



New South Wales

Stock (Chemical Residues) Amendment Act 1999 No 65

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New South Wales

Stock (Chemical Residues) Amendment Act 1999 No 65

Act No 65, 1999

An Act to amend the *Stock (Chemical Residues) Act 1975* in relation to the identification of stock and the providing of information relating to stock; and for other purposes. [Assented to 24 November 1999]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Stock (Chemical Residues) Amendment Act 1999*.

2 Commencement

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

3 Amendment of Stock (Chemical Residues) Act 1975 No 26

The *Stock (Chemical Residues) Act 1975* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 12D

Omit the section. Insert instead:

12D 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 chemicals in stock, carcasses or land, or
- (b) whether stock are chemically affected, or
- (c) any matter relevant to an assessment of the likelihood of chemical residues in stock, or
- (d) 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.

[2] Section 12E Protection from liability for furnishing of information or advice

Omit “of any advice in connection with stock that are or may be chemically affected” from section 12E (1).

Insert instead “of any information or advice in relation to the presence or absence of chemicals in stock, carcasses or land,”.

[3] Section 16 Regulations

Insert before section 16 (2) (b):

- (a) schemes of identification of stock (whether on a compulsory or voluntary basis), and

[4] Section 16 (6)

Insert after section 16 (5):

- (6) Regulations made for the purposes of subsection (2) (a) may provide for the application (with or without modification), for the purposes of this Act, of schemes of identification of stock established under the *Stock Diseases Act 1923* and the use, for the purposes of this Act, of data recorded under those schemes.

[5] Schedule 1 Savings and transitional provisions

Insert at the end of clause 1 (1):

Stock (Chemical Residues) Amendment Act 1999

[6] Schedule 1 Part 3

Insert after Part 2:

**Part 3 Provisions consequent on enactment of
Stock (Chemical Residues) Amendment Act
1999**

4 Protection from liability for furnishing information or advice

Section 12E (1), as amended by Schedule 1 [2] of the *Stock (Chemical Residues) Amendment Act 1999*, applies to the provision of information or advice before or after the commencement of that item.

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