

South Australia

Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003

under the *Radiation Protection and Control Act 1982*

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Legislative history

1—Short title

These regulations may be cited as the *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Radiation Protection and Control Act 1982*;

ARPANSA means the Australian Radiation Protection and Nuclear Safety Agency;

International Regulations means Schedule A of the Transport Code as modified by Schedule 1;

Transport Code means the *Code of Practice for the Safe Transport of Radioactive Material (2001)*, Radiation Protection Series Publication No. 2, published by the Chief Executive Officer of ARPANSA in September 2001, as modified by Schedule 1.

- (2) If an expression used in these regulations is defined in the Transport Code, that expression has, unless the contrary intention appears, the same meaning as in the Transport Code.

4—Prescribed body

For the purposes of section 43(4)(a) of the Act, ARPANSA is a prescribed body.

5—Consignor's responsibilities

A consignor must, in relation to the consignment of radioactive material, comply with the requirements of the International Regulations specified in clause 2.8 of the Transport Code.

Maximum penalty: \$10 000.

6—Carrier's responsibilities

- (1) A carrier must, in relation to the transport of radioactive material, comply with the requirements of the International Regulations specified in clause 2.9 of the Transport Code.

Maximum penalty: \$10 000.

- (2) A carrier must ensure that, at all times during the course of the carriage of packages of radioactive material in a freight container or in or on a vehicle, each package is stowed and secured in such a manner that—

- (a) the package will remain in position despite movements of starting, stopping, jolting or swaying to which the container or vehicle may be subject; and
- (b) the package is kept away from heavy articles or goods likely to cause damage to it in the ordinary course of transport or in the event of accident; and
- (c) if carried on a vehicle—the package does not project beyond the periphery of the vehicle.

Maximum penalty: \$10 000.

7—Driver's and storekeeper's responsibilities

- (1) If, while a package of radioactive material is being transported—

- (a) the package is lost, wrongfully interfered with or damaged; or
- (b) radioactive material leaks from the package; or
- (c) the vehicle used to transport the package is involved in an accident that results in, or is likely to result in—
 - (i) damage to the package; or
 - (ii) a leak of radioactive material from the package,

the driver of the vehicle being used to transport the package must—

- (d) forthwith report the matter to all relevant persons, giving details of the package and the circumstances of the loss, interference, damage, leak or accident and such other details as are reasonably required by the relevant person to whom the report is being made; and

- (e) prevent, as far as practicable, access to the package by anyone other than a person authorised by a relevant person; and
- (f) obey any directions given by the Minister in respect of the package.

Maximum penalty: \$10 000.

- (2) If, while a package of radioactive material is being stored in the course of transit—
 - (a) the package is lost, wrongfully interfered with or damaged; or
 - (b) radioactive material leaks from the package,

the person in charge of the place of storage of the package must—

- (c) forthwith report the matter to all relevant persons, giving details of the package and the circumstances of the loss, interference, damage, leak or accident and such other details as are reasonably required by the relevant person to whom the report is being made; and
- (d) prevent, as far as practicable, access to the package by anyone other than a person authorised by a relevant person; and
- (e) obey any directions given by the Minister in respect of the package.

Maximum penalty: \$10 000.

- (3) It is a defence to a charge of an offence against subregulation (1)(d) or (2)(c) to prove that—
 - (a) the defendant did not know, and had no reason to suspect, that the loss, interference, damage, leak or accident had occurred; or
 - (b) the defendant reported the matter as soon as practicable after it came to his or her knowledge or after he or she suspected that it had occurred; or
 - (c) the defendant believed on reasonable grounds that the requisite report had been made.
- (4) For the purposes of this regulation, the following are relevant persons:
 - (a) the carrier of the package of radioactive material;
 - (b) the consignor of the package of radioactive material;
 - (c) the Minister.

8—Interference

- (1) A person must not, without the approval of a relevant person, interfere with—
 - (a) the contents of a consignment of radioactive material; or
 - (b) any label or marking required by the International Regulations in relation to a package of radioactive material; or
 - (c) a document relating to a consignment of radioactive material,

except in the course of transporting the radioactive material in accordance with the Act and these regulations.

Maximum penalty: \$10 000.

- (2) For the purposes of this regulation, the following are relevant persons:
- (a) the carrier of the radioactive material;
 - (b) the consignor of the radioactive material;
 - (c) the Minister.

Schedule 1—Modifications to Transport Code and International Regulations

1—Modifications to Transport Code

- (1) Clause 2.2—delete the clause and substitute:
- 2.2 The 'relevant transport regulations for dangerous goods' referred to in paragraphs 109, 506 and 507 of the International Regulations are the *Dangerous Substances Regulations 2002*.
- (2) Clause 2.3—delete "ADG Code" and substitute:
- Dangerous Substances Regulations 2002*
- (3) Annex A, Table 1—delete the entry relating to South Australia and substitute:

| | | |
|-----------------|---|---|
| South Australia | Director, Radiation Protection Division | Minister for Environment and Conservation |
| | Environment Protection Authority | |
| | PO Box 721 | Tel: (08) 8130 0700 |
| | Kent Town SA 5071 | Fax: (08) 8310 0777 |
| | Email: radiationprotection@state.sa.gov.au | |

2—Modifications to International Regulations

- (1) Paragraph 557—delete the paragraph and substitute:
557. The *consignor* shall ensure that before a *package*, the design of which requires the approval of a *competent authority* first enters, or is moved within the State, copies of any certificate issued in relation to the design of that *package* by a *competent authority* for a place outside this State have been submitted to the *competent authority* for this State.
- (2) Paragraph 558—delete the first and second sentences of the paragraph and substitute:
- The *consignor* shall, at least 7 days before a *shipment* of a kind listed in (a), (b) or (c) below first enters, or is moved within, the State, give the *competent authority* for the State notice of the *shipment*.
- (3) Paragraph 562—delete "paras 306 and 307" and substitute:
- section 23 of the *Radiation Protection and Control Act 1982* and para. 307

- (4) Paragraph 701—delete "any of the methods listed below or by a combination thereof" and substitute:

such of the methods listed below, or by such combination of those methods, as is approved by the *competent authority* for the State in relation to a particular *package*

Schedule 2—Revocation of *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991*

1—Revocation of Regulations

The *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations

| Year | No | Reference | Commencement |
|------|-----|---------------------------------|-----------------|
| 2003 | 254 | <i>Gazette 18.12.2003 p4575</i> | 18.12.2003: r 2 |