



New South Wales

Stock (Chemical Residues) Amendment Bill 1999

Explanatory note

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

This Bill is cognate with the *Stock Diseases Amendment Bill 1999*.

Overview of Bill

The objects of this Bill are to amend the *Stock (Chemical Residues) Act 1975*:

- (a) 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
- (b) to restate more broadly the protection from liability given to the Minister and persons concerned in the administration of the Act in relation to their supply of certain information or advice, and
- (c) to provide for regulation-making powers in relation to schemes of identification of stock, and
- (d) to make miscellaneous minor and consequential amendments.

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 (Chemical Residues) Act 1975* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] broadens existing offences in section 12D 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 the sale or disposition of any stock.

Proposed section 12D (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 12D (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 chemicals in stock, carcasses or land, whether stock are chemically affected, any matter relevant to an assessment of the likelihood of chemical residues in stock, 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 12D (3) provides for an appropriate defence in respect of both offences.

Schedule 1 [2] restates more broadly the extent to which the Minister and any persons concerned in the administration of the Act are protected from liability for furnishing information or advice. Under the proposed amendment, those persons are protected from liability in respect of information or advice given by them in relation to the presence or absence of chemicals in stock, carcasses or land.

Schedule 1 [3] and **[4]** provide for a regulation-making power in relation to schemes of identification of stock.

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Explanatory note

Schedule 1 [5] amends Schedule 1 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 [6] inserts a new Part 3 into Schedule 1 which contains a transitional provision.

First print



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New South Wales

Stock (Chemical Residues) Amendment Bill 1999

No. , 1999

A Bill for

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.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Stock (Chemical Residues) Amendment Act 1999</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of Stock (Chemical Residues) Act 1975 No 26	7
The <i>Stock (Chemical Residues) Act 1975</i> is amended as set out in Schedule 1.	8 9

Schedule 1 Amendments

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(Section 3)

2

[1] Section 12D

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Omit the section. Insert instead:

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12D Providing false or misleading information

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- (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.

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Maximum penalty: 100 penalty units.

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- (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:

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(a) the presence or absence of chemicals in stock, carcasses or land, or

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(b) whether stock are chemically affected, or

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(c) any matter relevant to an assessment of the likelihood of chemical residues in stock, or

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(d) any other matter prescribed by the regulations,

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that is false or misleading in a material particular.

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Maximum penalty: 100 penalty units.

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- (3) It is a defence to a prosecution for an offence against this section if the defendant satisfies the court:

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(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

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Schedule 1 Amendments

(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.	1 2 3 4 5
[2]	Section 12E Protection from liability for furnishing of information or advice	6 7
	Omit “of any advice in connection with stock that are or may be chemically affected” from section 12E (1).	8 9
	Insert instead “of any information or advice in relation to the presence or absence of chemicals in stock, carcasses or land,”.	10 11
[3]	Section 16 Regulations	12
	Insert before section 16 (2) (b):	13
(a)	schemes of identification of stock (whether on a compulsory or voluntary basis), and	14 15
[4]	Section 16 (6)	16
	Insert after section 16 (5):	17
(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 <i>Stock Diseases Act 1923</i> and the use, for the purposes of this Act, of data recorded under those schemes.	18 19 20 21 22
[5]	Schedule 1 Savings and transitional provisions	23
	Insert at the end of clause 1 (1):	24
	<i>Stock (Chemical Residues) Amendment Act 1999</i>	25

[6] Schedule 1 Part 3	1
Insert after Part 2:	2
Part 3 Provisions consequent on enactment of Stock (Chemical Residues) Amendment Act 1999	3 4 5
4 Protection from liability for furnishing information or advice	6
Section 12E (1), as amended by Schedule 1 [2] of the <i>Stock (Chemical Residues) Amendment Act 1999</i> , applies to the	7
provision of information or advice before or after the	8
commencement of that item.	9 10