

South Australia

Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2018

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 2018*.

2—Commencement

These regulations will come into operation on 1 September 2018.

3—Interpretation

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

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

ARPANSA means the Australian Radiation Protection and Nuclear Safety Agency;

dangerous situation means a situation that is creating or is likely to create—

- (a) imminent risk to the health or safety of a person, or the safety of a person's property; or
- (b) imminent risk of environmental harm;

emergency services officer means—

- (a) an officer or employee of South Australian Metropolitan Fire Service, South Australian Country Fire Service or South Australian State Emergency Service; or
- (b) an ambulance officer;

International Regulations means Schedule A of the Transport Code as modified by Schedule 1;

Transport Code means the code entitled *Safe Transport of Radioactive Material*, Radiation Protection Series C-2, published by the Chief Executive Officer of ARPANSA in December 2014, as modified by Schedule 1.

- (2) If an expression used in these regulations is defined in the Transport Code, that expression has, unless the contrary intention appears, the same meaning as in the Transport Code.

4—Prescribed body

For the purposes of section 43(4)(a) of the Act, ARPANSA is a prescribed body.

5—Responsibilities of consignors and carriers

- (1) A consignor must, in relation to the consignment of radioactive material, comply with the requirements of the International Regulations specified in clause 2.8 of the Transport Code (other than paragraphs 311, 312, 313, 314 and 315 of the International Regulations).

Maximum penalty: \$10 000.

- (2) A carrier must, in relation to the transport of radioactive material, comply with the requirements of the International Regulations specified in clause 2.9 of the Transport Code (other than paragraphs 311, 312, 313, 314 and 315 of the International Regulations).

Maximum penalty: \$10 000.

- (3) A carrier must ensure that, at all times during the course of the carriage of packages of radioactive material in a freight container or in or on a vehicle, each package is stowed and secured in such a manner that—

- (a) the package will remain in position despite movements of starting, stopping, jolting or swaying to which the container or vehicle may be subject; and
- (b) the package 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; and
- (c) if carried on a vehicle—the package does not project beyond the periphery of the vehicle.

Maximum penalty: \$10 000.

- (4) If a vehicle carrying radioactive material is involved in an incident resulting in a dangerous situation—

- (a) the consignor of the radioactive material must, as soon as practicable after being asked by an authorised officer or emergency services officer—
 - (i) give the officer the information the officer requires about—

- (A) the properties of the radioactive materials being transported; and
 - (B) safe methods of handling the radioactive materials; and
 - (C) safe methods of containing and controlling the radioactive materials in a dangerous situation; and
 - (ii) provide the equipment and other resources necessary—
 - (A) to control the dangerous situation; and
 - (B) to contain, control, recover and dispose of radioactive material that has leaked, spilled or accidentally escaped;
- (b) the carrier of the radioactive material must, as soon as practicable after being asked by an authorised officer or emergency services officer—
 - (i) give the officer the information the officer requires about the vehicle's construction, properties and equipment; and
 - (ii) provide the equipment and other resources necessary—
 - (A) to control the dangerous situation; and
 - (B) to recover the vehicle or its equipment.

Maximum penalty: \$10 000.

- (5) If the consignor and the carrier of radioactive material are asked to give the same information or provide the same resources for an incident referred to in subregulation (4), it is sufficient if the consignor or, as the case may be, the carrier, gives the information or provides the resources.
- (6) A consignor or carrier who employs or engages a person to perform a task involved in the transportation of radioactive material must ensure that—
 - (a) the person has received appropriate instruction and training to ensure that the person is at all times able to perform the task safely and in accordance with these regulations and the International Regulations; and
 - (b) the person is at all times appropriately supervised in performing the task to ensure that the person is able to perform the task safely and in accordance with these regulations and the International Regulations; and
 - (c) records of all safety training undertaken by the person are kept and made available to the person if requested.

Maximum penalty: \$10 000.

- (7) Without limiting subregulation (6), a consignor or carrier must ensure that a person employed or engaged by them to perform a task involved in the transportation of radioactive material—
 - (a) receives training designed to familiarise the person with the general provisions of the International Regulations; and
 - (b) receives training that includes—
 - (i) a description of the different categories of radioactive material; and

- (ii) requirements relating to the labelling, marking, placarding and packaging and segregation requirements of the International Regulations; and
 - (iii) a description of the purpose and content of radioactive material transport documents; and
 - (iv) a description of available emergency response documents; and
 - (c) receives training specific to the radioactive material transport requirements that are applicable to the task that the person has been employed or engaged to perform; and
 - (d) receives safety training that—
 - (i) is commensurate with the risk of exposure in the event of the release of radioactive material; and
 - (ii) is relevant to the task that the person has been employed or engaged to perform,
including—
 - (iii) training on methods and procedures for avoiding accidents (such as the proper use of package handling equipment and appropriate methods of stowage of radioactive material); and
 - (iv) training on available emergency response information and how to use it; and
 - (v) training on the dangers presented by the different categories of radioactive material and how to prevent exposure to such dangers (including, if appropriate, the use of personal protective clothing and equipment); and
 - (vi) training on the immediate procedures to be followed in the event of an unintentional release of radioactive material, including—
 - (A) any emergency response procedures for which the person is responsible; and
 - (B) any personal protection procedures.
- (8) A consignor or carrier must ensure that a person employed or engaged by them to perform a task involved in the transportation of radioactive material has received the training referred to in subregulation (7) before the person commences to perform any such task and thereafter at intervals of 3 years (or at such other intervals as may be directed by the Minister).
Maximum penalty: \$10 000.
- (9) A person must not manage, control or supervise a task involved in the transportation of radioactive material unless the person has received instruction and training to enable the person to manage, control or supervise (respectively) another person to perform the task safely and in accordance with these regulations and the International Regulations.
Maximum penalty: \$10 000.

- (10) For the purposes of this regulation, a task involved in the transportation of radioactive material includes the following:
- (a) the classifying of radioactive material to be transported;
 - (b) the packing or unpacking of radioactive material;
 - (c) the marking or labelling of radioactive material;
 - (d) the marking or placarding of packages of radioactive material;
 - (e) the consigning of radioactive material for transport;
 - (f) the loading or unloading of packages of radioactive material;
 - (g) the carrying or handling of radioactive material in transport;
 - (h) the preparation of transport documentation for radioactive material;
 - (i) the driving of vehicles transporting radioactive material;
 - (j) the maintenance of vehicles or equipment used in the transport of radioactive material;
 - (k) the acceptance or receiving of a consignment of radioactive material (as the consignee).

6—Responsibilities of drivers and storekeepers

- (1) If, while a package of radioactive material is being transported—
- (a) the package is lost, wrongfully interfered with or damaged; or
 - (b) radioactive material leaks from the package,
- the driver of the vehicle being used to transport the package must—
- (c) forthwith report the matter to all relevant persons, giving details of the package and the circumstances of the loss, interference, damage or leak and such other details as are reasonably required by the relevant person to whom the report is being made; and
 - (d) prevent, as far as practicable, access to the package by anyone other than a person authorised by a relevant person; and
 - (e) obey any directions given by the Minister in respect of the package.
- Maximum penalty: \$10 000.
- (2) If, while a package of radioactive material is being stored in the course of transit—
- (a) the package is lost, wrongfully interfered with or damaged; or
 - (b) radioactive material leaks from the package,
- the person in charge of the place of storage of the package must—
- (c) forthwith report the matter to all relevant persons, giving details of the package and the circumstances of the loss, interference, damage, leak or accident and such other details as are reasonably required by the relevant person to whom the report is being made; and
 - (d) prevent, as far as practicable, access to the package by anyone other than a person authorised by a relevant person; and

(e) obey any directions given by the Minister in respect of the package.

Maximum penalty: \$10 000.

- (3) It is a defence to a charge of an offence against subregulation (1)(c) or (2)(c) to prove that—
- (a) the defendant did not know, and had no reason to suspect, that the loss, interference, damage, leak or accident had occurred; or
 - (b) the defendant 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) the defendant believed on reasonable grounds that the requisite report had been made.
- (4) For the purposes of this regulation, the following are relevant persons:
- (a) the carrier of the package of radioactive material;
 - (b) the consignor of the package of radioactive material;
 - (c) the Minister.

7—Interference

- (1) A person must not, without the approval of a relevant person, interfere with—
- (a) the contents of a consignment of radioactive material; or
 - (b) a label or marking required by the International Regulations in relation to a package of radioactive material; or
 - (c) a document relating to a consignment of radioactive material,
- except in the course of transporting the radioactive material in accordance with the Act and these regulations.
- Maximum penalty: \$10 000.
- (2) For the purposes of this regulation, the following are relevant persons:
- (a) the carrier of the package of radioactive material;
 - (b) the consignor of the package of radioactive material;
 - (c) the Minister.

Schedule 1—Modifications to Transport Code and International Regulations

1—Modifications to Transport Code

- (1) Clause 2.3—delete the clause and substitute:
- 2.3 The ‘relevant transport regulations for dangerous goods’ referred to in paragraphs 110, 506 and 507 of the International Regulations are the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008* which are based on the 7th edition of the *Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG7)*.

- (2) Clause 2.4—delete "ADG7" and substitute:

Dangerous Substances (Dangerous Goods Transport) Regulations 2008

- (3) Annex A, Table 1—delete the entry relating to South Australia and substitute:

South Australia Environment Protection Authority	Minister for Environment and Water
GPO Box 2607	Tel: (08) 8463 7826
Adelaide SA 5001	Fax: (08) 8124 4671
Email:	
EPARadiationProtectionBranch@sa.gov.au	

2—Modifications to International Regulations

- (1) Paragraph 557—delete the paragraph and substitute:

557. The *consignor* shall ensure that before a *package*, the design of which requires the approval of a *competent authority* first enters, or is moved within the State, copies of any certificate issued in relation to the design of that *package* by a *competent authority* for a place outside this State have been submitted to the *competent authority* for this State.

- (2) Paragraph 558—delete the first and second sentences of the paragraph and substitute:

The *consignor* shall, at least 7 days before *shipment* of a kind listed in (a), (b) or (c) below first enters, or is moved within, the State, give the *competent authority* for the State notice of the *shipment*.

- (3) Paragraph 562—delete (a) and (b) and substitute:

(a) In accordance with section 23 of the *Radiation Protection and Control Act 1982*;

- (4) Paragraph 701—delete "any of the following methods listed below or by a combination thereof" and substitute:

such of the methods listed below, or by such combination of those methods, as is approved by the *competent authority* for the State in relation to a particular *package*

Schedule 2—Revocation of *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003*

1—Revocation of Regulations

The *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003* are revoked.

Legislative history

Notes

- 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.

Principal regulations

Year	No	Reference	Commencement
2018	187	<i>Gazette 19.7.2018 p2876</i>	1.9.2018: r 2