

PLANT DISEASES (AMENDMENT) BILL, 1977

No. , 1977.

A BILL FOR

An Act to amend the Plant Diseases Act, 1924, to increase the penalties under that Act, to make further provision relating to the enforcement of that Act and for other purposes.

[MR DAY—23 *November*, 1977.]

BE

Plant Diseases (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

- 5 **1.** This Act may be cited as the "Plant Diseases Short title.
(Amendment) Act, 1977".
- 2.** The Plant Diseases Act, 1924, is amended in the Amendment
of Act No.
38, 1924. manner set forth in Schedule 1.
- 3.** A regulation in force immediately before the com- Savings.
10 mencement of this Act prescribing the written evidence of
an inspector's authority for the purposes of section 13 (1B)
of the Plant Diseases Act, 1924, shall not cease to be in
force by reason of anything in this Act.

SCHEDULE 1.

Sec. 2.

15 AMENDMENTS TO THE PLANT DISEASES ACT, 1924.

(1) Section 3, definition of "Prescribed"—

Omit the definition.

(2) (a) Section 5 (1) (b)—

Omit "disinfected", insert instead "treated".

20 (b) Section 5 (1) (d)—

After "or fruit", insert "or of any thing which
is likely to convey any disease or pest".

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(3) Section 5A (1) (b)—

5 Omit “fruit or plants”, insert instead “plants, fruit,
coverings or any other things, whether of the same
or of a different kind or nature”.

(4) Section 9—

10 Omit “or by any person authorised in writing by the
Minister either generally or specifically”.

(5) Section 10 (1)—

Omit “Under Secretary”, insert instead “Director-
General”.

(6) (a) Section 13 (1B)—

15 Omit the subsection, insert instead :—

(1B) An inspector may, upon production of
the prescribed written evidence of his authority—

20 (a) enter any land, premises, structure,
place, vehicle or vessel for the purpose
of searching for or inspecting any
plants, fruit, coverings or other things,
whether of the same or of a different
25 kind or nature, which he has reason-
able grounds for suspecting are
infected or are likely to convey infec-
tion or have been introduced into the
State or any portion thereof, or are
being conveyed or dealt with, in con-
30 travention of any proclamation, notifi-
cation, order or undertaking given
under this Act or any regulation;

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

5 (b) open any part of a vehicle or vessel
or any coverings for the purpose of
searching for or inspecting any plants,
fruit, coverings or other things referred
to in paragraph (a) or require the
driver or person in charge of any
10 vehicle or vessel to open any part
thereof for that purpose; or

(c) take samples of any plants, fruit,
coverings or other things referred to
in paragraph (a).

15 (b) Section 13 (1D)—
Omit the subsection.

(c) Section 13 (2)—
Omit the subsection, insert instead :—

20 (2) An inspector may serve a notice on the
owner or person in charge of any plant, fruit,
covering, vehicle, vessel or other thing, whether
of the same or of a different kind or nature,
which he is satisfied is infected requiring him
to take such measures or do such acts as are
25 specified in the notice, or as are prescribed, to
treat the infection.

(7) (a) Section 17—

Omit “, fumigate, or otherwise dispose of”, insert
instead “or otherwise dispose of, or treat.”.

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(b) Section 17—

5 Omit “other fruit”, insert instead “other plants,
fruit”.

(8) (a) Section 18—

10 Omit “for sale”, insert instead “which the
inspector suspects on reasonable grounds are
intended for sale”.

(b) Section 18—

Omit “wilfully”, insert instead “knowingly”.

(9) Section 21—

Omit “or police”.

15 (10) Section 22 and heading thereto—

Omit the section and heading.

(11) Sections 25c, 25d—

After section 25B, insert :—

20 25c. A person who assaults, threatens, resists, Assaulting,
threatening,
obstructing,
etc., an
inspector.
delays or obstructs an inspector in the exercise or
performance of any of his powers, authorities, duties
or functions under this Act shall be guilty of an
offence against this Act and liable to a penalty not
exceeding \$1,000.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

5 25D. A person who, without lawful authority, ^{Corruption.}
offers, makes or gives to an inspector any payment,
gratuity or present in consideration that the inspector
will do or omit to do any act or thing pertaining
to his powers, authorities, duties or functions under
10 this Act shall be guilty of an offence against this Act
and liable to a penalty not exceeding \$1,000.

(12) (a) Section 26 (1) (a)—

15 Omit “which has been introduced into this
State”, insert instead “which was imported,
introduced or brought into the State or any
portion thereof”.

(b) Section 26 (1) (e)—

 Omit “by the Minister”, insert instead “under
this Act by the Minister or an inspector”.

(c) Section 26 (1A)—

20 After section 26 (1), insert :—

 (1A) Any person who commits an offence
under subsection (1) (a) or (f) shall be liable
to a penalty not exceeding \$1,000.

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(d) Section 26 (2)—

5 Omit “one hundred dollars”, insert instead
“\$500”.

(e) Section 26 (5)—

10 Omit “in any irrigation area as defined in the
Irrigation Act, 1912, as amended by subsequent
Acts, the Wentworth Irrigation Act, as amended
by subsequent Acts or the Hay Irrigation Act,
1902, as amended by subsequent Acts,” insert
instead “in any portion of the State”.

(f) Section 26 (5)—

15 Omit “such irrigation area”, insert instead “that
portion of the State”.

(13) (a) Section 28 (1) (dii), (diii)—

After section 28 (1) (di), insert :—

20 (dii) the identification of the grade of
unpacked fruit or vegetables that are
exposed or displayed for sale;

(diii) the restriction or prohibition of the
exposing or displaying for sale of
25 unpacked fruit or vegetables which are
required to be graded as prescribed
without their grade being identified as
prescribed;

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(b) Section 28 (1) (f) (ii)—

5 Omit “disinfection, or destruction by an inspector at any port of entry or quarantine station”, insert instead “treatment or destruction by an inspector”.

(c) Section 28 (2)—

10 Omit “one hundred dollars”, insert instead “\$500”.

(d) Section 28 (3)—

Omit the subsection, insert instead :—

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(14) (a) Section 29 (1A), (1B)—

After section 29 (1), insert :—

20 (1A) Where fruit or vegetables are arranged in such a manner that there is more than one outer layer or shown surface, subsection (1) applies to each such outer layer or shown surface.

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

5 (1B) Nothing in subsection (1) affects the
 requirements of any regulation relating to the
 packing of fruit or vegetables or the arrange-
 ment of fruit or vegetables that are exposed or
 displayed for sale.

10 (b) Section 29 (3)—
 Omit “forty dollars”, insert instead “\$500”.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 311

LECTURE 11

STATISTICAL MECHANICS

PROBLEMS

1. A system of N particles is in contact with a heat reservoir at temperature T . The system has energy E and entropy S . Show that the probability of finding the system in a state with energy E and entropy S is given by

$$P(E, S) = \frac{e^{-\beta E + \beta S}}{\int e^{-\beta E + \beta S} \Omega(E, S) dE dS}$$

where $\beta = 1/(k_B T)$ and $\Omega(E, S)$ is the density of states.

2. A system of N particles is in contact with a heat reservoir at temperature T . The system has energy E and entropy S . Show that the probability of finding the system in a state with energy E and entropy S is given by

$$P(E, S) = \frac{e^{-\beta E + \beta S}}{\int e^{-\beta E + \beta S} \Omega(E, S) dE dS}$$

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3. A system of N particles is in contact with a heat reservoir at temperature T . The system has energy E and entropy S . Show that the probability of finding the system in a state with energy E and entropy S is given by

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PLANT DISEASES (AMENDMENT) BILL, 1977

EXPLANATORY NOTE

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

THE objects of this Bill are—

- (a) to increase the penalties for offences under the Plant Diseases Act, 1924, or the regulations made thereunder (Schedule 1 (12) (c), (12) (d), (13) (c) and (14) (b));
- (b) to make it an offence punishable by a penalty not exceeding \$1,000—
 - (i) to assault, threaten, resist, delay or obstruct an inspector; or
 - (ii) to bribe an inspector(Schedule 1 (11));
- (c) to extend the powers of an inspector in relation to entry, search, inspection and the taking of samples to cover any case in which he has reasonable grounds for suspecting that plants, fruit, etc., are infected or likely to convey infection or have been introduced into the State or any portion thereof or are being conveyed or dealt with unlawfully (Schedule 1 (6) (a));
- (d) to authorise an inspector to require the owner or person in charge of any plant, fruit, covering, vehicle, vessel or other thing which the inspector is satisfied is infected to take such measures or do such acts as are specified in a notice served on that owner or person instead of only such measures or acts as are prescribed by regulations (Schedule 1 (6) (c));
- (e) to empower the Governor to make regulations with respect to the identification of the grade of unpacked fruit or vegetables that are exposed or displayed for sale (Schedule 1 (13) (a));
- (f) to clarify provisions requiring the fair average quality of fruit or vegetables for sale to be indicated (Schedule 1 (14) (a));
- (g) to widen the application of a certain evidentiary provision (Schedule 1 (12) (e) and (f));
- (h) to repeal an obsolete provision dealing with the destruction of cotton plants (Schedule 1 (10)); and
- (i) to make other provisions of a minor or an ancillary nature or by way of statute law revision.

1900

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. It begins with the first settlers who came to the shores of the continent. They brought with them the seeds of a new nation, one that would be built on the principles of liberty and justice for all. Over the years, the United States has grown from a small collection of colonies to a powerful and influential nation. It has faced many challenges, but it has always emerged stronger and more united. The story of the United States is a story of hope and possibility, a story that continues to inspire and guide us today.

PROOF

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3. A regulation in force immediately before the com- Savings.
10 mencement of this Act prescribing the written evidence of
an inspector's authority for the purposes of section 13 (1B)
of the Plant Diseases Act, 1924, shall not cease to be in
force by reason of anything in this Act.

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Omit the definition.

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20 (b) Section 5 (1) (d)—

After "or fruit", insert "or of any thing which
is likely to convey any disease or pest".

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

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—*continued.*

- (3) Section 5A (1) (b)—
5 Omit “fruit or plants”, insert instead “plants, fruit,
coverings or any other things, whether of the same
or of a different kind or nature”.
- (4) Section 9—
10 Omit “or by any person authorised in writing by the
Minister either generally or specifically”.
- (5) Section 10 (1)—
Omit “Under Secretary”, insert instead “Director-
General”.
- (6) (a) Section 13 (1B)—
15 Omit the subsection, insert instead :—
(1B) An inspector may, upon production of
the prescribed written evidence of his authority—
20 (a) enter any land, premises, structure,
place, vehicle or vessel for the purpose
of searching for or inspecting any
plants, fruit, coverings or other things,
whether of the same or of a different
25 kind or nature, which he has reason-
able grounds for suspecting are
infected or are likely to convey infec-
tion or have been introduced into the
State or any portion thereof, or are
being conveyed or dealt with, in con-
30 travention of any proclamation, notifi-
cation, order or undertaking given
under this Act or any regulation;

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

5 (b) open any part of a vehicle or vessel
or any coverings for the purpose of
searching for or inspecting any plants,
fruit, coverings or other things referred
10 to in paragraph (a) or require the
driver or person in charge of any
vehicle or vessel to open any part
thereof for that purpose; or

(c) take samples of any plants, fruit,
coverings or other things referred to
in paragraph (a).

15 (b) Section 13 (1D)—
Omit the subsection.

(c) Section 13 (2)—
Omit the subsection, insert instead :—

20 (2) An inspector may serve a notice on the
owner or person in charge of any plant, fruit,
covering, vehicle, vessel or other thing, whether
of the same or of a different kind or nature,
which he is satisfied is infected requiring him
25 to take such measures or do such acts as are
specified in the notice, or as are prescribed, to
treat the infection.

(7) (a) Section 17—
Omit “, fumigate, or otherwise dispose of”, insert
instead “or otherwise dispose of, or treat.”.

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Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
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(b) Section 17—

5 Omit “other fruit”, insert instead “other plants,
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(8) (a) Section 18—

10 Omit “for sale”, insert instead “which the
inspector suspects on reasonable grounds are
intended for sale”.

(b) Section 18—

Omit “wilfully”, insert instead “knowingly”.

(9) Section 21—

Omit “or police”.

15 (10) Section 22 and heading thereto—

Omit the section and heading.

(11) Sections 25C, 25D—

After section 25B, insert :—

20 25C. A person who assaults, threatens, resists, Assaulting,
delays or obstructs an inspector in the exercise or threatening,
performance of any of his powers, authorities, duties obstructing,
or functions under this Act shall be guilty of an etc., an
offence against this Act and liable to a penalty not inspector.
exceeding \$1,000.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

5 25D. A person who, without lawful authority, Corruption.
offers, makes or gives to an inspector any payment,
gratuity or present in consideration that the inspector
will do or omit to do any act or thing pertaining
to his powers, authorities, duties or functions under
10 this Act shall be guilty of an offence against this Act
and liable to a penalty not exceeding \$1,000.

(12) (a) Section 26 (1) (a)—

15 Omit “which has been introduced into this
State”, insert instead “which was imported,
introduced or brought into the State or any
portion thereof”.

(b) Section 26 (1) (e)—

Omit “by the Minister”, insert instead “under
this Act by the Minister or an inspector”.

(c) Section 26 (1A)—

20 After section 26 (1), insert :—

(1A) Any person who commits an offence
under subsection (1) (a) or (f) shall be liable
to a penalty not exceeding \$1,000.

SCHEDULE

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(d) Section 26 (2)—

5 Omit “one hundred dollars”, insert instead
“\$500”.

(e) Section 26 (5)—

10 Omit “in any irrigation area as defined in the
Irrigation Act, 1912, as amended by subsequent
Acts, the Wentworth Irrigation Act, as amended
by subsequent Acts or the Hay Irrigation Act,
1902, as amended by subsequent Acts,” insert
instead “in any portion of the State”.

(f) Section 26 (5)—

15 Omit “such irrigation area”, insert instead “that
portion of the State”.

(13) (a) Section 28 (1) (dii), (diii)—

After section 28 (1) (di), insert :—

20 (dii) the identification of the grade of
unpacked fruit or vegetables that are
exposed or displayed for sale;

25 (diii) the restriction or prohibition of the
exposing or displaying for sale of
unpacked fruit or vegetables which are
required to be graded as prescribed
without their grade being identified as
prescribed;

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

(b) Section 28 (1) (f) (ii)—

5 Omit “disinfection, or destruction by an inspector at any port of entry or quarantine station”, insert instead “treatment or destruction by an inspector”.

(c) Section 28 (2)—

10 Omit “one hundred dollars”, insert instead “\$500”.

(d) Section 28 (3)—

Omit the subsection, insert instead :—

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(14) (a) Section 29 (1A), (1B)—

After section 29 (1), insert :—

20 (1A) Where fruit or vegetables are arranged in such a manner that there is more than one outer layer or shown surface, subsection (1) applies to each such outer layer or shown surface.

Plant Diseases (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PLANT DISEASES ACT, 1924
—*continued.*

5 (1B) Nothing in subsection (1) affects the requirements of any regulation relating to the packing of fruit or vegetables or the arrangement of fruit or vegetables that are exposed or displayed for sale.

10 (b) Section 29 (3)—
Omit “forty dollars”, insert instead “\$500”.

