

South Australia

# Radiation Protection and Control Act 1982

An Act to provide for the control of activities related to radioactive substances and radiation apparatus, and for protecting the environment and the health and safety of people against the harmful effects of radiation; and for other purposes.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Radiation Protection and Control Act 1982*.

#### 5—Interpretation

In this Act, unless the contrary intention appears—

**authority** means a licence or registration;

**authorised officer** means a person who is an authorised officer under Part 2 either by virtue of appointment as such or *ex officio*;

**the Committee** means the Radiation Protection Committee established under Part 2;

**conversion** in relation to uranium means conversion of uranium oxides to uranium hexafluoride;

**Department** means the administrative unit of the Public Service charged with the administration of this Act;

**enrichment** in relation to uranium means alteration of the isotopic composition of uranium;

**handle** includes manipulate by any indirect or remote means;

**the Indenture** has the same meaning as in the *Roxby Downs (Indenture Ratification) Act 1982*;

**ionising radiation** means electromagnetic or particulate radiation capable of producing ions directly or indirectly in passage through matter but does not include electromagnetic radiation of a wavelength greater than 100 nanometres;

**ionising radiation apparatus** means apparatus capable of producing ionising radiation by accelerating atomic particles;

**the Joint Venturers** has the same meaning as in the *Roxby Downs (Indenture Ratification) Act 1982*;

**licence** means a licence or a temporary licence under Part 3;

**milling**, in relation to radioactive ores, means operations for the concentration or processing of such ores, and includes incidental operations for the management and disposal of waste, but does not include *in situ* leaching carried on in the course of mining radioactive ores;

**the Mines Minister** means the Minister for the time being responsible for the administration of the *Mining Act 1971*;

**mining**, in relation to radioactive ores, means operations (including exploratory operations) for the extraction of such ores, and includes—

- (a) incidental operations for the removal and storage of such ores; and
- (b) incidental operations for the management and disposal of waste; and
- (c) *in situ* leaching,

but does not include surface excavating that does not intersect radioactive ores, surface drilling or geophysical prospecting;

**mining licence** means a licence authorising the carrying out of operations for the mining or milling of radioactive ores;

**non-ionising radiation** means electromagnetic radiation of a wavelength greater than 100 nanometres;

**non-ionising radiation apparatus** means apparatus capable of producing non-ionising radiation but not ionising radiation;

**owner** in relation to an apparatus or thing that has been let out on hire, means the person who takes it on hire;

**premises** means any land, any building or structure whether fixed or moveable, or any part of any land, building or structure;

**radiation** means ionising radiation or non-ionising radiation;

**radiation apparatus** means ionising radiation apparatus or non-ionising radiation apparatus;

**radioactive ore** means an ore or mineral containing more than the prescribed concentrations of uranium or thorium;

**radioactive substance** means a substance occurring naturally or artificially produced (whether solid, liquid or gaseous) which consists of or contains any radioactive element or compound whether natural or artificial and includes any device or thing that contains such a substance;

**registered occupier** means a person in whose name premises are registered under Part 3;

**registered owner** means a person in whose name a sealed radioactive source or radiation apparatus is registered under Part 3;

**registration** means registration under Part 3;

**sealed radioactive source** means a radioactive substance bonded within metals or sealed in a capsule or other container in such a way as to—

- (a) minimise the possibility of escape or dispersion of the radioactive substance; and
- (b) allow the emission of ionising radiation for use as required;

**thorium** includes a chemical compound of thorium;

**unsealed radioactive substance** means a radioactive substance that is not a sealed radioactive source;

**uranium** includes a chemical compound of uranium;

**vehicle** includes any kind of aircraft or vessel.

## 6—Application of Act

- (1) This Act binds the Crown.
- (2) The provisions of this Act are in addition to, and do not derogate from the obligations imposed by, the provisions of any other Act.
- (3) The provisions of this Act do not limit or derogate from any civil remedy at law or in equity.

## Part 2—Administration

### 8—Delegation

- (1) The Minister may delegate a power or function vested in or conferred on the Minister by or under this Act—
  - (a) to a particular person or body; or
  - (b) to the person for the time being holding or acting in a particular office or position.
- (2) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.

- (3) A delegation—
  - (a) may be absolute or conditional; and
  - (b) does not derogate from the power of the delegator to act in a matter; and
  - (c) is revocable at will by the delegator.

## **9—Radiation Protection Committee**

- (1) The *Radiation Protection Committee* is established.
- (2) The Committee consists of ten members appointed by the Governor, of whom—
  - (a) one (the presiding member) must be an officer or employee of the Department; and
  - (b) one must be a radiologist; and
  - (c) one must be a radiographer with expertise in the field of human diagnostic radiography; and
  - (d) one must be a person with expertise in the industrial uses of radiation; and
  - (e) one must be a person with expertise in the scientific uses of radiation; and
  - (f) one must be a person with expertise in the field of health physics; and
  - (g) one must be a medical practitioner with expertise in the field of nuclear medicine; and
  - (h) one must be a person with expertise in the mining and milling of radioactive ores; and
  - (i) one must be a person with expertise in the field of genetics and a knowledge of radiation genetics; and
  - (j) one must be a person with expertise in the field of environmental sciences.

## **10—Terms and conditions of office**

- (1) A member of the Committee will be appointed on conditions determined by the Governor for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, is eligible for reappointment.
- (2) The Governor may appoint a suitable person to be a deputy of a member of the Committee and that person, while acting in the absence of that member, will be taken to be a member of the Committee with all the powers, rights and duties of the member of whom the person is deputy.
- (3) The Governor may remove a member of the Committee from office for—
  - (a) a breach of, or non-compliance with, the conditions of the member's appointment; or
  - (b) mental or physical incapacity to carry out satisfactorily the duties of the member's office; or
  - (c) neglect of duty; or
  - (d) dishonourable conduct.

- (4) The office of a member of the Committee becomes vacant if the member—
  - (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns by written notice addressed to the Minister; or
  - (d) is removed from office pursuant to subsection (3).
- (5) On the office of a member of the Committee becoming vacant, a person will be appointed in accordance with this Act to the vacant office, but if the office of a member becomes vacant before the expiration of a term of appointment, the successor will be appointed only for the balance of the term.

### **11—Quorum etc**

- (1) Six members of the Committee constitute a quorum of the Committee and no business may be transacted at a meeting of the Committee unless a quorum is present.
- (2) The presiding member or, in his or her absence, the presiding member's deputy, will preside at a meeting of the Committee or, in the absence of both the presiding member and the presiding member's deputy, the members present will decide who is to preside at the meeting.
- (3) A decision carried by a majority of the votes of the members of the Committee present at a meeting of the Committee is a decision of the Committee.
- (4) Each member of the Committee is entitled to one vote on a matter arising for decision by the Committee and the person presiding at the meeting of the Committee has, in the event of an equality of votes, a second or casting vote.
- (5) The Committee must cause proper minutes to be kept of its proceedings at meetings.
- (6) Subject to this Act, the Committee may conduct its business in a manner determined by the Committee.

### **12—Functions of the Radiation Protection Committee**

The functions of the Committee are—

- (a) to advise the Minister in relation to the formulation of regulations under this Act; and
- (c) to advise the Minister in relation to the granting of licences under this Act including the conditions to which they should be subject; and
- (d) to investigate and report upon any other matters relevant to the administration of this Act at the request of the Minister or of its own motion.

### **13—Provision of resources**

- (1) The Minister may appoint an officer of the public service of the State to be the secretary to the Committee.
- (2) The Department may provide the Committee with administrative assistance and facilities for the performance of its functions under this Act.

## 14—Sub-committees

- (1) The following sub-committees of the Committee are established:
  - (a) a sub-committee to report to the Committee on matters related to the diagnostic and therapeutic uses of radiation which consists of—
    - (i) the presiding member of the Committee or the presiding member's nominee; and
    - (ii) the members of the Committee appointed under section 9(2)(b), (c), (g) and (i); and
    - (iii) such other members of the Committee or other persons as may be appointed to the sub-committee by the Minister;
  - (b) a sub-committee to report to the Committee on matters related to the industrial and scientific uses of radiation which consists of—
    - (i) the presiding member of the Committee or the presiding member's nominee; and
    - (ii) the members of the Committee appointed under section 9(2)(d), (e) and (i); and
    - (iii) such other members of the Committee or other persons as may be appointed to the sub-committee by the Minister;
  - (c) a sub-committee to report to the Committee on matters related to the management and disposal of radioactive waste which consists of—
    - (i) the presiding member of the Committee or the presiding member's nominee; and
    - (ii) the members of the Committee appointed under section 9(2)(h) and (j); and
    - (iii) such other members of the Committee or other persons as may be appointed to the sub-committee by the Minister;
  - (d) a sub-committee to report to the Committee on matters related to the mining or milling of radioactive ores which consists of—
    - (i) the presiding member of the Committee or the presiding member's nominee; and
    - (ii) the members of the Committee appointed under section 9(2)(f) and (h); and
    - (iii) such other members of the Committee or other persons as may be appointed to the sub-committee by the Minister.
- (2) The Minister may establish one or more other sub-committees of the Committee to report to the Committee on matters specified by the Minister.
- (3) A sub-committee established under subsection (2) consists of—
  - (a) the presiding member of the Committee or the presiding member's nominee; and
  - (b) such other members of the Committee or other persons as may be appointed to the sub-committee by the Minister.

- (4) A sub-committee must not act of its own motion but only in relation to matters referred to it by the Committee.
- (5) Subject to this Act, the procedure for meetings of sub-committees will be determined by the presiding member of the Committee.

### **15—Application of Public Sector (Honesty and Accountability) Act**

The *Public Sector (Honesty and Accountability) Act 1995* applies to a member of a sub-committee of the Committee as if the sub-committee were an advisory body and the Minister responsible for the administration of this Act were the relevant Minister.

### **16—Authorised officers**

- (1) The Minister may appoint an officer of the public service of the State to be an authorised officer for the purposes of this Act.
- (3) The Minister must provide each authorised officer with a certificate of identification.
- (4) An authorised officer must, on demand by any person in relation to whom the officer is exercising or proposing to exercise powers under this Act, produce the officer's certificate of identification for the inspection of that person.

### **17—Powers of authorised officers**

- (1) An authorised officer may—
  - (a) for the purpose of determining whether a provision of this Act is being or has been complied with, enter at any time into or upon and inspect any premises or vehicle or anything in or on the premises or vehicle; and
  - (b) if reasonably necessary for that purpose, break into or open any part of, or anything in or on, the premises or vehicle, or, in the case of a vehicle, give directions with respect to the stopping or moving of the vehicle; and
  - (c) for the purpose of determining whether a provision of this Act is being or has been complied with—
    - (i) remove and examine, analyse or test anything or cause it to be examined, analysed or tested;
    - (ii) require a person to answer a question put to the person (whether directly or through an interpreter);
    - (iii) require a person to produce for inspection any books, documents or records in the person's custody or control;
    - (iv) copy and take extracts from books, documents or records; and
  - (d) if the officer suspects on reasonable grounds that an offence against this Act has been committed, seize and retain anything that affords evidence of the offence, or in relation to which the offence is suspected of having been committed; and
  - (e) require a person holding or required to hold an authority to produce the authority for inspection; and
  - (f) give such directions as are reasonably necessary for, or incidental to, the effective exercise of the officer's powers under this Act.

- (2) An authorised officer must not exercise a power conferred by subsection (1)(a) or (b) except—
- (a) in pursuance of a warrant issued by a justice; or
  - (b) in relation to premises or a vehicle used in the course of—
    - (i) a business, operation or activity carried on in pursuance of an authority; or
    - (ii) mining or prospecting operations; or
  - (c) in a case in which the authorised officer has reasonable grounds to believe that urgent action is required.
- (3) A justice may, on the application of an authorised officer, issue a warrant authorising the exercise of powers under subsection (1)(a) or (b) if satisfied that the warrant is reasonably required for purposes related to the administration or enforcement of this Act.
- (5) In the exercise of powers under this Act, an authorised officer may be accompanied by such other persons as the officer considers necessary or desirable in the circumstances.
- (6) A person must not hinder or obstruct an authorised officer, or a person accompanying an authorised officer, in the exercise of powers under this Act.  
Maximum penalty: \$10 000.
- (7) Subject to subsection (8), a person to whom a question is put under this section must not refuse or fail to answer the question to the best of the person's knowledge, information or belief.  
Maximum penalty: \$10 000.
- (8) A person is not required to answer a question if the answer to the question would tend to incriminate the person.
- (9) A person given a direction, or of whom a requirement is made, under this section must not refuse or fail to comply with the direction or requirement.  
Maximum penalty: \$10 000.
- (10) If anything has been seized under this section the following provisions apply:
- (a) if—
    - (i) proceedings are not instituted for an offence against this Act related to the thing seized within 12 months after its seizure; or
    - (ii) proceedings having been so instituted, the thing seized is not ordered to be forfeited to the Crown,the person from whom it was seized or a person with legal title to it is entitled to recover it, or, if it has been destroyed or damaged or has deteriorated, to recover from the Minister by action in a court of competent jurisdiction compensation for the loss suffered;
  - (b) a court convicting a person of an offence against this Act related to the thing seized may, in addition to imposing a penalty, order that it be forfeited to the Crown;

- (c) if anything is ordered to be forfeited to the Crown, it will be disposed of in such manner as the Minister directs, and, if sold, the proceeds of the sale will be paid into the Consolidated Account.

### **18—Restriction on interests of authorised officers**

An authorised officer must not, without the consent of the Minister—

- (a) have a proprietary or pecuniary interest in a business, or a corporation or trust that has an interest in a business, that engages in an activity regulated by this Act; or
- (b) act as agent for a person who has a proprietary or pecuniary interest in a matter connected with such a business.

### **19—Confidentiality**

A person must not divulge information relating to trade processes or financial information obtained (whether by that person or some other person) in the administration or enforcement of this Act except—

- (a) as authorised by or under this Act; or
- (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
- (c) in connection with the administration or enforcement of this Act; or
- (d) for the purpose of legal proceedings arising out of the administration or enforcement of this Act.

Maximum penalty: \$10 000.

### **20—False representation**

A person must not falsely represent, by words or conduct, that he or she is engaged in or associated with the administration of this Act.

Maximum penalty: \$10 000.

### **22—Annual report**

- (1) The Department must, not later than a date stipulated by the Minister, in each year present to the Minister a report on the administration of this Act during the financial year last expiring before that date.
- (2) The Minister must cause a copy of the report of the Department to be laid before each House of Parliament within 12 sitting days after the Minister receives the report.

## **Part 3—Radiation protection and control**

### **Division 1—General objective**

#### **23—General objective**

- (1) The Minister and the Committee must, in exercising and discharging powers, functions and duties under this Act and any other person must, in carrying on an activity related to radioactive substances or ionising radiation apparatus, endeavour to ensure that exposure of persons to ionising radiation is kept as low as reasonably achievable, social and economic factors being taken into account.
- (2) Subsection (1) does not apply to exposure of a person while the person is undergoing radiotherapy.

### **Division 2—Radioactive substances**

#### **24—Licence to mine or mill radioactive ores**

- (1) A person must not carry out operations for the mining or milling of radioactive ores unless the operations are authorised by a licence under this section.  
Maximum penalty: \$50 000 or imprisonment for 5 years, or both.
- (2) Subsection (1) does not apply to operations of a prescribed class.
- (3) Subject to this section, the Minister may, on application in the prescribed form, grant a licence under this section.
- (4) The Minister must not grant a licence under this section unless satisfied that the proposed operations would comply with the regulations.
- (4a) A fee of an amount determined in accordance with the regulations is payable in respect of each year of the term of a licence under this section.
- (4b) The fee for the first year of the term of a licence under this section must be paid before the grant of the licence and the fee for each succeeding year must be paid on or before the anniversary of the date of the grant of the licence or, if it has been renewed, the anniversary of the date of its last renewal.
- (4c) The amount of an annual fee for a licence not paid as required under this section may be recovered from the holder of the licence by action in a court of competent jurisdiction as a debt due to the Minister.
- (5) A licence under this section must specify the operations to which it applies and the places at which those operations may be carried out.

## **26—Limits of exposure to ionising radiation for mining or milling operations not to be more stringent than limits fixed under certain codes etc**

Despite the other provisions of this Act, no limit of exposure to ionising radiation may be fixed by a regulation or condition made or imposed under this Act in relation to an operation for the mining or milling of radioactive ores that is more stringent than the most stringent of all the limits, or less stringent than the least stringent of all the limits, for the time being fixed in relation to such operations in the codes, standards and recommendations applied, approved or published under the *Australian Radiation Protection and Nuclear Safety Act 1998* of the Commonwealth or any other Act or law of the Commonwealth or by the National Health and Medical Research Council, the International Commission on Radiological Protection or the International Atomic Energy Agency.

## **27—Operations for enrichment or conversion of uranium not to be carried on until proper controls imposed**

- (1) A person must not carry on an operation for the conversion or enrichment of uranium.  
Maximum penalty: \$50 000 or imprisonment for 5 years, or both.
- (3) This section will expire on a date to be fixed by proclamation.
- (4) A proclamation must not be made for the purposes of subsection (3) unless the Governor is satisfied that proper provision has been made for the control of operations for the conversion or enrichment of uranium.

## **28—Licence to use or handle radioactive substances**

- (1) A natural person must not use or handle a radioactive substance unless that use or handling is authorised by a licence or temporary licence under this section.  
Maximum penalty: \$10 000.
- (2) Subsection (1) does not apply—
  - (a) to the use or handling of radioactive substances in the course of operations authorised under another provision of this Act; or
  - (b) to a person or substance of a prescribed class.
- (3) The Minister may, on application in the prescribed form and payment of the prescribed fee, grant a licence or a temporary licence under this section.
- (4) The Minister must not grant a licence or temporary licence under this section unless the Minister is satisfied—
  - (a) that the applicant is a fit and proper person to hold a licence under this section; and
  - (b) that the applicant has appropriate knowledge of the principles and practices of radiation protection to carry on the activities proposed to be carried on by the applicant in pursuance of the licence.
- (5) If the Minister grants a temporary licence under this section—
  - (a) the licence will, subject to this Act, have effect for such period, not exceeding three months, as may be specified in the licence; and

- (b) the Minister must ensure that the Committee is advised of the granting of the licence at the next meeting of the Committee held after the granting of the licence.

### **29—Registration of premises in which unsealed radioactive substances are handled or kept**

- (1) Any premises in which an unsealed radioactive substance is kept or handled must be registered under this section in the name of the occupier of the premises.
- (2) If premises required to be registered under this section in the name of the occupier are not so registered, the occupier is guilty of an offence.  
Maximum penalty: \$10 000.
- (3) Subsection (1) does not apply—
- (a) in relation to the keeping or handling of radioactive substances in the course of operations authorised under another provision of this Act; or
  - (b) to or in relation to any premises or substance of a prescribed class.
- (4) The Minister may, on application in the prescribed form and payment of the prescribed fee, register the premises in the name of the occupier of the premises.
- (5) The Minister must not register premises under this section unless the Minister is satisfied that the premises comply with the regulations.

### **30—Registration of sealed radioactive source**

- (1) A sealed radioactive source must be registered under this section in the name of the owner of the source.
- (2) If a sealed radioactive source required to be registered under this section in the name of the owner is not so registered, the owner is guilty of an offence.  
Maximum penalty: \$10 000.
- (3) Subsection (1) does not apply to a sealed radioactive source of a prescribed class.
- (4) The Minister may, on application in the prescribed form and payment of the prescribed fee, register a sealed radioactive source in the name of the owner of the source.
- (5) The Minister must not register a sealed radioactive source under this section unless the Minister is satisfied that the source has been constructed, contained, shielded and installed in accordance with the regulations.
- (6) If the Minister refuses to register a sealed radioactive source under this section, the Minister may, by notice in writing, forfeit the source to the Crown, in which case, the source may be seized by an authorised officer and disposed of in such manner as the Minister directs.

## **Division 3—Radiation apparatus**

### **31—Licences to operate radiation apparatus**

- (1) A natural person must not operate—
- (a) ionising radiation apparatus; or

- (b) non-ionising radiation apparatus of a prescribed class,  
unless the person holds a licence or temporary licence under this section.  
Maximum penalty: \$10 000.
- (2) Subsection (1)(a) does not apply to a person or apparatus of a prescribed class.
- (3) The Minister may, on application in the prescribed form and payment of the prescribed fee, grant a licence or temporary licence under this section.
- (4) The Minister must not grant a licence or temporary licence under this section unless the Minister is satisfied—
  - (a) that the applicant is a fit and proper person to hold a licence under this section; and
  - (b) that—
    - (i) the applicant has the qualifications prescribed in relation to the operations proposed to be carried on by the applicant in pursuance of the licence; or
    - (ii) that the applicant has appropriate knowledge of the principles and practices of radiation protection to carry on such operations.
- (5) If the Minister grants a temporary licence under this section—
  - (a) the licence will, subject to this Act, have effect for such period, not exceeding three months, as may be specified in the licence; and
  - (b) the Minister must ensure that the Committee is advised of the granting of the licence at the next meeting of the Committee held after the granting of the licence.

### **32—Registration of radiation apparatus**

- (1) Any—
  - (a) ionising radiation apparatus; or
  - (b) non-ionising radiation apparatus of a prescribed class,must be registered under this section in the name of the owner of the apparatus.
- (2) If ionising radiation apparatus or non-ionising radiation apparatus required to be registered under this section in the name of the owner is not so registered, the owner is guilty of an offence.  
Maximum penalty: \$10 000.
- (3) Subsection (1)(a) does not apply to an apparatus of a prescribed class.
- (4) The Minister may, on application in the prescribed form and payment of the prescribed fee, register radiation apparatus in the name of the owner of the apparatus.
- (5) The Minister must not register any radiation apparatus under this section unless the Minister is satisfied that the apparatus has been constructed, shielded and installed in accordance with the regulations.

- (6) If the Minister refuses to register an ionising radiation apparatus or non-ionising radiation apparatus under this section, the Minister may, by notice in writing, forfeit the apparatus to the Crown, in which case, the apparatus may be seized by an authorised officer and disposed of in such manner as the Minister directs.

### **33—Offence for registered owner to cause, suffer or permit unlicensed person to operate radiation apparatus**

If the registered owner of radiation apparatus causes, suffers or permits the apparatus to be operated by a person who is required to hold but does not hold a licence under section 31 to operate the apparatus, the registered owner is guilty of an offence.

Maximum penalty: \$10 000.

## **Division 4—General provisions with respect to authorities**

### **34—Minister may require information to determine applications**

The Minister may, before determining an application for a licence or registration—

- (a) require the applicant to furnish such further information as the Minister may require to determine the application; and
- (b) require the applicant to verify by statutory declaration any information contained in, or furnished for the purposes of, the application.

### **35—Minister required to refer certain matters to Committee**

The Minister must, before determining an application for a licence (not being a temporary licence), refer the application to the Committee for its advice and give due consideration to the advice of the Committee.

### **36—Conditions of authorities**

- (1) Subject to this section, a licence or registration is subject to—
  - (a) such conditions as are included in the licence or the certificate of registration at the time of grant; and
  - (b) such conditions as are attached to the licence or registration under this section.
- (2) The Minister may, by notice in writing to the holder of a licence or registration—
  - (a) attach a condition to the licence or registration; or
  - (b) vary or revoke a condition of the licence or registration.
- (3) A decision of the Minister to attach a condition to, or to vary a condition of, a licence or registration takes effect at the expiration of one month from the date on which notice is given under subsection (2), but if an application for review of the decision is made the Supreme Court may suspend the operation of the decision until the application is determined.
- (4) The holder of a licence or registration must not contravene, or fail to comply with, a condition of the licence or registration.

Maximum penalty: \$50 000 or imprisonment for 5 years, or both.

### **37—Term of licences and registration and their renewal**

- (1) A licence or registration will, subject to this Act, remain in force for such term as the Minister may specify in the licence or certificate of registration.
- (2) The Minister must, subject to this Act, on application made in the prescribed manner and form and payment of the prescribed fee, renew a licence or registration.
- (3) A licence or registration renewed under this section will, subject to this Act, remain in force for such term (being not less than twelve months) as the Minister may specify in the licence or certificate of registration.
- (4) In this section—  
*licence* does not include a temporary licence;  
*prescribed fee* means—
  - (a) in relation to a licence under section 24—the annual fee payable under that section in respect of the year of the term of the licence commencing on the date of its renewal; or
  - (b) in any other case—the fee prescribed for renewal of the licence or registration.

### **38—Register**

- (1) The Minister must keep a register of licences and registrations granted under this Act in a form, and containing the information, required by the regulations.
- (2) The register referred to in subsection (1) must be made available for public inspection.

### **40—Surrender, suspension and cancellation of licences and registration**

- (1) The holder of a licence or certificate of registration may surrender the licence or certificate.
- (2) The Minister may suspend or cancel a licence or registration if the Minister is satisfied—
  - (a) that the grant of the licence or registration was obtained improperly; or
  - (b) that the holder of the licence or certificate of registration has contravened, or failed to comply with, a condition of the licence or registration; or
  - (c) that the holder of the licence or certificate of registration has been convicted of an offence against this Act; or
  - (d) that, in the case of a licence, the holder of the licence has ceased to hold a qualification on the basis of which the Minister granted the licence.
- (2a) The Minister must specify in every order for cancellation the time at which the order will take effect.
- (2b) The Minister must specify in every order for suspension the time at which the suspension will take effect.
- (3) A licence or registration—
  - (a) surrendered under this section ceases, from the time of surrender, to be of any force or effect; or

- (ab) cancelled under this section ceases, from the time at which the order for cancellation takes effect, to be of any force or effect; or
  - (b) suspended under this section is of no force or effect for the period of the suspension.
- (4) If a licence or registration has been suspended under this section, it may be renewed but remains subject to suspension until the expiration of the period of suspension.
- (4a) If a registration is suspended, the Minister may give such directions in relation to—
- (a) the use or occupation of the premises and the use, handling or storage of the unsealed radioactive substance; or
  - (b) the operation, use or storage of the sealed radioactive source or radiation apparatus,
- during the period of the suspension as the Minister considers appropriate.
- (4b) If a registration is cancelled, the Minister may—
- (a) in the case of premises, give such directions as the Minister considers appropriate in relation to the use or occupation of the premises and the disposal of the unsealed radioactive substance; or
  - (b) in the case of a sealed radioactive source or radiation apparatus—
    - (i) give such directions as the Minister considers appropriate in relation to the disposal of the source or apparatus; or
    - (ii) by notice in writing forfeit the source or apparatus to the Crown.
- (4c) If pursuant to subsection (4b)(b)(ii) the Minister forfeits a sealed radioactive source or radiation apparatus, the source or apparatus may be seized by an authorised officer and disposed of as the Minister directs.
- (4d) The person in whose name any premises, sealed radioactive source or radiation apparatus was registered must not contravene, or fail to comply with, a direction given by the Minister pursuant to subsection (4a) or (4b).
- Maximum penalty: \$10 000.
- (5) If the Minister suspends or cancels a licence or registration under this section, the Minister must advise the Committee of that fact.

#### **41—Review of decisions relating to authorities**

- (1) A person aggrieved by a decision of the Minister—
- (a) to refuse to grant a licence or registration; or
  - (b) to attach a condition to a licence or registration; or
  - (c) to vary a condition of a licence or registration; or
  - (d) to suspend a licence or registration; or
  - (e) to cancel a licence or registration; or
  - (f) to give a direction in relation to the suspension or cancellation of a licence or registration,
- may apply to the Supreme Court for a review of the decision.

- (2) The application for review must be made within one month after the making of the decision to be reviewed, but the Supreme Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the application be so made.
- (3) A person making a decision referred to in subsection (1) must, if so requested in writing by any person affected by the decision, give a written statement of the reasons for the decision.
- (4) If a written statement of the reasons for the decision is not given at the time of the making of the decision and the person affected by the decision within fourteen days requests in writing that he or she be given a written statement of the reasons, the time for making the application for review runs from the time of service upon the person of the written statement of those reasons.
- (5) The Supreme Court may, on the review, do one or more of the following, according to the nature of the case—
  - (a) confirm the decision subject to the review;
  - (b) substitute, or make in addition, a decision that should in the opinion of the Court have been made in the first instance;
  - (c) make further or other orders as to costs or other matters.

## **Division 5—Dangerous situations**

### **42—Powers to deal with dangerous situations**

- (1) If the Minister considers that a dangerous or potentially dangerous situation exists involving actual or threatened exposure of a person to excessive radiation or contamination of a person or place by radioactive substances—
  - (a) the person responsible for the danger or potential danger or a person affected by it may be directed to take, or refrain from taking, specified action; or
  - (b) the radiation apparatus or radioactive substances giving rise to the danger or potential danger or anything contaminated or affected thereby may be seized, removed, disposed of, treated or otherwise dealt with; or
  - (c) any other direction may be given, or action taken,to avoid, remove or alleviate the danger or potential danger.
- (2) Directions may be given or action taken under subsection (1) by the Minister or, with the prior approval of the Minister, by an authorised officer, police officer, or other person appointed for the purpose by the Minister.
- (3) An authorised officer may exercise the powers conferred by subsection (1) without the prior approval of the Minister if the officer considers that the danger is imminent.
- (4) Directions under subsection (1) may be given—
  - (a) by notice in the Gazette; or
  - (b) by instrument in writing served on the person to whom they are directed; or
  - (c) in the circumstances of imminent danger, orally.

- (5) If a person—
- (a) hinders or obstructs a person exercising a power, or complying with a direction, under this section; or
  - (b) contravenes, or fails to comply with, a direction given under this section,
- that person is guilty of an offence.

Maximum penalty: \$50 000 or imprisonment for 5 years, or both.

- (6) Where—
- (a) costs or expenses have been incurred by the Minister in taking action, or causing action to be taken, under this section; and
  - (b) the danger or potential danger in respect of which the action was taken resulted from an act done, or omission made, by a person in contravention of this Act,

the Minister may recover those costs or expenses from that person by order of the court made in proceedings for the recovery of a penalty in respect of the act or omission, or by separate action in a court of competent jurisdiction.

## **Division 6—Regulations**

### **43—Regulations**

- (1) The Governor may make regulations for the control of activities related to radioactive substances and radiation apparatus and for protection against the harmful effects of radiation.
- (2) The activities referred to in subsection (1) include (but are not limited to) the activities of or mining or milling, radioactive ore, or producing, manufacturing, supplying, keeping, conveying, using, disposing of or otherwise dealing with radioactive substances or radiation apparatus.
- (3) Without limiting the generality of the foregoing, the regulations may—
  - (a) specify standards to be observed, practices and procedures to be followed and measures to be taken in relation to activities referred to in subsection (2);
  - (b) recommend practices and procedures that may be followed, and measures that may be taken, to further the achievement of the standards referred to in paragraph (a);
  - (c) regulate, restrict or prohibit any act or thing that is involved in or related to an activity referred to in subsection (2);
  - (d) make provision for or in relation to the granting, issuing or giving of a licence, permit, authority or approval and the terms or conditions to which it is subject;
  - (e) make provision for or in relation to the giving of directions for the purposes of the regulations;
  - (f) make provision for or in relation to the protection of the health and safety, and the training, examination and certification, of persons who engage or seek to engage in activities referred to in subsection (2);

- (g) make provision for or in relation to the medical examination of persons exposed to radiation in the course of activities referred to in subsection (2);
  - (h) make provision for or in relation to the keeping of records, furnishing of information, and notification of accidents or other matters or events by persons carrying on activities referred to in subsection (2);
  - (i) make provision for the monitoring of levels of radiation exposure of persons engaged in activities referred to in subsection (2) and the monitoring of the health of such persons during and after such employment;
  - (j) provide that contravention of, or failure to comply with, a provision of the regulations constitutes a summary offence or a minor indictable offence and fix maximum penalties for such offences not exceeding—
    - (i) in the case of a minor indictable offence—\$50 000 or imprisonment for 5 years or both; or
    - (ii) in the case of a summary offence—\$10 000;
  - (k) prescribe the manner and form in which applications are to be made for the purposes of this Act;
  - (l) prescribe fees for licences or registration or otherwise for the purposes of this Act, being fees which may vary according to prescribed factors;
  - (m) authorise the release of information obtained in the administration of this Act to any prescribed body.
- (4) The regulations may—
- (a) refer to or incorporate, wholly or partially and with or without modification, a specified code or standard as in force at a particular time or as in force from time to time; and
  - (b) be of general application or limited according to time, place or circumstances.
- (5) If a code or standard is referred to or incorporated in the regulations, evidence of the contents of the code or standard may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code or standard.

## **Part 4—Miscellaneous**

### **44—Exemptions by Minister**

- (1) Subject to the provisions of this section, the Minister may, by notice in the Gazette, exempt a person or class of persons from compliance with specified provisions of this Act.
- (2) An exemption granted under this section has effect for a period, and is subject to conditions, specified by the Minister in the notice.
- (3) The Minister must not grant an exemption from compliance with a provision of this Act unless the Minister is satisfied that, if the exemption were granted subject to appropriate conditions, the activity subject to the exemption would not endanger the health or safety of any person.

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- (4) The Minister may, by notice in the Gazette, vary or revoke a condition of an exemption or impose a further condition.
  - (5) The Minister may, after due inquiry and for good cause, by notice in the Gazette, revoke an exemption under this section.
  - (6) A person who has the benefit of an exemption under this section and who contravenes, or fails to comply with, a condition of the exemption is guilty of an offence.

Maximum penalty:

- (a) if contravention of the provision in relation to which an exemption was granted is a minor indictable offence—\$50 000 or imprisonment for 5 years, or both;
- (b) in any other case—\$10 000.

#### **45—False or misleading information**

A person must not, in furnishing information in or in connection with an application or otherwise in pursuance of this Act, make or cause to be made a statement that is false or misleading in a material particular.

Maximum penalty: \$10 000.

#### **47—Offences by body corporate**

- (1) If a body corporate is guilty of an offence against this Act, each person who is a director of the body corporate or a person concerned in the management of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence when committed by a natural person unless it is proved that the person could not by the exercise of reasonable diligence have prevented the commission of the offence by the body corporate.
- (2) A person referred to in subsection (1) may be prosecuted and convicted of an offence against that subsection whether or not the body corporate has been prosecuted or convicted of the principal offence committed by the body corporate.

#### **48—Continuing offences**

- (1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission—
  - (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than the amount equal to one-tenth of the maximum penalty prescribed for that offence; and
  - (b) is, if the act or omission continues after the person is convicted, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continued after the conviction of not more than the amount equal to one-tenth of the maximum penalty prescribed for the offence.

- (2) If an offence against a provision of this Act consists of an omission to do something that is required or directed to be done, the omission is, for the purposes of subsection (1), taken to continue for so long as the thing required or directed to be done remains undone after the expiration of the period for compliance with the requirement or direction.

#### **49—Evidentiary provisions**

- (1) In proceedings for an offence against this Act, an allegation in the complaint—
- (a) that a person named holds or held at a specified time a specified office; or
  - (b) that a person named was or was not at a specified time the holder of a specified authority; or
  - (c) that a specified substance was or was not at a specified time a radioactive substance of a specified class; or
  - (d) that specified apparatus was or was not at a specified time radiation apparatus of a specified class,
- is, in the absence of proof to the contrary, taken to be proved.
- (2) In proceedings for an offence against this Act, a condition of an authority or the terms of a direction or other notice under this Act may be proved by production of an apparently genuine document purporting to be a copy of the condition, direction, or other notice certified by the Minister or an officer authorised under this Act to impose the condition or give the direction or notice.

#### **50—Service of documents**

- (1) A notice or document required or authorised by this Act to be given to or served on a person is taken to have been duly served if it has been—
- (a) served on the person personally; or
  - (b) in the case of the holder of an authority, sent by registered or certified mail addressed to the person at his or her address for service, or left for the person at that address with a person apparently over the age of sixteen years.
- (2) The address for service of the holder of an authority is the last address for service of that person of which notice has been given in accordance with the regulations.

### **Schedule—Application of this Act to the Roxby Downs Joint Venturers**

- 1 This Act applies in relation to operations of the Joint Venturers carried out or to be carried out pursuant to the Indenture subject to the modifications set out in this Schedule.
- 2 An application by the Joint Venturers for a mining licence must be made to the Minister.
- 3 The Minister must, in connection with such an application, consult with the Mines Minister and the Joint Venturers.
- 4 The Minister must also refer the application to the Committee and give due consideration to the advice of the Committee.

- 5 (1) The following matters may be referred to arbitration by the Minister or the Joint Venturers:
- (a) a question, difference or dispute concerning the conditions proposed to be included at the time of grant in the mining licence to be granted to the Joint Venturers;
  - (b) a question, difference or dispute concerning a decision of the Minister to attach a condition to, or vary or revoke a condition of, the mining licence granted to the Joint Venturers.
- (2) A reference to arbitration under subparagraph (1) is taken to be a reference to arbitration under clause 49 of the Indenture, and that clause applies, with such modifications as are necessary, to such a reference.
- (3) The Minister must comply with the decision of the arbitrator on a reference under subparagraph (1).
- (4) No other matter arising under this Act in relation to operations of the Joint Venturers carried out or to be carried out pursuant to the Indenture may be referred to arbitration under the Indenture, but nothing in this Act affects any right to arbitration under the Indenture or the *Roxby Downs (Indenture Ratification) Act 1982*.
- 6 (1) The Minister must, within one month after the Joint Venturers apply for a mining licence, give notice in writing to the Joint Venturers of the terms of the licence proposed to be granted and of the conditions proposed to be included in the licence at the time of grant.
- (2) The Minister must grant a mining licence to the Joint Venturers—
- (a) within two months after the application was made; or
  - (b) if a question, difference or dispute concerning the conditions proposed to be included in the licence at the time of grant is referred within that period to arbitration but the arbitrator does not make a decision within that period, as soon as practicable after the arbitrator makes the decision.
- 7 (1) After consultation with the Mines Minister and the Joint Venturers, the Minister may, by notice in writing to the Joint Venturers, attach a condition to, or vary or revoke a condition of, the mining licence granted to the Joint Venturers.
- (2) At least one month before the Minister gives a notice under subparagraph (1), the Minister must give notice in writing to the Joint Venturers of the terms of any condition proposed to be attached to the mining licence granted to the Joint Venturers or of any proposed variation or revocation of the conditions of the licence.
- 8 A decision of the Minister to attach a condition to, or vary or revoke a condition of, the mining licence granted to the Joint Venturers takes effect at the expiration of one month from the date on which notice is given under paragraph 7(1) or at the expiration of such greater period as the Minister may determine, but if a question, difference or dispute concerning the decision is referred within that period to arbitration the operation of the decision is suspended until the arbitrator makes a decision.
- 9 The conditions of the mining licence granted to the Joint Venturers must not be more stringent than the most stringent requirements and standards contained in any of the codes, standards or recommendations referred to in clause 10 of the Indenture.
- 10 The mining licence granted to the Joint Venturers must not be suspended or cancelled while the Indenture is in force.

- 12 In subsection (1)(b) of section 36 the reference to conditions attached under that section is to be taken to be a reference to conditions attached under this Schedule.
- 13 Sections 24(4), 35, 36(2), 36(3), 40 and 41 do not apply.

## Legislative history

### Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation amended by principal Act

The *Radiation Protection and Control Act 1982* amended the following:

*Health Act 1935*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1982	49	<i>Radiation Protection and Control Act 1982</i>	29.4.1982	5.11.1982 except s 25—1.4.1983 ( <i>Gazette 28.10.1982 p1212</i> ) and except ss 29 & 30—1.9.1985 and except ss 3, 28, 31—33—1.4.1986 ( <i>Gazette 4.4.1985 p978</i> )
1986	117	<i>Radiation Protection and Control Act Amendment Act 1986</i>	18.12.1986	30.9.1988 ( <i>Gazette 8.9.1988 p994</i> )
1988	52	<i>Radiation Protection and Control Act Amendment Act 1988</i>	8.9.1988	30.9.1988 ( <i>Gazette 8.9.1988 p994</i> )
2000	34	<i>South Australian Health Commission (Administrative Arrangements) Amendment Act 2000</i>	6.7.2000	Sch 1 (cl 14)—6.7.2000 ( <i>Gazette 6.7.2000 p5</i> )
2002	43	<i>Statutes Amendment (Environment Protection) Act 2002</i>	5.12.2002	Pt 3 (s 23)—10.4.2003 ( <i>Gazette 10.4.2003 p1670</i> )
2005	20	<i>Statutes Amendment (Environment and Conservation Portfolio) Act 2005</i>	9.6.2005	Pt 7 (ss 31—39) & Sch 6—23.6.2005 ( <i>Gazette 23.6.2005 p1901</i> )
<b>2009</b>	<b>84</b>	<b><i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i></b>	<b>10.12.2009</b>	<b>Pt 128 (ss 290 &amp; 291)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)</b>
2010	22	<i>Statutes Amendment (Budget 2010) Act 2010</i>	18.11.2010	Pt 12 (ss 65—74, new Pt 3 Div 3B (as inserted by s 75), ss 76—85)—1.3.2012; new Part 3 Div 3A (as inserted by s 75)—1.7.2012 ( <i>Gazette 27.1.2012 p373</i> )
2011	39	<i>Radiation Protection and Control (Licences and Registration) Amendment Act 2011</i>	20.10.2011	1.3.2012 immediately after s 65 of 22/2010 ( <i>Gazette 27.1.2012 p373</i> )

## Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	10.4.2003
	amended by 20/2005 s 31	23.6.2005
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	23.6.2005
ss 3 and 4	<i>omitted under Legislation Revision and Publication Act 2002</i>	10.4.2003
s 5		
authority	substituted by 117/1986 s 3(a)	30.9.1988
<i>the Commission</i>	<i>deleted by 20/2005 s 32(1)</i>	23.6.2005
<i>the Department</i>	<i>inserted by 34/2000 Sch 1 cl 14(a)</i>	6.7.2000
	<i>deleted by 20/2005 s 32(2)</i>	23.6.2005
Department	inserted by 20/2005 s 32(2)	23.6.2005
the Indenture	inserted by 117/1986 s 3(b)	30.9.1988
the Joint Venturers	inserted by 117/1986 s 3(c)	30.9.1988
milling	substituted by 117/1986 s 3(d)	30.9.1988
<i>mines inspector</i>	<i>deleted by 20/2005 s 32(3)</i>	23.6.2005
<i>the Minister of Mines</i>	<i>deleted by 117/1986 s 3(e)</i>	30.9.1988
the Mines Minister	inserted by 117/1986 s 3(e)	30.9.1988
mining	substituted by 117/1986 s 3(e)	30.9.1988
<i>mining tenement</i>	<i>deleted by 117/1986 s 3(e)</i>	30.9.1988
mining licence	inserted by 117/1986 s 3(e)	30.9.1988
<i>prescribed mining tenement</i>	<i>deleted by 117/1986 s 3(f)</i>	30.9.1988
s 6		
s 6(2) and (3)	amended by 20/2005 Sch 6	23.6.2005
Pt 2		
s 7	<i>deleted by 34/2000 Sch 1 cl 14(b)</i>	6.7.2000
s 8	substituted by 34/2000 Sch 1 cl 14(c)	6.7.2000
s 9		
s 9(1)	substituted by 20/2005 Sch 6	23.6.2005
s 9(2)	amended by 34/2000 Sch 1 cl 14(d)	6.7.2000
	amended by 20/2005 s 33, Sch 6	23.6.2005
s 10		
s 10(1)	substituted by 20/2005 Sch 6	23.6.2005
s 10(2) and (3)	amended by 20/2005 Sch 6	23.6.2005
s 10(4) and (5)	substituted by 20/2005 Sch 6	23.6.2005

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s 11		
s 11(1)	amended by 20/2005 Sch 6	23.6.2005
s 11(2)	substituted by 20/2005 Sch 6	23.6.2005
s 11(3)—(5)	amended by 20/2005 Sch 6	23.6.2005
s 11(6)	substituted by 20/2005 Sch 6	23.6.2005
s 12	(b) deleted by 117/1986 s 4	30.9.1988
	amended by 34/2000 Sch 1 cl 14(e)	6.7.2000
	amended by 20/2005 s 34	23.6.2005
s 13		
s 13(1)	amended by 34/2000 Sch 1 cl 14(f)	6.7.2000
s 13(2)	amended by 34/2000 Sch 1 cl 14(g)	6.7.2000
s 14		
s 14(1)	amended by 34/2000 Sch 1 cl 14(h)—(k)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 14(2)	substituted by 34/2000 Sch 1 cl 14(l)	6.7.2000
s 14(3)	amended by 34/2000 Sch 1 cl 14(m)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 14(4) and (5)	amended by 20/2005 Sch 6	23.6.2005
<i>s 15 before substitution by 84/2009</i>		
<i>s 15(1) and (2)</i>	<i>amended by 34/2000 Sch 1 cl 14(n)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<b>s 15</b>	<b>substituted by 84/2009 s 290</b>	<b>1.2.2010</b>
s 16		
s 16(1)	substituted by 34/2000 Sch 1 cl 14(o)	6.7.2000
s 16(2)	<i>deleted by 20/2005 s 35</i>	<i>23.6.2005</i>
s 16(3)	amended by 34/2000 Sch 1 cl 14(p)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 16(4)	amended by 20/2005 Sch 6	23.6.2005
s 17		
s 17(1)	amended by 20/2005 Sch 6	23.6.2005
s 17(2)	substituted by 117/1986 s 5(a)	30.9.1988
	amended by 20/2005 Sch 6	23.6.2005
s 17(3)	substituted by 117/1986 s 5(a)	30.9.1988
s 17(4)	<i>deleted by 20/2005 s 36</i>	<i>23.6.2005</i>
s 17(5)—(9)	amended by 20/2005 Sch 6	23.6.2005
s 17(10)	amended by 117/1986 s 5(b)	30.9.1988
	amended by 20/2005 Sch 6	23.6.2005
s 18	amended by 20/2005 Sch 6	23.6.2005
s 19	substituted by 43/2002 s 23	10.4.2003
	amended by 20/2005 Sch 6	23.6.2005
s 20	amended by 20/2005 Sch 6	23.6.2005

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**Radiation Protection and Control Act 1982—1.2.2010 to 29.2.2012**

## Legislative history

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<i>s 21 before deletion by</i>		
<i>84/2009</i>		
<i>s 21(1)</i>	<i>amended by 34/2000 Sch 1 cl 14(q)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 21(2)</i>	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<b><i>s 21</i></b>	<b><i>deleted by 84/2009 s 291</i></b>	<b><i>1.2.2010</i></b>
<i>s 22</i>		
<i>s 22(1)</i>	<i>amended by 20/2005 s 37(1)</i>	<i>23.6.2005</i>
<i>s 22(2)</i>	<i>substituted by 20/2005 s 37(2)</i>	<i>23.6.2005</i>
<b>Pt 3</b>		
<i>s 23</i>		
<i>s 23(1)</i>	<i>amended by 34/2000 Sch 1 cl 14(r)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 24</i>	<i>substituted by 117/1986 s 6</i>	<i>30.9.1988</i>
<i>s 24(1)</i>	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 24(3)</i>	<i>substituted by 52/1988 s 3(a)</i>	<i>30.9.1988</i>
	<i>amended by 34/2000 Sch 1 cl 14(s)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 24(4)</i>	<i>amended by 34/2000 Sch 1 cl 14(t)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 24(4a) and (4b)</i>	<i>inserted by 52/1988 s 3(b)</i>	<i>30.9.1988</i>
<i>s 24(4c)</i>	<i>inserted by 52/1988 s 3(b)</i>	<i>30.9.1988</i>
	<i>amended by 34/2000 Sch 1 cl 14(u)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 24(6)</i>	<i>deleted by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 25</i>	<i>deleted by 117/1986 s 6</i>	<i>30.9.1988</i>
<i>s 26</i>	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 27</i>	<i>will expire by proclamation: s 27(3)</i>	
<i>s 27(1)</i>	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 27(2)</i>	<i>deleted by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 27(3) and (4)</i>	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 28</i>		
<i>s 28(1)</i>	<i>substituted by 117/1986 s 7(a)</i>	<i>30.9.1988</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 28(2)</i>	<i>substituted by 117/1986 s 7(a)</i>	<i>30.9.1988</i>
<i>s 28(3)</i>	<i>amended by 34/2000 Sch 1 cl 14(v)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 28(4)</i>	<i>amended by 34/2000 Sch 1 cl 14(w)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 28(5)</i>	<i>amended by 34/2000 Sch 1 cl 14(x)</i>	<i>6.7.2000</i>
	<i>amended by 20/2005 Sch 6</i>	<i>23.6.2005</i>
<i>s 28(6) and (7)</i>	<i>deleted by 117/1986 s 7(b)</i>	<i>30.9.1988</i>
<i>s 29</i>		

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s 29(2)	amended by 20/2005 Sch 6	23.6.2005
s 29(3)	amended by 117/1986 s 8(a)	30.9.1988
s 29(4)	amended by 34/2000 Sch 1 cl 14(y)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 29(5)	amended by 34/2000 Sch 1 cl 14(z)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 29(6) and (7)	<i>deleted by 117/1986 s 8(b)</i>	30.9.1988
s 30		
s 30(2)	amended by 20/2005 Sch 6	23.6.2005
s 30(4)	amended by 34/2000 Sch 1 cl 14(za)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 30(5)	amended by 34/2000 Sch 1 cl 14(zb)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 30(6)	amended by 34/2000 Sch 1 cl 14(zc)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 30(7) and (8)	<i>deleted by 117/1986 s 9</i>	30.9.1988
s 31		
s 31(1)	amended by 20/2005 Sch 6	23.6.2005
s 31(3)	amended by 34/2000 Sch 1 cl 14(zd)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 31(4)	amended by 34/2000 Sch 1 cl 14(ze)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 31(5)	amended by 34/2000 Sch 1 cl 14(zf)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 31(6) and (7)	<i>deleted by 117/1986 s 10</i>	30.9.1988
s 32		
s 32(2)	amended by 20/2005 Sch 6	23.6.2005
s 32(4)	amended by 34/2000 Sch 1 cl 14(zg)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 32(5)	amended by 34/2000 Sch 1 cl 14(zh)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 32(6)	amended by 34/2000 Sch 1 cl 14(zi)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 32(7) and (8)	<i>deleted by 117/1986 s 11</i>	30.9.1988
s 33	amended by 20/2005 Sch 6	23.6.2005
s 34	amended by 34/2000 Sch 1 cl 14(zj)	6.7.2000
s 35 before substitution by 20/2005		
s 35(1)	<i>amended by 34/2000 Sch 1 cl 14(zk), (zl)</i>	6.7.2000
s 35(2) and (3)	<i>deleted by 117/1986 s 12</i>	30.9.1988
s 35	substituted by 20/2005 s 38	23.6.2005
s 36	substituted by 117/1986 s 13	30.9.1988

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s 36(2) and (3)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
s 36(4)	amended by 20/2005 Sch 6	23.6.2005
s 36(5)	<i>deleted by 20/2005 Sch 6</i>	23.6.2005
s 37		
s 37(1)—(3)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 37(4)	substituted by 52/1988 s 4	30.9.1988
s 38		
s 38(1)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 38(2)	amended by 20/2005 Sch 6	23.6.2005
s 39	<i>deleted by 117/1986 s 14</i>	30.9.1988
s 40		
s 40(2)	amended by 34/2000 Sch 1 cl 14(zn), (zo)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(2a)	inserted by 117/1986 s 15(a)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zp)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(2b)	inserted by 117/1986 s 15(a)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zq)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(3)	amended by 117/1986 s 15(b)	30.9.1988
	amended by 20/2005 Sch 6	23.6.2005
s 40(4)	amended by 20/2005 Sch 6	23.6.2005
s 40(4a)	inserted by 117/1986 s 15(c)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zr)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(4b)	inserted by 117/1986 s 15(c)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zs), (zt)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(4c)	inserted by 117/1986 s 15(c)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zu)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(4d)	inserted by 117/1986 s 15(c)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zv)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 40(5)	amended by 34/2000 Sch 1 cl 14(zw)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 41		
s 41(1)	substituted by 117/1986 s 16	30.9.1988
	amended by 34/2000 Sch 1 cl 14(zx)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 41(3)—(5)	amended by 20/2005 Sch 6	23.6.2005

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s 42		
s 42(1)	amended by 34/2000 Sch 1 cl 14(zy)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 42(2)	amended by 34/2000 Sch 1 cl 14(zz), (zza)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 42(3)	amended by 34/2000 Sch 1 cl 14(zzb)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 42(4) and (5)	amended by 20/2005 Sch 6	23.6.2005
s 42(6)	amended by 34/2000 Sch 1 cl 14(zzc)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 43		
s 43(2)	amended by 117/1986 s 17(a)	30.9.1988
s 43(3)	amended by 117/1986 s 17(b)	30.9.1988
s 43(4)	amended by 20/2005 Sch 6	23.6.2005
s 43(5)	inserted by 20/2005 Sch 6	23.6.2005
Pt 4		
s 44		
s 44(1)	amended by 34/2000 Sch 1 cl 14(zzd)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 44(2)	amended by 34/2000 Sch 1 cl 14(zze)	6.7.2000
	substituted by 20/2005 Sch 6	23.6.2005
s 44(3)	amended by 34/2000 Sch 1 cl 14(zzf), (zzg)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 44(4)	amended by 34/2000 Sch 1 cl 14(zzh)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 44(5)	amended by 34/2000 Sch 1 cl 14(zzi)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 44(6)	amended by 20/2005 Sch 6	23.6.2005
s 44(7)	<i>deleted by 20/2005 Sch 6</i>	23.6.2005
s 45	amended by 20/2005 Sch	23.6.2005
s 46 before deletion by 20/2005		
s 46(2a)	<i>inserted by 117/1986 s 18(a)</i>	30.9.1988
s 46(3)	<i>amended by 117/1986 s 18(b)</i>	30.9.1988
s 46(4)	<i>amended by 117/1986 s 18(c)</i>	30.9.1988
s 46	<i>deleted by 20/2005 Sch 6</i>	23.6.2005
s 47	substituted by 20/2005 Sch 6	23.6.2005
s 48		
s 48(1)	amended by 20/2005 Sch 6	23.6.2005
s 48(2)	amended by 20/2005 Sch 6	23.6.2005
s 49		
s 49(1)	amended by 20/2005 Sch 6	23.6.2005
s 49(2)	amended by 34/2000 Sch 1 cl 14(zzj)	6.7.2000

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	substituted by 20/2005 Sch 6	23.6.2005
s 50		
s 50(1)	amended by 20/2005 Sch 6	23.6.2005
Sch	inserted by 117/1986 s 19	30.9.1988
cl 3	amended by 20/2005 s 39(1)	23.6.2005
cl 4	amended by 20/2005 s 39(2)	23.6.2005
cl 5		
cl 5(2)	amended by 20/2005 Sch 6	23.6.2005
cl 7	amended by 20/2005 s 39(3)	23.6.2005
cl 11	<i>deleted by 34/2000 Sch 1 cl 14(zzk)</i>	6.7.2000

### Historical versions

Reprint No 1—15.11.1991

Reprint No 2—6.7.2000

Reprint No 3—10.4.2003

23.6.2005