

**PESTICIDES AND ALLIED CHEMICALS (AMENDMENT)
BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Pesticides and Allied Chemicals Act 1978—

- (a) to increase the maximum penalties for all offences against the Principal Act or against regulations made under the Principal Act;
- (b) to enable proceedings for those offences to be brought before either the Local Court or the Land and Environment Court;
- (c) to impose a limit on the maximum penalty which may be imposed by the Local Court in proceedings for those offences; and
- (d) by way of statute law revision.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision giving effect to the Schedules of amendments to the Principal Act.

**SCHEDULE 1—AMENDMENTS RELATING TO PENALTIES AND PROCEEDINGS
FOR OFFENCES**

Schedule 1 (1)–(33) and (35)–(38) increase the maximum penalty for all offences against the Principal Act and the regulations made under the Principal Act.

The penalties are expressed in terms of penalty units rather than in dollar amounts. Section 56 of the Interpretation Act 1987 provides that a reference in an Act or regulation to a number of penalty units is to be read as a reference to an amount of money equal to the amount obtained by multiplying \$100 by that number of penalty units.

The differential penalties presently provided for offences by corporations (as opposed to other persons) under sections 19, 22, 22A, 22M, 32, 34 to 36, 38 to 44, 49B, 49D, 54, 69 and 71 of the Principal Act are replaced by penalties applying to offences by any person, whether or not a corporation.

Pesticides and Allied Chemicals (Amendment) 1987

Schedule 1 (34) amends section 59 (Proceedings for offences) of the Principal Act to enable proceedings for offences to be disposed of summarily before either a Local Court constituted by a Magistrate or the Land and Environment Court. At present they may be disposed of only before a Local Court. The proposed amendment also provides that the maximum penalty which a Local Court may impose is 50 penalty units or the maximum penalty provided by the Principal Act or regulations made under it, whichever is the lesser.

SCHEDULE 2—STATUTE LAW REVISION AMENDMENT

This Schedule amends section 5 (Interpretation) to restore the definition of “pesticide” as it was immediately before the amendment effected by the Statute Law (Miscellaneous Provisions) Act (No. 1) 1987.
