

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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Legislative history

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—

accreditation means an accreditation under Part 3 Division 3B;

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;

developmental testing operations means pilot operations for the extraction or processing of ores or minerals for the purposes of evaluating future mining or mineral processing operations;

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;

mineral processing means operations for the concentration or processing of ores or minerals, or operations for processing fluids from *in situ* or other leaching operations conducted on ores or minerals, and includes incidental operations for the management of radioactive process materials, residues and wastes;

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

mining means operations for the recovery, handling or storage of ores or minerals and includes—

- (a) construction activities to establish any mine facilities; and
- (b) incidental operations for the recovery, handling or storage of ores or minerals; and
- (c) incidental operations for the management or disposal of waste or residues; and
- (d) rehabilitation activities to restore land disturbed by mining operations; and
- (e) *in situ* leaching and operations by means of which minerals are recovered from an ore or a natural body of water; and
- (f) other operations brought within the ambit of this definition by the regulations,

but does not include—

- (g) surface excavating that does not intersect with any such ores or minerals; or
- (h) surface drilling for the purposes of exploration; or
- (i) geophysical prospecting; or
- (j) other operations excluded from the ambit of this definition by the regulations;

mining licence means a licence authorising the carrying out of operations for the mining or processing of ores or extracted minerals;

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;

radiation source means a sealed radioactive source, unsealed radioactive substance or radiation apparatus, or any equipment, object, article or thing that emits or may emit ionising or non-ionising radiation when energised;

radioactive ore means an ore or mineral containing more than the prescribed concentrations of a radioactive element or compound;

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;

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

23A—Licence to test for developmental purposes

- (1) A person must not carry out developmental testing operations involving or in relation to mining or mineral processing where a prescribed radioactive substance is present unless the operations are authorised by a licence granted by the Minister under this section.
Maximum penalty: \$50 000 or imprisonment for 5 years.
- (2) For the purposes of subsection (1) (and without limiting that subsection), operations in relation to mining or mineral processing include—
 - (a) establishing, operating or decommissioning any developmental testing facilities; and
 - (b) operations for the rehabilitation of land on account of the impact of any operations associated with developmental testing; and
 - (c) other operations brought within the ambit of this section by the regulations.
- (3) Subsection (1) does not apply to operations of a prescribed class.
- (4) An application for a licence—
 - (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (5) The Minister must not grant a licence under this section unless the Minister is satisfied that the proposed operations would comply with the regulations.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) A licence under this section must specify the operations to which it applies and the places at which those operations may be carried out.
- (10) In this section—
prescribed radioactive substance means a radioactive substance containing more than the prescribed concentration of any naturally occurring radioactive element or compound.

24—Licence to carry out mining or mineral processing

- (1) A person must not carry out operations for or in relation to mining or mineral processing where a prescribed radioactive substance is present or will be produced unless the operations are authorised by a licence granted by the Minister under this section.

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

- (1a) For the purposes of subsection (1) (and without limiting that subsection), operations in relation to mining or mineral processing include—
- (a) establishing, operating or decommissioning any facilities associated with mining or mineral processing; and
 - (b) operations for the rehabilitation of land on account of the impact of any operations associated with mining or mineral processing; and
 - (c) other operations brought within the ambit of this section by the regulations.
- (2) Subsection (1) does not apply to operations of a prescribed class.
- (3) An application for a licence—
- (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (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.
- (6) In this section—

prescribed radioactive substance means a radioactive substance containing more than the prescribed concentration of any naturally occurring radioactive element or compound.

26—Limits of exposure to ionising radiation for mining or mineral processing 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 mining or mineral processing 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 granted by the Minister under this section.
Maximum penalty: \$10 000.
- (2) Subsection (1) does not apply to a person or substance of a prescribed class.
- (3) An application for a licence or a temporary licence—
 - (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (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 to premises or a substance of a prescribed class.
- (4) The Minister may register premises for the purposes of this section.
- (4a) An application for registration—
- (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (5) The Minister must not register premises under this section unless the Minister is satisfied that the premises comply with the regulations.

29A—Facilities licence

- (1) This section applies to facilities of a prescribed class where a radiation source is produced, processed, used, handled, stored, disposed of or otherwise managed (to be called "radiation facilities" for the purposes of this section).
- (2) A person must not prepare a site for, or construct, establish, control, operate, manage, decommission, dispose of or abandon, a radiation facility unless authorised to do so by a licence granted by the Minister under this section.
Maximum penalty: \$100 000.
- (3) Subsection (2) does not apply to a person of a prescribed class.
- (4) An application for a licence—
- (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (5) The Minister must not grant a 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 undertake the role or to carry out the activities to which the licence is related; and

- (c) that the facility and any relevant operations comply, or will comply, with the regulations.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) A licence under this section must specify the facility and operations to which it applies.

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 register sealed radioactive sources for the purposes of this section.
- (4a) An application for registration—
 - (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (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 grant a licence or temporary licence under this section.
- (3a) An application for a licence—
 - (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (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 register any apparatus under this section.
- (4a) An application for registration—
 - (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.

- (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 3A—Licence to possess a radiation source

33A—Licence to possess a radiation source

- (1) A person must not be in possession of a radiation source unless authorised by a licence granted by the Minister under this section.
Maximum penalty: \$100 000.
- (2) Subsection (1) does not apply—
 - (a) in prescribed circumstances; or
 - (b) to or in relation to any person or thing of a prescribed class.
- (3) An application for a licence—
 - (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (4) The Minister must not grant a 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 have possession of the radiation source in the circumstances to which the licence is to relate; and
 - (c) that any requirement prescribed by the regulations is complied with or satisfied.
- (5) 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.
- (6) 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.

- (7) 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.

Division 3B—Accreditation of third party service providers

33B—Accreditation process

- (1) An application for accreditation for the purposes of this Division—
- (a) must be made to the Minister; and
 - (b) must be in the prescribed form; and
 - (c) must be accompanied by the prescribed fee.
- (2) The Minister must not grant an accreditation unless the Minister is satisfied—
- (a) that the applicant is a fit and proper person to hold an accreditation under this Division; and
 - (b) that the applicant has appropriate skills, qualifications, knowledge or experience to properly carry out the activities authorised by the accreditation; and
 - (c) that the applicant satisfies any other requirements for accreditation prescribed by the regulations.
- (3) The Minister may establish various classes of accreditation for the purposes of this Act.
- (4) In addition, an accreditation may, according to its terms, be limited as to the matters to be covered by the accreditation.

33C—Authority conferred by accreditation

Accreditation authorises the person named in the accreditation—

- (a) to conduct tests on radiation sources;
 - (b) to undertake activities to assess compliance with this Act or any requirements prescribed by the regulations;
 - (c) to issue certificates of compliance or certificates of competency in relation to matters regulated under this Act;
 - (d) to conduct courses of training leading to qualifications to hold a licence or registration under this Act;
 - (e) to carry out other activities determined or approved by the Minister,
- subject to, and in accordance with, the terms and conditions of the accreditation.

33D—Reliance on professional advice

The Minister may, in the exercise of a function under this Act, rely on a certificate issued by a person who holds an accreditation under this Division.

33E—Accreditation fees

- (1) A fee of an amount determined in accordance with the regulations is payable in respect of each year of the term of an accreditation under this Division.
- (2) The fee for the first year of the term of an accreditation under this Division must be paid before the grant of the accreditation and the fee for each succeeding year must be paid on or before the anniversary of the date of the grant of the accreditation or, if it has been renewed, the anniversary of the date of its last renewal.
- (3) The amount of an annual fee for an accreditation not paid as required under this section may be recovered from the holder of the accreditation by action in a court of competent jurisdiction as a debt due to the Minister.

33F—Offences

- (1) A person who is not an accredited person under this Division must not hold himself or herself out as, or pretend to be, the holder of an accreditation under this Division.
Maximum penalty: \$10 000.
- (2) A person must not alter or permit to be altered any information or statement in a certificate issued by an accredited person for the purposes of this Act unless—
 - (a) the alteration is authorised in writing by the accredited person who issued the certificate; or
 - (b) the alteration is made in prescribed circumstances.Maximum penalty: \$20 000.
- (3) A person must not, in issuing a certificate of compliance or a certificate of competency for the purposes of this Act, make or cause to be made a statement that is false or misleading in a material particular.
Maximum penalty: \$20 000.

Division 4—General provisions with respect to accreditations and authorities

34—Minister may require information to determine applications

The Minister may, before determining an application for an accreditation or authority—

- (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 accreditations and authorities

- (1) Subject to this section, an accreditation or authority is subject to—
 - (a) such conditions as are included in the licence or the certificate of accreditation or registration at the time of grant; and
 - (b) such conditions as are attached to the accreditation or authority under this section.
- (2) The Minister may, by notice in writing to the holder of an accreditation or authority—
 - (a) attach a condition to the accreditation or authority; or
 - (b) vary or revoke a condition of the accreditation or authority.
- (3) A decision of the Minister to attach a condition to, or to vary a condition of, an accreditation or authority 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 an accreditation or authority must not contravene, or fail to comply with, a condition of the accreditation or authority.

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

37—Term of accreditations and authorities and their renewal

- (1) An accreditation or authority will, subject to this Act, remain in force for such term as the Minister may specify—
 - (a) in the case of an accreditation or registration—in the certificate of accreditation or registration; or
 - (b) in the case of a licence—in the licence.
- (2) The Minister must, subject to this Act, on application made in the prescribed manner and form and payment of the prescribed fee, renew an accreditation or authority.
- (3) An accreditation or authority renewed under this section will, subject to this Act, remain in force for such term (being not less than 12 months) as the Minister may specify—
 - (a) in the case of an accreditation or registration—in the certificate of accreditation or registration; or
 - (b) in the case of a licence—in the licence.
- (4) In this section—

licence does not include a temporary licence;

prescribed fee means—

- (a) in relation to a licence under section 23A, 24, 29A or 33A—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 accreditation or authority.

38—Register

- (1) The Minister must keep a register of accreditations and authorities 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 accreditations and authorities

- (1) The holder of a licence or certificate of accreditation or registration may surrender the licence or certificate.
- (2) The Minister may suspend or cancel an accreditation or authority if the Minister is satisfied—
 - (a) that the grant of the accreditation or authority was obtained improperly; or
 - (b) that the holder of the licence or certificate of accreditation or registration has contravened, or failed to comply with, a condition of the accreditation or authority; or
 - (c) that the holder of the licence or certificate of accreditation or 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; or
 - (e) that, in the case of an accreditation, the holder of the accreditation—
 - (i) has ceased to hold a qualification on the basis of which the Minister granted the accreditation; or
 - (ii) has not acted competently or appropriately in undertaking activities under the accreditation; or
 - (f) events have occurred or circumstances have changed such that the holder of the accreditation or authority would not be entitled to be granted that accreditation or authority if an application were now to be made.
- (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) An accreditation or authority—
 - (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 an accreditation or authority 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 licence or registration is suspended, the Minister may give such directions in relation to—
- (a) the use or occupation of any 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 licence or registration is cancelled, the Minister may—
- (a) in relation to any relevant 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 licensed or 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 an accreditation or authority under this section, the Minister must advise the Committee of that fact.

41—Review of decisions relating to accreditations and authorities

- (1) A person aggrieved by a decision of the Minister—
- (a) to refuse to grant an accreditation or authority; or
 - (b) to attach a condition to an accreditation or authority; or
 - (c) to vary a condition of an accreditation or authority; or
 - (d) to suspend an accreditation or authority; or
 - (e) to cancel an accreditation or authority; or
 - (f) to give a direction in relation to the suspension or cancellation of an accreditation or authority,
- 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 processing, 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 accreditations or authorities 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.
- (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 accreditation or 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 accreditation or 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 accreditation or 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 accreditation or 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

- 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.

Repeal of Act

The *Radiation Protection and Control Act 1982* was repealed by Sch 2 cl 3 of the *Radiation Protection and Control Act 2021* on 11.2.2023.

Legislation amended by principal Act

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

Health Act 1935

Principal Act and amendments

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>)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 128 (ss 290 & 291)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)

Radiation Protection and Control Act 1982—1.7.2012 to 10.2.2023—repealed

Legislative history

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

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		
accreditation	inserted by 22/2010 s 65(1)	1.3.2012
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
developmental testing operations	inserted by 22/2010 s 65(2)	1.3.2012
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
<i>milling</i>	<i>substituted by 117/1986 s 3(d)</i>	30.9.1988
	<i>deleted by 22/2010 s 65(3)</i>	1.3.2012
mineral processing	inserted by 22/2010 s 65(3)	1.3.2012
<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
	substituted by 22/2010 s 65(4)	1.3.2012
	amended by 39/2011 s 4	1.3.2012
<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
	substituted by 22/2010 s 65(5)	1.3.2012

<i>prescribed mining tenement</i>	<i>deleted by 117/1986 s 3(f)</i>	30.9.1988
radiation source	inserted by 22/2010 s 65(6)	1.3.2012
radioactive ore	amended by 22/2010 s 65(7)	1.3.2012
<i>thorium</i>	<i>deleted by 22/2010 s 65(8)</i>	1.3.2012
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
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>		
s 15(1) and (2)	<i>amended by 34/2000 Sch 1 cl 14(n)</i>	6.7.2000
	<i>amended by 20/2005 Sch 6</i>	23.6.2005
s 15	substituted by 84/2009 s 290	1.2.2010
s 16		
s 16(1)	substituted by 34/2000 Sch 1 cl 14(o)	6.7.2000

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s 16(2)	<i>deleted by 20/2005 s 35</i>	23.6.2005
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>	23.6.2005
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
s 21 before deletion by 84/2009		
s 21(1)	<i>amended by 34/2000 Sch 1 cl 14(q)</i>	6.7.2000
	<i>amended by 20/2005 Sch 6</i>	23.6.2005
s 21(2)	<i>amended by 20/2005 Sch 6</i>	23.6.2005
s 21	<i>deleted by 84/2009 s 291</i>	1.2.2010
s 22		
s 22(1)	amended by 20/2005 s 37(1)	23.6.2005
s 22(2)	substituted by 20/2005 s 37(2)	23.6.2005
Pt 3		
Pt 3 Div 1		
s 23		
s 23(1)	amended by 34/2000 Sch 1 cl 14(r)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
Pt 3 Div 2		
s 23A	inserted by 22/2010 s 66	1.3.2012
s 24	substituted by 117/1986 s 6	30.9.1988
s 24(1)	amended by 20/2005 Sch 6	23.6.2005
	substituted by 22/2010 s 67(1)	1.3.2012
s 24(1a)	inserted by 22/2010 s 67(1)	1.3.2012
s 24(3)	substituted by 52/1988 s 3(a)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(s)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	substituted by 22/2010 s 67(2)	1.3.2012
s 24(4)	amended by 34/2000 Sch 1 cl 14(t)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005

s 24(4a) and (4b)	inserted by 52/1988 s 3(b)	30.9.1988
s 24(4c)	inserted by 52/1988 s 3(b)	30.9.1988
	amended by 34/2000 Sch 1 cl 14(u)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
<i>s 24(6)</i>	<i>deleted by 20/2005 Sch 6</i>	<i>23.6.2005</i>
s 24(6)	inserted by 22/2010 s 67(3)	1.3.2012
s 25	<i>deleted by 117/1986 s 6</i>	<i>30.9.1988</i>
s 26	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 68	1.3.2012
s 27	will expire by proclamation: s 27(3)	
s 27(1)	amended by 20/2005 Sch 6	23.6.2005
<i>s 27(2)</i>	<i>deleted by 20/2005 Sch 6</i>	<i>23.6.2005</i>
s 27(3) and (4)	amended by 20/2005 Sch 6	23.6.2005
s 28		
s 28(1)	substituted by 117/1986 s 7(a)	30.9.1988
	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 69(1)	1.3.2012
s 28(2)	substituted by 117/1986 s 7(a)	30.9.1988
	substituted by 39/2011 s 5	1.3.2012
s 28(3)	amended by 34/2000 Sch 1 cl 14(v)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	substituted by 22/2010 s 69(2)	1.3.2012
s 28(4)	amended by 34/2000 Sch 1 cl 14(w)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
s 28(5)	amended by 34/2000 Sch 1 cl 14(x)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
<i>s 28(6) and (7)</i>	<i>deleted by 117/1986 s 7(b)</i>	<i>30.9.1988</i>
s 29		
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
	substituted by 39/2011 s 6	1.3.2012
s 29(4)	amended by 34/2000 Sch 1 cl 14(y)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	substituted by 22/2010 s 70	1.3.2012
s 29(4a)	inserted by 22/2010 s 70	1.3.2012
s 29(5)	amended by 34/2000 Sch 1 cl 14(z)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
<i>s 29(6) and (7)</i>	<i>deleted by 117/1986 s 8(b)</i>	<i>30.9.1988</i>
s 29A	inserted by 22/2010 s 71	1.3.2012
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

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	substituted by 22/2010 s 72	1.3.2012
s 30(4a)	inserted by 22/2010 s 72	1.3.2012
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
Pt 3 Div 3		
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
	substituted by 22/2010 s 73	1.3.2012
s 31(3a)	inserted by 22/2010 s 73	1.3.2012
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
	substituted by 22/2010 s 74	1.3.2012
s 32(4a)	inserted by 22/2010 s 74	1.3.2012
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
Pt 3 Div 3A	inserted by 22/2010 s 75	1.7.2012
Pt 3 Div 3B	inserted by 22/2010 s 75	1.3.2012
Pt 3 Div 4		
heading	substituted by 22/2010 s 76	1.3.2012
s 34	amended by 34/2000 Sch 1 cl 14(zj)	6.7.2000
	amended by 22/2010 s 77	1.3.2012
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
s 36(1)	amended by 22/2010 s 78(1)—(3)	1.3.2012
s 36(2)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 22/2010 s 78(1), (3)	1.3.2012
s 36(3)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 22/2010 s 78(1)	1.3.2012
s 36(4)	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 78(1), (3)	1.3.2012
s 36(5)	<i>deleted by 20/2005 Sch 6</i>	23.6.2005
s 37		
s 37(1)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	substituted by 22/2010 s 79(1)	1.3.2012
s 37(2)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 79(2)	1.3.2012
s 37(3)	amended by 34/2000 Sch 1 cl 14(zm)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	substituted by 22/2010 s 79(3)	1.3.2012
s 37(4)	substituted by 52/1988 s 4	30.9.1988
prescribed fee	amended by 22/2010 s 79(4), (5)	1.3.2012
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
	amended by 22/2010 s 80	1.3.2012
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(1)	amended by 22/2010 s 81(1)	1.3.2012
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
	amended by 22/2010 s 81(2)—(6)	1.3.2012
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
	amended by 22/2010 s 81(7)	1.3.2012
s 40(4)	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 81(2)	1.3.2012

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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
	amended by 22/2010 s 81(8), (9)	1.3.2012
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
	amended by 22/2010 s 81(10), (11)	1.3.2012
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
	amended by 22/2010 s 81(12)	1.3.2012
s 40(5)	amended by 34/2000 Sch 1 cl 14(zw)	6.7.2000
	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 81(2)	1.3.2012
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
	amended by 22/2010 s 82	1.3.2012
s 41(3)—(5)	amended by 20/2005 Sch 6	23.6.2005
Pt 3 Div 5		
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
Pt 3 Div 6		
s 43		
s 43(2)	amended by 117/1986 s 17(a)	30.9.1988
	amended by 22/2010 s 83(1)	1.3.2012
s 43(3)	amended by 117/1986 s 17(b)	30.9.1988
	amended by 22/2010 s 83(2)	1.3.2012
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
<i>s 46 before deletion by 20/2005</i>		
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
	amended by 22/2010 s 84(1)	1.3.2012
s 49(2)	amended by 34/2000 Sch 1 cl 14(zzj)	6.7.2000
	substituted by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 84(2)	1.3.2012
s 50		
s 50(1)	amended by 20/2005 Sch 6	23.6.2005
	amended by 22/2010 s 85(1)	1.3.2012
s 50(2)	amended by 22/2010 s 85(2)	1.3.2012
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

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Reprint No 2—6.7.2000

Reprint No 3—10.4.2003

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