



Western Australia

Radiation Safety (Transport of Radioactive Substances) Regulations 2002

Compare between:

[27 Apr 2013, 00-b0-04] and [11 Sep 2021, 00-c0-00]

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~~ Terms used

In these regulations —

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

Code means the *Code of Practice for the Safe Transport of Radioactive Material* ~~(2008 (2019), RPS C-2 (Rev. 1))~~ 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) Part 3;

~~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~~ as defined in the International Regulations Section II;

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

freight container has the meaning given in ~~Section II paragraph 223 of~~ the International Regulations [Section II](#);

International Regulations means the International Atomic Energy Agency *Regulations for the Safe Transport of Radioactive Material* ~~2005—2018 Edition~~, SSR-6 (Rev. 1) [set out in the Code Schedule A, as modified by the Code clauses 2.2 to 2.10](#);

~~(a) set out in Schedule A to the Code; and~~

~~(b) as modified by clauses 2.2 to 2.11 of the Code;~~

overpack has the meaning given in [the International Regulations](#) ~~Section II paragraph 229 of the International Regulations~~;

package has the meaning given in [the International Regulations](#) ~~Section II paragraph 230 of the International Regulations~~;

radiation protection programme has the meaning given in [the International Regulations](#) ~~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~~ [as defined in](#) the International Regulations [Section II](#).

[Regulation 2 amended: Gazette 26 Apr 2013 p. 1661-2;
[SL 2021/160 r. 4.](#)]

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 paragraphs 307 and 308 of the~~ [The International Regulations](#) ~~are~~ [Section III paragraph 307 is](#) not adopted.

*[Regulation 4 amended: Gazette 26 Apr 2013 p. 1662;
[SL 2021/160 r. 5.](#)]*

5. Carrier to have an approved radiation protection programme

- (1) Each carrier is to —
- (a) prepare and maintain a radiation protection programme in accordance with the guidelines; 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 and any amendment of it if the programme, as amended where applicable, would accord with the guidelines.
- (3) A person who does not submit a radiation protection programme to the Council as required by subregulation (1) before 3 months elapses after the 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: 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~~Other 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 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.~~

~~[7. Deleted: SL 2021/160 r. 6.]~~

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~~. [For provisions that have come into operation see the compilation table.](#)

Compilation table

| Citation | Gazette Publi shed | 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)) |
| Radiation Safety (Transport of Radioactive Substances) Amendment Regulations 2021 | SL 2021/160 10 Sep 2021 | r. 1 and 2: 10 Sep 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Sep 2021 (see r. 2(b)) |