



New South Wales

Occupational Health and Safety Legislation (Short Descriptions of Offences) Amendment Regulation 1997

under the
Justices Act 1902

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

J. W. Shaw
Minister for Industrial Relations

Explanatory note

The object of this Regulation is to facilitate the issue of penalty notices and legal process for certain offences under Part 11 (Special requirements relating to ports) of the *Dangerous Goods Regulation 1978* by prescribing short descriptions by which those offences may be sufficiently stated.

Those offences are to be prescribed by a cognate regulation, the *Occupational Health and Safety Amendment Regulation 1997*, as offences for which penalty notices may be issued.

This Regulation is made under provisions of the Justices Act 1902 including section 145B.

Occupational Health and Safety Legislation (Short Descriptions of Offences) Amendment Regulation 1997

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Legislation (Short Descriptions of Offences) Amendment Regulation 1997*.

2 Amendment of Occupational Health and Safety Legislation (Short Descriptions of Offences) Regulation 1996

The *Occupational Health and Safety Legislation (Short Descriptions of Offences) Regulation 1996* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

[1] Schedule 1 Short descriptions of offences

Insert after the matter relating to section 16 (2) of the *Occupational Health and Safety Act 1983*:

Section 18 (2) (a)	manufacturer/supplier not ensure plant/substance safe/not health risk
Section 18 (2) (b)	manufacturer/supplier not research plant/substance risks to health/safety
Section 18 (2) (c) (i)	manufacturer/supplier not provide facts on design use of plant
Section 18 (2) (c) (i)	manufacturer/supplier not provide facts for safe/riskfree plant use
Section 18 (2) (c) (ii)	manufacturer/supplier not provide facts on substance test results
Section 18 (2) (c) (ii)	manufacturer/supplier not provide facts for safe/riskfree substance use
Section 18 (3)	erect/install plant but not ensure plant safe/riskfree

[2] Schedule 1

Insert before the matter relating to the *Construction Safety Regulations 1950*:

Offence under Occupational Health and Safety (Certificates of Competency) Regulation 1996

Clause 8 (1) (a)	do scheduled work without qualification
Clause 8 (1) (b)	do scheduled work not according to conditions
Clause 8 (2)	non-employer employ/direct/allow unqualified person to do scheduled work

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Schedule 1 Amendment

Clause 27 (3)	person responsible not ensure record kept by trainee
Clause 28 (1)	supervisor not directly supervise trainee
Clause 28 (2) (a)	supervisor not ensure record kept by trainee
Clause 28 (2) (b)	supervisor not check and sign/annotate record kept by trainee
Clause 38 (2)	not produce qualification/exemption/record
Clause 38 (2)	not produce sample signature

[3] Schedule 1

Insert after the matter relating to clause 85 (2) of the *Dangerous Goods Regulation 1978*:

Clause 299 (1)	master handle dangerous goods/goods without approval/against conditions
Clause 299 (1)	master permit/authorise/direct handling dangerous goods/goods without approval/against conditions
Clause 300 (a)	person responsible not notify spillage/damage/deterioration
Clause 300 (b)	person responsible not remove goods/container as directed
Clause 302 (1)	master not display warning flag/light
Clause 303 (1)	master not display warning notice
Clause 311 (3)	master not ensure work accords with approval conditions/requirements
Clause 314 (1)	store category A dangerous goods on wharf
Clause 314 (2)	store category B/C dangerous goods on wharf without approval
Clause 315 (1)	owner not remove category A/B/C dangerous goods within time

Clause 329 (2)

person responsible exceed order
limit in freight container

Clause 367

owner of pipe/hose construct/install/
maintain without compliance/
accordance with requirements