

NORTHERN TERRITORY OF AUSTRALIA  
RADIATION (SAFETY CONTROL) AMENDMENT ACT 1999

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No. 22 of 1999

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 22 of 1999

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## AN ACT

to amend the *Radiation (Safety Control) Act*

[Assented to 19 May 1999]  
[Second reading 25 February 1999]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Radiation (Safety Control) Amendment Act 1999*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Radiation (Safety Control) Act* is in this Act referred to as the Principal Act.

**4. Definitions**

Section 3 of the Principal Act is amended —

- (a) by inserting after the definition of "Chief Health Officer" the following:

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" 'Code of Safe Transport' means the code and any amendments to it approved by the Minister under section 36(1) to apply as the Code of Safe Transport;"; and

- (b) by omitting "35" from the definition of "exempted substance" and substituting "37".

**5. Disposal of radioactive substances**

Section 22 of the Principal Act is amended by omitting "Penalty: \$5000 or imprisonment for 2 years."

**6. Repeal and substitution**

Part V of the Principal Act is repealed and the following substituted:

**"PART V – TRANSPORT OF RADIOACTIVE SUBSTANCES**

**"35. Transport of radioactive substances**

"A person must not transport a radioactive substance or store, pack or stow a radioactive substance for transportation unless –

- (a) it is transported, stored, packed or stowed in accordance with the Code of Safe Transport; or
- (b) it is exempt under section 37.

**"36. Approval of Code of Safe Transport**

"(1) The Minister may, by notice in the *Gazette*, approve –

- (a) a code to apply; or
- (b) an amendment to that code to be incorporated into that code and apply,

as the Code of Safe Transport for the purposes of section 35(a).

"(2) The Code of Safe Transport may require a thing to be done in accordance with any code, standard or specification as in force from time to time referred to in it.

"(3) The Chief Health Officer –

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- (a) must cause a copy of the Code of Safe Transport to be made available for inspection by members of the public at the offices in Darwin of the Agency responsible to the Minister for the administration of this Act during normal working hours without charge; and
- (b) may cause copies of the Code of Safe Transport to be available for purchase by members of the public on payment of the charge the Chief Health Officer requires."

**"37. Exemptions**

"(1) The Chief Health Officer may, by notice in the *Gazette*, exempt a radioactive substance of a specified weight or activity from the application of this Part or from a specified provision of the Code of Safe Transport.

"(2) An exemption may be subject to the conditions the Chief Health Officer thinks fit and specifies in the notice.

"(3) A person must comply with the conditions of an exemption."

**7. Repeal and substitution**

Section 54 of the Principal Act is repealed and the following is substituted:

**"54. Offences and penalties**

"(1) Subject to this section, a person who contravenes or fails to comply with this Act commits an offence.

Penalty: In the case of a natural person – \$25,000.

In the case of a corporation – \$125,000.

"(2) A person who contravenes or fails to comply with section 22 or 35 commits an offence.

Penalty: In the case of a natural person – \$50,000.

In the case of a corporation – \$250,000.

"(3) A person who contravenes or fails to comply with section 55C(2) commits an offence.

Penalty: \$5,000."

**8. Regulatory offences**

Section 54A of the Principal Act is amended –

- (a) by omitting "of failing, refusing or neglecting to comply with" and substituting "against"; and
- (b) by omitting ", 44, 48, 49, 50(d) or (e), 52(1)".

**9. Repeal and substitution**

Section 55 of the Principal Act is repealed and the following substituted:

**"55. Evidentiary**

"(1) If in a proceeding in respect of an offence against this Act or the Regulations it is necessary to prove –

- (a) the quantity of an absorbed dose;
- (b) the nature of a radioactive substance;
- (c) the activity of a radioactive substance; or
- (d) the strength of a dose equivalent,

a certificate purporting to be signed by the Chief Health Officer stating a measurement or other fact in relation to the matter to be proved is evidence of the matter stated in the certificate and of the fact on which it is based.

"(2) In a proceeding in respect of an offence against this Act or the Regulations, an allegation in the information or complaint that –

- (a) a named person is or was at a specified time the Chief Health Officer, an inspector, a Radiation Safety Officer or a radiation worker;
- (b) a named person was or was not at a specified time the holder of a specified licence or certificate;
- (c) a specified licence or certificate was subject to specified conditions;
- (d) a specified substance was or was not at a specified time a radioactive substance;
- (e) a specified apparatus was or was not at a specified time an irradiating apparatus; or

- (f) a specified radioactive substance or irradiating apparatus was on a specified day stored, packed, stowed or transported in or on a specified package, container, vehicle, vessel, aircraft or other place,

is, in the absence of proof to the contrary, to be taken to be proved.

**"55A. Court orders regarding forfeiture and cost of seizure, &c.**

"If a person is found guilty of an offence against this Act or the Regulations, the court may order that a radioactive substance or irradiating apparatus in respect of which the offence was committed is forfeited to the Territory.

**"55B. Disposal of forfeited substance or apparatus**

"The Chief Health Officer may dispose of, destroy, render safe or otherwise deal with a radioactive substance or irradiating apparatus forfeited to the Territory under section 55A in the manner he or she thinks fit.

**"55C. Person found guilty to restore damaged property**

"(1) If a person is found guilty of an offence against this Act or the Regulations in respect of the spillage, escape, disposal or negligent handling of a radioactive substance or an irradiating apparatus, the Chief Health Officer may direct the person to restore any land or building or repair any other property that was damaged because of the spillage, escape, disposal or negligent handling of the substance or apparatus in the manner and within the time specified in the notice.

"(2) A direction under subsection (1) is to —

- (a) be by written notice served on the person personally or by post;
- (b) specify the manner in which the person is to carry out the restoration or repair; and
- (c) specify the time within which the person is to complete the restoration or repair.

"(3) A person on whom the direction is served must comply with the direction.

"(4) If a person fails to comply with the direction, the Chief Health Officer, an inspector or any other person authorised by the Chief Health Officer may enter the land or building or remove the property and carry out the work in respect of the land, building or property that the person was directed to do.

**"55D. Recovery of costs of Territory**

"(1) If a person is found guilty of an offence referred to in section 55A, the costs incurred by the Territory in –

- (a) taking action to render safe a radioactive substance or irradiating apparatus to which the offence relates or to otherwise protect the public because of the act or omission that constitutes the offence;
- (b) seizing, detaining or removing the substance or apparatus or the package, container, vehicle, vessel or aircraft in or on which it was contained or kept when seized, detained or removed;
- (c) investigating the commission of the offence;
- (d) storing the substance or apparatus until the court makes the finding of guilt; and
- (e) disposing of, destroying or rendering safe the substance or apparatus under section 55B,

is a debt due and payable to the Territory by the person.

"(2) The cost incurred by the Territory of restoring land or a building or removing or repairing other property damaged because of the commission of an offence referred to in section 55C(1) is a debt due and payable to the Territory by the person found guilty of the offence.

"(3) In a proceeding for the recovery of a cost referred to subsection (1) or (2), a certificate purporting to be signed by the Chief Health Officer stating the cost is evidence of the cost and the fact that it was incurred by the Territory."

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