

1993—No. 107

DANGEROUS GOODS ACT 1975—REGULATION

(Relating to penalties)

NEW SOUTH WALES



[Published in Gazette No. 26 of 19 March 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Dangerous Goods Act 1975, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.P.,
Attorney General and Minister for Industrial Relations.

Commencement

1. This Regulation commences on 1st June, 1993.

Amendment of Dangerous Goods Regulation 1978

2. The Dangerous Goods Regulation 1978 is amended:

- (a) by inserting in clause 4 (1), in alphabetical order, the following definition:

“**employee**” means an employee within the meaning of the Occupational Health and Safety Act 1983;

- (b) by omitting clause 31 and by inserting instead the following clause:

Penalty

31. A person who contravenes a provision of this Regulation or of a term or condition of a licence or permit is guilty of an offence and is liable to a penalty (if a penalty is not otherwise provided) not exceeding:

- (a) 100 penalty units in the case of a corporation; or

- (b) 50 penalty units in the case of an individual who contravenes the provision, term or condition otherwise than in his or her capacity as an employee; or
- (c) 25 penalty units in the case of an individual who contravenes the provision, term or condition in his or her capacity as an employee.

Amendment of Dangerous Goods (Gas Installations) Regulation 1982

3. The Dangerous Goods (Gas Installations) Regulation 1982 is amended:

- (a) by inserting in clause 4 (1), in alphabetical order, the following definition:

“employee” means an employee within the meaning of the Occupational Health and Safety Act 1983;

- (b) by omitting clause 26 and by inserting instead the following clause:

Penalty

26. A person who contravenes a provision of this Regulation is guilty of an offence and is liable to a penalty (if a penalty is not otherwise provided) not exceeding:

- (a) 100 penalty units in the case of a corporation; or
- (b) 50 penalty units in the case of an individual who contravenes the provision otherwise than in his or her capacity as an employee; or
- (c) 25 penalty units in the case of an individual who contravenes the provision in his or her capacity as an employee.

EXPLANATORY NOTE

The purpose of this Regulation is to amend the Dangerous Goods Regulation 1978 and the Dangerous Goods (Gas Installations) Regulation 1982 so as:

- (a) to increase, from \$2,000 to 100 penalty units (currently \$10,000), the maximum penalty for the contravention of a provision of those Regulations or, in the case of the Dangerous Goods Regulation 1978, for the contravention of a term or condition of a licence or permit issued under the Dangerous Goods Act 1975 or that Regulation; and
 - (b) to provide for differential penalties depending on whether the offender is a corporation, an individual (other than an employee) or an employee.
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