



STOCK

No. 85 of 1975

ANALYSIS

- | | |
|---|---|
| 1. Short title, citation, and commencement. | 7. Licences in respect of premises. |
| 2. Appointment of officers. | 8. Operators' licences and provisional operators' licences. |
| 3. Interpretation of Part VIII. | 9. Revocation, &c., of licences. |
| 4. Regulation of artificial breeding, &c. | 10. Appeals in respect of licences. |
| 5. Approval of sires. | 11. Regulations. |
| 6. Commercial artificial breeding licences. | 12. Transitional provisions. |
| | 13. Expiry of Act. |

AN ACT to amend the Stock Act 1932.

[22 December 1975]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Stock Act 1975*.

Short title,
citation, and
commencement.

(2) The *Stock Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Appointment
of officers.

2 Section 4 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) The Chief Inspector may by an authority in writing authorize an officer of the Department to exercise such of the functions conferred on the Chief Inspector under this Act as may be specified in the authority, and anything done in pursuance of such an authority has the like effect as if it were done by the Chief Inspector.”.

Interpretation
of Part VIII.

3 Section 32 of the Principal Act is amended by inserting in subsection (1), after the definition of “artificial breeding”, the following definition:—

“‘commercial artificial breeding licence’ means a commercial artificial breeding licence granted under section 35A;”.

Regulation of
artificial
breeding, &c.

4 Section 33 of the Principal Act is amended by omitting subsections (3), (4), (5), and (6) and substituting therefor the following subsections:—

“(3) Except as may be authorized by a commercial artificial breeding licence no person shall perform, or shall cause or allow to be performed, any artificial breeding operation for fee or reward.

“(4) Except as may be authorized by a premises licence no person shall use any premises, or allow any premises to be used, for the collection, dilution, chilling, or freezing of semen or ova or otherwise for the processing of semen or ova.

“(5) Except as may be authorized by an operator’s licence or a provisional operator’s licence no person shall perform an artificial breeding operation.

“(6) Subsection (5) does not prevent—

- (a) the performance of such artificial breeding operations by such persons in such circumstances or subject to such conditions as may be prescribed; or
- (b) a veterinary surgeon from obtaining semen from a sire or from artificially inseminating stock with semen.”.

5 Section 34 of the Principal Act is amended—

Approval of
sires.

- (a) by omitting from subsection (1) the words “ by or on behalf of the owner ” and substituting therefor the words “ for the approval ”;
- (b) by omitting paragraphs (a), (b), and (c) of subsection (3) and substituting therefor the following paragraphs:—
 - “(a) The period during which, in pursuance of the approval, semen may be obtained from the sire to which the approval relates;
 - “(b) The amount of the semen so obtained that may be used for the purposes of artificial breeding; and
 - “(c) The period during which, the manner in which, or the purposes for which, that semen may or may not be used or dealt with.”;
- (c) by inserting after subsection (3) the following subsection:—
 - “(3A) Two or more limited approvals may subsist at any time in respect of the same sire.”;
- (d) by inserting in subsection (7), after the word “ satisfied ”, the words “ or has reasonable grounds to suspect ”;
- (e) by omitting from paragraph (b) of that subsection the words “ that there are reasonable grounds to suspect ”; and
- (f) by inserting in paragraph (c) of that subsection, after the word “ has ”, the words “ been exposed to or ”.

6 After section 35 of the Principal Act the following section is inserted:—

“ 35A—(1) On application, as prescribed, the Minister may grant a commercial artificial breeding licence.

Commercial
artificial
breeding
licences.

“(2) Subject to the other provisions of this Act, a commercial artificial breeding licence authorizes, subject to the observance of the conditions or limitations to which the licence is subject, the carrying out by or on behalf of the holder thereof of such artificial breeding operations as may be specified in the licence.

“(3) The Minister may refuse to grant a commercial artificial breeding licence if he is of opinion that the grant of the licence—

- (a) would be detrimental to the development or the continuation of herd or flock programmes for genetic improvement;

- (b) would be detrimental to the development or provision of an efficient service to breeders of stock using artificial breeding methods, or to the efficient and adequate control of the use of those methods; or
 - (c) would be detrimental to the livestock industry,
- or if he is of opinion that the applicant for the licence is not a suitable person to hold the licence.

“(4) A commercial artificial breeding licence may be granted subject to conditions or limitations relating to all or any of the following matters, namely:—

- (a) The species or breeds of the sires or dams, or the particular sires or dams, from which semen or ova may be obtained in pursuance of the licence, or from which the semen or ova used or handled in pursuance of the licence may be obtained;
- (b) The places at which, the manner in which, or the conditions under which, semen or ova may be stored in pursuance of the licence;
- (c) The amount of semen or ova, or any kind of semen or ova, that may be so stored, either at any one time or during a period;
- (d) The persons to whom semen or ova, or any kind of semen or ova, may be sold or delivered pursuant to the licence, and the amount of any such semen or ova, or any kind of semen or ova, that may be so sold or delivered to any such person;
- (e) The places at which, or the areas or districts within which, artificial breeding operations, or any kind of artificial breeding operations, may be performed in pursuance of the licence; and
- (f) Any other matters that may be prescribed.

“(5) Without prejudice to the imposition of any condition or limitation under subsection (4), a commercial artificial breeding licence shall be granted subject to—

- (a) the condition that no semen or ova (not being semen or ova imported into the Commonwealth) that has been obtained from outside the State may be used or handled in pursuance of the licence, unless the Chief Inspector has

certified that he is satisfied that at the premises from which the semen or ova is obtained adequate precautions are taken to prevent the dissemination of disease; and

- (b) such other conditions as may be prescribed in relation to the licence.

“(6) A commercial artificial breeding licence, unless it is renewed or further renewed, expires on 31st March next following the date on which it was granted or last renewed.

“(7) On the application of the holder of a commercial artificial breeding licence the Minister shall renew the licence unless he is satisfied that grounds exist on which he should revoke the licence.

“(8) On the grant of a commercial artificial breeding licence the Minister may specify in the licence the maximum period for which it may remain in effect, and, notwithstanding anything in subsections (6) or (7), if the licence is still in force at the end of that period it thereupon ceases to be of any further effect.”.

7 Section 36 of the Principal Act is amended—

Licences in respect of premises.

- (a) by omitting from subsection (1) the words “ the Minister, on the recommendation of the Chief Inspector,” and substituting therefor the words “ the Chief Inspector ”;
- (b) by omitting from subsection (2) all the words following the word “ subject,” (last occurring) and substituting therefor the words “ the use of the premises to which it relates for such of the artificial breeding operations referred to in section 33 (4) as may be specified in the licence.”;
- (c) by omitting from subsection (3) the words “ recommend the Minister to ”;
- (d) by omitting from paragraph (a) of subsection (4) the word “ and ” occurring at the end thereof; and
- (e) by omitting paragraph (b) of that subsection.

8 Section 37 of the Principal Act is amended—

Operators' licences and provisional operators' licences.

- (a) by inserting in subsection (2), after the word “ out ”, the words “, subject to this Part,”; and
- (b) by inserting in subsection (3), after the word “ out ” (first occurring), the words “, subject to this Part,”.

Revocation, &c.,
of licences.

9 Section 38 of the Principal Act is amended—

(a) by omitting subsection (1) and substituting therefor the following subsection:—

“(1) Where a licensee is convicted of an offence under this Part the Minister may revoke the licence or suspend it for such period, or vary it in such manner, as he considers proper in the circumstances.”;

(b) by omitting subsection (2) and substituting therefor the following subsections:—

“(2) On the application of the holder of a licence, the Minister, in the case of a commercial artificial breeding licence, or the Chief Inspector, in any other case, may revoke the licence or suspend it for such period, or vary it in such manner, as may be agreed with the holder thereof.

“(2A) Where, on a report made by the Chief Inspector, the Minister is satisfied that there has been a contravention of, or failure to comply with, any of the limitations or conditions of a commercial artificial breeding licence he may—

(a) revoke the licence or suspend it for such period as he may determine; or

(b) vary the licence,

as he considers proper in the circumstances.”;

(c) by inserting in paragraph (a) of subsection (4), after the word “licence”, the words “, or has adopted any unsatisfactory or improper practices or procedures in carrying out any such operations”;

(d) by omitting from subsection (5) the words “Chief Inspector may revoke an operator’s” and substituting therefor the words “Minister, in the case of a commercial artificial breeding licence, or the Chief Inspector, in the case of any other licence, may revoke a”; and

(e) by inserting after subsection (6) the following subsections:—

“(6A) References in this section to the variation of a licence shall be construed as including references to any alteration of the terms of the licence or the conditions or limitations to which it is subject; and any such variation may be expressed to have effect only for a limited period or until the happening of a specified event, and, if so expressed, has effect accordingly.

“(6B) The power to vary a licence conferred by this section does not include a power to vary any conditions to which a licence is subject by virtue of section 35A (5), section 36 (4), or section 37 (4) (a).”.

10 Section 39 of the Principal Act is amended—

Appeals in
respect of
licences.

(a) by omitting subsections (1), (2), and (3) and substituting therefor the following subsections:—

“(1) Where a person is aggrieved by the revocation, suspension, or variation of, or a refusal to renew, a licence held by him, or by the refusal of the Chief Inspector to grant him a premises licence, or an operator’s licence or provisional operator’s licence, he may appeal to the Tribunal.

“(2) On the hearing of an appeal under this section, the Tribunal, unless it dismisses the appeal, may direct the Minister or the Chief Inspector, as the case may require, to act in relation to the matter the subject of the appeal in such manner as it considers he should have done and is specified in the direction, and may quash any decision of the Minister or the Chief Inspector to which the appeal relates.

“(3) The Minister or the Chief Inspector shall give effect to any direction given to him under subsection (2).”; and

(b) by inserting in subsection (4), after the words “decision of”, the words “the Minister or”.

11 Section 42 of the Principal Act is amended by inserting in subsection (1) after paragraph (d) the following paragraph:—

Regulations.

“(da) the labelling or marking of packages containing semen;”.

12 On the commencement of this Act, a premises licence in force immediately before that commencement under Part VIII of the Principal Act continues in force, so far as it authorized the carrying out of any such artificial breeding operations as are referred to in section 33 (4) of the Principal Act, as amended by this Act, as if it were a premises licence under that Part, as so amended, authorizing

Transitional
provisions.

the use of the premises to which it relates, subject to the conditions to which the licence is subject, for the carrying out of those operations, but otherwise ceases to be of effect.

Expiry of Act.

13 This Act expires at the expiration of the period of 12 months after the date of commencement thereof and thereafter the Principal Act has effect as if this Act had not been enacted.