

## STOCK DISEASES (OFFENCES) AMENDMENT BILL 1989

### 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 Stock Diseases Act 1923:

- (a) to increase the penalties for offences under the Act and the regulations; and
- (b) to re-enact the major offences under the Act to simplify and clarify their expression; and
- (c) to enable proceedings for offences to be brought in the Supreme Court in its summary jurisdiction (as an alternative to a Local Court) and to limit to \$10,000 the penalty that may be imposed by a Local Court for an offence.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments.

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### SCHEDULE 1 - AMENDMENTS

Schedule 1 (1) increases the maximum penalty for owning unbranded stock from \$20 to 1 penalty unit (\$100) per head of stock.

Schedule 1 (2) increases the penalty for fraudulent claims for compensation from the Foot and Mouth Disease Eradication Fund from \$1,000 to 100 penalty units (\$10,000). Up to 6 months imprisonment is retained as an optional or additional penalty.

Schedule 1 (3) substitutes Part 5 (proposed sections 20 - 20M) of the Act to increase penalties, express offences more plainly and enable proceedings for offences to be taken in the Supreme Court (as an alternative to a Local Court as at present):

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Proposed section 20 increases the maximum penalty for introducing stock into the State in contravention of a proclamation from \$2,000 to 100 penalty units (\$10,000). If in a particular case the stock introduced are actually diseased, the maximum penalty will be 200 penalty units (\$20,000). If introduction of the stock results in other stock becoming diseased, the maximum penalty will be 1 000 penalty units (\$100,000) or 6 months imprisonment, or both.

Proposed section 20A increases the maximum penalty for wilful communication or attempted communication of disease to stock from \$2,000 to 500 penalty units (\$50,000).

Proposed section 20B increases the maximum penalty for selling or attempting to sell diseased stock from \$2,000 to 200 penalty units (\$20,000).

Proposed sections 20C - 20J increase the maximum penalty for other offences from \$2,000 to 100 penalty units (\$10,000).

For all offences, the possibility of up to 6 months imprisonment as an additional or alternative penalty where a special quarantine area or special area is involved is retained (proposed section 20K).

Proposed section 20L authorises proceedings for offences to be taken in the Supreme Court in its summary jurisdiction (as an alternative to a Local Court) and limits to 100 penalty units (\$10,000) the penalty that may be imposed if proceedings are taken in a Local Court.

Proposed section 20M makes it clear that, if the circumstances of an offence can lead to an increased penalty, the existence of those circumstances must be proved beyond reasonable doubt.

Schedule 1 (4) increases the maximum penalty that may be provided for a breach of a regulation from \$1,000 to 50 penalty units (\$5,000). Provisions for daily penalties and fixed minimum penalties have been omitted. The additional term of imprisonment which may be imposed by the regulations if a breach arises from an act or omission involving a special quarantine area or special disease is increased from 3 to 6 months.

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