South Australia

Radiation Protection and Control Act 2021

An Act to control activities involving radiation sources and to provide for the protection of people and the environment from the 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 2021*.

3—Interpretation

(1) In this Act, unless the contrary intention appears—

accreditation means an accreditation issued under this Act;

associate—see subsection (3);

authorisation means a licence or registration issued under this Act;

authorised officer means a person appointed as an authorised officer under Part 7;

carrier means a person who—

(a) carries on the business of transporting goods; and

(b) undertakes to be responsible, or is responsible, for the transport of the goods;

Committee—see section 8;

contravene includes fail to comply with;

corresponding law means a law of the Commonwealth, or of a State or Territory, declared by the regulations to be a corresponding law for the purposes of this Act;

deal with means use, manufacture, store, sell, receive, possess, install, operate, maintain, repair, dispose of or transport;

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act;

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

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

environment means land, air, water, organisms and ecosystems, and includes—

(a) human-made or modified structures or areas; and

(b) the amenity values of an area;

ERD Court means the Environment, Resources and Development Court established under the *Environment, Resources and Development Court Act 1993*;

exemption means an exemption granted under this Act;

exploration means operations of any kind carried out in the course of—

(a) exploring for minerals; or

(b) determining the extent of a mineral deposit,

and includes surface drilling and geophysical prospecting;

general duty of care—see section 53;

handle includes manipulate by indirect or remote means;

health practitioner means a person who practises 1 or more of the following:

(a) a health profession (within the meaning of the *Health Practitioner Regulation National Law (South Australia)*;

(b) any other profession or practice included in the ambit of this definition by the regulations;

health services—

(a) in the case of a person who practises a health profession—means the provision of services by the health practitioner in the person's particular health profession; or

(b) in any other case—has the meaning assigned by the regulations;

high risk radioactive material means radioactive material of a kind designated by the regulations as high risk radioactive material for the purposes of this Act;

high risk radioactive source means a radiation source of a kind designated by the regulations as a high risk radioactive source for the purposes of this Act;

identity check has the meaning assigned to it by the regulations;

information discovery order means an information discovery order issued under Part 7 Division 4;

in situ recovery means a process by which chemical solutions are injected into underground ore deposits to dissolve or leach—

(a) elements that include radioactive elements; or

(b) compounds that include radioactive compounds;

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;

licence means a radiation management licence or radiation use licence;

mineral processing means operations for the concentration or processing of ores or minerals, or operations for processing fluids from *in situ* or other recovery operations conducted on ores or minerals, and includes—

(a) incidental operations for the management of radioactive process materials, residues or wastes; and

(b) any other operations included in the ambit of this definition by the regulations;

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* recovery and other operations by means of which minerals are recovered from an ore or a natural body of water; and

(f) any other activities or operations included in 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) any other operations excluded from the ambit of this definition by the regulations;

Minister for Health means the Minister responsible for the administration of the *South Australian Public Health Act 2011*;

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;

officer, in relation to a body corporate, means—

(a) a director of the body corporate; or

(b) the chief executive officer of the body corporate; or

(c) a receiver or manager of any property of the body corporate or a liquidator of the body corporate,

and includes, in relation to a contravention or alleged contravention of this Act by the body corporate, an employee of the body corporate with management responsibilities in respect of the matters to which the contravention or alleged contravention related;

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

permit means a permit issued under section 48 of this Act;

place includes any premises;

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

principles of ecologically sustainable development—see section 7;

radiation means ionising radiation or non-ionising radiation;

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

radiation facility means a facility of a prescribed class at which a radiation source is used, handled, stored, disposed of or otherwise managed;

radiation management licence means a radiation management licence issued under this Act;

radiation protection cessation order means a radiation protection cessation order issued under section 55;

radiation protection order means a radiation protection order issued under section 54 or 55;

radiation protection principle—see section 6;

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

radiation use licence means a radiation use licence issued under this Act;

radioactive material means a material or substance occurring naturally or artificially produced (whether solid, liquid or gaseous) that—

(a) contains more than the prescribed concentration of a radioactive element or compound (whether natural or artificial); or

(b) contains a radioactive element or compound that has an activity exceeding the prescribed amount,

(or both) and includes a device or thing that contains such a material or substance;

registration means registration under this Act;

reparation authorisation means a reparation authorisation issued under section 61;

reparation order means a reparation order issued under section 57;

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

sealed radioactive source means a radioactive material that is sealed in a capsule or associated with a material to which it is closely bonded, being a capsule or bonding material that is strong enough to maintain leak-tightness of the sealed source under the conditions of use and wear for which it was designed;

security background check has the meaning assigned to it by the regulations;

security enhanced radioactive source means a radiation source of a kind designated by the regulations as a security enhanced radioactive source for the purposes of this Act;

seizure order means a seizure order made by an authorised officer under section 71;

spouse—a person is the spouse of another if they are legally married;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

unsealed radioactive material means a radioactive material that is not a sealed radioactive source;

uranium includes a chemical compound of uranium;

vehicle has the same meaning as in the *Road Traffic Act 1961*;

vessel has the same meaning as in the *Harbors and Navigation Act 1993*.

(2) In this Act, a reference to a ***vehicle*** includes a reference to a train, tram, vessel or aircraft unless it is otherwise expressly stated.

(3) For the purposes of this Act, a person is an ***associate*** of another if—

(a) they are partners; or

(b) 1 is a spouse, domestic partner, parent or child of another; or

(c) they are both trustees or beneficiaries of the same trust, or 1 is a trustee and the other is a beneficiary of the same trust; or

(d) 1 is a body corporate or other entity (whether inside or outside Australia) and the other is a director or member of the governing body of the body corporate or other entity; or

(e) 1 is a body corporate or other entity (whether inside or outside Australia) and the other is a person who has a legal or equitable interest in 5% or more of the share capital of the body corporate or other entity; or

(f) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(g) a chain of relationships can be traced between them under any 1 or more of the above paragraphs.

(4) For the purposes of subsection (3), a ***beneficiary*** of a trust includes an object of a discretionary trust.

(5) For the purposes of this Act—

(a) the ***owner*** of a radiation facility or radiation source, or premises on which a radiation source is stored or used, is the person in whose name the facility, source or premises is, or is required to be, licensed or registered under this Act;

(b) a person has ***possession*** of a radiation source if the source is under the person's control (whether or not the source is also in the person's custody), including control of the source for storage or use, or for sale, but not if—

(i) the person is using or handling the radiation source and the overall control of the source is the responsibility of another person; or

(ii) the radiation source is a radioactive material that the person is transporting; or

(iii) the radiation source is a radioactive material that—

(A) the person or an animal kept by the person has been injected with; or

(B) has been administered to, or implanted in, the person or an animal kept by the person,

as part of a diagnostic or therapeutic procedure.

4—Interaction with other Acts and laws

The provisions of this Act—

(a) are in addition to those of any other Act or law; and

(b) do not limit or derogate from the provisions of any other Act or law, or from any civil remedy at law or in equity.

Part 2—Objects and principles

5—Objects of Act

The objects of this Act are—

(a) to protect people and the environment from the harmful effects of radiation by applying the radiation protection principle; and

(b) to ensure that radiation sources are secured against misuse that may result in harm to people or the environment; and

(c) to recognise the benefits of the safe and justified uses of radiation; and

(d) to promote the principles of ecologically sustainable development.

6—Radiation protection principle

(1) The ***radiation protection principle*** is the principle that people and the environment should be protected from unnecessary exposure to radiation through the processes of justification, limitation and optimisation.

(2) *Justification* involves—

(a) assessing whether the benefits of a practice involving ionising radiation or its use outweigh the detriment; and

(b) only adopting the practice if it produces sufficient benefit to outweigh the detriment.

(3) *Limitation* involves—

(a) setting radiation dose limits or specifying radiation emission or absorption standards and ensuring compliance with those limits or standards; or

(b) imposing other measures and ensuring compliance with those measures,

so that the risks to people and the environment from exposure to radiation are below levels considered unacceptable.

(4) *Optimisation of protection*, in relation to the conduct of a radiation practice, or the use of a radiation source, that may expose people or the environment to ionising radiation, means the following:

(a) keeping the magnitude of individual doses of, or the number of people that may be exposed to, ionising radiation as low as is reasonably achievable, taking into account economic, social and environmental factors;

(b) if the magnitude of individual doses, or the number of people that may be exposed, is uncertain—keeping the likelihood of incurring exposures of ionising radiation as low as is reasonably achievable, taking into account economic, social and environmental factors.

7—Principles of ecologically sustainable development

The ***principles of ecologically sustainable development*** are the principles set out in section 10(1)(a) of the *Environment Protection Act 1993*.

Part 3—Administration

Division 1—Radiation Protection Committee

8—Radiation Protection Committee

(1) The *Radiation Protection Committee* established by the *Radiation Protection and Control Act 1982* continues in existence.

(2) The Committee consists of not more than 9 members appointed by the Governor on the nomination of the Minister.

(3) One of the persons nominated by the Minister must be a person selected by the Minister for Health to represent the interests of the Minister for Health on the Committee.

(4) The Minister must, when nominating persons for appointment as members of the Committee, seek to ensure that, as far as is practicable, the members of the Committee collectively have qualifications, knowledge, expertise and experience in the following areas:

(a) radiology or diagnostic radiography;

(b) nuclear medicine;

(c) radiation oncology or radiotherapy;

(d) industrial or scientific uses of radiation;

(e) health or medical physics;

(f) mining;

(g) environmental science;

(h) public health.

(5) The Governor will appoint 1 member of the Committee (the ***presiding member***) to preside at its meetings and another member (the ***deputy presiding member***) to preside at meetings in the absence of the presiding member.

9—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) breach of, or non-compliance with, any conditions of appointment; or

(b) misconduct; or

(c) failure or incapacity to carry out official duties satisfactorily.

(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 convicted of an indictable offence or is sentenced to imprisonment for an offence; or

(e) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

(f) is removed from office under 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.

10—Functions

The Committee has the following functions:

(a) to advise the Minister in relation to the formulation of regulations under this Act;

(b) to advise the Minister on the formulation of radiation protection codes and standards;

(c) to provide technical advice to the Minister on radiation protection and safety relating to human health and the environment;

(d) to provide technical advice to the Minister for Health on matters related to the application or use of radiation for medical purposes;

(e) to investigate and report on any other matters relevant to the administration of this Act at the request of the Minister or of its own motion;

(f) to perform any other function assigned to the Committee by or under this Act.

11—Validity of acts

An act or proceeding of the Committee is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

12—Proceedings

(1) Subject to this Act, a quorum at a meeting of the Committee consists of a number ascertained by dividing the total number of members by half, ignoring any fraction resulting from the division, and adding 1.

(2) A meeting of the Committee will be chaired by the presiding member or, in the absence of the presiding member, by the deputy presiding member and, in the absence of both the presiding member and the deputy presiding member, the members present at a meeting of the Committee must choose 1 of their number to preside at the meeting.

(3) A decision carried by a majority of the votes cast by members of the Committee at a meeting is a decision of the Committee.

(4) Each member present at a meeting of the Committee is entitled to 1 vote on any matter arising for decision.

(5) A conference between members constituting a quorum by telephone or audio-visual means is a valid meeting of the Committee if—

(a) notice of the conference is given to all members in the manner determined by the Committee for that purpose; and

(b) the system of communication allows a participating member to communicate with any other participating member during the conference.

(6) A resolution of the Committee—

(a) of which prior notice was given to members in accordance with procedures determined by the Committee; and

(b) in which at least the majority of members of the Committee expressed their concurrence in writing or by electronic communication,

will be taken to be a decision of the Committee made at a meeting of the Committee.

(7) The Committee must have accurate minutes kept of its proceedings.

(8) Subject to subsection (9), the Committee must publish the minutes of its meetings on a website determined by the Minister that is accessible by the public free of charge.

(9) The Committee may omit, redact or delete, from minutes published under subsection (8), any information that would make the minutes an exempt document under the *Freedom of Information Act 1991*.

(10) Subject to this Act, the Committee may determine its own procedures.

13—Sub-committees

(1) The Minister may establish sub-committees of the Committee to assist the Committee or the Minister in the performance of functions of the Committee or Minister under this Act.

(2) A sub-committee will consist of such members of the Committee or other persons as may be appointed to the sub-committee by the Minister.

(3) A sub-committee must not act of its own motion but only in relation to matters referred to it by the Committee.

(4) Subject to this Act, the procedure for meetings of sub-committees will be determined by the presiding member of the Committee.

14—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.

15—Provision of services

(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.

Division 2—Miscellaneous

16—Delegation

(1) The Minister may delegate a function or power under this Act to—

(a) a specified body or person; or

(b) a person for the time being holding or acting in a specified office or position.

(2) A delegation—

(a) must be by instrument in writing; and

(b) may be made subject to conditions or limitations; and

(c) does not derogate from the ability of the delegator to act in any matter; and

(d) is revocable at will.

(3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

17—Annual report

The Department must, in its annual report to the Minister under section 12 of the *Public Sector Act 2009*, incorporate a report on the administration of this Act during the financial year to which the report relates and include in it prescribed information.

Part 4—Radiation protection and control

Division 1—Activities requiring radiation management licence

18—Testing 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 material is present unless the operations are authorised by a radiation management licence granted by the Minister under this Act.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000 or imprisonment for 10 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) any other operations included in the ambit of this section by the regulations.

(3) Subsection (1) does not apply to operations of a prescribed class.

(4) The Minister may, before determining an application for a radiation management licence authorising operations of a kind referred to in subsection (1), refer the application to the Committee for its advice and give due consideration to the advice of the Committee.

(5) A radiation management licence authorising operations of a kind referred to in subsection (1) 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 material means a radioactive material containing more than the prescribed concentration of any naturally occurring radioactive element or compound.

19—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 material is present or will be produced unless the operations are authorised by a radiation management licence granted by the Minister under this Act.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000 or imprisonment for 10 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 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) any other operations included in the ambit of this section by the regulations.

(3) Subsection (1) does not apply to operations of a prescribed class.

(4) The Minister may, before determining an application for a radiation management licence authorising operations of a kind referred to in subsection (1), refer the application to the Committee for its advice and give due consideration to the advice of the Committee.

(5) A radiation management licence authorising operations of a kind referred to in subsection (1) must specify the operations to which it applies and the places at which those operations may be carried out.

(6) A temporary suspension or cessation of operations of a kind referred to in subsection (1) does not relieve a person of the obligation to hold a licence authorising such operations.

(7) In this section—

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

20—Construction, establishment, control etc of radiation facility

(1) 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 radiation management licence granted by the Minister under this Act.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000 or imprisonment for 10 years.

(2) Subsection (1) does not apply to a person of a prescribed class.

(3) The Minister may, before determining an application for a radiation management licence authorising activities of a kind referred to in subsection (1), refer the application to the Committee for its advice and give due consideration to the advice of the Committee.

(4) The Minister must not grant a radiation management licence authorising activities of a kind referred to in subsection (1) unless satisfied—

(a) that the applicant has appropriate knowledge of the principles and practices of radiation protection to carry out the activities authorised by the licence; and

(b) that the facility and any relevant operations comply, or will comply, with the regulations.

(5) A radiation management licence authorising activities of a kind referred to in subsection (1) must specify the facility and activities to which it applies.

21—Transport of radioactive material

(1) A carrier must not transport radioactive material unless authorised to do so by a radiation management licence granted by the Minister under this Act.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000.

(2) Subsection (1) does not apply—

(a) in prescribed circumstances; or

(b) in relation to a person or radioactive material of a prescribed class.

(3) A person must not operate a vehicle transporting radioactive material unless the carrier of the radioactive material is authorised to transport the material by a radiation management licence granted by the Minister under this Act.

Maximum penalty: $50 000.

(4) This section does not apply in relation to the transport of radioactive material that is regulated under the *Civil Aviation Act 1988* of the Commonwealth.

22—Possession of radiation source

(1) A person must not be in possession of a radiation source unless authorised to do so by a radiation management licence granted by the Minister under this Act.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000.

(2) Subsection (1) does not apply—

(a) in prescribed circumstances; or

(b) to or in relation to a person or thing of a prescribed class.

(3) The Minister must not grant a radiation management licence authorising the possession of a radiation source of a kind referred to in subsection (1) unless satisfied—

(a) 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

(b) that any requirement prescribed by the regulations is complied with or satisfied.

Division 2—Activities requiring radiation use licence

23—Use or handling of radioactive material

(1) A natural person must not use or handle radioactive material unless authorised to do so by a radiation use licence granted by the Minister under this Act.

Maximum penalty: $50 000.

(2) Subsection (1) does not apply to a person or substance of a prescribed class.

(3) If the owner of radioactive material causes, suffers or permits the radioactive material to be used or handled by a person who is required to hold, but does not hold, a radiation use licence authorising the person to use or handle the radioactive material, the owner is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(4) The Minister must not grant a licence authorising the use or handling of radioactive material unless satisfied 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 under the licence.

24—Operation of radiation apparatus

(1) A natural person must not operate—

(a) ionising radiation apparatus; or

(b) non-ionising radiation apparatus of a prescribed class,

unless authorised to do so by a radiation use licence granted by the Minister under this Act.

Maximum penalty: $50 000.

(2) Subsection (1)(a) does not apply to a person or apparatus of a prescribed class.

(3) If the owner of a radiation apparatus causes, suffers or permits the radiation apparatus to be operated by a person who is required to hold, but does not hold, a radiation use licence authorising the person to operate the radiation apparatus, the owner is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(4) The Minister must not grant a radiation use licence authorising the operation of radiation apparatus of a kind referred to in subsection (1) unless satisfied that the applicant has appropriate knowledge of the principles and practices of radiation protection to carry on the operations proposed to be carried on by the applicant under the licence.

Division 3—Premises and radiation apparatus and sources requiring registration

25—Premises in which unsealed radioactive materials are handled or kept

(1) Premises in which an unsealed radioactive material is kept or handled must be registered by the Minister in the name of the occupier of the premises.

(2) Subsection (1) does not apply to premises or a substance of a prescribed class.

(3) If premises in which an unsealed radioactive material is kept or handled are not registered as required by subsection (1), the occupier of the premises is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(4) Subject to this section, a person must not keep or handle, or cause, suffer or permit another person to keep or handle, an unsealed radioactive material in premises that are not registered as required by subsection (1).

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(5) Subject to subsection (6), if premises are the subject of an application for registration, an unsealed radioactive material may be kept or handled in the premises pending determination of the application.

(6) The Minister may, by notice given in the prescribed manner to the occupier of premises that are the subject of an application for registration, restrict or prohibit the keeping or handling of an unsealed radioactive material in the premises subject to such conditions as the Minister thinks fit.

(7) A person must not keep or handle, or cause, suffer or permit another person to keep or handle, an unsealed radioactive material in premises in contravention of a notice under subsection (6).

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

26—Sealed radioactive sources

(1) A sealed radioactive source must be registered by the Minister in the name of the owner of the source.

(2) If a sealed radioactive source is not registered as required by subsection (1), the owner of the sealed radioactive source is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(3) Subsection (1) does not apply to a sealed radioactive source of a prescribed class.

(4) Subject to this section, a person must not—

(a) use or handle, or cause, suffer or permit another person to use or handle, a sealed radioactive source that is not registered as required by subsection (1); or

(b) keep in storage, or cause, suffer or permit to be kept in storage, a sealed radioactive source that is not registered as required by subsection (1).

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(5) Subject to subsection (6), if a sealed radioactive source is the subject of an application for registration, the source may be used or handled, or kept in storage, pending determination of the application.

(6) The Minister may, by notice given in the prescribed manner to the owner of a sealed radioactive source that is the subject of an application for registration, restrict or prohibit the use of the source subject to such conditions as the Minister thinks fit.

(7) A person must not use, or cause, suffer or permit another person to use, a sealed radioactive source in contravention of a notice under subsection (6).

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

27—Radiation apparatus

(1) The following types of radiation apparatus must be registered by the Minister in the name of the owner of the apparatus:

(a) ionising radiation apparatus;

(b) non-ionising radiation apparatus of a prescribed class.

(2) Subsection (1)(a) does not apply to apparatus of a prescribed class.

(3) If radiation apparatus to which subsection (1) applies is not registered as required by that subsection, the owner of the radiation apparatus is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(4) Subject to this section, a person must not use, or cause, suffer or permit another person to use, radiation apparatus that is not registered as required by subsection (1).

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

(5) Subject to subsection (6), if radiation apparatus is the subject of an application for registration, the apparatus may be used pending determination of the application.

(6) The Minister may, by notice given in the prescribed manner to the owner of radiation apparatus that is the subject of an application for registration, restrict or prohibit the use of the apparatus subject to such conditions as the Minister thinks fit.

(7) A person must not use, or cause, suffer or permit another person to use, radiation apparatus in contravention of a notice under subsection (6).

Maximum penalty:

(a) in the case of a body corporate—$250 000;

(b) in the case of a natural person—$50 000.

Division 4—Prohibited activities

28—Operations for enrichment or conversion of uranium

(1) A person must not carry on an operation for the conversion or enrichment of uranium.

Maximum penalty:

(a) in the case of a body corporate—$1 000 000;

(b) in the case of a natural person—$200 000 or imprisonment for 20 years.

(2) In this section—

conversion of uranium means the conversion of uranium oxides to uranium hexafluoride;

enrichment of uranium means alteration of the isotopic composition of uranium.

29—Abandonment of radiation sources

(1) A person must not, without reasonable excuse, abandon a radiation source.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000.

(2) Subsection (1) does not apply—

(a) in prescribed circumstances; or

(b) to or in relation to a person or thing of a prescribed class.

(3) Bankruptcy or the liquidation of a company is not a reasonable excuse for a person to abandon a radiation source.

Division 5—Accreditation of third party service providers

30—Accreditation process

(1) The Minister must not grant an accreditation unless satisfied—

(a) that the applicant has appropriate skills, qualifications, knowledge or experience to properly carry out the activities authorised by the accreditation; and

(b) that the applicant satisfies any other requirements for accreditation prescribed by the regulations.

(2) The Minister may establish various classes of accreditation for the purposes of this Act.

(3) An accreditation may, according to its terms, be limited as to the matters to be covered by the accreditation.

31—Authority conferred by accreditation

An accreditation may authorise the person named in the accreditation to do any 1 or more of the following (subject to, and in accordance with, the terms and conditions of 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 such other activities as may be determined or approved by the Minister.

32—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.

33—Offences

(1) A person who is not an accredited person under this Division must not hold themself out as, or pretend to be, the holder of an accreditation under this Division.

Maximum penalty: $50 000.

(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: $50 000.

(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: $50 000.

Division 6—General provisions relating to accreditations and authorisations

34—Application for accreditation or authorisation

(1) An application for an accreditation or authorisation under this Act must be made in a manner and form determined by the Minister.

(2) The prescribed application fee must be paid to the Minister when an application for an accreditation or authorisation is made.

(3) The Minister may, before determining an application for an accreditation or authorisation, require the applicant—

(a) to undergo an identity check or a security background check (or both); and

(b) to furnish such further information, documents or other material as the Minister may require to determine the application; and

(c) to comply with such other requirements as may be prescribed by the regulations.

(4) An applicant for the issue of a radiation management licence must submit to the Minister a radiation management plan that complies with the regulations.

(5) The Minister must not grant an accreditation or authorisation unless satisfied that—

(a) in the case of an applicant who is a natural person—the applicant is a fit and proper person to hold an accreditation or authorisation of the kind for which application has been made; or

(b) in the case of an applicant that is a body corporate—every member of the governing body of the body corporate is a fit and proper person to be a member of the governing body of a body corporate that holds an accreditation or authorisation of the kind for which application has been made.

(6) The Minister may refuse to grant an accreditation or authorisation—

(a) if the applicant has been found guilty of an offence against this Act, the repealed Act or a corresponding law; or

(b) if the applicant has been found guilty of an offence involving dishonesty or violence; or

(c) if the applicant has been found guilty of an offence against a prescribed Act or an offence of a prescribed kind; or

(d) if the applicant has held an accreditation or authorisation that has been cancelled or suspended under this Act, the repealed Act, a prescribed Act or a corresponding law; or

(e) if the applicant is or has been the director of a body corporate that has contravened this Act, the repealed Act, a prescribed Act or a corresponding law, or has held an accreditation or authorisation that has been cancelled or suspended under this Act, the repealed Act, a prescribed Act or a corresponding law; or

(f) if the applicant has failed to pass an identity check or a security background check; or

(g) if prescribed grounds exist for the refusal.

(7) For the purposes of this section, any Act, including a repealed Act or an Act of a place other than this State, may be declared by regulation to be a prescribed Act.

35—Annual fee

(1) The prescribed annual fee is payable in respect of each year of the term of an accreditation or authorisation.

(2) The fee for the first year of the term of an accreditation or authorisation must be paid before the grant of the accreditation or authorisation 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 authorisation or, if it has been renewed, the anniversary of the date of its last renewal.

(3) If the holder of an accreditation or authorisation fails to pay the annual fee for the accreditation or authority in accordance with this section, the Minister may, by notice given in the prescribed manner to the holder, require the holder to make good the default and, in addition, to pay to the Minister the amount prescribed as a penalty for default.

36—Conditions of accreditation or authorisation

(1) An accreditation or authorisation may be subject to such conditions as the Minister thinks fit and specifies in the accreditation or authorisation.

(2) A radiation management licence is subject to a condition that the holder of the licence must ensure that the radiation management plan submitted under section 34 is complied with.

(3) The Minister may at any time, by notice given in the prescribed manner to the holder of an accreditation or authorisation, vary or revoke a condition of the accreditation or authorisation, or impose a further condition.

(4) A decision of the Minister to impose a condition on, or to vary a condition of, an accreditation or authorisation takes effect at the expiration of 1 month from the date on which notice is given under subsection (3), but if an application for review of the decision is made the Tribunal may act under section 36(2) and (3) of the *South Australian Civil and Administrative Tribunal Act 2013*.

(5) The holder of an accreditation or authorisation must not contravene a condition of the accreditation or authorisation.

Maximum penalty:

(a) if the condition is a major condition—

(i) in the case of a body corporate—$500 000;

(ii) in the case of a natural person—$100 000 or imprisonment for 10 years or both;

(b) if the condition is a minor condition—

(i) in the case of a body corporate—$50 000;

(ii) in the case of a natural person—$10 000.

(6) The expiation fee for an alleged offence against subsection (5) relating to a minor condition is—

(a) in the case of a body corporate—$5 000;

(b) in the case of a natural person—$1 000.

(7) The Minister may, by notice in the Gazette—

(a) designate a specified condition, or a condition of a specified class, as a major condition for the purposes of this section; or

(b) vary or revoke a designation under paragraph (a).

(8) In this section—

major condition of an accreditation or authorisation means a condition, or a condition of a class, designated by the Minister as a major condition for the purposes of this section;

minor condition of an accreditation or authorisation means a condition that is not a major condition.

37—Minister may require financial assurance to secure compliance with conditions of authorisation

(1) Subject to this section, the Minister may impose a condition on an authorisation requiring the holder of the authorisation to lodge with the Minister a financial assurance, the discharge of which is conditional on specified conditions of the authorisation being complied with.

(2) A condition requiring the lodgment of a financial assurance may be imposed—

(a) when an authorisation is granted; or

(b) when an authorisation is transferred.

(3) A financial assurance may take the form of—

(a) a bond; or

(b) a specified pecuniary sum; or

(c) a policy of insurance; or

(d) a letter of credit; or

(e) a form of financial assurance approved by the Minister.

(4) The Minister may require a financial assurance to be supported by a bank guarantee or other security approved by the Minister.

(5) In the case of a condition requiring a financial assurance in the form of a policy of insurance—

(a) the Minister may require that the Minister be a joint insured or a beneficiary of the insurance; and

(b) the Minister will be taken to have an insurable interest in the subject matter covered by the insurance policy.

(6) The Minister must not impose a condition on an authorisation requiring the lodgment of a financial assurance unless satisfied that the condition is justified in view of the nature of the authorisation and the degree of harm to the environment or to the health or safety of people that could result if the conditions of the authorisation for which the financial assurance is to be required are not complied with.

(7) The amount of a bond or pecuniary sum that the Minister may require as a financial assurance must not exceed an amount that, in the opinion of the Minister, represents the total of the likely costs and expenses that might be incurred by a person in complying with the conditions of the authorisation for which the financial assurance is required.

(8) Despite any other provision of this Act, the Minister may refuse to issue an authorisation or approve the transfer of an authorisation if the applicant or transferee is not willing to accept an authorisation subject to a condition requiring the lodgment of a financial assurance.

(9) If a condition requiring a financial assurance in the form of a bond or pecuniary sum is not complied with—

(a) the Minister may determine that the whole or part of the amount of the bond or pecuniary sum is forfeited to the Crown; and

(b) the Minister may apply an amount so forfeited in payment for or towards any costs, expenses, loss or damage that may be incurred or suffered by the Crown as a result of the conditions of the authorisation not being complied with.

38—Duration of accreditation or authorisation and renewal

(1) Subject to this Act, an accreditation or authorisation will remain in force for such period (being not less than 12 months and not more than 5 years) 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) Subject to this Act, the Minister must, on application made in a manner and form determined by the Minister and payment of the prescribed fee, renew an accreditation or authorisation.

(3) Subject to this Act, an accreditation or authorisation renewed under this section will remain in force for such period (being not less than 12 months and not more than 5 years) 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—

prescribed fee means—

(a) in relation to an accreditation or authorisation for which an annual fee has been prescribed—the annual fee payable in respect of the year of the term of the accreditation or authorisation commencing on the date of its renewal; or

(b) in any other case—the fee prescribed for renewal of the accreditation or authorisation.

39—Issue of single authorisation

(1) If a person engages in multiple activities or carries out multiple operations that require a licence under this Act, the Minister may, on application by the person for the issue or renewal of a licence under this Act for any of those activities or operations, grant the person a single licence authorising all activities and operations for which the person requires a licence under this Act.

(2) If the Minister issues a single licence under this section, the Minister may record on that licence any registration held by the holder of the licence.

40—Transfer of authorisations

(1) Subject to this section, the Minister must—

(a) on application made in a manner and form determined by the Minister; and

(b) payment of the prescribed fee,

approve the transfer of an authorisation.

(2) The Minister must not approve the transfer of an authorisation unless satisfied that—

(a) in the case of an applicant who is a natural person—the applicant is a fit and proper person to hold an authorisation of the kind to which the application relates; or

(b) in the case of an applicant that is a body corporate—every member of the governing body of the body corporate is a fit and proper person to be a member of the governing body of a body corporate that holds an authorisation of the kind to which the application relates.

(3) The Minister may refuse to approve the transfer of an authorisation—

(a) if the applicant has been found guilty of an offence against this Act, the repealed Act or a corresponding law; or

(b) if the applicant has been found guilty of an offence involving dishonesty or violence; or

(c) if the applicant has been found guilty of an offence against a prescribed Act or an offence of a prescribed kind; or

(d) if the applicant has held an accreditation or authorisation that has been cancelled or suspended under this Act, the repealed Act, a prescribed Act or a corresponding law; or

(e) if the applicant is or has been the director of a body corporate that has contravened this Act, the repealed Act, a prescribed Act or a corresponding law, or has held an accreditation or authorisation that has been cancelled or suspended under this Act, the repealed Act, a prescribed Act or a corresponding law; or

(f) if the applicant has failed to pass an identity check or a security background check; or

(g) if prescribed grounds exist for the refusal.

(4) This section does not apply to an authorisation of a prescribed kind.

(5) For the purposes of this section, any Act, including a repealed Act or an Act of a place other than this State, may be declared by regulation to be a prescribed Act.

41—Surrender of accreditations and authorisations

(1) Subject to this section, the holder of an accreditation or authorisation may surrender the accreditation or authorisation to the Minister.

(2) A radiation management licence or registration may only be surrendered with the approval of the Minister.

(3) An application for approval to surrender an authorisation must be made in a manner and form determined by the Minister.

(4) The Minister may, on application for approval to surrender an authorisation—

(a) approve the surrender of the authorisation; or

(b) if satisfied that it is necessary in order to protect the health or safety of people or to protect or restore the environment—

(i) impose further conditions on the authorisation; and

(ii) approve the surrender of the authorisation on the holder of the authorisation satisfying the Minister that the conditions have been fulfilled or that satisfactory arrangements have been made for their fulfilment.

(5) On the surrender of an accreditation or authorisation, the accreditation or authorisation ceases to have any force or effect.

(6) The prescribed fee must be paid when an application for an approval under this section is made.

42—Suspension and cancellation of accreditations and authorisations

(1) Proper cause exists for the suspension or cancellation of an accreditation or authorisation if the Minister is satisfied that—

(a) the accreditation or authorisation was improperly obtained; or

(b) the holder of the accreditation or authorisation has contravened, or failed to comply with, a condition of the accreditation or authorisation; or

(c) the holder of the accreditation or authorisation has been found guilty of an offence against this Act, the repealed Act or a corresponding law; or

(d) the holder of the accreditation or authorisation has been found guilty of an offence involving dishonesty or violence; or

(e) the holder of the accreditation or authorisation has been found guilty of an offence against a prescribed Act or an offence of a prescribed kind; or

(f) the holder of the accreditation or authorisation is for any other reason no longer a fit and proper person to hold the accreditation or authorisation; or

(g) 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

(h) in the case of an authorisation—the holder of the authorisation—

(i) has ceased to hold a qualification on the basis of which the Minister granted the authorisation; or

(ii) has ceased to work in a capacity for which the authorisation is required; or

(i) the holder of the accreditation or authorisation has, on at least 2 occasions, made decisions that have compromised the security of a radiation source; or

(j) in the case of an accreditation or authorisation relating to a security enhanced radioactive source—the holder of the accreditation or authorisation has failed to pass a security background check; or

(k) events have occurred or circumstances have changed such that the holder of the accreditation or authorisation would not be entitled to be granted that accreditation or authorisation if an application were now to be made; or

(l) the security of a radiation source, the environment, or the health or safety of the public, may be put at risk unless the accreditation or authorisation is suspended or cancelled.

(2) Proper cause exists for the suspension or cancellation of a radiation use licence—

(a) in the case of a licence held by a health practitioner—if the health practitioner's accreditation, licence, registration or other authority under the *Health Practitioner Regulation National Law (South Australia)* or other Act regulating the health practitioner's right to provide health services is suspended or cancelled, or conditions are placed on the health practitioner's accreditation, licence, registration or other authority limiting the health practitioner's right to provide health services; or

(b) in the case of a person (other than a health practitioner) who operates radiation apparatus in the course of the person's professional practice—if the person's accreditation, licence, registration or other authority under an Act regulating the person's right to practice is suspended or cancelled, or conditions are placed on the person's accreditation, licence, registration or other authority limiting the person's right to practice.

(3) If proper cause exists for the suspension or cancellation of an accreditation or authorisation, the Minister may, by notice given in the prescribed manner to the holder of the accreditation or authorisation—

(a) suspend the accreditation or authorisation for a specified period or until the Minister terminates the suspension; or

(b) cancel the accreditation or authorisation.

(4) A notice of suspension or cancellation under subsection (3) must specify the time at which the suspension or cancellation will take effect.

(5) An accreditation or authorisation that is cancelled under this section ceases to have any force or effect when the cancellation takes effect.

(6) An accreditation or authorisation that is suspended under this section has no force or effect during the period of the suspension.

(7) If an accreditation or authorisation is suspended, it may be renewed but remains subject to suspension until the expiration of the period of suspension.

(8) If an authorisation 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 material; 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.

(9) If an authorisation 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 material; 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 given in the prescribed manner to the owner of the source or apparatus, forfeit the source or apparatus to the Crown.

(10) If the Minister forfeits a sealed radioactive source or radiation apparatus under subsection (9)(b)(ii), the source or apparatus may be seized by an authorised officer and disposed of as the Minister directs.

(11) If the Minister disposes of a sealed radioactive source or radiation apparatus under subsection (10), the Minister may recover any reasonable costs incurred by the Minister in doing so from the former owner of the source or apparatus as a debt due to the Minister.

(12) The person in whose name any premises, sealed radioactive source or radiation apparatus was licensed or registered must not contravene a direction given by the Minister under subsection (8) or (9).

Maximum penalty: $50 000.

(13) If the Minister suspends or cancels an accreditation or authorisation under this section, the Minister must advise the Committee of that fact.

43—Review of decisions

(1) A person aggrieved by a reviewable decision may apply to the Tribunal for a review of the decision.

(2) The following are ***reviewable decisions***:

(a) a decision of the Minister to refuse to grant an accreditation or authorisation;

(b) a decision of the Minister to impose a condition on an accreditation or authorisation;

(c) a decision of the Minister to vary a condition of an accreditation or authorisation;

(d) a decision of the Minister to suspend or cancel an accreditation or authorisation;

(e) a decision of the Minister to give a direction in relation to the suspension or cancellation of an accreditation or authorisation;

(f) a decision of a prescribed class.

(3) Subject to section 66 of the *South Australian Civil and Administrative Tribunal Act 2013*, the application for review must be made within 1 month after the making of the decision to be reviewed.

(4) A person who makes a reviewable decision must, if requested in writing by a person affected by the decision, give the person a written statement of the reasons for the decision within 14 days after the request is made.

(5) If—

(a) a written statement of the reasons for the decision is not given at the time the decision is made; and

(b) a person affected by the decision makes a request for a written statement of the reasons under subsection (4),

the time for making the application for review runs from the time that the person is given a written statement of the reasons.

44—Obligation of holders of accreditations and authorisations to notify Minister of certain matters

(1) The holder of an accreditation or authorisation must give the Minister notice in accordance with this section if—

(a) the holder fails a security background check; or

(b) prescribed circumstances arise.

Maximum penalty: $10 000.

(2) The holder of a radiation use licence authorising the holder to operate radiation apparatus or to use or handle a radioactive material must give the Minister notice in accordance with this section if—

(a) the holder is a health practitioner and the health practitioner's accreditation, licence, registration or other authority under the *Health Practitioner Regulation National Law (South Australia)* or other Act or law regulating the health practitioner's right to provide health services is suspended or cancelled, or conditions are placed on the health practitioner's accreditation, licence, registration or other authority limiting the health practitioner's right to provide health services; or

(b) the holder is a person (other than a health practitioner) who operates radiation apparatus, or uses or handles a radioactive material, in the course of the person's professional practice and the person's accreditation, licence, registration or other authority under an Act or law regulating the person's right to practice is suspended or cancelled, or conditions are placed on the person's accreditation, licence, registration or other authority limiting the person's right to practice.

Maximum penalty: $10 000.

(3) Notice under this section—

(a) must be given in a manner and form determined by the Minister; and

(b) must include the information prescribed by the regulations; and

(c) must be given within the prescribed period.

45—Death, bankruptcy etc of holder of authorisation

(1) If a person who holds an authorisation dies, the personal representative of the deceased, or some other person approved by the Minister on application, will be taken to hold that authorisation (on the same conditions as were applicable to the deceased) as from the date of the death until the expiration of the prescribed period.

(2) If a person who holds an authorisation becomes bankrupt or insolvent, the official receiver will be taken to hold that authorisation (on the same conditions as were applicable to the person who previously held the authorisation) as from the date on which the person became bankrupt or insolvent until the expiration of the prescribed period.

(3) If a body corporate that holds an authorisation is being wound up or is under administration, receivership or official management, a person vested by law with power to administer the affairs of the body corporate will be taken to hold the authorisation (on the same conditions as were applicable to the body corporate) as from the date on which the person was appointed to administer the affairs of the body corporate until the expiration of the prescribed period.

(4) In this section—

prescribed period means—

(a) a period of 6 months; or

(b) such longer period as may be fixed by the Minister.

Division 7—Miscellaneous

46—Power to deal with dangerous situations

(1) If the Minister considers that a dangerous situation or potentially dangerous situation exists involving radiation apparatus or radioactive material—

(a) the person responsible for the dangerous situation or potentially dangerous situation or a person affected by it may be directed to take, or refrain from taking, specified action; or

(b) the radiation apparatus or radioactive material giving rise to the dangerous situation or potentially dangerous situation or anything contaminated or affected by the apparatus or material 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 dangerous situation or potentially dangerous situation.

(2) If the Minister considers that a dangerous situation or potentially dangerous situation exists involving radiation apparatus or radioactive material at a particular place, a person may be directed to leave the place and not re-enter it until the dangerous situation or potentially dangerous situation has ceased to exist.

(3) Directions may be given or action taken under subsection (1) or (2)—

(a) by the Minister; or

(b) with the prior approval of the Minister—by an authorised officer, a police officer or a person appointed for the purpose by the Minister.

(4) An authorised officer or police officer may exercise the powers conferred by subsection (1) or (2) without the prior approval of the Minister if the officer considers that the dangerous situation or potentially dangerous situation requires immediate action.

(5) Directions under this section may be given—

(a) by notice in the Gazette; or

(b) by notice given in the prescribed manner to the person to whom they are directed; or

(c) orally or by electronic communication.

(6) 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.

(7) If a person fails to comply with a direction given under this section, the Minister may take action, or cause action to be taken, to avoid, remove or alleviate the dangerous situation or potentially dangerous situation.

(8) If—

(a) costs or expenses are incurred by the Minister in taking action, or causing action to be taken, under this section; and

(b) the dangerous situation 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.

(9) In this section—

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 the person's property; or

(b) imminent risk of environmental harm;

potentially dangerous situation means a situation that could create—

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

(b) imminent risk of environmental harm.

47—Power to protect security enhanced radioactive sources and high risk radioactive sources and material

(1) A person who has not undergone a security background check must not obtain or access, attempt to obtain or access, or deal in any way with—

(a) a security enhanced radioactive source; or

(b) a high risk radioactive source; or

(c) high risk radioactive material.

Maximum penalty: $50 000 or imprisonment for 10 years.

(2) If the Minister has reason to believe that a person may pose a threat to the security of—

(a) a security enhanced radioactive source; or

(b) a high risk radioactive source; or

(c) high risk radioactive material,

by reason of the person having failed to pass a security background check, the Minister may, by notice given to the person in the prescribed manner—

(d) give the person a direction that the person must not—

(i) obtain or access or attempt to obtain or access; or

(ii) deal in any way with,

a security enhanced radioactive source, a high risk radioactive source or high risk radioactive material; and

(e) give the person a direction placing such other restrictions on the person's activities involving such radioactive sources and material as the Minister considers necessary to maintain the security of such sources and material.

(3) A person must not contravene a direction given to the person under this section.

Maximum penalty: $50 000 or imprisonment for 10 years.

48—Emergency authorisations

(1) The Minister or an authorised officer may, by notice given in the prescribed manner, grant the person a permit authorising an act or omission that might otherwise constitute a contravention of this Act if the Minister or authorised officer is satisfied that—

(a) circumstances of urgency exist such that it is not practicable for the person to obtain an exemption; and

(b) the authorisation of the act or omission is justified by the need to protect life, the environment or property.

(2) A permit under this section is subject to the following conditions:

(a) a condition that the person pay the prescribed fee;

(b) such other conditions as the Minister or the authorised officer who granted the permit thinks fit to impose and specifies in the permit.

(3) A person incurs no liability to a penalty under this Act in respect of an act or omission authorised under this section.

(4) A person who would, but for a permit under this section, have contravened a provision of this Act is, despite the permit, to be taken to have contravened that provision for the purposes of any proceedings under section 65 in respect of the contravention.

49—Limits of exposure to ionising radiation not to be more stringent than limits fixed under certain codes etc

Despite any other provision of this Act, no limit of exposure to ionising radiation may be fixed by the regulations or a condition of an authorisation 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 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.

Part 5—General offences

50—Causing serious radiation harm

(1) A person who causes serious radiation harm intentionally or recklessly and with the knowledge that harm to the health or safety of a person or harm to the environment will or might result is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$5 000 000;

(b) in the case of a natural person—$1 000 000 or 15 years imprisonment or both.

(2) A person who causes serious radiation harm is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$2 500 000;

(b) in the case of a natural person—$500 000 or 10 years imprisonment or both.

(3) If in proceedings for an offence against subsection (1) the court is not satisfied that the defendant is guilty of the offence charged but is satisfied that the defendant is guilty of an offence against subsection (2), the court may find the defendant guilty of the latter offence.

(4) For the purposes of this section, a person ***causes serious radiation harm*** if the person commits an act involving a radiation source that harms, or is likely to harm, presently or in the future, the health or safety of a person or the environment, and the harm or likely harm is of a high impact or on a wide scale.

(5) Subsections (1) and (2) do not apply in relation to an act done in good faith, in accordance with this Act and without negligence.

51—Causing radiation harm

(1) A person who causes radiation harm intentionally or recklessly and with the knowledge that harm to the health or safety of a person or harm to the environment will or might result is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$1 000 000;

(b) in the case of a natural person—$200 000 or 5 years imprisonment or both.

(2) A person who causes radiation harm is guilty of an offence.

Maximum penalty:

(a) in the case of a body corporate—$500 000;

(b) in the case of a natural person—$100 000 or 2 years imprisonment or both.

(3) If in proceedings for an offence against subsection (1) the court is not satisfied that the defendant is guilty of the offence charged but is satisfied that the defendant is guilty of an offence against subsection (2), the court may find the defendant guilty of the latter offence.

(4) For the purposes of this section, a person ***causes radiation harm*** if the person commits an act involving a radiation source that harms, or is likely to harm, presently or in the future, the health or safety of a person or the environment, and the harm or likely harm is not trivial but is not of a high impact or on a wide scale.

(5) Subsections (1) and (2) do not apply in relation to an act done in good faith, in accordance with this Act and without negligence.

52—Alternative finding

If in proceedings for an offence against section 50, the court is not satisfied that the defendant is guilty of the offence charged but is satisfied that the defendant is guilty of an offence against section 51, the court may find the defendant guilty of the latter offence.

Part 6—General duty of care

53—General duty of care

(1) A person must, in dealing with a radiation source, take all reasonable and practicable measures to ensure that—

(a) the exposure of people to ionising radiation from the radiation source is kept as low as is reasonably achievable; and

(b) the risk of exposure of people and the environment to dangerous or potentially dangerous radiation from the radiation source is minimised; and

(c) the radiation source is protected from misuse that may result in harm to people or the environment.

(2) A person must, in complying with the duty created by subsection (1), have regard to the radiation protection principle and the principles of ecologically sustainable development.

(3) A person who breaches the duty created by subsection (1) is not, on account of the breach alone, guilty of an offence but—

(a) compliance with the duty may be enforced by the issuing of a radiation protection order under Part 7; and

(b) a reparation order or reparation authorisation may be issued under that Part in respect of the breach of the duty.

Part 7—Enforcement

Division 1—Civil remedies

Subdivision 1—Orders made by Minister

54—Radiation protection orders

(1) The Minister may issue a radiation protection order for the purpose of securing compliance with—

(a) the general duty of care; or

(b) a condition of an accreditation or authorisation; or

(c) any other requirement imposed by or under this Act.

(2) A radiation protection order issued for a purpose referred to in subsection (1) may impose any requirement reasonably required for the purpose for which the order is issued, including either or both of the following:

(a) a requirement that a person discontinue, or not commence, a specified activity indefinitely or for a specified time or until further notice by the Minister;

(b) a requirement that a person take specified action within a specified period.

(3) Without limiting the generality of subsection (2), a radiation protection order may impose any requirement reasonably required for the purpose for which the order is issued, including 1 or more of the following:

(a) that a person discontinue, or not commence, a specified activity indefinitely or for a specified period or until further notice from the Minister;

(b) that a person not carry on a specified activity except at specified times or subject to specified conditions;

(c) that a person take specified action within a specified period or at specified times or in specified circumstances;

(d) that a person undertake specified tests or monitoring;

(e) that a person furnish to the Minister specified test, monitoring or compliance reports;

(f) that a person appoint or engage a person with specified qualifications to prepare a plan or report or undertake tests or monitoring required by the order.

(4) A radiation protection order issued under this section—

(a) must be in the form of a notice given in the prescribed manner to the person to whom the order is issued; and

(b) must specify the person to whom it is issued (whether by name or description sufficient to identify the person); and

(c) must specify the purpose for which the order is issued; and

(d) must state that the person may, within 14 days, appeal to the ERD Court against the order.

(5) An authorised officer may, if of the opinion that urgent action is required under this section, issue an emergency radiation protection order imposing requirements of a kind referred to in subsection (3)(d) as reasonably required for the purpose for which the order is issued.

(6) An emergency radiation protection order may be issued orally, but, in that event, the person to whom the order is issued must be informed immediately of the person's right to appeal to the ERD Court against the order.

(7) If an emergency radiation protection order is issued, the order will cease to have effect on the expiration of 72 hours from the time of its issuing unless confirmed by a radiation protection order issued by the Minister and given to the person in the prescribed manner.

55—Radiation protection cessation orders

(1) The Minister may issue a radiation protection cessation order for the purpose of—

(a) preventing or minimising harm to people or the environment; or

(b) dealing with stockpiled or abandoned radioactive material,

that may result from activities or operations regulated by this Act after the activities or operations have ceased.

(2) A radiation protection cessation order issued for a purpose referred to in subsection (1) may impose any requirement of a kind that could be imposed as a condition of an authorisation that is reasonably required for the purpose for which the order is issued (including a requirement of a kind that could be imposed in a radiation protection order issued under section 54).

(3) The regulations may—

(a) limit the circumstances in which a radiation protection cessation order may be issued; or

(b) prescribe circumstances in which a radiation protection cessation order will be taken to have been revoked.

(4) A radiation protection cessation order issued for a purpose referred in subsection (1)—

(a) must be in the form of a notice given in the prescribed manner to the owner for the time being of the land on which the operations or activities were undertaken (whether or not the owner was the person who had undertaken the operations or activities); and

(b) must specify the person to whom the order is being issued (whether by name or a description sufficient to identify the person); and

(c) must state the purpose for which it is issued and specify the harm to the environment that it is directed towards preventing or minimising or the other matter that it is directed towards dealing with (as the case may be); and

(d) must specify any requirements imposed under subsection (2); and

(e) must state that the person may, within 14 days, appeal to the ERD Court against the order.

(5) This section is in addition to, and does not limit the effect of, section 54.

(6) This section does not apply in relation to activities or operations that ceased before the commencement of this section.

56—Action on non-compliance with radiation protection order

(1) If the requirements of a radiation protection order or radiation protection cessation order are not complied with, the Minister may take any action required by the order.

(2) Action may be taken on the Minister's behalf by an authorised officer or another person authorised by the Minister for the purpose.

(3) A person taking action under this section may enter any relevant premises or vehicle at any reasonable time.

(4) The reasonable costs and expenses incurred by the Minister in taking action under this section may be recovered by the Minister as a debt from the person who failed to comply with the requirements of the radiation protection order.

(5) If an amount is recoverable from a person by the Minister under this section—

(a) the Minister may, by notice given in the prescribed manner to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the radiation protection order is registered under this Part.

57—Reparation orders

(1) If the Minister is satisfied that a person has caused harm to people or the environment by—

(a) a breach of the general duty of care; or

(b) a contravention of a condition of an accreditation or authorisation; or

(c) a contravention of this Act,

the Minister may issue a reparation order requiring the person—

(d) to take specified action within a specified period to make good any resulting damage to people or the environment; or

(e) to make a payment or payments into an approved account to enable action to be taken to address any harm to people or the environment,

or both.

(2) A reparation order issued under this section—

(a) may include requirements for action to be taken to prevent or mitigate further harm to people or the environment, or for a plan of action to be prepared to the satisfaction of the Minister; and

(b) may include requirements for specified tests or monitoring; and

(c) may include requirements for providing to the Minister specified results or reports; and

(d) may include requirements that the person to whom it is issued appoint or engage a person with specified qualifications to prepare a plan or report or to undertake tests or monitoring required by the order; and

(e) in the case of an order requiring payment into an approved account—may require that payments must occur in accordance with a scheme specified by the Minister (either at the time of the making of the order or at a later time when the extent or impact of any action has been assessed or finally determined).

(3) A reparation order issued under this section—

(a) must be in the form of a notice given in the prescribed manner to the person to whom it is issued; and

(b) must specify the person to whom it is issued (whether by name or a description sufficient to identify the person); and

(c) must state the grounds on which it is made with reasonable particularity; and

(d) must state that the person may, within 14 days, appeal to the ERD Court against the order.

(4) An authorised officer may, if of the opinion that urgent action is required to prevent or mitigate further harm, issue an emergency reparation order containing requirements of a kind referred to in subsection (2), other than a requirement for payment into an approved account.

(5) An emergency reparation order may be issued orally but, in that event, the person to whom it is issued must be advised immediately of the person's right to appeal to the ERD Court against the order.

(6) If an emergency reparation order is issued orally, the authorised officer who issued it must confirm it at the earliest opportunity (and in any event within 2 business days) by notice given in the prescribed manner to the person to whom it applies.

(7) If an emergency reparation order is issued, the order will cease to have effect on the expiration of 72 hours from the time of its issuing unless confirmed by a reparation order issued, and given to the relevant person, in the prescribed manner.

(8) The Minister or an authorised officer may, if of the opinion that it is reasonably necessary to do so in the circumstances, include in an order issued under this section a requirement for an act or omission that might otherwise constitute a contravention of this Act and, in that event, a person incurs no criminal liability under this Act for compliance with the requirement.

58—Action on non-compliance with reparation order

(1) If the requirements of a reparation order are not complied with, the Minister may take any action required by the order.

(2) Action taken by the Minister under subsection (1) may be taken on the Minister's behalf by an authorised officer or another person authorised by the Minister for the purpose.

(3) A person taking action under this section may enter any relevant premises or vehicle at any reasonable time.

(4) The reasonable costs and expenses incurred by the Minister in taking action under this section may be recovered by the Minister as a debt from the person who failed to comply with the requirements of the reparation order.

(5) If an amount is recoverable from a person by the Minister under this section—

(a) the Minister may, by notice given in the prescribed manner to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the reparation order is registered under this Division.

59—Variation or revocation of orders

The Minister may, by notice given in the prescribed manner to the person to whom a radiation protection order, radiation protection cessation order or reparation order has been issued under this Subdivision, vary or revoke the order.

60—Offences

(1) A person to whom a radiation protection order, radiation protection cessation order or reparation order is issued must comply with the order.

Maximum penalty: $100 000.

Expiation fee: $3 000.

(2) A person must not hinder or obstruct a person complying with a radiation protection order, radiation protection cessation order or reparation order issued under this Act.

Maximum penalty: $100 000.

61—Reparation authorisations

(1) If the Minister is satisfied that a person has caused harm to people or the environment by—

(a) a breach of the general duty of care; or

(b) a contravention of a condition of an accreditation or authorisation; or

(c) a contravention of this Act,

the Minister may issue a reparation authorisation (whether or not a reparation order has been issued to the person) under which authorised officers or other persons authorised by the Minister for the purpose may take specified action on the Minister's behalf to make good any harm to people or the environment.

(2) A reparation authorisation may include authorisation for action to be taken to prevent or mitigate further harm to people or the environment.

(3) A reparation authorisation issued under this section—

(a) must be in the form of a notice given in the prescribed manner to the person alleged to have caused the harm as soon as practicable after the issuing of the reparation; and

(b) must specify the person alleged to have caused the harm (whether by name or a description sufficient to identify the person); and

(c) must state the grounds on which it is made with reasonable particularity.

(4) The Minister may vary or revoke a reparation authorisation.

(5) The Minister must, as soon as practicable after varying or revoking a reparation authorisation, give the person alleged to have caused the harm notice of the variation or revocation in the prescribed manner.

(6) If a person other than an authorised officer is authorised to take action under subsection (1), the following provisions apply:

(a) the Minister must issue the person with an instrument of authorisation;

(b) the person may exercise such powers of an authorised officer as are reasonably required for the purpose of taking action under that subsection;

(c) the provisions of this Act apply in relation to the exercise of such powers by the person in the same way as in relation to an authorised officer;

(d) the person must produce the instrument of authorisation for the inspection of any person in relation to whom the person intends to exercise powers of an authorised officer.

(7) A person taking action under a reparation authorisation may enter any relevant premises or vehicle at any reasonable time.

(8) The reasonable costs and expenses incurred by the Minister in taking action under a reparation authorisation may be recovered by the Minister as a debt from the person who caused the relevant harm.

(9) If an amount is recoverable from a person by the Minister under this section—

(a) the Minister may, by notice given in the prescribed manner to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the reparation authorisation is registered under this Part.

62—Related matter

A person cannot claim compensation from—

(a) the Minister or the Crown; or

(b) an authorised officer; or

(c) a person acting under the authority of the Minister or an authorised officer,

in respect of a requirement imposed under this Part or on account of any act or omission undertaken or made in the exercise (or purported exercise) of a power under this Part.

63—Registration of orders or authorisations by Registrar-General

(1) If—

(a) the Minister issues an order or authorisation under this Part; and

(b) the order or authorisation is issued in relation to an activity carried out on land, or requires a person to take action on or in relation to land,

the Minister may apply to the Registrar-General for the registration of the order or authorisation in relation to that land.

(2) An application under this section must—

(a) define the land to which it relates; and

(b) comply with any requirement imposed by the Registrar-General for the purposes of this section.

(3) The Registrar-General must—

(a) on due application under subsection (2); and

(b) on lodgement of a copy of the relevant order or authorisation,

register the order or authorisation in relation to the land by making such entries in any register book, memorial or other book or record in the Lands Titles Registration Office or in the General Registry Office as the Registrar-General thinks fit.

(4) An order or authorisation registered under this section is binding on each owner and occupier from time to time of the land.

(5) The Registrar-General must, on application by the Minister, cancel the registration of an order or authorisation in relation to land and make such endorsements to that effect in the appropriate register book, memorial or other book or record in respect of the land as the Registrar-General thinks fit.

(6) The Minister may, if the Minister thinks fit, apply to the Registrar-General for cancellation of the registration of an order or authorisation under this section in relation to land, and must do so—

(a) on revocation of the order or authorisation; or

(b) in respect of—

(i) an order—

(A) on full compliance with the requirements of the order;

(B) if the Minister has taken action under this Part to carry out the requirements of the order—on payment to the Minister of any amount recoverable by the Minister in relation to the action so taken; or

(ii) an authorisation—on payment to the Minister of any amount recoverable by the Minister under this Part in relation to the action taken pursuant to the authorisation.

64—Effect of charge

A charge imposed on land under this Part has priority over—

(a) any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate of the owner of the land; and

(b) any other charge on the land other than a charge registered prior to registration under this Division of the relevant order or authorisation in relation to the land.

Subdivision 2—Orders made by ERD Court

65—Orders made by ERD Court

(1) Applications may be made to the ERD Court for 1 or more of the following orders:

(a) if a person has engaged, is engaging or is proposing to engage in conduct in contravention of this Act—an order restraining the person, or an associate of the person, from engaging in the conduct and, if the Court considers it appropriate to do so, requiring the person, or an associate of the person, to take such action as may appear appropriate to the Court in the circumstances (including an order to rectify the consequences of any contravention, or to ensure that a further contravention does not occur);

(b) if a person has refused or failed, is refusing or failing or is proposing to refuse or fail to take any action required by this Act—an order requiring the person to take that action;

(c) if a person has suffered injury, illness, loss (including economic loss or loss of property) or damage to property as a result of a contravention of this Act, or incurred costs and expenses in taking action to prevent or mitigate such injury, illness, loss or damage—an order against the person who committed the contravention for payment of compensation for the injury, illness, loss or damage, or for payment of the reasonable costs and expenses incurred in taking that action;

(d) if the Court considers it appropriate to do so—an order against a person who has contravened this Act for payment (for the credit of the Consolidated Account) of an amount in the nature of exemplary damages determined by the Court;

(e) if a person has contravened this Act—an order requiring the person to take specified action to publicise the contravention and its environmental and other consequences and any other orders made against the person.

(2) The power of the ERD Court to make an order restraining a person from engaging in conduct of a particular kind may be exercised—

(a) if the Court is satisfied that the person has engaged in conduct of that kind—whether or not it appears to the Court that the person intends to engage again, or to continue to engage, in conduct of that kind; or

(b) if it appears to the Court that, in the event that an order is not made, it is likely that the person will engage in conduct of that kind—whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of damage if the person engages in conduct of that kind.

(3) The power conferred by subsection (1) may only be exercised by a Judge of the ERD Court.

(4) In assessing an amount to be ordered in the nature of exemplary damages, the ERD Court must have regard to—

(a) any harm to people or the environment or detriment to the public interest resulting from the contravention; and

(b) any financial saving or other benefit that the respondent, or an associate of the respondent, stood to gain by committing the contravention; and

(c) any other matter it considers relevant.

(5) An application under this section may be made by—

(a) the Minister; or

(b) a person whose interests are affected by the subject matter of the application; or

(c) any other person with the permission of the ERD Court.

(6) If an application is made by a person other than the Minister—

(a) the applicant must serve a copy of the application on the Minister within 3 days after filing the application with the ERD Court; and

(b) the ERD Court must, on application by the Minister, join the Minister as a party to the proceedings.

(7) An application under this section may be made in a representative capacity (but, if so, the consent of all persons on whose behalf the application is made must be obtained).

(8) An application may be made in the absence of the respondent, (or an associate of the respondent), and, if the ERD Court is satisfied on the application that the respondent has a case to answer, it may grant permission to the applicant to serve a summons requiring the respondent to appear before the Court to show cause why an order should not be made under this section.

(9) An application under this section must, in the first instance, be referred to a conference under section 16 of the *Environment, Resources and Development Court Act 1993*.

(10) If, on an application under this section or before the determination of the proceedings commenced by the application, the ERD Court is satisfied that, in order to preserve the rights or interests of parties to the proceedings or for any other reason, it is desirable to make an interim order under this section, the Court may make such an order.

(11) An interim order—

(a) may be made in the absence of the respondent or any other party; and

(b) may be made whether or not the proceedings have been referred to a conference; and

(c) will be made subject to such conditions as the Court thinks fit; and

(d) will not operate after the proceedings in which it is made are finally determined.

(12) The ERD Court may order an applicant in proceedings under this section—

(a) to provide security for the payment of costs that may be awarded against the applicant if the application is subsequently dismissed;

(b) to give an undertaking as to the payment of any amount that may be awarded against the applicant under subsection (13).

(13) If, on an application under this section alleging a contravention of this Act, the ERD Court is satisfied—

(a) that the respondent has not contravened this Act; and

(b) that the respondent has suffered loss or damage as a result of the actions of the applicant; and

(c) that in the circumstances it is appropriate to make an order under this provision,

the Court may, on the application of the respondent (and in addition to any order as to costs), require the applicant to pay to the respondent an amount, determined by the Court, to compensate the respondent for the loss or damage suffered by the respondent.

(14) The ERD Court may, if it considers it appropriate to do so, either on its own initiative or on the application of a party, vary or revoke an order previously made under this section.

(15) The ERD Court may, in any proceedings under this section, make such orders in relation to the costs of the proceedings as it thinks just and reasonable.

(16) Without limiting the generality of subsections (12), (13) and (15), in determining whether to make any order under those subsections the ERD Court may have regard to the following matters (so far as they are relevant):

(a) whether the applicant is pursuing a personal interest only in bringing the proceedings or is furthering a wider group interest or the public interest;

(b) whether or not the proceedings raise significant issues relating to the administration of this Act.

Division 2—Civil penalties

66—Civil penalties

(1) Subject to this section, if the Minister is satisfied that a person has committed an offence by contravening a provision of this Act, the Minister may, as an alternative to criminal proceedings, recover, by negotiation or by application to the ERD Court, an amount as a civil penalty in respect of the contravention.

(2) The Minister may not recover an amount under this section in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and must, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under this section, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.

(3) The Minister may not make an application to the ERD Court under this section to recover an amount from a person as a civil penalty in respect of a contravention—

(a) unless the Minister has served on the person a notice in the prescribed form advising the person that the person may, by notice given to the Minister in the prescribed manner, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the Minister's notice to make such an election; or

(b) if the person serves notice on the Minister, before the making of such an application, that the person elects to be prosecuted for the contravention.

(4) The maximum amount that the Minister may recover by negotiation as a civil penalty in respect of a contravention is the sum of the amount specified by this Act as the criminal penalty in relation to that contravention and the amount of any economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.

(5) If, on an application by the Minister, the ERD Court is satisfied on the balance of probabilities that a person has contravened a provision of this Act, the Court may order the person to pay to the Minister an amount as a civil penalty (but not exceeding the amount specified by this Act as the criminal penalty in relation to that contravention).

(6) In determining the amount to be paid by a person as a civil penalty, the ERD Court must have regard to—

(a) the nature and extent of the contravention; and

(b) any detriment to the public interest resulting from the contravention; and

(c) any financial saving or other benefit that the person stood to gain by committing the contravention; and

(d) whether the person has previously been found, in proceedings under this Act or the repealed Act, to have engaged in any similar conduct; and

(e) any other matter it considers relevant.

(7) The jurisdiction conferred by this section is to be part of the civil jurisdiction of the ERD Court.

(8) If conduct of a person constitutes a contravention of 2 or more provisions of this Act, an amount may be recovered from the person under this section in relation to the contravention of any 1 or more of those provisions (provided that the person is not liable to pay more than 1 amount as a civil penalty in respect of the same conduct).

(9) Proceedings for an order under this section that a person pay an amount as a civil penalty in relation to a contravention of this Act, or for enforcement of such an order, are stayed if criminal proceedings are started, or have already been started, against the person for an offence constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.

(10) Furthermore—

(a) proceedings referred to in subsection (9) may only be resumed if the criminal proceedings do not result in a formal finding of guilt being made against the person; and

(b) if proceedings for an order under this section that a person pay an amount as a civil penalty in relation to a contravention of this Act are commenced by the Minister, criminal proceedings against the person for an offence constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention cannot be commenced without the authorisation of the Attorney-General.

(11) Evidence of information given or evidence of the production of documents by a person is not admissible in criminal proceedings against the person if—

(a) the person gave the evidence or produced the documents in the course of negotiations or proceedings under this section for the recovery of an amount as a civil penalty in relation to a contravention of this Act; and

(b) the conduct alleged to constitute the offence is substantially the same as the conduct that was alleged to constitute the contravention.

(12) However, subsection (11) does not apply to criminal proceedings in respect of the making of a false or misleading statement.

(13) The ERD Court may, in any proceedings under this section, make such orders in relation to the costs of the proceedings as it thinks just and reasonable.

Division 3—Authorised officers

67—Appointment of authorised officers

(1) The Minister may appoint a suitably qualified person to be an authorised officer for the purposes of this Act.

(2) An appointment under subsection (1) may be made subject to conditions or limitations specified in the instrument of appointment.

(3) The Minister may, at any time—

(a) vary or revoke an appointment; or

(b) vary or revoke a condition of an appointment or impose a further condition.

68—Identity cards

(1) An authorised officer must be issued with an identity card in a form determined by the Minister—

(a) containing the person's name and a photograph of the person; and

(b) stating that the person is an authorised officer for the purposes of this Act.

(2) If the powers of an authorised officer have been limited by conditions under section 67, the identity card issued to the authorised officer must contain a statement of the limitation on the officer's powers.

(3) The identity card must be issued as soon as is reasonably practicable after the appointment is made (but an authorised officer is not prevented from exercising powers under this Act just because an identity card is yet to be issued).

(4) An authorised officer must, at the request of a person in relation to whom the authorised officer intends to exercise any powers under this Act, produce for the inspection of the person the authorised officer's identity card (unless the identity card is yet to be issued).

(5) An authorised officer appointed under this Act must, on ceasing to be an authorised officer for any reason, immediately return their identity card to the Minister.

Maximum penalty: $500.

69—Powers of authorised officers

(1) Subject to this Act, an authorised officer may, for any reasonable purpose connected with the administration or enforcement of this Act—

(a) enter and inspect any place or vehicle or anything on or in the place or vehicle; and

(b) with the authority of a warrant issued under this Part or in circumstances in which the authorised officer reasonably believes that immediate action is required, use reasonable force to break into or open any part of, or anything in or on, any place or vehicle; and

(c) give directions with respect to the stopping or moving of a vehicle; and

(d) take and remove samples of any substance or thing from any place or vehicle for analysis; and

(e) require a person to produce any documents, including a written record that reproduces in an understandable form information stored by computer, microfilm or other process; and

(f) examine, copy or take extracts from a document or information so produced or require a person to provide a copy of such a document or information; and

(g) take photographs, films, audio, video or other recordings; and

(h) examine or test any apparatus, plant, equipment or other thing, or cause or require it to be so examined or tested, or seize it or require its production for such examination or testing; and

(i) seize and retain, or issue a seizure order in respect of, anything that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this Act; and

(j) take onto or into any place or vehicle and use, any equipment or apparatus (such as drilling, boring, earth-moving, testing, measuring, photographic, film, audio, video or other recording equipment or apparatus); and

(k) require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit, a contravention of this Act to state the person's full name and usual place of residence and to produce evidence of the person's identity; and

(l) require a person who the authorised officer reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of this Act to answer questions in relation to those matters; and

(m) require a person holding an accreditation or authorisation or required to hold an accreditation or authorisation to produce it for inspection; and

(n) require a person holding a permit to produce it for inspection; and

(o) give any directions reasonably required in connection with the exercise of a power conferred by a preceding paragraph or otherwise in connection with the administration or enforcement of this Act.

(2) An authorised officer may, for the purpose of investigating a matter related to the administration or enforcement of this Act, give notice in the prescribed manner to a person, requiring the person to attend personally (at a reasonable time) at a specified place in order to enable an authorised officer to put questions to the person.

(3) An authorised officer may, if the officer reasonably believes that action is required to prevent a contravention of the Act—

(a) seize and retain radiation apparatus or other equipment containing a radiation source, or part of such an apparatus or equipment that is essential to its operation; or

(b) cause radiation apparatus or other equipment containing a radiation source to be rendered inoperable by a suitably qualified person.

(4) An authorised officer may not exercise the power of entry under this section in respect of premises unless—

(a) the premises are business premises being used at the time in the course of business; or

(b) the authorised officer reasonably suspects that—

(i) a contravention of this Act has been, is being, or is about to be, committed in the premises; or

(ii) something may be found in the premises that has been used in, or constitutes evidence of, a contravention of this Act.

(5) An authorised officer may not exercise the power to enter, inspect or seize a vehicle unless—

(a) the vehicle is of a prescribed class; or

(b) the authorised officer reasonably suspects that—

(i) a contravention of this Act has been, is being, or is about to be, committed in relation to the vehicle; or

(ii) something may be found in or on the vehicle that has been used in, or constitutes evidence of, a contravention of this Act.

(6) If a person who is not reasonably fluent in English and whose native language is not English is suspected of having committed an offence against this Act—

(a) the person is entitled to be assisted by an interpreter during any questioning conducted by an authorised officer in the course of an investigation of the suspected offence; and

(b) if it appears that the person may be entitled to be assisted by an interpreter, an authorised officer must not proceed with any questioning, or further questioning, until the person has been informed of the right to an interpreter; and

(c) if the person requests the assistance of an interpreter, an authorised officer must not proceed with any questioning, or further questioning, until an interpreter is present.

(7) An authorised officer, in exercising powers under this Act, may be accompanied by such assistants as are reasonably required in the circumstances.

(8) An authorised officer may require an occupier of any place or a person apparently in charge of plant, equipment, or a vehicle or other thing to give the authorised officer or a person assisting the authorised officer such assistance as is reasonably required by the authorised officer for the effective exercise of powers conferred by this Act.

(9) A person who gives assistance to an authorised officer as required under subsection (8) must, if the person so requires, be reimbursed by the authorised officer or the Minister for any reasonable costs and expenses incurred in giving the assistance.

(10) If the exercise of a power under this section (other than a power exercised with the authority of a warrant) results in any damage, the Minister must make good the damage as soon as is reasonably practicable or pay reasonable compensation for the damage.

70—Provisions relating to warrants

(1) If, on the application of an authorised officer, a magistrate is satisfied that there are reasonable grounds to believe—

(a) that a contravention of this Act has been, is being, or is about to be, committed in or on any place or a vehicle; or

(b) that something may be found in or on a place that has been used in, or constitutes evidence of, a contravention of this Act; or

(c) that the circumstances require immediate action,

the magistrate may issue a warrant in respect of the place or vehicle authorising an authorised officer, with such assistants as the authorised officer considers necessary, to use reasonable force to break into or open any part of, or anything in or on, the place or vehicle as specified in the warrant.

(2) An application for the issue of a warrant under this section—

(a) may be made either personally or by telephone; and

(b) must be made in accordance with any procedures prescribed by the regulations.

71—Provisions relating to seizure

(1) A seizure order—

(a) must be in the form of a notice given in the prescribed manner to the owner or person in control of the thing to which the order relates; and

(b) may be varied or revoked by further notice given in the prescribed manner.

(2) If a seizure order is issued, a person who removes or interferes with the thing to which the order relates without the approval of the Minister before an order is made under subsection (3)(b) in respect of the thing or the seizure order is discharged under subsection (3)(c) is guilty of an offence.

Maximum penalty: $50 000.

(3) If a thing has been seized or made subject to a seizure order, the following provisions apply:

(a) the thing must, if it has been seized, be held pending proceedings for an offence against this Act related to the thing seized, unless the Minister, on application, authorises its release to the person from whom it was seized, or to any person who had legal title to it at the time of its seizure, subject to such conditions as the Minister thinks fit (including conditions as to the giving of security for satisfaction of an order under paragraph (b)(ii));

(b) if proceedings for an offence against this Act relating to the thing are instituted within the prescribed period after its seizure or the issuing of the seizure order and the defendant is convicted or found guilty of the offence, the court may—

(i) order that it be forfeited to the Minister; or

(ii) where it has been released pursuant to paragraph (a) or is the subject of a seizure order—order that it be forfeited to the Minister or that the person to whom it was released or the defendant pay to the Minister an amount equal to its market value at the time of its seizure or the issuing of the seizure order, as the court thinks fit;

(c) if —

(i) proceedings are not instituted for an offence against this Act relating to the thing within the prescribed period after its seizure or the issuing of the seizure order; or

(ii) proceedings have been so instituted and—

(A) the defendant is found not guilty of the offence; or

(B) the defendant is convicted or found guilty of the offence but no order for forfeiture is made under paragraph (b),

then—

(iii) in the case of a thing seized—the person from whom the thing was seized, or any person with legal title to it, is entitled to recover from the Minister (if necessary, by action in a court of competent jurisdiction) the thing itself, or if it has been damaged or destroyed, compensation of an amount equal to its market value at the time of its seizure; or

(iv) in the case of a thing subject to a seizure order—the order is discharged.

(4) In subsection (3)—

the prescribed period means 12 months or such longer period as the ERD Court may, on application by the Minister, allow.

72—Offences against authorised officers and other persons engaged in administration of Act

(1) A person who—

(a) without reasonable excuse hinders or obstructs an authorised officer or other person engaged in the administration of this Act; or

(b) fails to comply with a notice given by an authorised officer under section 71; or

(c) fails to answer a question put by an authorised officer to the best of the person's knowledge, information or belief; or

(d) produces a document or record that the person knows, or ought to know, is false or misleading in a material particular; or

(e) being the person in charge of a place or vehicle subject to an inspection and having been required to provide reasonable assistance to facilitate the inspection, refuses or fails to provide such assistance; or

(f) fails without reasonable excuse to comply with a requirement or direction of an authorised officer under this Act; or

(g) uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or

(h) falsely represents, by words or conduct, that the person is an authorised officer,

is guilty of an offence.

Maximum penalty: $20 000.

(2) A person who assaults an authorised officer, or a person assisting an authorised officer, in the exercise of powers under this Act, is guilty of an offence.

Maximum penalty: $20 000.

Division 4—Power to require or obtain information

73—Information discovery orders

(1) The Minister may, by notice given in accordance with this section, issue an information discovery order for the purpose of obtaining information reasonably required by the Minister for the administration or enforcement of this Act.

(2) An information discovery order may be issued to any person who the Minister reasonably suspects has knowledge of matters, or has possession or control of a document dealing with matters, in respect of which information is required by the Minister.

(3) An information discovery order—

(a) must be given in the prescribed manner to the person to whom it is issued; and

(b) must specify the person to whom it is issued (whether by name or a description sufficient to identify the person); and

(c) may require information, as specified in the order, to be furnished to the Minister in such manner and within such period as is specified in the order; and

(d) must state the purpose for which the information is required; and

(e) must state that the person may, within 14 days, appeal to the ERD Court against the order.

(4) The Minister may, by notice given in the prescribed manner to a person to whom an information discovery order has been issued, vary or revoke the order.

(5) A person to whom an information discovery order is issued must comply with the order.

Maximum penalty: $50 000.

74—Obtaining of information on non-compliance with order or condition of accreditation or authorisation

(1) If a person—

(a) fails to furnish information as required by—

(i) an information discovery order; or

(ii) a condition of an accreditation or authorisation; or

(b) being required by such an order or condition to furnish information, furnishes information that is inaccurate or incomplete,

the Minister may take such action as is reasonably required to obtain the information.

(2) Any action to be taken by the Minister under subsection (1) may be taken by an authorised officer acting on behalf of the Minister or by other persons authorised by the Minister for the purpose.

(3) If a person other than an authorised officer is authorised to take action under subsection (1), the following provisions apply:

(a) the Minister must issue the person with an instrument of authorisation;

(b) the person may exercise such powers of an authorised officer as are reasonably required for the purpose of taking action under that subsection;

(c) the provisions of this Act apply in relation to the exercise of such powers by the person in the same way as in relation to an authorised officer;

(d) the person must produce the instrument of authorisation for the inspection of any person in relation to whom the person intends to exercise powers of an authorised officer.

(4) The reasonable costs and expenses incurred by the Minister in taking action under this section may be recovered by the Minister as a debt from the person whose failure gave rise to the action.

Division 5—Miscellaneous

75—Recovery of economic benefit

(1) If in any proceedings under this Act, a court finds that a person has contravened this Act, the court may, in addition to any penalty that it may impose, order the person to pay to the Minister an amount not exceeding the court's estimation of the amount of economic benefit acquired by the person, or accrued or accruing to the person, as a result of the contravention.

(2) For the purposes of subsection (1), an economic benefit obtained by delaying or avoiding costs will be taken to be an economic benefit acquired as a result of a contravention if the contravention can be attributed (in whole or in part) to that delay or avoidance.

(3) A court may, by an order under this section, fix a period for compliance and impose any other requirements the court considers necessary or expedient for enforcement of the order.

Part 8—Miscellaneous

76—Exemptions

(1) Subject to this section, the Minister may, by notice in the Gazette, exempt—

(a) a specified person or persons of a specified class; or

(b) a specified radiation source or a radiation source of a specified class; or

(c) specified premises or premises of a specified class,

from compliance with specified provisions of this Act.

(2) An application for an exemption under this section must be made in a manner and form determined by the Minister and the prescribed fee must be paid when the application is made.

(3) An exemption granted under this section has effect for a period, and is subject to conditions, specified by the Minister in the notice.

(4) The Minister must not grant an exemption from compliance with a provision of this Act unless 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 or endanger the environment.

(5) The Minister may, by notice in the Gazette, vary or revoke a condition of an exemption or impose a further condition.

(6) The Minister may, after due inquiry and for good cause, by notice in the Gazette, revoke an exemption under this section.

(7) A person who has the benefit of an exemption under this section and who contravenes 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—

(i) in the case of a body corporate—$250 000;

(ii) in the case of a natural person—$50 000 or imprisonment for 5 years or both;

(b) in any other case—

(i) in the case of a body corporate—$100 000;

(ii) in the case of a natural person—$20 000.

77—Register of accreditations, authorisations, exemptions and permits

(1) The Minister must keep a register of accreditations, authorisations, exemptions and permits.

(2) The Minister must ensure that information relating to the grant, renewal, variation, suspension, cancellation or revocation of any accreditation, authorisation, exemption or permit is entered on the register within 30 days after the grant, renewal, variation, suspension, cancellation or revocation takes effect.

(3) The register—

(a) will be kept in a manner and form determined by the Minister; and

(b) include such information as is required by the regulations.

(4) Subject to subsection (6), the Minister must ensure that the register is kept publicly available for inspection without fee—

(a) on a website determined by the Minister; and

(b) during ordinary office hours at a public office, or public offices, determined by the Minister.

(5) Subject to subsection (6), a member of the public may, on payment of the prescribed fee, obtain a copy of any part of the register.

(6) The Minister may restrict access to information included in the register if the Minister considers that it is necessary to do so—

(a) to prevent a threat to the security of radioactive material; or

(b) to protect the health or safety of the public; or

(c) for any prescribed reason.

78—Adoption of documents forming part of National Directory

(1) The Minister may, by notice in the Gazette—

(a) adopt a document (such as a standard, guidance note or code of practice) forming part of the National Directory; or

(b) vary or revoke an adoption under paragraph (a).

(2) The Minister must ensure that a document adopted under this section is kept publicly available for inspection without fee—

(a) on a website determined by the Minister; and

(b) during ordinary office hours at a public office, or public offices, determined by the Minister.

(3) In this section—

National Directory means the *National Directory for Radiation Protection* published by the Australian Radiation Protection and Nuclear Safety Agency of the Commonwealth, as published or in force from time to time, and includes any code, standard, guideline, rule, specification or other document adopted by or incorporated in the National Directory for Radiation Protection, whether as published or in force on a particular date, or as published or in force from time to time.

79—Confidentiality

(1) A person engaged or formerly engaged in the administration of this Act or the repealed Act must not divulge or communicate information obtained (whether by that person or otherwise) in the course of official duties except—

(a) as required or authorised by or under this Act or any other Act or law; or

(b) with the consent of the person to whom the information relates or from whom the information was obtained; or

(c) in connection with the administration or enforcement of this Act; or

(d) for the purposes of legal proceedings arising out of the administration or enforcement of this Act; or

(e) to an authority responsible under the law of a place outside this State, where the information is required for the proper administration or enforcement of that law; or

(f) to an agency or instrumentality of this State, the Commonwealth or another State or a Territory of the Commonwealth for the purposes of the proper performance of its functions; or

(g) to a prescribed body.

Maximum penalty: $20 000.

(2) Subsection (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates.

(3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—

(a) the person to whom the information was disclosed; or

(b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: $20 000.

80—Offences and ERD Court

Offences constituted by this Act (other than major indictable offences) lie within the criminal jurisdiction of the ERD Court.

81—Constitution of ERD Court

The following provisions apply in respect of the constitution of the ERD Court when exercising jurisdiction under this Act:

(a) the Court may be constituted in a manner provided by the *Environment, Resources and Development Court Act 1993* or may, if the Presiding Member of the Court so determines, be constituted of a Judge and 1 commissioner;

(b) the provisions of the *Environment, Resources and Development Court Act 1993* apply in relation to the Court constituted of a Judge and 1 commissioner in the same way as in relation to a full bench of the Court;

(c) the Court may not be constituted of or include a commissioner unless—

(i) in a case where only 1 commissioner is to sit (whether alone or with another member or members of the Court)—the commissioner; or

(ii) in any other case—at least 1 commissioner,

is a commissioner who has been specifically designated by the Governor as a person who has expertise in fields that are relevant to the jurisdiction conferred on the Court by this Act.

82—Commencement of proceedings

(1) Proceedings for an offence against this Act (including an expiable offence) may be commenced any time within 3 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 10 years after the date of the alleged commission of the offence.

(2) Any other proceedings under this Act based on a contravention of this Act may be commenced at any time within 3 years after the date of the alleged contravention or, with the authorisation of the Attorney-General, at any later time within 10 years after the date of the alleged contravention.

(3) An apparently genuine document purporting to be signed by the Attorney-General authorising the commencement of proceedings under this Act must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

83—Offences by officers of bodies corporate

(1) If a body corporate contravenes a provision of this Act, a person who is an officer of the body corporate is—

(a) subject to the general defence in section 86—guilty of a contravention of this Act; and

(b) liable to the same penalty as may be imposed for the principal contravention when committed by a natural person.

(2) An officer of a body corporate may be prosecuted and convicted of an offence against subsection (1) whether or not the body corporate has been prosecuted or convicted of the principal offence committed by the body corporate.

84—Vicarious liability

For the purposes of this Act, an act or omission of an employee or agent will be taken to be the act or omission of the employer or principal unless it is proved that the act or omission did not occur in the course of the employment or agency.

85—Continuing offences

(1) If an offence against a provision of this Act is committed by a person by reason of a continuing act or omission—

(a) the person is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continues of not more than an amount equal to one-fifth of the maximum penalty prescribed for that offence; and

(b) if the act or omission continues after the person is convicted of the offence, the person is guilty of a further offence against that 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 continues after that conviction of not more than an amount equal to one-fifth of the maximum penalty prescribed for that offence.

(2) For the purposes of this section, an obligation to do something is to be regarded as continuing until the act is done regardless of whether any period within which, or time before which, the act is required to be done has expired or passed.

86—General defence

(1) It will be a defence in criminal proceedings in respect of an alleged contravention of this Act, including—

(a) proceedings against a body corporate or a natural person where conduct or a state of mind is imputed to the body or person under this Part; and

(b) proceedings against an officer of a body corporate under this Part,

if it is proved that the alleged contravention did not result from any failure on the defendant's part to take all reasonable and practicable measures to prevent the contravention or contraventions of the same or a similar nature.

(2) Without limiting the effect of subsection (1), the defence provided by that subsection includes the defence that the act or omission alleged to constitute the contravention was justified by the need to protect life, the environment or property in a situation of emergency and that the defendant was not guilty of any failure to take all reasonable and practicable measures to prevent or deal with such an emergency.

(3) If a body corporate or other employer seeks to establish the defence provided by this section by proving the establishment of proper workplace systems and procedures designed to prevent a contravention of this Act, that proof must be accompanied by proof—

(a) that proper systems and procedures were also in place by which any such contravention or risk of such contravention of this Act that came to the knowledge of a person at any level in the workforce was required to be reported promptly to the governing body of the body corporate or to the employer, or to a person or group with the right to report to the governing body or to the employer; and

(b) that the governing body of the body corporate or the employer actively and effectively promoted and enforced compliance with this Act and with all such systems and procedures within all relevant areas of the workforce.

(4) A person who would, but for the defence provided by this section, have contravened a provision of this Act is, despite that defence, to be taken to have contravened that provision for the purposes of any proceedings under section 65 in respect of the contravention.

87—Notice of defence

(1) A person who, in criminal proceedings, intends to rely on the general defence under this Part or any other defence under this Act may only do so if the person gives notice in the prescribed manner of that intention to the Minister.

(2) A notice under subsection (1) must be given—

(a) if the proceedings are for a summary offence—within 28 days after the summons to answer the charge is served on the person; or

(b) if the proceedings are for a minor indictable offence where the charge is to be dealt with in the same way as a charge of a summary offence—not less than 28 days before the date for hearing of the charge; or

(c) in any other case—within 7 days after the person is committed for trial.

88—Imputation of conduct or state of mind of officer, employee etc

(1) For the purposes of proceedings for an offence against this Act—

(a) the conduct and state of mind of an officer, employee or agent of a body corporate acting within the scope of their actual, usual or ostensible authority will be imputed to the body corporate;

(b) the conduct and state of mind of an employee or agent of a natural person acting within the scope of their actual, usual or ostensible authority will be imputed to that person.

(2) If—

(a) a natural person is convicted of an offence against this Act; and

(b) the person would not have been convicted of the offence but for the operation of subsection (1),

the person is not liable to be punished by imprisonment for the offence.

(3) In this section, a reference to ***conduct*** or ***acting*** includes a reference to failure to act.

89—Statutory declarations

If a person is required under this Act to provide information to the Minister or a prescribed authority, the Minister or the prescribed authority (as the case may be) may require that the information be verified by statutory declaration and, in that event, the person will not be taken to have provided the information as required unless it has been verified in accordance with the requirements of the Minister or prescribed authority.

90—False or misleading statement

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, under this Act.

Maximum penalty: $50 000.

91—False or misleading report

(1) A person is guilty of an offence if—

(a) the person makes a report to the Minister or a person engaged in the administration of this Act that is false or misleading; and

(b) the person knows the report to be false or misleading; and

(c) the report is of a kind that would reasonably call for investigation or action by the Minister or a person engaged in the administration of this Act.

Maximum penalty: $50 000.

(2) If a person is convicted of an offence against subsection (1), the court must, on application by the Minister, order the convicted person to pay to the Minister the reasonable costs and expenses incurred by or on behalf of the Minister in carrying out an investigation or taking action as a result of the false or misleading report.

92—Self-incrimination

(1) It is not a reasonable excuse for a person to fail to answer a question or to produce, or provide a copy of, a document or information as required under this Act on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.

(2) If compliance by a natural person with a requirement under this Act might tend to incriminate the person or make the person liable to a penalty, then—

(a) in the case of a person who is required to produce, or provide a copy of, a document or information—the fact of production, or provision of a copy of, the document or the information (as distinct from the contents of the document or the information); or

(b) in any other case—the answer given in compliance with the requirement,

is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).

93—Evidentiary provisions

(1) In proceedings for an offence against this Act, an allegation in a complaint—

(a) that a person named holds or held at a specified time a specified office or position; or

(b) that a person named was at a specified time an authorised officer; or

(c) that a person named was or was not at a specified time the holder of a specified accreditation, authorisation or permit; or

(d) that a specified substance was or was not at a specified time a radioactive material of a specified class; or

(e) 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 any proceedings, a certificate executed by the Minister certifying as to a matter relating to—

(a) an accreditation, authorisation or permit; or

(b) the appointment or non-appointment of a person as an authorised officer; or

(c) a delegation or authority under this Act; or

(d) a notice, order or authorisation of the Minister under this Act; or

(e) any other decision of the Minister; or

(f) the receipt or non-receipt by the Minister of a notification or information required to be given or furnished to the Minister under this Act,

constitutes proof of the matters so certified in the absence of proof to the contrary.

(3) In any proceedings, an apparently genuine document purporting to be an authorisation, notice, order, certificate or other document, or a copy of an authorisation, notice, order, certificate or other document, issued or executed by the Minister or an authorised officer will be accepted as such in the absence of proof to the contrary.

(4) In proceedings for an offence against this Act, a condition of an accreditation or authorisation 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.

(5) In any proceedings for an offence against this Act, a certificate of an authorised officer certifying that, at a specified time—

(a) a specified vehicle was stopped or parked in a specified place; or

(b) a specified person was the owner of a specified vehicle,

constitutes proof of the matters so specified in the absence of proof to the contrary.

(6) In any proceedings for the recovery of reasonable costs and expenses incurred by the Minister under this Act, a certificate executed by the Minister detailing the costs and expenses and the purpose for which they were incurred constitutes proof of the matters so certified in the absence of proof to the contrary.

(7) If in any proceedings under Part 7 or in proceedings for an offence against this Act it appears that an alleged fact has been determined by the use of an electronic, sonic, optical, mechanical or other device by an authorised officer or a person assisting an authorised officer, the alleged fact must be accepted as proved in the absence of proof to the contrary.

(8) In any proceedings, a certificate of compliance executed by the holder of an accreditation that authorises the issue of such a certificate certifying as to a matter relating to the compliance of a radiation source with this Act will be accepted as proof of the matter so certified in the absence of proof to the contrary.

94—Service

(1) A notice or document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may—

(a) be given to the person personally; or

(b) be posted in an envelope addressed to the person at the person's last known residential, business or (in the case of a corporation) registered address; or

(c) be left for the person at the person's last known residential, business or (in the case of a corporation) registered address with someone apparently over the age of 16 years; or

(d) be transmitted by fax or email to a fax number or email address provided by the person (in which case the notice or document will be taken to have been given or served at the time of transmission).

(2) Without limiting the effect of subsection (1), a notice or other document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may, if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served on the person in accordance with that Act.

95—Recovery of fees and other amounts due to Minister

A fee or other amount payable under this Act is recoverable by action in a court of competent jurisdiction as a debt due to the Minister.

96—Recovery of administrative and technical costs associated with contraventions

(1) If a person has contravened this Act and the Minister—

(a) has taken action to—

(i) investigate the contravention; or

(ii) issue an order under Part 7 Division 1 Subdivision 1 in respect of the contravention; or

(iii) ensure that the person has complied with requirements imposed in relation to the contravention by an order under Part 7 Division 1 Subdivision 1 or by an order of a court under this Act; or

(b) has, in taking such action, incurred costs and expenses in taking samples or in conducting tests, examinations or analyses,

the Minister may, by notice given in the prescribed manner to the person, require the person to pay to the Minister—

(c) in respect of action to investigate the contravention or to issue an order under Part 7 Division 1 Subdivision 1 in respect of the contravention—a fee fixed by, or calculated in accordance with, the regulations; or

(d) in respect of action to ensure that the person has complied with requirements imposed in relation to the contravention by an order under Part 7 Division 1 Subdivision 1 or by an order of a court under this Act—the reasonable costs and expenses incurred by the Minister in taking that action; or

(e) in respect of costs and expenses incurred in taking samples or in conducting tests, examinations or analyses—the reasonable costs and expenses so incurred by the Minister.

(2) Subject to subsection (3), an amount payable to the Minister in accordance with a notice under this section must be paid within the period specified in the notice.

(3) On application by a person who has been served a notice under this section, the Minister may, by notice given in the prescribed manner to the person—

(a) extend the time for payment of an amount payable in accordance with the notice; or

(b) waive payment of such an amount or reduce the amount payable.

(4) A person who fails to pay an amount payable to the Minister in accordance with this section is guilty of an offence.

Maximum penalty: $5 000.

Expiation fee: $315.

(5) If a notice is issued under this section in respect of a contravention and—

(a) the contravention is the subject of an appeal; or

(b) the notice requires payment of an amount in respect of the issue of an order under Part 7 Division 1 Subdivision 1 and the order is the subject of an appeal,

the notice is suspended until the appeal has been determined (but if the court, on appeal, finds that the contravention was committed or that the order was properly issued, as the case may be, the notice will have effect as if the period for payment specified in the notice commenced on the day on which the appeal was determined).

(6) A notice served on the holder of an authorisation under this section in respect of a contravention of a condition of the authorisation—

(a) must not require the payment of a fee in respect of action taken, or costs and expenses incurred, in investigating the contravention unless the contravention has been established, or is taken to have been established, against the holder of the authorisation; but

(b) may require—

(i) the payment of a fee in respect of the issue of an order under Part 7 Division 1 Subdivision 1 in respect of the contravention; or

(ii) the payment of reasonable costs and expenses incurred—

(A) in taking action to ensure compliance with requirements imposed in relation to the contravention by an order under Part 7 Division 1 Subdivision 1 or by an order of a court under this Act; or

(B) in taking samples or in conducting tests, examinations or analyses in the course of taking such action,

whether or not the contravention has been established, or is taken to have been established, against the holder of the authorisation.

(7) For the purposes of subsection (6), a contravention of a condition of an authorisation has been established, or is taken to have been established, against the holder of the authorisation if—

(a) a court, in criminal proceedings or in proceedings under section 66, has found that the holder of the authorisation committed the contravention; or

(b) the holder of the authorisation, by negotiation with the Minister under section 66, has agreed to pay a civil penalty in respect of the contravention.

97—Assessment of reasonable costs and expenses

For the purposes of this Act, the reasonable costs and expenses that have been or would be incurred by the Minister in taking any action are to be assessed by reference to the reasonable costs and expenses that would have been or would be incurred in having the action taken by an independent contractor engaged for that purpose.

98—Regulations and fees notices

(1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Act.

(2) Without limiting the generality of subsection (1), the regulations may—

(a) control activities or operations related to radioactive materials, radiation sources and radiation apparatus (including, but not limited to, mining or mineral processing operations or any form of dealing with radioactive materials, radiation sources or radiation apparatus); and

(b) specify standards to be observed, practices and procedures to be followed and measures to be taken in relation to activities or operations referred to in paragraph (a); and

(c) regulate, restrict or prohibit any act or thing that is involved in or related to an activity or operation referred to in paragraph (a); and

(d) prescribe measures for the protection of people and the environment from the harmful effects of radiation; and

(e) make provision for or in relation to the granting, issuing or giving of an accreditation, authorisation, permit or approval and the conditions to which it is subject; and

(f) make provision for or in relation to the giving of directions for the purposes of the regulations; and

(g) 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 or operations referred to in paragraph (a); and

(h) make provision for or in relation to the medical examination of persons exposed to radiation in the course of activities or operations referred to in paragraph (a); and

(i) 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 or operations referred to in paragraph (a); and

(j) make provision for the monitoring of levels of radiation exposure of persons engaged in activities or operations referred to in paragraph (a) and the monitoring of the health of such persons during and after such employment; and

(k) make provision for or in relation to identity checks and security background checks; and

(l) authorise the release of information obtained in the administration of this Act to any prescribed body; and

(m) provide that contravention of 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—

(A) in the case of a body corporate—$100 000;

(B) in the case of a natural person—$20 000 or imprisonment for 5 years or both;

(ii) in the case of a summary offence—

(A) in the case of a body corporate—$50 000;

(B) in the case of a natural person—$10 000; and

(n) prescribe expiation fees not exceeding—

(i) in the case of a body corporate—$5 000;

(ii) in the case of a natural person—$1 000,

for alleged offences against the regulations;

(o) regulate the payment, refund, waiver or reduction of fees prescribed by the Minister under subsection (6).

(3) Regulations under this Act may—

(a) make provisions of a savings or transitional nature consequent on the enactment of this Act or the commencement of specified provisions of this Act or specified regulations under this Act;

(b) include defences to offences against the regulations and evidentiary provisions to facilitate proof of contraventions of the regulations for the purposes of proceedings for offences.

(4) A provision referred to in subsection (3)(a) may, if the regulations so provide, take effect from the date of assent to this Act or a later day.

(5) To the extent to which a provision referred to in subsection (3)(a) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

(a) to affect, in a manner prejudicial to any person (other than the Crown), the rights of that person existing before the date of its publication; or

(b) to impose liabilities on any person (other than the Crown) in respect of anything done or omitted to be done before the date of its publication.

(6) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.

(7) The regulations may refer to or adopt, wholly or partially and with or without modification—

(a) a code, standard or other document relating to matters in respect of which regulations may be made under this Act; or

(b) an amendment to such a code, standard or other document.

(8) Any regulations that refer to or adopt a code, standard or other document, or an amendment to a code, standard or other document, may contain such incidental, supplementary and transitional provisions as appear to the Governor to be necessary.

(9) The regulations or a code, standard or other document referred to or adopted by the regulations may—

(a) refer to or incorporate, wholly or partially and with or without modification, a standard, specification, guideline or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time to time; and

(b) be of general or limited application; and

(c) make different provision according to the persons, things or circumstances to which they are expressed to apply; and

(d) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister or a prescribed authority.

(10) If—

(a) a code, standard or other document is referred to or adopted by the regulations; or

(b) the regulations, or a code, standard or other document referred to or adopted by the regulations, refers to or incorporates a standard, specification, guideline or other document prepared or published by a prescribed body,

then—

(c) a copy of the code, standard, specification, guideline or other document must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices specified in the regulations; and

(d) in any legal proceedings, evidence of the contents of the code, standard, specification, guideline or other document may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the code, standard, specification, guideline or other document.

99—Review of Act

(1) The Minister must cause a review of the operation of this Act to be conducted and a report on the results of the review to be submitted to the Minister.

(2) The first review must be conducted within the period of 12 months after the tenth anniversary of the commencement of this Act and subsequent reviews must be conducted every 10 years.

(3) The Minister must, within 12 sitting days after receiving a report of a review under this section, cause copies of the report to be laid before both Houses of Parliament.

Schedule 1—Application of this Act to Roxby Downs Joint Venturers

1 This Act applies in relation to operations of the Joint Venturers carried out or to be carried out under the Indenture subject to the modifications set out in this Schedule.

2 An application for a mining licence by the Joint Venturers 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 impose a condition on, or vary or revoke a condition of, the mining licence granted to the Joint Venturers.

(2) A reference to arbitration under subclause (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 subclause (1).

(4) No other matter arising under this Act in relation to operations of the Joint Venturers carried out or to be carried out under 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 1 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 2 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, impose a condition on, or vary or revoke a condition of, the mining licence granted to the Joint Venturers.

(2) At least 1 month before the Minister gives a notice under subclause (1), the Minister must give notice in writing to the Joint Venturers of the terms of any condition proposed to be imposed on 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 impose a condition on, or vary or revoke a condition of, the mining licence granted to the Joint Venturers takes effect at the expiration of 1 month from the date on which notice is given under clause 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 that 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.

11 The mining licence held by the Joint Venturers on the commencement of this Schedule will expire on 8 May 2036.

12 Sections 18(4), 19(4), 20(4), 36(3), 41, 42 and 43 do not apply.

13 In this Schedule—

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

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

Mines Minister means the Minister to whom the administration of the *Mining Act 1971* is committed;

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

Schedule 2—Transitional provisions

Part 4—Transitional provisions

4—Radiation Protection Committee

On the commencement of this clause, all members of the Radiation Protection Committee then in office vacate their respective offices so that fresh appointments may be made to the Committee under this Act.

5—Authorised officers

A person appointed and holding office as an authorised officer under the repealed Act immediately before the commencement of this clause will, on that commencement, be taken to be an authorised officer appointed under this Act and any conditions to which the appointment was subject under the repealed Act will be taken to continue to apply to the appointment under this Act as if they had been imposed under this Act.

6—Certain licences to continue as radiation management licences

(1) A licence issued under section 23A of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a radiation management licence under this Act issued for the purposes of section 18 and any conditions to which the licence was subject under the repealed Act will continue to apply to the licence under this Act as if they had been imposed under this Act.

(2) A licence issued under section 24 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a radiation management licence under this Act issued for the purposes of section 19 and any conditions to which the licence was subject under the repealed Act will continue to apply to the licence under this Act as if they had been imposed under this Act.

(3) A licence issued under section 29A of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a radiation management licence under this Act issued for the purposes of section 20 and any conditions to which the licence was subject under the repealed Act will continue to apply to the licence under this Act as if they had been imposed under this Act.

(4) A licence issued under section 33A of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a licence under this Act issued for the purposes of section 22 and any conditions to which the licence was subject under the repealed Act immediately before that commencement will continue to apply to the licence under this Act as if they had been imposed under this Act.

(5) Despite section 38, the Minister may, on the commencement of this clause, fix a common expiry date for 2 or more radiation management licences held by the same person as at the commencement of this clause.

7—Certain licences to continue as radiation use licences

(1) A licence issued under section 28 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a radiation use licence under this Act issued for the purposes of section 23 and any conditions to which the licence was subject under the repealed Act will continue to apply to the licence under this Act as if they had been imposed under this Act.

(2) A licence issued under section 31 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a radiation use licence under this Act issued for the purposes of section 24 and any conditions to which the licence was subject under the repealed Act immediately before that commencement will continue to apply to the licence under this Act as if they had been imposed under this Act.

(3) Despite section 38, the Minister may, on the commencement of this clause, fix a common expiry date for two or more radiation use licences held by the same person as at the commencement of this clause.

8—Registrations to continue

(1) A registration issued under section 29 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a registration under section 25 of this Act and any conditions to which the registration was subject under the repealed Act immediately before that commencement will continue to apply to the registration under this Act as if they had been imposed under this Act.

(2) A registration issued under section 30 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a registration under section 26 of this Act and any conditions to which the registration was subject under the repealed Act immediately before that commencement will continue to apply to the registration under this Act as if they had been imposed under this Act.

(3) A registration issued under section 32 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a registration under section 27 of this Act and any conditions to which the registration was subject under the repealed Act immediately before that commencement will continue to apply to the registration under this Act as if they had been imposed under this Act.

(4) Despite section 38, the Minister may, on the commencement of this clause, fix a common expiry date for two or more registrations held by the same person as at the commencement of this clause.

9—Accreditations to continue

An accreditation issued under Part 3 Division 3B of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be an accreditation under Part 4 Division 5 of this Act and any conditions to which the accreditation was subject under the repealed Act immediately before that commencement will continue to apply to the accreditation under this Act as if they had been imposed under this Act.

10—Directions relating to dangerous situations to continue

A direction given to a person under section 42 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be a direction given under section 46 of this Act.

11—Exemptions to continue

(1) An exemption under section 44 of the repealed Act in force immediately before the commencement of this clause will, on that commencement, be taken to be an exemption under section 76 of this Act and any conditions to which the exemption was subject under the repealed Act immediately before that commencement will be taken to apply to the exemption under this Act as if they had been imposed under this Act.

(2) An exemption referred to in subclause (1) will expire 12 months after the commencement of this clause.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- 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.

Legislation repealed by principal Act

The *Radiation Protection and Control Act 2021* repealed the following:

Radiation Protection and Control Act 1982

Legislation amended by principal Act

The *Radiation Protection and Control Act 2021* amended the following:

Environment Protection Act 1993

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2021	4	*Radiation Protection and Control Act 2021*	11.2.2021	11.2.2023 (s 27(6) *Legislation Interpretation Act 2021*)
2025	**46**	***Radiation Protection and Control (Commencement of Proceedings) Amendment Act 2025***	**5.11.2025**	**5.11.2025: s 2**
2026	3	*Roxby Downs (Indenture Ratification) (Amendment of Indenture) Amendment Act 2026*	25.6.2026	Pt 5 (s 16)—uncommenced

Provisions amended

New entries appear in bold.

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

Provision	How varied	Commencement
Long title	amended under *Legislation Revision and Publication Act 2002*	5.11.2025
Pt 1		
s 2	*omitted under Legislation Revision and Publication Act 2002*	*5.11.2025*
Pt 8		
s 82		
s 82(1)	substituted by 46/2025 s 3	5.11.2025
Sch 2		

heading	amended under *Legislation Revision and Publication Act 2002*	5.11.2025
Pts 1—3	*omitted under Legislation Revision and Publication Act 2002*	*5.11.2025*

Transitional etc provisions associated with Act or amendments

Radiation Protection and Control (Commencement of Proceedings) Amendment Act 2025, Sch 1

1—Transitional provision

Section 82 of the *Radiation Protection and Control Act 2021* as amended by this Act applies in relation to an offence against that Act irrespective of whether the offence was allegedly committed before or after the commencement of the amendment.