



New South Wales

Stock Diseases Amendment (Livestock Identification) Regulation 2005

under the

Stock Diseases Act 1923

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Stock Diseases Act 1923*.

IAN MACDONALD, M.L.C.,
Minister for Primary Industries

Explanatory note

The object of this Regulation is to amend the *Stock Diseases Regulation 2004*:

- (a) to require, from 1 January 2006, a sheep or goat born after that date to be permanently identified if it leaves the property on which it is born or arrives in New South Wales or if an inspector under the *Stock Diseases Act 1923* directs it to be identified, and to require, from 1 January 2009, a sheep or goat (regardless of when it was born) to be permanently identified if it leaves any property on which it is kept or arrives in New South Wales or if an inspector directs it to be identified, and
- (b) to require the owner or person in charge of cattle to provide certain information when delivering the cattle to a stock and station agent, an abattoir or another property, and
- (c) to require information relating to cattle to be provided to the authorised administrator in a manner and form that allows the information to be readily uploaded to the permanent identification register, and
- (d) to require certain persons, including stock and station agents, who deal with cattle, sheep or goats to keep records, and
- (e) to make provision for the testing of stock for avian influenza and BSE, and
- (f) to prescribe persons to carry out certain functions under the Act, and
- (g) to clarify certain fee provisions, and
- (h) to make other minor amendments.

This Regulation is made under the *Stock Diseases Act 1923*, including sections 7 (4), 17 (4) (b), 18 (3), 20O (1) and 23 (the general regulation-making power), in particular section 23 (1) (c), (e) and (q) and (4).

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Clause 1 Stock Diseases Amendment (Livestock Identification) Regulation 2005

Stock Diseases Amendment (Livestock Identification) Regulation 2005

under the

Stock Diseases Act 1923

1 Name of Regulation

This Regulation is the *Stock Diseases Amendment (Livestock Identification) Regulation 2005*.

2 Commencement

This Regulation commences on 1 January 2006.

3 Amendment of Stock Diseases Regulation 2004

The *Stock Diseases Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Clause 10A Testing of Stock for Bovine Spongiform Encephalopathy

Omit “test conducted under subclause (1)” from clause 10A (2).

Insert instead “test for BSE (whether conducted under subclause (1) or otherwise) in relation to stock in New South Wales,”.

[2] Clause 10A (3)

Insert “been exposed to” after “, or may have,”.

[3] Part 2 Treatment of stock

Insert after Division 2A:

Division 2B Avian influenza**10B Testing of stock for avian influenza**

- (1) A person must not test, or attempt to test, stock for avian influenza unless:
 - (a) the test is carried out in a veterinary laboratory that has been accredited by the National Association of Testing Authorities, Australia for such testing, and the results of the test are released by a veterinary pathologist, or
 - (b) the test is carried out for diagnostic purposes and the Chief Veterinary Officer has approved:
 - (i) the diagnostic technique to be used, and
 - (ii) the laboratory at which the testing will be conducted, and
 - (iii) the person or persons who will be conducting the testing, or
 - (c) the test is carried out for research or training purposes and:
 - (i) the research or training has been approved by the Chief Veterinary Officer, and
 - (ii) the research or training is to be conducted by a person or class of persons approved by the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (2) A person must not release or otherwise publish the results of a test for avian influenza (whether conducted under subclause (1) or otherwise) in relation to stock in New South Wales, that appear

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to be positive or inconclusive without the approval of the Chief Veterinary Officer.

Maximum penalty: 50 penalty units.

- (3) For the purpose of this clause, a person is taken to have tested, or attempted to test, stock for avian influenza if the person has conducted any test that may be used to determine if stock has, or may have, been exposed to avian influenza.

[4] Part 3 Identification of stock

Insert after the heading to the Part:

Note. A board may charge and recover a reasonable fee under section 57 of the *Rural Lands Protection Act 1989* for services it provides under this Part.

[5] Clause 12 Definitions

Insert in alphabetical order:

permanent identification register has the same meaning as in clause 34.

[6] Clause 12, definition of “permanent identifier”

Omit “3 or” from the definition.

[7] Clause 13 General provisions relating to orders made under this Part

Insert after clause 13 (3):

- (4) The Director-General is to ensure that any order made under this Part is placed on the Department’s website on the Internet as soon as practicable after its publication in the Gazette.

Note. www.dpi.nsw.gov.au

- (5) Failure to comply with subclause (4) does not invalidate an order.

[8] Clause 13A

Insert after clause 13:

13A Provision of information to authorised administrator and other persons

- (1) A person who is required to provide information to the authorised administrator under this Part is required to provide that information:
- (a) in an electronic form that permits it to be readily uploaded to the permanent identification register, or

- (b) in some other form approved by the authorised administrator.
- (2) The Director-General may specify, by order published in the Gazette, the form in which information is to be provided under this Part to a person other than the authorised administrator.
- (3) A requirement in this Part that information be provided to a person other than the authorised administrator includes a requirement that the information be provided in a form that complies with any relevant order of the Director-General under subclause (2).

[9] Clause 16 Requirement for stock to be identified for transaction purposes

Omit clause 16 (4) (g). Insert instead:

- (g) the sending of stock to an abattoir from the property on which the stock was born if the stock is required to be identified under Division 4 and is identified in accordance with that Division,

[10] Part 3 Identification of stock

Omit Division 3.

[11] Part 3, Division 4, Subdivision 1

Insert before clause 19:

Subdivision 1 Preliminary

[12] Clause 19

Omit the clause. Insert instead:

19 Definitions

- (1) In this Division:
 - cattle* means cattle, and includes carcasses of cattle.
 - identifiable goats* means goats that are required under this Division to be identified in accordance with clause 21.
 - identifiable sheep* means sheep that are required under this Division to be identified in accordance with clause 21.
 - identifiable stock* means cattle, identifiable goats and identifiable sheep.

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relevant identification particulars, in relation to cattle, means:

- (a) the property identification code of the property on or in respect of which the cattle have been (or are to be) permanently identified, and
- (b) the characters that enable each animal to be individually identified.

relevant identification particulars, in relation to sheep and goats, means the property identification code of the property on or in respect of which the sheep or goats have been (or are to be) permanently identified.

- (2) A reference in this Division to the owner or person in charge of identifiable stock or any saleyard or abattoir includes a reference to any stock and station agent (or other person) who is acting on behalf of the owner or person in charge of the stock, saleyard or abattoir.
- (3) A requirement in this Division to provide or record a property identification code is satisfied, in the case of a property that has not been assigned a property identification code, by providing or recording, as the case requires, the relevant district code (if practicable) and the address of the property.
- (4) A reference in this Division to the date on which stock left from, or arrived at, a particular place, means, in the case of stock leaving or arriving over more than one day, the first of those days.

[13] Part 3, Division 4, Subdivision 2

Insert before clause 20:

Subdivision 2 Identifiable stock

[14] Clause 22

Omit the clause. Insert instead:

22 Requirement to identify stock

- (1) The owner of any sheep or goat born on or after 1 January 2006 must ensure that the sheep or goat is identified in accordance with clause 21:
 - (a) before the sheep or goat leaves the property in New South Wales on which it is born, or
 - (b) on arrival of the sheep or goat in New South Wales, or

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- (c) if directed to do so by an inspector, in such circumstances as the Director-General may specify by order published in the Gazette.
- (2) On and after 1 January 2009, the owner of any sheep or goat (regardless of the date on which the sheep or goat was born) must ensure that the sheep or goat is identified in accordance with clause 21:
- (a) before the sheep or goat leaves any property in New South Wales on which it is kept (whether or not that property is the one on which it was born), or
 - (b) on arrival of the sheep or goat in New South Wales, or
 - (c) if directed to do so by an inspector, in such circumstances as the Director-General may specify by order published in the Gazette.
- (3) The owner of any cattle (regardless of the date on which the cattle were born) must ensure that the cattle are identified in accordance with clause 21:
- (a) before the cattle leaves any property in New South Wales on which the cattle are kept (whether or not that property is the one on which the cattle were born), or
 - (b) on arrival of the cattle in New South Wales, or
 - (c) if directed to do so by an inspector, in such circumstances as the Director-General may specify by order published in the Gazette.

Maximum penalty: 100 penalty units.

[15] Part 3, Division 4, Subdivisions 3–5

Omit clauses 24 and 25. Insert instead:

Subdivision 3 Additional requirements for cattle

24 Information in relation to cattle at saleyards

- (1) On arrival of any cattle at a saleyard, the owner or person in charge of the cattle must provide the owner or person in charge of the saleyard with:
- (a) if the cattle were held at a property before being sent to the saleyard—the property identification code of the property, or
 - (b) if the cattle were held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent.

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- (2) Before any cattle leave a saleyard, the person who has bought or taken possession of the cattle must provide the owner or person in charge of the saleyard with:
 - (a) if the cattle are to be sent to a property or abattoir—the property identification code of the property or abattoir, or
 - (b) if a stock and station agent has taken possession of the cattle—the agent identification code of the stock and station agent.
- (3) If any cattle are sent to a saleyard from a property that has not been assigned a property identification code, the owner or person in charge of the saleyard must:
 - (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle were sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (4) If any cattle are sent from a saleyard to a property that has not been assigned a property identification code, the owner or person in charge of the saleyard must:
 - (a) by the close of business on the next working day after sending the cattle, make a record of the relevant identification particulars of the cattle and the address of the property to which the cattle are sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (5) The owner or person in charge of a saleyard must, by the close of business on the next working day after the sale of any cattle at the saleyard, provide the authorised administrator with the following information:
 - (a) that the cattle have been sold,
 - (b) the date the sale occurred,
 - (c) the relevant identification particulars of the cattle concerned,
 - (d) if the cattle were held at a property before being sent to the saleyard—the property identification code of the property,

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- (e) if the cattle were held by a stock and station agent before being sent to the saleyard—the agent identification code of the agent,
 - (f) if the cattle are to be sent to a property or abattoir—the property identification code of the property or abattoir,
 - (g) if a stock and station agent has taken possession of the cattle—the agent identification code of the stock and station agent.

Maximum penalty: 100 penalty units.

25 Information in relation to cattle held by stock and station agent

- (1) On the delivery of any cattle to a stock and station agent, the owner or person in charge of the cattle must provide the stock and station agent with the property identification code of the property at which the cattle were held before being sent to the stock and station agent (the *previous property*).
- (2) If any cattle are sent to a stock and station agent, the agent must, within 7 days of receiving the cattle, provide the authorised administrator with the following:
 - (a) the relevant identification particulars of the cattle concerned,
 - (b) the agent identification code of the agent,
 - (c) if the agent is still in possession of the cattle—the property identification code of the property at which the cattle are being held,
 - (d) if the agent is no longer in possession of the cattle, the following information:
 - (i) that the cattle were sent to a property, saleyard or abattoir,
 - (ii) the date the cattle were sent,
 - (iii) the property identification code of the property, saleyard or abattoir.
- (3) If any cattle are sent to a stock and station agent, the agent must:
 - (a) make a record of:
 - (i) the relevant identification particulars of the cattle concerned, and
 - (ii) each movement of those cattle from the time they left the previous property until their arrival at the property, saleyard or abattoir notified to the authorised administrator under subclause (2),

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including the property identification code of each property at which they may have been held during that time, and

- (b) keep any such record for a period of at least 2 years from the date on which it was made or for a period of at least 7 years if the cattle have been sent from a property that has not been assigned a property identification code, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (4) If any cattle are sent to a stock and station agent from a property that has not been assigned a property identification code, the agent must:
- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle were sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.
- (5) If any cattle are sent by a stock and station agent to a property that has not been assigned a property identification code, the agent must:
- (a) by the close of business on the next working day after sending the cattle, make a record of the relevant identification particulars of the cattle and the address of the property to which the cattle are sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25A Information in relation to cattle at abattoir

- (1) On arrival of any cattle at an abattoir, the owner or person in charge of the cattle must provide the owner or person in charge of the abattoir with:
 - (a) if the cattle were held at a property before being sent to the abattoir—the property identification code of the property, or

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- (b) if the cattle were held by a stock and station agent before being sent to the abattoir—the agent identification code of the agent.
- (2) If any cattle are sent to an abattoir, the owner or person in charge of the abattoir must, by the close of business on the next working day after the cattle are slaughtered, provide the authorised administrator with the following information:
- (a) that the cattle were slaughtered,
 - (b) the date the cattle were slaughtered,
 - (c) the relevant identification particulars of the cattle concerned,
 - (d) if the cattle were held at a property before being sent to the abattoir—the property identification code of the property,
 - (e) if the cattle were held by a stock and station agent before being sent to the abattoir—the agent identification code of the agent,
 - (f) the weight of each carcass before chilling and after bleeding, skinning, evisceration and trimming.
- (3) A person is not required to provide the authorised administrator with the information set out in subclause (2) (f) for carcasses of cattle slaughtered at a knackery or if the cattle were less than 6 weeks old when slaughtered.
- (4) If any cattle are sent to an abattoir from a property that has not been assigned a property identification code, the owner or person in charge of the abattoir must:
- (a) by the close of business on the next working day after receiving the cattle, make a record of the relevant identification particulars of the cattle and the address of the property from which the cattle are sent, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25B Information in relation to cattle arriving at property

- (1) On arrival of any cattle at a property, the owner or person in charge of the cattle must provide the owner or person in charge of the cattle at the property with:

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- (a) if the cattle were held at another property (the *previous property*) before being sent to the property—the property identification code of the previous property, or
 - (b) if the cattle were held by a stock and station agent before being sent to the property—the agent identification code of the agent.
- (2) If any cattle arrives at a property, the owner or person in charge of the cattle at the property must, within 7 days of the arrival of the cattle, provide the authorised administrator with the following information unless the cattle have arrived directly from a saleyard or stock and station agent:
- (a) that the cattle have arrived at the property,
 - (b) the date the cattle arrived at the property,
 - (c) the relevant identification particulars of the cattle concerned,
 - (d) the property identification code of the property,
 - (e) if the cattle were held at a previous property before being sent to the property—the property identification code of the previous property.
- (3) If any cattle arrives at a property from a previous property that does not have a property identification code, the owner or person in charge of the cattle at the property must:
- (a) within 7 days after the arrival of the cattle, make a record of the relevant identification particulars of the cattle and the address of the previous property, and
 - (b) keep any such record for a period of at least 7 years from the date on which it was made, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25C Information in relation to export of living cattle

If any living cattle embark for overseas export, the owner or person in charge of the cattle must, within 7 days of the date of embarkation, provide the authorised administrator with the following information:

- (a) that the cattle have embarked for overseas export,
- (b) the date the cattle embarked,
- (c) the relevant identification particulars of the cattle concerned,

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- (d) if the cattle were held at a property before embarking for overseas export—the property identification code of the property,
 - (e) if the cattle were held by a stock and station agent before embarking for overseas export—the agent identification code of the agent.

Maximum penalty: 100 penalty units.

25D Information in relation to loss, death or theft of cattle

- (1) The owner or person in charge of a saleyard or an abattoir, or a stock and station agent, to which cattle have been sent, must, by the close of business on the next working day after the death, loss or theft of any of those cattle, provide the authorised administrator with the following information:
 - (a) that the cattle have died or been lost or stolen,
 - (b) the date on which the cattle died or were lost or stolen, or if this is not known, the date the person became aware of the death, loss or theft,
 - (c) the relevant identification particulars of the cattle concerned.
- (2) Subclause (1) applies only if the authorised administrator has been advised of the sending and the cattle subsequently die or are lost or stolen.

Maximum penalty: 100 penalty units.

25E Loss or theft of unattached permanent identifier

If any unattached permanent identifier is lost or stolen, the owner or person in charge of the property or cattle in respect of which the permanent identifier was issued must, within 7 days of becoming aware of the loss or theft, provide the authorised administrator with the following information:

- (a) that the permanent identifier has been lost or stolen,
- (b) the date that the identifier was lost or stolen, or if this is not known, the date the person became aware of the loss or theft,
- (c) details of the identifier.

Maximum penalty: 100 penalty units.

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Subdivision 4 Additional requirements for sheep and goats

25F Information in relation to sheep and goats at saleyard

- (1) On the arrival of any sheep or goats at a saleyard, the owner or person in charge of the sheep or goats must provide the stock and station agent who is to sell the sheep or goats with the following information:
 - (a) the number and type of sheep or goats,
 - (b) the date the sheep or goats left the property at which they were last held (the *previous property*) before being sent to the saleyard,
 - (c) the property identification code or address of the previous property,
 - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the stock and station agent each must:
 - (a) keep a record of that information and the property identification code or address of the saleyard for a period of at least, 2 years in the case of the agent, or 7 years in the case of the person providing the information, from the date on which it was provided, and
 - (b) if requested to do so by an inspector, produce the record for inspection.
- (3) A stock and station agent must not sell any sheep or goats unless he or she has kept a record under subclause (2) (a) in relation to the sheep or goats.
- (4) A stock and station agent must, within 28 days after selling any sheep or goats, provide the purchaser with a copy of the record under subclause (2) (a) in relation to the sheep or goats.

Maximum penalty: 100 penalty units.

25G Information in relation to sheep or goats at abattoir

- (1) On arrival of any sheep or goats at an abattoir, the owner or person in charge of the sheep or goats must provide the owner or person in charge of the abattoir with the following information:
 - (a) the number and type of sheep or goats,

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- (b) the date the sheep or goats left the property at which they were last held (the *previous property*) before being sent to the abattoir,
 - (c) the property identification code or address of the previous property,
 - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the owner or person in charge of the abattoir each must:
- (a) keep a record of that information and the property identification code or address of the abattoir for a period of at least, 2 years in the case of the owner or person in charge of the abattoir, or 7 years in the case of the person providing the information, from the date on which it was provided, and
 - (b) keep a record of that information for a period of at least 2 years from the date on which it was provided, and
 - (c) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

25H Information in relation to sheep or goats arriving at property

- (1) On arrival of any sheep or goats at a property (the *current property*), the owner or person in charge of the sheep or goats must provide the owner or person in charge of the sheep or goats at the current property with the following information:
- (a) the number and type of sheep or goats,
 - (b) the date the sheep or goats left the property at which they were last held (the *previous property*) before being sent to the current property,
 - (c) the property identification code or address of the previous property,
 - (d) if the sheep or goats are identifiable stock—the relevant identification particulars of the sheep or goats concerned.
- (2) The person providing the information under subclause (1) and the owner or person in charge of the sheep or goats at the current property each must:
- (a) keep a record of that information and the property identification code or address of the current property for a period of at least 7 years from the date on which it was provided, and

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- (b) if requested to do so by an inspector, produce the record for inspection.

Maximum penalty: 100 penalty units.

Subdivision 5 Miscellaneous

[16] Clause 28 Assigning of identification codes by district registrars

Insert “or on behalf of” after “on application by” in clause 28 (4) (b).

[17] Clause 28 (5)

Omit the subclause.

[18] Clause 29

Omit the clause. Insert instead:

29 Renewal of identification codes

An identification code remains in force for 3 years or for the period specified in writing by the district registrar, whichever is the shorter, and may be renewed by application to the district registrar.

[19] Clause 32 District registrars

Omit “(or person in charge)” from clause 32 (1) (a).

[20] Clause 32 (5)

Omit clause 32 (5) and (6). Insert instead:

- (5) A district registrar may allow any other person to have access at any reasonable time to the information recorded in a district register.

[21] Clause 33 Central register

Omit “on payment of such fee (if any) as the Director-General may determine” from clause 33 (5).

[22] Clause 34 Permanent identification register

Omit clause 34 (3). Insert instead:

- (3) The authorised administrator may allow any other person to have access at any reasonable time to the information recorded in the permanent identification register.

[23] Clause 36 Special identifiers

Omit “, 3” from clause 36 (3) (a).

[24] Clause 36 (3)

Omit “and the fee determined by the relevant board is paid to that board”.

[25] Clause 36 (4)

Omit the subclause.

[26] Clause 37 Special brands for unidentified pigs

Omit “pig, and” from clause 37 (2) (a) (ii). Insert instead “pig, or”.

[27] Clause 37 (2) (a) (iii) and (3)

Omit the subparagraph and subclause.

[28] Clause 38 Sale and supply of approved identifiers

Omit “Director-General, and” from clause 38 (1) (b) (iii).

Insert instead “Director-General.”.

[29] Clause 38 (1) (c) and (3)

Omit the paragraph and subclause.

[30] Clause 39 Records of unidentified stock sent to abattoirs

Insert “or food inspector” after “inspector” in clause 39 (2) (b).

[31] Clause 56A

Insert before clause 57:

56A Authorised officers: section 7 of Act

For the purposes of section 7 (4) of the Act, the persons holding the following positions within the Department are prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

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[32] Clauses 57A and 57B

Insert after clause 57:

57A Inspectors: section 17 of Act

For the purposes of section 17 (4) (b) of the Act, an inspector who is the Chief Veterinary Officer or who holds any the following positions within the Department is prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

57B Authorised officers: section 18 of Act

For the purposes of section 18 (3) of the Act, the Chief Veterinary Officer and the persons holding the following positions within the Department are prescribed:

- (a) Senior Regional Animal Health Manager,
- (b) Director Surveillance and Biosecurity Operations,
- (c) Director Compliance Operations Agriculture and Fisheries,
- (d) Manager Field Veterinary Services and Product Integrity,
- (e) Manager Animal and Plant Regulatory Services.

[33] Clause 61 Providing false or misleading information

Omit the Note to the clause. Insert instead:

Note. Section 20J of the *Stock Diseases Act 1923* and Part 5, Division 3 of the *Crimes Act 1900* contain offences in relation to the giving of false and misleading information.

[34] Schedule 1 Penalty notice offences

Insert in appropriate order by clause number in Columns 1 and 2 under the heading **Offences under this Regulation**:

Clause 25A	\$550
Clause 25B	\$550
Clause 25C	\$550
Clause 25D	\$550
Clause 25E	\$550
Clause 25F	\$550
Clause 25G	\$550
Clause 25H	\$550