

South Australia



**FRUIT AND PLANT PROTECTION (ENFORCEMENT) AMENDMENT
ACT 1996**

No. 71 of 1996

SUMMARY OF PROVISIONS

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2. Commencement
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SCHEDULE

Amendments to Penalty Provisions in Principal Act



ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 71 of 1996

An Act to amend the Fruit and Plant Protection Act 1992.

[Assented to 22 August 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Fruit and Plant Protection (Enforcement) Amendment Act 1996*.

(2) The *Fruit and Plant Protection Act 1992* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended by striking out from subsection (1) the definition of "inspector" and substituting the following definition:

"inspector" means an inspector under Part 2;.

Amendment of s. 13—Prohibition on introducing fruit, plants, etc., affected by disease

4. Section 13 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsection:

(2) The Minister may, for the purpose of preventing the introduction into, or spread of disease in, the State, prohibit, by notice in the *Gazette*, the introduction or importation into the State of any specified class of fruit, plant, soil, packaging or other thing (either absolutely or subject to conditions).;

(b) by striking out the penalty and expiation provisions at the foot of subsection (7) and substituting the following penalty and expiation provisions:

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Maximum penalty: In the case of a prescribed offence—\$2 500.
In any other case—\$20 000.

Expiation fee: For a prescribed offence—A fee determined in accordance with a scale prescribed by the regulations.;

(c) by striking out subsection (8) and substituting the following subsection:

(8) In this section—

"prescribed offence" means an offence that consists of a person introducing or importing anything into the State, or purchasing or taking delivery of anything introduced or imported into the State, for domestic use, consumption or enjoyment (and not for the purposes of sale or any other commercial purpose).

SCHEDULE
Amendments to Penalty Provisions in Principal Act

Provision Amended	How Amended
Section 9(9)	Strike out the penalty provision and substitute: Maximum penalty: \$5 000.
Section 11(1)	Strike out the penalty provision and substitute: Maximum penalty: \$20 000.
Section 14(3)	Strike out the penalty provision and substitute: Maximum penalty: \$20 000.
Section 17	Strike out the penalty provision and substitute: Maximum penalty: \$20 000.
Section 18(3)	Strike out the penalty provision and substitute: Maximum penalty: \$20 000.
Section 20(1)	Strike out the penalty provision and substitute: Maximum penalty: \$20 000.
Section 20(2)	Strike out the penalty provision and substitute: Maximum penalty: \$2 500.
Section 21	Strike out the penalty provision and substitute: Maximum penalty: \$5 000.
Section 22	Strike out the penalty provision and substitute: Maximum penalty: \$5 000.
Section 30(2)	Strike out this subsection and substitute: (2) The regulations may impose fines, not exceeding \$2 500, for offences against the regulations.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor