditary defect referred to in Part A of Schedule 1, and

(b) the advertisement does not include a clear warning:

(i) that the stock carried, or may have carried, the defect, and

(ii) that the use of the semen or ova may be deleterious to the breeding of stock.

Maximum penalty: 10 penalty units.

31 Repeal

(1) The *Stock (Artificial Breeding) Regulation 1989* is repealed.

(2) Any act, matter or thing that, immediately before the repeal of the *Stock (Artificial Breeding) Regulation 1989*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Hereditary defects

(Clause 3)

Part A

Cattle

Achondroplasia and dwarfism
Bovine leucocyte adhesion deficiency (BLAD)
Cerebellar hypoplasia
Cerebral hernia
Chromosomal translocation
Citrullinaemia
Cleft palate and harelip
Coloboma
Congenital blindness (white shorthorns)
Congenital cardiomyopathy
Congenital dropsy
Congenital myoclonus
Cryptorchidism
Dermal aplasia
Deficiency of uridine monophosphate synthase (DUMPS)
Epilepsy
Epitheliogenesis imperfecta
Exophthalmos with strabismus
Factor 11 deficiency
Generalised glycogenosis (Pompe's Disease)
Haemophilia
Hermaphroditism
Hydrocephalus
 α Mannosidosis
 β Mannosidosis
Maple syrup urine disease
Microencephaly
Muscular hypertrophy
Osteopetrosis

Protoporphyrin
Syndactylism (mule foot)
Umbilical hernia

Goats

Absence of ears
Atresia ani
Blind halves of udder
Cleft palate and harelip
Congenital dropsy
Cryptorchidism
Deformed limbs
Goitre
Hermaphroditism
Mannosidosis
Myoclonia congenita
Recessive atrichosis
Sperm granuloma
Testicular atrophy

Sheep

Agnathia
Arthrogryposis and hydranencephaly
Cerebellar abiotrophy
Congenital progressive muscular dystrophy
Cryptorchidism
Daft lamb disease
Holoprosencephaly
Spider syndrome
Testicular hypoplasia

Swine

Atresia ani
Cerebellar cortical abiotrophy
Cleft palate
Cryptorchidism
Dermatosis vegetans
Hermaphroditism
Myoclonia congenita
Porcine stress syndrome
Scrotal hernia
Splay legs
Umbilical hernia

Part B

Cattle

| | |
|--|---|
| Bovine leucocyte adhesion deficiency (BLAD) | Holstein/Friesian |
| Citrullinanaemia | Holstein/Friesian |
| Deficiency of uridine monophosphate synthase (DUMPS) | Holstein/Friesian |
| Factor XI deficiency | Holstein/Friesian |
| Generalised glyco-genosis | Brahman, Beef Shorthorn |
| Haemophilia A | Hereford, Poll Hereford |
| α Mannosidosis | Angus, Galloway, Murray Grey |
| β Mannosidosis | Salers |
| Maple syrup urine disease | Hereford, Poll Hereford, Beef Shorthorn |
| Protoporphyrria | Limousin, Blonde Aquitaine |

Goats

| | |
|-----------------------|--------------|
| α Mannosidosis | Anglo-Nubian |
|-----------------------|--------------|

Schedule 2 (Repealed)

Schedule 3 Fees

(Clauses 11, 21)

| Application | Fee (\$) |
|---------------------------------------|----------|
| Artificial breeding centre licence | |
| Issue of licence one species of stock | 360 |
| For each additional species of stock | 36 |
| Renewal of licence | 36 |
| Variation or transfer of licence | 10 |
| Distribution centre licence | |
| Issue of licence one species of stock | 72 |
| For each additional species of stock | 36 |
| Renewal of licence | 36 |
| Variation or transfer of licence | 10 |
| Ovum transfer centre licence | |
| Issue of licence one species of stock | 144 |

| | |
|--|----|
| For each additional species of stock | 36 |
| Renewal of licence | 36 |
| Variation or transfer of licence | 10 |
| Approval to introduce semen or ova into NSW | |
| Issue of approval, for each consignment of each species of stock | 10 |

Schedule 4 Forms

Form 1

(Clause 28)

NOTICE OF SEIZURE

(Stock (Artificial Breeding) Act 1985)

To:
(person in possession of semen, ova or material)

Of:
(location of semen, ova or material)

I,
(name of inspector)

have seized the following semen, ova or material:

.....
.....
.....
(description of semen, ova or material)

because I suspect:
.....
.....
.....

(reason for seizure)

The semen, ova or material will be returned to you if it is not condemned and destroyed within 30 days after the date of this notice.

Dated:

Signed: