



New South Wales

# Animal Diseases Legislation Amendment (Civil Liability) 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 *Exotic Diseases of Animals Act 1991* and the *Stock Diseases Act 1923* to provide persons who disclose information that they are required to disclose under those Acts with protection from civil liability for such disclosures.

## 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 the date of assent to the proposed Act.

**Clause 3** is a formal provision that gives effect to the amendment to the *Exotic Diseases of Animals Act 1991* set out in Schedule 1.

**Clause 4** is a formal provision that gives effect to the amendments to the *Stock Diseases Act 1923* set out in Schedule 2.

### **Schedule 1 Amendment of Exotic Diseases of Animals Act 1991**

**Schedule 1** inserts a new section 75A in the *Exotic Diseases of Animals Act 1991*. The new section provides that if a person is required under the Act to provide any information, the provision of that information by the person does not subject the person personally to any action, liability, claim or demand.

Examples of the provision of information for this purpose include:

- (a) answering a question put to the person under the Act,
- (b) giving a notice or other document required under the Act,
- (c) producing a record or other document required under the Act.

The new section also provides that it extends to any information required to be provided under the Act that was provided before the commencement of the new section, but does not extend to proceedings in respect of the provision of such information that were brought before that commencement.

### **Schedule 2 Amendment of Stock Diseases Act 1923**

**Schedule 2 [2]** inserts a new section 22B in the *Stock Diseases Act 1923* in similar terms to the new section inserted by Schedule 1. **Schedule 2 [1]** omits section 9A (Protection from liability for notification of diseases) of the Act because disclosures of the kind referred to in that section will be covered by the new section.

First print



New South Wales

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New South Wales

# **Animal Diseases Legislation Amendment (Civil Liability) Bill 2004**

No. \_\_\_\_\_, 2004

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## **A Bill for**

*An Act to amend the Exotic Diseases of Animals Act 1991 and the Stock Diseases Act 1923 to provide protection from civil liability for the disclosure of information in accordance with those Acts; and for other purposes.*

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Animal Diseases Legislation Amendment (Civil Liability) Act 2004</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent to this Act.	6
<b>3 Amendment of Exotic Diseases of Animals Act 1991 No 73</b>	7
The <i>Exotic Diseases of Animals Act 1991</i> is amended as set out in Schedule 1.	8 9
<b>4 Amendment of Stock Diseases Act 1923 No 34</b>	10
The <i>Stock Diseases Act 1923</i> is amended as set out in Schedule 2.	11

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**Schedule 1 Amendment of Exotic Diseases of Animals Act 1991**

(Section 3)

**Section 75A**

Insert after section 75:

**75A Exclusion of personal liability for information required to be provided under this Act**

- (1) If a person is required under this Act to provide any information, the provision of that information by the person does not subject the person personally to any action, liability, claim or demand.
- (2) Without limiting subsection (1), a person is required to provide information under this Act if:
  - (a) the person is required to answer a question put to the person under this Act, or
  - (b) the person is required to give a notice or other document under this Act, or
  - (c) the person is required to produce a record or other document under this Act.
- (3) Nothing in this section affects the criminal liability of any person under this Act or any other Act or law.
- (4) This section extends to any information that a person was required to provide under this Act that was provided before the commencement of this section, but does not extend to proceedings in respect of the provision of such information that were brought before that commencement.

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<b>Schedule 2 Amendment of Stock Diseases Act 1923</b>	1
(Section 4)	2
<b>[1] Section 9A Protection from liability for notification of diseases</b>	3
Omit the section.	4
<b>[2] Section 22B</b>	5
Insert after section 22A:	6
<b>22B Exclusion of personal liability for information required to be provided under this Act</b>	7
	8
(1) If a person is required under this Act to provide any information, the provision of that information by the person does not subject the person personally to any action, liability, claim or demand.	9
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(2) Without limiting subsection (1), a person is required to provide information under this Act if:	13
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(a) the person is required to answer a question put to the person under this Act, or	15
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(b) the person is required to give a notice or other document under this Act, or	17
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(c) the person is required to produce a record or other document under this Act.	19
	20
(3) Nothing in this section affects the criminal liability of any person under this Act or any other Act or law.	21
	22
(4) This section extends to any information that a person was required to provide under this Act that was provided before the commencement of this section, but does not extend to proceedings in respect of the provision of such information that were brought before that commencement.	23
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