



New South Wales

Stock Diseases Amendment (False Information) Bill 2004

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Stock Diseases Act 1923*:

- (a) to create a new offence of giving false or misleading information in relation to certain matters in or in connection with an arrangement or agreement or proposed arrangement or agreement for the agistment of stock or the use of land for grazing of stock, and
- (b) to increase the maximum penalty for an existing offence under that Act of giving false or misleading information in relation to certain matters in connection with the sale or disposition or proposed sale or disposition of stock.

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 to be appointed by proclamation.

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

Schedule 1 Amendments

Section 20J (2) of the *Stock Diseases Act 1923* (the **Principal Act**) makes it 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.

Schedule 1 [1] amends section 20J (2) to increase the maximum penalty for the offence from 100 penalty units (currently \$11,000) to 200 penalty units (currently \$22,000).

Schedule 1 [2] inserts new section 20J (2A) into the Principal Act which creates an offence in terms similar to section 20J (2) of making a false or misleading statement or giving false or misleading information in relation to the matters referred to above in or in connection with an arrangement or agreement or proposed arrangement or agreement for the agistment of stock or the use of land for grazing of stock. The maximum penalty for the offence is 200 penalty units.

(Section 20J (3) of the Principal Act provides a defence to offences against section 20J, in relation to making a false statement or providing false information, if the defendant reasonably believed that the statement or information was true or, in relation to making a misleading statement or providing misleading information, if the defendant had no intention, in making the statement or providing the information, to mislead.)

First print



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New South Wales

Stock Diseases Amendment (False Information) Bill 2004

No. , 2004

A Bill for

An Act to amend the *Stock Diseases Act 1923* with respect to providing false or misleading information in relation to stock.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Stock Diseases Amendment (False Information) Act 2004</i> .	3 4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6
3 Amendment of Stock Diseases Act 1923 No 34	7
The <i>Stock Diseases Act 1923</i> is amended as set out in Schedule 1.	8

Schedule 1 Amendments

(Section 3)

[1] Section 20J Providing false or misleading information

Omit “100 penalty units” from section 20J (2).

Insert instead “200 penalty units”.

[2] Section 20J (2A)

Insert after section 20J (2):

(2A) A person must not, in or in connection with an arrangement or agreement or proposed arrangement or agreement for the agistment of stock or for the use of land for grazing of stock (including any lease or proposed lease of land for grazing 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: 200 penalty units.