



New South Wales

Radiation Control Amendment Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Radiation Control Act 1990* (the **principal Act**) to give effect to the recommendations for amendment arising from the statutory review of the principal Act, tabled in Parliament in December 2021. This is achieved as follows—

- (a) by amending the objects of the principal Act to include the promotion of the ecologically sustainable development principles (**recommendation 1**),
- (b) by requiring a person who disposes of regulated material, or consigns regulated material for transport, to be licensed under the principal Act (**recommendation 2**),
- (c) by moving certain offences from the *Radiation Control Regulation 2013* to the principal Act and increasing the maximum penalties for the offences (**recommendations 3 and 4**),
- (d) by requiring a person responsible for a security enhanced source to have a source transport security plan when transporting the source, even if the transportation of the source originated from outside New South Wales (**recommendation 5**),
- (e) by requiring security plans to be reviewed and endorsed by a radiation security assessor every 5 years (**recommendation 6**),
- (f) by enabling a court to order certain persons pay, and for the Environment Protection Authority (the **Authority**) to recover, the costs incurred by the Authority for investigating offences and for the disposal of articles, regulated material and substances forfeited to the Crown (**recommendation 7**),

- (g) by increasing the maximum pecuniary penalty that may be imposed by the Local Court in proceedings for an offence against the principal Act or the regulations from 200 penalty units to 1,000 penalty units (*recommendation 8*),
- (h) by increasing maximum penalties for certain offences relating to providing false or misleading information and abandoning radioactive substances to align with similar offences under the *Protection of the Environment Operations Act 1997* (*recommendations 9 and 10*),
- (i) by updating provisions relating to the governance and membership of the Radiation Advisory Council (*recommendation 11*).

The Bill also makes other minor and consequential amendments to the principal Act and other environmental legislation, including amendments of a savings and transitional nature or of a law revision nature.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Radiation Control Act 1990 No 13

Schedule 1[1] changes the name of the principal Act to the *Protection from Harmful Radiation Act 1990*. **Schedule 1[4]** makes a consequential amendment.

Schedule 1[2] gives effect to recommendation 1 of the review. The proposed amendment makes it an object of the principal Act to promote the ecologically sustainable development principles, being the principles and programs described in the *Protection of the Environment Administration Act 1991*, section 6(2). **Schedule 1[3]** requires a person to take the principles into consideration when exercising functions under the principal Act or under a licence.

Schedule 1[5]–[7] give effect to recommendation 2 of the review. The proposed amendments require a person who disposes of regulated material, or consigns regulated material for transport, to have a radiation management licence under the principal Act. **Schedule 1[10]** makes a consequential amendment.

Schedule 1[8]–[10] clarify that a licence or accreditation is subject to the conditions imposed by the regulations made under the principal Act, as well as conditions imposed by the Authority under the principal Act.

Schedule 1[13] and [14] require accreditations to be listed on the register to ensure a person's accreditation status is easily determined. **Schedule 1[12], [15] and [16]** make consequential amendments.

Schedule 1[17] gives effect to recommendation 5 of the review. The proposed amendment makes it clear that a person responsible for a security enhanced source must have a source transport security plan when transporting the source in New South Wales, even if the transportation of the source originated from outside New South Wales.

Schedule 1[18]–[20] give effect to recommendation 6 of the review. The proposed amendments require security plans be reviewed and endorsed by an accredited radiation security assessor every 5 years.

Schedule 1[21], [23] and [24] give effect to recommendation 7 of the review. **Schedule 1[21]** provides that a court may order certain persons to pay the Authority an amount representing the costs reasonably incurred by the Authority during an investigation of an offence. **Schedule 1[24]** enables the Authority to recover the amount in a court of competent jurisdiction. **Schedule 1[23]** provides that a court may order certain persons to pay the Authority the costs incurred by the Authority for the disposal of articles, regulated material and substances forfeited to the Crown, and enables the Authority to recover the costs in a court of competent jurisdiction.

Schedule 1[22] gives effect to recommendation 8 of the review. The proposed amendment increases the maximum pecuniary penalty that may be imposed by the Local Court in proceedings for an offence against the principal Act or the regulations from 200 penalty units to 1,000 penalty units.

Schedule 1[25]–[29] give effect to recommendation 11 of the review. **Schedule 1[25] and [26]** provide that the Radiation Advisory Council is to consist of at least 12 members, rather than 17, appointed by the CEO of the Authority, rather than the Minister, including—

- (a) a member of staff of the Authority, and
- (b) a person nominated by the Secretary of the Ministry of Health, and
- (c) persons who collectively have, in the CEO of the Authority’s opinion, relevant knowledge or experience in certain relevant areas.

Schedule 1[27] and [28] provide that the Council’s function is to provide certain advice to the Authority rather than the Minister. **Schedule 1[29]** repeals the Council’s annual reporting requirement. **Schedule 1[37]–[40]** make consequential amendments.

Schedule 1[30] and [32] give effect to recommendation 10 of the review. **Schedule 1[30]** amends the offence in the principal Act, section 33A relating to abandoning radioactive substances to include an offence for wilful or negligent abandonment and increase the maximum pecuniary penalty for the offence to align with the *Protection of the Environment Operations Act 1997*, sections 115 and 143. **Schedule [32]** increases the maximum pecuniary penalty for the offence of providing false or misleading information in the principal Act, section 36B to align with the *Protection of the Environment Operations Act 1997*, section 211(2).

Schedule 1[31] gives effect to recommendations 3 and 4 of the review. The proposed amendment moves offences from the *Radiation Control Regulation 2013* relating to the transportation and disposal of regulated material to the principal Act. The penalties for the proposed offences are increased to align with the pecuniary penalties set out in the principal Act, sections 6 and 7.

Schedule 1[33] and [36] provide that the regulations may make provision for or with respect to regulating activities concerned with regulated material, including a matter relating to the security of regulated material.

Schedule 1[34] and [35] provide that the regulations may make provision for the granting of accreditation and the giving of consent by the Authority, and the terms or conditions to which an accreditation or a consent is subject.

Schedule 1[41] inserts provisions of a savings or transitional nature.

Schedule 2 Amendment of other legislation

Schedules 2.1 and 2.3 amend the *Biodiversity Conservation Regulation 2017* and the *National Parks and Wildlife Act 1974* to change references to the Chairperson of the Authority to the CEO of the Authority following changes made to the structure of the Authority in the *Environment Legislation Amendment Act 2022*.

Schedule 2.2 amends the *Land and Environment Court Act 1979* to provide that the Land and Environment Court may hear proceedings to recover the costs of disposing of an article, regulated material or a substance forfeited to the Crown under the principal Act, the costs and expenses incurred during the investigation of an offence under the principal Act and the costs and expenses incurred by the EPA in carrying out certain actions.

Schedule 2.4 amends the *Protection of the Environment Administration Act 1991* to include the *Plastic Reduction and Circular Economy Act 2021* in the definition of environment protection legislation.

Schedule 2.5 amends the *Protection of the Environment Operations Act 1997* to provide that a supplementary clean-up notice may be issued by the appropriate regulatory authority or the Authority if the Authority issued the initial clean-up notice, and that the cost of complying with a

compliance cost notice issued for clean-up costs may be recovered from a person who contributed to, not just caused, the pollution.

Schedule 2.6 amends the *Radiation Control Regulation 2013* to change the name of the regulation to the *Protection from Harmful Radiation Regulation 2013* and to omit offences relating to the transportation and disposal of regulated material that have been moved to the principal Act.

Schedules 2.7 and 2.8 amend other legislation consequent on changing the name of the principal Act and the regulations made under the principal Act. **Schedule 2.7[2]** removes a spent provision.



New South Wales

Radiation Control Amendment Bill 2023

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Radiation Control Act 1990 No 13	3
Schedule 2	Amendment of other legislation	12



New South Wales

Radiation Control Amendment Bill 2023

No. , 2023

A Bill for

An Act to amend the *Radiation Control Act 1990* to give effect to recommendations arising from the statutory review of the Act; and for related purposes.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Radiation Control Amendment Act 2023*.

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2 Commencement

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This Act commences as follows—

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- (a) for Schedule 1[5]–[7]—on the day that is 6 months after the date of assent to this Act,
- (b) for Schedule 1[21]–[24] and [30]–[32]—on a day or days to be appointed by proclamation,
- (c) otherwise—on the date of assent to this Act.

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Schedule 1	Amendment of Radiation Control Act 1990 No 13	1
[1] Section 1 Name of Act		2
	Omit “ <i>Radiation Control</i> ”. Insert instead “ <i>Protection from Harmful Radiation</i> ”.	3
[2] Section 3 Objects of Act		4
	Insert after section 3(1)(c)—	5
	(d) to promote the ecologically sustainable development principles.	6
[3] Section 3(4) and (5)		7
	Insert after section 3(3)—	8
	(4) A person must take the ecologically sustainable development principles into consideration when exercising functions under this Act or a licence.	9 10
	(5) In this section—	11
	<i>ecologically sustainable development principles</i> means the principles and programs described in the <i>Protection of the Environment Administration Act 1991</i> , section 6(2).	12 13 14
[4] Section 4 Definitions		15
	Insert in alphabetical order in section 4(1)—	16
	<i>the Act</i> means the <i>Protection from Harmful Radiation Act 1990</i> .	17
[5] Section 6 Radiation management licences		18
	Insert “, consigning for transport, disposing of” after “selling” in section 6(1)(b).	19
[6] Section 6(6)		20
	Insert “, consigned for transport, disposed of” after “possessed”.	21
[7] Section 6(7)		22
	Insert after section 6(6)—	23
	(7) In this section—	24
	<i>consign</i> has the same meaning as in the <i>Dangerous Goods (Road and Rail Transport) Act 2008</i> .	25 26
[8] Section 13B Conditions generally		27
	Insert before section 13B(1)—	28
	(1A) A licence or accreditation is subject to the following conditions—	29
	(a) conditions prescribed by this Act or the regulations,	30
	(b) conditions imposed on the licence or accreditation by the Authority.	31
[9] Section 13B(1)		32
	Omit “under this Part” from section 13B(1).	33
	Insert instead “on a licence or accreditation”.	34
[10] Section 13B(2)		35
	Omit “under this Part”. Insert instead “by the Authority”.	36

[11] Section 13B(2)(a)	1
Insert “, including about the consigning for transport, and disposing of, regulated material” after “regulated material”.	2 3
[12] Section 13C, heading	4
Insert “ and accreditations ” after “ licences ”.	5
[13] Section 13C(1)	6
Insert “and accreditations” after “licences”.	7
[14] Section 13C(2)	8
Omit “each licence”. Insert instead “each licence and accreditation”.	9
[15] Section 13C(2)(a)–(d)	10
Insert “or accreditation” after “the licence” wherever occurring.	11
[16] Section 13C(3)	12
Omit “any licence”. Insert instead “a licence or accreditation”.	13
[17] Section 14 Preparation of security plans	14
Omit section 14(1)(b). Insert instead—	15
(b) if the source will be transported in New South Wales—the security of the source during transport (a <i>source transport security plan</i>), whether or not the transportation of the source originates from within New South Wales.	16 17 18 19
[18] Section 14(6)(c)	20
Insert “by the person responsible for the security enhanced source” after “reviewed”.	21
[19] Section 14(6)(c1)	22
Insert after section 14(6)(c)—	23
(c1) is reviewed and endorsed by a radiation security assessor no later than every 5 years from the date on which the plan was first endorsed under subsection (4), and	24 25 26
[20] Section 14(6A)	27
Insert after section 14(6)—	28
(6A) A radiation security assessor must not endorse a security plan under subsection (6)(c1) unless the assessor is satisfied the plan meets the requirements of this section.	29 30 31
[21] Section 23B Additional orders	32
Insert after section 23B(1)(f)—	33
(g) if the court is satisfied the Authority has reasonably incurred costs and expenses during the investigation of an offence—order the offender to pay to the Authority an amount—	34 35 36
(i) specified in the order, and	37
(ii) representing the costs and expenses incurred.	38

[22]	Section 25 Proceedings for offences	1
	Omit “200 penalty units” from section 25(3). Insert instead “1,000 penalty units”.	2
[23]	Section 26	3
	Omit section 26. Insert instead—	4
	26 Forfeiture and disposal	5
	(1) If a person is convicted of an offence against this Act or the regulations, the court may order—	6
		7
	(a) forfeiture to the Crown of an article, regulated material or substance in relation to which the offence was committed, and	8
		9
	(b) the person pay the Authority the costs incurred by the Authority for disposing of the forfeited matter.	10
		11
	(2) On application made by or on behalf of the Authority in the prescribed way, the Local Court may order—	12
		13
	(a) forfeiture to the Crown of an article, regulated material or substance—	14
	(i) seized by an authorised officer under this Act, or	15
	(ii) abandoned or unlawfully disposed of, and	16
	(b) a person pay the Authority the costs incurred by the Authority for disposing of the forfeited matter if, when the forfeited matter was seized, abandoned or unlawfully disposed of, the person—	17
		18
	(i) owned the forfeited matter, or	19
		20
	(ii) was giving away, possessing, selling, storing or transporting the forfeited matter, or	21
		22
	(iii) was consigning the forfeited matter for transport.	23
	(3) The making of an order under subsection (1)(a) or (2)(a) operates to forfeit the article, regulated material or substance to the Crown.	24
		25
	(4) Forfeited matter must be disposed of in the way directed by the Authority.	26
	(5) The Authority may recover the costs of disposing of forfeited matter as a debt in a court of competent jurisdiction from—	27
		28
	(a) the person required, by an order under this section, to pay the costs, or	29
	(b) if the person required to pay the costs is a corporation—	30
	(i) the corporation, or	31
	(ii) a current director of the corporation, or	32
	(iii) a former director of the corporation, or	33
	(iv) a related body corporate, or	34
	(c) if the court has not made an order under this section for the payment of costs—	35
		36
	(i) the person from whom the article, regulated material or substance was forfeited under this section, or	37
		38
	(ii) if the person from whom the article, regulated material or substance was forfeited under this section is a corporation—a person referred to in paragraph (b)(i)–(iv).	39
		40
		41
	(6) An order made by the Land and Environment Court under subsection (1) is enforceable as if it were an order made by the Court in Class 4 proceedings under the <i>Land and Environment Court Act 1979</i> .	42
		43
		44

(7)	An order made by the Local Court under subsection (1) or (2) is enforceable as if it were an order made by the Local Court when exercising jurisdiction under the <i>Civil Procedure Act 2005</i> .	1 2 3
(8)	In this section— <i>forfeited matter</i> means an article, regulated material or substance forfeited to the Crown under this section.	4 5 6
[24]	Section 28 Recovery of costs	7
	Insert after section 28(3)—	8
(4)	The Authority may recover the amount specified in an order under section 23B(1)(g) as a debt in a court of competent jurisdiction from—	9 10
(a)	the person required by the order to pay the costs, or	11
(b)	if the person required to pay the costs is a corporation—	12
(i)	the corporation, or	13
(ii)	a current director of the corporation, or	14
(iii)	a former director of the corporation, or	15
(iv)	a related body corporate.	16
(5)	An order made by the Land and Environment Court under subsection (4) is enforceable as if it were an order made by the Court in Class 4 proceedings under the <i>Land and Environment Court Act 1979</i> .	17 18 19
(6)	An order made by the Local Court under subsection (4) is enforceable as if it were an order made by the Local Court when exercising jurisdiction under the <i>Civil Procedure Act 2005</i> .	20 21 22
[25]	Section 29 Radiation Advisory Council	23
	Omit section 29(2). Insert instead—	24
(2)	The Council must comprise at least 12 members appointed by the CEO of the Authority, including—	25 26
(a)	a member of staff of the Authority who will be the Chairperson of the Council, and	27 28
(b)	a person nominated by the Secretary of the Ministry of Health, and	29
(c)	persons who collectively have, in the opinion of the CEO of the Authority, experience, expertise, knowledge or qualifications in the following areas—	30 31 32
(i)	health or medical physics,	33
(ii)	nuclear medicine,	34
(iii)	radiation oncology,	35
(iv)	radiology,	36
(v)	one or more of the additional areas of expertise.	37
[26]	Section 29(4)	38
	Insert after section 29(3)—	39
(4)	In this section— <i>additional areas of expertise</i> means the following areas—	40 41
(a)	industrial or scientific use of radiation,	42
(b)	mining of radioactive ores or naturally occurring radioactive material,	43

	(c) work health and safety and the application of, or compliance with, the work health and safety regulatory framework,	1 2
	(d) non-ionising radiation,	3
	(e) environmental science,	4
	(f) emergency management and emergency services operational capabilities.	5 6
[27]	Section 30 Functions of the Council	7
	Omit “is to advise the Minister” from section 30(1).	8
	Insert instead “must advise the Authority”.	9
[28]	Section 30(1)(e) and (2)	10
	Omit “Minister” wherever occurring. Insert instead “Authority”.	11
[29]	Section 33 Annual report of Council to Parliament	12
	Omit the section.	13
[30]	Section 33A	14
	Omit the section. Insert instead—	15
33A	Abandoning radioactive substance	16
(1)	A person must not, without reasonable excuse, abandon a radioactive substance.	17 18
	Maximum penalty—	19
(a)	for an individual—\$250,000, or	20
(b)	otherwise—\$1,000,000.	21
(2)	A person must not intentionally or negligently abandon a radioactive substance.	22 23
	Maximum penalty—	24
(a)	for an individual—	25
(i)	for an offence committed intentionally—\$1,000,000, or	26
(ii)	for an offence committed negligently—\$500,000, or	27
(b)	otherwise—	28
(i)	for an offence committed intentionally—\$5,000,000, or	29
(ii)	for an offence committed negligently—\$2,000,000.	30
(3)	If the court is satisfied a person charged with an offence under subsection (2) is not guilty of the offence but is satisfied on the evidence the person is guilty of an offence under subsection (1)—	31 32 33
(a)	the court may find the person guilty of the offence under subsection (1), and	34 35
(b)	the person is liable to punishment under subsection (1).	36
(4)	The onus of proving a person had a reasonable excuse in proceedings for an offence under subsection (1) lies on the person charged with the offence.	37 38
[31]	Sections 33C and 33D	39
	Insert after section 33B—	40

33C	Transport of radioactive substances	1
	A person must not cause a radioactive substance to be transported other than in accordance with—	2
		3
	(a) the <i>Code for the Safe Transport of Radioactive Material</i> , published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time, or	4
		5
		6
	(b) if the code is replaced by another code—the other code, as in force from time to time.	7
		8
	Maximum penalty—	9
	(a) for an individual—250 penalty units, or	10
	(b) otherwise—1,500 penalty units.	11
33D	Disposal of regulated material	12
	(1) A person must not dispose of regulated material other than—	13
	(a) with the consent of the Authority, and	14
	(b) in accordance with the conditions, if any, imposed by the Authority.	15
	Maximum penalty—	16
	(a) for an individual—250 penalty units, or	17
	(b) otherwise—1,500 penalty units.	18
	(2) The consent of the Authority may be—	19
	(a) given generally or in a particular case, and	20
	(b) subject to the conditions the Authority considers appropriate.	21
[32]	Section 36B Provision of false or misleading information	22
	Omit the penalty. Insert instead—	23
	Maximum penalty—	24
	(a) for an individual—\$250,000, or	25
	(b) otherwise—\$1,000,000.	26
[33]	Section 40 Regulations	27
	Omit “radioactive substances or radiation apparatus” wherever occurring in section 40(2).	28
	Insert instead “regulated material”.	29
[34]	Section 40(3)(d)	30
	Omit “authority or approval and the terms or conditions to which it is subject”.	31
	Insert instead “authority, approval, consent or accreditation”.	32
[35]	Section 40(3)(d1)	33
	Insert after section 40(3)(d)—	34
	(d1) the terms or conditions to which a licence, permit, authority, approval, consent or accreditation is subject,	35
		36
[36]	Section 40(3A)	37
	Omit “radioactive substances, radiation apparatus and sealed radioactive sources”.	38
	Insert instead “regulated material”.	39

[37] Schedule 1 Provisions relating to members and procedure of Council	1
Omit “Minister” wherever occurring in clauses 2(1) and (4), 4 and 5(1)(c) and (2).	2
Insert instead “CEO of the Authority”.	3
[38] Schedule 1, clause 5(1)(d)	4
Omit the paragraph. Insert instead—	5
(d) is removed from office by the CEO of the Authority under subclause (2), or	6 7
[39] Schedule 1, clause 9	8
Omit “9 members”. Insert instead “7 members”.	9
[40] Schedule 1, clause 12	10
Omit the clause.	11
[41] Schedule 2 Savings and transitional provisions	12
Insert after Part 9—	13
Part 10 Provisions consequent on the enactment of the Radiation Control Amendment Act 2023	14 15
24 Definition	16
In this part—	17
<i>amendment Act</i> means the <i>Radiation Control Amendment Act 2023</i> .	18
25 Increased maximum penalty imposed by Local Court	19
(1) Section 25(3), as amended by the amendment Act, does not apply to proceedings commenced before the commencement of the amendment.	20 21
(2) Section 25(3), as amended by the amendment Act, extends to an offence alleged to have been committed before the commencement of the amendment, but only if proceedings for the alleged offence commence on or after the commencement of the amendment.	22 23 24 25
26 Increased maximum penalty for providing false or misleading information	26
Section 36B, as amended by the amendment Act, applies only to offences committed on or after the commencement of the amendment.	27 28
27 Costs incurred by the Authority	29
(1) Sections 23B, 26 and 28, as amended by the amendment Act, do not apply to proceedings commenced before the commencement of the amendments.	30 31
(2) Sections 23B, 26 and 28, as amended by the amendment Act, apply in relation to an offence committed before the commencement of the amendments, but only if proceedings for the alleged offence commence on or after the commencement of the amendments.	32 33 34 35
28 Review of security plans over 4 years old	36
(1) A person responsible for a security enhanced source subject to a relevant security plan must ensure the relevant security plan is reviewed and endorsed by a radiation security assessor no later than 1 year after the relevant date.	37 38 39

(2)	For section 14(6) and (6A), a relevant security plan reviewed and endorsed in accordance with this clause is taken to be first endorsed under section 14(4) on the date the plan is endorsed under this clause.	1 2 3
(3)	In this clause— <i>relevant date</i> means the date of commencement of the amendment Act, Schedule 1[19]. <i>relevant security plan</i> means a security plan—	4 5 6 7
	(a) in force immediately before the relevant date, and	8
	(b) first endorsed by a radiation security assessor under section 14(4) more than 4 years before the relevant date.	9 10
29	Members of Radiation Advisory Council	11
(1)	On the commencement date—	12
	(a) the former Chairperson’s appointment as Chairperson of the former Council ends, and	13 14
	(b) the former Chairperson is taken to be appointed as Chairperson of the Council under section 29, and	15 16
	(c) each appointed member is taken to be appointed as a member of the Council under section 29, and	17 18
	(d) the Council is taken to be constituted in accordance with this Act.	19
(2)	For Schedule 1, clause 3, the appointment under section 29 is taken to be made—	20 21
	(a) on the same terms and conditions as applied to the person’s appointment as former Chairperson or as a member of the former Council, and	22 23
	(b) for the term ending on the same day on which the person’s appointment would have ended under the person’s appointment as former Chairperson or as a member of the former Council.	24 25 26
(3)	This clause does not affect the power of the CEO of the Authority to determine the allowances payable to the members of the Council from time to time under Schedule 1, clause 4.	27 28 29
(4)	In this clause— <i>appointed member</i> means a person who, immediately before the commencement date, held an appointment as a member of the former Council. <i>commencement date</i> means the date of the commencement of the amendment Act, Schedule 1[25]. <i>Council</i> means the Radiation Advisory Council. <i>former Chairperson</i> means the person who, immediately before the commencement date, held office as Chairperson of the former Council. <i>former Council</i> means the Council, as constituted immediately before the commencement date.	30 31 32 33 34 35 36 37 38 39
30	References to Radiation Control Act 1990 and Radiation Control Regulation 2013	40 41
(1)	On the commencement of the amendment Act, Schedule 1[1], a reference in an Act, instrument or other document to the <i>Radiation Control Act 1990</i> is taken to include a reference to the <i>Protection from Harmful Radiation Act 1990</i> .	42 43 44 45

- (2) On the commencement of the amendment Act, Schedule 2.6[1], a reference in an Act, instrument or other document to the *Radiation Control Regulation 2013* is taken to include a reference to the *Protection from Harmful Radiation Regulation 2013*.
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Schedule 2	Amendment of other legislation	1
2.1	Biodiversity Conservation Regulation 2017	2
	Clause 14.3 Additional persons to whom functions may be delegated by Minister or Agency Head (section 14.4)	3
	Omit “Chairperson” from clause 14.3(e). Insert instead “CEO”.	4
		5
2.2	Land and Environment Court Act 1979 No 204	6
	Section 20 Class 4—environmental planning and protection, development contract and strata renewal plan civil enforcement	7
	Omit “27 or 27A” from section 20(1)(co). Insert instead “26(5), 27, 27A or 28”.	8
		9
2.3	National Parks and Wildlife Act 1974 No 80	10
	Section 21 Delegation	11
	Omit “Chairperson” wherever occurring in section 21(1)(c2) and (2)(b1).	12
	Insert instead “CEO”.	13
2.4	Protection of the Environment Administration Act 1991 No 60	14
	Section 3 Definitions	15
	Insert after section 3(1), <i>environment protection legislation</i> , paragraph (g)—	16
	(ga) <i>Plastic Reduction and Circular Economy Act 2021</i> ,	17
2.5	Protection of the Environment Operations Act 1997 No 156	18
[1]	Section 91A Clean-up notices may be given to directors and related bodies corporate	19
	Omit section 91A(1)(a). Insert instead—	20
	(a) a clean-up notice (the <i>previous clean-up notice</i>) has been given to a corporation—	21
	(i) by the appropriate regulatory authority under section 91(1), or	22
	(ii) by the EPA under section 91(2), and	23
		24
[2]	Section 105 Recovery of amounts	25
	Insert “or contributed to” after “caused” wherever occurring in section 105(2).	26
[3]	Schedule 4	27
	Omit clause 7.	28
2.6	Radiation Control Regulation 2013	29
[1]	Clause 1	30
	Omit the clause. Insert instead—	31
	1 Name of regulation	32
	This regulation is the <i>Protection from Harmful Radiation Regulation 2013</i> .	33

[2] Clause 34	1
Omit the clause. Insert instead—	2
34 Disposal of radiation apparatus	3
A person must not dispose of radiation apparatus unless the apparatus has been rendered permanently inoperable.	4
Maximum penalty—	5
(a) for an individual—200 penalty units, or	6
(b) otherwise—400 penalty units.	7
[3] Clause 36	9
Omit the clause.	10
2.7 Amendments consequential on name change of principal Act	11
[1] References to Radiation Control Act 1990	12
Omit “ <i>Radiation Control Act 1990</i> ” wherever occurring in the following provisions—	13
<i>Dangerous Goods (Road and Rail Transport) Act 2008</i> , section 5,	14
<i>Environmentally Hazardous Chemicals Act 1985</i> , sections 3(1), definition of chemical , paragraph (c), and 5(2) and (3),	15
<i>Fair Trading Act 1987</i> , Schedule 1,	16
<i>Land and Environment Court Act 1979</i> , sections 17(ha), 20(1)(co) and (3)(a) and 21(hf),	17
<i>Law Enforcement (Powers and Responsibilities) Act 2002</i> , Schedule 2,	18
<i>Protection of the Environment Administration Act 1991</i> , sections 3(1), definition of environment protection legislation , paragraph (i) and 34A(3)(b)(vi) and (3)(b4)(iv),	19
<i>Protection of the Environment Operations Act 1997</i> , section 186(b2) and Schedule 1, clause 9(1), definition of general chemicals storage , paragraph (b),	20
<i>Road Transport Act 2013</i> , section 107(2)(g)(ii),	21
<i>Uranium Mining and Nuclear Facilities (Prohibitions) Act 1986</i> , section 6(2)(a).	22
Insert instead “ <i>Protection from Harmful Radiation Act 1990</i> ”.	23
[2] Protection of the Environment Administration Act 1991 No 60	24
Omit Schedule 4, clause 7.	25

2.8 Subordinate Legislation Act 1989 No 146	1
Schedule 5 Further postponement of repeal of statutory rules	2
Omit “ <i>Radiation Control Regulation 2013</i> ” from clause 3(g).	3
Insert instead “ <i>Protection from Harmful Radiation Regulation 2013</i> ”.	4