

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Radiation (Amendment) Bill 1993

**A BILL
FOR**

An Act to amend the *Radiation Act 1983*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Radiation (Amendment) Act 1993*.

5 Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, "Principal Act" means the *Radiation Act 1983*.¹

10 Membership of Council

4. Section 8 of the Principal Act is amended by—

- (a) inserting in paragraph (1) (b) " , being a person with expert knowledge of the physical properties or biological effects of ionizing radiation," after "member";

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(b) inserting in paragraph (1) (c) “, being a person with expert knowledge of the physical properties or biological effects of ionizing radiation,” after “member”; and

5 (c) omitting paragraph (1) (d) and substituting the following paragraph:

“(d) 2 persons nominated by the Minister.”.

Insertion

5. After section 15 of the Principal Act the following section is inserted:

10 Report to Minister

“15A. Where the Minister gives a written direction to the Chairperson requiring the Council to inquire into and report on a matter, the Council shall provide the Minister with a report on the matter, including a recommendation where appropriate, within the period specified in the direction.”.

Duration of licence

6. Section 31 of the Principal Act is amended by—

20 (a) omitting from subsection (1) “until the expiry of the period of 12 months after the date on which it was granted” and substituting “for such period, not exceeding 5 years, as is specified in the licence”; and

25 (b) omitting from subsection (2) “a further period of 12 months commencing on the expiry of the first-mentioned period of 12 months” and substituting “such further period as the Council determines not exceeding 5 years commencing on the expiry of the first-mentioned period”.

Duration of registration

7. Section 50 of the Principal Act is amended by—

30 (a) omitting from subsection (1) “until the expiry of the period of 12 months after the date on which the apparatus was registered” and substituting “for such period, not exceeding 5 years, as is specified in the certificate”; and

35 (b) omitting from subsection (2) “a further period of 12 months commencing on the expiry of the first-mentioned period of 12 months” and substituting “such further period as the Council determines, which period shall not exceed 5 years and shall commence on the expiry of the first-mentioned period”.

Appeals

8. Section 72 of the Principal Act is amended—

- (a) by omitting from paragraph (k) “or” (last occurring); and
- (b) by adding at the end the following paragraphs:

- 5 “(m) granting or renewing a licence under section 31 for a period of less than 5 years; or
- (n) registering, or renewing the registration of, any irradiating apparatus for a period of less than 5 years”.

Notification of decisions by Council

10 9. Section 73 of the Principal Act is amended—

- (a) by omitting from paragraph (2) (l) “or” (last occurring); and
- (b) by inserting after paragraph (2) (m) the following paragraphs:

- “(ma) granting or renewing a licence under section 31 for a period of less than 5 years; or
- 15 (mb) registering, or renewing the registration of, any irradiating apparatus for a period of less than 5 years”.

Transitional

20 10. (1) Where a licence was granted under section 29 of the Principal Act or renewed under section 31 of that Act before the commencement of this Act, then subject to the Principal Act as amended by this Act, that licence continues in force for the period it would have done but for the amendments effected by this Act.

25 (2) Where an irradiating apparatus is registered under section 48 of the Principal Act or the registration of an irradiating apparatus is renewed under section 50 of that Act before the commencement of this Act, then subject to the Principal Act as amended by this Act, the registration continues in force for the period it would have done but for the amendments effected by this Act.

Further amendments

30 11. (1) The following provisions of the Principal Act are amended by omitting “Chairman” and substituting “Chairperson” (wherever occurring):

35 Subsections 5 (1) (definitions of “Chairman”, “Deputy Chairman” and “member”), 6 (3), 9 (1), (2), (3), (4) and (5), 12 (1) and 13 (1), (2), (3) and (4), paragraph 28 (c), subsections 29 (1) and (2), paragraphs 34 (1) (b) and (c) and 35 (1) (c) and (d), subsection 38 (1), paragraphs 39 (1) (j), (la)

and (n), subsections 48 (2) and (3), 52 (1), 54 (5) and 56 (1), paragraphs 63 (2) (b) and (c), subsection 66 (4), paragraph 68 (3) (c) and section 71.

(2) The following provisions of the Principal Act are amended by inserting "or she" after "he" (wherever occurring):

- 5 Subsections 9 (4), 13 (1) and (3), 18 (1) and 19 (1) and (2), paragraphs 19 (3) (a), (b), (e) and (f), section 20, subsection 21 (1), paragraph 21 (1) (c), subsections 21 (4), 22 (1) (first occurring only) and (2) and 23 (1) and paragraphs 23 (2) (a), (b) and (c), 32 (2) (c), 39 (1) (j) and (n), 52 (4) (c) and 75 (1) (b).

- 10 (3) The following provisions of the Principal Act are amended by inserting "or her" after "his" (wherever occurring):

- 15 Sections 10 and 14, subsection 16 (1), paragraph 24 (a), subsections 33 (1) and 34 (1), paragraphs 34 (1) (a), 35 (1) (a) and (c), 39 (1) (b) and (j), sections 40, 41 (first occurring only) and 45, subsection 57 (1) (second occurring only), section 58 (second occurring only), subsection 63 (2) and paragraph 76 (b).

- (4) The Principal Act is amended as set out in the Schedule.

SCHEDULE

Subsection 11 (4)

Subsection 5 (1) (definition of "radiation worker")—

Omit "his".

Subsection 8 (3)—

Omit "his".

Subsection 9 (2)—

(a) Omit "his", substitute "the".

(b) Omit "writing signed by him and", substitute "signed notice".

Subsection 9 (4)—

Omit "this".

Subsection 9 (5)—

(a) Omit "his", substitute "the".

(b) Omit "writing signed by him and", substitute "signed notice".

SCHEDULE—continued

Section 10—

Omit “writing signed by him and”, substitute “signed notice”.

Paragraph 11 (2) (a)—

Omit “his” (wherever occurring).

Subsection 19 (2)—

Omit “to him”.

Subsection 19 (4)—

Omit “by him”.

Paragraph 21 (3) (d)—

Omit “one”, substitute “1”.

Subsection 21 (4)—

Omit “him to seize that thing”, substitute “the seizure”.

Subsection 22 (1)—

Omit “that he finds”, substitute “found”.

Subsection 22 (2)—

Omit “to him”.

Subsection 23 (1)—

Omit “his”, substitute “that”.

Paragraph 23 (2) (a)—

Omit “his”, substitute “that”.

Paragraph 23 (2) (b)—

Omit “his”, substitute “that”.

Paragraph 23 (2) (c)—

Omit “his”, substitute “that”.

Subsection 26 (1)—

Omit “his” and “to him”.

Subsection 26 (2)—

Omit “his” and “to him”.

SCHEDULE—continued**Paragraph 27 (1) (b)—**

Omit “his”.

Paragraph 27 (2) (b)—

Omit “his”.

Subparagraph 34 (1) (b) (i)—

Omit “he first comes”, substitute “first coming”.

Paragraph 35 (1) (d)—

Omit “to him”.

Paragraphs 38 (1) (a) and (b)—

Omit “one”, substitute “1”.

Paragraph 39 (1) (e)—

Omit “his”.

Paragraph 39 (1) (f)—

Omit “his”, substitute “the”.

Subsection 39 (2)—

Omit “he”, substitute “that officer”.

Section 40—

Omit “to him”.

Section 41—

Omit “his” (second occurring).

Subsections 42 (1), (2) and (3)—

Omit “himself”.

Subsection 43 (2)—

Omit “to him”.

Subsection 44 (1)—

(a) Omit “if he”, substitute “who”.

(b) Insert “or her” after “him”.

Subsection 44 (2)—

Omit “to him”.

SCHEDULE—continued

Section 45—

Omit “he has”.

Paragraph 46 (1) (b)—

Omit “by him”.

Subsection 47 (1)—

Omit “his” (first occurring).

Subsection 57 (1)—

Omit “his”.

Section 58—

Omit “his” (first occurring).

Paragraph 63 (2) (c)—

Omit “to him”.

Paragraph 68 (1) (b)—

Omit “to him”.

Subsection 75 (1)—

Omit “his”.

Paragraph 75 (1) (b)—

Omit “him to have the material or apparatus in his possession”, substitute “possession of the material or apparatus”.

Subsection 75 (2)—

Omit “his”.

Paragraph 75 (2) (b)—

Omit “him to use” and substituting “the use of”.

Paragraph 76 (a)—

(a) Omit “to him”.

(b) Omit “his last known place of residence or business”, substitute “the last known place of residence or business of the person to whom the notice or instrument is required to be given”.

Paragraph 76 (b)—

(a) Omit “to him” (first occurring);

(b) Insert “or her” after “him” (second occurring).

SCHEDULE—continued**Schedule 2, Item 3—**

Ornit “one”, substitute “1”.

NOTE

1. Reprinted as at 30 November 1991. See also Acts Nos. 23, 1992 and 14, 1993.

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