



New South Wales

Radiation Control Amendment Regulation 2021

under the

Radiation Control Act 1990

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

MATT KEAN, MP
Minister for Energy and Environment

Explanatory note

The objects of this Regulation are as follows—

- (a) to define the terms *employment*, *medically exposed person* and *member of the public* for the purposes of this Regulation,
- (b) to prescribe dose limits for exposure to ionising radiation for occupationally exposed persons who are 16 years of age or over but less than 18 years of age,
- (c) to require an employer to comply with the dose limits,
- (d) to prescribe an employer's failure to comply with the dose limits as a penalty notice offence and the amount payable under the penalty notice,
- (e) to make other minor amendments.

This Regulation is made under the *Radiation Control Act 1990*, including sections 25A and 40, the general regulation-making power.

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1 Name of Regulation

This Regulation is the *Radiation Control Amendment Regulation 2021*.

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 3 Definitions

Insert in alphabetical order in clause 3(1)—

medically exposed person means any of the following persons but does not include an occupationally exposed person—

- (a) a patient exposed to ionising radiation as part of the patient’s medical diagnosis or treatment,
- (b) a person who is voluntarily exposed to ionising radiation while supporting or caring for a patient exposed to ionising radiation as part of the patient’s medical diagnosis or treatment,
- (c) a person who is voluntarily exposed to ionising radiation for scientific or research purposes.

member of the public means a person who is not—

- (a) a medically exposed person, or
- (b) an occupationally exposed person.

[2] Clause 3A

Insert after clause 3—

3A Meaning of “employment”

- (1) In this Regulation, **employment** includes the following—
 - (a) engagement under a contract for services,
 - (b) self-employment,
 - (c) carrying on business in partnership.
- (2) In relation to engagement under a contract for services, a contractor is taken to be employed by the person engaging the contractor under the contract.
- (3) In relation to self-employment, a self-employed person is taken to be employed by themselves.
- (4) In relation to carrying on business in partnership, a partner is taken to be employed by each partner in the partnership.

[3] Clause 26

Omit the clause. Insert instead—

26 Duty to comply with dose limits

- (1) An employer must ensure that an occupationally exposed person employed by the employer is not exposed to ionising radiation that exceeds the dose limits for occupationally exposed persons set out in Schedule 5.
Maximum penalty—
 - (a) for a corporation—400 penalty units, or
 - (b) otherwise—200 penalty units.
- (2) An employer must ensure that an occupationally exposed person employed by the employer who is 16 years of age or over but less than 18 years of age is exposed to ionising radiation only—
 - (a) if the person is subject to immediate supervision at the time of exposure, and

- (b) for the purposes of—
 - (i) training for employment that involves the use of ionising radiation, or
 - (ii) participating in a course of study that involves the use of ionising radiation.

Maximum penalty—

- (a) for a corporation—400 penalty units, or
 - (b) otherwise—200 penalty units.
- (3) An employer must ensure that a person employed by the employer who is less than 16 years of age is not exposed to ionising radiation in the course of the person's employment.

Maximum penalty—

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

- (4) In this clause—

immediate supervision has the same meaning as in—

- (a) clause 11(3), if the occupationally exposed person is exposed to ionising radiation in relation to the use, for dental diagnostic purposes, of extra-oral x-ray apparatus used with intra-oral image receptors, or
- (b) otherwise—clause 10(7).

[4] Clause 36 Transport of radioactive substances

Omit “*of Practice*”.

[5] Clause 42 Duty to protect public from exposure to radiation

Omit “(other than patients)”.

[6] Clause 51 Contamination of premises by radioactivity: section 21

Omit “with respect to the radionuclide in Schedule 4 to the National Directory” from clause 51(1).

Insert instead “in relation to the radionuclide in the Safety Standards, Table I.1”.

[7] Clause 51(2)

Omit “in Schedule 4 to the National Directory”.

Insert instead “in the Safety Standards, Table I.1”.

[8] Clause 51(3)

Insert after clause 51(2)—

- (3) In this clause—

the Safety Standards means the *Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards, General Safety Requirements Part 3*, published by the International Atomic Energy Agency, as in force from time to time.

[9] Schedule 2 Classification of laboratories

Omit “in in” from clause 1(1)(b). Insert instead “in”.

[10] Schedule 5 Dose limits for exposure to ionising radiation

Omit “(Clause 26)”. Insert instead “clauses 26 and 42”.

[11] Schedule 5, table

Omit the table. Insert instead—

Application	Dose limit— occupationally exposed persons who are 18 years of age or over	Dose limit— occupationally exposed persons who are 16 years of age or over but less than 18 years of age	Dose limit— members of the public
Effective dose	20 mSv per year, averaged over a period of 5 consecutive calendar years ^{4, 5, 6}	6 mSv per year	1 mSv per year ⁷
Equivalent dose to—			
(a) lens of the eye	20 mSv per year, averaged over a period of 5 consecutive calendar years ^{4, 5, 6}	20 mSv per year	15 mSv per year
(b) skin ⁸	500 mSv per year	150 mSv per year	50 mSv per year
(c) hands and feet	500 mSv per year	150 mSv per year	No limit specified

[12] Schedule 5, note 5

Omit “When a female employee”. Insert instead “If an occupationally exposed person”.

[13] Schedule 7 Penalty notice offences

Insert in appropriate order under the heading **Offences under this Regulation—**

Clause 26(3)	\$1500 for a corporation \$750 for an individual
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