

**STATUTE LAW (PENALTIES) BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Statute Law (Miscellaneous Provisions) Bill (No. 3) 1992.

Acts enacted since the commencement of the Interpretation Act 1987 (and statutory rules made under those Acts) have generally expressed a pecuniary penalty for an offence in penalty units in accordance with section 56 of that Act. That section provides that a reference in an Act or statutory rule 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 use of penalty units is a means of ensuring that the relative values of penalties as between various offences remain constant. An amendment to section 56 of the Interpretation Act 1987 to change the value of a penalty unit is sufficient to adjust the levels of all penalties for all offences for which penalty units are specified. Alternatively, if it is desired to vary only an individual penalty, the number of penalty units for the offence can be amended.

The object of this Bill is to facilitate the adoption of the penalty unit system by generally amending the references to penalties of actual amounts in various principal Acts enacted before the introduction of the penalty unit system. Any remaining Acts in which penalties of actual amounts appear are to be amended on a progressive basis as part of the regular statute law revision program.

The Bill merely converts existing penalties to the nearest equivalent level of penalty units—it does not provide for any significant penalty increases. However, to promote consistency, the range of penalty units proposed is to be limited, as far as possible, so as to avoid unnecessary diversity. The penalties specified in Acts are the maximum that may be imposed, and the courts are able to tailor the penalty to the particular offence. The following pattern is proposed:

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<i>Penalty units</i>	<i>Current dollar amount</i>
	\$
0.1	10
0.5	50
1	100
2	200
3	300
4	400
5	500
10	1,000
15	1,500
20	2,000
25	2,500
30	3,000
40	4,000
50	5,000
100	10,000
200	20,000
1,000	100,000

If a current maximum penalty falls between the above dollar amount range, the provision is proposed to be amended by fixing the maximum penalty at the next higher penalty unit as set out above except in a few cases involving substantial penalties where such a rounding up would involve a significant penalty increase. In these cases, a conversion of the money amount to the penalty unit equivalent has been adopted.

The opportunity has also been taken to remove any minimum pecuniary penalty when expressing the maximum penalty in terms of penalty units. In recent years, only maximum penalties have been imposed for offences. The discretion of the courts as to the appropriate level of penalty has not been limited by obligations to impose a specified minimum penalty irrespective of the circumstances of the case.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act will commence on the date of assent.

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

**Schedule 1** amends the following Acts (which currently express pecuniary penalties for offences in dollar amounts) so as to express those penalties in penalty units:

- Aboriginal Land Rights Act 1983
- Air Transport Act 1964
- Albury-Wodonga Development Act 1974
- Anatomy Act 1977
- Animal Research Act 1985
- Annual Holidays Act 1944
- Apiaries Act 1985
- Arbitration (Civil Actions) Act 1983
- Architects Act 1921
- Archives Act 1960
- Area Health Services Act 1986
- Associations Incorporation Act 1984

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Auctioneers and Agents Act 1941  
Australian Museum Trust Act 1975  
Bail Act 1978  
Banana Industry Act 1987  
Bicentennial Park Trust Act 1987  
Bills of Sale Act 1898  
Bookmakers (Taxation) Act 1917  
Boxing and Wrestling Control Act 1986  
Bread Act 1969  
Building and Construction Industry Long Service Payments Act 1986  
Bush Fires Act 1949  
Business Names Act 1962  
Cattle Compensation Act 1951  
Children (Care and Protection) Act 1987  
Children (Criminal Proceedings) Act 1987  
Children (Detention Centres) Act 1987  
Children (Equality of Status) Act 1976  
Coal and Oil Shale Mine Workers (Superannuation) Act 1941  
Coal Mines Regulation Act 1982  
Coastal Protection Act 1979  
Commercial Agents and Private Inquiry Agents Act 1963  
Commercial Tribunal Act 1984  
Commercial Vessels Act 1979  
Companies (Administration) Act 1981  
Construction Safety Act 1912  
Conveyancing Act 1919  
Co-operation Act 1923  
Coroners Act 1980  
Country Industries (Pay-roll Tax Rebates) Act 1977  
Crimes Act 1900  
Dairy Industry Act 1979  
Dangerous Goods Act 1975  
Darling Harbour Authority Act 1984  
De Facto Relationships Act 1984  
Dental Technicians Registration Act 1975  
District Court Act 1973  
Dog Act 1966  
Door-to-Door Sales Act 1967  
Dormant Funds Act 1942  
Drainage Act 1939  
Dried Fruits Act 1939  
Drug Misuse and Trafficking Act 1985  
Election Funding Act 1981  
Electricity Act 1945  
Electricity Commission Act 1950  
Employment Protection Act 1982  
Energy Administration Act 1987  
Environmental Planning and Assessment Act 1979  
Environmentally Hazardous Chemicals Act 1985  
Exhibited Animals Protection Act 1986  
Factories, Shops and Industries Act 1962

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Fair Trading Act 1987  
Farm Produce Act 1983  
Film and Video Tape Classification Act 1984  
Fish River Water Supply Administration Act 1945  
Funeral Funds Act 1979  
Gaming and Betting Act 1912  
Gas Act 1986  
Googong Dam Catchment Area Act 1975  
Government and Related Employees Appeal Tribunal Act 1980  
Greyhound Racing Control Board Act 1985  
Growth Centres (Development Corporations) Act 1974  
Harness Racing Authority Act 1977  
Hawkers Act 1974  
Hay Irrigation Act 1902  
Health Administration Act 1982  
Health Insurance Levies Act 1982  
Heritage Act 1977  
Horticultural Stock and Nurseries Act 1969  
Housing Act 1912  
Human Tissue Act 1983  
Hunter Valley Flood Mitigation Act 1956  
Indecent Articles and Classified Publications Act 1975  
Infants' Custody and Settlements Act 1899  
Irrigation Act 1912  
Judicial officers Act 1986  
Justices Act 1902  
Land Development Contribution Management Act 1970  
Land Sales Act 1964  
Land Tax Management Act 1956  
Landlord and Tenant (Amendment) Act 1948  
Landlord and Tenant (Rental Bonds) Act 1977  
Lay-by Sales Act 1943  
Legal Profession Act 1987  
Library Act 1939  
Liquefied Petroleum Gas Act 1961  
Listening Devices Act 1984  
Loan Fund Companies Act 1976  
Local Government and Other Authorities (Superannuation) Act 1927  
Long Service Leave Act 1955  
Long Service Leave (Metalliferous Mining Industry) Act 1963  
Lord Howe Island Act 1953  
Lotteries and Art Unions Act 1901  
Lotto Act 1979  
Maintenance Act 1964  
Maritime Services Act 1935  
Marketing of Primary Products Act 1983  
Meat Industry Act 1978  
Mine Subsidence Compensation Act 1961  
Mines Inspection Act 1901  
Mines Rescue Act 1925  
Monopolies Act 1923

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Motor Dealers Act 1974  
Motor Vehicle Repairs Act 1980  
Motor Vehicle Sports (Public Safety) Act 1985  
Motor Vehicles (Third Party Insurance) Act 1942  
Murray-Darling Basin Act 1983  
Museum of Applied Arts and Sciences Act 1945  
National Crime Authority (State Provisions) Act 1984  
National Parks and Wildlife Act 1974  
Navigation Act 1901  
Necropolis Act 1901  
Non-indigenous Animals Act 1987  
Notification of Births Act 1915  
Occupational Health and Safety Act 1983  
Optometrists Act 1930  
Parliamentary Electorates and Elections Act 1912  
Pawnbrokers Act 1902  
Pay-roll Tax Act 1971  
Petroleum Products Subsidy Act 1965  
Petroleum (Submerged Lands) Act 1982  
Pipelines Act 1967  
Plant Diseases Act 1924  
Poisons Act 1966  
Police Regulation (Superannuation) Act 1906  
Poultry Meat Industry Act 1986  
Poultry Processing Act 1969  
Prevention of Cruelty to Animals Act 1979  
Private Irrigation Districts Act 1973  
Protected Estates Act 1983  
Public Finance and Audit Act 1983  
Public Gates Act 1901  
Public Hospitals Act 1929  
Racing Appeals Tribunal Act 1983  
Real Property Act 1900  
Recreation Vehicles Act 1983  
Registration of Births, Deaths and Marriages Act 1973  
Registration of Interests in Goods Act 1986  
Revenue Laws (Reciprocal Powers) Act 1987  
Rivers and Foreshores Improvement Act 1948  
Road Obstructions (Special Provisions) Act 1979  
Royal Botanic Gardens and Domain Trust Act 1980  
Rural Workers Accommodation Act 1969  
School Forest Areas Act 1936  
Second-hand Dealers and Collectors Act 1906  
Security (Protection) Industry Act 1985  
Seeds Act 1982  
Soccer Football Pools Act 1975  
Soil Conservation Act 1938  
Sporting Injuries Insurance Act 1978  
Stamp Duties Act 1920  
State Sports Centre Trust Act 1984  
Stock (Artificial Breeding) Act 1985

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Stock (Chemical Residues) Act 1975  
Stock Foods Act 1940  
Strata Titles Act 1973  
Superannuation Act 1916  
Survey Co-ordination Act 1949  
Survey Marks Act 1902  
Surveyors Act 1929  
Swine Compensation Act 1928  
Sydney Cove Redevelopment Authority Act 1968  
Sydney Cricket and Sports Ground Act 1978  
Sydney Harbour Trust Act 1900  
Sydney Market Authority Act 1968  
Sydney Opera House Trust Act 1961  
Teaching Services Act 1980  
Therapeutic Goods and Cosmetics Act 1972  
Tobacco Leaf Stabilization Act 1967  
Totalizator Act 1916  
Traffic Act 1909  
Traffic Safety (Lights and Hoardings) Act 1951  
Trustee Companies Act 1964  
Unauthorised Documents Act 1922  
Valuation of Land Act 1916  
Valuers Registration Act 1975  
Veterinary Surgeons Act 1986  
Waste Disposal Act 1970  
Water Act 1912  
Water Administration Act 1986  
Water Board Act 1987  
Water Supply Authorities Act 1987  
Wentworth Irrigation Act 1890  
Western Lands Act 1901  
White Phosphorus Matches Prohibition Act 1915  
Wild Dog Destruction Act 1921  
Wills, Probate and Administration Act 1898  
Wine Grape Processing Industry Act 1979  
Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987  
Workers' Compensation (Dust Diseases) Act 1942  
Zoological Parks Board Act 1973

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