

TASMANIA

**RADIATION PROTECTION AMENDMENT BILL
2012**

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**RADIATION PROTECTION AMENDMENT BILL
2012**

*(Brought in by the Minister for Health, the Honourable
Michelle Anne O'Byrne)*

A BILL FOR

An Act to amend the *Radiation Protection Act 2005*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Radiation Protection Amendment Act 2012*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Radiation Protection Act 2005** is referred to as the Principal Act.

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4. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended as follows:

- (a) by omitting the definition of *dispose of* and substituting the following definition:

dispose of includes bury, disperse, hire out or lease, transfer ownership of and transfer possession of;

- (b) by omitting the definition of *possess* and substituting the following definition:

possess, in relation to a radiation source, means being in control of the radiation source, whether or not another person has the physical custody of the radiation source;

- (c) by omitting paragraph (d) from the definition of *sell*.

5. Section 10 amended (Causing radiation exposure)

Section 10 of the Principal Act is amended by omitting subsection (2).

6. Section 13 amended (Dealings with radiation source prohibited without licence)

Section 13 of the Principal Act is amended by omitting subsection (2).

7. Section 21 amended (Determination of application)

Section 21(4) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

- (ab) the name of any person likely to be dealing with the radiation source to which the application relates; and

8. Section 23 amended (Activities authorised by authority)

Section 23 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (4) The holder of an authority must not publicly represent, whether by an advertisement, public notice or other means, and whether expressly or by implication, that the authority constitutes an endorsement, by or on behalf of the Crown or any of its agencies, as to the efficacy, quality or standard of any service provided, or any activity carried on, under the authority.

Penalty: Fine not exceeding 50 penalty units.

9. Section 29 amended (Amendment of authority on application by holder)

Section 29 of the Principal Act is amended as follows:

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(a) by omitting subsection (5) and substituting the following subsection:

(5) The Director of Public Health may only grant the application or part of the application if he or she has had regard to any criteria prescribed for the purposes of section 21(2)(a), (b) or (c) that he or she considers relevant.

(b) by omitting from subsection (6) “Section 21(3), (4), (5) and (6) applies” and substituting “Section 21(2), (3), (4), (5) and (6) apply”.

10. Section 70A inserted

After section 70 of the Principal Act, the following section is inserted in Division 3:

70A. Infringement notices

- (1) The Director of Public Health or an authorised officer may issue and serve an infringement notice on a person if he or she reasonably believes that the person has committed an infringement offence.
- (2) An infringement notice may not be served on an individual who has not attained the age of 18 years.
- (3) An infringement notice –
 - (a) is to be in accordance with section 14 of the *Monetary*

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Penalties Enforcement Act 2005;
and

- (b) is not to relate to more than 4 offences.
- (4) The regulations –
 - (a) may prescribe, for infringement offences, the penalties payable under infringement notices; and
 - (b) may prescribe different penalties for bodies corporate and individuals.
- (5) In this section –

infringement offence means an offence against this Act or the regulations that is prescribed by the regulations to be an infringement offence.

11. Section 85 amended (Exemptions)

Section 85 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The exemption may be given only if –
 - (a) it could not reasonably be expected to pose any threat of harm, or more than a negligible threat of harm, to the health or

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safety of persons or to the environment; or

- (b) if paragraph (a) does not apply, preserving the relevant legislative controls over the person or matter to be exempted could not reasonably be expected to achieve any worthwhile net public benefit in terms of reducing the associated threats of harm to the health or safety of persons or to the environment.

12. Section 86 amended (Regulations)

Section 86(5) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “continues; and” and substituting “continues.”;
- (b) by omitting paragraph (c).

13. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.