



New South Wales

Protection of the Environment Operations (Penalty Notices) Regulation 1999

under the

Protection of the Environment Operations Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Protection of the Environment Operations Act 1997*.

BOB DEBUS, M.P.,
Minister for Environment

Explanatory note

The objects of this Regulation are:

- (a) to prescribe the tier 3 offences under the *Protection of the Environment Operations Act 1997* and related Acts for which penalty notices may be issued under Division 3 of Part 8.2 of that Act, and
- (b) to specify the short descriptions to be used in connection with those offences for the purposes of section 145B of the *Justices Act 1902*, and
- (c) to specify the officers who are authorised to issue penalty notices for those offences, and
- (d) to specify the penalties payable for those offences when dealt with by means of penalty notices, and
- (e) to authorise the service of a penalty notice, which relates to an offence by an owner of a motor vehicle or vessel, on the owner without naming or stating the address of that owner, and by leaving or attaching the penalty notice to the vehicle or vessel concerned. (Under

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Explanatory note

sections 26 and 28 (2) (b) of the *Fines Act 1996*, if an amount payable under a penalty notice is not paid within the time required, a penalty reminder notice is required to be sent to the owner of the vehicle or vessel at the address shown in the records of the Roads and Traffic Authority or other public agency as the address of the owner of the vehicle or vessel at the time the relevant penalty notice was issued.)

This Regulation relates to matters of a machinery nature.

This Regulation is made under the *Protection of the Environment Operations Act 1997* and the *Justices Act 1902*, including Division 3 of Part 8.2 of, and clause 4 of Schedule 2 to, the *Protection of the Environment Operations Act 1997* and section 145B of the *Justices Act 1902*.

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Protection of the Environment Operations (Penalty Notices) Regulation 1999

1 Name of Regulation

This Regulation is the *Protection of the Environment Operations (Penalty Notices) Regulation 1999*.

2 Commencement

This Regulation commences on 1 July 1999.

3 Definitions

In this Regulation:

penalty notice offence means an offence prescribed by clause 5.

the Act means the *Protection of the Environment Operations Act 1997*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

5 Penalty notice offences: section 222

Each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence for the purposes of Division 3 of Part 8.2 of the Act.

6 Authorised officers: section 226

- (1) The officers or employees of the class specified in Column 3 of Schedule 1 are, subject to this clause, prescribed as authorised officers in relation to the penalty notice offences concerned.

Note. A person who is of a class of officers or employees prescribed as authorised officers for the purposes of this Regulation may exercise functions as such an authorised officer regardless of whether the person has been appointed as an authorised officer under section 187 of the Act.

- (2) Any such officer or employee of an authority is an authorised officer only if that authority has duly authorised that officer or employee to exercise the functions of an authorised officer under Division 3 of Part 8.2 of the Act.

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- (3) Any such officer or employee of an authority is not an authorised officer in relation to a penalty notice offence alleged to have been committed by that authority.
- (4) In Schedule 1, a number included in Column 3 of Schedule 1 is a reference to an officer or employee of a class identified by that number.
- (5) The class of officers or employees in Schedule 1 are as follows:
- (a) class 1—an officer or employee of a local authority,
 - (b) class 2—an officer or employee of the EPA,
 - (c) class 3—an officer or employee of the National Parks and Wildlife Service,
 - (d) class 4—an officer or employee of the Ministry for Forests and Marine Administration, of the Waterways Authority or of a Port Corporation within the meaning of the *Ports Corporatisation and Waterways Management Act 1995*,
 - (e) class 5—a police officer,
 - (f) class 6—an officer or employee of the Sydney Water Corporation, of the Hunter Water Corporation or of a Water Supply Authority within the meaning of the *Water Supply Authorities Act 1987* (other than a Water Supply Authority that is also the council of a local government area),
 - (g) class 7—an officer or employee of the Forestry Commission,
 - (h) class 8—an officer or employee of the Sydney Harbour Foreshore Authority or of the Darling Harbour Authority,
 - (i) class 9—an officer or employee of the Centennial Park and Moore Park Trust, or of the Bicentennial Park Trust,
 - (j) class 10—an officer or employee of a University (within the meaning of the *Higher Education Act 1988*),
 - (k) class 11—an officer or employee of the Olympic Coordination Authority,
 - (l) class 12—an officer or employee who is a marine park ranger within the meaning of the *Marine Parks Act 1997*,
 - (m) class 13—an officer or employee of NSW Fisheries.

- (6) A reference in subclause (5) to an officer or employee of the following authorities is taken to include a reference to an officer or employee of a body corporate providing services under an arrangement with that authority whereby the officer or employee is acting under the direction and control of the authority:
- (a) Sydney Harbour Foreshore Authority,
 - (b) Darling Harbour Authority,
 - (c) Olympic Coordination Authority.

7 Amounts of penalty payable: section 227

The prescribed penalty payable under a penalty notice in relation to a penalty notice offence is:

- (a) the amount specified in Column 4 of Schedule 1, or
- (b) if the person alleged to have committed the offence is a corporation, and if a greater amount is specified in Column 5 of Schedule 1, the amount specified in Column 5 of Schedule 1.

8 Service of penalty notices on owners of vehicles or vessels: section 224 (3)

- (1) This clause applies to offences under the Act or the regulations that apply specifically to the owner of a vehicle or vessel.
- (2) A penalty notice may, if it relates to an offence to which this clause applies, be served by leaving it on, or attaching it to, the vehicle or vessel.
- (3) A penalty notice may, if it relates to an offence to which this clause applies, be addressed to the owner of a vehicle or vessel without naming the owner or stating his or her address.

9 Short descriptions: section 145B of the Justices Act 1902

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for a penalty notice offence is:
 - (a) the expression specified in Column 2 of Schedule 1 in relation to the offence, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

- (2) For the purposes of any proceedings for a penalty notice offence, the prescribed expression for the offence is taken to relate to the offence created by the relevant provision referred to in Column 2 of Schedule 1, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

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Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clauses 5–9)

Protection of the Environment Operations Act 1997

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 47	Carry out unlicensed scheduled development work	2	\$750	\$1500
Section 48	Carry out unlicensed scheduled activity (premises-based)	2	\$750	\$1500
Section 49	Carry out unlicensed scheduled activity (not premises-based)	2	\$750	\$1500
Section 64	Contravene condition of licence	2	\$750	\$1500
Section 66 (2)	Licence holder supply false or misleading information	2	\$750	\$1500
Section 66 (4)	Supply false or misleading certificate	2	\$750	\$1500
Section 86	Contravene notice for breach of licensing requirements	2	\$750	\$1500

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Schedule 1

Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 88	Fail to pay waste facility contribution	2	\$750	\$1500
Section 91	Fail to comply with clean-up notice	1, 2, 12	\$750	\$1500
Section 94	Fail to pay clean-up notice fee	1, 2, 12	\$500	\$1000
Section 97	Fail to comply with prevention notice	1, 2, 12	\$750	\$1500
Section 100	Fail to pay prevention notice fee	1, 2, 12	\$500	\$1000
Section 120	Pollute waters/ cause/permit waters to be polluted	1, 2, 4, 6, 9, 10, 11, 12, 13	\$750	\$1500
Section 124	Cause air pollution by failure to maintain plant in efficient condition/ operate plant in proper and efficient manner	1, 2	\$750	\$1500
Section 125	Cause air pollution by failure to carry out maintenance work in a proper and efficient manner	1, 2	\$750	\$1500

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 126	Cause air pollution by failure to deal with materials in a proper and efficient manner	1, 2	\$750	\$1500
Section 128	Cause/permit emission of excess air impurities/ failure to prevent/ minimise air pollution	1, 2	\$750	\$1500
Section 129	Cause/permit emission of offensive odours from premises licensed for scheduled activities	2	\$750	\$1500
Section 135	Fail to comply with air pollution (fire prohibition) order/notice	1, 2	\$200	\$400

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 136: Sell article of prescribed class (other than a motor vehicle horn or motor vehicle intruder alarm) if, when in use or operation, the article emits noise that, when measured at any point specified in or determined in accordance with the regulations, is in excess of the level prescribed in respect of the class to which it belongs	Sell noisy article	2	\$200	\$400

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 136: Sell article of prescribed class (other than a motor vehicle horn or motor vehicle intruder alarm) if, when in use or operation, the article emits noise that, when measured at any point specified in or determined in accordance with the regulations, is in excess of the level prescribed in respect of the class to which it belongs by 5dB(A) or more	Sell noisy article 5dB(A) or more above limit	2	\$400	\$800

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 136: Sell article of prescribed class (being a motor vehicle horn or a motor vehicle intruder alarm) if, when in use or operation, the article emits noise that, when measured at any point specified in or determined in accordance with the regulations, is in excess of the level prescribed in respect of the class to which it belongs	Sell noisy horn/ alarm	2	\$300	\$600
Section 137	Sell article without prescribed noise control equipment/with noise control equipment that has not been maintained	1. 2	\$200	\$400

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 139	Cause emission of noise by failure to maintain plant in efficient condition/ operate plant in proper and efficient manner	1, 2	\$200	\$400
Section 140	Cause emission of noise by failure to deal with materials in a proper and efficient manner	1, 2	\$200	\$400
Section 143	Transport waste to a place not lawfully a waste facility for that waste	1, 2	\$750	\$1500
Section 144	Permit land to be unlawfully used as a waste facility	1, 2	\$750	\$1500
Section 145	Littering	1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13	\$200	\$400
Section 152	Contravene Part 5.7 of Act (Duty to notify pollution incidents)	1, 2	\$750	\$1500
Section 155	Sell polluting vehicle	2	\$750	\$1500
Section 156	Sell vehicle without prescribed anti-pollution device fitted	2	\$750	\$1500

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 157 (1)	Remove/ disconnect/ impair/cause/ permit removal/ disconnection/ impairment of anti-pollution device	2	\$750	\$1500
Section 157 (2)	Adjust/modify/ cause/permit to be adjusted modified anti-pollution device/part of vehicle so that vehicle emits excessive air impurities	2	\$750	\$1500
Section 161 (4)	Use vehicle/ cause/permit vehicle to be used in contravention of a section 161 notice	2	\$300	\$600
Section 161 (7)	Remove/ obliterate/ interfere with prescribed label	2	\$300	\$600
Section 167	Fail to maintain control equipment in an efficient condition/ operate equipment in a proper and efficient manner	2	\$750	\$1500

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 211 (1)	Neglect/fail to comply with requirement under Chapter 7 of the Act (Investigation)	1, 2, 4, 5	\$300	\$600
Section 265	Contravene noise control notice	1, 2, 4	\$200	\$400
Section 277 (1) (a)	Fail to cause noise emission to cease in accordance with noise abatement direction	1, 2, 4, 5, 8	\$200	\$400
Section 277 (1) (b)	Cause/permit noise emission within 28 days after noise abatement direction/the period specified in a noise abatement direction	1, 2, 4, 5, 8	\$200	\$400
Section 277 (2) (a)	Fail to cease making/ contributing to the making of noise in accordance with noise abatement direction	1, 2, 4, 5, 8	\$200	\$400

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Column 1	Column 2	Column 3	Column 4	Column 5
Provision of the Act	Short description	Officer	Penalty (individuals)	Penalty (corporations)
Section 277 (2) (b)	Make/contribute to the making of noise within 28 days after/ the period specified in a noise abatement direction is given	1, 2, 4, 5, 8	\$200	\$400

**Protection of the Environment Operations (General)
Regulation 1998**

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 47 (1)	Provide false or misleading information/ statement in an application	2	\$1500
Clause 51 (1)	Failure to retain records	2	\$500

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Schedule 1 Penalty notice offences

Clean Air (Control of Burning) Regulation 1995

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 5 (1)	Burn by open fire in Schedule 1 area	1, 2, 3	\$200
Clause 6 (1)	Burn in incinerator in Schedule 2 area	1, 2, 3	\$200
Clause 7	Burn otherwise than so as to prevent/minimise air pollution	1, 2, 3	\$200

Clean Air (Motor Vehicles and Motor Vehicle Fuels) Regulation 1997

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 13 (1)	Operate vehicle with over 0.2 grams lead per litre petrol	2	\$300
Clause 14 (1)	Sell petrol with over 0.2 grams lead per litre	2	\$300
Clause 21 (3) (a)	Sell unleaded fuel vehicle contrary to clause 21	2	\$300

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Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 21 (3) (b)	Use unleaded fuel vehicle/cause/allow use of unleaded fuel vehicle contrary to clause 21	2	\$300
Clause 21 (4)	Remove/deface words inscribed on/in relation to motor vehicle	2	\$300
Clause 22 (2) (a)	Sell unleaded fuel vehicle contrary to clause 22	2	\$600
Clause 22 (2) (b)	Use unleaded fuel vehicle/cause/allow use of unleaded fuel vehicle contrary to clause 22	2	\$600
Clause 22 (3)	Modify petrol filling pipe fitted to motor vehicle	2	\$600
Clause 23 (1) (a)	Petrol retailer fail to notify that vehicles to use unleaded petrol	2	\$300
Clause 23 (1) (b)	Petrol retailer fail to distinguish leaded from unleaded pumps	2	\$300
Clause 24 (a)	Leaded petrol pump nozzle too narrow	2	\$300
Clause 24 (b)	Unleaded petrol pump nozzle too wide	2	\$300

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Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 25 (2)	Fill vehicle/cause/ allow filling of vehicle without petrol over-fill device	2	\$300
Clause 25 (3)	Petrol hose not fully inserted into fuel tank	2	\$300
Clause 27	Use motor vehicle/cause/ allow use of motor vehicle emitting excessive air impurities	2	\$112
Clause 28	Use motor vehicle/cause/ allow use of motor vehicle without anti-pollution device	2	\$300
Clause 29	Use motor vehicle/cause/ allow use of motor vehicle that has not been serviced/ maintained/ adjusted in specified manner	2	\$600
Clause 31 (1)	Put leaded fuel/ leaded fuel additive in unleaded fuel vehicle	2	\$600
Clause 31 (2)	Use leaded fuel/ leaded fuel additive in unleaded fuel vehicle	2	\$600

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Penalty notice offences

Schedule 1

Clean Air (Plant and Equipment) Regulation 1997

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 8 (1)	Operate equipment in Sydney/Wollongong/Newcastle/Central Coast with fuel over 0.5 per cent sulphur	2	\$600
Clause 8 (2)	Operate equipment outside Sydney/Wollongong/Newcastle/Central Coast with fuel over 2.5 per cent sulphur	2	\$600
Clause 20A (1)	Use/operate/cause/allow to be used/operated fuel burning equipment/industrial plant without prescribed control equipment	2	\$600
Clause 20A (2)	Fail to maintain/operate fuel burning equipment/industrial plant/prescribed control equipment in compliance with specifications	2	\$600

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Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 24 (2)	Use tank vehicle/ allow tank vehicle to be used without control equipment	2	\$600
Clause 25 (2)	Fail to ensure delivery tank connected to vapour collection system	2	\$600
Clause 25 (3)	Fail to observe vapour reduction requirements during unloading	2	\$600
Clause 25 (4)	Leave open hatch/ manhole/cover	2	\$600

Noise Control (Marine Vessels) Regulation 1996

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 4	Cause/permit siren/whistle/ hooter/fog horn/ bell to be sounded	1, 2, 4, 5	\$200
Clause 5	Cause/permit vessel to emit offensive noise on navigable waters	1, 2, 4, 5	\$200

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Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 6 (1)	Cause/permit powered vessel to be used without effective noise control equipment in place/in good working order	2, 4, 5	\$200
Clause 7 (1)	Cause/permit use of musical instrument/sound system after warning	1, 2, 4, 5	\$200
Clause 10 (5)	Cause/permit vessel to be used contrary to defective vessel notice	2, 4, 5	\$300
Clause 11 (4)	Remove/obscure/deface defective vessel label	2, 4, 5	\$300

Noise Control (Miscellaneous Articles) Regulation 1995

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 19 (1)	Cause/permit repeat of swimming pool pump/power tool noise after warning	1, 2, 4, 5	\$200

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 20 (1)	Cause/permit repeat of musical instrument/sound equipment noise after warning	1, 2, 4, 5	\$200
Clause 21 (1)	Cause/permit repeat of air conditioner noise after warning	1, 2, 4, 5	\$200
Clause 22 (1)	Cause/permit use of noisy intruder alarm	1, 2, 4, 5, 8	\$200

Noise Control (Motor Vehicles and Motor Vehicle Accessories) Regulation 1995

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 9	Sell alarm with panic/override switch	2	\$300
Clause 10 (1)	Sell non-complying dual/variable/rising tone horn	2	\$300

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Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 11 (1): Cause or permit a motor vehicle to be used in a public place if the motor vehicle is capable of emitting noise at a level in excess of the maximum level prescribed for that kind of motor vehicle	Cause/permit use of noisy vehicle	2	\$150
Clause 11 (1): Cause or permit a motor vehicle to be used in a public place if the motor vehicle is capable of emitting noise at a level between 5 dB(A) and 15 dB(A) in excess of the maximum level prescribed for that kind of motor vehicle	Cause/permit use of vehicle between 5 and 15 dB(A) above limit	2	\$250
Clause 11 (1): Cause or permit a motor vehicle to be used in a public place if the motor vehicle is capable of emitting noise at a level more than 15 dB(A) in excess of the maximum level prescribed for that kind of motor vehicle	Cause/permit use of vehicle more than 15 dB(A) above limit	2	\$400

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Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 12	Cause/permit vehicle to emit offensive noise in non-public place	1, 2, 5	\$200
Clause 13 (1)	Cause/permit repeat of vehicle noise after warning	1, 2, 5	\$200
Clause 14 (1)	Cause/permit repeat of refrigeration unit noise after warning	1, 2, 5	\$200
Clause 15	Cause/permit offensive noise from motor vehicle sound system	1, 2, 5	\$150
Clause 16 (1)	Cause/permit vehicle to be used when noise control equipment not in place/ ineffective/ defective	2, 5	\$200
Clause 16 (2) (a)	Remove/render less effective noise control equipment	2, 5	\$200
Clause 16 (2) (b)	Fit less effective noise control equipment	2, 5	\$200
Clause 17	Modify/repair engine/air intake system/exhaust system so that noise level exceeds limit	2	\$200

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Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 18 (1) (a)	Use/cause/permit use of noisy horn with single loudness and pitch	2	\$200
Clause 18 (1) (b)	Use/cause/permit use of a horn with varying loudness and pitch	2	\$200
Clause 19 (a)	Cause/permit telephone to be connected to horn	1, 2, 5	\$200
Clause 19 (b)	Cause/permit telephone to remain connected to horn	1, 2, 5	\$200
Clause 21	Use/cause/permit to be used vehicle with panic/override switch on alarm	1, 2, 5	\$200
Clause 22 (1) (a)	Cause/permit use of noisy alarm (pre-September 1997 vehicle)	1, 2, 5, 8	\$200
Clause 22 (1) (b)	Cause/permit use of noisy alarm (post-September 1997 vehicle)	1, 2, 5, 8	\$200
Clause 23	Cause/permit use of non-complying motor vehicle intruder alarm	2	\$200
Clause 24 (a)	Cause/permit telephone to be connected to alarm	1, 2, 5	\$200

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 24 (b)	Cause/permit telephone to remain connected to alarm	1, 2, 5	\$200
Clause 29 (5)	Use/cause/permit vehicle to be used contrary to defective vehicle notice	2, 5	\$300
Clause 30 (4)	Remove/obscure/deface defective vehicle label	2, 5	\$300

Ozone Protection Act 1989

Column 1	Column 2	Column 3	Column 4
Provision of the Act	Short description	Officer	Penalty
Section 14 (3)	Fail to provide information/confer with EPA	2	\$300

Ozone Protection Regulation 1997

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 9 (1)	Fail to make/retain authorised supplier's records	2	\$300

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Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 9 (5)	Fail to make supplier's records available to authorised officer	2	\$300
Clause 10 (1)	Fail to forward authorised supplier's return to EPA	2	\$300
Clause 10 (2)	Fail to forward authorised copies of supplier's records to EPA	2	\$300
Clause 12 (1)	Fail to make/retain authorised purchaser's records	2	\$300
Clause 12 (5)	Fail to make purchaser's records available to authorised officer	2	\$300
Clause 22	Fail to attach label to refrigeration equipment	2	\$300
Clause 24 (1)	Fail to attach label to air conditioning equipment	2	\$300
Clause 25 (1)	Fail to attach label to motor vehicle air conditioning equipment	2	\$300
Clause 31 (1)	Fail to notify EPA of halon discharge	2	\$300

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 39 (1) (a)	Fail to supply container for reclaiming CFC/ HCFC	2	\$300
Clause 39 (1) (b)	Fail to accept delivery of container of CFC/ HCFC	2	\$300
Clause 40 (1)	Fail to use appropriate container for reclaiming CFC/ HCFC	2	\$300

Protection of the Environment Operations (Waste) Regulation 1996

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 15 (3)	Fail to provide initial details	2	\$500
Clause 15 (4)	Fail to return form	2	\$500
Clause 15 (5)	Fail to provide information	2	\$500
Clause 16 (2) (a)	Fail to store waste safely	1, 2	\$500
Clause 16 (2) (b)	Waste stored/in contact with other waste	1, 2	\$500
Clause 16 (3) (c)	Fail to provide information	1, 2	\$500

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Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 16 (2) (d) (i)	Fail to obtain consignment number	1, 2	\$500
Clause 16 (2) (d) (ii)	Fail to complete/ give copy of waste data form	1, 2	\$500
Clause 16 (2) (e) (i)	Fail to complete waste data form accurately	1, 2	\$500
Clause 16 (2) (e) (ii)	Fail to retain waste data form	1, 2	\$500
Clause 16 (2) (e) (iii)	Fail to make waste data form available	1, 2	\$500
Clause 16 (2) (f)	Fail to ensure transporter licensed	1, 2	\$500
Clause 16 (2) (g)	Fail to comply with Measure	1, 2	\$500
Clause 16 (2) (h)	Fail to ensure waste transported lawfully	1, 2	\$500
Clause 16 (2) (i)	Fail to identify waste/advise transporter	1, 2	\$500
Clause 16 (2) (j)	Fail to advise of breach of Act/ Regulation	1, 2	\$500
Clause 16 (4) (a) (i)	Fail to record details of contractor	1, 2	\$500
Clause 16 (4) (a) (ii)	Fail to retain record/agreement	1, 2	\$500
Clause 16 (4) (a) (iii)	Fail to make record/agreement available	1, 2	\$500

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 16 (4) (b) (i)	Fail to identify waste/advise contractor	1, 2	\$500
Clause 16 (4) (b) (ii)	Fail to inform about receipt	1, 2	\$500
Clause 16 (4) (b) (iii)	Fail to keep receipt	1, 2	\$500
Clause 16 (4) (c) (iv)	Fail to make receipt available	1, 2	\$500
Clause 17 (2) (a) (i)	Fail to keep clean vehicle	1, 2	\$500
Clause 17 (2) (a) (ii)	Fail to prevent spillage	1, 2	\$500
Clause 17 (2) (b)	Fail to secure container safely	1, 2	\$500
Clause 17 (2) (c)	Fail to sufficiently cover load	1, 2	\$500
Clause 17 (2) (d)	Mix incompatible waste	1, 2	\$500
Clause 17 (2) (e)	Mix waste with other waste/material	1, 2	\$500
Clause 17 (2) (f)	Mix segregated material	1, 2	\$500
Clause 17 (2) (g) (i)	Fail to obtain waste data form	1, 2	\$500
Clause 17 (2) (g) (ii)	Fail to keep waste data form in vehicle	1, 2	\$500
Clause 17 (2) (g) (iii)	Fail to complete waste data form	1, 2	\$500
Clause 17 (2) (g) (iv)	Fail to provide waste data form to occupier/operator	1, 2	\$500

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Penalty notice offences

Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 17 (2) (g) (v)	Fail to retain waste data form	1, 2	\$500
Clause 17 (2) (h)	Transport waste to unlawful destination	1, 2	\$500
Clause 17 (2) (i)	Fail to advise type of waste before unloading	1, 2	\$500
Clause 17 (2) (j)	Fail to provide information	1, 2	\$500
Clause 17 (2) (k)	Fail to advise of breach of Act/ Regulation	1, 2	\$500
Clause 21 (2)	Fail to record details	2	\$500
Clause 21 (3) (a) (i)	Fail to ensure records are accurate	2	\$500
Clause 21 (3) (a) (ii)	Fail to ensure records are retained	2	\$500
Clause 21 (3) (b)	Fail to make records available	2	\$500
Clause 22 (4) (a)	Fail to record details	2	\$500
Clause 22 (4) (b)	Fail to record details	2	\$500
Clause 22 (4) (c)	Fail to record details	2	\$500
Clause 22 (4) (d) (i)	Fails to ensure records are accurate	2	\$500
Clause 22 (4) (d) (ii)	Fail to ensure records are retained	2	\$500

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 22 (4) (e)	Fail to make record available	2	\$500
Clause 23 (1)	Fail to record details	2	\$500
Clause 23 (2)	Fail to record details	2	\$500
Clause 23 (3) (a)	Fail to keep record	2	\$500
Clause 23 (3) (b)	Fail to make record available	2	\$500
Clause 23A	Fail to provide information	2	\$500
Clause 24 (1) (a)	Fail to carry out June survey	2	\$500
Clause 24 (a) (b)	Fail to carry out December survey	2	\$500
Clause 24 (1A) (a)	Fail to keep copy of survey results	2	\$500
Clause 24 (1A) (b)	Fail to make survey results available	2	\$500
Clause 25 (1)	Fail to install weighbridge	2	\$500
Clause 25 (2) (a)	Fail to submit plan	2	\$500
Clause 25 (2) (a1)	Fail to submit revised plan	2	\$500
Clause 25 (2) (b)	Fail to ensure vehicle uses weighbridge	2	\$500
Clause 25 (2) (c)	Fail to maintain weighbridge	2	\$500
Clause 25 (2) (d)	Fail to certify weighbridge	2	\$500

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Penalty notice offences

Schedule 1

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 25 (2) (d1)	Fail to keep copy of plan/ weighbridge certificate/make plan/certificate available	2	\$500
Clause 25 (2) (e)	Fail to notify non-operation of weighbridge	2	\$500
Clause 25 (2) (f)	Fail to use alternative recording method	2	\$500
Clause 25 (2) (g)	Fail to comply with installation/ operation requirement	2	\$500
Clause 26 (2) (a)	Fail to install monitoring system	2	\$500
Clause 26 (2) (b)	Fail to keep monitoring records	2	\$500
Clause 26 (2) (c)	Fail to make records available	2	\$500
Clause 27	Provide false information	2	\$500
Clause 28 (11)	Fail to comply with conditions of approval	2	\$500
Clause 29 (2)	Fail to comply with requirement	1, 2	\$500
Clause 29 (6)	Use asbestos waste for road making	1, 2	\$500
Clause 30 (a)	Dispose clinical waste unlawfully	1, 2	\$500

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Schedule 1 Penalty notice offences

Column 1	Column 2	Column 3	Column 4
Provision of Regulation	Short description	Officer	Penalty
Clause 30 (b)	Fail to obtain approval	1, 2	\$500
Clause 30 (c)	Dispose clinical waste unlawfully	1, 2	\$500
Clause 30 (d)	Material contained in clinical waste	1, 2	\$500
Clause 30 (e)	Fail to package clinical waste	1, 2	\$500
Clause 30 (f)	Dispose clinical waste in excess of 40 kg	1, 2	\$500
Clause 30 (g)	Fail to bury/contain clinical waste	1, 2	\$500