



New South Wales

Dangerous Goods 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 object of this Regulation is to prescribe certain offences under the *Dangerous Goods Act 1975* and the *Dangerous Goods (General) Regulation 1999* as penalty notice offences for the purposes of that Act and that Regulation.

This Regulation is made as a consequence of the commencement of the *Occupational Health and Safety Act 2000* and the *Occupational Health and Safety Regulation 2001*.

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

2001 No 647

Clause 1 Dangerous Goods Amendment (Penalty Notices) Regulation 2001

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

1 Name of Regulation

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

2 Commencement

This Regulation commences on the commencement of the *Occupational Health and Safety Act 2000*.

3 Amendment of Dangerous Goods (General) Regulation 1999

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

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clauses 342–344

Insert after clause 341:

342 Penalty notice offences and penalties

- (1) For the purposes of section 43A of the Act:
 - (a) each offence arising under a provision specified in Column 1 of Schedule 4 is an offence for which a penalty notice may be served, and
 - (b) the penalty prescribed for each such offence is the amount specified opposite the provision in Column 2 of the Schedule.
- (2) If the reference to a provision in Column 1 of Schedule 4 is qualified by words that restrict its operation to specified kinds of offences, an offence arising under the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

343 Authorised officers

A police officer is declared to be an authorised officer for the purposes of section 43A of the Act.

344 Short descriptions of offences

- (1) For the purposes of section 145B (2) of the *Justices Act 1902*, the prescribed expression for an offence arising under a provision specified in Column 1 of Schedule 4 consists of the IPB Code set out in relation to the offence in Column 3 of that Schedule together with:
 - (a) the expression specified in Column 4 of the Schedule opposite 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.

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Schedule 1 Amendments

- (2) For the purposes of any proceedings for an offence arising under a provision specified in Column 1 of Schedule 4, the prescribed expression for the offence is taken to relate to the offence arising under the provision 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 and any such document continues to have effect as if that expression had not been amended or repealed.
- (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.

[2] Schedule 4

Insert after Schedule 3:

Schedule 4 Penalty notices

(Clauses 342 and 344)

Column 1 Provision	Column 2 Penalty (\$)	Column 3 IPB Code	Column 4 Short description
Offence under Dangerous Goods Act 1975			
Section 9 (1) (in the case of a person who commits the offence in his or her capacity as an employee)	55	8121	Keep dangerous goods on/in unlicensed premises (employee)
Section 9 (1) (in any other case)	550	9477	Keep dangerous goods on/in unlicensed premises (non-employee)

Column 1 Provision	Column 2 Penalty (\$)	Column 3 IPB Code	Column 4 Short description
Offence under Dangerous Goods (General) Regulation 1999			
Clause 94 (2) (in the case of a person who commits the offence in his or her capacity as an employee)	55	9494	Use/cause/permit/suffer use of unapproved appliance in explosive gas zone (employee)
Clause 94 (2) (in any other case)	550	9495	Use/cause/permit/suffer use of unapproved appliance in explosive gas zone (non-employee)

[3] Dictionary

Insert in alphabetical order:

Infringement Processing Bureau means the Infringement Processing Bureau within the Police Service.

IPB Code, in relation to an offence, means the code allocated to the offence by the Infringement Processing Bureau.

penalty notice means a notice served under section 43A of the Act.