

1980

## c 29 Artificial Insemination of Live Stock Act

Ontario

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## CHAPTER 29

## Artificial Insemination of Live Stock Act

## 1. In this Act,

Interpre-  
tation

- (a) "artificial insemination" means the depositing of semen in the genital tract of a domestic female live stock animal by a means other than the natural method;
- (b) "Board" means the Agricultural Licensing and Registration Review Board under the *Ministry of Agriculture and Food Act*;
- (c) "Commissioner" means the Live Stock Commissioner;
- (d) "Committee" means The Artificial Insemination of Live Stock Advisory Committee;
- (e) "inseminating business" means a business in which one or more inseminators are engaged in artificial insemination;
- (f) "inseminator" means a person who engages in the process of artificial insemination;
- (g) "licence" means a licence under this Act;
- (h) "live stock" means cattle, goats, horses, sheep or swine;
- (i) "Minister" means the Minister of Agriculture and Food;
- (j) "regulations" means the regulations made under this Act;
- (k) "semen-producing business" means a business that maintains one or more live stock animals from which it offers semen for sale for the purpose of artificial insemination;
- (l) "semen processing supervisor" means a person who is responsible for the supervision of the

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c. 270

collection, processing or identification of semen for the purpose of artificial insemination. R.S.O. 1970, c. 30, s. 1; 1971, c. 50, s. 9 (1); 1973, c. 119, s. 2; 1978, c. 100, s. 4 (1).

Commissioner to be in charge

**2.** The Commissioner is responsible to the Minister for the administration and enforcement of this Act. R.S.O. 1970, c. 30, s. 2.

Appointment of Committee

**3.—**(1) The Lieutenant Governor in Council may appoint a committee consisting of not fewer than three persons to be known as The Artificial Insemination of Live Stock Advisory Committee. 1973, c. 119, s. 3.

Function of Committee

(2) The Committee shall act in an advisory capacity to the Minister and the Commissioner.

Chairman and vice-chairman

(3) The Lieutenant Governor in Council may designate one of the members as chairman and one member as vice-chairman.

Allowances to members

(4) The members of the Committee shall receive such allowances and expenses as the Lieutenant Governor in Council determines. R.S.O. 1970, c. 30, s. 3. (2-4).

Inspectors

**4.** The Lieutenant Governor in Council may appoint inspectors to carry out and enforce this Act and the regulations. R.S.O. 1970, c. 30, s. 4.

Certificate of appointment

**5.—**(1) The production by the Commissioner or by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Obstruction of Commissioner or inspector

(2) No person shall hinder or obstruct the Commissioner or an inspector in the course of his duties, or furnish him with false information, or refuse to furnish him with information. R.S.O. 1970, c. 30, s. 5.

Licensing

**6.—**(1) No person shall commence or continue to engage in an inseminating business or a semen-producing business without a licence therefor from the Commissioner.

Only a corporation without share capital to hold a licence

(2) No person, other than a corporation without share capital, shall hold a licence to engage in an inseminating business but nothing in this subsection affects a person who held such a licence prior to the 1st day of January, 1974.

(3) Semen-producing businesses are classified as follows: Classification of businesses

1. Class "A" semen-producing businesses consisting of semen-producing businesses that are corporations without share capital.
2. Class "B" semen-producing businesses consisting of semen-producing businesses that are not corporations without share capital.

(4) All semen from every semen-producing business shall be collected, identified and processed only under the supervision of semen processing supervisors who are in the employ and under the direction of a Class "A" semen-producing business. Collection of semen

(5) Every Class "A" semen-producing business shall on request provide services to any Class "B" semen-producing business on such terms and conditions as are reasonable having regard to all of the circumstances, unless the Class "B" semen-producing business is in default in respect of any account for the services of semen processing supervisors. 1973, c. 119, s. 4. Provision of services

7. No person shall commence or continue to act as an inseminator or semen processing supervisor without a licence therefor from the Commissioner. 1973, c. 119, s. 5. Licensing

8. A licence may be issued to engage in an inseminating business or to act as an inseminator throughout Ontario or in such part thereof as is determined by the Commissioner and specified in the licence. R.S.O. 1970, c. 30, s. 8. Territorial restrictions

9.—(1) The Commissioner shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that, Licence. issue

- (a) the applicant or, where the applicant is a corporation, its officers or directors, is or are not competent to carry on the operations that would be authorized by the licence;
- (b) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;

- (c) the applicant does not possess or will not have available all premises, facilities and equipment necessary to carry on the operations that would be authorized by the licence in accordance with this Act and the regulations; or
- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations.

## Renewal

(2) Subject to section 10, the Commissioner shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee. 1971, c. 50, s. 9 (2), *part.*

## Refusal to renew, suspension or cancellation

10.—(1) The Commissioner may refuse to renew or may suspend or cancel a licence if, after a hearing, he is of opinion that,

- (a) the premises, facilities and equipment used in the operations authorized by the licence do not comply with this Act and the regulations;
- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the operations authorized by the licence to contravene any provision of this Act or the regulations or of any other Act or the regulations thereunder or of any law applying to the operations authorized by the licence and such contravention warrants such refusal to renew, suspension or cancellation of the licence; or
- (c) any other ground for refusal to renew, suspension or cancellation specified in the regulations exists.

## Provisional suspension, etc.

(2) Notwithstanding subsection (1), the Commissioner, by notice to a licensee and without a hearing, may provisionally refuse to renew or suspend the licensee's licence where in the Commissioner's opinion it is necessary to do so for the immediate protection of the safety or health of any animal and the Commissioner so states in such notice giving his reasons therefor, and thereafter the Commissioner shall hold a hearing to determine whether renewal of the licence should be refused or whether the licence should be further suspended or cancelled under this Act and the regulations.

## Continuation of licence pending renewal

(3) Subject to subsection (2), where, within the time prescribed or, if no time is prescribed, before expiry of his

licence, a licensee has applied for a renewal of his licence and has paid the prescribed fee and observed or carried out the provisions of this Act and the regulations, his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal. 1971, c. 50, s. 9 (2), *part.*

**11.—(1)** The notice of a hearing by the Commissioner under section 9 or 10 shall afford to the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(2) An applicant or licensee who is a party to proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. 1971, c. 50, s. 9 (2), *part.* Examination of documentary evidence

**12.** Where the Commissioner has refused to issue or renew or has suspended or cancelled a licence pursuant to a hearing, he may, at any time of his own motion or on the application of the person who was the applicant or licensee, vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision pursuant to such rehearing as he considers proper under this Act and the regulations. 1971, c. 50, s. 9 (2), *part.* Variation of decision by Commissioner

**13.—(1)** Where the Commissioner refuses to issue or renew or suspends or cancels a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner appeal to the Board. Appeal to Board

(2) The Board may extend the time for the giving of notice by an applicant or licensee under subsection (1) either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension. Extension of time for appeal

(3) Where an applicant or licensee appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the licence should be issued, renewed, suspended or cancelled and may, after the hearing, confirm or alter the decision of the Commissioner or Disposal of appeal

direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purpose, the Board may substitute its opinion for that of the Commissioner.

Effect of decision pending disposal of appeal

(4) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of. 1971, c. 50, s. 9 (2), *part*.

Parties

14.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Members making decision not to have taken part in investigation, etc.

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact

(4) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980, c. 484

Only members at hearing to participate in decision

(5) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision. 1971, c. 50, s. 9 (2), *part*.

Appeal to court

15.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Minister entitled to be heard

(2) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

(3) The chairman of the Board shall file with the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper, and the court may substitute its opinion for that of the Commissioner or the Board. Powers of court on appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of. 1971, c. 50, s. 9 (2), *part.* Effect of decision of Board pending disposal of appeal

**16.**—(1) No person shall sell or offer for sale any semen produced in Ontario from any male live stock animal unless the semen has been collected, identified and processed by a person licensed to engage in a semen-producing business under section 6. Semen to be obtained from licensed producer

(2) No person shall sell or offer for sale semen produced outside Ontario from any male live stock animal other than a person licensed to engage in an inseminating business under section 6. 1973, c. 119, s. 7. Sale of semen

**17.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the duties of the Committee;
- (b) providing for the issue, renewal, cancellation, suspension or revocation of or refusal to issue or renew licences, and prescribing the fees payable for licences or the renewal thereof;
- (c) prescribing grounds for the refusal to renew, suspension or cancellation of licences in addition to those grounds referred to in clauses 10 (1) (a) and (b);
- (d) prescribing forms and providing for their use;



- (e) prescribing requirements and minimum standards for any semen-producing business or any inseminating business;
- (f) requiring every semen-producing business to conduct such programs for the proving of the breeding value of any male live stock animals as the Commissioner may approve, and prohibiting use of semen from male live stock animals that have not taken part in any such program that is required or that have taken part in such a program but have not met the standards approved by the Commissioner for the program;
- (g) prescribing the terms and conditions under which semen may be obtained from any semen-producing business;
- (h) prescribing the places at which and the conditions under which semen may be frozen and stored;
- (i) prescribing the qualification and duties of inseminators and semen processing supervisors;
- (j) prescribing the powers and duties of the Commissioner and inspectors;
- (k) providing for grants to semen-producing businesses and inseminating businesses and prescribing the terms and conditions upon which such grants may be paid;
- (l) requiring the keeping of prescribed books and records and the furnishing of prescribed information by the operators of semen-producing businesses and inseminating businesses and by inseminators;
- (m) providing for the blood-typing of male live stock animals maintained by a semen-producing business and of male live stock animals from which semen is obtained by a semen-producing business;
- (n) providing for the verification of parentage of male live stock animals by blood-typing;
- (o) prescribing health standards of male live stock animals maintained by a semen-producing business and male live stock animals from which semen is obtained by a semen-producing business;

- (p) governing the advertising of semen and the furnishing of information to the public by any person licensed under this Act;
- (q) exempting any person or class of persons from any or all of the provisions of this Act or the regulations;
- (r) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.  
R.S.O. 1970, c. 30, s. 11; 1973, c. 119, s. 8.

**18.** Every person who contravenes any of the provisions of <sup>Offences</sup> this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$200 for a first offence, and to a fine of not less than \$200 and not more than \$500 for a subsequent offence.  
R.S.O. 1970, c. 30, s. 12.

