



New South Wales

# Radiation Control Amendment (Miscellaneous) Regulation 2007

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*.

P. C. KOPERBERG, M.P.,  
Minister for Climate Change, Environment and Water

## Explanatory note

The object of this Regulation is to amend the *Radiation Control Regulation 2003 (the principal Regulation)*:

- (a) to exempt dentists, dental auxiliaries and dentistry students registered under the *Dental Practice Act 2001* from the requirement to be licensed under the *Radiation Control Act 1990 (the Act)* in relation to the use for diagnostic purposes, or the sale, of extra-oral x-ray apparatus used with intra-oral image receptors, subject to specified conditions being met, and
- (b) to authorise the Minister to grant exemptions from compliance with section 6 (which provides for restrictions on the possession, use, sale or giving away of radioactive substances and certain radiation apparatus including requiring persons who possess, use, sell or give away such substances and apparatus to be licensed) and section 7 (which provides for the responsibilities of owners of sealed source devices and certain radiation apparatus including requiring them to register such devices and apparatus) of the Act in emergency situations, and
- (c) to provide for the fees payable for the grant or renewal of a licence under the Act of 1 year's duration (being \$117 and \$67, respectively) and 3 years' duration (being \$226 and \$176, respectively), and
- (d) to clarify that an employer is responsible for providing personal monitoring devices (which detect and measure radiation exposure) to relevant employees in accordance with clause 17 of the principal Regulation and to extend the circumstances in which such devices must be provided, and
- (e) to clarify that "effective doses" (as defined) are the relevant doses of radiation for the purposes of determining whether a radiation accident has occurred, and

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Explanatory note

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- (f) to extend the current exemptions from licensing requirements under section 6 (in relation to the possession, use or sale of radioactive substances, and the use of ionising radiation apparatus) and registration requirements under section 7 (in relation to sealed source devices) and section 8 (in relation to premises on which radioactive substances not contained in a sealed source device are kept or used) of the Act.

This Regulation is made under the *Radiation Control Act 1990*, including sections 6, 11, 39 and 40 (the general regulation-making power).

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### **1 Name of Regulation**

This Regulation is the *Radiation Control Amendment (Miscellaneous) Regulation 2007*.

### **2 Amendment of Radiation Control Regulation 2003**

The *Radiation Control Regulation 2003* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 2)

#### [1] Clause 8A

Insert after clause 8:

#### 8A Exemptions from section 6 licensing requirements for dental profession in relation to use of certain radiation apparatus

- (1) A person is exempt from the requirement to be licensed under section 6 of the Act in relation to the use for diagnostic purposes, or the sale, of extra-oral x-ray apparatus used with intra-oral image receptors if the person:
  - (a) is registered as a dentist or a dental auxiliary under the *Dental Practice Act 2001*, and
  - (b) meets all applicable requirements of the *Code of Practice for Radiation Protection in Dentistry* in relation to the use of the apparatus.
- (2) A person is exempt from the requirement to be licensed under section 6 of the Act in relation to the use for diagnostic purposes of extra-oral x-ray apparatus used with intra-oral image receptors if the person:
  - (a) is registered as a dentistry student or a dental auxiliary student under the *Dental Practice Act 2001*, and
  - (b) is subject to:
    - (i) immediate supervision at all times while the person is using the apparatus during clinical experience in the course of training, and
    - (ii) general supervision at all other times.
- (3) In this clause:

***Code of Practice for Radiation Protection in Dentistry*** means the Code so entitled, published by the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

***general supervision*** means supervision by a qualified person who oversees the person being supervised and ensures that the person follows safe radiation work practices in relation to the use of the apparatus in respect of which the supervision is required.

*immediate supervision* means supervision by a qualified person who is present at all times during, and is observing and directing, the use by the person being supervised of the apparatus in respect of which the supervision is required.

*qualified person* means a person who satisfies the requirements of subclause (1) (a) and (b).

**[2] Clause 11B**

Insert after clause 11A:

**11B Exemptions by Minister in emergencies**

- (1) The Minister is authorised to grant to any person or class of persons an exemption from compliance with section 6 or 7 of the Act in an emergency situation (for example, a situation resulting from a malicious act or a threatened malicious act involving radioactive sources).
- (2) An exemption:
  - (a) is effected by order made by the Minister, and
  - (b) takes effect when the order is made or on a later date specified in the order.
- (3) An order is to be published in the Gazette as soon as practicable after it is made.
- (4) An exemption may be unconditional or may be subject to conditions specified in the order.

**Note.** Section 39 (2) and (3) of the Act make further provision with respect to the Minister's granting of exemptions.

**[3] Clause 13 Fees**

Omit the matter relating to "Licence under section 6 of the Act" from the Table to the clause.

Insert instead:

Licence under section 6 of the Act	\$117 for a licence the duration of which is 1 year
	\$226 for a licence the duration of which is 3 years

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#### Schedule 1 Amendments

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**[4] Clause 13, Table**

Omit the matter relating to “Renewal of licence under section 11 of the Act”.

Insert instead:

Renewal of licence under section 11 of the Act	\$67 for a renewed licence the duration of which is 1 year
	\$176 for a renewed licence the duration of which is 3 years

**[5] Clause 17 Personal monitoring devices**

Omit “ensure that” from clause 17 (1). Insert instead “provide”.

**[6] Clause 17 (1)**

Omit “are issued”.

**[7] Clause 17 (1) (g)**

Insert after clause 17 (1) (f):

- (g) servicing of ionising radiation apparatus or devices containing radioactive substances.

**[8] Clause 17 (2)**

Omit “issued”. Insert instead “provided”.

**[9] Clause 26 Certain occurrences are taken to be radiation accidents**

Omit “a dose” from clause 26 (1) (a). Insert instead “an effective dose”.

**[10] Schedule 3 Exemptions from licensing**

Omit item 4 of Part 1. Insert instead:

- 4 Self-shielded irradiators (that is, gamma irradiators in which the radioactive substance is completely enclosed in a dry container constructed of solid material that shields the radioactive substance)

**[11] Schedule 3, Part 2**

Insert after item 7:

- 8 Radioactive substances used as static eliminators and having a level of activity of less than 40 megabecquerels

**[12] Schedule 3, Part 3**

Omit “installed in a fixed position” from item 2.

**[13] Schedule 3, Part 3**

Insert after item 3:

- 4 X-ray apparatus used for radiation gauging and installed in a fixed position

**[14] Schedule 3A Exemptions from application of section 7 of Act**

Insert after item 2:

- 3 A device that contains a sealed radioactive source used only as a laboratory reference source, having a level of activity of less than 40 megabecquerels

**[15] Schedule 3B Exemptions from application of section 8 of Act**

Insert after item 7:

- 8 Radioactive substances used as static eliminators and having a level of activity of less than 40 megabecquerels