

**2006**

**LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**

**RADIATION PROTECTION BILL 2006**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Circulated by the authority of  
Katy Gallagher MLA  
Minister for Health**

## **RADIATION PROTECTION BILL 2006**

### **Supplementary Explanatory Statement**

This explanatory statement relates to amendments to the Radiation Protection Bill 2006 as introduced into the ACT Legislative Assembly.

### **Overview of amendments**

The amendments to the Radiation Protection Bill 2006 relate to the construction of the offences contained within the Bill, and are of a minor and technical nature. The amendments clarify that strict liability applies to the element of the offences contained within clauses 54(1)(b), 55(1)(b) and 56(1)(b).

The Bill as introduced into the Legislative Assembly expressly states that absolute liability applies to the first element of each offence in subsections 1(a) of clauses 54, 55 and 56. This element is that a person was required to comply with a safety duty. However, the Bill as introduced does not expressly apply strict liability to the second element of the offences, the elements in clauses 54(1)(b), 55(1)(b) and 56(1)(b). The effect of this omission is that the offences may operate in a manner other than as intended by requiring proof of a fault element pursuant to section 22 of the *Criminal Code 2002*.

The amendments resolve this problem by include words expressly applying strict liability to the respective elements of the three offences as intended.

### **Outline of Provisions**

#### **Clause 1      Proposed new Clause 54(3)**

Clause 1 inserts a clause 54(3) into the Bill. The inserted provision expressly applies strict liability to subsection 1(b) of Clause 54. Accordingly, the failure of a person to comply with a safety duty is expressly subject to strict liability. Absolute liability continues to apply to the first element of the offence, which is that the person was required to comply with the safety duty.

#### **Clause 2      Proposed new Clause 55(3)**

Clause 2 inserts a clause 55(3) into the Bill. The inserted provision expressly applies strict liability to subsection 1(b) of Clause 55. Accordingly, the failure of a person to comply with a safety duty is expressly subject to strict liability. Absolute liability continues to apply to the first element of the offence, which is that the person was required to comply with the safety duty.

**Clause 3      Proposed new Clause 56(3)**

Clause 3 inserts a clause 56(3) into the Bill. The inserted provision expressly applies strict liability to subsection 1(b) of Clause 56. Accordingly, the failure of a person to comply with a safety duty is expressly subject to strict liability. Absolute liability continues to apply to the first element of the offence, which is that the person was required to comply with the safety duty.