



Queensland

Radiation Safety Amendment Bill 2009



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Radiation Safety Amendment Bill 2009

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2009

A Bill

for

An Act to amend the *Radiation Safety Act 1999*

| | | |
|-----------------|---|----------------|
| | The Parliament of Queensland enacts— | 1 |
| Clause 1 | Short title | 2 |
| | This Act may be cited as the <i>Radiation Safety Amendment Act 2009</i> . | 3 4 |
| Clause 2 | Commencement | 5 |
| | This Act commences on a day to be fixed by proclamation. | 6 |
| Clause 3 | Act amended | 7 |
| | This Act amends the <i>Radiation Safety Act 1999</i> . | 8 |
| Clause 4 | Amendment of s 4 (Main object of Act and its achievement) | 9 10 |
| | (1) Section 4(2)(e) to (g)— | 11 |
| | <i>renumber</i> as (g) to (i) | 12 |
| | (2) Section 4— | 13 |
| | <i>insert—</i> | 14 |
| | ‘(e) requiring a person who possesses a security enhanced source to have an approved security plan for the source; and | 15 16 17 |
| | (f) requiring a person to have an approved transport security plan for the transport of a security enhanced source; and’. | 18 19 20 |
| Clause 5 | Amendment of pt 1, div 4, heading | 21 |
| | Part 1, division 4, heading, ‘and protection’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | ‘, protection and security ’. | 24 |

| | | |
|-----------------|---|----|
| Clause 6 | Amendment of s 5 (Guiding principles) | 1 |
| | (1) Section 5, ‘(the <i>radiation safety and protection principles</i>)’— | 2 |
| | <i>omit, insert—</i> | 3 |
| | <i>omit, insert—</i> | 4 |
| | ‘(the <i>radiation safety, protection and security principles</i>)’. | 5 |
| | (2) Section 5— | 6 |
| | <i>insert—</i> | 7 |
| | ‘(c) People should be protected from unnecessary exposure to radiation resulting from a malevolent event by ensuring that radiation sources are safely managed and securely protected at all times, including after the end of their useful life.’. | 8 |
| | | 9 |
| | | 10 |
| | | 11 |
| | | 12 |
| Clause 7 | Amendment of s 6 (Interpretation to promote radiation safety and protection principles) | 13 |
| | (1) Section 6, heading, ‘and protection’— | 14 |
| | <i>omit, insert—</i> | 15 |
| | ‘, protection and security ’. | 16 |
| | ‘, protection and security ’. | 17 |
| | (2) Section 6, ‘and protection’— | 18 |
| | <i>omit, insert—</i> | 19 |
| | ‘, protection and security’. | 20 |
| Clause 8 | Amendment of s 12 (Requirement for possession licence) | 21 |
| | Section 12(1), penalty— | 22 |
| | <i>omit, insert—</i> | 23 |
| | ‘Maximum penalty— | 24 |
| | (a) for a radiation source that is not a security enhanced source—1000 penalty units; or | 25 |
| | | 26 |
| | (b) for a security enhanced source—2500 penalty units.’. | 27 |

| | | |
|----------------------|---|--------------|
| Clause 9 | Amendment of s 13 (Requirement for use licence) | 1 |
| | Section 13(1), penalty— | 2 |
| | <i>omit, insert—</i> | 3 |
| | ‘Maximum penalty— | 4 |
| | (a) for a radiation source that is not a portable security enhanced source—400 penalty units; or | 5 6 |
| | (b) for a portable security enhanced source—2500 penalty units.’. | 7 8 |
| Clause 10 | Amendment of s 14 (Requirement for transport licence—transport by road) | 9 10 |
| | Section 14(2), penalty— | 11 |
| | <i>omit, insert—</i> | 12 |
| | ‘Maximum penalty— | 13 |
| | (a) for a radioactive substance that is not a security enhanced source—400 penalty units; or | 14 15 |
| | (b) for a radioactive substance that is a security enhanced source—2500 penalty units.’. | 16 17 |
| Clause 11 | Amendment of s 15 (Requirement for transport licence—transport otherwise than by road) | 18 19 |
| | Section 15(1), penalty— | 20 |
| | <i>omit, insert—</i> | 21 |
| | ‘Maximum penalty— | 22 |
| | (a) for a radioactive substance that is not a security enhanced source—400 penalty units; or | 23 24 |
| | (b) for a radioactive substance that is a security enhanced source—2500 penalty units.’. | 25 26 |
| Clause 12 | Amendment of s 23 (Who may acquire a radiation source) | 27 |
| | Section 23(1), penalty— | 28 |

| | |
|---|--------|
| <i>omit, insert—</i> | 1 |
| ‘Maximum penalty— | 2 |
| (a) for a radiation source that is not a security enhanced source—400 penalty units; or | 3 4 |
| (b) for a security enhanced source—2500 penalty units.’. | 5 |

| | | |
|------------------|---|----------|
| Clause 13 | Amendment of s 24 (Supply of radiation sources) | 6 |
| | Section 24(1), penalty— | 7 |
| | <i>omit, insert—</i> | 8 |
| | ‘Maximum penalty— | 9 |
| | (a) for a radiation source that is not a security enhanced source—400 penalty units; or | 10 11 |
| | (b) for a security enhanced source—2500 penalty units.’. | 12 |

| | | |
|------------------|---|----------|
| Clause 14 | Amendment of s 25 (Person must not relocate radiation source without approval) | 13 14 |
| | (1) Section 25, heading, ‘radiation’— | 15 |
| | <i>omit, insert—</i> | 16 |
| | ‘ a radiation ’. | 17 |
| | (2) Section 25, penalty— | 18 |
| | <i>omit, insert—</i> | 19 |
| | ‘Maximum penalty— | 20 |
| | (a) for a radiation source that is not a security enhanced source—400 penalty units; or | 21 22 |
| | (b) for a security enhanced source—2500 penalty units.’. | 23 |

| | | |
|------------------|--|----------|
| Clause 15 | Amendment of pt 5, heading (Disposal of radioactive material and radiation apparatus) | 24 25 |
| | Part 5, heading, after ‘apparatus’— | 26 |

insert—

1

‘and abandoning of radiation sources’.

2

Clause 16 Insertion of new s 27A

3

Part 5—

4

insert—

5

‘27A Person must not abandon radiation source

6

‘(1) A person must not abandon a radiation source.

7

Maximum penalty—2500 penalty units.

8

‘(2) A person does not contravene subsection (1) if the person disposes of a radiation source under this Act.’.

9

10

Clause 17 Amendment of pt 6, heading (Other radiation safety and protection provisions)

11

12

Part 6, heading, ‘and protection’—

13

omit, insert—

14

‘, protection and security’.

15

Clause 18 Amendment of s 29 (Approval of plan)

16

Section 29, heading, ‘plan’—

17

omit, insert—

18

‘radiation safety and protection plan’.

19

Clause 19 Amendment of s 30 (Changing plan—chief executive’s initiative)

20

21

Section 30, heading, ‘plan’—

22

omit, insert—

23

‘approved radiation safety and protection plan’.

24

| | | |
|------------------|--|----------------|
| Clause 20 | Amendment of s 31 (Changing plan—application by possession licensee) | 1 2 |
| | Section 31, heading, ‘plan’— | 3 |
| | <i>omit, insert</i> — | 4 |
| | ‘approved radiation safety and protection plan’. | 5 |
| Clause 21 | Amendment of s 32 (Recording change of plan) | 6 |
| | Section 32, heading, ‘plan’— | 7 |
| | <i>omit, insert</i> — | 8 |
| | ‘approved radiation safety and protection plan’. | 9 |
| Clause 22 | Insertion of new pt 6, divs 1A and 1B | 10 |
| | Part 6— | 11 |
| | <i>insert</i> — | 12 |
| | ‘Division 1A Security plans | 13 |
| | ‘Subdivision 1 Interpretation | 14 |
| | ‘34A What is a <i>security plan</i> | 15 |
| | ‘(1) A <i>security plan</i> is a plan for the security of a security enhanced source that a possession licensee is allowed to possess under the licence. | 16 17 18 |
| | ‘(2) The plan must state the following— | 19 |
| | (a) particulars of the security enhanced source the licensee is allowed to possess; | 20 21 |
| | (b) the radiation practice for which the licensee is allowed to possess the source; | 22 23 |
| | (c) particulars, and an assessment, of all the security risks relating to the practice and source the licensee knows, or ought reasonably to know, exist or might arise; | 24 25 26 |

[s 22]

- (d) persons who have access to the source under the possession licensee’s licence and the type of access each person has to the source; 1
2
3
 - (e) other persons to whom the plan applies; 4
 - (f) the security measures for the source; 5
 - (g) any other measures necessary to deal with risks to the security of the source; 6
7
 - (h) how the licensee proposes to monitor and review the implementation and effectiveness of the measures; 8
9
 - (i) particulars of a training program for persons to whom the plan applies; 10
11
 - (j) if the possession licensee is a corporation—the name of the nominated person for the licensee; 12
13
 - (k) other particulars prescribed under a regulation. 14
- ‘(3) The plan must be written in a way likely to be easily understood by persons required to comply with the plan. 15
16
- ‘(4) The plan must be dated and signed by the licensee. 17
- ‘(5) In this section— 18
- security measures* are measures, prescribed under a regulation, for ensuring the security of a security enhanced source. 19
20
21

‘Subdivision 2 Approval of, and amendment of approved, security plans 22
23

‘34B Approval of security plan 24

- ‘(1) This section applies if the chief executive issues a possession licence for a security enhanced source. 25
26
- ‘(2) The chief executive is taken to have approved the security plan identified in the licence. 27
28
- ‘(3) The chief executive must endorse the plan with the chief executive’s written approval and give the endorsed plan to the possession licensee. 29
30
31

Note—

See section 51(3)(b), for the requirement for an application for a possession licence for a radiation source that is a security enhanced source to be accompanied by the proposed security plan for the source.

‘34C Changing approved security plan—chief executive’s initiative

- ‘(1) The chief executive may change a possession licensee’s approved security plan if the chief executive considers it necessary or desirable to make the change, having regard to the requirements for a security plan mentioned in section 34A(2).
- ‘(2) Before changing the plan, the chief executive must—
- (a) give a written notice to the licensee, stating—
 - (i) the particulars of the proposed change; and
 - (ii) the day it is proposed the change is to take effect; and
 - (iii) that the licensee may make written submissions to the chief executive about the proposed change before a stated day; and
 - (b) have regard to written submissions made to the chief executive by the licensee before the stated day.
- ‘(3) The stated day must not be earlier than 21 days after the notice is given to the licensee.
- ‘(4) If the chief executive decides to change the plan, the chief executive must immediately give the licensee an information notice about the decision.
- ‘(5) The change takes effect on the day stated for the change in the information notice and does not depend on—
- (a) the plan being amended to incorporate the change; or
 - (b) the licence being amended to identify the amended plan.
- ‘(6) The day mentioned in subsection (5) must not be earlier than 35 days after the notice is given to the licensee.

[s 22]

| | |
|--|----------------------|
| ‘34D Changing approved security plan—application by possession licensee | 1 2 |
| ‘(1) A possession licensee may apply to the chief executive to change the licensee’s approved security plan. | 3 4 |
| ‘(2) The application must— | 5 |
| (a) be in the approved form; and | 6 |
| (b) be accompanied by the fee prescribed under a regulation. | 7 8 |
| ‘(3) In deciding whether to grant the application, the chief executive must have regard to the requirements for a security plan mentioned in section 34A(2). | 9 10 11 |
| ‘(4) If the chief executive decides to grant the application, the chief executive must immediately give the licensee notice of the decision. | 12 13 14 |
| ‘(5) The change takes effect on the day stated for the change in the notice and does not depend on— | 15 16 |
| (a) the plan being amended to incorporate the change; or | 17 |
| (b) the licence being amended to identify the amended plan. | 18 |
| ‘(6) The day mentioned in subsection (5) must not be earlier than 35 days after the notice is given to the licensee. | 19 20 |
| ‘(7) If the chief executive decides not to grant the application, the chief executive must immediately give the licensee an information notice about the decision. | 21 22 23 |
| ‘(8) If the chief executive fails to decide the application within 90 days after its receipt, the failure is taken to be a decision by the chief executive not to grant the application. | 24 25 26 |
| ‘34E Recording change of approved security plan | 27 |
| ‘(1) This section applies if a possession licensee receives an information notice under section 34C(4), or a notice under section 34D(4), about a change to the licensee’s approved security plan. | 28 29 30 31 |
| ‘(2) Within 14 days after receiving the notice, the licensee must return the following documents to the chief executive— | 32 33 |

| | | |
|-----------------------|--|------------------|
| (a) | the plan, incorporating the change; | 1 |
| (b) | the licensee’s possession licence in which the plan is identified. | 2 3 |
| | Maximum penalty—50 penalty units. | 4 |
| ‘(3) | On receiving the plan, incorporating the change, the chief executive must immediately endorse the plan with the chief executive’s written approval and give the endorsed plan to the licensee. | 5 6 7 8 |
| ‘(4) | On receiving the licence, the chief executive must immediately amend the licence to identify the amended plan and give the amended licence to the licensee. | 9 10 11 |
| ‘Subdivision 3 | Obligations in relation to approved security plans | 12 13 |
| ‘34F | Obligations in relation to approved security plan—possession licensees | 14 15 |
| ‘(1) | This section applies to a possession licensee who, under the licence, possesses a security enhanced source. | 16 17 |
| ‘(2) | The licensee must take reasonable steps to ensure a person to whom the approved security plan for the source applies— | 18 19 |
| (a) | has always available for inspection a copy of the parts of the plan relevant to the person; and | 20 21 |
| (b) | has undergone the training program mentioned in the plan. | 22 23 |
| | Maximum penalty for subsection (2)—2500 penalty units. | 24 |
| ‘34G | Obligations in relation to approved security plan—access of persons to security enhanced source | 25 26 27 |
| ‘(1) | This section applies if a possession licensee, under the licence, possesses a security enhanced source. | 28 29 |
| ‘(2) | A person (the <i>first person</i>) must not personally access, or allow another person access to, the source unless— | 30 31 |

| | | |
|-----------------------|---|----------------|
| (i) | how the transport security plan holder proposes to monitor and review the implementation and effectiveness of the measures; | 1 2 3 |
| (j) | particulars of a training program for persons to whom the plan applies; | 4 5 |
| (k) | if the transport security plan holder is a corporation—the name of the nominated person for the holder; | 6 7 8 |
| (l) | other particulars prescribed under a regulation. | 9 |
| ‘(3) | The plan must be written in a way likely to be easily understood by persons required to comply with the plan. | 10 11 |
| ‘(4) | The plan must be dated and signed by the transport security plan holder. | 12 13 |
| ‘(5) | In this section— | 14 |
| | <i>transport security measures</i> are measures, prescribed under a regulation, for ensuring the security of a security enhanced source during its transport. | 15 16 17 |
| ‘Subdivision 2 | Approval of, and amendment of approved, transport security plans | 18 19 |
| ‘34I | When a person must have a transport security plan | 20 |
| ‘(1) | This section applies to the following persons— | 21 |
| (a) | a possession licensee acquiring a security enhanced source that needs to be transported to effect the acquisition; | 22 23 24 |
| (b) | a possession licensee relocating a security enhanced source that needs to be transported to effect the relocation; | 25 26 27 |
| (c) | a possession licensee whose security enhanced source is being transported between locations for the licensee’s radiation practice; | 28 29 30 |

[s 22]

- (d) a transport licensee who is transporting 2 or more radioactive substances that have become a security enhanced source as a result of their aggregation; 1
2
3
 - (e) another person who is transporting 2 or more radioactive substances that have become a security enhanced source as a result of their aggregation. 4
5
6
- ‘(2) A person to whom this section applies must not transport a security enhanced source unless the person has an approved transport security plan for the transport of the source. 7
8
9
- Maximum penalty—2500 penalty units. 10
- Note—* 11
- Sections 14 and 15 state the circumstances in which a person must hold a transport licence to transport a radioactive substance that is a security enhanced source. 12
13
14

‘34J Application for approval of transport security plan 15

- ‘(1) An application for approval of a transport security plan must— 16
17
- (a) be made to the chief executive; and 18
 - (b) be in the approved form; and 19
 - (c) be accompanied by— 20
 - (i) the proposed transport security plan; and 21
 - (ii) if the applicant is a possession licensee whose security enhanced source is to be transported between locations for the licensee’s radiation practice—the licensee’s licence; and 22
23
24
25
 - (iii) the fee prescribed under a regulation. 26
- ‘(2) The chief executive must consider the application and either grant, or refuse to grant, the application. 27
28
- ‘(3) The chief executive may grant the application only if the chief executive is satisfied the plan is adequate for the transport of the security enhanced source to which it relates, having regard to the requirements for a transport security plan mentioned in section 34H(2). 29
30
31
32
33

| | | |
|-------------|---|----------------------------|
| ‘34K | Inquiries into applications | 1 |
| ‘(1) | Before deciding the application, the chief executive— | 2 |
| | (a) may investigate the applicant; and | 3 |
| | (b) may, by written notice given to the applicant, require the applicant to give the chief executive, within a reasonable period of at least 30 days stated in the notice, further information or a document the chief executive reasonably requires to decide the application. | 4 5 6 7 8 |
| ‘(2) | The applicant is taken to have withdrawn the application if, within the stated period, the applicant does not comply with a requirement under subsection (1)(b). | 9 10 11 |
| ‘(3) | A notice under subsection (1)(b) must be given to the applicant within 90 days after the chief executive receives the application. | 12 13 14 |
| | | |
| ‘34L | Decision | 15 |
| ‘(1) | If the chief executive decides to grant the application, the chief executive must— | 16 17 |
| | (a) endorse the transport security plan with the chief executive’s written approval and give the endorsed plan to the applicant; and | 18 19 20 |
| | (b) if the applicant is a possession licensee whose security enhanced source is being transported between locations for the licensee’s radiation practice—amend the licensee’s licence to identify the plan and give the amended licence to the applicant. | 21 22 23 24 25 |
| ‘(2) | If the chief executive decides to refuse to grant the application, the chief executive must immediately give the applicant an information notice about the decision. | 26 27 28 |
| | | |
| ‘34M | Failure to decide applications | 29 |
| ‘(1) | Subject to subsections (2) and (3), if the chief executive fails to decide the application within 90 days after its receipt, the failure is taken to be a decision by the chief executive to refuse to grant the application. | 30 31 32 33 |

[s 22]

- '(2) Subsection (3) applies if— 1
 - (a) a person has made an application for approval of a 2
transport security plan; and 3
 - (b) the chief executive has, under section 34K(1)(b), 4
required the applicant to give the chief executive further 5
information or a document. 6
- '(3) The chief executive is taken to have refused to grant the 7
application if the chief executive does not decide the 8
application within 90 days after the chief executive receives 9
the further information or document. 10

**'34N Changing approved transport security plan—chief 11
executive's initiative 12**

- '(1) The chief executive may change an approved transport 13
security plan if the chief executive considers it necessary or 14
desirable to make the change having regard to the 15
requirements for a transport security plan mentioned in 16
section 34H(2). 17
- '(2) Before changing the plan, the chief executive must— 18
 - (a) give a written notice to the transport security plan 19
holder, stating— 20
 - (i) the particulars of the proposed change; and 21
 - (ii) the day it is proposed the change is to take effect; 22
and 23
 - (iii) that the transport security plan holder may make 24
written submissions to the chief executive about 25
the proposed change before a stated day; and 26
 - (b) have regard to written submissions made to the chief 27
executive by the transport security plan holder before 28
the stated day. 29
- '(3) The stated day must not be earlier than 21 days after the notice 30
is given to the transport security plan holder. 31

-
- ‘(4) If the chief executive decides to change the plan, the chief executive must immediately give the transport security plan holder an information notice about the decision.
- ‘(5) The change takes effect on the day stated for the change in the information notice and does not depend on the plan being amended to incorporate the change.
- ‘(6) The day mentioned in subsection (5) must not be earlier than 35 days after the notice is given to the transport security plan holder.

‘340 Changing approved transport security plan—application by transport security plan holder

- ‘(1) A transport security plan holder may apply to the chief executive to change the transport security plan holder’s approved transport security plan.
- ‘(2) The application must—
- (a) be in the approved form; and
 - (b) be accompanied by the fee prescribed under a regulation.
- ‘(3) In deciding whether to grant the application, the chief executive must have regard to the requirements for a transport security plan mentioned in section 34H(2).
- ‘(4) If the chief executive decides to grant the application, the chief executive must immediately give the transport security plan holder notice of the decision.
- ‘(5) The change takes effect on the day stated for the change in the notice and does not depend on the plan being amended to incorporate the change.
- ‘(6) The day mentioned in subsection (5) must not be earlier than 35 days after the notice is given to the transport security plan holder.
- ‘(7) If the chief executive decides not to grant the application, the chief executive must immediately give the transport security plan holder an information notice about the decision.

[s 22]

- ‘(8) If the chief executive fails to decide the application within 90 days after its receipt, the failure is taken to be a decision by the chief executive not to grant the application.

‘34P Recording change of approved transport security plan

- ‘(1) This section applies if a transport security plan holder receives an information notice under section 34N(4), or a notice under section 34O(4), about a change to the transport security plan holder’s approved transport security plan.
- ‘(2) Within 14 days after receiving the notice, the transport security plan holder must return the following documents to the chief executive—
- (a) the plan incorporating the change; and
 - (b) if the applicant is a possession licensee whose security enhanced source is being transported between locations for the licensee’s radiation practice—the licensee’s possession licence in which the plan is identified.
- Maximum penalty—50 penalty units.
- ‘(3) On receiving the plan, incorporating the change, the chief executive must immediately endorse the plan with the chief executive’s written approval and give the endorsed plan to the transport security plan holder.
- ‘(4) On receiving the licence, the chief executive must immediately amend the licence to identify the amended plan and give the amended licence to the licensee.

‘Subdivision 3 Obligations in relation to approved transport security plans

‘34Q Obligations in relation to approved transport security plan—transport security plan holder

- ‘A transport security plan holder must take reasonable steps to ensure a person to whom the approved transport security plan applies—

-
- (a) has always available for inspection a copy of the parts of the plan relevant to the person; and 1
2
 - (b) has undergone the training program mentioned in the plan. 3
4
- Maximum penalty—2500 penalty units. 5

- ‘34R Obligations in relation to approved transport security plan—access of persons to security enhanced source** 6
7
8
- ‘(1) This section applies if there is an approved transport security plan for the transport of a security enhanced source. 9
10
 - ‘(2) A person (the *first person*) must not personally access, or allow another person access to, the source unless— 11
12
 - (a) the approved transport security plan provides for the first person and the other person to access the source; and 13
14
15
 - (b) the first person has available for inspection a copy of the parts of the approved transport security plan relevant to the access to the source; and 16
17
18
 - (c) the first person has undergone the training program mentioned in the plan. 19
20
- Maximum penalty for subsection (2)—2500 penalty units.’. 21

- Clause 23 Amendment of pt 6, div 6, heading (Additional obligations of possession licensees and persons carrying out radiation practices)** 22
23
24
- Part 6, division 6, heading, ‘persons carrying out radiation practices’— 25
26
- omit, insert—* 27
- ‘other persons’.** 28

| | | |
|----------------------|---|----------------------|
| Clause 24 | Amendment of s 43 (Additional obligations of possession licensees) | 1 2 |
| | Section 43(2)— | 3 |
| | <i>omit, insert—</i> | 4 |
| | ‘(2) The licensee must take reasonable steps to ensure that neither of the following is adversely affected by exposure to radiation because of the carrying out of the practice with the source— | 5 6 7 |
| | (a) the health or safety of any person; | 8 |
| | (b) the environment. | 9 |
| | Maximum penalty—500 penalty units.’. | 10 |
| Clause 25 | Amendment of s 44 (Additional obligation of persons carrying out radiation practices) | 11 12 |
| | Section 44(2)— | 13 |
| | <i>omit, insert—</i> | 14 |
| | ‘(2) A person carrying out the practice with the source must take reasonable steps to ensure that neither of the following is adversely affected by exposure to radiation because of the way the person carries out the practice— | 15 16 17 18 |
| | (a) the health or safety of any person; | 19 |
| | (b) the environment. | 20 |
| | Maximum penalty—500 penalty units.’. | 21 |
| Clause 26 | Insertion of new ss 44A and 44B | 22 |
| | Part 6, division 6— | 23 |
| | <i>insert—</i> | 24 |
| | ‘44A Additional obligations of persons for security enhanced sources | 25 26 |
| | ‘(1) This section applies to the following persons— | 27 |
| | (a) a possession licensee who, under the licence, possesses a security enhanced source; | 28 29 |

-
- (b) the possession licensee’s employees and other persons who have access, or control access, to the source under the licensee’s approved security plan or approved transport security plan for the source;
- (c) other persons to whom the possession licensee’s approved security plan or approved transport security plan applies;
- (d) a transport licensee who is transporting 2 or more radioactive substances that have become a security enhanced source as a result of their aggregation;
- (e) the transport licensee’s employees and other persons who have access, or control access, to the source under the licensee’s approved transport security plan for the source;
- (f) other persons to whom the transport licensee’s approved transport security plan applies;
- (g) another person (the *transporter*) who is transporting 2 or more radiation sources that have become a security enhanced source as a result of their aggregation;
- (h) the transporter’s employees and other persons who have access, or control access, to the source under the transporter’s approved transport security plan for the source;
- (i) other persons to whom the transporter’s approved transport security plan applies.
- ‘(2) A person to whom this section applies must take reasonable steps to ensure the security of the security enhanced source.
Maximum penalty—2500 penalty units.
- ‘(3) Without limiting the ways in which a person may comply with subsection (2), a person is taken to comply with subsection (2) if, at the relevant time, the person is complying with the parts of the following that apply to the person—
- (a) the licensee’s approved security plan;
- (b) an approved transport security plan applying to the transport of the source.
-

[s 27]

‘(4) In this section— 1
employees, of a licensee or transporter, include agents of the 2
 licensee or transporter and the agents’ employees. 3

‘44B Requirement to have a nominated person 4

‘(1) This section applies to the following licensees if the licensee 5
 is a corporation— 6
 (a) a possession licensee who is allowed to possess a 7
 security enhanced source under the licence; 8
 (b) a transport licensee who is allowed to transport a 9
 radioactive substance that is a security enhanced source 10
 other than by road. 11

‘(2) The licensee must appoint and retain an individual (a 12
nominated person) to oversee the security of the security 13
 enhanced source. 14
 Maximum penalty—2500 penalty units. 15

‘(3) If the appointment of the licensee’s nominated person ends, 16
 the licensee must give the chief executive written notice of the 17
 ending of the appointment within 7 days of its ending. 18

‘(4) If the licensee gives the chief executive written notice under 19
 subsection (3), the licensee does not contravene subsection (2) 20
 in relation to any period, before the start of a new 21
 appointment, that may be reasonably necessary for the 22
 appointment to be made or take effect.’. 23

Clause 27 Amendment of s 45 (Notification of dangerous events) 24

(1) Section 45(1)(b)— 25
insert— 26
 ‘(iv) the source is damaged; 27
 (v) the source is subject to access that is not provided 28
 for under an approved security plan or approved 29
 transport security plan.’. 30

(2) Section 45(2), penalty— 31

| | |
|--|----------------------|
| <i>omit, insert—</i> | 1 |
| ‘Maximum penalty— | 2 |
| (a) if the dangerous event relates to a radiation source that is not a security enhanced source—100 penalty units; or | 3 4 |
| (b) if the dangerous event relates to a radiation source that is a security enhanced source—2500 penalty units.’. | 5 6 |
| (3) Section 45(3)(b)— | 7 |
| <i>omit, insert—</i> | 8 |
| ‘(b) state the following— | 9 |
| (i) particulars adequate to identify the source; | 10 |
| (ii) if the licensee knows the location of the source, its location; | 11 12 |
| (iii) if the licensee does not know the location of the source, the last location known to the licensee; | 13 14 |
| (iv) the circumstances surrounding the dangerous event; | 15 16 |
| (v) the steps taken, or proposed to be taken, to remedy the consequences of the dangerous event and to prevent the event happening again; | 17 18 19 |
| <i>Example—</i> | 20 |
| The possession licensee may initiate a review of the relevant security plan and submit changes to the plan to the chief executive for approval. | 21 22 23 |
| (vi) if a source is lost or stolen, other information relevant to the recovery of the source.’. | 24 25 |
| (4) Section 45— | 26 |
| <i>insert—</i> | 27 |
| ‘(4A) If a notice under subsection (2) relates to a security enhanced source, the chief executive must immediately advise each relevant authority the chief executive considers appropriate of the details contained in the notice.’. | 28 29 30 31 |
| (5) Section 45(5), definition <i>radiation incident</i> — | 32 |
| <i>omit.</i> | 33 |

[s 28]

- (6) Section 45(5)— 1
insert— 2
‘radiation incident means an incident adversely affecting, or 3
likely to adversely affect, either of the following because of 4
the emission of radiation— 5
(a) the health or safety of any person; 6
(b) the environment. 7
relevant authority means— 8
(a) the Queensland Police Service; or 9
(b) a body that has power under an Act of the 10
Commonwealth or a State to deal with a radiation 11
incident or dangerous event; or 12
(c) another body prescribed by regulation.’. 13

Clause 28 Replacement of s 51 (Procedural requirements for applications) 14
15

Section 51— 16
omit, insert— 17

‘51 Procedural requirements for applications 18

- ‘(1) An application for an Act instrument must— 19
(a) be made to the chief executive; and 20
(b) be in the approved form; and 21
(c) be accompanied by the following— 22
(i) the fees prescribed under a regulation; 23
(ii) if the applicant is an individual—the documents 24
prescribed under a regulation to prove the 25
applicant’s identity; 26
(iii) if the applicant is required to appoint a nominated 27
person—the documents prescribed under a 28
regulation to prove the nominated person’s 29
identity; 30

-
- (iv) other documents prescribed under a regulation. 1
- ‘(2) If the application is for a possession licence for a radiation 2
source that is not a security enhanced source, the application 3
must also be accompanied by the proposed radiation safety 4
and protection plan for the radiation practice for which the 5
applicant wants to possess the radiation source. 6
- ‘(3) If the application is for a possession licence for a radiation 7
source that is a security enhanced source, the application must 8
also be accompanied by— 9
- (a) the proposed radiation safety and protection plan for the 10
radiation practice for which the applicant wants to 11
possess the radiation source; and 12
- (b) the proposed security plan for the radiation source. 13
- ‘(4) If the application is for an approval to relocate, the application 14
must also be accompanied by the written approval for the 15
proposed relocation given by the regulatory authority 16
responsible for preventing or minimising health risks to any 17
person or harm to the environment, in so far as exposure to 18
radiation is concerned, in the locality to which the applicant 19
proposes to relocate the radiation source concerned. 20
- ‘(5) If the application is for a possession licence or transport 21
licence for a security enhanced source or a use licence for a 22
portable security enhanced source— 23
- (a) the application must also be accompanied by the fee 24
prescribed under a regulation for the security check and 25
criminal history check under division 10; and 26
- (b) the approved form must require— 27
- (i) the disclosure of the applicant’s criminal history; 28
and 29
- (ii) if the applicant is a corporation— 30
- (A) the nomination by the corporation of the 31
individual who will oversee the security of 32
the security enhanced source; and 33
- (B) the disclosure of that individual’s criminal 34
history. 35
-

[s 29]

- ‘(6) The *Criminal Law (Rehabilitation of Offenders) Act 1986* does not apply to a disclosure under subsection (5)(b). 1
2
- ‘(7) The chief executive must consider the application and either grant, or refuse to grant, the application. 3
4
- ‘(8) The chief executive may grant the application only if the chief executive is satisfied the applicant is a suitable person to hold the instrument.’. 5
6
7

Clause 29 Amendment of s 53 (Criteria for applications—possession licences) 8
9

- (1) Section 53(d), ‘and 43’— 10
omit, insert— 11
‘34F, 34Q, 43, 44A and 44B’. 12
- (2) Section 53(g) and (h)— 13
omit, insert— 14
 - ‘(g) the outcome of the security check and criminal history check under division 10 for— 15
16
 - (i) the applicant; or 17
 - (ii) if the applicant is a corporation, the nominated person for the applicant; 18
19
 - (h) whether the applicant held an Act instrument under this Act, or a similar instrument under the repealed Act or a corresponding law, that was suspended or cancelled; 20
21
22
 - (i) if the application relates to a security enhanced source, the adequacy of the proposed security plan for the source, having regard to section 34A; 23
24
25
 - (j) anything else relevant to the security of the radiation source to which the application relates; 26
27
 - (k) anything else relevant to the following in so far as exposure to radiation is concerned— 28
29
 - (i) the health or safety of any person; 30
 - (ii) harm to the environment.’. 31

| | | |
|------------------|--|----------------|
| | (3) Section 53— | 1 |
| | <i>insert—</i> | 2 |
| | ‘(2) For subsection (1)(g), the chief executive must have regard to whether— | 3 4 |
| | (a) a person mentioned in that provision has been convicted of, or charged with, a relevant offence in Queensland or elsewhere; and | 5 6 7 |
| | (b) it is an unacceptable security risk for the person to possess a security enhanced source.’. | 8 9 |
| Clause 30 | Amendment of s 54 (Criteria for applications—use licences) | 10 11 |
| | (1) Section 54(e) and (f)— | 12 |
| | <i>omit, insert—</i> | 13 |
| | ‘(e) the outcome of the security check and criminal history check under division 10 for the applicant; | 14 15 |
| | (f) whether the applicant held an Act instrument under this Act, or a similar instrument under the repealed Act or a corresponding law, that was suspended or cancelled; | 16 17 18 |
| | (g) anything else relevant to the security of the radiation source to which the application relates; | 19 20 |
| | (h) anything else relevant to the following in so far as exposure to radiation is concerned— | 21 22 |
| | (i) the health or safety of any person; | 23 |
| | (ii) harm to the environment.’. | 24 |
| | (2) Section 54— | 25 |
| | <i>insert—</i> | 26 |
| | ‘(2) For subsection (1)(e), the chief executive must have regard to whether— | 27 28 |
| | (a) the applicant has been convicted of, or charged with, a relevant offence in Queensland or elsewhere; and | 29 30 |

[s 31]

- (b) it is an unacceptable security risk for the applicant to use a security enhanced source.’. 1
2

Clause 31 Amendment of s 55 (Criteria for applications—transport licences) 3
4

- (1) Section 55(f) and (g)— 5
 - omit, insert—* 6
 - ‘(f) the outcome of the security check and criminal history check under division 10 for— 7
 - (i) the applicant; and 9
 - (ii) if the applicant is a corporation, the nominated person for the applicant; 10
11
 - (g) whether the applicant held an Act instrument under this Act, or a similar instrument under the repealed Act or a corresponding law, that was suspended or cancelled; 12
13
14
 - (h) anything else relevant to the security of the radioactive substance to which the application relates; 15
16
 - (i) anything else relevant to the following in so far as exposure to radiation is concerned— 17
18
 - (i) the health or safety of any person; 19
 - (ii) harm to the environment.’. 20
- (2) Section 55— 21
 - insert—* 22
 - ‘(2) For subsection (1)(f), the chief executive must have regard to whether— 23
24
 - (a) a person mentioned in that provision has been convicted of, or charged with, a relevant offence in Queensland or elsewhere; and 25
26
27
 - (b) it is an unacceptable security risk for the person to transport a security enhanced source.’. 28
29

| | | |
|------------------|---|----|
| Clause 32 | Amendment of s 56 (Criteria for applications—accreditation certificates) | 1 |
| | | 2 |
| | Section 56(e)— | 3 |
| | <i>omit, insert—</i> | 4 |
| | ‘(e) anything else relevant to the following in so far as exposure to radiation is concerned— | 5 |
| | | 6 |
| | (i) the health or safety of any person; | 7 |
| | (ii) harm to the environment.’. | 8 |
| Clause 33 | Amendment of s 57 (Criteria for applications—approvals to acquire) | 9 |
| | | 10 |
| | Section 57(f)— | 11 |
| | <i>omit, insert—</i> | 12 |
| | ‘(f) whether the radiation source to which the application relates, when aggregated with radiation sources already in the applicant’s possession, will result in the applicant being in possession of a security enhanced source; | 13 |
| | | 14 |
| | | 15 |
| | | 16 |
| | (g) if the application relates to a security enhanced source— | 17 |
| | (i) the adequacy of the approved security plan for the source, having regard to section 34A; and | 18 |
| | | 19 |
| | (ii) the adequacy of any approved transport security plan for the source, having regard to section 34H; | 20 |
| | | 21 |
| | (h) anything else relevant to the security of the radiation source to which the application relates; | 22 |
| | | 23 |
| | (i) anything else relevant to the following in so far as exposure to radiation is concerned— | 24 |
| | | 25 |
| | (i) the health or safety of any person; | 26 |
| | (ii) harm to the environment.’. | 27 |
| Clause 34 | Amendment of s 58 (Criteria for applications—approvals to dispose) | 28 |
| | | 29 |
| | Section 58(f)— | 30 |

[s 35]

- omit, insert—* 1
- ‘(f) anything relevant to the security of the radioactive material to which the application relates; 2
3
- (g) anything else relevant to the following in so far as exposure to radiation is concerned— 4
5
 - (i) the health or safety of any person; 6
 - (ii) harm to the environment.’. 7

- Clause 35** **Amendment of s 59 (Criteria for applications—approvals to relocate)** 8
9
- Section 59(1)(e)— 10
- omit, insert—* 11
- ‘(e) if the application relates to a security enhanced source— 12
- (i) the adequacy of the approved security plan for the source, having regard to section 34A; and 13
14
 - (ii) the adequacy of the approved transport security plan for the source, having regard to section 34H; 15
16
- (f) anything else relevant to the security of the radiation source to which the application relates; 17
18
- (g) anything else relevant to the following in so far as exposure to radiation is concerned— 19
20
- (i) the health or safety of any person; 21
 - (ii) harm to the environment.’. 22

- Clause 36** **Amendment of s 60 (Criteria for applications—radiation safety officer certificates)** 23
24
- (1) Section 60(b)(iii), ‘and protection’— 25
- omit, insert—* 26
- ‘, protection and security’. 27
- (2) Section 60(h)— 28
- omit, insert—* 29

-
- ‘(h) anything else relevant to the following in so far as exposure to radiation is concerned—
- (i) the health or safety of any person;
 - (ii) harm to the environment.’

- Clause 37 Amendment of s 61 (Inquiries into applications)**
- (1) Section 61(2)(a)(ii)—
- omit, insert—*
- ‘(ii) the applicant’s knowledge of issues relevant to the following in so far as exposure to radiation is concerned—
 - (A) the health or safety of any person;
 - (B) harm to the environment; and - (iii) the applicant’s knowledge of issues relevant to the security of the source; or’.
- (2) Section 61(2)(b)(ii)—
- omit, insert—*
- ‘(ii) the applicant’s knowledge of issues relevant to the following in so far as exposure to radiation is concerned—
 - (A) the health or safety of any person;
 - (B) harm to the environment; and - (iii) the applicant’s knowledge of issues relevant to the security of the substance; or’.
- (3) Section 61(2)(c)(iii)—
- omit, insert—*
- ‘(iii) the applicant’s knowledge of issues relevant to the following in so far as exposure to radiation is concerned—
 - (A) the health or safety of any person;
 - (B) harm to the environment; and

[s 38]

| | | |
|------------------|--|------------------------------------|
| | (iv) the applicant’s knowledge of issues relevant to the security of a radiation source; or’. | 1 2 |
| (4) | Section 61(2)(d)(ii)(C), ‘and protection’— <i>omit, insert—</i> ‘, protection and security’. | 3 4 5 |
| (5) | Section 61(2)(d)(v)— <i>omit, insert—</i> ‘(v) the applicant’s knowledge of issues relevant to the following in so far as exposure to radiation is concerned— (A) the health or safety of any person; (B) harm to the environment.’. | 6 7 8 9 10 11 12 |
| Clause 38 | Amendment of s 66 (Additional information for possession licences) | 13 14 |
| | Section 66(2)— <i>omit, insert—</i> | 15 16 |
| | ‘(2) Also, the approved form must identify— | 17 |
| | (a) the approved radiation safety and protection plan for the radiation practice; and | 18 19 |
| | (b) if the licensee is in possession of a security enhanced source— | 20 21 |
| | (i) the approved security plan for the source; and | 22 |
| | (ii) the approved transport security plan for the source if the licensee’s security enhanced source is being transported between locations for the licensee’s radiation practice.’. | 23 24 25 26 |
| Clause 39 | Amendment of s 76 (Imposition of conditions by chief executive) | 27 28 |
| | Section 76(1)— <i>omit, insert—</i> | 29 30 |

| | | |
|------------------|--|----------------------|
| | ‘(1) The chief executive may issue an Act instrument on conditions the chief executive considers necessary or desirable— | 1 2 3 |
| | (a) to protect persons, or the environment, from the harmful effects of radiation; or | 4 5 |
| | (b) to ensure the security of a radiation source.’. | 6 |
| Clause 40 | Amendment of s 88 (Immediate suspension of licence or accreditation certificate pending formal cancellation procedure) | 7 8 9 |
| | Section 88(1)(b)— | 10 |
| | <i>omit, insert—</i> | 11 |
| | ‘(b) it is necessary to immediately suspend the licence until the formal cancellation procedure is completed— | 12 13 |
| | (i) in the interests of the health or safety of any person who may be exposed to radiation emitted from the radiation source to which the licence relates; or | 14 15 16 |
| | (ii) because the environment may be harmed by exposure to radiation emitted from the radiation source to which the licence relates; or | 17 18 19 |
| | (iii) because the security of a radiation source to which the licence relates is at risk.’. | 20 21 |
| Clause 41 | Amendment of s 95 (Changing conditions of conditional Act instruments—chief executive acting on own initiative) | 22 23 24 |
| | Section 95(1)— | 25 |
| | <i>omit, insert—</i> | 26 |
| | ‘(1) The chief executive may decide to change the conditions of a conditional Act instrument imposed by the chief executive if the chief executive considers it necessary or desirable to make the change— | 27 28 29 30 |

[s 42]

- (a) to protect persons, or the environment, from the harmful effects of radiation; or 1
2
- (b) to ensure the security of a radiation source.’. 3

Clause 42 Insertion of new pt 7, div 10 4

Part 7— 5

insert— 6

‘Division 10 Security and criminal history checks for applicants for Act instruments 7
8
9

‘103A Persons for whom security and criminal history checks may be conducted 10
11

- (1) The chief executive may conduct a security check and criminal history check for the following— 12
13
 - (a) an applicant for a possession licence for a security enhanced source; 14
15
 - (b) an applicant for a transport licence for a security enhanced source; 16
17
 - (c) if an applicant mentioned in paragraph (a) or (b) is a corporation, the nominated person for the applicant; 18
19
 - (d) an applicant for a use licence for a portable security enhanced source; 20
21
 - (e) a person who is to have access to a portable security enhanced source under the approved security plan for the source if— 22
23
24
 - (i) requested in the approved form by the possession licensee for the source; and 25
26
 - (ii) the request is accompanied by the written consent of the person who is to have access to the source; 27
28
 - (f) a person who is to have access to a security enhanced source under the approved transport security plan for the transport of the source if— 29
30
31

-
- (i) requested in the approved form by the transport security plan holder for the source; and
 - (ii) the request is accompanied by the written consent of the person who is to have access to the source.
- ‘(2) The chief executive may conduct a criminal history check for an applicant for an Act instrument if the chief executive knows, or reasonably suspects, that the applicant has been convicted of an indictable offence.
- ‘(3) A regulation may prescribe a fee for a security check or criminal history check and the person by whom the fee must be paid.

‘103B Criminal history check etc.

- ‘(1) The chief executive may ask the commissioner of police or other entity for a written report about the criminal history of a person for section 103A(1) or (2).
- ‘(2) Also, the chief executive may ask the commissioner of police or other entity for a brief description of the circumstances of a conviction or charge mentioned in the person’s criminal history.
- ‘(3) For subsections (1) and (2), the chief executive’s request may include the following information—
- (a) the person’s name and any other name the chief executive believes the person may use or have used;
 - (b) the person’s residential address;
 - (c) the person’s gender and date and place of birth.
- ‘(4) After receiving the written report about the criminal history of the person, the chief executive may request further information about the person’s criminal history from the commissioner of police or other entity.
- ‘(5) Further information provided under subsection (4) is taken to be part of the person’s criminal history check.
- ‘(6) Subject to subsection (7), the commissioner of police must comply with a request under this section.

[s 42]

| | |
|--|----------------------|
| ‘(7) The commissioner of police’s obligation to comply with the request applies only to information in the possession of the commissioner or to which the commissioner has access. | 1 2 3 |
| ‘(8) The <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> does not apply to the asking for, or giving of, the information mentioned under this section. | 4 5 6 |
| ‘103C Security check | 7 |
| ‘(1) The chief executive may ask the commissioner of police or other entity to— | 8 9 |
| (a) conduct a security check for a person for section 103A(1); and | 10 11 |
| (b) advise the chief executive of the outcome of the security check for the person. | 12 13 |
| ‘(2) After receiving the outcome of the security check for the person, the chief executive may request further information about the security check from the commissioner of police or other entity. | 14 15 16 17 |
| ‘(3) Further information provided under subsection (2) is taken to be part of the person’s security check. | 18 19 |
| ‘(4) Subject to subsection (5), the commissioner of police must comply with a request under this section. | 20 21 |
| ‘(5) The commissioner of police’s obligation to comply with the request applies only to information in the possession of the commissioner or other entity or to which the commissioner or other entity has access. | 22 23 24 25 |
| ‘(6) The <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> does not apply to the asking for, or giving of, the information mentioned in this section. | 26 27 28 |
| ‘103D Commissioner of police must notify changes in criminal history | 29 30 |
| ‘(1) This section applies if a person who is charged with an offence is a person for whom a security check or criminal history check has been conducted under this division. | 31 32 33 |

-
- ‘(2) The commissioner of police must notify the chief executive about the change in the person’s criminal history. 1
2
- ‘(3) The notice must state the following— 3
- (a) the person’s name and address; 4
 - (b) the person’s date of birth; 5
 - (c) the offence the person is charged with; 6
 - (d) particulars of the offence; 7
 - (e) the date of the charge. 8
- ‘(4) On receiving a notice under subsection (2) about the person, the chief executive may write to the person to inform the person of their obligation under section 103H. 9
10
11
- ‘(5) The *Criminal Law (Rehabilitation of Offenders) Act 1986* does not apply to the giving of a notification under subsection (2). 12
13
14
- ‘103E When chief executive must give a person details of information received about the person 15
16**
- ‘(1) This section applies to information about a person received by the chief executive under sections 103B, 103C or 103D. 17
18
- ‘(2) Before using the information to make a decision under this Act the chief executive must give written notice to the person stating— 19
20
21
- (a) details of the information received; and 22
 - (b) that the person may, within a stated period of not less than 28 days, make representations to the chief executive about the information. 23
24
25
- ‘(3) However, subsection (2) does not apply if under a law of the Commonwealth— 26
27
- (a) the person has already been given the opportunity to make representations about the information; or 28
29
 - (b) a decision has been made that the information should not be given to the person because it would be prejudicial to the interests of national security. 30
31
32
-

| | |
|--|---------------------|
| ‘103F Representations about information in notice | 1 |
| ‘(1) The person receiving a notice under section 103E may make written representations about the information contained in the notice within the period stated in the notice. | 2 3 4 |
| ‘(2) The chief executive must consider all representations made under subsection (1). | 5 6 |
| | |
| ‘103G When chief executive may give information to possession licensee or transport security plan holder | 7 8 |
| ‘(1) Subsection (2) applies if the chief executive has conducted a security check and criminal history check for a person at the request of a possession licensee or transport security plan holder under section 103A(1)(e) or (f). | 9 10 11 12 |
| ‘(2) The chief executive may advise the possession licensee or transport security plan holder of the outcome of the security check and criminal history check for the person. | 13 14 15 |
| | |
| ‘103H Changes in criminal history | 16 |
| ‘(1) This section applies if there is a change in the criminal history of a person for whom a criminal history check has been, or is being, conducted under this division. | 17 18 19 |
| ‘(2) The person must immediately disclose the details of the change to the chief executive. | 20 21 |
| ‘(3) For a person who does not have a criminal history, there is taken to be a change in the person’s criminal history if the person acquires a criminal history. | 22 23 24 |
| ‘(4) The <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> does not apply to disclosure under this section. | 25 26 |
| | |
| ‘103I Requirements for disclosure of changes in criminal history | 27 28 |
| ‘(1) To comply with section 103H, the person must give the disclosure in the approved form. | 29 30 |

- ‘(2) The information disclosed by the person about a conviction or charge for an offence in the person’s criminal history must include each of the following—
- (a) the existence of the conviction or charge;
 - (b) when the offence was committed or alleged to have been committed;
 - (c) details adequate to identify the offence or alleged offence;
 - (d) for a conviction—
 - (i) whether or not a conviction was recorded; and
 - (ii) the sentence imposed on the person.

‘103J Failure to disclose changes in criminal history

‘A person must not fail to give the chief executive a disclosure required under section 103H unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.’.

Clause 43 Amendment of s 117 (General powers after entering places)

- (1) Section 117(3)(d)—

omit, insert—

‘(d) take an extract from, or copy, a document at the place or take the document to another place to copy it; or

(da) if a video surveillance device is installed at the place to monitor the security of a security enhanced source—take a tape, disc or other thing from the device for checking compliance with the approved security plan for the source; or’.

- (2) Section 117(3)(e)(i), after ‘person’—

insert—

‘, or the environment.’.

[s 43]

- (3) Section 117(3)(e)(iii), after ‘persons’— 1
insert— 2
‘, or the levels of risk of harm to the environment.’ 3
- (4) Section 117(3)(e)— 4
insert— 5
‘(v) if there is a security risk concerning a radiation 6
source, the level of the risk; or’ 7
- (5) Section 117(3)— 8
insert— 9
‘(ea) test a security device or other thing at the place to assess 10
the adequacy of measures to deal with the security of a 11
radiation source at the place; or’ 12
- (6) Section 117(3)(f)— 13
omit, insert— 14
‘(f) inquire into the circumstances and probable causes of 15
the following at the place— 16
(i) a radiation hazard; 17
(ii) a security risk, or a security breach, concerning a 18
radiation source; 19
(iii) a risk of harm to the environment concerning a 20
radiation source; or’ 21
- (7) Section 117(3)— 22
insert— 23
‘(ga) if there is or has been an increased security risk, or a 24
security breach, concerning a radiation source at the 25
place— 26
(i) require a person not to enter, or remain at or near, 27
the place; or 28
(ii) direct the actions of a person at or near the place; 29
or’ 30
- (8) Section 117(4), after ‘(g),’— 31

insert— 1

‘(ga),’.

(9) Section 117— 3

insert— 4

‘(5) If an inspector takes a document from a place to copy it, the document must be copied and returned to the place as soon as practicable.’ 5
6
7

‘(6) If an inspector takes a tape, disc or other thing from a video surveillance device, it must be copied and returned to the place as soon as practicable.’ 8
9
10

Clause 44 Amendment of s 119 (Failure to comply with requirement not to enter or remain at a place) 11
12

Section 119, after ‘(g)’— 13

insert— 14

‘or (ga)’.

Clause 45 Amendment of s 124 (Stopping vehicle) 16

(1) Section 124(1)(c), after ‘safety’— 17

insert— 18

‘, or the environment,’.

(2) Section 124(1)— 20

insert— 21

‘(d) the security of radioactive material is at risk because of the way the material is being transported in or on a vehicle.’. 22
23
24

Clause 46 Amendment of s 148 (Emergency powers) 25

Section 148(1)(b)— 26

insert— 27

‘(iii) for a source that has been lost or stolen, to recover the source because it poses, or may pose, a threat to national security.’. 1
2
3

Clause 47 Amendment of s 163 (Membership of council) 4

Section 163(1)(b)(iii)— 5

omit, insert— 6

‘(iii) ways of preventing or minimising health risks to any person, or harm to the environment, in so far as exposure to radiation is concerned; and’. 7
8
9

Clause 48 Amendment of s 198 (Evidentiary aids) 10

(1) Section 198(1)(d) to (k)— 11

renumber as (f) to (m). 12

(2) Section 198(1)— 13

insert— 14

‘(d) a stated document is an approved security plan for a security enhanced source; 15
16

(e) a stated document is an approved transport security plan for the transport of a security enhanced source;’. 17
18

(3) Section 198(1)(f) as renumbered, ‘or (c)’— 19

omit, insert— 20

‘, (c), (d) or (e)’. 21

Clause 49 Amendment of s 200 (Recovery of costs of avoiding or minimising adverse health effects) 22
23

(1) Section 200, heading, ‘health’— 24

omit. 25

(2) Section 200(1)(a)(i)— 26

omit, insert— 27

| | | |
|------------------|---|----------------------------|
| | ‘(i) the court finds the defendant caused a situation that resulted, or could have resulted, in either of the following being adversely affected by committing the offence— | 1 2 3 4 |
| | (A) the health or safety of any person; | 5 |
| | (B) the environment; and’. | 6 |
| Clause 50 | Amendment of s 209 (Confidentiality of information) | 7 |
| | Section 209— | 8 |
| | <i>insert—</i> | 9 |
| | ‘(6A) However, subsection (6)(a) does not prevent the Commonwealth or another State or entity giving the protected information to someone else if the Commonwealth, State or entity reasonably considers the giving of the information is necessary to protect national security.’. | 10 11 12 13 14 |
| Clause 51 | Amendment of s 211 (Protecting officials from liability) | 15 |
| | Section 211(3), definition <i>official</i> — | 16 |
| | <i>insert—</i> | 17 |
| | ‘(f) a member; or | 18 |
| | (g) a member of a committee.’. | 19 |
| Clause 52 | Amendment of s 215 (Regulation-making power) | 20 |
| | Section 215(2)— | 21 |
| | <i>insert—</i> | 22 |
| | ‘(fa) matters relating to the security of radiation sources to prevent or minimise risks to any person or harm to the environment;’. | 23 24 25 |
| Clause 53 | Replacement of pt 14, div 3, heading | 26 |
| | Part 14, division 3, heading— | 27 |

| | | |
|-------------|---|----------------------|
| (a) | the expiry of the existing licence; | 1 |
| (b) | the issue of a new licence to the licensee; | 2 |
| (c) | the end of the transitional period. | 3 |
| ‘(6) | Subsection (5) applies subject to section 81. | 4 |
| ‘233 | Transitional provision for use licensees | 5 |
| ‘(1) | This section applies to a use licensee who, at the commencement, is authorised to use a radiation source that is a portable security enhanced source under the licensee’s licence (the <i>existing licence</i>). | 6 7 8 9 |
| ‘(2) | The use licensee may, within the transitional period, apply to have a new use licence issued by the chief executive. | 10 11 |
| ‘(3) | The licensee’s existing licence is taken to expire on the earlier of the following— | 12 13 |
| (a) | the issue of a new licence to the licensee; | 14 |
| (b) | the end of the transitional period. | 15 |
| ‘234 | Transitional provision for transport licensees | 16 |
| ‘(1) | This section applies to a transport licensee who, at the commencement, is authorised to transport a radioactive substance that is a security enhanced source under the licensee’s licence (the <i>existing licence</i>). | 17 18 19 20 |
| ‘(2) | The transport licensee may, within the transitional period, apply to have a new transport licence issued by the chief executive. | 21 22 23 |
| ‘(3) | The licensee’s existing licence is taken to expire on the earlier of the following— | 24 25 |
| (a) | the issue of a new licence to the licensee; | 26 |
| (b) | the end of the transitional period. | 27 |

[s 55]

- ‘235 Transitional provision for transport security plans** 1
- ‘(1) Section 34I does not apply to the transport of a security 2
enhanced source by a person if the transport happens during 3
the transitional period. 4
- ‘(2) However, nothing prevents the following during the 5
transitional period— 6
- (a) a person applying for approval of a transport security 7
plan; or 8
- (b) the chief executive deciding the application. 9
- ‘(3) Also, the provisions of part 6, division 1B apply to the 10
following— 11
- (a) an application made for an approval of a transport 12
security plan during the transitional period; 13
- (b) a transport security plan approved by the chief executive 14
during the transitional period.’. 15

**Clause 55 Amendment of sch 1 (Decisions for which information 16
notices must be given) 17**

Schedule 1— 18

insert— 19

‘34C changing an approved security plan for a
security enhanced source

34D refusing to grant an application to change an
approved security plan for a security enhanced
source

34L decision to refuse to grant an application for
approval of a transport security plan

34N changing an approved transport security plan
for the transport of a security enhanced source

34O refusing to grant an application to change an
approved transport security plan for the
transport of a security enhanced source’.

| | | |
|------------------|--|----|
| Clause 56 | Amendment of sch 2 (Dictionary) | 1 |
| | (1) Schedule 2, definition <i>radiation safety and protection principles</i> — | 2 |
| | <i>omit.</i> | 3 |
| | <i>omit.</i> | 4 |
| | (2) Schedule 2— | 5 |
| | <i>insert</i> — | 6 |
| | <i>‘approved security plan</i> , for a security enhanced source, | 7 |
| | means a security plan approved by the chief executive for the | 8 |
| | source, and includes the plan as changed under section 34C or | 9 |
| | 34D. | 10 |
| | <i>approved transport security plan</i> for a security enhanced | 11 |
| | source, means a transport security plan approved by the chief | 12 |
| | executive for the transport of the source, and includes the plan | 13 |
| | as changed under section 34N or 34O. | 14 |
| | <i>commissioner of police</i> means the commissioner of the police | 15 |
| | service appointed under the <i>Police Service Administration Act</i> | 16 |
| | <i>1990</i> . | 17 |
| | <i>conviction</i> means a finding of guilt by a court, or the | 18 |
| | acceptance of a plea of guilty by a court, whether or not a | 19 |
| | conviction is recorded. | 20 |
| | <i>criminal history</i> , of a person, means all the following— | 21 |
| | (a) every conviction of the person for an offence, in | 22 |
| | Queensland or elsewhere, and whether before or after | 23 |
| | the commencement of this Act; | 24 |
| | (b) every charge made against the person for an offence, in | 25 |
| | Queensland or elsewhere, and whether before or after | 26 |
| | the commencement of this Act. | 27 |
| | <i>criminal history check</i> , for a person, means a check of the | 28 |
| | person’s criminal history. | 29 |
| | <i>firearm</i> see the <i>Weapons Act 1990</i> , schedule 2. | 30 |
| | <i>nominated person</i> , for an applicant or a licensee that is a | 31 |
| | corporation, means the individual nominated by the applicant | 32 |
| | or licensee as the individual who will oversee the security of a | 33 |
| | security enhanced source. | 34 |

[s 56]

other entity means an entity authorised to conduct a criminal history check or security check under a law of a State or the Commonwealth. 1
2
3

portable security enhanced source means a security enhanced source that— 4
5

- (a) is able to be carried by a person from place to place; and 6
- (b) is used, or intended for use, to carry out a radiation practice; and 7
8
- (c) if the source is a radioactive substance, is incorporated in a sealed source apparatus designed to allow the source to be carried by the person safely. 9
10
11

Example of portable security enhanced source— 12

An industrial radiography gamma camera that is used to test for defects in pipelines at different locations. 13
14

prescribed activity means an activity that is or is associated with— 15
16

- (a) the use, handling or transport of a drug, chemical, explosive, radiation source or biological agent; or 17
18
- (b) the storage, collection or manufacture of a drug, chemical, explosive, radiation source or biological agent; or 19
20
21
- (c) the sale, import or export of a drug, chemical, explosive, radiation source or biological agent. 22
23

radiation safety, protection and security principles see section 5. 24
25

relevant offence means— 26

- (a) an offence involving a prescribed activity; or 27
- (b) an offence involving violence or threatened violence; or 28
- (c) an offence involving the use, carriage, discharge or possession of a firearm; or 29
30
- (d) another offence prescribed under a regulation. 31

-
- security check*** means a check of a person’s background and activities to assess whether a person is, or may be, a threat to national security. 1
2
3
- security enhanced source*** means a radiation source, or an aggregation of radiation sources, prescribed under a regulation to be a security enhanced source. 4
5
6
- security plan*** see section 34A(1). 7
- transport***, a security enhanced source, includes the following— 8
9
- (a) prepare the source for transport; 10
 - (b) load and unload the source before, during and at the end of its transport; 11
12
 - (c) temporarily store the source before, during and at the end of its transport. 13
14
- transport security plan*** see section 34H(1). 15
- transport security plan holder*** means a person who has had a transport security plan approved by the chief executive.’. 16
17
- (3) Schedule 2, definition ***information notice***— 18
- insert*— 19
- ‘(h) if the decision is that an approved security plan be changed—a direction to the person to return the following documents to the chief executive, within 14 days after receiving the notice— 20
21
22
23
 - (i) the plan, incorporating the change; 24
 - (ii) the person’s possession licence in which the plan is identified; 25
26
 - ‘(i) if the decision is that an approved transport security plan be changed—a direction to the person to return the plan incorporating the change to the chief executive, within 14 days after receiving the notice.’. 27
28
29
30
- (4) Schedule 2, definition ***radiation hazard***, after ‘person— 31
- insert*— 32
- ‘, or the environment.’. 33
-

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