

ERRATUM

The regulation to amend the Construction Safety Regulations 1950 which was published in Government Gazette No. 24 of 12 March 1993 at p. 1002–1003 was published in error and has no effect. The correct regulation is published below.

CONSTRUCTION SAFETY ACT 1912—REGULATION

(Relating to penalties)

NEW SOUTH WALES



[Published in Gazette No. 30 of 26 March 1993]

HIS Excellency the Governor, with the advice of the Executive Council and in pursuance of the Construction Safety Act 1912, has been pleased to make the Regulation set forth hereunder.

JOHN P. HANNAFORD, M.L.C.,
Attorney General and Minister for Industrial Relations.

Commencement

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

Amendments

2. The Construction Safety Regulations 1950 are amended:
 - (a) by inserting in Regulation 3 (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 from Regulation 70 (2) the matter “\$20” and by inserting instead the matter “\$100”;
 - (c) by omitting Regulation 72 (2) and by inserting instead the following paragraph:

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable to a penalty not exceeding 1 penalty unit

- (d) by omitting from Regulation 157B (12) the words “shall be liable to a penalty not exceeding \$1,000, and by inserting instead the words “is guilty of an offence and is liable to a penalty not exceeding 25 penalty units.”;
- (e) by omitting Regulation 159H (2) and by inserting instead the following paragraph:
 - (2) A person who contravenes paragraph (1) is guilty of an offence and is liable to a penalty not exceeding 25 penalty units.
- (f) by omitting Regulation 164 and by inserting instead the following Regulation:

Penalty

164. A person who contravenes a provision of these Regulations 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 Construction Safety Regulations 1950 so as:

- (a) to impose specific maximum penalties for the contravention of particular provisions of those Regulations; and
 - (b) to increase, from \$2,000 to 100 penalty units (currently \$10,000), the maximum general penalty for the contravention of a provision of those Regulations; and
 - (c) to provide (in certain penalty provisions) for differential penalties depending on whether the offender is a corporation, an individual (other than an employee) or an employee.
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