

[Act 1999 No 64]



New South Wales

## Stock Diseases Amendment Bill 1999

### Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

The *Stock (Chemical Residues) Amendment Bill 1999* is cognate with this Bill.

### Overview of Bill

The objects of this Bill are to amend the *Stock Diseases Act 1923*:

- (a) to repeal Part 4A (Identification of stock) of the Act and to allow new regulations to be made instead in relation to stock and property identification in order to trace stock diseases, and
  - (b) to restate certain offences relating to the giving of false information as offences of more general application, and to provide for an appropriate defence in relation to those offences, and
  - (c) to provide protection from liability for persons notifying diseases in stock, and for the Minister and persons concerned in the administration of the Act in relation to their supply of certain information or advice, and
  - (d) to make miscellaneous minor and consequential amendments.
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The Bill also makes a consequential amendment to the *Rural Lands Protection Act 1989*.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Stock Diseases Act 1923* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to an amendment to the *Rural Lands Protection Act 1989* set out in Schedule 2.

## Schedule 1 Amendment of Stock Diseases Act 1923

**Schedule 1 [1]** allows a notice declaring land to be a quarantine area to be “served on” rather than “given to” the owner or occupier of that land. (The amendment is made for consistency with section 21 of the Act.)

**Schedule 1 [2]** inserts a new section 9A into the Act that provides that persons who notify diseases in stock as required under the Act are protected from civil liability arising from any confidentiality of the matters required to be notified.

**Schedule 1 [3]** omits Part 4A of the Act (Identification of stock).

**Schedule 1 [4]** amends section 20C (5) of the Act to make it clear that the owner, and any person having custody or control, of a vehicle used for transporting infected stock are guilty of an offence if the vehicle is not properly cleaned, regardless of whether the stock were transported in compliance with a permit or order under the Act. **Schedule 1 [5]** provides that a person is not guilty of an offence under section 20C (5) if the person did not know, and could not reasonably be expected to have known, that the transported stock were infected.

**Schedule 1 [6]** and **[7]** make amendments consequential on the amendment made by Schedule 1 [3].

**Schedule 1 [8]** broadens existing offences in section 20J of the Act that prohibit the giving of false information by any person in connection with an application or otherwise under the Act or in the course of or in connection with selling stock.

Explanatory note

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Proposed section 20J (1) provides that it is an offence for a person, in making a statement or providing information for the purposes of the Act, to make a statement or provide information to any other person that is false or misleading in a material particular. Proposed section 20J (2) provides that it is an offence for a person, in connection with a sale or disposition or proposed sale or disposition of stock, to make a statement or provide information in relation to certain matters (concerning the presence or absence of infection in stock, carcasses or land, any matter relevant to an assessment of the likelihood of exposure of stock to infection, or any other matter prescribed by the regulations) that is false or misleading in a material particular.

Under the proposed amendments, in proving the offences it will not be necessary to establish an intention on the part of the defendant to deceive any person, but proposed section 20J (3) provides for an appropriate defence in respect of both offences.

**Schedule 1 [9]** inserts a new section 22A which protects the Minister and any person concerned in the administration of the Act from liability in respect of information or advice given by them in relation to the presence or absence of infection in stock, carcasses or land.

**Schedule 1 [10]** allows the regulations to create an offence, punishable by a penalty not exceeding 100 penalty units, for breach of a provision of a regulation concerning schemes of identification of stock. Regulations may also be made for funding purposes similar to those currently specified in section 19N of the Act (repealed by Schedule 1 [3]).

**Schedule 1 [11]** amends Schedule 2 to the Act to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

**Schedule 1 [12]** inserts a new Part 4 into Schedule 2 to the Act which contains a transitional provision.

## **Schedule 2   Amendment of Rural Lands Protection Act 1989**

**Schedule 2** makes an amendment consequential on the amendment made by Schedule 1 [3].