



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.

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.

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].



New South Wales

# Stock Diseases Amendment Bill 1999

## Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Stock Diseases Act 1923 No 34	2
4 Amendment of Rural Lands Protection Act 1989 No 197	2
Schedules	
1 Amendment of Stock Diseases Act 1923	3
2 Amendment of Rural Lands Protection Act 1989	7



New South Wales

# Stock Diseases Amendment Bill 1999

No , 1999

---

## A Bill for

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.

---

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

---

---

<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Stock Diseases Amendment Act 1999</i> .	3
<b>2    Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5 6
<b>3    Amendment of Stock Diseases Act 1923 No 34</b>	7
The <i>Stock Diseases Act 1923</i> is amended as set out in Schedule 1.	8
<b>4    Amendment of Rural Lands Protection Act 1989 No 197</b>	9
The <i>Rural Lands Protection Act 1989</i> is amended as set out in Schedule 2.	10 11

<b>Schedule 1</b>	<b>Amendment of Stock Diseases Act 1923</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 8 Further powers of inspectors in relation to infected stock</b>	3
	Omit “given to” from section 8 (1) (c). Insert instead “served on”.	4
<b>[2]</b>	<b>Section 9A</b>	5
	Insert after section 9:	6
	<b>9A Protection from liability for notification of diseases</b>	7
	The notification of a disease as required by section 9 does not	8
	subject the person notifying the disease to any civil liability	9
	arising from any confidentiality of the matters required to be	10
	notified.	11
<b>[3]</b>	<b>Part 4A Identification of stock</b>	12
	Omit the Part.	13
<b>[4]</b>	<b>Section 20C Movement of stock</b>	14
	Omit “in compliance with a permit or order (as referred to in subsection	15
	(3))” from section 20C (5).	16
<b>[5]</b>	<b>Section 20C (5A)</b>	17
	Insert after section 20C (5):	18
	(5A) A person is not guilty of an offence under subsection (5) if the	19
	person did not know, and could not reasonably be expected to	20
	have known, that the stock transported in the vehicle concerned	21
	were infected stock.	22

<b>[6] Section 20G Person must not deface brand or mark with yellow pigment</b>	1 2
Omit “(except Part 4A)” from section 20G (1).	3
<b>[7] Section 20G (3)</b>	4
Insert after section 20G (2):	5
(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.	6 7 8
<b>[8] Section 20J</b>	9
Omit section 20J. Insert instead:	10
<b>20J Providing false or misleading information</b>	11
(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.	12 13 14 15 16
Maximum penalty: 100 penalty units.	17
(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:	18 19 20
(a) the presence or absence of infection in stock, carcasses or land, or	21 22
(b) any matter relevant to an assessment of the likelihood of the exposure of stock to infection, or	23 24
(c) any other matter prescribed by the regulations,	25
that is false or misleading in a material particular.	26
Maximum penalty: 100 penalty units.	27
(3) It is a defence to a prosecution for an offence against this section if the defendant satisfies the court:	28 29



(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	1 2 3 4
(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.	5 6 7 8 9
<b>[9]</b>	<b>Section 22A</b>	10
	Insert after section 22:	11
<b>22A</b>	<b>Protection from liability for providing information or advice</b>	12
	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.	13 14 15 16 17 18
<b>[10]</b>	<b>Section 23 Regulations</b>	19
	Omit section 23 (3). Insert instead:	20
(3)	A regulation may create an offence:	21
(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	22 23 24 25 26 27 28 29
(b)	for a breach of any other provision of the regulations, punishable by a penalty not exceeding 50 penalty units.	30 31

Stock Diseases Amendment Bill 1999

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):

*Stock Diseases Amendment Act 1999*

**[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**

1  
2

(Section 4)

3

**Section 9 Functions generally**

4

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

5

- (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.

6  
7  
8  
9