



Western Australia

Radiation Safety (Transport of Radioactive Substances) Regulations 2002

Compare between:

[26 Mar 2002, 00-a0-08] and [27 Apr 2013, 00-b0-04]

Radiation Safety (Transport of Radioactive Substances) Regulations 2002

1. Citation

These regulations may be cited as the *Radiation Safety (Transport of Radioactive Substances) Regulations 2002*.

2. Interpretation

In these regulations —

carrier means a person who is a carrier within the meaning of Section II paragraph 206 of the International Regulations;

Code means the Code of Practice for the Safe Transport of Radioactive Material (~~2001~~2008) published by the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) under Part 3 of the *Australian Radiation Protection and Nuclear Safety Act 1998* of the Commonwealth;

commencement day means the day on which these regulations are published in the *Gazette*;

consignee means a person who is a consignee within the meaning of Section II paragraph 210 of the International Regulations;

consignment has the meaning given in Section II paragraph 211 of the International Regulations;

freight container has the meaning given in Section II paragraph 223 of the International Regulations;

International Regulations means the International Atomic Energy Agency *Regulations for the Safe Transport of Radioactive ~~Materials 1996~~—Material 2005*—

- (a) set out in Schedule A to the Code; and
- (b) as modified by clauses 2.2 to 2.~~4~~11 of the Code;

overpack has the meaning given in Section II paragraph 229 of the International Regulations;

package has the meaning given in Section II paragraph 230 of the International Regulations;

radiation protection programme has the meaning given in Section II paragraph 234 of the International Regulations;

radioactive material means a radioactive chemical element in a concentration that makes it “radioactive material” within the definition of that term in Section II paragraph 236 of the International Regulations ~~(as modified by clause 2.4 of the Code).~~

[Regulation 2 amended: Gazette 26 Apr 2013 p. 1661-2.]

3. Application

These regulations apply to the transport of radioactive materials in Western Australia and the storing, packing and stowing of radioactive materials for transport in Western Australia, if the radioactive materials are “radioactive substances” within the meaning of that term in the Act.

4. Code and International Regulations, as modified, adopted

- (1) The Code and the International Regulations, as modified by these regulations, are adopted for the purposes of regulating the transport of radioactive materials in Western Australia and the storing, packing and stowing of radioactive materials for transport in Western Australia.
- (2) Section III ~~paragraph 311~~paragraphs 307 and 308 of the International Regulations ~~is~~are not adopted.

[Regulation 4 amended: Gazette 26 Apr 2013 p. 1662.]

5. Carrier to ~~prepare a~~ have an approved radiation protection programme

- (1) ~~Within 3 months after the commencement day, each~~ Each carrier is to —

- (a) prepare and maintain a radiation protection programme in accordance with the guidelines ~~set out in Section III paragraph 301 of the International Regulations~~; and
- (b) submit the radiation protection programme and any amendment of it to the Council for approval.

- (2) The Council is to approve a radiation protection programme ~~if it conforms~~ and any amendment of it if the programme, as amended where applicable, would accord with the guidelines ~~set out in Section III paragraph 301 of the International Regulations~~.

- (3) A ~~carrier~~ person who does not submit a radiation protection programme to the Council ~~within~~ as required by subregulation (1) before 3 months ~~of~~ elapses after the ~~commencement day~~ person becomes a carrier commits an offence.

Penalty: a fine of \$1 000.

Daily penalty: a fine of \$50.

- (4) The Council may, in writing, require a carrier whose radiation protection programme it considers not to accord with the guidelines to submit to the Council amendments to bring the programme into accord with the guidelines.

- (5) A carrier must comply with a requirement under subregulation (4) within 3 months after the requirement was given or any further time allowed by the Council.

Penalty: ~~\$50~~ a fine of \$1 000.

Daily penalty: a fine of \$50.

(6) In this regulation —

guidelines means the guidelines set out in Section III paragraph 302 of the International Regulations.

[Regulation 5 inserted: Gazette 26 Apr 2013 p. 1662-3.]

6. Offences

- (1) A person shall not deal with radioactive materials that are for transport unless the person does so in accordance with the Code.
Penalty: \$1 000.
- (2) A person shall not store, pack or stow radioactive materials for transport unless the person does so in accordance with the Code.
Penalty: \$1 000.
- (3) A person who is not the consignee of a consignment shall not interfere with the contents of that consignment.
Penalty: \$1 000.
- (4) A person shall not interfere with or alter any marking, labelling or placarding that has been applied in accordance with the Code.
Penalty: \$1 000.
- (5) A person shall not display, or permit to be displayed, on a package, overpack or freight container that does not contain radioactive material, a label referred to in Section V paragraph ~~541~~542 of the International Regulations.
Penalty: \$1 000.
- (6) It is a defence to a charge under this regulation to show that the person charged was acting in the exercise of a power or the performance of a duty conferred or imposed on that person by or under the Act, or with the permission, granted under the Act, of the relevant carrier or consignor or of the Council.

[Regulation 6 amended: Gazette 26 Apr 2013 p. 1663.]

7. Repeal

The *Radiation Safety (Transport of Radioactive Substances) Regulations 1991* are repealed.

Notes

- ¹ This is a compilation of the *Radiation Safety (Transport of Radioactive Substances) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Radiation Safety (Transport of Radioactive Substances) Regulations 2002</i>	26 Mar 2002 p. 1744-6	26 Mar 2002
<i>Radiation Safety (Transport of Radioactive Substances) Amendment Regulations 2013</i>	26 Apr 2013 p. 1661-3	r. 1 and 2: 26 Apr 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2013 (see r. 2(b))