

QUEENSLAND PLACE NAMES.

See PLACE NAMES.

RADIOACTIVE SUBSTANCES.

7 ELIZ. II.
No. 20
THE
RADIOACTIVE
SUBSTANCES
ACT OF 1958.

An Act to Control and Regulate the Possession, Sale, Transport and Use of Radioactive Substances and the Possession and Use of Certain Apparatus capable of producing Radiation.

[ASSENTED TO 7TH MAY, 1958.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. (1.) This Act may be cited as "*The Radioactive Substances Act of 1958.*"

Commence-
ment of Act.

(2.) This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Construction
of Act.

2. This Act, including every Proclamation, Order in Council, regulation, and rule hereunder, shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any Proclamation, Order in Council, regulation, or rule hereunder would but for this section have been construed as being in excess of that power, it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power.

Crown
bound.

3. This Act shall be binding on the Crown.

1958.

Radioactive Substances Act.

4. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

- “Analyst”—An analyst within the meaning of section five of **“The Health Acts, 1937 to 1955”*: The term also includes any person appointed as a physicist or scientist under and for the purposes of this Act; ^{Analyst.} ^{Meaning of terms.}
- “Council”—The Radiological Advisory Council of Queensland constituted under this Act; ^{Council.}
- “Dentist”—A person registered as a dentist under †*“The Dental Acts, 1902 to 1953,”* and whose name remains upon the register of dentists registered under those Acts; ^{Dentist.}
- “Director-General”—The Director-General of Health and Medical Services for the State of Queensland within the meaning of section five of **“The Health Acts, 1937 to 1955,”* or the person who for the time being occupies the office or performs the duties of the said Director-General of Health and Medical Services; ^{Director-General.}
- “Inspector”—Any inspector appointed under this Act: The term includes any member of the Police Force or other person appointed to act as an inspector, and also any person acting under the direction or in aid of an inspector; ^{Inspector.}
- “Irradiating apparatus”—Apparatus capable of producing ionising radiation of any prescribed type or types or capable of accelerating atomic particles under any prescribed conditions: The term includes any apparatus not presently so capable, either by accident or design, by reason of any defect in, or the absence of, any part thereof; ^{Irradiating apparatus.}
- “License”—A license, including any renewal of a license, granted under this Act and in force at the material time, and with reference to any particular provision of this Act a license of the description appropriate according to that provision; ^{License.}

* 1 G. 6 No. 31 and amending Acts.

† 2 E. 7 No. 25 and amending Acts.

Radioactive Substances Act.

7 ELIZ. II. No. 20,

- Medical practitioner.** “Medical practitioner”—A medical practitioner or a specialist within the meaning of section four of **The Medical Acts, 1939 to 1955*” ;
- Minister.** “Minister”—The Minister for Health and Home Affairs or other Minister of the Crown for the time being charged with the administration of this Act ;
- Place.** “Place”—Includes any house, office, room, tent, ship, vessel, vehicle, aircraft, building, erection, structure, or premises (whether upon land or water), and any road, street, thoroughfare, alley, right-of-way (whether public or private), and any land, whether public or private and whether enclosed or otherwise : The term also includes any part of any place ;
- Radioactive substance.** “Radioactive substance”—Any substance which consists of or contains more than the prescribed concentration of any radioactive chemical element or isotope, whether natural or artificial ;
- Sell.** “Sell”—Includes sell, by wholesale or by retail, or by auction, and barter, exchange, deal in, or supply for profit, assign or part with possession, whether for valuable consideration or otherwise, agree to sell, offer or expose for sale, keep, or have in possession for sale or send, forward, consign or deliver for or on sale, and to authorise, cause, permit, allow, suffer, or attempt any of such things : The term “sale” shall have a correspondingly inclusive meaning ;
- Substance.** “Substance”—Any natural or artificial substance whether in solid or liquid form, or in the form of a gas or vapour, and any manufactured article or any article which has been subject to any artificial treatment or process ;
- Administration.** **5.** This Act shall be administered by the Minister and, subject to the Minister, by the Director-General, the Council, inspectors and other officers appointed in pursuance of this Act.

* 3 G. 6 No. 10 and amending Acts.

1958.

Radioactive Substances Act.

6. (1.) For the purposes of this Act there shall be constituted a body which shall be called "The Radiological Advisory Council of Queensland" (in this Act referred to as the "Council").

The
Radiological
Advisory
Council.

The Council shall be deemed to be established on and from the date of the first appointment of the members thereof.

(2.) (a) The Council shall consist of a chairman and not less than four and not more than nine other members.

Membership.

(b) The Director-General shall *ex officio* be a member of the Council and chairman thereof.

A person nominated in that behalf by the Director-General may act in the office of chairman during such time as the Director-General is prevented by absence, illness or otherwise from performing the duties of the office of chairman and the person so nominated, whilst so acting, shall have and may exercise all of the powers, authorities and functions, and shall perform all of the duties of the chairman.

Such a nomination shall be in writing and may be made generally or subject to such limitations as to time or otherwise as are specified therein. The Director-General may in writing revoke any such nomination.

(c) The other members of the Council shall, upon the recommendation of the Minister after consultation with such public authorities and such scientific, professional and technical organisations and persons as the Minister thinks appropriate, be appointed from time to time by the Governor in Council by notification published in the *Gazette*.

(3.) (a) Subject to this Act every member of the Council other than the *ex officio* member thereof—

Tenure of
office.

(i.) Shall be eligible for reappointment; and

(ii.) Shall hold office for the respective term for which he is appointed or reappointed but no such appointment or reappointment shall be for a term exceeding three years.

(b) The office of a member of the Council, other than the *ex officio* member thereof, shall—

(i.) Commence on the date of his appointment thereto; and

- (ii.) Become vacant if such member—
- (a) Dies or becomes mentally sick; or
 - (b) Becomes bankrupt or compounds with his creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
 - (c) Is absent without leave granted by the Council from three consecutive ordinary meetings of the Council of which due notice has been given to him; or
 - (d) Resigns his office by writing under his hand delivered to the Minister (such resignation shall be complete and shall take effect from the time when it is received by the Minister); or
 - (e) Is convicted of an indictable offence or of an offence against this Act; or
 - (f) Is removed from office by the Governor in Council by notification published in the *Gazette* on the grounds of mental or physical incapacity to perform his duties or because of any conduct which, in the opinion of the Governor in Council, shows the member to be unfit to be a member of the Council:

Provided that the attendance of any such member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason that no quorum is present no meeting is actually held on that day, and the secretary to the Council shall enter in the minute book the names of all members who so attend.

Extra-ordinary vacancies.

(4.) When a vacancy arises in the office of a member of the Council other than the *ex officio* member by death, resignation, or otherwise howsoever, the Governor in Council shall upon the recommendation of the Minister appoint, by notification published in the *Gazette*, a member to hold office for the remainder of the term of his predecessor.

This subsection applies so as not to affect the power of the Governor in Council to appoint a person to act temporarily in any such office during a vacancy therein.

1958.

Radioactive Substances Act.

(5.) If any member of the Council other than the *ex officio* member thereof is at any time prevented by absence, illness, or otherwise from performing the duties of his office, the Governor in Council may, by notification published in the *Gazette*, appoint another person to act in that office during such time as the other member is so prevented from performing such duties, and the person so appointed, whilst so acting, shall have and may exercise all of the powers, authorities and functions, and shall perform all of the duties of the member in whose place he acts.

Appoint-
ment of
deputies.

(6.) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the person nominated in that behalf by the Director-General to act in the place of the Director-General, or a person thereunto appointed to act in the place of a member other than the *ex officio* member, or as to the necessity or propriety of any such nomination or appointment; and all acts or things done or omitted by the person so nominated or a person when so acting as aforesaid shall be as valid and effectual and shall have the same consequences as if the same had been done or omitted by the Director-General or the member in whose place such nominated person or other person, as the case may be, is acting.

Validity
of acts,
persons
acting as
deputies.

(7.) Each member shall receive such allowances, or fees, or allowances and fees, if any, as the Governor in Council may from time to time determine.

Allowances,
&c.

Any such determination may from time to time be revoked or amended.

Any such determination with respect to any member may differ according to class of payment or rate or both class and rate from any determination with respect to any other member.

(8.) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, such provision shall not operate to disqualify him from holding that office and also the office of a member or acting chairman or member under this Act, or from accepting and retaining any remuneration, fees or allowances payable to a member under subsection seven of this section.

Where
officers of
Government
Departments
appointed.

Radioactive Substances Act.

7 ELIZ. II. No. 20,

Proceedings
of the
Council
meetings.

(9.) (a) The Council shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it may from time to time determine.

Quorum.

(b) A majority of the number of members of the Council for the time being shall form a quorum at any meeting of the Council, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council and shall have and may exercise all the powers, authorities and functions, and may perform all of the duties of the Council.

The decision of a majority of the members present at any meeting at which there is a quorum shall be a decision of the Council.

Chairman.

(c) The chairman, or in his absence the person, if any, nominated in that behalf by him, shall preside at all meetings of the Council at which he is present.

If both the chairman and the person, if any, nominated in that behalf by him, are absent from any duly convened meeting the members present shall appoint one of their number to preside at the meeting.

(d) The person presiding at any meeting of the Council shall have a vote and when there is an equal division of votes upon any question shall have a second or casting vote.

Defects in
appointment
not to
invalidate
proceedings
of Council.

(e) No act or proceeding of the Council shall be invalid or illegal in consequence only of the number of the members of the Council not being complete at the time of such act or proceeding.

All acts and proceedings of the Council shall, notwithstanding any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had been duly appointed and was qualified and entitled to act and had acted as a member of the Council and as if the Council had been properly and fully constituted.

Committees.

(10.) (a) The Council may appoint such advisory committees or technical committees as it thinks fit to advise it on such matters within the scope of its functions as are referred to those committees by the Council.

(b) A person may be appointed to be a member of a committee under this subsection notwithstanding that he is not a member of the Council.

1958.

Radioactive Substances Act.

7. (1.) The Council may initiate and refer to the ^{Functions} Minister— _{of Council.}

- (a) Recommendations for making, altering or repealing regulations or any of them ;
- (b) Recommendations relating to the administration of this Act ;
- (c) Recommendations for preventing or minimising the dangers arising from radioactive substances and irradiating apparatus.

(2.) It shall be the duty of the Council to consider and advise the Minister upon such matters and questions as the Minister may from time to time refer to it relating to—

- (a) Any proposal for making, altering or repealing any regulations ;
- (b) The administration of this Act ;
- (c) The prevention or minimising of dangers arising from radioactive substances and irradiating apparatus.

8. (1.) The Governor in Council may from time to ^{Officers.} time appoint under and for the purposes of this Act a secretary to the Council and such inspectors and other officers as he deems necessary for the effectual administration of this Act.

Appointees as aforesaid shall be appointed and hold their respective offices under, subject to, and in accordance with **“The Public Service Acts, 1922 to 1955.”*

(2.) The Minister may from time to time, by notification published in the *Gazette*, appoint such and so many members of the Police Force and other competent persons as he deems necessary to act as inspectors under and for the purposes of this Act, and may in like manner cancel such appointments.

(3.) The Minister may from time to time, by writing under his hand, appoint such and so many competent persons trained in the estimation of ionizing radioactive emanations of any kind produced either from any radioactive substance or irradiating apparatus as he deems necessary as physicists or scientists under and for the purposes of this Act and may cancel any such

appointments and may cause a notification or notifications of all or any such appointments or such cancellations to be published in the *Gazette*.

(4.) An officer of the Public Service may, in addition to the position which he holds therein, be appointed also the secretary to the Council, an inspector, or to perform such duties under this Act as the Governor in Council may direct or as may be prescribed.

The secretary to the Council, an inspector, or other officer appointed under this Act may hold his appointment under this Act in conjunction with any other position in the Public Service.

(5.) Any appointment as the secretary to the Council or an inspector may be made by the appointment of the holder for the time being of an office under the Crown in right of this State, specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies, or performs the duties of, that office shall without further appointment or other authority, and while he holds or occupies or performs the duties of that office, be the secretary to the Council or an inspector in terms of such appointment.

(6.) Every inspector shall as far as practicable be furnished with a certificate of appointment signed by either the Minister or the Director-General and upon entering any place shall, if required, produce that certificate to the owner or occupier of the place.

(7.) Except for the purposes of this Act and in the exercise of his functions under this Act, or except with the prior permission of the Minister, or except where so ordered by a court for the purpose of the hearing or determination or trial of any proceeding or action before that court, an inspector or other officer shall not disclose to any person any information which in the exercise of his functions he acquires with respect to any manufacturing process or trade secret.

Power of
delegation.

9. (1.) The Minister may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by instrument in writing under his hand delegate all or any of his powers, authorities and functions under this Act as may be specified in the instrument (other than this power of

1958.

Radioactive Substances Act.

delegation) so that the delegated powers, authorities and functions may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument.

Any delegation under this section may, if the Minister deems it so desirable, be made by the delegation of all or any of his powers, authorities and functions under this Act as may be specified in the instrument of delegation to the holder of an office under the Crown in right of this State, specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while he holds or occupies or performs the duties of that office the delegated powers, authorities and functions with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument.

(2.) Where, by or under this Act, the exercise of a power, authority or function of the Minister is dependent upon the opinion, belief, or state of mind of the Minister, in relation to any matter, that power, authority or function may be exercised upon the opinion, belief, or state of mind of the person to whom it is delegated by an instrument of delegation under this section.

(3.) The Minister may, at his will, revoke a delegation made by him under this section.

No delegation shall prevent the exercise of any power, authority or function by the Minister.

(4.) The Minister may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as he may consider necessary or desirable.

10. (1.) (a) Subject to this Act, the Minister may on the recommendation of the Council grant and renew, or refuse to grant or renew, licenses for any of the purposes of this Act.

Issue of
licenses.

(b) Every license, and every renewal of a license, granted under this Act shall be in or to the effect of the prescribed form.

(c) Each and every license granted under this Act shall specify—

(i.) The name of the license holder ;

(ii.) The authority given to the license holder by that license ; and

(iii.) All other prescribed particulars, if any,

and shall be deemed to be granted subject to all the terms and conditions, if any, therein specified and to all other terms and conditions as may for the time being be prescribed to be implied in the description of license to which that license belongs.

(2.) (a) In granting any license or a renewal thereof the Minister shall not be bound by the application but, subject to this Act, he may upon the recommendation of the Council as aforesaid—

(i.) Grant the license or renewal without terms and conditions ; or

(ii.) Grant the license or renewal subject to such terms and conditions as may be fixed by him :

Provided that a license or a renewal thereof granted by a delegate, by direction of the Minister, shall be so granted subject to such terms and conditions, if any, as the Minister specifies in the direction :

Provided further that where a license is granted subject to terms and conditions every renewal thereof shall, unless the Minister directs otherwise, be deemed to be granted under and subject to those terms and conditions.

Without limiting in any way the power of the Minister to grant or renew any license subject to such terms and conditions as may be fixed by him, a license may be granted or renewed subject to a condition that the licensee shall not use or permit or allow to be used any radioactive substance or irradiating apparatus, as the case may be, for purposes expressly stated in the license or in any endorsement thereon, or for purposes other than purposes expressly stated in the license or in any endorsement thereon.

1958.

Radioactive Substances Act.

(b) Any person to whom the powers of the Minister conferred by this section have been delegated shall refuse to grant or to renew any license if thereunto directed by the Minister.

(c) If any person to whom the powers of the Minister conferred by this section have been delegated refuses to grant or to renew any license, the applicant therefor may require him to refer the matter to the Minister for direction.

(3.) (a) The Minister, as he deems fit, may, upon the recommendation of the Council as aforesaid, from time to time, by notice in writing, amend or revoke any of the terms and conditions referred to in subsection two of this section to which a license is subjected for the time being, or impose any of those terms and conditions to which the license is not then subjected.

Every notice under this subsection shall be deemed to be included in and to form part of the license to which it relates.

(4.) Unless sooner cancelled, surrendered or renewed, every license granted under this Act shall be in force—

(a) For the period less than twelve months expressly stated in the license or in any endorsement thereon ; or

(b) Where a period less than twelve months is not expressly stated in or in an endorsement on the license, for the period of twelve months, from and including the date of issue or renewal, as the case may be.

For the purposes of this subsection the renewal for any period of such a license shall be deemed to be made on the first day of that period.

(5.) Every holder of a license under this section who desires to renew that license shall apply accordingly to the Director-General and pay the prescribed fee not later than thirty days before the date whereon that license will expire unless renewed or, as the case requires, further renewed.

(6.) Terms and conditions imposable by the Minister under this section may be imposed by him at his absolute discretion, and differently in respect of different licenses.

Cancellation,
suspension,
and
surrender of
licenses.

11. (1.) The Minister may, upon the recommendation of the Council, cancel or suspend any license granted by him—

- (i.) If there has been a substantial change in circumstances since the grant of that license ; or
- (ii.) If the holder of that license is convicted of an offence against this Act or, in relation to any radioactive substance or irradiating apparatus, **“ The Criminal Code ”* ; or
- (iii.) If the holder of that license fails in any respect to comply with the terms and conditions subject to which that license is granted ; or
- (iv.) If the license has been granted upon false or erroneous information ; or
- (v.) If it is deemed necessary for the safety of the public or of any person or persons.

(2.) Suspension of a license shall whilst it is in force have the same effect as a cancellation of the license and the Minister may, when suspending a license, fix the period of its suspension or he may suspend it without fixing the period of its suspension.

Suspension of any license shall not extend, upon the termination of that suspension, any period during which that license would ordinarily have remained in force if it had not been suspended.

(3.) Where the Minister has upon any date suspended a license without fixing the period of its suspension, the onus of proof that such license is in force at any later date shall be on the defendant, but without prejudice to the right of the prosecutor to adduce evidence proving or tending to prove that such license is not in force at that later date.

(4.) The licensee shall not be entitled to claim or receive any compensation in respect of the cancellation or suspension of his license or any expense he may have incurred in acting or with a view to taking action under the license.

(5.) On cancellation, the license affected thereby and all rights, interests, and privileges thereunder shall absolutely cease and determine.

1958.

Radioactive Substances Act.

(6.) Without limiting the mode of cancelling or suspending a license, any license may be cancelled or suspended by notice published in the *Gazette*.

(7.) The Minister may cancel or suspend any license for failure by the holder thereof to comply with any term or condition, express or implied, of the license notwithstanding that the licensee has not been proceeded against for any offence constituted by such failure.

(8.) Any license granted under this Act may, upon notice in writing thereof to the Minister, be surrendered.

12. (1.) Every application for a license or for the renewal of a license shall be made to the Director-General and shall— Applications for licenses.

- (a) Be in or to the effect of the prescribed form ;
- (b) Contain or be accompanied by, according as may be prescribed, the prescribed information and particulars with respect to the applicant ;
- (c) Be accompanied by the prescribed payment in respect of the fee therefor ;
- (d) Be made by the applicant in his true name and signed by him ; and
- (e) Be verified as prescribed.

If the license or renewal applied for is refused, the payment made by the applicant under this subsection shall be refunded to him.

(2.) The Director-General shall refer every such application to the Council.

13. (1.) Subject to such exemptions as may be prescribed and to the provisions of this section, no person shall— Control of possession, use, sale or transport of radioactive substances.

- (a) Have in his possession ;
- (b) Use ;
- (c) Sell ; or
- (d) Transport,

any radioactive substance otherwise than in accordance with the terms of a license issued to him under this Act.

(2.) No person shall, for the purpose of treating a human being, have in his possession or use or administer or attempt to use or administer any radioactive

substance unless such person is a medical practitioner or dentist, does so in his practice as a medical practitioner or dentist and holds a license issued to him under this Act authorising him so to do or is acting under the supervision or instructions of a medical practitioner or dentist so licensed, such supervision or instructions being exercised or given in his practice as aforesaid.

(3.) No person shall sign a prescription prescribing any radioactive substance for the purpose of the treatment of any human being, unless such person is a medical practitioner or dentist, signs such prescription in his practice as a medical practitioner or dentist and holds a license issued to him under this Act authorising him so to do.

(4.) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act.

Penalty: Two hundred pounds, and (if the offence is a continuing one) a further penalty of ten pounds for each and every day during which the offence continues, or imprisonment for six months or both such penalty and imprisonment.

Control of
possession
or use of
irradiating
apparatus.

14. (1.) Subject to such exemptions as may be prescribed and to the provisions of this section, no person shall—

- (a) Have in his possession; or
- (b) Use,

any irradiating apparatus otherwise than in accordance with the terms of a license issued to him under this Act.

(2.) No person shall, for use on a human being or for the purpose of treating a human being, have in his possession or use or attempt to use any irradiating apparatus, unless he is a medical practitioner or dentist, does so in his practice as a medical practitioner or dentist and holds a license issued to him under this Act authorising him so to do, or is acting under the supervision or instructions of a medical practitioner or dentist so licensed, such supervision or instructions being exercised or given in his practice as aforesaid.

(3.) Nothing in this section shall require a medical practitioner, dentist or registered veterinary surgeon, or a person acting under the supervision or instructions

1958.

Radioactive Substances Act.

of a medical practitioner, dentist or registered veterinary surgeon, who has possession of or uses irradiating apparatus for the sole purpose of diagnostic radiography in the course of his lawful profession or occupation, to hold a license under this Act.

(4.) Any person who contravenes any of the provisions of this section shall be guilty of an offence against this Act.

Penalty : Two hundred pounds, and (if the offence is a continuing one) a further penalty of ten pounds for each and every day during which the offence continues, or imprisonment for six months or both such penalty and imprisonment.

15. (1.) The Minister shall cause to be kept such registers of licenses granted under this Act as may be prescribed by regulations. Registers of licenses.

(2.) Evidence of the contents of every such register may be given in any proceedings by a certificate under the hand of the Minister or by a prescribed officer by whom the same is kept and every such certificate shall be *primâ facie* evidence of the matters stated therein.

(3.) A certificate under the hand of the Minister or such a prescribed officer that on a date specified in the certificate the name of any person did not appear in any such register as the holder of a license under this Act or that certain particulars did or did not appear in any such register, shall, until the contrary is proved, be sufficient evidence that that person was not the holder of any license to which the register relates on that date.

(4.) For the purposes of this section the signatures of the said Minister and of all such prescribed officers shall be judicially noticed.

16. A holder of a license under this Act shall comply in every respect with the terms and conditions of that license, whether expressed therein or prescribed to be implied therein. Licenseses to comply with terms and conditions of licenses.

Penalty : Two hundred pounds, and (if the offence is a continuing one) a further penalty of ten pounds for each and every day during which the offence continues, or imprisonment for six months or both such penalty and imprisonment.

Radioactive Substances Act.

7 ELIZ. II. No. 20,

Forgery of
license, &c.**17.** A person shall not—

- (i.) Forge or counterfeit any license ; or
- (ii.) Utter, or make use of any forged or counterfeited license ; or
- (iii.) Personate any person named in any license ;
or
- (iv.) Falsely pretend to be an inspector ; or
- (v.) Connive at any such forging, counterfeiting,
uttering, making use, personating, or
pretending as aforesaid.

Penalty : One hundred and fifty pounds or imprisonment for six months.

Refusal to
furnish
information,
&c.**18.** A person shall not when required by or under this Act to furnish any information or to subscribe a declaration as to the truth of any information—

- (i.) Fail to furnish that information, or to subscribe that declaration ; or
- (ii.) Furnish any information or subscribe any declaration that is false or misleading in any respect.

Penalty : One hundred pounds.

Appeal.

19. (1.) Any applicant or, as the case may be, licensee who is aggrieved by—

- (a) The refusal of the Minister to grant or renew a license ; or
- (b) The cancellation or suspension of a license by the Minister,

may appeal to a Judge of the Supreme Court sitting in Court.

An appeal as aforesaid shall not lie unless it is instituted within thirty days after the giving to that applicant or licensee of notice of such refusal, cancellation or suspension, and such a notice sent by post shall, unless the contrary be proved, be deemed to have been so given when it would have been delivered in the ordinary course of post.

(2.) An appeal under this section shall be instituted by filing in the Supreme Court registry a notice of appeal.

1958.

Radioactive Substances Act.

The power to make rules of the Supreme Court shall include power to make rules providing and regulating practice and procedure in respect of appeals to a Judge of that Court under this section.

Until such rules are made, or so far as such rules do not extend, the Judge hearing any appeal under this section may, in the particular case, give such directions as he may deem fit, and the directions shall, according to their tenor, have the force and effect of rules made under this section for the purposes hereof.

(3.) An appeal under this section shall be by way of rehearing, and the Judge hearing the same may, subject to subsection four of this section, confirm the decision of the Minister or uphold the appeal and make such order or orders with respect to the grant, renewal or reissue of any license, the suspension in lieu of cancellation of any license, the shortening or lengthening of the period of suspension of any license, and otherwise as he deems necessary or expedient to give effect to his decision upon the appeal.

The decision of a Judge of the Supreme Court upon an appeal under this section shall be final between the the parties to the appeal.

(4.) The Judge hearing an appeal under this section shall confirm the decision of the Minister and shall not uphold the appeal—

- (a) (In the case of an appeal against the refusal of the Minister to grant or renew a license) unless he finds that the Minister could not reasonably have formed any opinion justifying such refusal having regard to the qualifications and reputation of the applicant for or holder of the license, the purpose for which the license was applied for or held, the safety of the public or of any person or persons and any other circumstances held by the Judge to be relevant ; or
- (b) (In the case of an appeal against the cancellation or suspension of a license by the Minister) unless he finds that the Minister could not reasonably have formed any opinion justifying (pursuant to any of the provisions of section eleven of this Act) the cancellation or suspension.

(5.) (a) The Judge may make such order as to costs to be paid by either party to the appeal as he thinks just.

(b) Any such order made as to costs may be enforced in the same manner as a judgment of the Supreme Court.

General
powers of
inspectors.

20. (1.) Any inspector, in addition to such other powers and duties as from time to time devolve upon him under this Act, may—

- (i.) Call to his aid—
 - (a) Any member of the Police Force where he has reasonable cause to apprehend any obstruction in the exercise of his powers or in the execution of his duties ;
 - (b) Any person he may think competent to assist him in making any inspection or examination ;
- (ii.) Make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act have been or are being complied with by any person or in respect of any radioactive substance or any irradiating apparatus ;
- (iii.) Question, with respect to matters under this Act, the owner or occupier of any place, every person whom he finds in any place, and every person who has been within the preceding six months employed in or on any place to ascertain whether this Act has been or is being complied with, and require any such person to answer the questions put and to sign a declaration of the truth of his answers ;
- (iv.) Require the production of any license, and of any book, notice, record, list, or writing which by this Act is required to be had or kept or which is in his opinion material to any inquiry under paragraph (ii.) of this subsection, and inspect, examine, and take copies of or extracts from the same ;
- (v.) At any time, search and examine all bags, containers, vehicles, or other receptacles for holding or transporting any radioactive substance or suspected so to be, and for that purpose the inspector may require the owner

1958.

Radioactive Substances Act.

- or person in charge thereof to open any such bag, container, vehicle, or other receptacle, as the case may be, and expose its contents to view ;
- (vi.) Between sunrise and sunset, enter any place and search for any radioactive substance which may have been used, had in possession, or sold, or any irradiating apparatus or other apparatus which is reasonably suspected of having been used, prepared for use, or had in possession, contrary in any respect to this Act, and seize, take away, detain, and secure the same pending proceedings ;
 - (vii.) Seize, take away, detain, and secure, pending proceedings, any radioactive substance or any irradiating apparatus which any person has used, is using or has sold, or is suspected of using or having sold, contrary in any respect to this Act ;
 - (viii.) At all times and in all places without let or hindrance examine and test any radioactive substance or any substance which he believes to be radioactive substance and examine or calibrate any irradiating apparatus or apparatus which he believes to be irradiating apparatus ;
 - (ix.) Take, without payment, for examination, test or analysis, any radioactive substance, or substance which he believes to be radioactive substance, or portions or samples of any such substances ;
 - (x.) Exercise such other powers and authorities as may be prescribed ; and
 - (xi.) Arrest any person found offending against this Act whose name and address are unknown to him.

(2.) Any inspector who has reasonable grounds to suspect that there is kept or stored or had in possession by any person, in or upon any place any radioactive substance or any irradiating apparatus for any purpose contrary to this Act, or in respect of which there has been a contravention of this Act, may at any time—

- (i.) Enter upon and search such place and any box or receptacle there ; and

- (ii.) Seize any such thing found there ; and
 - (iii.) Arrest any person found there or who is apparently in occupation of or in charge of the place or in possession of such thing.
- (3.) Any inspector may at any time—
- (i.) Stop any person whom he suspects of transporting any radioactive substance contrary in any respect to this Act ; and
 - (ii.) Search such person and interrogate him as to the contents of any package or as to anything then in his possession ; and
 - (iii.) Examine any such package or thing ; and
 - (iv.) If any radioactive substance is found in his possession seize the same and arrest him.

(4.) If such person arrested by an inspector pursuant to subsection two or subsection three of this section does not give an account to the satisfaction of the adjudicating court of the radioactive substance or irradiating apparatus in relation to which he was arrested being in the place where it was so seized or of his possession of it, he shall be liable to a penalty not exceeding two hundred pounds.

(5.) Any inspector may, in lieu of taking away, detaining and securing pending any proceedings any radioactive substance or irradiating apparatus which he has seized pursuant to any of the provisions of this section, place in a conspicuous position upon any such substance or apparatus or upon the bag, container, or receptacle or any heap or other collection or place, door, or opening containing or affording access to the same a notice in the prescribed form or a form to the like effect signed and sealed by him and specifying so as to sufficiently identify it, the substance or apparatus seized and the place wherein or whereon it is situated at the time of seizure and the date and time of such seizure, and thereupon any such substance or apparatus shall be deemed to be in the custody and possession of that inspector pending proceedings or until the inspector by notice placed in like manner as aforesaid notifies that he has gone out of possession of the substance or apparatus concerned.

1958.

Radioactive Substances Act.

Every person who without authority alters, uses, interferes with, removes or disposes of in any way any such substance or apparatus or attempts to do any such act whilst it is, pursuant to this section, deemed to be in the custody and possession of an inspector shall be guilty of an offence against this Act.

Penalty : Four hundred pounds or imprisonment for one year.

(6.) Where under this Act an inspector is empowered to seize any thing, such power shall extend to and include any bag, box, container, package or receptacle, and any heap or other collection containing such thing.

(7.) Any inspector who—

- (i.) Finds any person committing or who reasonably suspects any person of having committed an offence against this Act ; or
- (ii.) Is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person ; or
- (iii.) Is of the opinion that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling him to carry out his powers and duties under this Act,

Inspector
may require
name and
address.

may require such person to state his name and address, or name or address, and, if he has reasonable ground to suppose that the name and address, or name or address, given is false, may require evidence of the correctness thereof.

21. The owner or occupier of any place and a person in charge or apparently in charge of any place shall furnish to any inspector all reasonable assistance and all such information which he is capable of furnishing or as required by that inspector with respect to the exercise of his powers and the discharge of his duties under this Act.

Owners and
occupiers to
allow entry
inspection.

Obstructing
an inspector,
&c.

22. (1.) A person shall not—

- (i.) Assault, resist, or obstruct an inspector in the exercise of his powers or in the discharge of his duties under this Act, or attempt so to do ; or
- (ii.) Fail to facilitate by all reasonable means—
 - (a) The entry and inspection of any place by an inspector ;
 - (b) The examination and testing by an inspector of any radioactive substance or any substance which that inspector believes to be radioactive substance ; or
 - (c) The examination and calibration by an inspector of any irradiating apparatus or apparatus which that inspector believes to be irradiating apparatus ; or
- (iii.) Fail to answer any question put to him in pursuance of this Act by an inspector or give to any such question an answer which is in any respect false or misleading ; or
- (iv.) Fail to comply with the lawful requisition or any part of the lawful requisition of an inspector ; or
- (v.) When required by or under this Act to furnish any assistance or to furnish any information to an inspector, fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish information which is in any respect false or misleading ; or
- (vi.) Fail, without reasonable excuse, the proof whereof shall lie upon him, to produce any license, book, notice, record, list, document, or writing which he is required under this Act by an inspector to produce, or fail to allow an inspector to take a copy of or extract from any such license, book, notice, record, list, document, or writing ; or
- (vii.) Directly or indirectly prevent any person from appearing before or being questioned by an inspector, or attempt so to do ; or

1958.

Radioactive Substances Act.

- (viii.) Use any threat or any abusive or insulting language to any inspector or to any other person with respect to any inspection or examination or questioning.

Penalty : Two hundred pounds.

(2.) No person shall be required under this Act to answer any question, or give any information or evidence, or to sign any declaration tending to criminate himself.

(3.) In this section the term "inspector" includes any person acting under lawful authority under or pursuant to this Act.

23. (1.) An inspector taking, seizing, or obtaining under this Act any radioactive substance, or substance which he believes to be radioactive substance, or any portion or sample of any such substances, shall, having first marked and sealed or fastened up such substance, portion, or sample in such manner as its nature permits, deliver the same to an analyst.

Manner in which substances taken by an inspector shall be dealt with.

(2.) Such delivery to an analyst may be effected either personally or by sending the thing by registered post addressed to the analyst at his usual address or in a sealed package addressed to the analyst at his usual address by rail, aeroplane, motor vehicle, steamer, or other means of transit, or in such other manner as may be prescribed.

24. (1.) Where any method of analysis, or test, chemical or physical, has been prescribed for the analysis or test of any radioactive substance, any analyst, either for the prosecution or defence, shall in his certificate of analysis or test declare that he has followed the prescribed method in his analysis or test.

Duty of analyst, &c.

But evidence shall be admissible on the part of the defence of analysis or test made by other than the prescribed method, and to show that the prescribed method is not correct.

(2.) A copy of the result of any analysis or test of any radioactive substance, procured by an inspector, may be obtained from the analyst by the person from whom the substance so analysed or tested was taken, seized, or obtained.

Radioactive Substances Act.

7 ELIZ. II. No. 20,

Offences.

25. (1.) Any person who contravenes or fails to comply with any provision of this Act, or who being entitled to an exemption prescribed, or granted, under this Act contravenes or fails to comply with any term or condition prescribed in relation to that exemption or subject to which that exemption is granted, shall be guilty of an offence against this Act.

(2.) Every person who aids, causes, or procures, or is in any way knowingly concerned in the commission of an offence against this Act shall be deemed to have committed that offence and may be proceeded against and shall be punishable accordingly.

Summary proceedings.

(3.) All offences against this Act may be prosecuted in a summary way under **"The Justices Acts, 1886 to 1956,"* upon the complaint of any person thereunto authorised by the Minister.

Proceedings for offences.

(4.) The summons in any such proceeding in which an analyst's certificate is used shall not be made returnable in less than seven days from the day on which it is served.

There shall be served with the summons a copy of the analyst's certificate (if any) obtained on behalf of the prosecution.

The endorsement of the analyst's certificate with an oath of service shall be *primâ facie* evidence of the service of such copy.

Time for commencement of prosecution.

(5.) A prosecution for an offence against this Act may be instituted at any time within twelve months after the commission of the offence or within six months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

General penalty, &c.

(6.) (a) Any person guilty of an offence against this Act shall, if no specific penalty is provided for that offence, be liable to a penalty not exceeding two hundred pounds and (if the offence is a continuing one) a further penalty of ten pounds for each and every day during which the offence continues.

(b) Any penalty or punishment to which the person convicted may be liable under this Act upon his conviction shall be in addition to any forfeiture under this Act.

* 50 V. No. 17 and amending Acts.

1958.

Radioactive Substances Act.

26. (1.) The production by the prosecutor of a certificate of analysis or test purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein, unless the defendant requires that the analyst shall be called as a witness, in which case he shall give notice thereof to the prosecutor not less than three clear days before the return day of the summons.

Analyst's certificate prima facie evidence.

(2.) In like manner the production by the defendant of a certificate of analysis or test purporting to be under the hand of an analyst shall be sufficient evidence of the facts stated therein, unless the prosecutor requires that the analyst be called as a witness. A copy of such lastmentioned certificate shall be sent to the prosecutor at least three clear days before the return day of the summons, and if it is not so sent the Court may adjourn the hearing on such terms as it thinks proper.

27. (1.) Where any person is convicted of an offence against this Act, the Court shall order that all fees and other expenses incident to the analysis or test of any radioactive substance or the examination or calibration of any irradiating apparatus, in respect of which the conviction is obtained, shall be paid by the person convicted.

Expenses of analysis to be paid by offenders on conviction.

(2.) All such fees and expenses shall be deemed to be part of the costs attending the conviction, and shall be recoverable in the same manner as such costs are recoverable.

28. (1.) Where a body corporate offends against this Act each and every one of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly, namely—

Liability for offences by corporation.

- (a) The managing director, manager or other governing officer, by whatever name called, and every member of the governing body, by whatever name called thereof; and
- (b) Every person who in Queensland manages or acts or takes part in the management, administration, or government of the business in Queensland of the corporation :

Provided that any such person proceeded against pursuant to this section shall not be convicted if he satisfies the Court that the offence was committed

without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(2.) This section applies so as not to limit or affect howsoever the liability of a corporation to be proceeded against and punished for an offence against this Act committed by it.

Forfeiture
on
conviction.

29. Where a person is convicted of any offence against this Act the Court convicting that person may, in addition to imposing any penalty to which the offender may be liable, order to be forfeited to the Crown any radioactive substance or irradiating apparatus (whether seized under this Act or not) related to, or connected with, the commission of the offence of which that person is convicted, or may make such other order with respect to any such things as it thinks fit.

Any radioactive substance or irradiating apparatus forfeited under this Act shall be disposed of in accordance with any general or special direction of the Minister and if sold the proceeds shall be paid into the Treasury.

The power to forfeit or to make any other order under this section with respect to any radioactive substance or irradiating apparatus shall extend to and include any bag, box, container, package or receptacle, and any heap or other collection containing the same.

Return of
licenses, &c.,
suspended
or revoked.

30. When under this Act a license is suspended or revoked, then the person to whom that license was granted shall, if requested by any inspector, deliver forthwith to that inspector that license.

Penalty : Fifty pounds.

If default in delivering any such license is continued by any person who has been convicted of the offence of failing to deliver that license, then that person shall be deemed to commit a continuing offence and shall be liable to a penalty of five pounds for each and every day during which that offence is continued :

Provided that the continuing offence in respect of such non-delivery shall not be deemed to commence until the expiration of fourteen days from the date of conviction as aforementioned.

1958.

Radioactive Substances Act.

31. In a proceeding under or for a purpose of this Act— Facilitation
of proof.

- (i.) It shall not be necessary to prove the appointment of any inspector ;
- (ii.) A signature purporting to be that of any inspector shall be taken to be the signature it purports to be until the contrary is proved ;
- (iii.) It shall not be necessary to prove the authority of a person authorised by the Minister to take any proceedings or of any inspector to do any act, but this shall not prejudice the right of any defendant to prove the extent of such authority ;
- (iv.) A document purporting to be a duplicate or copy of a license or notice granted or given under this Act shall, upon its production in evidence, be evidence of that license or notice and in the absence of evidence in rebuttal, shall be conclusive evidence thereof ;
- (v.) The averment in any complaint of the date on which the commission of any offence under this Act came to the knowledge of the complainant shall be evidence of that matter, and in the absence of evidence in rebuttal shall be conclusive evidence of such matter.

32. (1.) Any notice or other document whatsoever under the provisions of this Act may be given or delivered to or served upon any person— Service of
documents.

- (a) By delivering the same to such person personally ; or
- (b) By leaving the same at the usual place of business or address of such person or at his last-known place of business or address or, in the case of a holder of a license under this Act, at the place of business or address, if any, stated in the license ; or
- (c) By forwarding the same by post in a prepaid letter addressed to such person at his usual place of business or address, or at his last-known place of business or address, or in the

Radioactive Substances Act.

7 ELIZ. II. No. 20,

case of a holder of a license under this Act, at the place of business or address, if any, stated in the license.

(2.) In any prosecution for an offence against this Act a certificate under the hand of the Minister, or of any person to whom the Minister has made a delegation under this Act, that a writing annexed to the certificate is a true copy of a notice or document forwarded by post by prepaid letter by the Minister or by that person, as the case may be, to the defendant on the date stated in the certificate shall be evidence (and in the absence of evidence in rebuttal shall be conclusive evidence) of the matters certified to and that the original notice or document of which the writing purports to be a copy was received by the defendant on or about the time at which it would be delivered in the ordinary course of post if it had been posted on the date stated in the certificate and that the signature on the certificate is the signature of the person by whom it purports to have been signed.

(3.) In any proceeding under or for a purpose of this Act the production in evidence of a copy of the *Gazette* purporting to contain a notice made or given by the Minister, or by any person to whom the Minister has made a delegation under this Act, shall be conclusive evidence of the making or giving by the Minister or by that person of that notice and of the contents thereof.

Regulations.

33. (1.) The Governor in Council may from time to time make such regulations providing for all or any purposes, whether general or to meet particular cases, as in his opinion are convenient for the administration of this Act or as in his opinion are necessary or expedient for carrying out the objects and purposes of this Act.

Without limiting the generality of the foregoing provisions of this section, regulations may be made for or in respect of all or any of the following purposes matters, and things :—

Licenses, & c.

(i.) Prescribing, regulating and controlling the classes of licenses which may be issued under this Act; applications for and the granting of, or any class of, licenses under this Act and the subscribing of declarations as to the truth of any statements in such

1958.

Radioactive Substances Act.

- applications ; the provisions, conditions, and restrictions subject to which in pursuance of this Act such licenses or any class thereof may be granted, and all or any matters and things relating to the renewal, cancellation, suspension, and endorsement of such licenses, the notification of change in any of the particulars required to be inserted in applications or in licenses, and the issue of duplicates for any of them which may be lost or destroyed, or whereon the particulars have become illegible ;
- (ii.) Prescribing and defining or otherwise indicating the type or types of ionising radiation and the conditions referred to in the definition of the term "irradiating apparatus" contained in section four of this Act ;
 - (iii.) Prescribing and defining or otherwise indicating the concentration of any radioactive chemical element or isotope, whether natural or artificial, referred to in the definition of the term "radioactive substance" contained in section four of this Act ;
 - (iv.) Prescribing, regulating and controlling the manufacture, possession, use, storage, transport, sale and disposal of radioactive substances ;
 - (v.) Preventing injury by ionising radiations to any person ;
 - (vi.) Securing the safe disposal of any radioactive waste products resulting from the manufacture, production, treatment, storage or use of radioactive substances ;
 - (vii.) Imposing requirements with respect to the construction, conversion or structural alteration of buildings used or intended to be used for the manufacture, production, treatment, storage or use of radioactive substances or in which irradiating apparatus is used or intended to be used ;

- (viii.) Requiring persons who are exposed or are likely to be exposed to the risk of disease or genetic damage due to radiation from any radioactive substance or irradiating apparatus to submit to medical examinations, including blood, urine and expired air examinations, and/or requiring the wearing of radiation detecting devices of a defined character during periods of exposure or possible exposure and subsequent transmission of such devices to a specified agency for examination ;
- (ix.) Regulating and controlling the possession and use of any prescribed radioactive substance or any prescribed class or description of irradiating apparatus either generally, or for prescribed purposes or otherwise than for prescribed purposes ;
- (x.) Regulating and controlling the form, making, and dispensing, of prescriptions prescribing any radioactive substance for the purpose of the treatment of any human being ;
- (xi.) Prescribing the furnishing of prescribed information as to the protective arrangements incorporated in any irradiating apparatus or any device incorporating any radioactive substance by the manufacturer or supplier (whether wholesale or retail) thereof or by such persons as may be prescribed, the persons to whom such information is to be furnished, and the mode of making and furnishing the same ;
- (xii.) Prescribing fees payable under this Act on such basis or bases as the Governor in Council considers appropriate and the matters in respect of which such fees shall be paid, and prescribing the persons by whom and the places and times when and where such fees shall be paid so that fees of different amounts and different bases for the calculation of fees may be prescribed both in relation to different matters and, by reference to different persons, localities, or circumstances, the same matters ;

1958.

Radioactive Substances Act.

- (xiii.) Prescribing forms under this Act and the respective purposes for which such forms or forms to the like effect shall be used ;
- (xiv.) Prescribing returns of any prescribed information, statistics, and data to be furnished to the Director-General and the contents thereof, by such persons or all persons comprised in such classes of persons as may be prescribed, and the time and mode of making and furnishing the same ;
- (xv.) Prescribing, providing for, regulating and controlling the powers and duties of inspectors and other officers ;
- (xvi.) Prescribing, providing for, regulating and controlling the form of registers of licenses under this Act (which registers or any of them may be prescribed to be according to a loose-leaf or card-index system) ; prescribing the officer by whom such registers are to be kept ; and the information and particulars to be recorded in such registers and the manner of its recording therein ;
- (xvii.) Prescribing, regulating and controlling the sale or disposal of any radioactive substance, irradiating apparatus, and other thing whatsoever seized under this Act, unclaimed, or of which the owner is unknown, or cannot, within three months after such seizure, be ascertained, and the disposal of the proceeds of any such sale ;
- (xviii.) Prescribing the method of analysis or test (chemical or physical) of any radioactive substance ;
- (xix.) Prescribing the amount of any penalty for any offence against any regulation, provided that any such penalty shall not exceed one hundred pounds and (if the offence is a continuing one) a further sum not exceeding ten pounds for each and every day during which the offence continues ; and
- (xx.) All matters required or permitted by this Act to be prescribed excepting such a matter (if any) so required to be prescribed otherwise than by regulation.

Radioactive Substances Act. 7 ELIZ. II. No. 20, 1958.

(2.) The power to make with respect to any radioactive substance, irradiating apparatus, or any other matter or thing whatsoever, any regulation under this Act shall include power to make that regulation so that it may be of general or specially limited application according to time, place, purposes, class, or circumstances, or otherwise as is prescribed, and so that any regulation of specially limited application may or may not differ from any other regulation of specially limited application with respect to the same persons, matters, or things.

The power to make any regulation shall include power thereby to prohibit either generally or to meet particular cases.

Publication
of Orders in
Council, &c.

34. (1.) Every Proclamation, Order in Council, and regulation made under this Act shall—

- (i.) Be published in the *Gazette* ;
- (ii.) Upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein ;
- (iii.) Take effect from the date of such publication unless, in the case of any regulation, a later date is specified in that or any other regulation for its commencement when in such event it shall take effect from that later date ; and
- (iv.) Be laid before the Legislative Assembly within fourteen sitting days after such publication, if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2.) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Proclamation, Order in Council, or regulation has been laid before it disallowing the same or part thereof, that Proclamation, Order in Council, regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Proclamation, Order in Council, or regulation.

6 ELIZ. II. No. 37, 1957. *Roads (Contribution to Maintenance) Act.*

35. No misnomer, inaccurate description, or omission in or from any Proclamation, Order in Council, regulation, license, notice, or other act of authority under this Act shall in any wise prevent or abridge the operation of this Act with respect to the subject matter of that misnomer, inaccurate description, or omission provided the same is designated so as to be understood.

Inaccurate descriptions, &c.

ROADS.

- (1) *Roads (Contribution to Maintenance) Act of 1957* 6 *Eliz. II. No. 37*
- (2) *Roads (Contribution to Maintenance) Act Amendment Act of 1958* 7 *Eliz. II. No. 15*

An Act to Provide for Contributions to Road Maintenance by Users of Roads.

6 ELIZ. II.
No. 37.
THE
ROADS
(CONTRIBUTION
TO
MAINTENANCE)
ACT OF 1957.

[ASSENTED TO 17TH DECEMBER, 1957.]

BE it enacted by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as “*The Roads (Contribution to Maintenance) Act of 1957.*”

Short title.

*(2.) This Act shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

Commence-
ment of Act.

2. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

Interpreta-
tion.

“Commercial goods vehicle” or “vehicle”—Any motor vehicle (together with any trailer for the time being attached thereto) which is used or intended to be used—

Commercial
goods
vehicle.

(a) For carrying goods for hire or reward or for any consideration or in the course of any trade or business whatsoever; or

* Commenced 1 Feb. 1958. (Proc. pubd. Gaz. 11 Jan., 1958, p. 116).