

RADIATION SAFETY BILL 1999

EXPLANATORY NOTES

GENERAL OUTLINE

Policy Objectives of the Bill

The policy objective of this Bill is to protect the people of Queensland from health risks associated with exposure to certain sources of ionising and harmful non-ionising radiation, while recognising the beneficial uses of radiation.

Means of Achieving Objectives

The Radiation Safety Bill will replace in its entirety the outdated *Radioactive Substances Act 1958*. As such, this Bill provides for the introduction of a modern system of radiation safety and protection which has been developed in line with the following nationally and internationally recognised guidelines:

- a system of radiation safety and protection should encompass sources of ionising radiation and harmful non-ionising radiation;
- the health risks associated with radiation must be restricted or minimised through the application of measures which have been developed in accordance with recognised philosophies of, and protocols for, radiation safety and protection;
- those persons authorised to possess, or engage in a practice involving the use of, a radiation source should bear the primary responsibility for the application of radiation safety and protection measures applicable to that practice;
- a safety culture should be developed among individuals and organisations dealing with sources of radiation in terms of the

need for, and adherence to, radiation safety and protection measures; and

- governments have a broad range of responsibilities for radiation safety and protection such as the enactment of legislation to regulate the introduction and conduct of practices involving radiation, the provision of essential services for radiation safety and protection as well as being in a position to deal with emergencies that could result in members of the public being exposed to radiation.

Queensland's new radiation safety and protection legislation will:

- establish a licensing regime to regulate the possession and use of radiation sources and the transportation of radioactive substances;
- establish a framework to ensure that radiation sources, including the premises at which such sources are stored or used, meet specified radiation safety standards;
- impose restrictions on the acquisition, relocation and disposal of radiation sources;
- require those persons who are authorised to possess or use a radiation source, or transport radioactive substances, to comply with the requirements of the legislation which promote radiation safety and protection;
- impose restrictions on who may require a diagnostic or therapeutic procedure, which involves the use of radiation, to be carried out and the circumstances under which such procedures may be carried out;
- prohibit the possession, sale, supply or use of banned radiation sources;
- establish a framework through which compliance monitoring, investigative and enforcement activities can be undertaken; and
- establish the Radiation Advisory Council as a Ministerial advisory body.

The Bill's primary focus is on the regulation of *radiation sources*.

A radiation source is either a *radioactive substance* or a *radiation apparatus*.

A *radioactive substance* is a type of radioactive material that is prescribed to be a “radioactive substance” for the purpose of this Bill. It is not necessary to regulate all types of radioactive material under this Bill as, below specified threshold levels, radioactive material does not pose health risks to persons. For example, naturally occurring isotopes such as potassium-40 are everywhere in the environment and in such low concentrations as to have a negligible impact on health.

Examples of radioactive substances that will be regulated by this Bill include:

- substances incorporated in industrial gauges which are used in the manufacturing of soft drinks to measure the level of liquid in a can or used in the manufacturing of textiles to measure the thickness of fabrics;
- substances used in the coal industry to assist with process control or quality assurance functions; or
- substances used in radiation oncology for the treatment of cancer.

A *radiation apparatus* is an apparatus that emits radiation when it is ‘energised’. Radiation apparatus are typically powered by electricity and, as such, only emit radiation when switched on. Examples of radiation apparatus that will be regulated by this Bill include:

- X-ray machines used in diagnostic radiography;
- Class IV lasers used in surgery; and
- baggage inspection devices used at airports.

In reading this Bill, it needs to be recalled that radioactive substances are always emitting radiation and therefore, are always potentially harmful. In contrast, radiation apparatus are only harmful when energised. For this reason, there is a higher level of regulation of *radioactive substances* than *radiation apparatus*. For example, only the transport of *radioactive substances* is regulated under the Bill, and the provisions of the Bill dealing with radiation safety standards and the certification of premises apply only to the storage of *radioactive substances* not *radiation apparatus*.

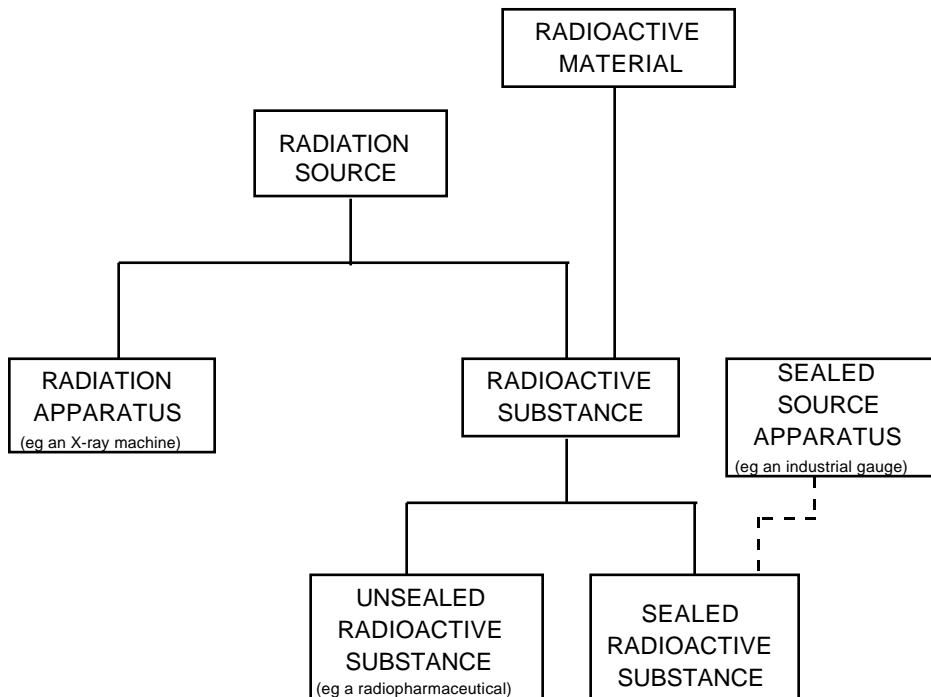
Other related terms used in the Bill are—

- *sealed radioactive substance*, which is a radioactive substance that is sealed to minimise the escape or dispersion of the substance. Sealed radioactive substances are used in *sealed source*

apparatus.

- *unsealed radioactive substance*, which is, for example, a radiopharmaceutical that is injected into a person to assist in the diagnosis of certain diseases such as cancer of the bone; or iodine131 which is administered to indicate thyroid function and treat thyroid conditions.
- *sealed source apparatus*, which is an apparatus that incorporates a sealed radioactive substance. For example, americium241 incorporated in an industrial gauge which is used to detect the level of liquid in soft drink cans prior to them being packaged; or caesium137 in a borehole logging tool used in mining explorations to ascertain the nature of the strata many hundreds of metres below the earth's surface.

The above terms are presented diagrammatically below—



There are three types of licences under the Bill—*possession licence*, *use licence* and *transport licence*.

Under the Bill, it is an offence to possess a radiation source, unless the person holds a possession licence for the source. This means, for example, that a business that wishes to possess an X-ray machine to undertake diagnostic procedures, or a radioactive substance to test the degree of compaction of asphalt on roads, will need to hold a licence for the source.

The legislation sets out criteria for the granting of possession licences (see clause 53), including the consideration of such matters as:

- the radiation source the person wishes to possess;
- the reasons why a person wants to possess a radiation source (eg the radiation practice¹ to be carried out with the source and whether this practice derives more good than harm);
- the adequacy of the proposed radiation safety and protection plan for the radiation practice; and
- the person's ability to comply with a possession licensee's obligations under the Bill.

Where it is decided that an applicant for a possession licence is a suitable person to hold a licence, that person will be granted a possession licence authorising them to possess a specified radiation source for the purpose of carrying out a specified radiation practice.

A possession licensee has major responsibilities under the Bill, the primary ones being to ensure that:

- radiation sources comply with the relevant radiation safety standards (clause 17);
- premises where radiation sources are used or radioactive substances are stored comply with the relevant radiation safety standards (clause 17);
- certificates of compliance have been obtained for radiation sources (clause 18);
- certificates of compliance have been obtained for the premises where radiation sources are used or radioactive substances are stored (clause 18);

¹ For the purposes of this Bill, a radiation practice means an activity in relation to a radiation source that may result in, whether or not intentionally, exposing anyone to radiation, but does not include the transport of a radioactive substance.

- a copy of the licensee's approved radiation safety and protection plan for a radiation practice is available to, and is being complied with by those persons carrying out the practice (clauses 33, 37 and 43);
- a radiation safety officer is appointed prior to a radiation practice being carried out (clause 35);
- persons who may receive doses of radiation, in excess of the levels prescribed under a regulation, are monitored to provide them with an on-going record of their exposure to radiation from the source used to carry out a practice (clause 38);
- only those persons who are adequately trained and appropriately licensed are permitted to carry out radiation practices with radiation sources (clauses 33 and 43);
- the health and safety of persons, in so far as exposure to radiation is concerned, are not adversely affected by the carrying out of a radiation practice with a source under their licence (clause 43); and
- the chief executive is notified of certain dangerous events, for example, so that the chief executive may assist the licensee to deal with the situation and to take the necessary action to prevent such an event re-occurring (clause 45).

A possession licensee may only acquire a radiation source once the licensee has obtained an approval to acquire a source of the type specified by the possession licence. This two step process is followed to ensure that a possession licensee who wants to acquire a radiation source has, prior to obtaining the source, the necessary infrastructure in place to prevent or minimise the possible detrimental effects that could arise if a person were exposed to the radiation emitted from the source. For example, whether the premises at which the radiation source is to be stored or used meets the relevant radiation safety standards; the necessary radiation protection and handling equipment is in place; or the licensee has access to the services of an appropriately qualified radiation safety officer.

As stated earlier, radioactive substances are always emitting radiation and therefore are always potentially harmful. It is therefore inappropriate to allow a possession licensee to acquire a radioactive substance if the licensee does not have an appropriate storage facility for the substance, or to allow a possession licensee to amass a quantity of a radioactive substance that exceeds the capacity of their storage facility for the substance.

In addition, an approval system for the acquisition (and relocation) of radiation sources, provides a means by which the Department can maintain a record of the type and location of radiation sources within the State. This information is also used to study developments and trends in the use of radiation at a State level.

A possession licensee remains in possession of a source (and therefore responsible for the above matters) where the licensee allows another person to use the source under the licensee's radiation safety and protection plan. For example, a possession licensee who possesses a sealed source apparatus (such as a gauge) may allow an employee to use the gauge in the course of their employment. In these circumstances the employer remains in possession of the radiation source and is therefore responsible for meeting the obligations of a possession licensee listed above. The employee has separate obligations under the legislation.

The Bill makes a distinction between *using a radiation source* and *carrying out a radiation practice* with a radiation source. Under the Bill, a person *uses* a source when that person makes actual use of the radiation emitted from the source to carry out the radiation practice. For example, a radiographer operating an X-ray machine, a veterinary surgeon injecting a radioactive substance into an animal to achieve a therapeutic outcome, or an industrial radiographer using a radiation source to determine whether there are any cracks or fractures in a pipeline or building. In order to perform any of these practices, in a competent and safe manner, a person must have specialised knowledge and skills. Consequently, the Bill makes it an offence for a person to use a radiation source, unless the person is allowed to use the source under a use licence.

A use licensee's responsibilities under the Bill include complying with a code, protocol, standard or document about a radiation practice that has been prescribed under a regulation to which their licence relates (clause 75). For example, a regulation may be made requiring a person who has been granted a licence to: use an X-ray machine for plain film diagnostic radiography to comply with the National Health and Medical Research Council's (NHMRC) recommendations for minimising radiological hazards to patients; use a radiation source for veterinary purposes to comply with the NHMRC code of practice for the safe use of ionising radiation in veterinary radiology; or a soil density and moisture gauge may be required to comply with the NHMRC code of practice for the safe use of soil density and moisture gauges containing radioactive sources.

The concept of *carrying out a radiation practice* is a broader term which not only includes using the radiation from a source to achieve a desired outcome but also performing other duties involving radiation sources such as storing them (in the case of radioactive substances). While a person may be required to undergo training to ensure that these latter processes are undertaken in a safe manner, the person may not be required to have expert knowledge of the practices.

The Bill places a number of obligations on the carrying out of a radiation practice, namely, that a person must:

- not carry out a radiation practice unless the person has access to the approved radiation safety and protection plan for that practice (clause 34);
- undergo the training program specified in the approved radiation safety and protection plan for the radiation practice (clause 34); and
- take reasonable steps to ensure that the health and safety of persons, in so far as exposure to radiation is concerned, are not adversely affected by the way the person carries out a radiation practice (clause 44).

For example, under a radiation safety and protection plan, a person may be required to use protective clothing and equipment; to follow set procedures for the remote handling of certain radioactive substances; abide by the work practices and procedures designed to minimise radiation exposure; abide by the accident and emergency procedures governing the spillage of a radioactive substance; or to participate in a personal radiation monitoring program.

The *transport of a radioactive substance* is not a ‘radiation practice’ for the purpose of this Bill as the regulatory requirements for transportation are quite different. For example, the necessity to adhere to a radiation safety and protection plan is not a requirement under the Bill for the transport of radioactive substances. Instead, provision will be made through transport licences to ensure that persons transporting radioactive substances comply with international rules on the transport of such materials.

A person must not transport a radioactive substance unless the person is licensed to transport the substance.

The Bill distinguishes between transport by road, and transport by other means (eg rail, air or sea). In relation to *road* transport, the *person in charge of the vehicle* is required to be licensed. In relation to other modes of transport, the person required to be licensed is the person (including a corporation) that is transporting the source and is responsible for ensuring safety while in transit.

The person in charge of a vehicle is required to be licensed for road transport due to the higher risks associated with this type of transport. Road transport is by far the most common form of transport and there are higher risks associated with delivery to the final destination point, which is typically made by road. Also, the risk of an accident occurring when a radioactive substance is transported by road is significantly greater than by any other means of transport. As a consequence, and similar to the requirements for the transport of other dangerous goods by road in Queensland, persons in charge of vehicles transporting radioactive substances by road will be required to hold a transport licence.

Estimated Cost for Government Implementation

As the Radiation Safety Bill will replace the existing *Radioactive Substances Act 1958*, the introduction of the Bill will not have any significant financial impact.

Consistency with Fundamental Legislative Principles

Aspects of the Bill which raise possible fundamental legislative principles issues are outlined below.

Making of Radiation Safety Standards

Clause 16 makes provision for the Minister to make radiation safety standards about:

- radiation sources in relation to the carrying out of radiation practices;

- the sealing of radioactive substances²;
- sealed source apparatus;
- premises at which radiation sources are used to carry out radiation practices; and
- premises at which radioactive substances are stored.

As part of the radiation safety and protection framework provided for under the Bill, a statutory obligation is to be placed on possession licensees to ensure that radiation sources in their possession, and the premises at which these sources are to be stored or used, meet nationally agreed upon safety standards made by the Minister. These standards will be highly technical in nature and, will draw upon recognised standards, specifications or protocols published by peak bodies such as the Standards Association of Australia, the National Health and Medical Research Council, the National Occupational Health and Safety Commission, and the International Atomic Energy Agency.

As the Minister rather than the Legislative Assembly has responsibility for the making of these standards, it may be contended that this provision does not have sufficient regard to the institution of the Parliament. However, the Legislative Assembly will retain ultimate control over the promulgation of these standards as the Bill (Clause 16) specifies that the gazette notice which notifies the making of a radiation safety standard is deemed to be subordinate legislation as defined by section 9 of the *Statutory Instruments Act 1992*. As subordinate legislation, a gazette notice made under clause 16 of the Bill is subject to the requirements of section 49 of the *Statutory Instruments Act 1992*, which specifies that subordinate legislation must be tabled in the Legislative Assembly within 14 sitting days after it is notified in the gazette, in order for it to come into effect. The Legislative Assembly will therefore be aware of all radiation safety standards made by the Minister under the Bill. If, for some reason, the Legislative Assembly objects to the substance of a radiation safety standard, section 50 of the *Statutory Instruments Act 1992* could be utilised to disallow the gazette notice which notified the making of the standard. As a consequence of the notice being disallowed, the standard would cease to have any effect.

² A radioactive substance which is sealed or encapsulated in a container, or bonded with another material, to control the emission or transmission of ionising radiation is a sealed radioactive substance.

Powers of Entry

Under clause 111 an inspector may enter a place, without consent or a warrant, if an inspector reasonably believes that a radiation source is at the place for carrying out a radiation practice authorised under a possession licence and the place is open for carrying on business or otherwise open for entry. However, an inspector may not enter a place without consent or a warrant, if a person is undergoing a procedure conducted by a health practitioner, or consulting a health practitioner, at the place; or the place is a residential premises.

It is contended that the powers of entry provided for under this clause are warranted given the inherent risks associated with radiation and the diversity of activities involving radiation which are to be regulated under the Bill. As detailed above, it is not considered appropriate that an inspector be able to enter a place at which certain health services are provided, without consent or a warrant. However, it is considered reasonable that an inspector be able to enter other types of business premises, without consent or a warrant, in order to establish that a person engaged in a radiation practice is complying with the requirements of the legislation.

Under clause 148, an inspector may also enter a place, without the occupier's consent or a warrant, if the inspector reasonably believes that there is a radiation source at the place and there is a need to:

- avoid or minimise the imminent risk of death, serious illness or serious injury as a result of the radiation emitted from the source; or
- avoid imminent damage to the environment from the source.

It is considered appropriate that the Bill should equip inspectors with the necessary powers to effectively and efficiently deal with emergency situations involving radiation, given the potential risks to the health and safety of persons exposed to radiation, and the potential environmental harm which may arise from radiation contamination.

Reversal of Onus of Proof

Clause 204 (Responsibility for acts or omissions of representatives) effectively provides that an act or omission of a person's representative (relating to a proceeding for an offence under the Bill) is taken to have been done by the person, if the representative was acting within the scope of the

representative's authority. The person will therefore be taken to have committed the relevant offence unless the person can prove that the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

Clause 205 (Executive officers must ensure corporation complies with Act) provides that, if a corporation is convicted of an offence against the Bill, each executive officer of the corporation is taken to have committed the offence of failing to ensure that the corporation complies with that provision. This clause therefore presumes an executive officer of the corporation to be guilty until the officer can prove that the officer took all reasonable steps to ensure the corporation complied with the provision; or the officer was not in a position to influence the conduct of the corporation in relation to the offence.

While these provisions effectively provide for the reversal of the onus of proof, it is important to note that a number of the offences provided for under the legislation deal with situations where there may be serious risk of harm to the health and safety of persons (eg clause 42 Causing radiation exposure) or serious environmental repercussions (eg clause 26, Disposal of radioactive material). Given that the Bill is to be introduced to protect the health and safety of persons, it is appropriate that:

- a person, such as a possession licensee, be required to oversee the conduct of their representatives and, in doing so, make reasonable efforts to ensure that their employees and agents comply with the requirements of the legislation;
- an executive officer, who is in a position to influence the conduct of a corporation, be required to ensure that the corporation complies with the legislation; and
- an executive officer, who is responsible for a contravention of the legislation, be accountable for his or her actions and not able to 'hide' behind the corporation.

As such, it is contended that clauses 204 and 205 are warranted, to ensure that there is effective accountability at a corporate level.

Exemptions

While the Bill will impose restrictions on the possession, use and transport of radiation sources, it is recognised that, under certain

circumstances, the regulation of a particular type of radiation source, or an activity involving radiation, cannot be justified. In response to this situation, the legislation specifically exempts certain persons from the requirements of a particular provision (eg clause 12(3)—which deals with substances injected or implanted into a person; and clause 14(3), which deals with a person assisting a transport licensee).

However, in some instances it is necessary to prescribe an exemption, or elements of an exemption, in regulation. Where this occurs in the Bill the parameters for the regulation-making power are very narrowly defined, that is—

- clause 13(2)—where a person need not be licensed if the person is using a source *in the presence and under the personal supervision of a use licensee* in helping the licensee to carry out a prescribed radiation practice or in undertaking prescribed training, and
- clause 210—where a regulation may exempt a radiation source from the Act or a provision of the Act *if the exemption poses no more than negligible health risks to persons* (eg consumer products such as smoke detectors).

A ‘prescribed radiation practice’ under clause 13(2) could include the use of industrial X-ray equipment in the presence of and under the personal supervision of an industrial radiographer. A ‘prescribed radiation practice’ can not include the carrying out of a diagnostic or therapeutic procedure involving the irradiation of another person, given the risks associated with such procedures.

A regulation made under clause 210 would be subject to disallowance as provided for by section 50 of the *Statutory Instruments Act 1992*.

Immunity from Proceedings or Prosecutions

Clause 211 (Protecting officials from liability) specifies that the Minister, the chief executive, a State radiation analyst, an inspector or a person acting under the direction or authority of an inspector is not civilly liable for an act, or omission, made honestly and without negligence under this Bill.

It is not considered appropriate that an individual be made personally liable as a consequence of that individual carrying out his or her responsibilities under the legislation in good faith. As such, clause 211

prevents a civil liability from being attached to the individual. However, in these circumstances the liability instead attaches to the State. The proposed immunity under this clause does not extend to an official who has been negligent, even though the official may have acted in good faith.

Transitional Regulation Making Power

Clause 231 makes provision for the making of a regulation that is necessary or convenient to assist in the transition from the *Radioactive Substances Act 1958* to the *Radiation Safety Act* in relation to the possession and use of a radiation source, or the transport of a radioactive substance.

Whilst Division 3 of Part 14 (Transitional provisions) deals with all anticipated matters necessary to effect the transition, there may be unforeseen consequences which are not dealt with in the Bill. Given the adverse health risks associated with exposure to sources of ionising radiation, it is imperative that any unintended consequences which may arise during the transition from the repealed Act to the new Act be dealt with swiftly.

This clause would only be used in exceptional circumstances. However, if it were necessary to make a regulation under this section, the regulation expires 1 year after it is made. Clause 231, itself, expires 1 year after its commencement.

Consultation

Extensive consultations have been undertaken regarding the review of Queensland's radiation safety and protection legislation.

In late 1996, a series of Issues Papers were prepared which set out the proposed policy framework for the Radiation Safety Bill. These papers represented a consolidation of the recommendations emanating from:

- the *Green Paper on the Regulation and Control of Sources of Ionising Radiation (1990)* and the *Green Paper Reviewing the Radioactive Substances Act 1958-1978 (1994)* which were released to facilitate a review of the *Radioactive Substances Regulation 1961* and the *Radioactive Substances Act 1958* respectively;

- the Australian Health Ministers' Council's (AHMC) endorsement of a uniform approach to radiation safety legislation in Australia in 1994; and
- other significant national and international developments concerning radiation safety.

Between December 1996 and February 1997, these Issue Papers underwent targeted consultation with the Radiological Advisory Council, in its capacity as the Ministerial advisory body established under the *Radioactive Substances Act*, and other key stakeholders.

In September 1998, a consultation draft of the Bill was distributed to the Radiological Advisory Council, the Inter-departmental Hazardous Substances Co-ordinating Committee, the peak bodies representing industry and users of radiation, the relevant trade unions, statutory authorities and government agencies. Meetings were subsequently held with the Council and a number of stakeholders to discuss the consultation draft of the Bill.

The Radiological Advisory Council and the various stakeholders consulted were very supportive of the Bill, as it brings into effect a modern system of radiation safety and protection.

NOTES ON PROVISIONS

PART 1—PRELIMINARY

Clause 1 sets out the short title of the Act.

Clause 2 provides for the Act to commence on a day fixed by proclamation.

Clause 3 specifies that all persons including the State are bound by the Act. However, the State may not be prosecuted for an offence against the Act.

Clause 4 details the main object of the Act, which is to protect persons from health risks associated with exposure to certain sources of ionising and harmful non-ionising radiation. This clause also sets out how the main object is to be achieved through the legislation.

As detailed in the General Outline section of these Explanatory Notes, the primary focus of the Bill is the regulation of radiation sources in the form of either *ionising radiation* or *non-ionising radiation*. It is widely accepted that all ionising radiation is hazardous. Where a person is exposed to ionising radiation there is an increased probability that the person will suffer from adverse health effects such as cancer. On the other hand, not all non-ionising radiation is harmful. Consequently, only those sources of non-ionising radiation which pose a known health risk should be regulated.

Sources of *ionising radiation* which will be regulated under the Act include:

- radioactive substances such as iodine¹²³ which is used to diagnose thyroid disorders, strontium⁸⁵ which is used to study bone formation; thorium²³⁰ which provides the colouring and fluorescence in glazes and glassware; and
- radiation apparatus such as X-ray equipment used in medical settings to assist in the diagnosis of medical conditions and the treatment of cancer through the destruction of malignant cells; X-ray equipment used in veterinary practices; cabinet X-ray equipment which is used for the examination of letters, packages, baggage, and other items of freight for security purposes; density gauges used in the production of packaged food stuffs and drinks to ensure that the contents of goods are consistent.

Sources of *non-ionising radiation* which will be regulated under the Act include radiation apparatus such as Class IV lasers used in the performance of surgical procedures.

Clause 5 sets out the radiation safety and protection principles which will guide the administration of the Act. These principles reflect the extensive body of research and development work that has been undertaken at a national and international level on the adverse health effects which may arise from exposure to different types of radiation, and the measures which may be taken to prevent or minimise detrimental effects arising from exposure to radiation.

Clause 6 clarifies that, when interpreting a provision of the Act, a construction that promotes the radiation safety and protection principles is preferred to one that does not.

Clause 7 provides for a dictionary of certain terms used in the legislation to be included as a schedule to the Bill (Schedule 2).

Clauses 8 to 11 have been included in the legislation to clarify or define in more detail the meaning of a number of terms used in the Bill. An explanation of how these terms fit into the regulatory framework of the Bill is provided in the General Outline section of these Explanatory Notes.

PART 2—LICENCES

Clause 12 makes it an offence for a person to possess a radiation source, unless the person is allowed to do so under a possession licence. To prevent an anomalous situation from arising, an individual (or an animal) that comes into “possession” of a radiation source because they have been injected or implanted with a radioactive substance as part of a diagnostic or therapeutic procedure would not be taken to “possess” that source and therefore would not be required to obtain a possession licence for the source.

Clause 13 makes it an offence for a person to use a radiation source, unless the person is allowed to do so under a use licence. For example, a person would be required to obtain a use licence to perform X-rays and other diagnostic procedures involving the use of radiation, or to use a soil moisture gauge to assess the moisture content of soil in road constructions or at a building site.

In some very limited circumstances a person is not required to hold a use licence (refer to the Consistency with Fundamental Legislative Principles section of these Explanatory Notes).

Clause 14 makes it an offence for a person in charge of a vehicle to transport a radioactive substance by road, unless the person is allowed to do so under a transport licence. For the purposes of this Bill, “transport” does not include the transport of a radioactive substance from a part of premises to another part of the same premises (eg from one part of a hospital to another or from one part of a manufacturing plant to another).

However a person is not required to hold a licence under this section if the person is helping a transport licensee to transport a substance and the person is in the licensee’s presence.

Clause 15 makes it an offence for a person to transport a radioactive substance otherwise than by road (ie by means of rail, air or water), unless the person is allowed to do so under a transport licence.

PART 3—MAKING OF RADIATION SAFETY STANDARDS AND CERTIFICATION OF RADIATION SOURCES AND PREMISES

The Bill will introduce a new process to ensure that radiation sources, including the premises at which they are to be stored or used, meet nationally agreed upon safety standards. This is to be achieved through the establishment of a framework that:

- provides for the making of radiation safety standards;
- places a statutory onus on possession licensees to ensure that a radiation source in their possession, or the premises at which this source is to be stored or used, complies with the specified safety standards;
- specifies when a possession licensee must obtain a certificate of compliance for a source or premises; and
- provides for suitably qualified persons (accredited persons) who have been authorised by the chief executive to issue certificates of compliance for radiation sources or premises.

Clause 16 enables the Minister to make radiation safety standards about:

- radiation sources in relation to the carrying out of radiation practices;
- the sealing of radioactive substances;
- sealed source apparatus;
- premises at which radiation sources are used to carry out radiation practices; and
- premises at which radioactive substances are stored.

Radiation safety standards will be technical in nature and, as stated above, will draw upon recognised standards, specifications or protocols published by peak bodies such as the Standards Association of Australia, the National Health and Medical Research Council, the National Occupational Health and Safety Commission, and the International Atomic Energy Agency.

This clause requires the Minister to notify the making of radiation safety standards by gazette notice. As such, a radiation safety standard made by the Minister is not itself subordinate legislation (as defined by section 9 of the *Statutory Instruments Act 1992*). However, this clause provides that the gazette notice which notifies the making of a standard is subordinate legislation.

Clause 17 makes it an offence for a possession licensee to:

- use a radiation source, or allow a radiation source to be used, unless the source or the premises at which the source is to be used, comply with the relevant radiation safety standards; or
- store a radioactive substance at premises unless the premises comply with the relevant radiation safety standard.

Clause 18 requires a possession licensee to periodically obtain a certificate of compliance for radiation sources which the licensee possesses, or the premises at which these sources are to be used where the radiation source is used to carry out a radiation practice.

Also, this clause requires a possession licensee, in possession of radioactive substances, to periodically obtain a certificate of compliance for the premises at which these substances are to be stored.

The period within which a certificate of compliance must be obtained will be prescribed under a regulation.

Clause 19 specifies that an accredited person must not issue a certificate of compliance for a radiation source or premises unless:

- the accredited person is allowed to issue a certificate for the source or premises under the person's accreditation certificate³; and
- the accredited person is satisfied the source is, or premises are, in accordance with the applicable radiation safety standards.

As provided for by clause 82(1)(c), non-compliance with these requirements constitutes a ground for suspending or cancelling an accredited person's accreditation certificate.

Clauses 20 to 22 set out the process, time-frames and documentation requirements for the certification of a radiation source or premises, namely:

- If an accredited person is acting on a request for a certificate of compliance, the accredited person is required to assess whether a radiation source is, or premises are, in accordance with the relevant radiation safety standards.
- The accredited person must prepare an assessment report in the approved form, which states whether the radiation source is, or premises are, in accordance with the relevant radiation safety standards, and if not, what needs to be done in order for the source or premises to comply with the relevant radiation safety standards (the "requirements").
- If the assessment report pertaining to the source or premises states that the source or premises meet the relevant radiation safety standard, the accredited person must issue a certificate of compliance.
- If the assessment report sets out requirements, the person who requested the certificate of compliance has 30 days within which to meet the requirements. This 30 day period commences once the accredited person has given the report to the person.
- If all of the requirements set out in an assessment report have been met within the 30 day period allowed under the legislation, the accredited person may amend the assessment report to indicate that all the requirements have been complied with and

³ Accreditation certificates are issued by the chief executive under Part 7 of the Bill.

issue a certificate of compliance.

- If only some of the requirements set out in an assessment report have been met within the 30 day period allowed under the legislation, the accredited person may amend the assessment report to indicate which requirements have been met.
- In addition to providing a copy of an assessment report or an amended assessment report to the person who requested the certificate of compliance, the accredited person must also provide a copy of these reports to the chief executive.

PART 4—ACQUISITION, SUPPLY AND RELOCATION OF RADIATION SOURCES

In order to ensure that the public health is not endangered as a result of how a person acquires or divests themselves of a radiation source, the Bill will regulate the acquisition, supply and interstate or overseas relocation of radiation sources.

The regulation of the acquisition and supply of radiation sources will, among other things, address circumstances such as:

- a radiation source being brought into the State (eg as a result of a commercial or other transaction with an interstate wholesaler or an overseas manufacturer); and
- a change in the possession of a radiation source located in Queensland (eg as a result of the sale of a dental practice incorporating X-ray imaging devices).

The regulation of the relocation of radiation sources out of the State will address circumstances such as the relocation of radioactive substances to a purpose built waste storage facility located outside of Queensland.

It is not the intention of the Bill to impede commercial activities but rather to ensure that the acquisition or relocation of a radiation source is undertaken in accordance with the recognised standards, codes and protocols governing the safe movement of radiation sources.

Clause 23 makes it an offence for a person to acquire a radiation source unless the person is allowed to possess the source under a possession licence and the person has obtained an approval to acquire the source as provided for under Part 7 of the Bill.

However, as explained in the General Outline section of these Explanatory Notes, this clause does not apply to the following circumstances:

- where a possession licensee, who possesses a radiation source for a radiation practice under their licence, supplies the source to another person merely for the person to carry out the practice in accordance with the licensee's approved radiation safety and protection plan;
- where a possession licensee, who possesses a radioactive substance for a radiation practice under their licence, supplies the substance to another person merely for the purpose of transporting it; or
- where a source is injected or implanted into a person or animal as part of a diagnostic or therapeutic procedure.

Clause 24 makes it an offence for a person to supply a radiation source to another person, unless that person is a possession licensee and the holder of an approval to acquire the radiation source. The exceptions outlined in Clause 23 also apply to this clause.

Clause 25 makes it an offence for a person to relocate a radiation source outside of Queensland (whether to an inter-state or overseas location) unless the person is the possession licensee for the source and the person has obtained an approval to relocate the source under Part 7 of the Bill.

PART 5—DISPOSAL OF RADIOACTIVE MATERIAL AND RADIATION APPARATUS

Clause 26 makes it an offence for a person to dispose of radioactive material other than as provided for by the legislation, namely that:

- the concentration or activity of a radionuclide in the material is not more than the maximum concentration or activity prescribed under a regulation; or
- an approval to dispose of radioactive material has been granted under Part 7 of the Bill.

The concentration or activity prescribed under a regulation for the disposal of radioactive material will be set at a lower level than the concentration or activity prescribed under a regulation for which a person must obtain a licence. Consequently, this provision governs the disposal of radioactive material by persons other than possession licensees. Stringent criteria apply to the obtaining of an approval to dispose (refer to clause 58).

Given the potential risks to the public health and the environment, the maximum penalty which may be imposed for breaching this section is significant (2,500 penalty units).

Clause 27 makes it an offence for a person to dispose of a radiation apparatus other than as provided for by the legislation. The potential health risks (or environmental harm) that may arise from the disposal of a radiation apparatus are significantly less than those for radioactive material, as a radiation apparatus can only emit radiation if the apparatus is able to be energised. Consequently, if a person wishes to dispose of a radiation apparatus the legislation requires that person to make the apparatus permanently inoperable as a radiation apparatus and notify the chief executive within 7 days of the disposal (see clause 75), so that a record can be maintained of radiation apparatus in the State.

PART 6—OTHER RADIATION SAFETY AND PROTECTION PROVISIONS

This Part deals with:

- the development, approval and implementation of radiation safety and protection plans (clauses 28 to 34);
- the functions and appointment of radiation safety officers (clauses 35 to 37);

- personal radiation monitoring programs (clauses 38 to 40);
- the circumstances under which it is an offence to expose a person to radiation, or to endanger the health and safety of persons, in so far as exposure to radiation is concerned (clauses 41 to 44);
- the mandatory reporting of dangerous events (clauses 45 to 46); and
- the banning of certain radiation sources (clause 47).

Clause 28 specifies those matters which must be addressed in a radiation safety and protection plan for a radiation practice. The plan must, among other matters, set out the measures that are to be taken to deal with the hazards specific to a radiation source or radiation practice. These measures will have to be based on radiation safety and protection measures, prescribed under a regulation, for preventing or minimising health risks to persons arising from exposure to radiation from the carrying out of a radiation practice.

Clause 29 provides for a radiation safety and protection plan submitted by an applicant for a possession licence to be approved and endorsed by the chief executive.

Clauses 30 and 31 provide for the amendment of a possession licensee's approved radiation safety and protection plan for a radiation practice, at the initiative of the chief executive or a possession licensee respectively.

In accordance with the principles of natural justice and due process, the legislation requires the chief executive officer to:

- give the possession licensee a written notice which includes details regarding the proposed change, the day the change is to take effect and the licensee's right to make written submissions to the chief executive;
- have regard to any written submissions made to the chief executive by the licensee, prior to changing a plan under clause 30; and
- give a possession licensee notice if the chief executive decides to change a plan under clause 30; grant an application for the amendment of a plan under clause 31; or refuse to grant an application for the amendment of a plan under clause 31.

Clause 32 sets out the means for the endorsement of an amended plan and the amendment of a possession licensee's licence to identify the amended plan.

Clause 33 makes it an offence for a possession licensee to allow a person to carry out the radiation practice for which a possession licensee is allowed to possess a radiation source, unless the licensee has taken reasonable steps to ensure that the person:

- always has available for inspection a copy of the licensee's approved radiation safety and protection plan for the practice; and
- has undergone the training program mentioned in the plan.

Clause 34 makes it an offence for a person to carry out the radiation practice for which a possession licensee is allowed to possess a radiation source unless the person:

- always has available for inspection a copy of the licensee's approved radiation safety and protection plan for the practice; and
- has undergone the training program mentioned in the plan.

Clause 35 makes it an offence for a possession licensee to allow a radiation practice to be carried out with the radiation sources in his or her possession, unless the licensee has appointed a radiation safety officer⁴ for the practice. However, a licensee does not commit an offence under this provision, if there stops being a radiation safety officer (eg the radiation safety officer resigns) and the licensee acts as soon as practicable to appoint another radiation safety officer in place of the former radiation safety officer.

Clause 36 specifies who a possession licensee may appoint as a radiation safety officer for a radiation practice. A proportion of possession licensees will be able to fulfil the functions of a radiation safety officer themselves. The Bill therefore makes provision for a possession licensee to appoint him or herself as a radiation safety officer, provided that the licensee holds a radiation safety officer certificate that is relevant to the radiation practice, or a qualification, relevant to the practice, prescribed under a regulation.

Clause 37 sets out the minimum functions that a radiation safety officer will be required to perform in relation to a radiation practice.

⁴ Part 7 deals with the process for a person to become qualified as a radiation safety officer.

Clause 38 sets out requirements in relation to the conduct of a personal radiation monitoring program and the maintenance of a personal monitoring record for the following persons:

- a person who has been provided with (and wears) a personal monitoring device by a possession licensee, as required under the licensee's approved radiation safety and protection plan for a radiation practice (eg a diagnostic radiographer in a hospital);
- a possession licensee who is required to be provided with (and wear) a personal monitoring device under their approved radiation safety and protection plan for a radiation practice (eg an owner-operator of a soil moisture gauging business);
- a use licensee who, as a condition of their licence, is required to wear a personal monitoring device when using a radiation source to carry out a radiation practice under the licence (eg a visiting diagnostic radiologist).

This clause also makes provision for:

- the chief executive to be notified, in writing, of the results of an assessment each time a personal monitoring device worn by a person is assessed; and
- the inspection of a personal monitoring record by the chief executive or an inspector.

Clause 39 requires a possession licensee, who provides a personal monitoring device to another person under their approved radiation safety and protection plan, to:

- take reasonable action to make a person aware of the results of an assessment, each time the personal monitoring device worn by the person is assessed;
- allow that person to inspect their personal monitoring record at any reasonable time; and
- give that person a copy of their personal monitoring record, if the person makes such a request in writing.

Clause 40 makes provision for a person to seek direction from, and comply with the directions of, the chief executive about the long term storage of personal monitoring records.

Clause 41 imposes restrictions on who may require a diagnostic or therapeutic procedure, involving the use of radiation, to be carried out, and the circumstances under which these procedures may be carried out.

Clause 42 makes it an offence for a person, in carrying out a radiation practice, to cause another person to receive a radiation dose that is higher than the radiation dose limit prescribed under a regulation. For the purposes of the Bill, radiation dose limits are limits based on internationally accepted risk criteria as to the amount of radiation a person may receive during a particular period, without being subjected to unacceptable health risks.

However, clause 42 does not apply where a person receives a radiation dose in excess of the prescribed radiation dose limits as a result of that person either undergoing a diagnostic or therapeutic procedure involving the use of radiation, or assisting another person to undergo such a procedure. These matters are dealt with under clause 41.

Clause 43 places a statutory obligation on a possession licensee to ensure that the health and safety of persons, in so far as exposure to radiation is concerned, are not adversely affected by the carrying out of the practice with the source. A possession licensee will be taken to have complied with this requirement, if at the relevant time:

- the source is in accordance with the relevant radiation safety standards; and
- the premises at which the practice is being carried out are in accordance with the relevant radiation safety standards; and
- the licensee is complying with the licensee's approved radiation safety and protection plan for the practice.

This clause also requires a possession licensee to take reasonable steps to ensure another person does not:

- use the source to carry out the practice unless the person is allowed to do so under a use licence or otherwise under the Act; or
- transport the substance unless the person is allowed to do so under a transport licence or otherwise under the Act.

Clause 44 places a statutory obligation on a person carrying out a practice with a source to take reasonable steps to ensure the health and safety of persons, in so far as exposure to radiation is concerned, are not adversely

affected by the way the person carries out the practice. A person will be taken to have complied with this requirement, if at the relevant time the person complied with the licensee's approved radiation safety and protection plan for the practice.

Clause 45 requires a possession licensee to immediately notify the chief executive of a dangerous event involving a radiation source that the licensee possesses under their licence. For the purposes of this provision a "dangerous event" includes:

- where a source is, or appears to have been, lost or stolen;
- where there is a radiation incident in relation to a source under a possession licence, for which there are no remediation procedures stated in the licensee's approved radiation safety and protection plan for the practice being carried out with the source at the time;
- where equipment that uses, measures or controls radiation emitted from the source malfunctions with the result, or likely result, of an unintended emission of the radiation.

The notice given to the chief executive must include sufficient information to identify the source and its location. This notice may be given either orally or in writing. However, where the notice is given orally, it must be confirmed in writing within 7 days after the dangerous event happens.

A possession licensee must not fail to notify the chief executive of a dangerous event, unless the licensee has a reasonable excuse.

Clause 46 makes it an offence for a possession licensee to give the chief executive notice of a dangerous event, that the licensee knows is false or misleading.

Clause 47 makes it an offence for a person to possess, sell, supply or use a radiation source that is prescribed under a regulation to be a banned radiation source.

It is envisaged that this clause will be used to ban those radiation sources where there are no effective measures to prevent or minimise the adverse health risks associated with exposure to these sources.

PART 7—ACT INSTRUMENTS

Clause 48 defines the meaning of the term “Act instrument”. This term is used throughout Part 7 to refer to a licence (possession, use or transport), an accreditation certificate, an approval (to acquire, relocate or dispose) or a radiation safety officer certificate.

Clause 49 sets out who may apply for a particular type of Act instrument. For example, this provision clarifies that only an individual is eligible to apply for a use licence, a transport licence by road, an accreditation certificate or a radiation safety officer certificate.

Clause 50 has been incorporated to take into account those instances where more than one person (ie a partnership) applies for an Act instrument.

Clause 51 sets out the application requirements for an Act instrument and specifies that the chief executive must consider the application and either grant, or refuse to grant, the application.

Clause 52 specifies that an approval to acquire a radiation source may be made for a single acquisition of a radiation source or the periodic acquisition of an unsealed radioactive substance.

Clause 53 sets out the criteria which the chief executive may consider when deciding whether an applicant for a possession licence is a suitable person to hold the licence.

Clause 54 sets out the criteria which the chief executive may consider when deciding whether an applicant for a use licence is a suitable person to hold the licence.

Clause 55 sets out the criteria which the chief executive may consider when deciding whether an applicant for a transport licence is a suitable person to hold the licence.

Clause 56 sets out the criteria which the chief executive may consider when deciding whether an applicant for an accreditation certificate is a suitable person to hold the certificate.

Clause 57 sets out the criteria which the chief executive may consider when deciding whether an applicant for an approval to acquire a radiation source is a suitable person to hold the approval. As specified under clause 49(3)(a) only a possession licensee is eligible to apply for an approval to

acquire.

Clause 58 sets out the criteria which the chief executive may consider when deciding whether an applicant for an approval to dispose of radioactive material is a suitable person to hold the approval.

Clause 59 sets out the criteria which the chief executive may consider when deciding whether an applicant for an approval to relocate a radiation source is a suitable person to hold the approval. As specified under clause 49(3)(b) only a possession licensee is eligible to apply for an approval to relocate.

Clause 60 sets out the criteria which the chief executive may consider when deciding whether an applicant for a radiation safety officer certificate is a suitable person to hold the certificate.

Clause 61 enables the chief executive to:

- investigate the applicant;
- require an applicant to provide additional information or documentation; or
- require an applicant for a use licence, transport licence (road), accreditation certificate; or radiation safety officer certificate to undergo a written, oral or practical examination.

If an applicant fails to comply with a request under this provision, then their application is taken to have been withdrawn.

Clause 62 sets out the means by which the chief executive must inform an applicant of his or her decision to either grant, or refuse to grant, their application.

Clause 63 sets out the time-frames within which the chief executive must make a decision on an application. Where the chief executive fails to make a decision within the time frames, this failure is to be taken to be a decision by the chief executive to refuse to grant the application.

Clause 64 enables the chief executive to extend the time-frame within which a decision must be made on an application for a licence because of the complexity of the issues that need to be considered in deciding the application. However, in order to ensure that a person is aware of the status of their application, the chief executive must give the applicant a written notice stating that the time-frame within which their application must be considered has been extended.

Clause 65 specifies that an Act instrument must be in the approved form and, at a minimum, must detail the name of the holder of the Act instrument, the term of the Act instrument and any conditions of the Act instrument.

Clauses 66 to 73 set out the additional information which must appear on each particular type of Act instrument.

Clause 74 specifies the terms for each type of Act instrument, namely:

- A licence, accreditation certificate or radiation safety officer certificate may be granted for a maximum period of 3 years.
- An approval to acquire, relocate or dispose remains in force for the term stated in the approval. However, the expiry date for an approval to acquire or relocate, cannot be later than the expiry date for the term of the possession licence under which the radiation source, the subject of the approval, is possessed.

Clause 75 sets out those matters subject to which a licence, approval to relocate or approval to dispose is granted.

Clause 76 enables the chief executive to issue an Act instrument subject to those conditions the chief executive considers are necessary or desirable to protect persons from health risks associated with exposure to radiation. However, where the chief executive decides to issue an Act instrument on conditions, the chief executive must give the applicant an information notice⁵ about this decision.

Clause 77 makes it an offence to contravene a condition of an Act instrument.

Clause 78 details those Act instruments which may be renewed under Part 7 of the Act—that is, a licence, an accreditation certificate, a continuing approval to acquire and a radiation safety officer certificate.

Clause 79 sets out the application procedures for the renewal of an Act instrument; the time-frames within which an application for renewal must be submitted to the chief executive; and the means by which the chief executive must inform an applicant of his or her decision to either grant, or

⁵ As detailed in Schedule 2, an information notice is a written notice which outlines a decision made by the chief executive or an inspector; states the reasons for the decision; and provides details regarding the time-frame and means for the review of a decision made by the chief executive or an inspector.

refuse to grant, their application.

Clause 80 enables the chief executive to require an applicant for the renewal of an Act instrument to provide further information or documentation the chief executive reasonably considers is needed to decide the application. If an applicant fails to comply with a request under this section, then their application is taken to have been withdrawn.

Clause 81 clarifies that a renewable Act instrument remains in force until an applicant is given an information notice under clause 83 or is taken to have been withdrawn under clause 80(2).

Clauses 82 to 87 set out the grounds and procedures for the suspension or cancellation of an Act instrument.

An Act instrument held by a person may be suspended or cancelled if:

- the holder of the Act instrument is not, or is no longer, a suitable person to hold the Act instrument;
- the holder has been convicted of an offence against the Act;
- the holder has contravened a provision of the Act (being a provision a contravention of which is not an offence against the Act);
- the holder has contravened a condition of the instrument; or
- the instrument was issued because of a materially false or misleading representation or declaration.

In accordance with the principles of natural justice, the legislation provides for the following process to be followed where the chief executive believes that there are grounds for suspending or cancelling an Act instrument:

- the chief executive must give the holder of an instrument a written notice to this effect (a show cause notice);
- a show cause notice must invite the holder of the Act instrument to demonstrate why the proposed action should not be taken;
- the holder of the Act instrument may make representations to the chief executive about the show cause notice;
- the chief executive must consider all written representations;

- the chief executive must notify the holder of the Act instrument where no further action is to be taken, or give the holder of the Act instrument an information notice where the chief executive still believes there are grounds for suspending or cancelling the instrument.

The decision set out in the information notice given to the holder of the Act instrument takes effect on the day the information notice is given to the holder or the day stated in the notice. Where an Act instrument has been cancelled, the holder of the Act instrument must return it to the chief executive within 7 days after receiving the information notice, unless the holder has a reasonable excuse.

Clause 88 sets out the grounds and procedures for the immediate suspension or cancellation of an Act instrument.

Clause 89 specifies that an approval to acquire a radiation source is suspended or cancelled, if the possession licence of the holder of the approval is suspended or cancelled.

Clause 90 specifies that an approval to relocate a radiation source is suspended or cancelled, if the possession licence of the holder of the approval is suspended or cancelled.

Clause 91 specifies that if a person's radiation safety officer certificate is suspended or cancelled their appointment as a radiation safety officer is also rescinded. In order to ensure that a possession licensee is made aware of this situation, the person must as soon as practicable give the licensee, who appointed them as a radiation safety officer, written notice about the suspension or cancellation of their certificate.

Clause 92 makes it an offence for the holder of the following Act instruments to fail to give the chief executive written notice of a change in the holder's circumstances prescribed under a regulation—that is, a licence; an accreditation certificate; a continuing approval to acquire; and a radiation safety officer certificate.

Clause 93 makes provision for the chief executive to note a change in the holder's circumstances on an Act instrument and return it to the holder.

Clause 94 clarifies that Division 6 of Part 7 applies to the following Act instruments, which are collectively referred to in this division as "conditional Act instruments"—that is, a licence; an accreditation certificate; a continuing approval to acquire; and a radiation safety officer certificate.

Clause 95 sets out the process which must be followed where the chief executive considers it necessary or desirable to change the conditions attached to a conditional Act instrument, in order to protect persons from the health risks associated with exposure to radiation.

Clause 96 sets out the process which must be followed where the holder of a conditional Act instrument wants to change the conditions imposed by the chief executive.

Clause 97 requires the holder of a conditional Act instrument to return the instrument to the chief executive, so that the instrument can be amended to incorporate the changed conditions. If this is not considered practicable, the chief executive may issue another instrument incorporating the changed conditions.

Clause 98 enables the chief executive to extend the time-frame within which a decision must be made on an application under clause 96, because of the complexity of the issues that need to be considered in deciding the application. However, in order to ensure that a person is aware of the status of their application, the chief executive must give the applicant a written notice stating that the time-frame within which their application must be considered has been extended.

Clause 99 provides for the voluntary surrender of an Act instrument.

Clause 100 requires a person who surrenders their radiation safety officer certificate to give written notice of the surrender to the possession licensee who appointed the person as a radiation safety officer.

Clause 101 enables the chief executive to issue a replacement Act instrument, if the instrument has been lost, stolen, destroyed or damaged. However, if for some reason, the chief executive refuses to issue a replacement Act instrument, the chief executive must give the person, who applied for a replacement Act instrument, an information notice.

Clause 102 specifies that an Act instrument may not be transferred.

Clause 103 makes it an offence for a person to include anything in an application made under Part 7, that the person knows is false or misleading.

PART 8—MONITORING, INVESTIGATION AND ENFORCEMENT

Clause 104 specifies that an inspector has the function of conducting investigations and inspections to monitor and enforce compliance with the legislation.

Clause 105 clarifies that an inspector can utilise the powers given to the person under the Act and makes provision for the powers available to an inspector to be limited under a condition of their appointment.

Clause 106 provides for the chief executive to appoint a person as an inspector provided that the chief executive considers the person has the necessary expertise or experience to be an inspector.

Clause 107 specifies that an inspector holds office on the conditions stated in their instrument of appointment; and that an inspector may be appointed for a term or for the period during which the person holds another position (eg a position as a public servant or health service employee).

Clause 108 requires the chief executive to provide each inspector with an identity card, containing a recent photograph of the person plus other relevant particulars.

Clause 109 sets out the circumstances under which an identity card issued to an inspector must be returned to the chief executive.

Clause 110 requires an inspector to first produce or display the inspector's identity card before exercising any powers under the Act. However, provision is also made for the inspector to produce the card at the first reasonable opportunity where it is not immediately practical to do so.

Clause 111 sets out the entry powers available to an inspector under this Act. Under this clause, an inspector may enter a place if:

- (i) the occupier of the place⁶ consents to the entry;
- (ii) it is a public place, when the place is open to the public;
- (iii) the entry is authorised by a warrant;

⁶ For the purposes of this Bill, the term “occupier of a place” includes a person who reasonably appears to be an occupier, or in charge, of the place.

- (iv) the inspector believes there is a radiation source, possessed under a possession licence, at the place for carrying out a radiation practice, and the place is open for carrying on business or otherwise open for entry;
- (v) it is a part of premises which must be entered in order to gain entry to a place under paragraph (iv);
- (vi) the inspector must enter land around premises to an extent that is reasonable to contact the occupier to enter under paragraph (i);
- (vii) it is that part of the place the public ordinarily are allowed to enter when they wish to contact the occupier to enter under paragraph (i).

However, an inspector may not enter a place without consent or a warrant, if:

- a person is undergoing a procedure conducted by a health practitioner, or consulting a health practitioner, at the place; or
- the place is a residential premises.

Clause 112 outlines the procedures an inspector must follow when seeking consent to enter any place.

Clause 113 makes provision for an inspector to apply to a Magistrate for a warrant to enter a place. Under this provision, a Magistrate may refuse to consider an application until an inspector provides the magistrate with the information he or she has requested.

Clause 114 sets out the conditions under which a Magistrate may issue a warrant and specifies the information that must be stated in a warrant.

Clause 115 makes provision for an inspector to apply for a warrant by phone, fax, radio or another form of communication because of urgent or other special circumstances.

Clause 116 outlines the procedures that must be followed by an inspector prior to entering a place under a warrant.

Clause 117 specifies what powers are available to an inspector who has entered a place under clause 111 for the purposes of monitoring and enforcing compliance with the Act.

Clause 118 enables an inspector to install and maintain equipment and materials, in or at a public place which has been entered under clause

111(1)(b), for the purpose of conducting a monitoring program. This provision also makes it an offence for a person to interfere with the installed equipment or materials without the consent of an inspector.

Clause 119 makes it an offence for a person to fail to comply with a requirement or direction of an inspector under clause 117(3)(g), unless the person has a reasonable excuse.

Clause 120 makes it an offence for a person to fail to help an inspector under clause 117(3)(i), unless the person has a reasonable excuse.

Clause 121 makes it an offence for a person to fail to provide an inspector with information asked for under clause 117(3)(j), unless the person has a reasonable excuse.

Clause 122 imposes restrictions on the way an inspector may exercise a power under Subdivision 1 or 3 of Part 8, at a place where persons are irradiated during a diagnostic or therapeutic procedure—that is, an inspector must not do anything that adversely affects:

- the privacy of a person undergoing, or waiting to undergo, a diagnostic or therapeutic procedure; or
- the results of a diagnostic or therapeutic procedure for a person.

Clause 123 specifies that where an inspector has entered a place where persons are irradiated during a diagnostic or therapeutic procedure, without a warrant, the inspector may not inspect, photograph, film, copy or take extracts from any health records at the place. However, an inspector may inspect, photograph, film, copy or take extracts from any health records at such a place, if the inspector has obtained the written consent of the occupier to enter the place and inspect health records or types of health records at the place.

Clause 124 enables an inspector to stop a vehicle or require a person to take a vehicle to a specified place, if an inspector reasonably suspects or is aware that:

- the vehicle is being used or has been used in relation to the commission of an offence against this Act;
- a thing in or on a vehicle may provide evidence of the commission of an offence against this Act; or
- anyone's health and safety may be adversely affected by exposure to radiation because of the transport of radioactive material in or

on a vehicle.

However, an inspector can only exercise these powers if the inspector has his or her identity card, and produces the identity card for the person to inspect immediately the vehicle stops.

It is an offence to fail to comply with a request, signal or direction made by an inspector under clause 124, unless the person has a reasonable excuse.

Clause 125 provides an inspector with the power to seize a thing at a place entered, without consent or a warrant, if the inspector reasonably believes that the thing is evidence of an offence against this Act.

Clause 126 provides an inspector with the power to seize a thing at a place if:

- the inspector obtained the necessary consent to enter the place; and the inspector reasonably believes that the thing is evidence of an offence against this Act; and seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier's consent;
- the inspector is authorised to enter the place under a warrant and the seizure is authorised by the warrant; or
- the inspector reasonably believes another thing at the place is evidence of an offence against this Act and needs to be seized to secure evidence or to prevent repeat offences; or has just been used in committing an offence against this Act.

However, an inspector who has entered a place, without a warrant, where persons are irradiated during a diagnostic or therapeutic procedure, may not seize health records at the place.

Clause 127 provides an inspector with the power to seize a thing the inspector reasonably believes is the cause, or likely cause, of a radiation hazard at the place and which cannot be managed so as to ensure that a person will not receive a radiation dose higher than the radiation dose limit prescribed under a regulation.

Clause 128 clarifies that where an inspector seizes a radiation source under clause 125, 126, or 127 the inspector is not required to be the holder of an approval to acquire or a possession licence for the source, or where the source is a radioactive substance, the holder of a transport licence for the substance.

Clause 129 enables an inspector to take the following action in relation to a thing which has been seized—that is, move the thing from the place where it was seized; leave the thing at the place of seizure but restrict access to it; or make any seized equipment inoperable.

Clause 130 makes it an offence for a person to interfere, or attempt to interfere, with those actions taken by an inspector, under clause 129, to restrict access or make equipment inoperable, without an inspector's approval.

Clause 131 makes provision for an inspector to require the person in control of a thing to be seized to take it to a stated reasonable place by a stated reasonable time; and if necessary, to remain in control of it at the stated place for a reasonable time. It is an offence for a person to fail to comply with a requirement or further requirement made under clause 131, unless the person has a reasonable excuse.

Clause 132 requires an inspector to issue a receipt for any seized thing and give the receipt to the person from whom it was seized. However, if for some reason this proves impractical, the inspector must leave the receipt at the place of seizure in a conspicuous position and in a secure way.

Where a thing has been seized under clause 127, the receipt must identify the radiation hazard which was evident at the time of seizure and state that the thing which was seized will be forfeited to the State if the owner cannot demonstrate to the reasonable satisfaction of an inspector that the radiation hazard can be managed in the period of 90 days after the seizure.

Clause 133 sets out the circumstances under which a seized thing will be forfeited to the State, for example, if the owner cannot be found, after making reasonable enquiries, or if it cannot be returned to its owner, after making reasonable efforts.

Clause 134 makes provision for a court to order the forfeiture to the State of anything used to commit an offence or anything else the subject of the offence, whether or not the thing has been seized.

Clause 135 clarifies that where a radiation source is forfeited to the State, the State does not contravene a provision of this Act merely because it obtains possession or possesses the source.

Clause 136 enables the chief executive to deal with a thing which has been forfeited to the State, as the chief executive considers appropriate, including the destruction or disposal of the thing. However, the chief

executive must not deal with the thing in a way that could prejudice the outcome of a review or an appeal applied for or started under Part 10 of the Bill. Also, if the thing is a radioactive substance the chief executive must take into account certain matters relevant to an approval to dispose under the Act (refer to clauses 58(c), (d) and (f)).

Clause 137 sets out the circumstances under which an inspector must return a thing which has been seized but not forfeited to the State, for example, at the end of 6 months or where an inspector is satisfied that the thing does not need to be retained as evidence.

Clause 138 provides for the owner of any seized thing to have access to it for inspection or copying (if a document), until it is forfeited or returned.

Clause 139 enables an inspector to issue an improvement notice if an inspector reasonably believes that a person is contravening a provision of this Act; or has contravened a provision of this Act in circumstances that made it likely that the contravention would continue or be repeated.

Clause 140 enables an inspector to issue a prohibition notice if an inspector reasonably believes that circumstances causing, or likely to cause, immediate health risks to persons have arisen, or are likely to arise, in relation to the carrying out of a radiation practice.

Clause 141 makes provision for an application to be made to the District Court for an order to comply with an improvement notice issued under clause 139 or prohibition notice issued under clause 140. It is an offence for a person to fail to comply with the court's order.

Clause 142 provides an inspector, where an offence has or appears to have been committed against this Act, with the power to require a person to state the person's name and residential address, and to produce evidence of the correctness of the stated name or address. When making such a requirement, the inspector must warn the person it is an offence to fail to state their name or address, unless they have a reasonable excuse.

Clause 143 makes it an offence to fail to comply with a request made under clause 142, unless the person has a reasonable excuse. However, a person does not commit an offence by not complying with such a request, if it is not proven that the person committed an offence against the Act.

Clause 144 makes provision for an inspector to:

- require a person to produce a document for their inspection which has been issued to the person, or is required to be kept by the

person, under this Act;

- require a person to certify that a copy of the document or an entry in a document is a true copy; or
- keep a document until such time as a copy of the document or an entry in a document is certified as a true copy.

Clause 145 makes it an offence to fail to produce a document in accordance with a request made under clause 144, unless the person has a reasonable excuse.

Clause 146 makes it an offence to fail to comply with a request under clause 144 to certify that a copy of the document or an entry in a document is a true copy, unless the person has a reasonable excuse.

Clause 147 enables an inspector to require a person, by written notice, to attend before the inspector to provide information about an offence against this Act. It is an offence to fail to comply with such a request, unless the person has a reasonable excuse.

Clause 148 sets out the powers an inspector may utilise to deal with an emergency situation.

Under this clause an inspector may enter a place, without consent or a warrant, if on reasonable grounds the inspector is satisfied that there is at a place a radiation source and it is necessary to exercise powers under this section to:

- avoid or minimise an imminent risk of death of, serious illness of, or serious injury to, persons from radiation emitted from the source; or
- avoid imminent serious environmental harm from the source.

In addition, the inspector may exercise those powers which are necessary and reasonable in the circumstances, for example, direct a person at the place to take stated reasonable action within a stated reasonable time in relation to the source; or authorise another person to take reasonable action. However, in exercising or attempting to exercise emergency powers, an inspector must take all reasonable steps to ensure the inspector causes as little inconvenience to persons at the place, and does as little damage, as is practicable in the circumstances.

Clause 149 makes it an offence to fail to comply with a request under clause 148(3)(a), unless the person has a reasonable excuse.

Clause 150 requires an inspector to give written notice if an inspector damages property when exercising or purporting to exercise a power; or a person acting under the direction or authority of an inspector damages property. The notice must set out the particulars of the damage and be given to the person who appears to be the owner of the property. However, if for some reason this proves impractical, the inspector must leave the notice in a conspicuous position and in a secure way.

Clause 151 makes provision for a person to be compensated by the State, where the person has incurred a loss or expenses because of the exercise or purported exercise of a power by an inspector under the following subdivisions of Division 3 of Part 8.

- Subdivision 1—Entry of places
- Subdivision 3—Powers after entry
- Subdivision 5—Vehicles
- Subdivision 6—Power to seize evidence and dangerous things
- Subdivision 9—Emergency powers of inspectors

Clause 152 makes it an offence for a person to state anything to an inspector the person knows is false or misleading.

Clause 153 makes it an offence to give an inspector a document containing information the person knows is false, or misleading or incomplete.

Clause 154 makes it an offence to obstruct an inspector in the exercise of a power, unless the person has a reasonable excuse.

Clause 155 makes it an offence to impersonate an inspector.

Clause 156 details the functions of a State radiation analyst.

Clause 157 provides for the chief executive to appoint a person as a State radiation analyst, provided that the chief executive considers the person has the necessary expertise or experience to be a State radiation analyst.

Clause 158 specifies that a State radiation analyst holds office on the conditions stated in their instrument of appointment; and that an analyst may be appointed for a term or for the period during which the person holds another position (eg a position as a public service employee or health service employee).

Clause 159 makes provision for a State radiation analyst to issue a certificate of analysis, measurement or testing for a thing or sample taken by an inspector under clause 117(3)(c).

Clause 160 specifies that a certificate of analysis, measurement or testing must include information about the methodology used to conduct the analysis, measurement or testing.

PART 9—RADIATION ADVISORY COUNCIL

Clause 161 provides for the establishment of the Radiation Advisory Council.

Clause 162 sets out the functions of the Council and specifies that the Council must give the Minister a written report about the performance of its functions, if asked by the Minister to do so.

Clause 163 specifies that the Council is to consist of a total of 8 to 15 members comprising: the chief health officer; 6 to 13 persons with experience and knowledge of radiation and radiation safety; and at least one community representative. Other than the chief health officer, members of the Council are to be appointed by the Minister (the appointed members).

Clause 164 specifies that the maximum term for an appointed member of the Council is three years.

Clause 165 provides for the Minister to appoint a chairperson and deputy chairperson of the Council; specifies that only appointed members may be considered for these offices; and sets out the term for, and other procedural matters concerning, the offices of chairperson and deputy chairperson.

Clause 166 sets out the grounds for the disqualification of an appointed member of the Council.

Clause 167 specifies when an appointed member is taken to have vacated their position on the Council.

Clause 168 specifies that a notice of resignation tendered to the Minister under clause 165(3) or 167(a), takes effect when the notice is given to the Minister or, if a later time is stated in the notice, the later time.

Clause 169 provides for Council members to be paid fees and allowances as decided by the Governor in Council.

Clause 170 provides for the Council to conduct its business in a way it considers appropriate, subject to Division 3 of Part 9.

Clause 171 makes provision for Council meetings to be held at the times and places decided by the chairperson. However, the chairperson must call a meeting if asked, in writing, to do so by the Minister or a quorum of the Council. If the office of chairperson is vacant, the deputy chairperson can fulfil these duties.

Clause 172 defines how many members constitute a quorum for the Council.

Clause 173 specifies who is to preside at a meeting of the Council—that is, the chairperson; or, if the chairperson is absent, the deputy chairperson; or, if both the chair and deputy are absent or these offices are vacant, a member chosen by the members present at the meeting.

Clause 174 sets out the voting procedures for meetings of the Council.

Clause 175 requires the Council to keep minutes of its meetings.

Clause 176 places an obligation on members of the Council to declare where they have a direct or indirect financial interest which may conflict with the proper performance of the member's duties when considering a matter before the Council.

Clause 177 enables the Council to establish committees for effectively and efficiently performing its functions. In addition, this clause specifies that a committee must include at least one member of the Council.

Clause 178 provides for committee members to be paid fees and allowances as decided by the Governor in Council.

Clause 179 places an obligation on the chief executive to ensure that the Council is provided with the necessary administrative support services the Council requires to carry out its functions effectively and efficiently.

Clause 180 places an obligation on the chief executive to provide the Council with information the Council believes it needs to perform its functions, provided that the information is available to the chief executive and the giving of such information does not contravene a provision of another Act.

Clause 181 specifies that the Council must, on an annual basis, give the Minister a written report about the performance of its functions. The Minister must publish the report in a way the Minister considers appropriate.

PART 10—REVIEWS AND APPEALS

Clause 182 specifies that an appeal against an original decision must, in the first instance, be by way of an application for internal review. An original decision is a decision for which a person must be given an information notice.

Clause 183 specifies who, and the matters against which a person, may apply for a decision to be reviewed by the chief executive (see Schedule 1).

Clause 184 sets out the process and time-frames for the lodgement of an application for the review of an original decision by the chief executive.

Clause 185 requires the chief executive to refer an application for the review of an original decision to the Radiation Advisory Council to obtain the Council's advice regarding the merits of the application.

Clause 186 enables the chief executive to make a further decision in relation to a matter under review to confirm the original decision, amend the original decision or substitute another decision for the original decision. This provision also places an obligation on the chief executive to abide by the processes and time-frames for the notification of the chief executive's decision in relation to an application for the review of a decision.

Clause 187 makes provision for a court to stay the operation of an original decision, where an application has been lodged for the review of this decision.

Clause 188 enables a person to appeal to the District Court where the person is dissatisfied with the decision made by the chief executive in relation to the review of an original decision.

Clause 189 specifies that an appeal may be made to the District Court at Brisbane or nearest the place where the person resides or carries on business.

Clause 190 sets out the notification requirements and time-frames for an appeal to the District Court.

Clause 191 makes provision for a court to stay the operation of a decision made by the chief executive under clause 186, where an appeal has been made to the District Court regarding this decision.

Clause 192 specifies that in deciding an appeal, the court has the same powers as the chief executive, is not bound by the rules of evidence and must comply with natural justice. An appeal is by way of re-hearing.

Clause 193 sets out what actions a Court may take in deciding an appeal—that is, confirm the original decision; amend the original decision; substitute another decision for the original decision; or set aside the decision and return the issue to the chief executive with directions the court considers appropriate.

Clause 194 makes provision for a person aggrieved by the decision of the District Court to appeal to the Supreme Court, but only on a question of law.

PART 11—LEGAL PROCEEDINGS

Clauses 195 states that Division 1 of Part 11 applies to a proceeding under this Act.

Clauses 196 to 198 specify those matters which do not have to be proved, or which are considered to be evidence.

Clause 199 provides for offences under the Act to be dealt with as summary offences and specifies the period within which a proceeding for an offence can be commenced.

Clause 200 provides for the recovery of costs where a court finds that a defendant caused a situation that resulted, or could have resulted, in harm to persons by committing an offence.

Clause 201 provides for the payment of compensation where a court convicts a person of an offence against the Act.

Clause 202 provides for the chief executive to apply to the court for the recovery of costs incurred during the investigation of an offence against this Act, where a court convicts a person of the offence.

Clause 203 provides that the matters specified in clauses 200 to 202 are to be heard in the court's civil jurisdiction and are to be decided on the balance of probabilities.

Clause 204 specifies that an action or omission of a person's representative, in relation to an offence against this Act, is taken to have been done by the person, if the representative was acting within the scope of the representative's authority. However, the person can utilise the defence provided for under this provision and prove that they could not, by the exercise of reasonable diligence, have prevented the act or omission.

Clause 205 places an obligation on the executive officers of a corporation to ensure that the corporation complies with the legislation. As such, this provision creates an offence on the part of each executive officer in situations where the corporation has committed an offence against this Act. However, it is a defence for an executive officer to prove that they exercised reasonable diligence to ensure the corporation complied with the provision; or were not in a position to influence the conduct of the corporation in relation to the offence.

Clause 206 provides that, in a proceeding for an offence relating to false or misleading information or a statement, it is enough for the charge to state that the information or statement was false or misleading.

PART 12—REGISTER AND INFORMATION

Clause 207 requires the chief executive to keep a register about licensees, accredited persons, qualified persons (ie those persons who hold a radiation safety officer certificate), inspectors and state radiation analysts. Each of these registers will comprise information prescribed under a regulation and be kept in a form the chief executive considers appropriate.

Clause 208 places an obligation on the chief executive to allow the public to inspect and obtain a copy of, or extract from, a register.

Clause 209 makes it an offence for specified persons to disclose information which a person has obtained in the course of, or because of, the person's functions under this Act, unless the disclosure is expressly authorised under this provision. The specified persons are a person who is, or was, the chief executive; an inspector; a state radiation analyst; a person involved in the administration of the legislation; a member of the Radiation Advisory Council; or a member of a committee of the Radiation Advisory Council.

Information which is protected under this provision includes personal health information; personal monitoring information; and information that could damage the commercial activities, or adversely affect the intellectual property rights, of the person to whom the protected information relates.

Protected information may only be disclosed:

- if the information is disclosed in the performance of functions under this Act;
- with the written consent of the person to whom the protected information relates;
- to the person to whom the protected information relates;
- if the protected information is otherwise publicly available; or
- if the disclosure of the protected information is authorised or permitted under an Act or is required by law.

Personal monitoring and commercial information can be disclosed to a State or Commonwealth entity for a prescribed purpose.

PART 13—MISCELLANEOUS

Clause 210 provides for a regulation to be made exempting a radiation source from the Act or a provision of the Act if the exemption poses negligible health risks to persons. The issue of exemptions is discussed under the Consistency with Fundamental Legislative Principles section of these Explanatory Notes.

Clause 211 specifies that those persons who have a role in the administration of the Act are not civilly liable for an act done, or omission made, honestly and without negligence under this Act. Such liability attaches to the State.

Clause 212 makes it an offence for a person to pretend to be an accredited person.

Clause 213 specifies that the chief executive may not delegate the power to review a decision under Division 1 of Part 10.

Clause 214 provides for the chief executive to approve forms used under the Act.

Clause 215 provides for the Governor in Council to make regulations to give effect to the Act.

PART 14—REPEAL, SAVING AND TRANSITIONAL PROVISIONS

Clause 216 repeals the *Radioactive Substances Act 1958*.

Clause 217 provides for the existing regulations, the *Radioactive Substances Regulation 1961*, to remain in force until the earliest of the following happens:

- clause 216 commences;
- the end of 31 December 1999; or
- the regulation is otherwise repealed.

This section applies despite the *Statutory Instruments Act 1992* which has extended the *Radioactive Substances Regulation 1961* until 30 June 1999. The purpose of this provision is to enable the existing Act and Regulation to continue in force until the new Act (the *Radiation Safety Act*) and regulation under the Act commence. Without this extension, critical elements of the existing legislative regime will not be able to be enforced, for example, requirements governing the disposal of radioactive substances, the appointment of radiation safety officers, the conduct of radiation monitoring programs, and the implementation of measures to prevent or minimise radiation exposure.

Clause 218 defines certain terms used in Division 3 of Part 14.

Clause 219 specifies that a reference to the *Radioactive Substances Act 1958* (the repealed Act) may be taken to be a reference to the *Radiation Safety Act*, if the context permits.

Clause 220 sets out the transitional arrangements in relation to those licences granted under the *Radioactive Substances Act 1958*, which have not expired prior to the commencement of this Act. Under this clause a person who was granted a licence under the *Radioactive Substances Act*, for which there is an equivalent licence under this Act, is:

- taken to be the holder of a possession, use or transport licence; and
- provided with a “period of grace” during which they can apply for the same type of licence under this Act.

Clause 221 makes provision for an application for a licence submitted under the repealed Act, for which there is an equivalent licence under this Act, to be considered by the chief executive under Part 7 of the Act.

Clauses 222 and 223 set out the transitional arrangements concerning the application of clause 17 (Obligations of possession licensees), clause 18 (When a possession licensee must obtain a certificate of compliance) and clause 33 (Obligations in relation to approved radiation safety and protection plan—possession licensees) in relation to a “deemed possession licensee” (refer to clause 220). These clauses provide that a person who is taken to hold a deemed possession licence does not commit an offence under clauses 17, 18 or 33:

- during the period that the deemed possession licence is taken to be valid under this Act; or
- during the six month period commencing on the day the person is given written notice that their application for a possession licence under this Act has been successful.

Clause 224 sets out the transitional arrangements in relation to the appointment of a radiation safety officer by a deemed possession licensee.

Clause 225 sets out the transitional arrangements in relation to exemptions provided for under the repealed Act which are provided for under this Act. This provision provides that those persons will continue to be exempt for a period of 6 months or until their licence application under this Act, is decided.

Clause 226 provides for the continuation of an appeal commenced under the repealed Act.

Clause 227 provides for the commencement or continuation of proceedings for an offence against the repealed Act, as if this Act had not been passed.

Clause 228 clarifies that a thing seized as evidence under the repealed Act, is taken to have been properly seized under this Act.

Clause 229 provides for the continuation of the suspension of a licence under the repealed Act, where there is an equivalent licence under this Act.

Clause 230 continues the provisions of the *Radioactive Substances Act 1958* in relation to the analysis or testing of substances that have been seized or obtained under that Act, where the analysis or testing of the substance has not been completed.

Clause 231 makes provision for the making of a regulation that is necessary or convenient to assist in the transition from the *Radioactive Substances Act 1958* to the new Act in relation to the possession and use of a radiation source, or the transport of a radioactive substance.

This provision expires 1 year after its commencement. Any regulation made under this provision expires 1 year after it is made.

PART 15—CONSEQUENTIAL AMENDMENTS

Clauses 232 to 236 provide for the amendment of certain Acts to omit references to the *Radioactive Substances Act 1958* and replace them with references to the *Radiation Safety Act 1999*.

Schedule 1

Schedule 1 lists those decisions made under the Act for which information notices may be given and which therefore may be subject to internal review or appeal.

Schedule 2

Schedule 2 defines certain terms used in the Act.