



New South Wales

# **Dangerous Goods (General) Amendment (Penalty Notices) Regulation 2001**

under the

Dangerous Goods Act 1975

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Dangerous Goods Act 1975*.

JOHN DELLA BOSCA, M.L.C,  
Minister for Industrial Relations

## **Explanatory note**

The objects of this Regulation are:

- (a) to prescribe certain offences under the *Dangerous Goods (General) Regulation 1999* relating to ports as offences that can be dealt with by penalty notice, and
- (b) to provide for certain members of staff of Port Corporations to issue penalty notices in relation to those offences.

These matters were previously dealt with under the *Occupational Health and Safety Act 1983*, which was repealed by the *Occupational Health and Safety Act 2000*.

This Regulation is made under the *Dangerous Goods Act 1975*, including sections 41 (the general regulation-making power) and 43A (penalty notices for certain offences).

## **2001 No 1007**

Clause 1                      Dangerous Goods (General) Amendment (Penalty Notices)  
   Regulation 2001

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# **Dangerous Goods (General) Amendment (Penalty Notices) Regulation 2001**

## **1 Name of Regulation**

This Regulation is the *Dangerous Goods (General) Amendment (Penalty Notices) Regulation 2001*.

## **2 Amendment of Dangerous Goods (General) Regulation 1999**

The *Dangerous Goods (General) Regulation 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 2)

**[1] Clause 343 Authorised officers**

Insert at the end of the clause:

(2) In relation to an offence under Part 11:

- (a) that is prescribed by this Regulation as an offence for which a penalty notice may be served, and
- (b) that is committed in an area where a Port Corporation (within the meaning of the *Ports Corporatisation and Waterways Management Act 1995*) exercises port safety functions to which an operating licence held by it under that Act applies,

a member of staff of the Port Corporation to whom the Port Corporation has issued written authorisation for the purposes of this Regulation is declared to be an authorised officer for the purposes of section 43A of the *Dangerous Goods Act 1975*.

**[2] Schedule 4 Penalty notices**

Insert at the end of the Schedule:

**Offences under the Dangerous Goods (General) Regulation relating to ports**

Clause 261 (3)	\$550	8132	Person responsible not comply with requirements of AS 3846
Clause 263 (1)	\$550	8168	Master enter port without approval/contrary to conditions
Clause 264 (1)	\$550	8169	Master handle dangerous goods/goods without approval/contrary to conditions
Clause 264 (1)	\$550	8171	Master permit/authorise/direct handling dangerous goods/goods without approval/contrary to conditions

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#### Schedule 1 Amendments

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Clause 265 (a)	\$550	8173	Person responsible not notify spillage/damage/deterioration
Clause 265 (b)	\$550	8174	Person responsible not remove goods/container/tank/packaging as directed
Clause 267 (1)	\$220	8175	Master not display warning flag/light
Clause 268 (1)	\$220	8176	Master not display warning notice
Clause 276 (3)	\$550	8177	Master not ensure work accords with approval conditions/requirements
Clause 278 (1)	\$550	8178	Store category A dangerous goods on wharf
Clause 278 (2)	\$550	8213	Store category B/C dangerous goods on wharf without approval
Clause 279 (1)	\$550	8225	Owner not remove category A/B/C dangerous goods within time
Clause 293 (2)	\$550	8521	Person responsible exceed order limit in freight containers
Clause 331	\$550	8528	Owner of pipe/hose construct/install/maintain in breach of requirements

BY AUTHORITY