



New South Wales

Stock Diseases Amendment Act 1999 No 64

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New South Wales

Stock Diseases Amendment Act 1999 No 64

Act No 64, 1999

An Act to amend the *Stock Diseases Act 1923* in relation to the identification of stock and the providing of information relating to stock; and for other purposes.
[Assented to 24 November 1999]

See also *Stock (Chemical Residues) Amendment Act 1999*.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Stock Diseases Amendment Act 1999*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Stock Diseases Act 1923 No 34

The *Stock Diseases Act 1923* is amended as set out in Schedule 1.

4 Amendment of Rural Lands Protection Act 1989 No 197

The *Rural Lands Protection Act 1989* is amended as set out in Schedule 2.

Schedule 1 Amendment of Stock Diseases Act 1923

(Section 3)

[1] Section 8 Further powers of inspectors in relation to infected stock

Omit “given to” from section 8 (1) (c). Insert instead “served on”.

[2] Section 9A

Insert after section 9:

9A Protection from liability for notification of diseases

The notification of a disease as required by section 9 does not subject the person notifying the disease to any civil liability arising from any confidentiality of the matters required to be notified.

[3] Part 4A Identification of stock

Omit the Part.

[4] Section 20C Movement of stock

Omit “in compliance with a permit or order (as referred to in subsection (3))” from section 20C (5).

[5] Section 20C (5A)

Insert after section 20C (5):

(5A) A person is not guilty of an offence under subsection (5) if the person did not know, and could not reasonably be expected to have known, that the stock transported in the vehicle concerned were infected stock.

[6] Section 20G Person must not deface brand or mark with yellow pigment

Omit “(except Part 4A)” from section 20G (1).

[7] Section 20G (3)

Insert after section 20G (2):

- (3) The prohibition in subsection (1) does not extend to any means of identification applied to stock for the purposes of a scheme of identification established by the regulations.

[8] Section 20J

Omit section 20J. Insert instead:

20J Providing false or misleading information

- (1) A person must not, in making a statement or providing information for the purposes of this Act, make a statement or provide information to the Minister or a person engaged in the administration of this Act, or to any other person, that is false or misleading in a material particular.

Maximum penalty: 100 penalty units.

- (2) A person must not, in connection with a sale or disposition or proposed sale or disposition of stock, make a statement or provide information in relation to:

- (a) the presence or absence of infection in stock, carcasses or land, or
 - (b) any matter relevant to an assessment of the likelihood of the exposure of stock to infection, or
 - (c) any other matter prescribed by the regulations,
- that is false or misleading in a material particular.

Maximum penalty: 100 penalty units.

- (3) It is a defence to a prosecution for an offence against this section if the defendant satisfies the court:

- (a) in the case of a prosecution in relation to making a false statement or providing false information, that the defendant reasonably believed that the statement or information was true, or
- (b) in the case of a prosecution in relation to making a misleading statement or providing misleading information, that the defendant had no intention, in making the statement or providing the information, to mislead.

[9] Section 22A

Insert after section 22:

22A Protection from liability for providing information or advice

The provision, by the Minister or a person concerned in the administration of this Act, of any information or advice in relation to the presence or absence of infection in stock, carcasses or land does not subject the Minister or the person to any liability if the information or advice was provided in good faith.

[10] Section 23 Regulations

Omit section 23 (3). Insert instead:

- (3) A regulation may create an offence:
 - (a) for a breach of a provision of a regulation made under subsection (1) (c) with respect to schemes of identification of stock (including any provision prohibiting the removal, alteration or defacement of, or other interference with, any means of identification applied to stock for the purposes of such a scheme), punishable by a penalty not exceeding 100 penalty units, and
 - (b) for a breach of any other provision of the regulations, punishable by a penalty not exceeding 50 penalty units.

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Schedule 1 Amendment of Stock Diseases Act 1923

- (4) Regulations made under subsection (1) (c) may make provision for or with respect to the levy of contributions, out of rates payable to or other prescribed income of a rural lands protection board established under the *Rural Lands Protection Act 1989* (or any Act amending or replacing that Act), toward the maintenance of a register of information kept for the purposes of any scheme of identification of stock.

[11] Schedule 2 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

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[12] Schedule 2 Part 4

Insert after Part 3:

**Part 4 Provisions consequent on enactment of
Stock Diseases Amendment Act 1999**

12 Protection from liability for providing information or advice

Section 22A applies to the provision of information or advice before or after the commencement of that section.

Schedule 2 Amendment of Rural Lands Protection Act 1989

(Section 4)

Section 9 Functions generally

Omit section 9 (2) (i). Insert instead:

- (i) the exercise of any function conferred on it by or under the *Stock Diseases Act 1923* or the *Stock (Chemical Residues) Act 1975* in connection with schemes of identification of stock or other matters.

[Minister's second reading speech made in—
Legislative Assembly on 26 October 1999
Legislative Council on 17 November 1999]