Date Introduced: 16 August 1978
House: House of Representatives
Presented by: Hon. R.J.D. Hunt, Minister for Health

Short Digest of Bill

Purpose

To increase penalties for offences under the Quarantine Act 1908.

Provisions

Clause 3 amends section 48 of the Quarantine Act 1908 to increase, from $20 to $200, the minimum value of goods which, having been called into quarantine, may not be destroyed without the Minister's consent.

Clause 4 alters section 85 which provides for the manner of dealing with offences, either summarily in a magistrate's court or on indictment at a jury trial. Subsection 85(3) currently provides for some more serious offences to be dealt with summarily if the defendant consents; but a lower penalty must be imposed if this occurs. New sub-section 85(3) and (4) have the effect that both the dependant and the prosecution must consent before the offence can be dealt with summarily and for the penalty to be limited. In his Second Reading Speech the Minister indicated that this would permit the prosecution, if it chose, to bring the case in courts where higher penalties could be imposed.

Clause 5 and Schedule 1 amend the various sections which impose penalties. These have not been altered for nearly ten years. The Bill substantially increases the maximum amounts of fines; the new amounts are roughly five times greater than the existing amounts although in some cases the new amount is ten times the existing amount. As well as increasing pecuniary penalties, the Bill substantially increases the maximum terms of imprisonment and in some cases provides for a term of imprisonment where previously the only penalty was a fine. The higher term is five years. In section 81, the Bill distinguishes between certain offences relating to bribing and assaulting officers in the course of their duties. The existing provision provides a maximum penalty of $2,000 or two years
imprisonment. In the new provision the offences of bribery, collusion or attempting to improperly influence an officer receive $10,000 or five years imprisonment; assaulting an officer receives $5,000 or two years imprisonment.

Clause 6 and Schedule 2 make minor drafting amendments to the Principal Act.

The Bill will come into operation on the date of Royal Assent but the amendments are not to apply to offences committed before that date. However, in sections 82 and 83 a fine is included in addition to a term of imprisonment and that is to be available for offences committed before Royal Assent (clause 7).