



New South Wales

Radiation Control Amendment Regulation 2023

under the

Radiation Control Act 1990

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following regulation under the *Radiation Control Act 1990*.

PENNY SHARPE, MLC
Minister for the Environment

Explanatory note

The object of this regulation is to amend the *Radiation Control Regulation 2013* (the *principal regulation*) consequent on the enactment of the *Radiation Control Amendment Act 2023* as follows—

- (a) to reinstate offences relating to the disposal of regulated material and the transport of radioactive substances until the equivalent offences commence under the *Radiation Control Act 1990* (the *principal Act*),
- (b) to provide penalty notice amounts for certain offences under the principal Act.

This regulation is made under the *Radiation Control Act 1990*, including sections 25A(2) and 40, the general regulation-making provision.

Radiation Control Amendment Regulation 2023

under the

Radiation Control Act 1990

1 Name of regulation

This regulation is the *Radiation Control Amendment Regulation 2023*.

2 Commencement

This regulation commences as follows—

- (a) for Schedule 2[1], [5] and [6]—on the day on which the *Radiation Control Act 1990*, section 33D commences,
- (b) for Schedule 2[2], [4] and [7]—on the day on which the *Radiation Control Act 1990*, section 33C commences,
- (c) for Schedule 2[3]—on the day on which the *Radiation Control Act 1990*, section 33A is substituted by the *Radiation Control Amendment Act 2023*,
- (d) otherwise—on the date of assent to the *Radiation Control Amendment Act 2023*.

Schedule 1 Amendment of Radiation Control Regulation 2013

[1] Clause 34A

Insert after clause 34—

34A Disposal of regulated material

- (1) A person must not dispose of regulated material except with the consent of, and in accordance with the conditions, if any, imposed by, the Authority.

Maximum penalty—

- (a) for an individual—200 penalty units, or
(b) otherwise—400 penalty units.

- (2) The consent of the Authority may be—

- (a) given generally or in a particular case, and
(b) subject to the conditions the Authority considers appropriate.

[2] Clause 36

Insert after clause 35—

36 Transport of radioactive substances

A person must not cause a radioactive substance to be transported otherwise than in accordance with the requirements of the *Code for the Safe Transport of Radioactive Material*, as in force from time to time, and published by the Australian Radiation Protection and Nuclear Safety Agency.

Maximum penalty—

- (a) for an individual—200 penalty units, or
(b) otherwise—400 penalty units.

[3] Schedule 7 Penalty notice offences

Omit the matter relating to “Clause 34 (1)” and “Clause 34 (2)” under the heading **Offences under this Regulation**.

Insert in appropriate order—

Clause 34	\$1500 for a corporation \$750 for an individual
Clause 34A(1)	\$1500 for a corporation \$750 for an individual

Schedule 2 Amendment of Protection from Harmful Radiation Regulation 2013

[1] Clause 34A

Omit the clause.

[2] Clause 36

Omit the clause.

[3] Schedule 7 Penalty notice offences

Omit “Section 33A” from the table, Column 1, Offences under the Act.

Insert instead “Section 33A(1)”.

[4] Schedule 7, Offences under the Act

Insert in appropriate order—

Section 33C	\$1500 for a corporation \$750 for an individual
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[5] Schedule 7, Offences under the Act

Insert in appropriate order—

Section 33D(1)	\$1500 for a corporation \$750 for an individual
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[6] Schedule 7, Offences under this Regulation

Omit the matter relating to “Clause 34A(1)”.

[7] Schedule 7, Offences under this Regulation

Omit the matter relating to “Clause 36”.