

South Australia

Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991

under the *Radiation Protection and Control Act 1982*

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Legislative history

1—Short title

These regulations may be cited as the *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991*.

2—Revocation

The *Radiation Safety (Transport of Radioactive Substances) Regulations 1984* (see *Gazette 8.3.1984 p561*), as varied, are revoked.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

the Act means the *Radiation Protection and Control Act 1982*;

the International Regulations means annex 1 of the *Transport Code*;

the Transport Code means the *Code of Practice for the Safe Transport of Radioactive Substances 1990* approved under section 9 of the *Environment Protection (Nuclear Codes) Act 1978* of the Commonwealth, as in force at the commencement of these regulations.

- (2) In these regulations, a reference to a dangerous substance of a particular class is a reference to a substance of that class within the meaning of the *Australian Code for the Transport of Dangerous Substances by Road and Rail* endorsed by the Australian Transport Advisory Council (see Commonwealth of Australia Gazette 7 April 1987), as in force from time to time.

- (3) The Australian Transport Advisory Council is a prescribed body for the purposes of section 43(4)(a) of the Act.
- (4) Where an expression used in these regulations is not defined in the Act or these regulations, the expression has, for the purposes of these regulations, the meaning (if any) assigned by the International Regulations.

4—Incorporation of Transport Code

The Transport Code (except clauses 6 and 7) is incorporated into these regulations.

5—Incorporation of International Regulations

The International Regulations are incorporated into these regulations with the following modifications:

- (a) paragraph 113 is deleted and the following paragraph is inserted:
 - 113 **Multilateral approval** shall mean approval by the Minister.; and
- (b) paragraphs 201 to 205, 207, 208 and 210 are deleted; and
- (c) paragraph 211 is varied by deleting "a **competent authority**" and substituting "the Minister"; and
- (d) paragraph 211 is varied by deleting the last sentence; and
- (e) paragraph 302 is varied by deleting "**competent authority** approval" twice occurring and substituting, in each case, "the approval of the Minister"; and
- (f) paragraph 406 is deleted and the following paragraph is substituted:
 - 406 A **package** that contains **radioactive material** the activity of which exceeds the limits set in Table IV shall not be loaded in the same **vehicle, freight container** or hold, compartment or deck of a **vessel** as a dangerous substance of any of the following classes:

Class 1	Explosives
Class 2.1	Flammable Gases
Class 3	Flammable Liquids
Class 4.1	Flammable Solids
Class 4.2	Spontaneously Combustible Substances
Class 4.3	Dangerous When Wet Substances
Class 5.1	Oxidizing Agents
Class 5.2	Organic Peroxides
Class 8	Corrosives.; and
- (g) paragraphs 410 and 411 are deleted; and
- (h) paragraph 455 is deleted and the following paragraph is substituted:

- 455 Before a **package** the design of which requires the approval of a **competent authority** first enters, or is moved within, the State, the **consignor** shall ensure that copies of any certificates issued in relation to the design of that **package** by a **competent authority** other than the Minister have been submitted to the Minister.; and
- (i) paragraph 456 is varied by deleting the first and second sentences and substituting the following sentences:
- A **consignor** shall notify the Minister before a **shipment** of a kind listed in (a), (b) or (c) below first enters, or is moved within, South Australia. The notification must be received by the Department of the Minister at least 7 days prior to the commencement of **shipment**.; and
- (j) paragraph 460 is varied by striking out "paras 205 and 206" and substituting "section 23 of the *Radiation Protection and Control Act 1982* and para. 206"; and
- (k) paragraph 472 is varied by deleting paragraph (a) and substituting the following paragraph:
- (a) A radiation protection programme for the **shipment** shall be prepared and shall be approved by the Minister.;; and
- (l) paragraph 478 is varied by striking out "paras 205 and 206" and substituting "section 23 of the *Radiation Protection and Control Act 1982* and para. 206"; and
- (m) paragraph 483 is deleted; and
- (n) paragraph 484 is varied by deleting "the appropriate **competent authority**" and substituting "the Minister"; and
- (o) paragraph 601 is varied by deleting "any of the methods listed below or by a combination thereof" and substituting "by such of the methods listed below, or by such combination of those methods, as is approved by the Minister in relation to a particular **package**."

6—Carrier's responsibilities

- (1) A carrier must comply, in relation to the transport of radioactive material, with paragraphs 206, 406, 407, 412, 413, 423, 427, 443 to 445, 460 to 468, 470, 478, 482 and 484 of the International Regulations.
- (2) A carrier must ensure that, prior to a person becoming directly involved in the transport of radioactive material on his or her behalf, the person has received adequate training concerning the radiation hazards involved, and the precautions and work practices to be observed, in the course of that transport.
- (3) A carrier must ensure that all packages of radioactive material transported by him or her are, at all times while in the course of transport in a freight container or vehicle, stowed and secured in such a manner that each package—
 - (a) will remain in position notwithstanding movements of starting, stopping, jolting or swaying to which the container or vehicle may be subject;

- (b) is kept away from heavy articles or goods likely to cause damage to it in the ordinary course of transport or in the event of accident;
 - (c) does not, where it is on a vehicle, project beyond the periphery of the vehicle.
- (4) A person who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.
Penalty: \$10 000.

7—Consignor's responsibilities

- (1) A consignor must comply, in relation to the consignment of radioactive material, with paragraphs 209, 211, 307, 401 to 405, 407 to 409, 416 to 422, 424 to 426, 428 to 445, 447, 448, 450, 451, 453 to 459, 469, 471 and 472 of the International Regulations.
- (2) A consignor must ensure that radioactive material consigned by him or her is packaged in accordance with the International Regulations.
- (3) A person who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.
Penalty: \$10 000.

8—Driver's and store keeper's responsibilities

- (1) Where—
 - (a) in the course of the transport of a package of radioactive material, the package is lost, wrongfully interfered with or damaged or radioactive material leaks from the package; or
 - (b) a vehicle being used in the transport of radioactive material is involved in an accident that results or is likely to result in damage to any package of radioactive material or any leak of radioactive material,

the driver of the vehicle that is being used to transport the radioactive material and, if the package was being stored in the course of transport at the time, the person in charge of the place of storage must—

 - (c) forthwith report the matter to the consignor of the material and to the Minister, giving details of the package and the circumstances of the loss, interference, damage, leak or accident and any further details reasonably required by the consignor or the Minister; and
 - (d) prevent, as far as practicable, access to the package by any person other than a person authorised by the Minister or the consignor; and
 - (e) obey any directions given by the Minister in respect of the package.
- (2) A person who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.
Penalty: \$10 000.
- (3) It is a defence to a charge of an offence against subregulation (1)(c) to prove that the defendant—
 - (a) did not know, and had no reason to suspect, that the loss, interference, damage, leak or accident had occurred; or

- (b) reported the matter as soon as practicable after it came to his or her knowledge or after he or she suspected that it had occurred; or
- (c) believed on reasonable grounds that the requisite report had been made.

9—Interference

A person must not, without the approval of the relevant carrier or consignor or the Minister, interfere with—

- (a) the contents of a consignment; or
- (b) any label or marking required by the International Regulations; or
- (c) a document relating to the consignment,

except in the course of transporting the consignment in accordance with the Act and these regulations.

Penalty: \$10 000.

10—Summary offences

An offence against these regulations is a summary offence.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Revocation of regulations

The *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991* were revoked by the *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003* on 18.12.2003.

Principal regulations and variations

Year	No	Reference	Commencement
1991	244	<i>Gazette 12.12.1991 p1857</i>	12.12.1991
2000	170	<i>Gazette 6.7.2000 p43</i>	6.7.2000: r 2

Provisions varied

Provision	How varied	Commencement
r 5	varied by 170/2000 r 3	6.7.2000
r 8		
r 8(1)	varied by 170/2000 r 4	6.7.2000
r 9	varied by 170/2000 r 5	6.7.2000