

STATUTE LAW (PENALTIES) ACT 1993 No. 47

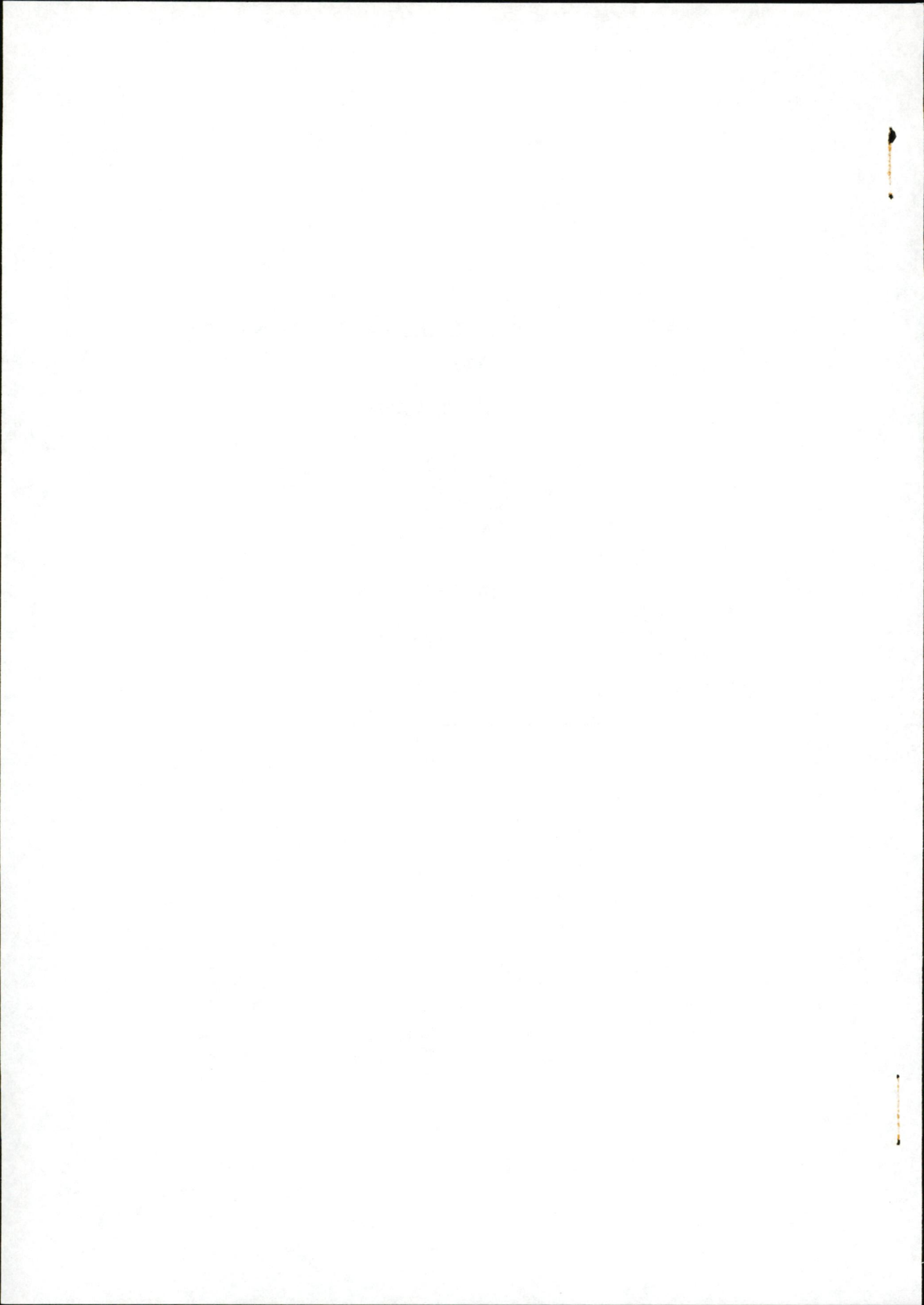
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Acts

SCHEDULE 1—AMENDMENTS OF ACTS



STATUTE LAW (PENALTIES) ACT 1993 No. 47

NEW SOUTH WALES



Act No. 47, 1993

An Act to amend various Acts to express penalties for offences in penalty units in accordance with section 56 of the Interpretation Act 1987.
[Assented to 15 June 1993]

Statute Law (Penalties) Act 1993 No. 47

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Penalties) Act 1993.

Commencement

2. This Act commences on the date of assent.

Amendment of Acts

3. Each Act specified in Column 1 of Schedule 1 is amended:
- (a) by omitting from each provision of that Act specified in Column 1 the matter (wherever occurring) specified opposite that provision in Column 2 of that Schedule;
 - (b) by inserting instead the matter specified opposite that provision in Column 3 of that Schedule.

SCHEDULE 1—AMENDMENT OF ACTS

(Sec. 3)

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Agreements Validating Act 1902 No. 58 section 7	forty dollars	0.5 penalty unit
Agricultural Scientific Collections Trust Act 1983 No. 148 sections 19, 20	Penalty: \$2,000	Maximum penalty: 20 penalty units
section 21 (3)	\$500	5 penalty units
Anglican Church of Australia Act 1976 No. 21 section 6 (1)	Penalty: \$100	Maximum penalty: 1 penalty unit

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Anti-Discrimination Act 1977 No. 48		
sections 51 (2), 116, 124	Penalty: \$1,000	Maximum penalty: 10 penalty units
section 92 (3)	Penalty: \$500	Maximum penalty: 5 penalty units
section 101B (5)	Penalty (subsection (5)): \$1,000	Maximum penalty (subsection (5)): 10 penalty units
section 110A (3)	Penalty (subsection (3)): \$1,000	Maximum penalty: (subsection (3)): 10 penalty units
section 127 (5)	\$500	5 penalty units
Art Gallery of New South Wales Act 1980 No. 65		
section 23 (3)	\$500	5 penalty units
Attachment of Wages Limitation Act 1957 No. 28		
section 10 (8)	one hundred dollars	1 penalty unit
Balranald Irrigation Act 1902 No. 78		
section 35 (2)	\$200	2 penalty units
section 49	forty dollars	0.5 penalty unit
section 50	two hundred dollars	2 penalty units
section 51	twenty dollars	0.5 penalty unit
Biological Control Act 1985 No. 199		
sections 41, 43	Penalty: \$1,000	Maximum penalty: 10 penalty units
section 45 (2)	\$5,000	50 penalty units
sections 45 (4), 49 (2)	\$2,000	20 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
sections 46 (1), 49 (1)	Penalty: \$2,000	Maximum penalty: 20 penalty units
section 49 (2)	Penalty: \$10,000	Maximum penalty: 100 penalty units
Children (Community Service Orders) Act 1987 No. 56		
section 26 (1) (a), (3) (a)	\$250	2.5 penalty units
Coal Industry Act 1946 No. 44		
section 54A (2)	\$200	2 penalty units
section 59 (1)–(5)	\$10,000	100 penalty units
section 59 (1)–(3)	\$3,000	30 penalty units
section 59 (4), (5)	\$6,000	60 penalty units
section 63	\$500	5 penalty units
Coal Mining Industry Long Service Leave Act 1950 No. 23		
sections 8 (3), 9 (2)	one hundred dollars	1 penalty unit
section 10 (1)	two hundred dollars	2 penalty units
section 13 (3)	forty dollars	0.5 penalty unit
Constitution Further Amendment (Referendum) Act 1930 No. 2		
section 41 (1)	two hundred dollars	2 penalty units
section 42 (1)	ten dollars	0.1 penalty unit
Contractors' Debts Act 1897 No. 29		
section 17	one hundred dollars	1 penalty unit

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Contracts Review Act 1980 No. 16 section 18 (1)	\$2,000	20 penalty units
Copyright Act 1879 42 Vic. No. 20 section 7	twenty dollars	0.5 penalty unit
Crimes Act 1900 No. 40 section 496 (1)	of \$5,000	not exceeding 50 penalty units
Crimes Prevention Act 1916 No. 80 section 3	one hundred dollars	1 penalty unit
Dams Safety Act 1978 No. 96 section 30	\$1,000	10 penalty units
section 32 (4)	\$500	5 penalty units
Darling Harbour Authority Act 1984 No. 103 section 54 (3)	\$2,000	20 penalty units
Disorderly Houses Act 1943 No. 6 section 8	not less than sixty dollars and not exceeding six hundred dollars	not exceeding 10 penalty units
section 11	fifty dollars	0.5 penalty unit
Disposal of Uncollected Goods Act 1966 No. 57 section 21 (1)	two hundred dollars	2 penalty units
section 22 (2)	one hundred dollars	1 penalty unit

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Farm Water Supplies Act 1946 No. 22		
section 17	\$800	10 penalty units
section 18 (1)	\$500	5 penalty units
Fertilizers Act 1985 No. 5		
sections 15 (1), 17, 18 (1), 19, 22, 27, 28, 31, 33, 34	Penalty: \$2,000	Maximum penalty: 20 penalty units
sections 16 (1), 21 (1)	Penalty: \$1,000	Maximum penalty: 10 penalty units
sections 20 (2), 26 (2)	Penalty (subsection (2)): \$1,000	Maximum penalty (subsection (2)): 10 penalty units
section 25 (5)	Penalty (subsection (5)): \$2,000	Maximum penalty (subsection (5)): 20 penalty units
section 42 (3)	\$500	5 penalty units
Geographical Names Act 1966 No. 13		
section 15 (2)	forty dollars	0.5 penalty unit
Health Administration Act 1982 No. 135		
sections 22, 23 (3)	\$1,000	10 penalty units
Historic Houses Act 1980 No. 94		
section 23 (3)	\$500	5 penalty units
Homing Pigeons Protection Act 1909 (1910 No. 1)		
sections 3, 4	twenty dollars	0.5 penalty unit
section 5	ten dollars	0.1 penalty unit
section 6	four dollars	0.1 penalty unit
Housing Act 1912 No. 7		
section 23 (2)	one hundred dollars	1 penalty unit

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Housing Act 1976 No. 62		
section 35 (2)	\$100	1 penalty unit
Housing Act 1985 No. 163		
sections 13 (1), (2), 14	Penalty: \$2,000	Maximum penalty: 20 penalty units
Imperial Acts Application Act 1969 No. 30		
section 20	not more than one thousand dollars	not exceeding 10 penalty units
section 39	one hundred dollars	1 penalty unit
section 43	not more than two thousand dollars	not exceeding 20 penalty units
Inclosed Lands Protection Act 1901 No. 33		
section 4 (1)	\$500	5 penalty units
section 4A (1)	of \$1,000	not exceeding 10 penalty units
section 5 (1), (2)	\$200	2 penalty units
section 6 (2)	fifty dollars	0.5 penalty unit
Inebriates Act 1912 No. 24		
sections 4 (1), 10	forty dollars	0.5 penalty unit
section 21	ten dollars	0.1 penalty unit
section 25	twenty dollars	0.5 penalty unit
sections 26, 28	one hundred dollars	1 penalty unit
Innkeepers Act 1968 No. 24		
section 9	forty dollars	0.5 penalty unit

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Justices Act 1902 No. 27		
section 15	forty dollars	0.5 penalty unit
Land Agents Act 1927 No. 3		
section 4 (2)	one hundred dollars	1 penalty unit
Landlord and Tenant Act 1899 No. 18		
section 2AA (5)	Penalty	Maximum penalty
section 2AA (5)	\$500	5 penalty units
section 2AA (5)	\$1,000	10 penalty units
Landlord and Tenant (Amendment) Act 1948 No. 25		
section 81 (2)	ten dollars	0.1 penalty unit
section 95 (5) (a)	one hundred dollars	1 penalty unit
Legal Aid Commission Act 1979 No. 78		
sections 26, 32, 41	Penalty: \$1,000	Maximum penalty: 10 penalty units
section 76 (2)	\$500	5 penalty units
Lie Detectors Act 1983 No. 62		
section 7 (1) (a)	\$5,000	50 penalty units
section 7 (1) (a)	\$10,000	100 penalty units
section 7 (1) (b)	\$1,000	10 penalty units
section 7 (1) (b)	\$2,000	20 penalty units
Liquefied Petroleum Gas (Grants) Act 1980 No. 175		
sections 12 (2), 16 (1), (3)	Penalty: \$1,000	Maximum penalty: 10 penalty units
section 13 (4)	Penalty: \$500	Maximum penalty: 5 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Liquefied Petroleum Gas (Grants) Act 1980		
No. 175— <i>continued</i>		
section 16 (2)	Penalty: \$2,000	Maximum penalty: 20 penalty units
section 20 (2)	\$200	2 penalty units
Liquor Act 1982 No. 147		
section 13	\$1,000	10 penalty units
section 101 (1)	Penalty: \$500	Maximum penalty: 5 penalty units
Local Courts (Civil Claims) Act 1970 No. 11		
section 47C (3)	Penalty: \$200	Maximum penalty: 2 penalty units
section 56 (1)	Penalty: \$100	Maximum penalty: 1 penalty unit
Maritime Services Act 1935 No. 47		
section 38 (2) (fi)	four hundred dollars	4 penalty units
Marketing of Primary Products Act 1983		
No. 176		
section 91 (4)	\$2,000	20 penalty units
section 163 (4)	\$1,000	10 penalty units
section 163 (4)	\$100	1 penalty unit
Mines Inspection Act 1901 No. 75		
section 80 (1)	5 penalty units	\$500
Mock Auctions Act 1973 No. 17		
section 4 (1)	Penalty: \$800	Maximum penalty: 10 penalty units
Motor Vehicles (Third Party Insurance) Act		
1942 No. 15		
section 45 (3)	\$300	3 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
National Parks and Wildlife Act 1974 No. 80		
Schedule 9A, clause 11 (11)	\$200	2 penalty units
Schedule 9A, clause 12 (2)	\$100	1 penalty unit
New South Wales—Queensland Border Rivers Act 1947 No. 10		
sections 6 (1) (c), 22 (1)	one hundred dollars	1 penalty unit
section 21 (3)	forty dollars	0.5 penalty unit
section 21 (3)	two hundred dollars	2 penalty units
section 21 (3)	ten dollars	0.1 penalty unit
New South Wales State Cancer Council Act 1955 No. 25		
section 10A (4)	four hundred dollars	4 penalty units
Non-Indigenous Animals Act 1987 No. 166		
section 22	Penalty: \$2,000	Maximum penalty: 20 penalty units
Oaths Act 1900 No. 20		
section 21A (3)	two hundred dollars	2 penalty units
section 30 (b)	five hundred dollars	5 penalty units
Ombudsman Act 1974 No. 68		
section 31H (3), (4)	Penalty: \$2,000	Maximum penalty: 20 penalty units
sections 34 (1), 37 (1), (2)	Penalty: \$1,000	Maximum penalty: 10 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Pathology Laboratories Accreditation Act 1981 No. 51		
section 34	Penalty: \$2,000	Maximum penalty: 20 penalty units
sections 35, 36, 37, 38	Penalty: \$500	Maximum penalty: 5 penalty units
section 48 (3)	\$200	2 penalty units
Police Offences Act 1901 No. 5		
section 104	forty dollars	0.5 penalty unit
sections 105, 107	twenty dollars	0.5 penalty unit
section 108	two hundred dollars	2 penalty units
Prices Regulation Act 1948 No. 26		
section 59 (3) (a)	\$10,000	100 penalty units
section 59 (3) (b)	\$5,000	50 penalty units
section 61 (3) (a)	\$2,000	20 penalty units
section 61 (3) (b)	\$1,000	10 penalty units
Printing and Newspapers Act 1973 No. 46		
sections 3 (1), (2), 4 (1), (2)	Penalty: \$400	Maximum penalty: 4 penalty units
Prisons Act 1952 No. 9		
section 48A (3)	two hundred dollars	2 penalty units
Privacy Committee Act 1975 No. 37		
sections 20, 22	Penalty: \$1,000	Maximum penalty: 10 penalty units
Public Hospitals Act 1929 No. 8		
section 42 (4) (a)	one hundred dollars	1 penalty unit

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Public Notaries Act 1985 No. 6 section 9 (3)	Penalty: \$500	Maximum penalty: 5 penalty units
Public Servant Housing Authority Act 1975 No. 38 section 33	\$1,000	10 penalty units
Public Works Act 1912 No. 45 section 148 section 150 (1)	forty dollars twenty dollars	0.5 penalty unit 0.5 penalty unit
Registered Clubs Act 1976 No. 31 section 37 (3) sections 79 (2), 86 (3), 117 (1)	\$1,000 Penalty: \$2,000	10 penalty units Maximum penalty: 20 penalty units
Royal Commissions Act 1923 No. 29 sections 19 (1), 20	four hundred dollars	4 penalty units
Sea-carriage of Goods (State) Act 1921 No. 5 section 7	two hundred dollars	2 penalty units
Sheriff Act 1900 No. 16 section 8 section 13	one hundred dollars Penalty: \$500	1 penalty unit Maximum penalty: 5 penalty units
Small Business Development Corporation Act 1984 No. 119 section 16 section 20 (2)	Penalty: \$2,000 \$500	Maximum penalty: 20 penalty units 5 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Snowy Mountains Hydro-electric Agreements Act 1958 No. 20		
section 14 (4) (a)	two hundred dollars	2 penalty units
section 14 (4) (b)	one thousand dollars	10 penalty units
South-west Tablelands Water Supply Administration Act 1941 No. 36		
section 20 (1B)	one hundred dollars	1 penalty unit
Special Commissions of Inquiry Act 1983 No. 90		
sections 25 (1), 26, 37 (2)	\$1,000	10 penalty units
section 31 (2)	Penalty: \$1,000	Maximum penalty: 10 penalty units
Stamp Duties Act 1920 No. 47		
section 97ADE (6)	\$500	5 penalty units
Strata Titles (Leasehold) Act 1986 No. 219		
sections 17 (1), 99 (1), 103 (5), 116 (1), 129 (2), 131 (2), 137 (7), 175 (2), 176 (1), 180 (3)	Penalty: \$500	Maximum penalty: 5 penalty units
section 86 (1), (4)	Penalty: \$1,000	Maximum penalty: 10 penalty units
sections 88 (1), 180 (1)	Penalty: \$100	Maximum penalty: 1 penalty unit
sections 94 (2), 100 (1), (3)	Penalty: \$200	Maximum penalty: 2 penalty units
sections 98 (8) (a), 196 (2)	\$200	2 penalty units
sections 98 (8) (b), 174 (3), 180 (2)	\$500	5 penalty units
sections 103 (8), 109 (2)	Penalty: \$2,000	Maximum penalty: 20 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Strata Titles (Leasehold) Act 1986 No. 219— continued		
section 135 (6)	Penalty— subsection (6): \$500	Maximum penalty (subsection (6)): 5 penalty units
section 174 (3)	Penalty	Maximum penalty
section 174 (3)	\$1,000	10 penalty units
section 180 (1)	\$10	0.1 penalty unit
section 193 (3)	Penalty— subsection (3): \$200	Maximum penalty (subsection (3)): 2 penalty units
Sydney Cricket and Sports Ground Act 1978 No. 72		
Schedule 1, clause 13 (11)	\$200	2 penalty units
Sydney Harbour Trust Act 1900 (1901 No. 1)		
section 86	forfeit for every such offence any sum not exceeding two hundred dollars	be liable for every such offence to a penalty not exceeding 2 penalty units
Sydney Turf Club Act 1943 No. 22		
sections 23 (5), 32 (2)	fifty dollars	0.5 penalty unit
section 24 (1), (2)	twenty dollars	0.5 penalty unit
Teacher Housing Authority Act 1975 No. 27		
section 35	\$1,000	10 penalty units
Theatres and Public Halls Act 1908 No. 13		
section 27 (1), (3)	\$2,000	20 penalty units
section 29 (3)	\$200	2 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Totalizator Act 1916 No. 75		
section 10E (4)	forty dollars	0.5 penalty unit
section 10E (4)	two hundred dollars	2 penalty units
Tourism Commission Act 1984 No. 46		
section 25	Penalty: \$1,000	Maximum penalty: 10 penalty units
Transport Appeal Boards Act 1980 No. 104		
section 18 (2)	\$500	5 penalty units
section 32 (4)	\$100	1 penalty unit
Unclaimed Money Act 1982 No. 174		
section 6 (3) (a)	\$500	5 penalty units
section 6 (3) (b)	\$50	0.5 penalty unit
section 7 (2)	Penalty: \$200	Maximum penalty: 2 penalty units
section 11 (3)	Penalty: \$500	Maximum penalty: 5 penalty units
section 17 (2)	\$200	2 penalty units
Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 No. 194		
sections 7 (1), 8 (2)	Penalty: \$100,000	Maximum penalty: 1,000 penalty units
section 13 (2)	\$2,000	20 penalty units
Water Act 1912 No. 44		
section 20D	\$10,000	100 penalty units
Wollongong Sportsground Act 1986 No. 174		
sections 29 (2), 33 (3)	\$500	5 penalty units

Statute Law (Penalties) Act 1993 No. 47—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
Workers Compensation Act 1987 No. 70		
sections 43 (2), 57 (1), 94 (1), 134 (2), 141 (3), 161 (3), (4), 163, 170 (6), 184 (4), (10), (12), 191 (7), 229, 230, 237, 270 (2)	Penalty: \$2,000	Maximum penalty: 20 penalty units
sections 54 (1), 93 (1), 174, 192, 274 (3), 276	Penalty: \$5,000	Maximum penalty: 50 penalty units
sections 90 (5), 125 (1), 185 (9), 269 (3), 280 (2)	\$2,000	20 penalty units
sections 142 (2) (b), 169 (3), 189 (5), 209, 220 (4) (a), 228 (4) (a), 261 (7) (a), 278 (2)	\$10,000	100 penalty units
section 154 (5)	Penalty (subsection (5)): \$2,000	Maximum penalty (subsection (5)): 20 penalty units
section 155 (1)	Penalty: \$20,000	Maximum penalty: 200 penalty units
sections 157, 164, 179 (1), 181 (4), 190 (2), 213 (1), 271 (1)	Penalty: \$10,000	Maximum penalty: 100 penalty units
section 159 (7)	Penalty (subsection (7)): \$5,000	Maximum penalty (subsection (7)): 50 penalty units

*[Minister's second reading speech made in—
Legislative Assembly on 13 May 1993
Legislative Council on 20 May 1993]*

FIRST PRINT

STATUTE LAW (PENALTIES) BILL 1993

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 1993.

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 for offences remain constant. An amendment to section 56 of that Act 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 Statute Law (Penalties) Act 1992 ("the 1992 Act") was the first Act to systematically deal with penalty conversion as part of the regular statute law revision program. The object of this Bill is to follow that Act in further facilitating the adoption of the penalty unit system by amending certain additional references to penalties of actual amounts in various principal Acts generally enacted before the introduction of the penalty unit system.

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 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 was adopted in the 1992 Act:

Statute Law (Penalties) 1993

<i>Penalty units</i>	<i>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 to be amended by fixing the maximum penalty at the next higher penalty unit set out above. There are no penalties between \$10,000 and \$100,000 that are proposed to be increased.

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.

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) to express penalties in penalty units:

Agreements Validating Act 1902
 Agricultural Scientific Collections Trust Act 1983
 Anglican Church of Australia Act 1976
 Anti-Discrimination Act 1977
 Art Gallery of New South Wales Act 1980
 Attachment of Wages Limitation Act 1957
 Balranald Irrigation Act 1902
 Biological Control Act 1985
 Children (Community Service Orders) Act 1987
 Coal Industry Act 1946
 Coal Mining Industry Long Service Leave Act 1950

Statute Law (Penalties) 1993

Constitution Further Amendment (Referendum) Act 1930
Contractors' Debts Act 1897
Contracts Review Act 1980
Copyright Act 1879 42 Vic. No. 20
Crimes Act 1900
Crimes Prevention Act 1916
Dams Safety Act 1978
Darling Harbour Authority Act 1984
Disorderly Houses Act 1943
Disposal of Uncollected Goods Act 1966
Farm Water Supplies Act 1946
Fertilizers Act 1985
Geographical Names Act 1966
Health Administration Act 1982
Historic Houses Act 1980
Homing Pigeons Protection Act 1909 (1910 No. 1)
Housing Act 1912
Housing Act 1976
Housing Act 1985
Imperial Acts Application Act 1969
Inclosed Lands Protection Act 1901
Inebriates Act 1912
Innkeepers Act 1968
Justices Act 1902
Land Agents Act 1927
Landlord and Tenant Act 1899
Landlord and Tenant (Amendment) Act 1948
Legal Aid Commission Act 1979
Lie Detectors Act 1983
Liquefied Petroleum Gas (Grants) Act 1980
Liquor Act 1982
Local Courts (Civil Claims) Act 1970
Maritime Services Act 1935
Marketing of Primary Products Act 1983
Mines Inspection Act 1901
Mock Auctions Act 1973
Motor Vehicles (Third Party Insurance) Act 1942
National Parks and Wildlife Act 1974
New South Wales—Queensland Border Rivers Act 1947
New South Wales State Cancer Council Act 1955
Non-Indigenous Animals Act 1987
Oaths Act 1900
Ombudsman Act 1974
Pathology Laboratories Accreditation Act 1981
Police Offences Act 1901
Prices Regulation Act 1948
Printing and Newspapers Act 1973
Prisons Act 1952
Privacy Committee Act 1975
Public Hospitals Act 1929
Public Notaries Act 1985

Statute Law (Penalties) 1993

Public Servant Housing Authority Act 1975
Public Works Act 1912
Registered Clubs Act 1976
Royal Commissions Act 1923
Sea-carriage of Goods (State) Act 1921
Sheriff Act 1900
Small Business Development Corporation Act 1984
Snowy Mountains Hydro-electric Agreements Act 1958
South-west Tablelands Water Supply Administration Act 1941
Special Commissions of Inquiry Act 1983
Stamp Duties Act 1920
Strata Titles (Leasehold) Act 1986
Sydney Cricket and Sports Ground Act 1978
Sydney Harbour Trust Act 1900 (1901 No. 1)
Sydney Turf Club Act 1943
Teacher Housing Authority Act 1975
Theatres and Public Halls Act 1908
Totalizator Act 1916
Tourism Commission Act 1984
Transport Appeal Boards Act 1980
Unclaimed Money Act 1982
Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986
Water Act 1912
Wollongong Sportsground Act 1986
Workers Compensation Act 1987

FIRST PRINT

STATUTE LAW (PENALTIES) BILL 1993

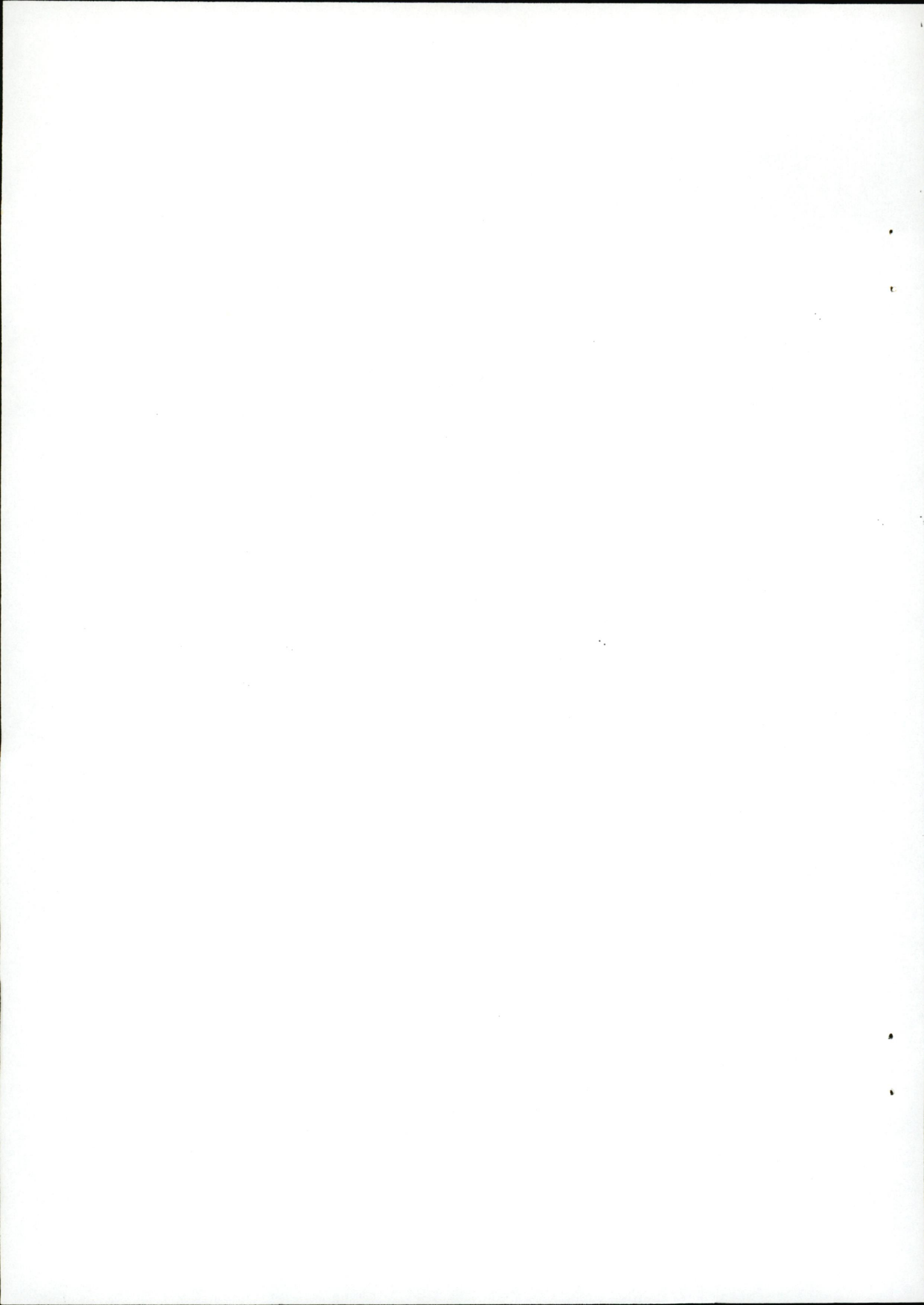
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Acts

SCHEDULE 1—AMENDMENTS OF ACTS



STATUTE LAW (PENALTIES) BILL 1993

NEW SOUTH WALES



No. , 1993

A BILL FOR

An Act to amend various Acts to express penalties for offences in penalty units in accordance with section 56 of the Interpretation Act 1987.

Statute Law (Penalties) 1993

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Statute Law (Penalties) Act 1993.

Commencement

- 5 2. This Act commences on the date of assent.

Amendment of Acts

3. Each Act specified in Column 1 of Schedule 1 is amended:
- (a) by omitting from each provision of that Act specified in Column 1 the matter (wherever occurring) specified opposite that provision in
10 Column 2 of that Schedule;
- (b) by inserting instead the matter specified opposite that provision in Column 3 of that Schedule.

SCHEDULE 1—AMENDMENT OF ACTS

(Sec. 3)

15	Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
	Agreements Validating Act 1902 No. 58 section 7	forty dollars	0.5 penalty unit
20	Agricultural Scientific Collections Trust Act 1983 No. 148 sections 19, 20 section 21 (3)	Penalty: \$2,000 \$500	Maximum penalty: 20 penalty units 5 penalty units

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Anglican Church of Australia Act 1976 No. 21			5
section 6 (1)	Penalty: \$100	Maximum penalty: 1 penalty unit	
Anti-Discrimination Act 1977 No. 48			
sections 51 (2), 116, 124	Penalty: \$1,000	Maximum penalty: 10 penalty units	10
section 92 (3)	Penalty: \$500	Maximum penalty: 5 penalty units	
section 101B (5)	Penalty (subsection (5)): \$1,000	Maximum penalty (subsection (5)): 10 penalty units	15
section 110A (3)	Penalty (subsection (3)): \$1,000	Maximum penalty: (subsection (3)): 10 penalty units	
section 127 (5)	\$500	5 penalty units	
Art Gallery of New South Wales Act 1980 No. 65			20
section 23 (3)	\$500	5 penalty units	
Attachment of Wages Limitation Act 1957 No. 28			
section 10 (8)	one hundred dollars	1 penalty unit	25
Balranald Irrigation Act 1902 No. 78			
section 35 (2)	\$200	2 penalty units	
section 49	forty dollars	0.5 penalty unit	
section 50	two hundred dollars	2 penalty units	30
section 51	twenty dollars	0.5 penalty unit	

Statute Law (Penalties) 1993—Sch. 1

	Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
	Biological Control Act 1985 No. 199		
5	sections 41, 43	Penalty: \$1,000	Maximum penalty: 10 penalty units
	section 45 (2)	\$5,000	50 penalty units
	sections 45 (4), 49 (2)	\$2,000	20 penalty units
10	sections 46 (1), 49 (1)	Penalty: \$2,000	Maximum penalty: 20 penalty units
	section 49 (2)	Penalty: \$10,000	Maximum penalty: 100 penalty units
	Children (Community Service Orders) Act 1987 No. 56		
15	section 26 (1) (a), (3) (a)	\$250	2.5 penalty units
	Coal Industry Act 1946 No. 44		
	section 54A (2)	\$200	2 penalty units
	section 59 (1)–(5)	\$10,000	100 penalty units
	section 59 (1)–(3)	\$3,000	30 penalty units
20	section 59 (4), (5)	\$6,000	60 penalty units
	section 63	\$500	5 penalty units
	Coal Mining Industry Long Service Leave Act 1950 No. 23		
25	sections 8 (3), 9 (2)	one hundred dollars	1 penalty unit
	section 10 (1)	two hundred dollars	2 penalty units
	section 13 (3)	forty dollars	0.5 penalty unit
30	Constitution Further Amendment (Referendum) Act 1930 No. 2		
	section 41 (1)	two hundred dollars	2 penalty units
	section 42 (1)	ten dollars	0.1 penalty unit

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Contractors' Debts Act 1897 No. 29 section 17	one hundred dollars	1 penalty unit	5
Contracts Review Act 1980 No. 16 section 18 (1)	\$2,000	20 penalty units	
Copyright Act 1879 42 Vic. No. 20 section 7	twenty dollars	0.5 penalty unit	10
Crimes Act 1900 No. 40 section 496 (1)	of \$5,000	not exceeding 50 penalty units	
Crimes Prevention Act 1916 No. 80 section 3	one hundred dollars	1 penalty unit	15
Dams Safety Act 1978 No. 96 section 30	\$1,000	10 penalty units	
section 32 (4)	\$500	5 penalty units	20
Darling Harbour Authority Act 1984 No. 103 section 54 (3)	\$2,000	20 penalty units	
Disorderly Houses Act 1943 No. 6 section 8	not less than sixty dollars and not exceeding six hundred dollars	not exceeding 10 penalty units	25
section 11	fifty dollars	0.5 penalty unit	30

Statute Law (Penalties) 1993—Sch. 1

	Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
	Disposal of Uncollected Goods Act 1966		
5	No. 57		
	section 21 (1)	two hundred dollars	2 penalty units
	section 22 (2)	one hundred dollars	1 penalty unit
10	Farm Water Supplies Act 1946 No. 22		
	section 17	\$800	10 penalty units
	section 18 (1)	\$500	5 penalty units
	Fertilizers Act 1985 No. 5		
15	sections 15 (1), 17, 18 (1), 19, 22, 27, 28, 31, 33, 34	Penalty: \$2,000	Maximum penalty: 20 penalty units
	sections 16 (1), 21 (1)	Penalty: \$1,000	Maximum penalty: 10 penalty units
20	sections 20 (2), 26 (2)	Penalty (subsection (2)): \$1,000	Maximum penalty (subsection (2)): 10 penalty units
	section 25 (5)	Penalty (subsection (5)): \$2,000	Maximum penalty (subsection (5)): 20 penalty units
	section 42 (3)	\$500	5 penalty units
25	Geographical Names Act 1966 No. 13		
	section 15 (2)	forty dollars	0.5 penalty unit
	Health Administration Act 1982 No. 135		
	sections 22, 23 (3)	\$1,000	10 penalty units
	Historic Houses Act 1980 No. 94		
30	section 23 (3)	\$500	5 penalty units

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Homing Pigeons Protection Act 1909 (1910 No. 1)			5
sections 3, 4	twenty dollars	0.5 penalty unit	
section 5	ten dollars	0.1 penalty unit	
section 6	four dollars	0.1 penalty unit	
Housing Act 1912 No. 7			10
section 23 (2)	one hundred dollars	1 penalty unit	
Housing Act 1976 No. 62			
section 35 (2)	\$100	1 penalty unit	
Housing Act 1985 No. 163			15
sections 13 (1), (2), 14	Penalty: \$2,000	Maximum penalty: 20 penalty units	
Imperial Acts Application Act 1969 No. 30			
section 20	not more than one thousand dollars	not exceeding 10 penalty units	20
section 39	one hundred dollars	1 penalty unit	
section 43	not more than two thousand dollars	not exceeding 20 penalty units	25
Inclosed Lands Protection Act 1901 No. 33			
section 4 (1)	\$500	5 penalty units	30
section 4A (1)	of \$1,000	not exceeding 10 penalty units	
section 5 (1), (2)	\$200	2 penalty units	
section 6 (2)	fifty dollars	0.5 penalty unit	

Statute Law (Penalties) 1993—Sch. 1

	Column 1	Column 2	Column 3
	Provision amended	Matter to be omitted	Matter to be inserted
	Inebriates Act 1912 No. 24		
5	sections 4 (1), 10	forty dollars	0.5 penalty unit
	section 21	ten dollars	0.1 penalty unit
	section 25	twenty dollars	0.5 penalty unit
10	sections 26, 28	one hundred dollars	1 penalty unit
	Innkeepers Act 1968 No. 24		
	section 9	forty dollars	0.5 penalty unit
	Justices Act 1902 No. 27		
	section 15	forty dollars	0.5 penalty unit
15	Land Agents Act 1927 No. 3		
	section 4 (2)	one hundred dollars	1 penalty unit
	Landlord and Tenant Act 1899 No. 18		
20	section 2AA (5)	Penalty	Maximum penalty
	section 2AA (5)	\$500	5 penalty units
	section 2AA (5)	\$1,000	10 penalty units
	Landlord and Tenant (Amendment) Act 1948 No. 25		
25	section 81 (2)	ten dollars	0.1 penalty unit
	section 95 (5) (a)	one hundred dollars	1 penalty unit
	Legal Aid Commission Act 1979 No. 78		
30	sections 26, 32, 41	Penalty: \$1,000	Maximum penalty: 10 penalty units
	section 76 (2)	\$500	5 penalty units

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Lie Detectors Act 1983 No. 62			
section 7 (1) (a)	\$5,000	50 penalty units	5
section 7 (1) (a)	\$10,000	100 penalty units	
section 7 (1) (b)	\$1,000	10 penalty units	
section 7 (1) (b)	\$2,000	20 penalty units	
Liquefied Petroleum Gas (Grants) Act 1980 No. 175			
sections 12 (2), 16 (1), (3)	Penalty: \$1,000	Maximum penalty: 10 penalty units	10
section 13 (4)	Penalty: \$500	Maximum penalty: 5 penalty units	
section 16 (2)	Penalty: \$2,000	Maximum penalty: 20 penalty units	15
section 20 (2)	\$200	2 penalty units	
Liquor Act 1982 No. 147			
section 13	\$1,000	10 penalty units	
section 101 (1)	Penalty: \$500	Maximum penalty: 5 penalty units	20
Local Courts (Civil Claims) Act 1970 No. 11			
section 47C (3)	Penalty: \$200	Maximum penalty: 2 penalty units	
section 56 (1)	Penalty: \$100	Maximum penalty: 1 penalty unit	25
Maritime Services Act 1935 No. 47			
section 38 (2) (fi)	four hundred dollars	4 penalty units	
Marketing of Primary Products Act 1983 No. 176			
section 91 (4)	\$2,000	20 penalty units	30
section 163 (4)	\$1,000	10 penalty units	
section 163 (4)	\$100	1 penalty unit	

Statute Law (Penalties) 1993—Sch. 1

	Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
	Mines Inspection Act 1901 No. 75		
5	section 80 (1)	5 penalty units	\$500
	Mock Auctions Act 1973 No. 17		
	section 4 (1)	Penalty: \$800	Maximum penalty: 10 penalty units
10	Motor Vehicles (Third Party Insurance) Act 1942 No. 15		
	section 45 (3)	\$300	3 penalty units
	National Parks and Wildlife Act 1974 No. 80		
	Schedule 9A, clause 11 (11)	\$200	2 penalty units
15	Schedule 9A, clause 12 (2)	\$100	1 penalty unit
	New South Wales—Queensland Border Rivers Act 1947 No. 10		
	sections 6 (1) (c), 22 (1)	one hundred dollars	1 penalty unit
20	section 21 (3)	forty dollars	0.5 penalty unit
	section 21 (3)	two hundred dollars	2 penalty units
	section 21 (3)	ten dollars	0.1 penalty unit
25	New South Wales State Cancer Council Act 1955 No. 25		
	section 10A (4)	four hundred dollars	4 penalty units
	Non-Indigenous Animals Act 1987 No. 166		
30	section 22	Penalty: \$2,000	Maximum penalty: 20 penalty units

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Oaths Act 1900 No. 20			
section 21A (3)	two hundred dollars	2 penalty units	5
section 30 (b)	five hundred dollars	5 penalty units	
Ombudsman Act 1974 No. 68			
section 31H (3), (4)	Penalty: \$2,000	Maximum penalty: 20 penalty units	10
sections 34 (1), 37 (1), (2)	Penalty: \$1,000	Maximum penalty: 10 penalty units	
Pathology Laboratories Accreditation Act 1981 No. 51			
section 34	Penalty: \$2,000	Maximum penalty: 20 penalty units	15
sections 35, 36, 37, 38	Penalty: \$500	Maximum penalty: 5 penalty units	
section 48 (3)	\$200	2 penalty units	20
Police Offences Act 1901 No. 5			
section 104	forty dollars	0.5 penalty unit	
sections 105, 107	twenty dollars	0.5 penalty unit	
section 108	two hundred dollars	2 penalty units	25
Prices Regulation Act 1948 No. 26			
section 59 (3) (a)	\$10,000	100 penalty units	
section 59 (3) (b)	\$5,000	50 penalty units	
section 61 (3) (a)	\$2,000	20 penalty units	30
section 61 (3) (b)	\$1,000	10 penalty units	
Printing and Newspapers Act 1973 No. 46			
sections 3 (1), (2), 4 (1), (2)	Penalty: \$400	Maximum penalty: 4 penalty units	

Statute Law (Penalties) 1993—Sch. 1

	Column 1	Column 2	Column 3
	Provision amended	Matter to be omitted	Matter to be inserted
5	Prisons Act 1952 No. 9 section 48A (3)	two hundred dollars	2 penalty units
	Privacy Committee Act 1975 No. 37 sections 20, 22	Penalty: \$1,000	Maximum penalty: 10 penalty units
10	Public Hospitals Act 1929 No. 8 section 42 (4) (a)	one hundred dollars	1 penalty unit
15	Public Notaries Act 1985 No. 6 section 9 (3)	Penalty: \$500	Maximum penalty: 5 penalty units
	Public Servant Housing Authority Act 1975 No. 38 section 33	\$1,000	10 penalty units
20	Public Works Act 1912 No. 45 section 148 section 150 (1)	forty dollars twenty dollars	0.5 penalty unit 0.5 penalty unit
25	Registered Clubs Act 1976 No. 31 section 37 (3) sections 79 (2), 86 (3), 117 (1)	\$1,000 Penalty: \$2,000	10 penalty units Maximum penalty: 20 penalty units
	Royal Commissions Act 1923 No. 29 sections 19 (1), 20	four hundred dollars	4 penalty units
30	Sea-carriage of Goods (State) Act 1921 No. 5 section 7	two hundred dollars	2 penalty units

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Sheriff Act 1900 No. 16			
section 8	one hundred dollars	1 penalty unit	5
section 13	Penalty: \$500	Maximum penalty: 5 penalty units	
Small Business Development Corporation Act 1984 No. 119			
section 16	Penalty: \$2,000	Maximum penalty: 20 penalty units	10
section 20 (2)	\$500	5 penalty units	
Snowy Mountains Hydro-electric Agreements Act 1958 No. 20			
section 14 (4) (a)	two hundred dollars	2 penalty units	15
section 14 (4) (b)	one thousand dollars	10 penalty units	
South-west Tablelands Water Supply Administration Act 1941 No. 36			
section 20 (1B)	one hundred dollars	1 penalty unit	20
Special Commissions of Inquiry Act 1983 No. 90			
sections 25 (1), 26, 37 (2)	\$1,000	10 penalty units	25
section 31 (2)	Penalty: \$1,000	Maximum penalty: 10 penalty units	
Stamp Duties Act 1920 No. 47			
section 97ADE (6)	\$500	5 penalty units	30

Statute Law (Penalties) 1993—Sch. 1

	Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
	Strata Titles (Leasehold) Act 1986 No. 219		
5	sections 17 (1), 99 (1), 103 (5), 116 (1), 129 (2), 131 (2), 137 (7), 175 (2), 176 (1), 180 (3)	Penalty: \$500	Maximum penalty: 5 penalty units
	section 86 (1), (4)	Penalty: \$1,000	Maximum penalty: 10 penalty units
10	sections 88 (1), 180 (1)	Penalty: \$100	Maximum penalty: 1 penalty unit
	sections 94 (2), 100 (1), (3)	Penalty: \$200	Maximum penalty: 2 penalty units
	sections 98 (8) (a), 196 (2)	\$200	2 penalty units
15	sections 98 (8) (b), 174 (3), 180 (2)	\$500	5 penalty units
	sections 103 (8), 109 (2)	Penalty: \$2,000	Maximum penalty: 20 penalty units
	section 135 (6)	Penalty— subsection (6): \$500	Maximum penalty (subsection (6)): 5 penalty units
20	section 174 (3)	Penalty	Maximum penalty
	section 174 (3)	\$1,000	10 penalty units
	section 180 (1)	\$10	0.1 penalty unit
25	section 193 (3)	Penalty— subsection (3): \$200	Maximum penalty (subsection (3)): 2 penalty units
	Sydney Cricket and Sports Ground Act 1978 No. 72		
	Schedule 1, clause 13 (11)	\$200	2 penalty units
30	Sydney Harbour Trust Act 1900 (1901 No. 1)		
	section 86	forfeit for every such offence any sum not exceeding two hundred dollars	be liable for every such offence to a penalty not exceeding 2 penalty units
35			

Statute Law (Penalties) 1993—Sch. 1

Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted	
Sydney Turf Club Act 1943 No. 22			
sections 23 (5), 32 (2)	fifty dollars	0.5 penalty unit	5
section 24 (1), (2)	twenty dollars	0.5 penalty unit	
Teacher Housing Authority Act 1975 No. 27			
section 35	\$1,000	10 penalty units	
Theatres and Public Halls Act 1908 No. 13			
section 27 (1), (3)	\$2,000	20 penalty units	10
section 29 (3)	\$200	2 penalty units	
Totalizator Act 1916 No. 75			
section 10E (4)	forty dollars	0.5 penalty unit	
section 10E (4)	two hundred dollars	2 penalty units	15
Tourism Commission Act 1984 No. 46			
section 25	Penalty: \$1,000	Maximum penalty: 10 penalty units	
Transport Appeal Boards Act 1980 No. 104			
section 18 (2)	\$500	5 penalty units	20
section 32 (4)	\$100	1 penalty unit	
Unclaimed Money Act 1982 No. 174			
section 6 (3) (a)	\$500	5 penalty units	
section 6 (3) (b)	\$50	0.5 penalty unit	25
section 7 (2)	Penalty: \$200	Maximum penalty: 2 penalty units	
section 11 (3)	Penalty: \$500	Maximum penalty: 5 penalty units	
section 17 (2)	\$200	2 penalty units	30
Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986 No. 194			
sections 7 (1), 8 (2)	Penalty: \$100,000	Maximum penalty: 1,000 penalty units	
section 13 (2)	\$2,000	20 penalty units	35

Statute Law (Penalties) 1993—Sch. 1

	Column 1 Provision amended	Column 2 Matter to be omitted	Column 3 Matter to be inserted
	Water Act 1912 No. 44		
5	section 20D	\$10,000	100 penalty units
	Wollongong Sportsground Act 1986 No. 174		
	sections 29 (2), 33 (3)	\$500	5 penalty units
	Workers Compensation Act 1987 No. 70		
10	sections 43 (2), 57 (1), 94 (1), 134 (2), 141 (3), 161 (3), (4), 163, 170 (6), 184 (4), (10), (12), 191 (7), 229, 230, 237, 270 (2)	Penalty: \$2,000	Maximum penalty: 20 penalty units
	sections 54 (1), 93 (1), 174, 192, 274 (3), 276	Penalty: \$5,000	Maximum penalty: 50 penalty units
15	sections 90 (5), 125 (1), 185 (9), 269 (3), 280 (2)	\$2,000	20 penalty units
	sections 142 (2) (b), 169 (3), 189 (5), 209, 220 (4) (a), 228 (4) (a), 261 (7) (a), 278 (2)	\$10,000	100 penalty units
20	section 154 (5)	Penalty (subsection (5)): \$2,000	Maximum penalty (subsection (5)): 20 penalty units
	section 155 (1)	Penalty: \$20,000	Maximum penalty: 200 penalty units
25	sections 157, 164, 179 (1), 181 (4), 190 (2), 213 (1), 271 (1)	Penalty: \$10,000	Maximum penalty: 100 penalty units
	section 159 (7)	Penalty (subsection (7)): \$5,000	Maximum penalty (subsection (7)): 50 penalty units
