

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

RADIATION (AMENDMENT) BILL 1993

EXPLANATORY MEMORANDUM

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RADIATION (AMENDMENT) BILL 1993

Explanatory Memorandum

The Radiation (Amendment) Bill 1993 ("the Bill") amends the *Radiation Act 1983* ("the Act") to -

- change the requirements relating to the composition of the Radiation Council ("the Council") which is established under the Act;
- enable the Minister to require the Council to inquire into and report on matters which the Minister refers to the Council;
- lengthen the period for which a licence relating to radioactive material or an irradiating apparatus may be granted or renewed;
- lengthen the duration of registration or renewal of registration for an irradiating apparatus; and
- remove sexist language from the Act.

The Act

The Act regulates and monitors the possession and use of radioactive materials. In particular, Part III of the Act requires that a person be licensed in order to undertake particular activities in relation to radioactive material and Part IV of the Act requires that an irradiating apparatus be registered. The body charged with licensing persons and registering items of irradiating apparatus is the Council which is established under Part II of the Act.

The Bill

The Bill amends the Act in a number of major respects. Firstly, it amends the provisions relating to the composition of the Council to specify that members nominated by the Australian National University and the Commonwealth Scientific and Industrial Research Organisation must have expertise in radiation matters.

The Bill also amends the Act to enable the Minister to require the Council to inquire into and report on matters which are referred to it by the Minister. This will assist in ensuring that the Minister is provided with timely advice in relation to matters of public interest concerning radiation.

The other major amendment effected by the Bill is the lengthening of the period for which a licence in relation to radioactive material or an irradiating apparatus and the registration of an irradiating apparatus may be granted or renewed. Instead of a period of twelve months for a licence and for registration the Council will be able to grant and renew licences and registration for up to a maximum of five years. This will improve administrative efficiency and provide the Council with the flexibility to grant and renew licences and registration for periods which are appropriate to the particular circumstances of each application.

The Bill also removes sexist language from the Act.

Financial implications

There are no financial implications arising from the Bill.

Details of the Bill are included in the Attachment

MAIN AMENDMENTS

Clause 4 - Membership of the Radiation Council

Clause 4 amends section 8 of the Act which provides for the membership of the Council established under section 7 of the Act.

Paragraphs 4(a) and 4(b) amend section 8 to require that the members of the Council nominated by the Australian National University and the Commonwealth Scientific and Industrial Research Organisation must be persons with expert of knowledge of the physical properties or biological effects of ionizing radiation.

Paragraph 4(c) amends section 8 by replacing the requirement for one member of the Council to be nominated by the Minister with the requirement that the Council include two persons nominated by the Minister.

Clause 5 - Report to Minister

Clause 5 inserts new section 15A in the Act enabling the Minister to give a written direction to the Chairperson of the Council to inquire into and report on a matter. In response to such a direction the Council must provide the Minister with a report on the matter, including a recommendation, where appropriate, within the period specified in the Minister's direction.

Clause 6 - Duration of licence

Clause 6 amends section 31 of the Act providing for the duration of a licence or renewal of a licence granted under section 29 of the Act by lengthening the maximum period for which a licence may be granted or renewed. Section 29 permits the Council to grant a licence in relation to radioactive material or an irradiating apparatus authorising the licensee to do such acts as are permitted under section 27 of the Act and are specified in the licence.

Paragraph 6(a) amends subsection 31(1) to the effect that, instead of a licence granted under section 29 of the Act remaining in force for a period

of twelve months, a licence granted under section 29 may remain in force for a maximum period of five years. The period for which the licence is in force must be specified in the licence.

Paragraph 6(b) amends subsection 31(2) to the effect that the Council may, upon the expiry of a licence or renewal of a licence, renew the licence for, instead of a period of twelve months, a maximum period of five years.

Duration of registration

Clause 7 amends section 50 of the Act dealing with the duration of registration or renewal of registration of an irradiating apparatus under section 48 of the Act by lengthening the maximum period for which such items of apparatus may be registered or for which registration may be renewed.

Paragraph 7(a) amends subsection 50(1) to the effect that, instead of registration granted under section 48 of the Act remaining in force for a period of twelve months, registration may be granted for a maximum period of five years. The duration of the registration must be specified in the certificate of registration required to be issued under section 49 of the Act.

Paragraph 7(b) amends subsection 50(2) to the effect that the registration of an irradiating apparatus or the renewal of registration may, upon the expiration of that registration or renewal, be renewed for, instead of twelve months, a maximum period of five years.

Clause 8 - Appeals

Clause 8 amends section 72 of the Act providing for appeals in respect of certain decisions of the Council to include a right of appeal in respect of a decision of the Council to -

- grant or renew a licence under section 31 for less than the maximum possible period of five years; and
- register or renew the registration of an irradiating apparatus under section 50 for less than the maximum possible period of five years.

Clause 9 - Notification of decisions by Council

Clause 9 amends section 73 of the Act to require that in respect of decisions of the Council to -

- grant or renew a licence under section 31 for less than the maximum possible period of five years; or
- register or renew the registration of an irradiating apparatus under section 50 for less than the maximum possible period of five years,

the Council must give written notice to the person whose interests are adversely affected by the decision advising the person as to the reasons for the decision and of his or her right to appeal to the A.C.T. Administrative Appeals Tribunal for a review of the decision.

FORMAL, TECHNICAL AND TRANSITIONAL PROVISIONS

Clauses 1, 2 and 3 - Formal provisions

Clauses 1, 2 and 3 are formal provisions which provide for, respectively, the citation of the Bill, the commencement of the Bill and the meaning of a reference in the Bill to the term "Principal Act".

Clause 10 - Transitional provision

Clause 10 is a transitional provision to the effect that a licence or registration granted prior to the commencement of the amendments in the Bill, lengthening the maximum possible duration of a licence or registration, continues in force for such period as it would have done but for those amendments.

Clause 11 - Removal of sexist language

Clause 11 is a technical amendment which removes sexist terms from the Act and replaces them with gender neutral terms and expressions.