



Australian Capital Territory

Radiation Protection Act 2006

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(republication for expiry of transitional provisions (pt 11))

About this republication

The republished law

This is a republication of the *Radiation Protection Act 2006* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 September 2023. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 11 September 2023.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



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Australian Capital Territory

Radiation Protection Act 2006

An Act to provide for the protection of the health and safety of people, and for the protection of property and the environment, from the harmful effects of radiation, and for related purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Radiation Protection Act 2006*.

3 Object of Act

The object of this Act is to protect the health and safety of people, and to protect property and the environment, from the harmful effects of radiation.

4 Radiation protection principle

- (1) The *radiation protection principle* means the principle that people, property and the environment should be protected from unnecessary exposure to radiation through the processes of justification, limitation and optimisation for which—
- (a) *justification* involves assessing whether the benefits of a radiation practice, or the use of a radiation source, outweigh the detriment caused by the practice or source; and
 - (b) *limitation* involves setting radiation dose limits, or imposing other measures, so that the health risk to anyone, or the risk of damage to property or the environment, from being exposed to radiation is below unacceptable levels; and
 - (c) *optimisation*—
 - (i) in relation to the conduct of a radiation practice, or the use of a radiation source, that may expose a person, property or the environment to radiation involves keeping—
 - (A) the magnitude of individual doses of, or the number of people who may be exposed to, ionising radiation; or

(B) if the magnitude of individual doses, or the number of people who may be exposed, is uncertain—the likelihood of exposures of ionising radiation happening;

as low as reasonably achievable taking into account economic, social and environmental factors; and

(ii) optimising, to a level of cost effectiveness, the conduct of a radiation practice, or the use of a radiation source, that may expose a person, property or the environment to non-ionising radiation.

(2) The advisory committee, and anyone else with functions under this Act, must have regard to the radiation protection principle in exercising a function under this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see [Legislation Act](#), s 104)

5 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition ‘*radiation source*—see section 9 (1).’ means that the term ‘radiation source’ is defined in that subsection.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

6 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

7 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Important terms

8 **Meaning of *radiation* and *ionising* and *non-ionising* radiation**

- (1) For this Act, *radiation* is a phenomena caused naturally, or created artificially, that is—
 - (a) an electromagnetic waveform, quanta or both; and
 - (b) propagated through space or through a material medium.
- (2) Radiation is *ionising* if it is—
 - (a) capable of producing ions directly or indirectly; and
 - (b) either—
 - (i) particulate radiation; or
 - (ii) electromagnetic radiation of a wavelength of 100 nanometres or less.
- (3) Radiation is *non-ionising* if it is electromagnetic radiation of a wavelength greater than 100 nanometres.

9 **Meaning of *radiation source* etc**

- (1) A thing is a *radiation source* if it emits or may emit radiation.
- (2) A radiation source can be a radiation apparatus, a radiation facility or radioactive material.
- (3) A *radiation apparatus* is—
 - (a) apparatus that—
 - (i) produces radiation when energised; or

- (ii) if assembled or repaired, would be capable of producing radiation when energised; or
- (b) a thing prescribed by regulation to be a radiation apparatus.
- (4) A **radiation facility** is a facility prescribed by regulation to be a radiation facility.
- (5) **Radioactive material** is material that spontaneously emits ionising radiation as a consequence of nuclear transformations.

10 Meaning of *prohibited radiation source* and *regulated radiation source*

- (1) A radiation source is a **prohibited radiation source** if it is prescribed by regulation to be a prohibited radiation source.
- (2) A radiation source is a **regulated radiation source** if it is—
 - (a) a radiation source (other than a prohibited radiation source) that emits or is capable of emitting ionising radiation above the level prescribed by regulation; or
 - (b) a radiation source prescribed by regulation that emits or is capable of emitting non-ionising radiation.

11 Meaning of *deal* with radiation source

- (1) A person **deals** with a radiation source if the person—
 - (a) manufactures the radiation source; or
 - (b) possesses the radiation source; or
 - (c) supplies the radiation source to someone else; or
 - (d) uses the radiation source; or
 - (e) disposes of the radiation source; or
 - (f) inspects and assesses the safety of the radiation source to ensure compliance with this Act; or

- (g) for radioactive material—stores, packs or transports the material.

Note **Dispose** of and **use** are defined in the dictionary.

- (2) For subsection (1) (b), a person does not possess a radiation source only because, as part of a diagnostic or therapeutic procedure—
 - (a) the person, or an animal kept by the person, has been injected with radioactive material; or
 - (b) radioactive material has been administered to or implanted in the person or animal in any other way.

Part 3 Radiation safety

Division 3.1 Safety duties

12 General duty to ensure no harm

A person who deals with a regulated radiation source must take all reasonable steps to ensure that no harm results to the health or safety of people or to property or the environment from radiation emitted from the radiation source.

Note 1 A failure to comply with this section may be an offence (see s 53).

Note 2 For the meaning of *deal* with a radiation source, see s 11.

13 Radiation exposure

- (1) This section applies to a person who deals with a regulated radiation source.
- (2) The person must take all reasonable steps to ensure that, if anyone (including the person) receives a dose of radiation, the dose must not result in that person receiving doses of radiation during a period that, when added together, are higher than the dose limit for the period.
- (3) This section does not apply to a dose received by a person from the carrying out of a diagnostic or therapeutic procedure involving the irradiation of the person at the request of a health practitioner.

Note 1 A failure to comply with this section may be an offence (see s 53).

Note 2 For the meaning of *deal* with a radiation source, see s 11.

14 Diagnostic or therapeutic procedures

A person who uses a regulated radiation source to carry out a diagnostic or therapeutic procedure involving the irradiation of a person (the *treated person*) at the request of a health practitioner must ensure that the treated person does not receive a dose of radiation from the procedure that is not in accordance with the request.

Note 1 A failure to comply with this section may be an offence (see s 53).

Note 2 *Health practitioner* includes a doctor registered under the [Health Practitioner Regulation National Law \(ACT\)](#).

15 Incorporated documents, approved codes of practice etc may be considered

In deciding whether a person has complied with a safety duty, an incorporated document, or approved code of practice, applying to the duty may be considered.

Note 1 For the meaning of *safety duty*, see s 52.

Note 2 For the meaning of *incorporated document* and *approved code of practice*, see the dictionary.

Division 3.2 Licenses

16 Application for licence

- (1) A person may apply to the chief health officer for a licence to deal with a regulated radiation source.
- (2) The application must—
 - (a) be in writing; and
 - (b) include any information prescribed by regulation.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

- (3) The chief health officer may, by written notice, require an applicant for a licence to give the chief health officer more information—
- (a) that the chief health officer reasonably needs to decide the application; and
 - (b) within a stated time.

Examples—more information

- 1 information about the proposed dealings under the licence
- 2 information about the applicant's skills and qualifications

- (4) If the applicant does not comply with a requirement in the notice, the chief health officer may refuse to issue the licence.

17 Decision about licence application

- (1) If a person applies for a licence, the chief health officer must—
- (a) issue the licence; or
 - (b) refuse to issue the licence.

Note A licence may be issued with a condition (see s 19).

- (2) The chief health officer may issue the licence to the applicant, only if satisfied that the applicant is a suitable person to hold the licence in accordance with section 17A.
- (3) The chief health officer must refuse to issue the licence if satisfied it is not in the public interest to issue the licence.
- (4) In considering the public interest under subsection (3), the chief health officer must consider the risk of a dose limit being exceeded.
- (5) Subsection (4) does not limit the matters the chief health officer may consider relevant to the public interest.

17A Suitable person to hold licence

- (1) In deciding whether an applicant is a suitable person to hold a licence, the chief health officer must consider the following:
- (a) whether the applicant has the knowledge, skills and experience to safely deal with the regulated radiation source the subject of the application;
 - (b) for an applicant who is, or was, a licensee under this Act, or a corresponding law—
 - (i) whether any conditions were imposed on the licence; and
 - (ii) if a condition was imposed on the licence—whether the applicant failed to comply with the condition; and
 - (iii) whether the applicant was given an improvement notice or prohibition notice; and
 - (iv) whether any disciplinary action was taken against the applicant; and
 - (v) whether the licence was amended or cancelled;
 - (c) whether the applicant has been convicted or found guilty of an offence against a law that relates to the applicant's ability to safely deal with a radiation source, including this Act or a corresponding law;

Examples—law that relates to applicant's ability to safely deal with radiation source

- 1 the *Dangerous Substances Act 2004*
- 2 the *Health Practitioner Regulation National Law (ACT)*
- 3 the *Veterinary Practice Act 2018*

- (d) any other information prescribed by regulation.

- (2) If the applicant is a corporation, the chief health officer must also consider the matters mentioned in subsection (1) for each influential person for the corporation.
- (3) The chief health officer may consider anything else the chief health officer considers relevant.

18 Form of licence

- (1) A licence must—
 - (a) be in writing; and
 - (b) include the following information:
 - (i) the full name and address of the licensee;
 - (ii) a unique identifying number;
 - (iii) the term of the licence;
 - (iv) any conditions on the licence;
 - (v) any other information prescribed by regulation; and
 - (c) identify or describe—
 - (i) each regulated radiation source to which the licence applies (the *relevant source*); and
 - (ii) each kind of dealing authorised by the licence in relation to each relevant source.
- (2) The licence may include any other information the chief health officer considers relevant.

19 Licence conditions

A licence is subject to—

- (a) any condition the chief health officer imposes when issuing the licence; and
- (b) any other condition prescribed by regulation.

Examples—par (a)

- 1 compliance with an approved code of practice or standard
- 2 compliance with a national incident reporting framework
- 3 compliance with particular requirements of inspection and reporting
- 4 compliance with particular security procedures

20 Term of licence

The chief health officer may issue a licence for not longer than 3 years.

21 Offence—fail to update name or address

- (1) A person commits an offence if the person—
 - (a) is a licensee; and
 - (b) changes their name or address from the name or address mentioned in the licence; and
 - (c) does not tell the chief health officer, in writing, about the change within 14 days after the day the change happens.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

22 Amendment of licence by chief health officer

- (1) The chief health officer may amend a licence at any time and on the chief health officer's own initiative.

Examples

- 1 changing a dealing with a radiation source authorised under a licence
- 2 imposing a condition on a licence
- 3 amending an existing condition of the licence

- (2) However, the chief health officer may take action under this section (a *proposed action*) only if—

- (a) the chief health officer has given the licensee written notice of the proposed action; and
- (b) the notice states that written comments on the proposed action may be made to the chief health officer before the end of a stated period of at least 14 days after the day the notice is issued to the person; and
- (c) the chief health officer has considered any comments made before the end of the stated period.

- (3) Subsection (2) does not apply if the licensee applied for, or agreed in writing to, the action.

23 Amendment of licence on application

- (1) A licensee may apply to the chief health officer to amend the licensee's licence.

Examples

- 1 changing a dealing with a radiation source authorised under the licence
- 2 amending a licence condition
- 3 removing a licence condition

- (2) The chief health officer may, by written notice, require the licensee to give the chief health officer more information the chief health officer reasonably needs to decide the application.

- (3) If the licensee does not comply with a requirement under subsection (2), the chief health officer may refuse to consider the application.
- (4) In deciding whether to amend the licence, the chief health officer may consider anything the chief health officer may consider under section 17 in relation to an application for a licence.
- (5) On an application by a licensee to amend a licence, the chief health officer must—
 - (a) amend the licence in the way applied for; or
 - (b) refuse to amend the licence.

24 Automatic cancellation of licence

- (1) This section applies if—
 - (a) a licence is in force in relation to a regulated radiation source; and
 - (b) the radiation source becomes a prohibited radiation source.
- (2) The licence is automatically cancelled.
- (3) The chief health officer must give written notice to the person who was the licensee within 7 days after the day the licence is cancelled.

Division 3.3 Registration of radiation sources

25 Application for registration of radiation source

- (1) The owner of a regulated radiation source may apply to the chief health officer to register the radiation source.
- (2) The application must—
 - (a) be in writing; and
 - (b) include a radiation management plan, for the radiation source, in accordance with section 33C; and

(c) include any other information prescribed by regulation.

Note Giving false or misleading information is an offence against the [Criminal Code](#), s 338.

(3) The chief health officer may, by written notice, require the applicant to give the chief health officer more information—

(a) that the chief health officer reasonably needs to decide the application; and

(b) within a stated time.

Example—more information

how people, property and the environment will be protected from unnecessary exposure to radiation from a radiation source

(4) The chief health officer may, by written notice, require that an applicant amend a radiation management plan included in an application if the chief health officer is satisfied that the plan does not adequately address the requirements under section 33C.

(5) If an applicant does not comply with a requirement under subsection (3) or (4), the chief health officer may refuse to register the radiation source.

26 Decision about radiation source registration application

(1) If a person applies for registration of a regulated radiation source, the chief health officer must—

(a) register the radiation source; or

(b) refuse to register the radiation source.

(2) In deciding whether to register the regulated radiation source, the chief health officer must consider—

(a) whether the person is a suitable person to own a regulated radiation source in accordance with section 26A; and

- (b) whether it is in the public interest that the regulated radiation source be registered; and
 - (c) anything the chief health officer considers relevant in relation to the person's ability to comply with this Act; and
 - (d) any criteria prescribed by regulation.
- (3) The chief health officer must refuse to register the regulated radiation source if the chief health officer is not satisfied of either matter mentioned in subsection (2) (a) or (b).
- (4) If the chief health officer refuses to register the regulated radiation source, the chief health officer must tell the person about the decision as soon as practicable, but not later than 7 days, after the day the chief health officer makes the decision.

26A Suitable person to own registered regulated radiation source

- (1) In deciding whether an applicant is a suitable person to own a registered regulated radiation source, the chief health officer must consider the following:
- (a) whether the applicant can satisfy any relevant requirements set out in the national directory;
 - (b) for an applicant who is, or was, a registered owner under this Act or a corresponding law—
 - (i) whether any conditions were imposed on the registration; and
 - (ii) if a condition was imposed on the registration—whether the applicant failed to comply with the condition; and
 - (iii) whether the applicant was given an improvement notice or prohibition notice or the equivalent of such a notice; and
 - (iv) whether any disciplinary action was taken against the applicant; and

- (v) whether the registration was amended or cancelled;
- (c) whether the applicant has been convicted or found guilty of an offence against a law that relates to the applicant's ability to safely deal with a radiation source, including this Act or a corresponding law;

Examples—law that relates to applicant's ability to safely deal with radiation source

- 1 the *Dangerous Substances Act 2004*
- 2 the *Health Practitioner Regulation National Law (ACT)*
- 3 the *Veterinary Practice Act 2018*

- (d) any other information prescribed by regulation.
- (2) If the applicant is a corporation, the chief health officer must also consider the matters mentioned in subsection (1) for each influential person for the corporation.
- (3) The chief health officer may consider anything else the chief health officer considers relevant.

27 Form of registration

- (1) The registration of a regulated radiation source must—
 - (a) be in writing; and
 - (b) include the following information:
 - (i) the full name and address of the person to whom the registration is granted;
 - (ii) a description or identification of the radiation source;
 - (iii) each place where the radiation source may be kept;
 - (iv) the term of the registration;
 - (v) any conditions on the registration.
- (2) The person mentioned in subsection (1) (b) (i) is the **registered owner** of the registered regulated radiation source.

28 Registration conditions

- (1) The registration of a regulated radiation source is subject to—
- (a) any condition the chief health officer imposes when registering a regulated radiation source; and
 - (b) any other condition prescribed by regulation.

Examples—conditions imposed on registration

- 1 compliance with an approved code of practice or standard
 - 2 compliance with a national incident reporting framework
 - 3 compliance with particular requirements of inspection and reporting
 - 4 compliance with particular security procedures
 - 5 requirement to tell chief health officer if radiation source is transported
- (2) Also, registration of a regulated radiation source is subject to a condition that the registered owner of the regulated radiation source—
- (a) has in place, a radiation management plan in accordance with the registration for the radiation source; and
 - (b) employs or retains at least 1 radiation safety officer in accordance with the radiation management plan for the radiation source; and
 - (c) ensures the radiation source operates in accordance with an approved code of practice for the radiation source.

29 Term of registration

The chief health officer may register a regulated radiation source for not longer than 3 years.

30 Registered owner must update details

- (1) A person commits an offence if the person—
- (a) is a registered owner of a regulated radiation source; and
 - (b) changes their name or address from the name or address mentioned in the registration; and
 - (c) does not tell the chief health officer, in writing, about the change within 14 days after the day the change happens.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

31 Amendment of registration by chief health officer

- (1) The chief health officer may amend a registration at any time and on the chief health officer's own initiative.

Examples

- 1 changing a requirement about how the radiation source is to be kept
- 2 imposing a condition on a registration
- 3 amending an existing condition of a registration

- (2) However, the chief health officer may only amend a registration under this section if—
- (a) the chief health officer has given the registered owner of the regulated radiation source written notice of the proposed amendment; and
 - (b) the notice states that written comments on the proposed amendment may be made to the chief health officer before the end of a stated period of at least 14 days after the day the notice is issued to the person; and
 - (c) the chief health officer has considered any comments made before the end of the stated period.

- (3) Subsection (2) does not apply if the registered owner applied for, or agrees in writing to, the proposed amendment.

32 Amendment of registration on application

- (1) A registered owner of a radiation source may apply to the chief health officer to amend a registration.

Examples

- 1 changing a dealing with a radiation source authorised under the licence
- 2 amending a registration condition
- 3 removing a registration condition

- (2) The chief health officer may, by written notice, require the registered owner to give the chief health officer additional information the chief health officer considers reasonably necessary to decide the application.
- (3) If the registered owner does not comply with a requirement under subsection (2), the chief health officer may refuse to amend the registration.
- (4) In deciding whether to amend the registration, the chief health officer may consider anything the chief health officer may consider under section 25 in relation to an application for a registration of a regulated radiation source.
- (5) On application by a registered owner of a regulated radiation source to amend a registration, the chief health officer must—
- (a) amend the registration; or
 - (b) refuse to amend the registration.

33 Automatic cancellation of registration

- (1) This section applies if—
 - (a) a registration is in force in relation to a radiation source that is a regulated radiation source; and
 - (b) the radiation source becomes a prohibited radiation source.
- (2) The registration of the radiation source is automatically cancelled.
- (3) The chief health officer must give written notice to the person who was the registered owner within 7 days after the day the registration is cancelled.

Division 3.3A Radiation register

33A Radiation register

- (1) The chief health officer must keep a register of the following:
 - (a) a licence issued under section 17;
 - (b) a radiation source registered under section 26;
 - (c) anything else prescribed by regulation.
- (2) The register must include the following information:
 - (a) for a licence—
 - (i) the full name of the licensee; and
 - (ii) the unique identifying number for the licence; and
 - (iii) the dealings authorised by the licence; and
 - (iv) the term of the licence; and
 - (v) any conditions on the licence; and
 - (vi) any disciplinary action taken against the licensee; and
 - (vii) any other information prescribed by regulation;

- (b) for registration of a regulated radiation source—
 - (i) the serial number or other unique identifying number for the radiation source; and
 - (ii) the kind of radiation source; and
 - (iii) the term of the registration; and
 - (iv) any conditions on the registration; and
 - (v) any disciplinary action taken against the registered owner; and
 - (vi) any other information prescribed by regulation.
- (3) The register may include any other information that the chief health officer considers appropriate.
- (4) The chief health officer may make the information mentioned in subsection (2) (a) and (b) available for public inspection if satisfied it is in the public interest for the information to be publicly available.
- (5) The chief health officer may correct a mistake, error or omission in the register.

Division 3.3B Radiation management plan

33B Meaning of *radiation management plan*

In this Act:

radiation management plan, for a regulated radiation source, means a plan about how to safely deal with a radiation source.

33C Radiation management plan

A radiation management plan for a regulated radiation source must—

- (a) include the following information:
 - (i) the proposed dealings with the radiation source;

- (ii) the proposed location of the radiation source, including how and where it will be stored;
 - (iii) the potential hazards associated with the radiation source;
 - (iv) security measures that will be in place to prevent unauthorised dealings with, or access to, the radiation source;
 - (v) the proposed safety measures for dealing with the radiation source, including how the radiation source will be transported or disposed of;
 - (vi) details of each radiation safety officer for the plan, including each radiation safety officer's qualifications in accordance with section 33E;
 - (vii) any other information prescribed by regulation; and
- (b) provide details about how the plan will ensure that dealings with the radiation source—
- (i) will protect the health and safety of people, property and the environment; and
 - (ii) comply with the safety duties under division 3.1.

33D Meaning of *radiation safety officer*

In this Act:

radiation safety officer, for a radiation management plan, means a person who, in giving effect to the plan, does the following in relation to a radiation source mentioned in the plan:

- (a) identifies ways of minimising the potential associated hazards;
- (b) provides or arranges training for radiation safety and handling;
- (c) monitors safety and security measures;
- (d) anything else prescribed by regulation.

33E Qualifications of radiation safety officer

- (1) The chief health officer may determine a qualification required for a radiation safety officer under this Act.
- (2) A determination may apply, adopt or incorporate a law of another jurisdiction or an instrument as in force from time to time.
- (3) A determination is a notifiable instrument.

Division 3.3C Improvement notices and prohibition notices

33F Improvement notices

- (1) This section applies if an authorised person believes on reasonable grounds that—
 - (a) a licensee or a registered owner of a regulated radiation source—
 - (i) is contravening a provision of this Act; or
 - (ii) has contravened a provision of this Act; and
 - (b) the contravention relates to a dealing with a regulated radiation source.
- (2) The authorised person may, by written notice (an *improvement notice*), require the licensee or registered owner to—
 - (a) remedy the contravention; or
 - (b) prevent a likely contravention from occurring; or
 - (c) remedy the cause of the contravention or likely contravention.

- (3) The chief health officer may, by written notice, require the registered owner to amend the registered owner's radiation management plan if the chief health officer is satisfied—
- (a) the subject of the improvement notice relates to a matter under the radiation management plan; and
 - (b) the plan does not adequately address the matter.

33G Contents of improvement notices

- (1) An improvement notice—
- (a) must state—
 - (i) that it is an improvement notice under this Act; and
 - (ii) the provision of this Act to which it relates; and
 - (iii) details of the contravention; and
 - (iv) the period for compliance with the notice (the *compliance period*); and
 - (b) may state particular action to be taken by the licensee or registered owner to ensure compliance with the provision of this Act to which the notice relates.
- (2) An authorised person may extend the compliance period—
- (a) on the authorised person's own initiative; or
 - (b) if the licensee or registered owner asks the authorised person, in writing, for more time to comply with the notice.

33H Prohibition notices

- (1) This section applies if—
- (a) a licensee or registered owner of a regulated radiation source has failed to comply with an improvement notice within the compliance period in relation to the notice; or

- (b) an authorised person believes on reasonable grounds that—
 - (i) a licensee or a registered owner of a regulated radiation source—
 - (A) is contravening a safety duty; or
 - (B) has contravened a safety duty, and the contravention is likely to continue or repeat; and
 - (ii) the contravention poses a serious or immediate risk to—
 - (A) the health or safety of people; or
 - (B) property; or
 - (C) the environment.
- (2) The authorised person may prohibit, by oral or written notice (a ***prohibition notice***), the licensee or registered owner doing any of the following:
 - (a) dealing with a stated regulated radiation source or stated kind of regulated radiation source;
 - (b) for a registered owner of a regulated radiation source—allowing another person to deal with the regulated radiation source;
 - (c) anything else in relation to a regulated radiation source.
- (3) If the prohibition notice is given orally, the authorised person must—
 - (a) make a written record of the notice as soon as practicable, but not later than 1 business day after the day the notice is given; and
 - (b) give a copy of the written record to the licensee or registered owner as soon as practicable.

33I Contents of prohibition notices

A prohibition notice—

- (a) must state—
 - (i) that it is a prohibition notice under this Act; and
 - (ii) if the prohibition notice is in relation to a failure to comply with an improvement notice—details of the failure to comply; and
 - (iii) if the prohibition notice is in relation to a failure to comply with a safety duty—the safety duty and details of the failure to comply; and
 - (iv) the thing that the licensee or registered owner is prohibited from doing; and
- (b) may state—
 - (i) particular action to be taken by the licensee or registered owner to ensure compliance with the improvement notice or safety duty to which the notice relates; and
 - (ii) that the notice remains in effect until the licensee or registered owner is given a clearance notice.

33J Clearance notices

- (1) This section applies if an authorised person—
 - (a) gave a prohibition notice to a licensee or registered owner of a regulated radiation source; and

- (b) is satisfied on reasonable grounds that—
 - (i) if the prohibition notice was in relation to a failure to comply with an improvement notice—the licensee or registered owner has complied with the improvement notice; or
 - (ii) if the prohibition notice was in relation to a failure to comply with a safety duty—the licensee or registered owner has complied with the safety duty.
- (2) The authorised person must give the licensee or registered owner written notice (a *clearance notice*) that the prohibition notice has ended and when the notice ends.

33K Contravention of improvement notice and prohibition notice

- (1) A person commits an offence if the person—
 - (a) is a licensee or a registered owner of a regulated radiation source; and
 - (b) is given an improvement notice; and
 - (c) fails to comply with the improvement notice.

Maximum penalty: 100 penalty units.

- (2) A person commits an offence if the person—
 - (a) is a licensee or a registered owner of a regulated radiation source; and
 - (b) is given a prohibition notice; and
 - (c) fails to comply with the prohibition notice.

Maximum penalty: 400 penalty units.

Division 3.4 Disciplinary action

34 Grounds for disciplinary action

- (1) Each of the following is a ***ground*** for disciplinary action against a licensee:
 - (a) the licensee gave information to the chief health officer in relation to the application for, or an application for amendment of, the licensee's licence that was false or misleading in a material particular;
 - (b) the licensee has contravened, or is contravening, this Act, whether or not the licensee has been convicted or found guilty of an offence for the contravention;
 - (c) the licensee has contravened, or is contravening, a territory law (other than this Act) or a law of the Commonwealth, a State or another Territory, whether or not the licensee has been convicted or found guilty of an offence for the contravention.
- (2) Each of the following is a ***ground*** for disciplinary action against a registered owner of a regulated radiation source:
 - (a) the registered owner gave information to the chief health officer in relation to the application for, or an application for amendment of, the registration of the radiation source that was false or misleading in a material particular;
 - (b) the registered owner has contravened, or is contravening, this Act, whether or not the registered owner has been convicted or found guilty of an offence for the contravention;
 - (c) the registered owner has contravened, or is contravening, a territory law (other than this Act) or a law of the Commonwealth, a State or another Territory, whether or not the registered owner has been convicted or found guilty of an offence for the contravention.

35 Disciplinary action

- (1) Each of the following is *disciplinary action* when taken against a person who is a licensee:
- (a) reprimanding the person;
 - (b) requiring the person to complete a stated course of training to the satisfaction of the chief health officer or another stated person;
 - (c) amending the licence, including by imposing a condition on the licence or amending an existing condition of the licence;
 - (d) suspending the licence, or a particular authorised dealing under the licence—
 - (i) for a stated period; or
 - (ii) until the person completes a stated course of training to the satisfaction of the chief health officer or someone else; or
 - (iii) until a stated event happens;
 - (e) cancelling the licence;
 - (f) cancelling the licence and disqualifying the person from applying for a licence, or a particular kind of licence in relation to a radiation source—
 - (i) for a stated period; or
 - (ii) until the person completes a stated course of training to the satisfaction of the chief health officer or someone else; or
 - (iii) until a stated event happens.
- (2) Each of the following is *disciplinary action* when taken against a person who is the registered owner of a radiation source:
- (a) reprimanding the person;

- (b) requiring the person to complete a stated course of training to the satisfaction of the chief health officer or another stated person;
- (c) amending the registration, including by imposing a condition on the registration or amending an existing condition of the registration;
- (d) suspending the registration—
 - (i) for a stated period; or
 - (ii) until the person completes a stated course of training to the satisfaction of the chief health officer or someone else; or
 - (iii) until a stated event happens;
- (e) cancelling the registration;
- (f) cancelling the registration and disqualifying the person from applying for a registration, or registration of a particular kind of radiation source—
 - (i) for a stated period; or
 - (ii) until the person completes a stated course of training to the satisfaction of the chief health officer or someone else; or
 - (iii) until a stated event happens.

36 Taking disciplinary action

- (1) If the chief health officer proposes to take disciplinary action in relation to a person, the chief health officer must give the person a written notice (a *disciplinary notice*) that—
 - (a) states the proposed action (including any proposed disqualification period, suspension period or amendment of a licence); and
 - (b) states the grounds for the proposed action; and

- (c) tells the person that the person may, not later than 14 days after the day the person receives the notice, give a written response to the chief health officer about the notice.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (2) In deciding whether to take disciplinary action, the chief health officer must consider any response given to the chief health officer by the person in accordance with the notice.
- (3) The chief health officer may take the proposed disciplinary action in relation to the person if satisfied that—
 - (a) a ground for taking disciplinary action has been established in relation to a person; and
 - (b) if the ground is a ground mentioned in section 34 (1) (c) or (2) (c)—it is in the public interest for the proposed disciplinary action to be taken in relation to the person.
- (4) The chief health officer must give the person written notice of the chief health officer’s decision.
- (5) Disciplinary action under this section takes effect 14 days after the day when the notice of the decision is given to the person or, if the notice states a later date of effect, that date.

Note For the return of the licence to the chief health officer, see s 40.

37 Immediate suspension of licence or registration

- (1) This section applies if the chief health officer has given, or is considering whether to give, a disciplinary notice to a licensee or registered owner of a regulated radiation source on a ground on which disciplinary action may be taken against the licensee or registered owner (the *relevant disciplinary ground*).

- (2) The chief health officer may give the licensee or registered owner a written notice (an *immediate suspension notice*) suspending the licence, a particular authorised dealing under the licence or the registration on the relevant disciplinary ground.

Note 1 *Authorised dealing* is defined in the dictionary.

Note 2 For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (3) However, the chief health officer may give the licensee or registered owner an immediate suspension notice on the relevant disciplinary ground only if—
- (a) the chief health officer has taken into account the circumstances leading to the decision to give or consider giving the disciplinary notice; and
 - (b) the chief health officer believes, on reasonable grounds, that it is in the public interest that the licence, authorised dealing or registration be suspended before a decision is made whether or not to take disciplinary action against the licensee under section 36 on the relevant disciplinary ground.

- (4) If an immediate suspension notice is given to the licensee or registered owner, the suspension takes effect when the notice is given to the licensee or registered owner.

Note For the return of the licence to the chief health officer, see s 40.

- (5) If the licensee or registered owner is given an immediate suspension notice but has not been given a disciplinary notice on the relevant disciplinary ground, the chief health officer must, as soon as possible, give a disciplinary notice to the licensee or registered owner or tell the licensee or registered owner in writing that a disciplinary notice will not be given to the licensee or registered owner in relation to that ground.

- (6) The immediate suspension notice ends when the earliest of the following happens:
- (a) if the licence or registration is cancelled or suspended under section 36, or a particular authorised dealing is suspended under that section on the relevant disciplinary ground—the cancellation or suspension takes effect;
 - (b) if a condition is imposed on the licence or registration, or an existing condition of the licence or registration is amended, under section 36 on the relevant disciplinary ground—the condition or amended condition takes effect;
 - (c) the person is given written notice under section 36 (4) of the decision in relation to the relevant disciplinary ground;
 - (d) the period of 8 weeks after the suspension under the notice takes effect ends.

38 Effect of suspension of licence or dealing

- (1) If a licence is suspended, the licence does not authorise the licensee to carry on any activity under the licence during the suspension.
- (2) If an authorised dealing under a licence is suspended, the licence—
 - (a) does not authorise the licensee to carry out that dealing under the licence during the suspension; and
 - (b) is taken to be amended under this part to the extent necessary to give effect to the suspension.

39 Effect on licensee of suspension of registration

If the registration of a regulated radiation source is suspended, a person who holds a licence to deal with the radiation source is taken not to hold a licence to deal with the radiation source in any way (other than possessing the radiation source) during the suspension.

40 Return of amended, suspended or cancelled licences

- (1) A licensee commits an offence if—
- (a) the licensee's licence is—
 - (i) amended under section 22 (Amendment of licence by chief health officer); or
 - (ii) amended under section 23 (Amendment of licence on application); or
 - (iii) cancelled under section 24 (Automatic cancellation of licence); or
 - (iv) amended, suspended or cancelled under this division; and
 - (b) the licensee fails to return the licence to the chief health officer as soon as practicable (but not later than 7 days) after the day the licensee is told about the chief health officer's action.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

41 Action by chief health officer in relation to amended, suspended or cancelled licence

- (1) If a licence that is amended under this part is returned to the chief health officer, the chief health officer must—
- (a) amend the licence and return it to the licensee; or
 - (b) give the licensee a replacement licence that includes the amendment.

Note A licence is taken to be amended if an authorised dealing under the licence is suspended (see s 38 (2)).

- (2) If a licence is suspended under this part and the suspension ends before the end of the term of the licence, the chief health officer must return the licence to the licensee.

Division 3.5 Abandoning a radiation source

42 Prohibition on abandoning radiation source

A person must not abandon a regulated radiation source.

Maximum penalty: 1 000 penalty units, 3 years imprisonment or both.

43 Procedure if radiation source abandoned

- (1) If the chief health officer believes, on reasonable grounds, that a regulated radiation source has been abandoned, the chief health officer—
 - (a) may direct an authorised person to take possession of the radiation source; or
 - (b) may ask someone else to take possession and dispose of the radiation source.
- (2) If an authorised person takes possession of a regulated radiation source under subsection (1) (a), the authorised person may do 1 or more of the following:
 - (a) keep possession of the radiation source until legal proceedings against a person in relation to the abandonment are finally dealt with;
 - (b) destroy the radiation source;
 - (c) otherwise make the radiation source harmless;
 - (d) dispose of the radiation source.
- (3) If a person is asked under subsection (1) (b) to take possession and dispose of a regulated radiation source, the person—
 - (a) may, but is not required to, take possession of the radiation source and, if the person does so, must dispose of it in a way approved by the chief health officer; and

- (b) is taken to hold a licence in relation to the radiation source that authorises the person to dispose of it and to possess, store and transport it for that purpose.

44 Person abandoning radiation source liable for recovery costs

A person who abandons a regulated radiation source is liable for the reasonable costs incurred by the Territory or anyone else in taking action under section 43.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

Division 3.6 Disposal of prohibited radiation source

45 Disposal etc of prohibited radiation source

- (1) The chief health officer may—
- (a) direct an authorised person to take possession of a prohibited radiation source; or
 - (b) may ask someone else to take possession and dispose of a prohibited radiation source.
- (2) If an authorised person takes possession of a prohibited radiation source under subsection (1) (a) the authorised person may do 1 or more of the following:
- (a) keep possession of the radiation source until legal proceedings against a person in relation to possessing the radiation source are finally dealt with;
 - (b) destroy the radiation source;
 - (c) otherwise make the radiation source harmless;
 - (d) dispose of the radiation source.

- (3) If a person is asked under subsection (1) (b) to take possession and dispose of a prohibited radiation source, the person—
- (a) may, but is not required to, take possession of the radiation source and if the person does so, must dispose of it in a way approved by the chief health officer; and
 - (b) may possess, store and transport the radiation source for that purpose.

46 Person in possession of prohibited radiation source liable for disposal costs

A person from whom possession of a prohibited radiation source is taken by an authorised officer or anyone else under section 45 (Disposal etc of prohibited radiation source) is liable for the reasonable costs incurred by the Territory or anyone else in disposing of the prohibited radiation source.

Note An amount owing under a law may be recovered as a debt in a court of competent jurisdiction or the ACAT (see [Legislation Act](#), s 177).

Division 3.7 Emergency powers

46A Emergency exemption

- (1) The Minister may exempt a person orally or in writing from a requirement under this Act for a continuous period not longer than 12 months.
- (2) An exemption under this section may only be made if the Minister is satisfied on reasonable grounds that the exemption is necessary to minimise a serious or immediate risk to—
- (a) the health or safety of people; or
 - (b) property; or
 - (c) the environment.

- (3) If an exemption is made orally, the Minister must, as soon as practicable—
- (a) make a written record of the exemption not later than 1 business day after the day the Minister makes the exemption; and
 - (b) give a copy of the exemption to the person.

47 Emergency orders

- (1) The Minister may, in writing, make an order (an *emergency order*) if the Minister believes, on reasonable grounds, that the order is necessary to prevent or minimise a risk arising from a radiation incident.

Note The power to make an instrument includes the power to amend or repeal the instrument (see [Legislation Act](#), s 46).

- (2) An emergency order may authorise the director-general to do 1 or more of the following:
- (a) require a person to enter, not to enter or to leave a place;
 - (b) subject to subsection (3), authorise the detention of a person;
 - (c) require a person to undergo a decontamination procedure;
 - (d) require the owner or occupier of a place to decontaminate the place;
 - (e) require the disposal or destruction of a radiation source or anything that has been affected or contaminated by radiation and state how the disposal or destruction must be done;
 - (f) make any other requirement necessary to protect the health or safety of people or to prevent damage to property or the environment.

- (3) An order may only authorise the detention of a person—
- (a) for reasonable testing to decide whether, because of the radiation incident, the person has been contaminated and poses a serious risk to the health or safety of anyone else or of the safety of anyone else's property or the environment; and
 - (b) if the person is contaminated and poses a serious risk to the health or safety of anyone else or of the safety of anyone else's property or the environment—to prevent the person contaminating anyone else, anyone else's property or the environment.
- (4) A person commits an offence if the person fails to take all reasonable steps to comply with a requirement made of the person under subsection (2).

Maximum penalty: 50 penalty units.

- (5) In this section:

radiation incident means an incident or event that results, or may result, in a risk of serious harm to the health or safety of people, or substantial damage to property or the environment, from the emission of radiation from a radiation source.

48 Compensation—emergency orders

- (1) A person who suffers loss because of an act or omission of the director-general under section 47 (Emergency orders) is entitled to be paid reasonable compensation by the Territory for the loss.
- (2) Compensation is not payable to a person for a loss to the extent—
- (a) of any amount recovered or recoverable by the person under a policy of insurance; or
 - (b) that the conduct of the person contributed to the loss.

(3) Compensation is not payable to a person for a loss if the loss would have arisen despite the act or omission.

(4) The person may apply, in writing, to the Minister for compensation.

Note If a form is approved under s 121 for an application, the form must be used.

(5) The application must state particulars of the loss, the amount claimed and the basis for the amount claimed.

49 Minister's decision on claim for compensation

(1) This section applies if a person applies to the Minister under section 48 for compensation.

(2) If the Minister is satisfied that the person is entitled to compensation, the Minister must give the person a written notice setting out—

(a) an offer to pay the person the amount of compensation to which the Minister considers the claimant is entitled; and

(b) an explanation of how the amount was worked out.

(3) If the Minister is not satisfied that the person is entitled to compensation, the Minister must give the person a written notice telling the person that the Minister is not satisfied that the person is entitled to compensation.

(4) If, at the end of 28 days after the day the application is made to the Minister, the Minister has not given the person a notice under subsection (2) or (3), the Minister is taken to have decided the person is not entitled to be paid compensation.

50 Acceptance or rejection of offer of compensation

- (1) A person to whom an offer has been made under section 49 (2) (a) may, in writing—
 - (a) accept the offer; or
 - (b) reject the offer.
- (2) If the person accepts the offer, the Territory must pay the amount to the person.

51 Recovery of compensation in court

If the Territory and the person to whom compensation is payable under section 48 (Compensation—emergency orders) do not agree on the amount of compensation, the person may, by proceeding in a court of competent jurisdiction, recover from the Territory the reasonable compensation that the court decides.

Part 4 Offences

Note The *Environment Protection Act 1997*, div 15.1, creates offences in relation to polluting the environment. Under that Act, *pollutant* includes radioactivity, light or other electromagnetic radiation.

52 Meaning of *safety duty*

In this Act:

safety duty means a duty under any of the following provisions:

- section 12 (General duty to ensure no harm)
- section 13 (Radiation exposure)
- section 14 (Diagnostic or therapeutic procedures).

53 Failure to comply with safety duty—general offence

- (1) A person commits an offence if—
- (a) the person is required to comply with a safety duty; and
 - (b) the person fails to comply with the safety duty.

Maximum penalty: 100 penalty units.

- (2) Absolute liability applies to subsection (1) (a).
- (3) Strict liability applies to subsection (1) (b).

54 Failure to comply with safety duty—exposing people to substantial risk of death or serious harm

- (1) A person commits an offence if—
- (a) the person is required to comply with a safety duty; and
 - (b) the person fails to comply with the safety duty; and
 - (c) the failure exposes anyone to a substantial risk of death or serious harm; and

- (d) the person either—
 - (i) was reckless about whether the failure would expose anyone to a substantial risk of death or serious harm; or
 - (ii) was negligent about whether the failure would expose anyone to a substantial risk of death or serious harm.

Maximum penalty: 1 500 penalty units, 5 years imprisonment or both.

- (2) Absolute liability applies to subsection (1) (a).
- (3) Strict liability applies to subsection (1) (b).

55 Failure to comply with safety duty—causing death or serious harm to people

- (1) A person commits an offence if—
 - (a) the person is required to comply with a safety duty; and
 - (b) the person fails to comply with the safety duty; and
 - (c) the failure causes the death of or serious harm to anyone; and;
 - (d) the person either—
 - (i) was reckless about whether the failure would cause the death of or serious harm to anyone; or
 - (ii) was negligent about whether the failure would cause the death of or serious harm to anyone.

Maximum penalty: 2 000 penalty units, 7 years imprisonment or both.

- (2) Absolute liability applies to subsection (1) (a).
- (3) Strict liability applies to subsection (1) (b).

56 Failure to comply with safety duty—exposing property or environment to substantial risk of substantial damage

- (1) A person commits an offence if—
- (a) the person is required to comply with a safety duty; and
 - (b) the person fails to comply with the safety duty; and
 - (c) the failure exposes property or the environment to a substantial risk of substantial damage; and
 - (d) the person either—
 - (i) was reckless about whether the failure would expose property or the environment to a substantial risk of substantial damage; or
 - (ii) was negligent about whether the failure would expose property or the environment to a substantial risk of substantial damage.

Maximum penalty: 1 000 penalty units, 3 years imprisonment or both.

- (2) Absolute liability applies to subsection (1) (a).
- (3) Strict liability applies to subsection (1) (b).

57 Alternative verdicts for failure to comply with safety duties

- (1) This section applies if, in a prosecution for an offence for a failure to comply with a safety duty, the trier of fact—
- (a) is not satisfied beyond reasonable doubt that the defendant is guilty of the offence; but
 - (b) is satisfied beyond reasonable doubt that the defendant is guilty of an alternative offence.

(2) The trier of fact may find the defendant guilty of the alternative offence, but only if the defendant has been given procedural fairness in relation to the finding of guilt.

(3) In this section:

alternative offence, for an offence mentioned in table 57, column 2, means an offence mentioned in column 3 for the offence.

Table 57 column 1 item	Alternative verdicts column 2 prosecuted offence	column 3 alternative offence
1	section 53 (which is about failing to comply with a safety duty)	section 58 (Failure to comply with condition of licence) section 61 (Failure to comply with condition of registration of radiation source)
2	section 54 (which is about exposing a person to a substantial risk of death or serious harm)	section 53 (which is about failing to comply with a safety duty) section 58 (Failure to comply with condition of licence) section 61 (Failure to comply with condition of registration of radiation source)
3	section 55 (which is about causing death or serious harm to a person)	section 53 (which is about failing to comply with a safety duty) section 54 (which is about exposing a person to a substantial risk of death or serious harm) section 58 (Failure to comply with condition of licence) section 61 (Failure to comply with condition of registration of radiation source)

column 1 item	column 2 prosecuted offence	column 3 alternative offence
4	section 56 (which is about exposing property or the environment to substantial risk of substantial damage)	section 53 (which is about failing to comply with a safety duty) section 58 (Failure to comply with condition of licence) section 61 (Failure to comply with condition of registration of radiation source)

58 Failure to comply with condition of licence

- (1) A licensee commits an offence if—
- (a) the licensee’s licence is subject to a condition; and
 - (b) the licensee fails to comply with a requirement of the condition.
- Maximum penalty: 100 penalty units.
- (2) An offence against this section is a strict liability offence.

59 Dealing with regulated radiation source without licence

- (1) A person commits an offence if—
- (a) the person intentionally deals with a regulated radiation source; and
 - (b) the dealing by the person is not authorised under a licence in relation to the radiation source; and
 - (c) the person knows that the dealing by the person is not authorised under a licence in relation to the radiation source.

Maximum penalty: 1 000 penalty units, 2 years imprisonment or both.

- (2) A person commits an offence if—
- (a) the person deals with a regulated radiation source; and
 - (b) the dealing by the person is not authorised under a licence in relation to the radiation source; and
 - (c) the person, in dealing with the radiation source is negligent about whether—
 - (i) the radiation source is a regulated radiation source; or
 - (ii) the dealing by the person is not authorised under a licence in relation to the radiation source.

Maximum penalty: 500 penalty units, 1 year imprisonment or both.

- (3) A person commits an offence if—
- (a) the person deals with a regulated radiation source; and
 - (b) the dealing by the person is not authorised under a licence in relation to the radiation source.

Maximum penalty: 50 penalty units.

- (4) Strict liability applies to subsection (3) (b).

- (5) Subsection (6) applies if—
- (a) in a prosecution for an offence against subsection (1), the trier of fact is not satisfied that the defendant committed the offence but is satisfied beyond reasonable doubt that the defendant committed an offence against subsections (2) or (3) (the *alternative offence*); or
 - (b) in a prosecution for an offence against subsection (1), the trier of fact is not satisfied that the defendant committed the offence but is satisfied beyond reasonable doubt that the defendant committed an offence against subsection (3) (also the *alternative offence*).

- (6) The trier of fact may find the defendant guilty of the alternative offence but only if the defendant has been given procedural fairness in relation to that finding of guilt.

60 Owning unregistered radiation source

- (1) A person commits an offence if—
- (a) the person owns a regulated radiation source; and
 - (b) the person fails to apply to register the radiation source not later than 7 days after the day the person acquires ownership.

Maximum penalty: 50 penalty units.

- (2) A person does not commit an offence against subsection (1) if—
- (a) the person manufactures the radiation source; and
 - (b) the person is authorised under a licence to manufacture the radiation source; and
 - (c) the person owns the radiation source for a period of not longer than 90 days after the day the manufacture of the radiation source is completed.
- (3) An offence against this section is a strict liability offence.

60A Dealing with unregistered radiation source

- (1) A person commits an offence if—
- (a) the person owns a regulated radiation source; and
 - (b) the regulated radiation source is not registered under section 26; and
 - (c) another person deals with the unregistered radiation source; and
 - (d) the dealing by the other person is not authorised under the other person's licence in relation to the unregistered radiation source.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence against this section if the defendant proves that the defendant took reasonable steps to prevent the unregistered radiation source from being dealt with by a person not authorised under a licence to deal with the radiation source.

Note The defendant has a legal burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 59).

61 Failure to comply with condition of registration of radiation source

- (1) A registered owner of a regulated radiation source commits an offence if—
- (a) the registration of the radiation source is subject to a condition; and
 - (b) the registered owner fails to comply with a requirement of the condition.

Maximum penalty: 100 penalty units.

- (2) An offence against this section is a strict liability offence.

62 Dealings with prohibited radiation source

- (1) A person commits an offence if the person intentionally deals with a prohibited radiation source.

Maximum penalty: 2000 penalty units, 7 years imprisonment or both.

- (2) This section does not apply to any action in accordance with section 45 (Disposal etc of prohibited radiation source).

62A Failure to notify chief health officer of disposal of radiation source

- (1) A person commits an offence if—
- (a) the person owns a regulated radiation source; and
 - (b) the regulated radiation source is disposed of; and
 - (c) the person does not tell the chief health officer, in writing, about the disposal within 14 days after the day the radiation source is disposed of.

Maximum penalty: 50 penalty units.

- (2) Strict liability applies to subsection (1) (c).

- (3) In this section:

dispose, of a regulated radiation source, includes—

- (a) sell the radiation source; or
- (b) transfer the radiation source; or
- (c) make the radiation source permanently inoperable.

63 Failure to notify chief health officer of dangerous event

- (1) A person commits an offence if—
- (a) the person possesses a radiation source; and
 - (b) a dangerous event happens in relation to the radiation source; and
 - (c) the person knows the dangerous event happened; and
 - (d) the person fails to tell the chief health officer immediately about the dangerous event.

Maximum penalty: 200 penalty units.

- (2) A person commits an offence if—
- (a) the person possesses a radiation source; and
 - (b) a dangerous event happens in relation to the radiation source; and
 - (c) the person fails to give the chief health officer the information the chief health officer reasonably requires about the dangerous event.

Maximum penalty: 50 penalty units.

Examples for par (c)

- 1 the location of the dangerous event
- 2 the radiation source involved in the dangerous event

- (3) In this section:

dangerous event means an event prescribed by regulation to be a dangerous event.

64 Criminal liability of executive officers

- (1) An executive officer of a corporation commits an offence if—
- (a) the corporation commits a relevant offence; and
 - (b) the officer was reckless about whether the relevant offence would be committed; and
 - (c) the officer was in a position to influence the conduct of the corporation in relation to the commission of the relevant offence; and
 - (d) the officer failed to take reasonable steps to prevent the commission of the relevant offence.

Maximum penalty: The maximum penalty that may be imposed for the commission of the relevant offence by an individual.

- (2) In deciding whether the executive officer took (or failed to take) all reasonable steps to prevent the commission of the offence, a court must consider any action the officer took directed towards ensuring the following (to the extent that the action is relevant to the act or omission):
- (a) that the corporation arranges regular professional assessments of the corporation's compliance with the provision to which the relevant offence relates;
 - (b) that the corporation implements any appropriate recommendation arising from such an assessment;
 - (c) that the corporation's employees, agents and contractors have a reasonable knowledge and understanding of the requirement to comply with the provision to which the relevant offence relates;
 - (d) any action the officer took when the officer became aware that the relevant offence was, or might be, about to be committed.
- (3) Subsection (2) does not limit the matters the court may consider.
- (4) Subsection (1) does not apply if the corporation would have a defence to a prosecution for the relevant offence.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

- (5) This section applies whether or not the corporation is prosecuted for, or convicted of, the relevant offence.
- (6) In this section:

relevant offence means an offence against any of the following:

- (a) section 42 (Prohibition on abandoning radiation source);
- (b) section 53 (Failure to comply with safety duty—general offence);
- (c) section 54 (Failure to comply with safety duty—exposing people to substantial risk of death or serious harm);

- (d) section 55 (Failure to comply with safety duty—causing death or serious harm to people);
- (e) section 56 (Failure to comply with safety duty—exposing property or environment to substantial risk of substantial damage);
- (f) section 58 (Failure to comply with condition of licence);
- (g) section 59 (1) and (2) (Dealing with regulated radiation source without licence);
- (h) section 61 (Failure to comply with condition of registration of radiation source);
- (i) section 62 (Dealings with prohibited radiation source);
- (j) section 63 (1) (Failure to notify chief health officer of dangerous event).

Part 5 Radiation advisory committee

65 Establishment of advisory committee

The Radiation Advisory Committee is established.

66 Advisory committee—functions

The advisory committee has the following functions:

- (a) advising the chief health officer on radiation safety and matters relating to radiation;
- (b) developing codes of practice or standards in consultation with the chief health officer regarding the safe use and handling of radiation and radiation sources;
- (c) if required by the Minister, director-general or chief health officer—investigating and reporting on any matter relevant to the administration of this Act;
- (d) reviewing applications for a licence to deal with a regulated radiation source referred to the committee by the chief health officer;
- (e) any other function—
 - (i) given to it under this Act or another territory law; or
 - (ii) prescribed by regulation.

67 Advisory committee—membership

- (1) The advisory committee is made up of at least 4 members appointed by the director-general.

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

- (2) The advisory committee must include—
- (a) a member of the public; and
 - (b) a person who is a doctor registered under the *Health Practitioner Regulation National Law (ACT)* in the specialist area of radiology; and
 - (c) a person with expert knowledge of the physical properties or biological effects of radiation; and
 - (d) a person who, in the director-general's opinion, has qualifications or experience relevant to assisting the committee to carry out its functions.
- (3) An appointment must be for a term not longer than 3 years.
- (4) The committee's functions under this Act are not affected only because of a vacancy in the committee's membership.

68 Advisory committee—ending members' appointments

The director-general may end the appointment of an advisory committee member—

- (a) for misbehaviour; or
- (b) for physical or mental incapacity, if the incapacity affects the exercise of the member's functions; or
- (c) if the member—
 - (i) becomes bankrupt or personally insolvent; or
 - (ii) is absent, other than on leave approved by the director-general, from 3 consecutive meetings of the advisory committee; or
 - (iii) contravenes section 71 (Advisory committee—disclosure of members' interests) without reasonable excuse; or

- (iv) contravenes section 115 (Communication or use of protected information); or
 - (v) commits, in Australia or elsewhere, an offence punishable by imprisonment for at least 1 year; or
 - (vi) contravenes any other territory law that, in the director-general's opinion, affects the member's suitability to be a member; or
- (d) if the director-general is satisfied that the member's ability to function as a member is affected by an interest disclosed under section 71.

69 Advisory committee—procedures

- (1) The director-general may, on the director-general's own initiative or in consultation with the advisory committee, determine the procedures for the committee.
- (2) A determination under subsection (1) is a notifiable instrument.
- (3) If the director-general has not made a determination about the committee's procedures, the committee may decide its own procedures in relation to anything for which a procedure is not provided under this Act.

70 Advisory committee—quorum at meetings

Business may be carried on at a meeting of the advisory committee only if at least 2 appointed members are present.

71 Advisory committee—disclosure of member interests

- (1) An advisory committee member who has a relevant interest in an issue being considered, or about to be considered, by the committee must, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the committee.

- (2) The disclosure must be recorded in the advisory committee's minutes and, unless the committee otherwise decides, the member must not—
 - (a) be present when the committee considers the issue; or
 - (b) take part in a decision of the committee on the issue.
- (3) If, because of subsection (2), only 1 member may be present and consider the issue, the committee must not make a decision on the issue.
- (4) In this section:
relevant interest, in an issue, means—
 - (a) a direct or indirect financial interest in the issue; or
 - (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the advisory committee member's functions in relation to the committee's consideration of the issue.

72 Advisory committee—reporting of disclosed interests to Minister

- (1) Within 3 months after the disclosure of a relevant interest under section 71 (1), a member nominated by the committee must report to the Minister in writing about—
 - (a) the disclosure; and
 - (b) the nature of the interest disclosed; and
 - (c) any decision by the committee under section 71 (2).
- (2) The nominated committee member must give the Minister, by 31 July each year, a statement that sets out the information given to the Minister in any report under subsection (1) that relates to disclosures made during the previous financial year.

- (3) The Minister must give a copy of the statement to the relevant Assembly committee within 31 days after the day the Minister receives the statement.
- (4) In this section:
relevant Assembly committee means a standing committee of the Legislative Assembly nominated, in writing, by the Speaker for subsection (3).

73 Advisory committee—radiation protection reports

- (1) This section applies if any of the following ask the advisory committee, in writing, for advice on a radiation protection issue:
 - (a) the Minister;
 - (b) the director-general;
 - (c) the chief health officer.
- (2) The committee must investigate and provide a written report on the issue, including a recommendation if appropriate, within—
 - (a) a period, stated in the request, that is not less than 7 days; or
 - (b) if a longer period is stated in the request—the longer period.
- (3) However, if the committee reasonably needs more time to provide the report—
 - (a) the committee may make a written request to the person who asked for the advice for more time to provide the report; and
 - (b) the person may extend the period for the committee to provide the report.

Part 6 **Enforcement**

Division 6.1 **General**

88 **Definitions—pt 6**

In this part:

connected—a thing is *connected* with an offence if—

- (c) the offence has been committed in relation to it; or
- (d) it will provide evidence of the commission of the offence; or
- (e) it was used, is being used, or is intended to be used, to commit the offence.

occupier, of premises, includes—

- (a) a person believed, on reasonable grounds, to be an occupier of the premises; and
- (b) a person apparently in charge of the premises.

offence includes an offence that there are reasonable grounds for believing has been, is being, or will be, committed.

Division 6.2 **Authorised people**

89 **Appointment of authorised people**

The director-general may appoint a public servant as an authorised person for this Act.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

90 Identity cards

- (1) The director-general must give an authorised person an identity card stating the person's name and that the person is an authorised person.
- (2) The identity card must show—
 - (a) a recent photograph of the person; and
 - (b) the card's date of issue and expiry; and
 - (c) anything else prescribed by regulation.
- (3) A person commits an offence if—
 - (a) the person stops being an authorised person; and
 - (b) the person does not return the person's identity card to the director-general as soon as practicable, but no later than 7 days after the day the person stops being an authorised person.

Maximum penalty: 1 penalty unit.

- (4) An offence against this section is a strict liability offence.

Division 6.3 Powers of authorised people

91 Power to enter premises

- (1) For this Act, an authorised person may—
 - (a) at any reasonable time, enter premises that the public is entitled to use or that are open to the public (whether or not on payment of money); or
 - (b) at any time, enter premises with the occupier's consent; or
 - (c) enter premises in accordance with a search warrant; or

- (d) at any time, enter premises if the authorised person believes, on reasonable grounds, that the circumstances are so serious and urgent that immediate entry to the premises without the authority of a search warrant is necessary.
- (2) However, subsection (1) (a) does not authorise entry into a part of premises that is being used only for residential purposes.
- (3) An authorised person may, without the consent of the occupier of premises, enter land around the premises to ask for consent to enter the premises.
- (4) To remove any doubt, an authorised person may enter premises under subsection (1) without payment of an entry fee or other charge.
- (5) In this section:

at any reasonable time includes at any time when the public is entitled to use the premises, or when the premises are open to or used by the public (whether or not on payment of money).

92 Production of identity card

An authorised person must not remain at premises entered under this part if the authorised person does not produce his or her identity card when asked by the occupier.

93 Consent to entry

- (1) When seeking the consent of an occupier of premises to enter premises under section 91 (1) (b), an authorised person must—
 - (a) produce his or her identity card; and
 - (b) tell the occupier—
 - (i) the purpose of the entry; and

- (ii) that anything found and seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused.
- (2) If the occupier consents, the authorised person must ask the occupier to sign a written acknowledgment (an *acknowledgment of consent*)—
 - (a) that the occupier was told—
 - (i) the purpose of the entry; and
 - (ii) that anything found and seized under this part may be used in evidence in court; and
 - (iii) that consent may be refused; and
 - (b) that the occupier consented to the entry; and
 - (c) stating the time and date when consent was given.
- (3) If the occupier signs an acknowledgment of consent, the authorised person must immediately give a copy to the occupier.
- (4) A court must find that the occupier did not consent to entry to the premises by the authorised person under this part if—
 - (a) the question arises in a proceeding in the court whether the occupier consented to the entry; and
 - (b) an acknowledgment of consent is not produced in evidence; and
 - (c) it is not proved that the occupier consented to the entry.

94 General powers on entry to premises

- (1) An authorised person who enters premises under this part may, for this Act, do 1 or more of the following in relation to the premises or anything on the premises:
 - (a) inspect or examine;

- (b) take measurements or conduct tests;
- (c) take samples;
- (d) take photographs, films, or audio, video or other recordings;
- (e) require the occupier, or anyone at the premises, to give the authorised person reasonable help to exercise a power under this part.

Note The [Legislation Act](#), s 170 and s 171 deal with the application of the privilege against self-incrimination and client legal privilege.

- (2) A person must take all reasonable steps to comply with a requirement made of the person under subsection (1) (e).

Maximum penalty: 50 penalty units.

95 Power to seize things

- (1) An authorised person who enters premises under this part with the occupier's consent may seize anything at the premises if—
 - (a) the authorised person is satisfied, on reasonable grounds, that the thing is connected with an offence against this Act; and
 - (b) seizure of the thing is consistent with the purpose of the entry told to the occupier when seeking the occupier's consent.
- (2) An authorised person who enters premises under a warrant under this part may seize anything at the premises that the authorised person is authorised to seize under the warrant.
- (3) An authorised person who enters premises under this part (whether with the occupier's consent, under a warrant or otherwise) may seize anything at the premises if satisfied, on reasonable grounds, that—
 - (a) the thing is connected with an offence against this Act; and

- (b) the seizure is necessary to prevent the thing from being—
 - (i) concealed, lost or destroyed; or
 - (ii) used to commit, continue or repeat the offence.
- (4) Also, an authorised person who enters premises under this part (whether with the consent of a person in charge of the premises, under a warrant or otherwise) may seize anything at the premises if satisfied, on reasonable grounds, that the thing poses a risk to the health or safety of people or of damage to property or the environment.
- (5) The powers of an authorised person under subsections (3) and (4) are additional to any powers of the authorised person under subsections (1) or (2) or any other territory law.
- (6) Having seized a thing, an authorised person may—
 - (a) remove the thing from the premises where it was seized (the *place of seizure*) to another place; or
 - (b) leave the thing at the place of seizure but restrict access to it.
- (7) A person commits an offence if—
 - (a) the person interferes with a seized thing, or anything containing a seized thing, to which access has been restricted under subsection (6); and
 - (b) the person does not have an authorised person’s approval to interfere with the thing.

Maximum penalty: 50 penalty units.

- (8) An offence against this section is a strict liability offence.

Division 6.4 Search warrants

96 Warrants generally

- (1) An authorised person may apply to a magistrate for a warrant to enter premises.
- (2) The application must be sworn and state the grounds on which the warrant is sought.
- (3) The magistrate may refuse to consider the application until the authorised person gives the magistrate all the information the magistrate requires about the application in the way the magistrate requires.
- (4) The magistrate may issue a warrant only if satisfied there are reasonable grounds for suspecting—
 - (a) there is a particular thing or activity connected with an offence against this Act; and
 - (b) the thing or activity—
 - (i) is, or is being engaged in, at the premises; or
 - (ii) may be, or may be engaged in, at the premises within the next 7 days.
- (5) The warrant must state—
 - (a) that an authorised person may, with any necessary assistance and force, enter the premises and exercise the authorised person's powers under this part; and
 - (b) the offence for which the warrant is issued; and
 - (c) the things that may be seized under the warrant; and
 - (d) the hours when the premises may be entered; and
 - (e) the date, within 7 days after the day of the warrant's issue, the warrant ends.

97 Warrants—application made other than in person

- (1) An authorised person may apply for a warrant by phone, fax, radio or other form of communication if the authorised person considers it necessary because of—
 - (a) urgent circumstances; or
 - (b) other special circumstances.
- (2) Before applying for the warrant, the authorised person must prepare an application stating the grounds on which the warrant is sought.
- (3) The authorised person may apply for the warrant before the application is sworn.
- (4) After issuing the warrant, the magistrate must immediately provide a written copy to the authorised person if it is practicable to do so.
- (5) If it is not practicable to provide a written copy to the authorised person—
 - (a) the magistrate must—
 - (i) tell the authorised person the terms of the warrant; and
 - (ii) tell the authorised person the date and time the warrant was issued; and
 - (b) the authorised person must complete a form of warrant (the *warrant form*) and write on it—
 - (i) the magistrate’s name; and
 - (ii) the date and time the magistrate issued the warrant; and
 - (iii) the warrant’s terms.
- (6) The written copy of the warrant, or the warrant form properly completed by the authorised person, authorises the entry and the exercise of the authorised person’s powers under this part.

- (7) The authorised person must, at the first reasonable opportunity, send to the magistrate—
 - (a) the sworn application; and
 - (b) if the authorised person completed a warrant form—the completed warrant form.
- (8) On receiving the documents, the magistrate must attach them to the warrant.
- (9) A court must find that a power exercised by the authorised person was not authorised by a warrant under this section if—
 - (a) the question arises in a proceeding in the court whether the exercise of power was authorised by a warrant; and
 - (b) the warrant is not produced in evidence; and
 - (c) it is not proved that the exercise of power was authorised by a warrant under this section.

98 Search warrants—announcement before entry

- (1) An authorised person must, before anyone enters premises under a search warrant—
 - (a) announce that the authorised person is authorised to enter the premises; and
 - (b) give anyone at the premises an opportunity to allow entry to the premises; and
 - (c) if the occupier of the premises, or someone else who apparently represents the occupier, is present at the premises—identify himself or herself to the person.

- (2) The authorised person is not required to comply with subsection (1) if the authorised person believes, on reasonable grounds, that immediate entry to the premises is required to ensure—
- (a) the safety of anyone (including the authorised person or any person assisting); or
 - (b) that the effective execution of the warrant is not frustrated.

99 Details of search warrant to be given to occupier etc

If the occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the authorised person or a person assisting must make available to the person—

- (a) a copy of the warrant; and
- (b) a document setting out the rights and obligations of the person.

100 Occupier entitled to be present during search etc

- (1) If the occupier of premises, or someone else who apparently represents the occupier, is present at the premises while a search warrant is being executed, the person is entitled to observe the search being conducted.
- (2) However, the person is not entitled to observe the search if—
- (a) to do so would impede the search; or
 - (b) the person is under arrest, and allowing the person to observe the search being conducted would interfere with the objectives of the search.
- (3) This section does not prevent 2 or more areas of the premises being searched at the same time.

Division 6.5 Return and forfeiture of things seized

101 Receipt for things seized

- (1) As soon as practicable after an authorised person seizes a thing under this part, the authorised person must give a receipt for it to the person from whom it was seized.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person must leave the receipt, secured conspicuously, at the place of seizure under section 95 (Power to seize things).
- (3) A receipt under this section must include the following:
 - (a) a description of the thing seized;
 - (b) an explanation of why the thing was seized;
 - (c) the authorised person's name, and how to contact the authorised person;
 - (d) if the thing is moved from the premises where it is seized—where the thing is to be taken.

102 Moving things to another place for examination or processing under search warrant

- (1) A thing found at premises entered under a search warrant may be moved to another place for examination or processing to decide whether it may be seized under the warrant if—
 - (a) both of the following apply:
 - (i) there are reasonable grounds for believing that the thing is or contains something to which the warrant relates;
 - (ii) it is significantly more practicable to do so having regard to the timeliness and cost of examining or processing the thing at another place and the availability of expert assistance; or

- (b) the occupier of the premises agrees in writing.
- (2) The thing may be moved to another place for examination or processing for no longer than 72 hours.
- (3) An authorised person may apply to a magistrate for an extension of time if the authorised person believes, on reasonable grounds, that the thing cannot be examined or processed within 72 hours.
- (4) The authorised person must give notice of the application to the occupier of the premises, and the occupier is entitled to be heard on the application.

Note For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (5) If a thing is moved to another place under this section, the authorised person must, if practicable—
 - (a) tell the occupier of the premises the address of the place where, and time when, the examination or processing will be carried out; and
 - (b) allow the occupier or the occupier’s representative to be present during the examination or processing.
- (6) The provisions of this part relating to the issue of search warrants apply, with any necessary changes, to the giving of an extension under this section.

103 Access to things seized

A person who would, apart from the seizure, be entitled to inspect a thing seized under this part may—

- (a) inspect it; and
- (b) if it is a document—take extracts from it or make copies of it.

104 Return of things seized

- (1) A thing seized under this part must be returned to its owner, or reasonable compensation must be paid by the Territory to the owner for the loss of the thing, if—
- (a) an infringement notice for an offence relating to the thing is not served on the owner within 1 year after the day of the seizure and—
 - (i) a prosecution for an offence relating to the thing is not started within the 1-year period; or
 - (ii) a prosecution for an offence relating to the thing is started within the 1-year period but the court does not find the offence proved; or
 - (b) an infringement notice for an offence relating to the thing is served on the owner within 1 year after the day of the seizure, the infringement notice is withdrawn and—
 - (i) a prosecution for an offence relating to the thing is not started within the 1-year period; or
 - (ii) a prosecution for an offence relating to the thing is started within the 1-year period but the court does not find the offence proved; or
 - (c) an infringement notice for an offence relating to the thing is served on the owner and not withdrawn within 1 year after the day of the seizure, liability for the offence is disputed in accordance with the *Magistrates Court Act 1930*, section 132 (Disputing liability for infringement notice offence) and—
 - (i) an information is not laid in the Magistrates Court against the person for the offence within 60 days after the day notice is given under section 132 that liability is disputed; or

- (ii) an information is laid in the Magistrates Court against the person for the offence within the 60-day period, but the Magistrates Court does not find the offence proved; or
- (d) before the thing is forfeited to the Territory under section 105 (Forfeiture of seized things), the director-general—
 - (i) becomes satisfied that there has been no offence against this Act with which the thing was connected; or
 - (ii) decides not to prosecute or serve an infringement notice for the offence.
- (2) However, this section does not apply—
 - (a) to a thing seized under section 95 (4) (which is about the seizure of things that pose a risk to the health or safety of people or of damage to property or the environment); or
 - (b) to a thing if the director-general believes, on reasonable grounds, that the only practical use of the thing in relation to the premises where it was seized would be an offence against this Act; or
 - (c) to a thing if possession of it by its owner would be an offence.

105 Forfeiture of seized things

- (1) This section applies if—
 - (a) anything seized under this part has not been destroyed or otherwise disposed of under section 106 (Power to destroy unsafe things) or returned under section 104 (Return of things seized); and
 - (b) an application for disallowance of the seizure under section 107 (Application for order disallowing seizure)—
 - (i) has not been made within 10 days after the day of the seizure; or

- (ii) has been made within that period, but the application has been refused or has been withdrawn before a decision in relation to the application had been made.
- (2) If this section applies to the seized thing—
- (a) it is forfeited to the Territory; and
 - (b) it may be sold, destroyed or otherwise disposed of as the director-general directs.

106 Power to destroy unsafe things

- (1) This section applies to anything inspected or seized under this part by an authorised person if the authorised person is satisfied, on reasonable grounds, that the thing poses a risk to the health or safety of people or of damage to property or the environment.
- (2) The authorised person may direct a person in charge of the premises where the thing is to destroy or otherwise dispose of the thing.
- (3) The direction may state 1 or more of the following:
- (a) how the thing must be destroyed or otherwise disposed of;
 - (b) how the thing must be kept until it is destroyed or otherwise disposed of;
 - (c) the period within which the thing must be destroyed or otherwise disposed of.
- (4) A person in charge of the premises where the thing is commits an offence if the person contravenes a direction given to the person under subsection (2).

Maximum penalty: 100 penalty units.

- (5) Alternatively, if the thing has been seized under this part, the authorised person may destroy or otherwise dispose of the thing.

- (6) Costs incurred by the Territory in relation to the disposal of a thing under subsection (5) are a debt owing to the Territory by, and are recoverable together and separately from, the following people:
 - (a) the person who owned the thing;
 - (b) each person in control of the premises where the thing was.
- (7) An offence against this section is a strict liability offence.

107 Application for order disallowing seizure

- (1) A person claiming to be entitled to anything seized under this part may apply to the Magistrates Court within 10 days after the day of the seizure for an order disallowing the seizure.
- (2) The application may be heard only if the applicant has served a copy of the application on the director-general.
- (3) The director-general is entitled to appear as respondent at the hearing of the application.

108 Order for return of seized thing

- (1) This section applies if a person claiming to be entitled to anything seized under this chapter applies to the Magistrates Court under section 107 for an order disallowing the seizure.
- (2) The Magistrates Court must make an order disallowing the seizure if the court is satisfied that—
 - (a) the applicant would, apart from the seizure, be entitled to the return of the seized thing; and
 - (b) the thing is not connected with an offence against this Act; and
 - (c) possession of the thing by the person would not be an offence.
- (3) The Magistrates Court may also make an order disallowing the seizure if satisfied there are exceptional circumstances justifying the making of the order.

- (4) If the Magistrates Court makes an order disallowing the seizure, the court may make 1 or more of the following ancillary orders:
- (a) an order directing the director-general to return the thing to the applicant or to someone else who appears to be entitled to it;
 - (b) if the thing cannot be returned or has depreciated in value because of the seizure—an order directing the Territory to pay reasonable compensation;
 - (c) an order about the payment of costs in relation to the application.

Division 6.6 Miscellaneous

109 Damage etc to be minimised

- (1) In the exercise, or purported exercise, of a function under this part, an authorised person must take all reasonable steps to ensure that the authorised person, and any person assisting the authorised person, causes as little inconvenience, detriment and damage as practicable.
- (2) If an authorised person, or a person assisting an authorised person, damages anything in the exercise or purported exercise of a function under this part, the authorised person must give written notice of the particulars of the damage to the person the authorised person believes, on reasonable grounds, is the owner of the thing.
- (3) If the damage happens at premises entered under this part in the absence of the occupier, the notice may be given by leaving it, secured conspicuously, at the premises.

110 Compensation for exercise of enforcement powers

- (1) A person may claim compensation from the Territory if the person suffers loss or expense because of the exercise, or purported exercise, of a function under this part by an authorised person or a person assisting an authorised person.
- (2) Compensation may be claimed and ordered in a proceeding for—
 - (a) compensation brought in a court of competent jurisdiction; or
 - (b) an offence against this Act brought against the person making the claim for compensation.
- (3) A court may order the payment of reasonable compensation for the loss or expense only if it is satisfied it is just to make the order in the circumstances of the particular case.
- (4) A regulation may prescribe matters that may, must or must not be taken into account by the court in considering whether it is just to make the order.

Part 7 Notification and review of decisions

111 **Meaning of *reviewable decision*—pt 7**

In this part:

reviewable decision means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

112 **Reviewable decision notices**

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

Note 1 The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

113 **Applications for review**

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in schedule 1, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

Part 8 Miscellaneous

114 Minister may exempt people, radiation sources etc

- (1) The Minister may exempt a person, a radiation source or a dealing with a radiation source from this Act if the Minister is satisfied that the person's conduct, the radiation source or the dealing does not pose a significant risk to the health or safety of people or of damage to property or the environment.

Note 1 A reference to an Act includes a reference to a provision of an Act (see [Legislation Act](#), s 7 (3)).

Note 2 A regulation may also provide for exemptions (see s 123).

- (2) An exemption may be conditional.
- (3) An exemption under subsection (1) has no effect to the extent that it is inconsistent with a regulation.
- (4) An exemption is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (5) In deciding whether to exempt a person, radiation source or a dealing with a radiation source, the Minister must take into account any criteria prescribed by regulation.

115 Communication or use of protected information

- (1) A person commits an offence if—
 - (a) the person uses protected information; and
 - (b) the use of the information is not a protected use; and
 - (c) the person is reckless about whether the use is protected use.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person commits an offence if—
- (a) the person uses protected information; and
 - (b) the use of the information is not a protected use; and
 - (c) the person intends to use the protected information to—
 - (i) endanger the health or safety of another person; or
 - (ii) damage property or the environment.

Maximum penalty: 1 000 penalty units, imprisonment for 3 years or both.

- (3) In this section, use of protected information is a *protected use* if the information is used—
- (a) in accordance with this Act or another territory law; or
 - (b) in relation to the exercise of a function under this Act or another territory law; or
 - (c) with the consent of the person to whom the information relates, or from whom the information was obtained; or
 - (d) for the purposes of legal proceedings arising out of the administration or enforcement of this Act; or
 - (e) by disclosing the information to an entity under a territory law or the law of another jurisdiction that has functions relating to radiation health or safety.

Examples—entity having functions relating to radiation health or safety

- 1 a national board under the *Health Practitioner Regulation National Law (ACT)*
- 2 the veterinary practitioners board
- 3 the Chief Executive Medicare
- 4 the environment protection authority
- 5 the work health and safety commissioner

- (4) In this section:

protected information means information disclosed to, or obtained by, a person because of the exercise of a function under this Act.

116 Codes of practice

- (1) The Minister may approve codes of practice or standards for this Act.
- (2) An approved code of practice may apply, adopt or incorporate an instrument, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the [Legislation Act](#).

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (3) A code of practice is a disallowable instrument.

Note A disallowable instrument must be notified and presented to the Legislative Assembly, under the [Legislation Act](#).

117 Notification of certain incorporated documents

- (1) This section applies to—
- (a) an incorporated document; or
- (b) an amendment of, or replacement of, an incorporated document.

Example of replacement document

a new edition of the incorporated document

Note For the meaning of ***incorporated document***, see the dictionary.

- (2) The director-general may prepare a notice (an *incorporated document notice*) for the incorporated document, amendment or replacement that contains the following information:
- (a) for an incorporated document—details of the document, including its title, author and date of publication;
 - (b) for a replacement of an incorporated document—details of the replacement, including its title, author and date of publication;
 - (c) for an amendment of an incorporated document—the date of publication of the amendment (or of the document as amended) and a brief summary of the effect of the amendment;
 - (d) for an incorporated document or any amendment or replacement—
 - (i) a date of effect (no earlier than the day after the day of notification of the notice); and
 - (ii) details of how access to inspect the document, amendment or replacement may be obtained under section 118 (Inspection of incorporated documents); and
 - (iii) details of how copies may be obtained, including an indication of whether there is a cost involved.
- (3) An incorporated document notice is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act](#).
- (4) An incorporated document, and any amendment or replacement of an incorporated document, has no effect under this Act unless—
- (a) an incorporated document notice is notified in relation to the document, amendment or replacement; or
 - (b) the document, amendment or replacement is notified under the [Legislation Act](#).

- (5) The [Legislation Act](#), section 47 (7) does not apply in relation to incorporated documents.
- (6) In this section:
- amendment*, of an incorporated document, includes an amendment of a replacement of the incorporated document.
- replacement*, of an incorporated document, means—
- (a) a document that replaces the incorporated document; or
 - (b) a document (an *initial replacement*) that replaces a document mentioned in paragraph (a); or
 - (c) a document (a *further replacement*) that replaces an initial replacement or any further replacement.

118 Inspection of incorporated documents

- (1) This section applies to an incorporated document, or an amendment or replacement of an incorporated document.
- Note* For the meaning of *incorporated document*, see the dictionary.
- (2) The director-general must ensure that the document, amendment or replacement is made available for inspection free of charge to the public on business days at reasonable times at the office of the commission or an administrative unit administered by the director-general.
- (3) In this section:
- amendment*, of an incorporated document—see section 117 (6).

119 Evidentiary certificates

In a prosecution for an offence against this Act, a certificate signed by the Minister or the chief health officer that includes any of the following statements is evidence of the matter stated:

- (a) a statement that, at a stated time or during a stated period, a stated person was, or was not, the holder of a stated licence;
- (b) a statement that, at a stated time or during a stated period, a stated source or apparatus was, or was not, registered;
- (c) a statement that a stated direction, notice, order, requirement, decision, licence or registration was given, made, granted or issued under this Act;
- (d) a statement of the name or physical or chemical form of a radiation material;
- (e) a statement of the activity of a radioactive material;
- (f) a statement of the quantity of an effective dose or equivalent dose of radiation;
- (g) a statement of the quantity of an absorbed dose of radiation.

120 Determination of fees

- (1) The Minister may determine fees for this Act.

Note The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

122 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) A regulation may apply, adopt or incorporate an instrument, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the [Legislation Act](#).

Note 3 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

- (3) A regulation may create offences and fix maximum penalties of not more than 20 penalty units for the offences.

123 Regulations may exempt people, radiation sources etc

- (1) A regulation may exempt a person, a radiation source or a dealing with a radiation source from this Act.

Note A reference to an Act includes a reference to a provision of an Act (see [Legislation Act](#), s 7 (3)).

- (2) An exemption may be conditional.

124 Regulations may impose conditions to licensing and registration regimes

A regulation may impose conditions, including restrictions, on radiation licenses and the registration of regulated radiation sources to protect the public or the public interest.

Schedule 1 Reviewable decisions

(see pt 7)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	17 (1) (b)	refuse to issue licence	applicant for licence
2	19 (a)	impose condition on licence	licensee
3	22 (1)	amend licence	licensee
4	23 (5) (b)	refuse to amend licence	applicant for amendment
5	25 (4)	require applicant to amend radiation management plan	applicant for registration
6	26 (1) (b)	refuse to register regulated radiation source	applicant for registration
7	28 (1) (a)	impose condition on registration of regulated radiation source	registered owner
8	31 (1)	amend registration	registered owner
9	32 (5) (b)	refuse to amend registration	applicant for amendment
10	33F (3)	require registered owner to amend radiation management plan	registered owner
11	36	take disciplinary action	licensee

Dictionary

(see s 5)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- ACT
- bankrupt or personally insolvent
- business day
- chief health officer
- director-general (see s 163)
- doctor
- environment protection authority
- exercise
- found guilty
- function
- health practitioner
- public servant
- reviewable decision notice
- territory law
- the Territory
- under
- work health and safety commissioner.

advisory committee means the Radiation Advisory Committee established under section 65.

approved code of practice means a code of practice approved under section 116.

at premises includes in or on the premises.

authorised dealing, for a licence, means a dealing with a radiation source that is authorised under the licence.

authorised person means a person who is appointed as an authorised person under section 89.

cause death or serious harm to a person means substantially contribute directly or indirectly to the death or harm.

clearance notice—see section 33J (2).

compliance period, for an improvement notice—see section 33G (1) (iv).

connected, for part 6 (Enforcement)—see section 88.

corresponding law means a law of the Commonwealth or a State corresponding, or substantially corresponding, to this Act.

Note **State** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

deals with a radiation source—see section 11.

disciplinary action—

- (a) taken against a licensee—see section 35 (1); and
- (b) taken against a registered owner—see section 35 (2).

disciplinary notice—see section 36.

dispose, of a radiation source, includes—

- (a) bury the radiation source; and
- (b) for a radiation source that is a liquid or gas—release the radiation source; and
- (c) for a radiation facility—decommission the facility.

dose limit means a dose limit prescribed by regulation.

emergency order—see section 47.

environment includes the built and natural environment.

examine includes inspect, weigh, count, test and measure.

executive officer, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

ground, for disciplinary action—see section 34.

immediate suspension notice—see section 37 (2).

improvement notice—see section 33F (2).

incorporated document means—

- (a) the national directory; or
- (b) an instrument applied, adopted or incorporated by a statutory instrument under this Act.

Note 1 A statutory instrument includes a subordinate law or a disallowable instrument (see [Legislation Act](#), s 13).

Note 2 A reference to an instrument includes a reference to a provision of an instrument (see [Legislation Act](#), s 14 (2)).

influential person, for a corporation, means—

- (a) an executive officer of the corporation; or
- (b) a person who may exercise a relevant power in relation to the corporation; or
- (c) a related corporation; or
- (d) an executive officer of a related corporation.

ionising radiation—see section 8 (2).

licence means a licence issued under section 17 (1).

licensee means a person issued with a licence under section 17.

manufacture a radiation source or anything else includes—

- (a) make, remake, alter, break-up, process, recondition or treat the thing; and
- (b) change the thing in a way that affects its properties or performance.

national directory means the national directory for radiation protection published by the Australian Radiation Protection and Nuclear Safety Agency as in force from time to time.

non-ionising radiation—see section 8 (3).

occupier, of premises, for part 6 (Enforcement)—see section 88.

offence, for part 6 (Enforcement)—see section 88.

premises includes land or a structure or vehicle and any part of an area of land or a structure or vehicle.

prohibited radiation source—see section 10.

prohibition notice—see section 33H (2).

radiation—see section 8 (1).

radiation apparatus—see section 9 (3).

radiation facility—see section 9 (4).

radiation management plan, for a regulated radiation source—see section 33B.

radiation safety officer, for a radiation management plan—see section 33D.

radiation source—see section 9 (1).

radioactive material—see section 9 (5).

registered owner, of a regulated radiation source—see section 27 (2).

regulated radiation source—see section 10.

related corporation means a related body corporate under the [Corporations Act](#).

relevant power, for a corporation, means a power to—

- (a) take part in a directorial, managerial or executive decision for the corporation; or
- (b) elect or appoint a person as an executive officer in the corporation; or
- (c) significantly influence the conduct of the corporation.

reviewable decision, for part 7 (Notification and review of decisions)—see section 111.

safety duty—see section 52.

serious harm, to a person—see the [Criminal Code](#), dictionary.

use a radiation source includes—

- (a) use radiation emitted from the radiation source; and
- (b) if the radiation source is radioactive material—administer to, or inject or implant the material into, a person, animal, plant or thing; and
- (c) cause the radiation source to emit radiation.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Radiation Protection Act 2006 A2006-33

notified LR 31 August 2006
s 1, s 2 commenced 31 August 2006 (LA s 75 (1))
remainder commenced 1 July 2007 (s 2 (3))

as modified by

[Radiation Protection Regulation 2007 SL2007-18](#) (as am by [SL2007-21](#))

notified LR 6 July 2007
s 1, s 2 commenced 6 July 2007 (LA s 75 (1))
remainder commenced 7 July 2007 (LA s 73 (3))

[Radiation Protection Amendment Regulation 2007 \(No 1\) SL2007-21](#)

notified LR 2 August 2007
s 1, s 2 commenced 2 August 2007 (LA s 75 (1))
remainder commenced 3 August 2007 (s 2)

Note This regulation only amends the [Radiation Protection Regulation 2007 SL2007-18](#).

as amended by

[Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.47](#)

notified LR 12 August 2008
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))
sch 3 pt 3.47 commenced 26 August 2008 (s 2)

[ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 \(No 2\) A2008-37 sch 1 pt 1.87](#)

notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.87 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008 A2008-35](#), s 2 (1) and [CN2009-2](#))

Work Safety Legislation Amendment Act 2009 A2009-28 sch 2 pt 2.10

notified LR 9 September 2009

s 1, s 2 commenced 9 September 2009 (LA s 75 (1))

sch 2 pt 2.10 commenced 1 October 2009 (s 2 and see [Work Safety Act 2008 A2008-51](#), s 2 (1) (b) and [CN2009-11](#))

Health Practitioner Regulation National Law (ACT) Act 2010 A2010-10 sch 2 pt 2.18

notified LR 31 March 2010

s 1, s 2 commenced 31 March 2010 (LA s 75 (1))

sch 2 pt 2.18 commenced 1 July 2010 (s 2 (1) (a))

Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.130

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.130 commenced 1 July 2011 (s 2 (1))

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 1 pt 1.6, sch 3 pt 3.46

notified LR 28 November 2011

s 1, s 2 commenced 28 November 2011 (LA s 75 (1))

sch 1 pt 1.6, sch 3 pt 3.46 commenced 12 December 2011 (s 2)

Work Health and Safety (Consequential Amendments) Act 2011 A2011-55 sch 1 pt 1.10

notified LR 14 December 2011

s 1, s 2 commenced 14 December 2011 (LA s 75 (1))

sch 1 pt 1.10 commenced 1 January 2012 (s 2 and see [Work Health and Safety Act 2011 A2011-35](#), s 2 and [CN2011-12](#))

Directors Liability Legislation Amendment Act 2013 A2013-4 sch 1 pt 1.8

notified LR 21 February 2013

s 1, s 2 commenced 21 February 2013 (LA s 75 (1))

sch 1 pt 1.8 commenced 22 February 2013 (s 2)

Statute Law Amendment Act 2014 (No 2) A2014-44 sch 3 pt 3.8

notified LR 5 November 2014

s 1, s 2 commenced 5 November 2014 (LA s 75 (1))

sch 3 pt 3.8 commenced 19 November 2014 (s 2)

Endnotes

3 Legislation history

Veterinary Surgeons Act 2015 A2015-29 sch 2 pt 2.11

notified LR 20 August 2015

s 1, s 2 commenced 20 August 2015 (LA s 75 (1))

sch 2 pt 2.11 commenced 1 December 2015 (s 2 (1) and [CN2015-22](#))

Veterinary Practice Act 2018 A2018-32 sch 3 pt 3.15

notified LR 30 August 2018

s 1, s 2 commenced 30 August 2018 (LA s 75 (1))

sch 3 pt 3.15 commenced 21 December 2018 (s 2 and [CN2018-12](#))

**Red Tape Reduction Legislation Amendment Act 2018 A2018-33
sch 1 pt 1.32**

notified LR 25 September 2018

s 1, s 2 commenced 25 September 2018 (LA s 75 (1))

sch 1 pt 1.32 commenced 23 October 2018 (s 2 (4))

Statute Law Amendment Act 2018 A2018-42 sch 3 pt 3.27

notified LR 8 November 2018

s 1, s 2 taken to have commenced 1 July 2018 (LA s 75 (2))

sch 3 pt 3.27 commenced 22 November 2018 (s 2 (1))

Statute Law Amendment Act 2019 A2019-42 sch 3 pt 3.22

notified LR 31 October 2019

s 1, s 2 commenced 31 October 2019 (LA s 75 (1))

sch 3 pt 3.22 commenced 14 November 2019 (s 2 (1))

**Legislation (Legislative Assembly Committees) Amendment Act 2022
A2022-4 sch 1 pt 1.20**

notified LR 30 March 2022

s 1, s 2 commenced 30 March 2022 (LA s 75 (1))

sch 1 pt 1.20 commenced 6 April 2022 (s 2)

Radiation Protection Amendment Act 2022 A2022-12 pt 2

notified LR 10 August 2022

s 1, s 2 commenced 10 August 2022 (LA s 75 (1))

pt 2 commenced 10 September 2022 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Radiation protection principle

s 4 am [A2022-12](#) s 5

Meaning of *deal* with radiation source

s 11 am [A2022-12](#) s 6; pars renum R21 LA

Radiation exposure

s 13 am [A2022-12](#) s 7

Diagnostic or therapeutic procedures

s 14 am [A2022-12](#) s 7, s 8

Licenses

div 3.2 hdg sub [A2022-12](#) s 9

Application for licence

s 16 sub [A2022-12](#) s 9

Decision about licence application

s 17 am [A2019-42](#) amdt 3.102; pars renum R19 LA
sub [A2022-12](#) s 9

Suitable person to hold licence

s 17A ins [A2022-12](#) s 9

Form of licence

s 18 sub [A2022-12](#) s 9

Licence conditions

s 19 sub [A2022-12](#) s 9

Term of licence

s 20 sub [A2022-12](#) s 9

Offence—fail to update name or address

s 21 sub [A2022-12](#) s 9

Amendment of licence by chief health officer

s 22 sub [A2022-12](#) s 9

Amendment of licence on application

s 23 sub [A2022-12](#) s 9

Automatic cancellation of licence

s 24 sub [A2022-12](#) s 9

Registration of radiation sources

div 3.3 hdg sub [A2022-12](#) s 9

Endnotes

4 Amendment history

Application for registration of radiation source

s 25 sub [A2022-12](#) s 9

Decision about radiation source registration application

s 26 am [A2019-42](#) amdt 3.103
sub [A2022-12](#) s 9

Suitable person to own registered regulated radiation source

s 26A ins [A2022-12](#) s 9

Form of registration

s 27 sub [A2022-12](#) s 9

Registration conditions

s 28 sub [A2022-12](#) s 9

Term of registration

s 29 sub [A2022-12](#) s 9

Registered owner must update details

s 30 sub [A2022-12](#) s 9

Amendment of registration by chief health officer

s 31 sub [A2022-12](#) s 9

Amendment of registration on application

s 32 sub [A2022-12](#) s 9

Automatic cancellation of registration

s 33 sub [A2022-12](#) s 9

Radiation register

div 3.3A hdg ins [A2022-12](#) s 9

Radiation register

s 33A ins [A2022-12](#) s 9

Radiation management plan

div 3.3B hdg ins [A2022-12](#) s 9

Meaning of *radiation management plan*

s 33B ins [A2022-12](#) s 9

Radiation management plan

s 33C ins [A2022-12](#) s 9

Meaning of *radiation safety officer*

s 33D ins [A2022-12](#) s 9

Qualifications of radiation safety officer

s 33E ins [A2022-12](#) s 9

Improvement notices and prohibition notices

div 3.3C hdg ins [A2022-12](#) s 9

Improvement noticess 33F ins [A2022-12](#) s 9**Contents of improvement notices**s 33G ins [A2022-12](#) s 9**Prohibition notices**s 33H ins [A2022-12](#) s 9**Contents of prohibition notices**s 33I ins [A2022-12](#) s 9**Clearance notices**s 33J ins [A2022-12](#) s 9**Contravention of improvement notice and prohibition notice**s 33K ins [A2022-12](#) s 9**Grounds for disciplinary action**s 34 am [A2022-12](#) s 29**Disciplinary action**s 35 am [A2022-12](#) s 29**Taking disciplinary action**s 36 am [A2014-44](#) amdt 3.38; [A2022-12](#) s 29**Immediate suspension of licence or registration**s 37 am [A2014-44](#) amdt 3.39; [A2022-12](#) s 29**Return of amended, suspended or cancelled licences**s 40 am [A2022-12](#) s 10, s 29**Action by chief health officer in relation to amended, suspended or cancelled licence**s 41 hdg am [A2022-12](#) s 29s 41 am [A2022-12](#) s 29**Procedure if radiation source abandoned**s 43 am [A2014-44](#) amdt 3.40; [A2022-12](#) s 29**Person abandoning radiation source liable for recovery costs**s 44 am [A2011-52](#) amdt 3.176**Disposal etc of prohibited radiation source**s 45 am [A2014-44](#) amdt 3.40; [A2022-12](#) s 11, s 29**Person in possession of prohibited radiation source liable for disposal costs**s 46 am [A2011-52](#) amdt 3.177**Emergency exemption**s 46A ins [A2022-12](#) s 12**Emergency orders**s 47 am [A2011-22](#) amdt 1.374; [A2014-44](#) amdt 3.40

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4 Amendment history

Compensation—emergency orders

s 48 am [A2011-22](#) amdt 1.374

Dealing with unregistered radiation source

s 60A ins [A2022-12](#) s 13

Failure to notify chief health officer of disposal of radiation source

s 62A ins [A2022-12](#) s 14

Failure to notify chief health officer of dangerous event

s 63 hdg am [A2022-12](#) s 29

s 63 am [A2022-12](#) s 15, s 29

Criminal liability of executive officers

s 64 sub [A2013-4](#) amdt 1.9

am [A2022-12](#) s 16, s 29

Radiation advisory committee

pt 5 hdg sub [A2022-12](#) s 17

Radiation council

div 5.1 hdg om [A2022-12](#) s 17

Establishment of advisory committee

s 65 sub [A2022-12](#) s 17

Advisory committee—functions

s 66 sub [A2022-12](#) s 17

Advisory committee—membership

s 67 sub [A2022-12](#) s 17

Council members

div 5.2 hdg om [A2022-12](#) s 17

Advisory committee—ending members' appointments

s 68 am [A2010-10](#) amdt 2.112; [A2022-4](#) amdt 1.74

sub [A2022-12](#) s 17

Advisory committee—procedures

s 69 sub [A2022-12](#) s 17

Advisory committee—quorum at meetings

s 70 am [A2014-44](#) amdt 3.41

sub [A2022-12](#) s 17

Advisory committee—disclosure of member interests

s 71 am [A2011-52](#) amdt 1.9

sub [A2022-12](#) s 17

Functions of council members

div 5.3 hdg om [A2022-12](#) s 17

Advisory committee—reporting of disclosed interests to Ministers 72 sub [A2022-12](#) s 17**Advisory committee—radiation protection reports**s 73 sub [A2022-12](#) s 17**Honesty, care and diligence of council members**s 74 om [A2022-12](#) s 17**Conflicts of interest by council members**s 75 om [A2022-12](#) s 17**Agenda to require disclosure of interest item**s 76 om [A2022-12](#) s 17**Disclosure of interests by council members**s 77 am [A2013-4](#) amdt 1.10
om [A2022-12](#) s 17**Reporting of disclosed interests to Minister**s 78 am [A2022-4](#) amdt 1.75, amdt 1.76
om [A2022-12](#) s 17**Protection of council members from liability**s 79 om [A2022-12](#) s 17**Council proceedings**div 5.4 hdg om [A2022-12](#) s 17**Time and place of council meetings**s 80 om [A2022-12](#) s 17**Presiding member at council meetings**s 81 om [A2022-12](#) s 17**Quorum at council meetings**s 82 om [A2022-12](#) s 17**Voting at council meetings**s 83 om [A2022-12](#) s 17**Conduct of council meetings etc**s 84 am [A2008-28](#) amdt 3.144
om [A2022-12](#) s 17**Reports to Minister on radiation protection issues**s 85 om [A2022-12](#) s 17**Radiation register**div 5.5 hdg om [A2022-12](#) s 17**Radiation register**s 86 om [A2022-12](#) s 17

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Correction of register

s 87 om [A2022-12](#) s 17

Appointment of authorised people

s 89 am [A2011-22](#) amdt 1.374; [A2014-44](#) amdt 3.42

Identity cards

s 90 am [A2011-22](#) amdt 1.374

Warrants—application made other than in person

s 97 am [A2018-33](#) amdt 1.61, amdt 1.62

Moving things to another place for examination or processing under search warrant

s 102 am [A2014-44](#) amdt 3.43

Return of things seized

s 104 am [A2011-22](#) amdt 1.374

Forfeiture of seized things

s 105 am [A2011-22](#) amdt 1.374

Application for order disallowing seizure

s 107 am [A2011-22](#) amdt 1.374

Order for return of seized thing

s 108 am [A2011-22](#) amdt 1.374

Notification and review of decisions

pt 7 hdg sub [A2008-37](#) amdt 1.416

Meaning of *reviewable decision*—pt 7

s 111 sub [A2008-37](#) amdt 1.416

Reviewable decision notices

s 112 sub [A2008-37](#) amdt 1.416

Applications for review

s 113 sub [A2008-37](#) amdt 1.416

Communication or use of protected information

s 115 am [A2009-28](#) amdt 2.25; [A2010-10](#) amdt 2.113; [A2011-22](#) amdt 1.374; [A2011-55](#) amdt 1.24; [A2015-29](#) amdt 2.90; [A2018-42](#) amdts 3.93-3.95; [A2018-32](#) amdt 3.56
sub [A2022-12](#) s 18

Codes of practice

s 116 am [A2014-44](#) amdt 3.44

Notification of certain incorporated documents

s 117 am [A2011-22](#) amdt 1.374; [A2014-44](#) amdt 3.45

Inspection of incorporated documents

s 118 am [A2011-22](#) amdt 1.374

Evidentiary certificates

s 119 am [A2022-12](#) s 19

Determination of fees

s 120 am [A2011-52](#) amdt 3.178

Approved forms

s 121 am [A2011-52](#) amdt 3.178
om [A2022-12](#) s 20

Regulation-making power

s 122 am [A2014-44](#) amdt 3.46; [A2022-12](#) s 21

Review of Act

s 125 exp 1 July 2017 (s 125 (2))

Consequential amendments and repeals

pt 9 hdg om LA s 89 (3)

Legislation amended—sch 1

s 126 om LA s 89 (3)

Legislation repealed

s 127 om LA s 89 (3)

Transitional

pt 10 hdg exp 1 July 2009 (s 132)

Definitions—pt 10

s 128 exp 1 July 2009 (s 132)

Existing licences

s 129 exp 1 July 2009 (s 132 (LA s 88 declaration applies))

Registration of radiation sources etc

s 130 exp 1 July 2009 (s 132 (LA s 88 declaration applies))

Council members

s 130A ins as mod [SL2007-18](#) s 50 (as ins by [SL2007-21](#) s 4)
exp 1 January 2008 (s 130A (5))

Transitional regulations

s 131 exp 1 July 2009 (s 132)

Expiry—pt 10

s 132 exp 1 July 2009 (s 132)

Transitional—Radiation Protection Amendment Act 2022

pt 11 hdg ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

Definitions—pt 11

s 133 ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

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Radiation council members

s 134 ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

Radiation council—functions

s 135 ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

Radiation council disclosures and reporting of interests

s 136 ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

Transitional regulations

s 137 ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

Expiry—pt 11

s 138 ins [A2022-12](#) s 22
exp 10 September 2023 (s 138)

Reviewable decisions

sch 1 om LA s 89 (3)
ins [A2008-37](#) amdt 1.417
sub [A2022-12](#) s 23

Dictionary

dict am [A2008-37](#) amdt 1.418, amdt 1.419; [A2009-28](#) amdt 2.26;
[A2011-22](#) amdt 1.375; [A2011-52](#) amdt 1.10; [A2014-44](#)
amdt 3.47; [A2022-12](#) s 24
def **advisory committee** ins [A2022-12](#) s 25
def **analysis** om [A2014-44](#) amdt 3.48
def **clearance notice** ins [A2022-12](#) s 25
def **compliance period** ins [A2022-12](#) s 25
def **corresponding law** ins [A2022-12](#) s 25
def **council** om [A2022-12](#) s 26
def **disciplinary action** sub [A2022-12](#) s 27
def **executive officer** ins [A2022-12](#) s 28
def **improvement notice** ins [A2022-12](#) s 28
def **incorporated document** am [A2014-44](#) amdt 3.49,
amdt 3.51
def **incorporated document notice** om [A2014-44](#) amdt 3.50
def **influential person** ins [A2022-12](#) s 28
def **prohibition notice** ins [A2022-12](#) s 28
def **radiation management plan** ins [A2022-12](#) s 28
def **radiation safety officer** ins [A2022-12](#) s 28
def **related corporation** ins [A2022-12](#) s 28
def **relevant power** ins [A2022-12](#) s 28
def **reviewable decision** sub [A2008-37](#) amdt 1.420

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 July 2007	1 July 2007– 2 Aug 2007	not amended	new Act
R2 3 Aug 2007	3 Aug 2007– 1 Jan 2008	not amended	modification by SL2007-18 as amended by SL2007-21
R3 2 Jan 2008	2 Jan 2008– 25 Aug 2008	not amended	commenced expiry
R4 26 Aug 2008	26 Aug 2008– 1 Feb 2009	A2008-28	amendments by A2008-28
R5 2 Feb 2009	2 Feb 2009– 1 July 2009	A2008-37	amendments by A2008-37
R6 2 July 2009	2 July 2009– 30 Sept 2009	A2008-37	commenced expiry
R7 1 Oct 2009	1 Oct 2009– 30 June 2010	A2009-28	amendments by A2009-28
R8 1 July 2010	1 July 2010– 30 June 2011	A2010-10	amendments by A2010-10
R9 1 July 2011	1 July 2011– 11 Dec 2011	A2011-22	amendments by A2011-22
R10 12 Dec 2011	12 Dec 2011– 31 Dec 2011	A2011-52	amendments by A2011-52
R11 1 Jan 2012	1 Jan 2012– 21 Feb 2013	A2011-55	amendments by A2011-55

Endnotes

6 Expired transitional or validating provisions

Republication No and date	Effective	Last amendment made by	Republication for
R12 22 Feb 2013	22 Feb 2013- 18 Nov 2014	A2013-4	amendments by A2013-4
R13 19 Nov 2014	19 Nov 2014- 30 Nov 2015	A2014-44	amendments by A2014-44
R14 1 Dec 2015	1 Dec 2015- 1 July 2017	A2015-29	amendments by A2015-29
R15 2 July 2017	2 July 2017- 22 Oct 2018	A2015-29	expiry of provision (s 125)
R16 23 Oct 2018	23 Oct 2018- 21 Nov 2018	A2018-33	amendments by A2018-33
R17 22 Nov 2018	22 Nov 2018- 20 Dec 2018	A2018-42	amendments by A2018-42
R18 21 Dec 2018	21 Dec 2018- 13 Nov 2019	A2018-42	amendments by A2018-32
R19 14 Nov 2019	14 Nov 2019- 5 Apr 2022	A2019-42	amendments by A2019-42
R20 6 Apr 2022	6 Apr 2022- 9 Sept 2022	A2022-4	amendments by A2022-4
R21 10 Sept 2022	10 Sept 2022- 10 Sept 2023	A2022-12	amendments by A2022-12

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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