



New South Wales

Radiation Control Amendment (Exemptions and Fees) Regulation 2016

under the

Radiation Control Act 1990

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

MARK SPEAKMAN, MP
Minister for the Environment

Explanatory note

The objects of this Regulation are as follows:

- (a) to omit redundant exemptions from radiation management licensing requirements for certain sealed source devices (currently in Part 5 of Schedule 3 to the *Radiation Control Regulation 2013*) relating to gas chromatography detectors (which are dealt with by item 7 of Part 2 of Schedule 3) and certain devices that contain a sealed radioactive source used only as a laboratory reference source (which are dealt with by item 4 of Part 2 of Schedule 3),
- (b) to omit an exemption from management licence requirements for certain enclosed x-ray diffraction, absorption and fluorescence analysers that comply with the requirements for enclosed units (while retaining the exemption from user licences for those analysers),
- (c) to update an existing exemption from radiation management and radiation user licensing requirements for radioactive substances in gas chromatography detectors so that it refers instead to radioactive substances used in an electron capture detector or similar device used in gas chromatography, which is consistent with the terminology used in the National Directory for Radiation Protection approved by the Health Ministers for the States, Territories and Commonwealth,
- (d) to provide that an existing obligation to display warning signs in the immediate vicinity of regulated material applies to material not specified in Part 4 of Schedule 3 (which deals with ionising radiation apparatus) rather than Part 5 (which is being repealed),
- (e) to prescribe the fees applicable when the Environment Protection Authority or a person authorised by the Authority serves a notice on a person to avoid or remedy contraventions of the Act, the regulations or licensing or accreditation requirements or to avoid or remedy unnecessary exposure to or contamination by radiation.

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

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1 Name of Regulation

This Regulation is the *Radiation Control Amendment (Exemptions and Fees) Regulation 2016*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Radiation Control Regulation 2013

[1] Clause 8 Exemptions from radiation management licensing requirements for certain radioactive substances and ionising radiation apparatus

Omit clause 8 (c).

[2] Clause 46 Warning signs

Omit “Part 5”. Insert instead “Part 4”.

[3] Schedule 3 Exemptions from licensing

Omit item 7 from Part 2. Insert instead:

- 7 Radioactive substances used in electron capture detectors or similar devices used in gas chromatography

[4] Schedule 3, Part 2, item 9

Omit items 9 and 10. Insert instead:

- 9 Radioactive ores that are at any place to which the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* applies

[5] Schedule 3, Part 5

Omit the Part.

[6] Schedule 4 Fees

Omit the Table of fees for 2013–2014 and the Table of fees for 2014–2015.

[7] Schedule 4, Table of fees for 2015–2016

Insert after the matter relating to Renewal of accreditation:

Notice to avoid or remedy contraventions or \$315
exposure under section 18 (1) of the Act

[8] Schedule 4, Table of fees for 2016–2017

Insert after the matter relating to Renewal of accreditation:

Notice to avoid or remedy contraventions or \$323
exposure under section 18 (1) of the Act

[9] Schedule 4, Table of fees for 2017–2018

Insert after the matter relating to Renewal of accreditation:

Notice to avoid or remedy contraventions or \$331
exposure under section 18 (1) of the Act