

2022

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

RADIATION PROTECTION AMENDMENT BILL 2022

SUPPLEMENTARY EXPLANATORY STATEMENT

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Minister for Health
27 July 2022**

Radiation Protection Amendment Bill 2022

SUPPLEMENTARY EXPLANATORY STATEMENT

This supplementary explanatory statement relates to a Government amendment to the Radiation Protection Amendment Bill 2022 (the Bill) as presented to the Legislative Assembly. This Government amendment makes two minor amendments to the Bill which was presented to the ACT Legislative Assembly on 24 March 2022.

The supplementary explanatory statement relates to the Government amendments to the Bill as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Government amendment and to help inform debate on it. A more detailed explanation of the purposes and intended operation of the Bill are set out in the Explanatory Statement for the Bill.

The Government amendments will amend:

1. the commencement clause at Clause 2 (Commencement) of the Bill from two months to one month. This amendment is considered necessary in order to minimise any associated regulatory and business disruptions that may occur in the transition of functions from the Radiation Council.
2. the *Public Health Act 1997* to enable the Chief Health Officer (CHO) to delegate statutory functions under the *Radiation Protection Act 2006* (the Act) as proposed by the Bill. This amendment is considered necessary in order to ensure ongoing performance of the proposed CHO statutory functions and minimise any associated regulatory and business disruptions.

Consistency with Human Rights

The Government amendments are not considered to directly engage rights protected under the *Human Rights Act 2004* (HR Act). It is however noted that the CHO's statutory functions do engage certain human rights and that any CHO delegation may similarly engage these rights. A person exercising a delegated function is required to act consistently with human rights (HR Act, section 40B). The Bill's engagement with the HR Act, including any proposed CHO statutory functions to the Act, are detailed in the explanatory statement as presented with the Bill.

Amendment 1

Clause 2

Page 2, line 5

Amendment 1 omits 2 months and substitutes 1 month to provide that the Radiation Protection Amendment Bill 2022 commences one (1) month after its notification day.

The Bill will change the responsibility of the current functions of the Radiation Council to the CHO and the Radiation Advisory Council. Current appointments to the Radiation Council expire on the 30 September 2022. The amendment will eliminate the need to temporarily extend or reappoint Radiation Council members and help minimise any associated regulatory and business disruptions that may occur in the transition of functions.

This amendment is not associated with an increased regulatory burden or cost to the community, or community sub-sector.

Amendment 2

Schedule 1 Proposed new amendment 1.2, new section 11 (e)

Page 42, line 6

Amendment 2 inserts the *Radiation Protection Act 2006* (the Act) under proposed new subsection 11 (e) of the *Public Health Act 1997* (PH Act) to enable the CHO to delegate functions under the Act.

The amendment, while minor, is critical to ensure ongoing performance of the CHO's statutory functions and minimise any associated regulatory and business disruptions. Amending the PH Act to provide that the CHO may delegate their statutory functions under the Act is consistent with other ACT legislation where the CHO has a statutory function such as the *Food Act 2001* and *Medicines, Poisons and Therapeutic Goods Act 2008*.

The proposed amendment is also consistent with other jurisdictional radiation safety frameworks. This amendment is not associated with an increased regulatory burden or cost to the community, or community sub-sector.