

# Radiation Control Regulation 2003

[2003-615]



New South Wales

## Status Information

### Currency of version

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Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Regulation was repealed by cl 55 (1) of the [Radiation Control Regulation 2013 \(52\)](#) (LW 15.2.2013) with effect from 1.7.2013.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Radiation Control Regulation 2003



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	6
1 Name of Regulation .....	6
2 Commencement .....	6
3 Definitions .....	6
4 Definition of “radioactive ore”: section 4 .....	7
5 Definition of “radioactive substance”: section 4 .....	8
6 Dose limits to be taken into account by the Authority .....	8
<b>Part 2 Licensing, registration and accreditation</b> .....	8
7 Exemptions from section 6 licensing requirements for certain radioactive substances and radiation apparatus .....	8
8 Exemptions from section 6 licensing requirements for certain persons .....	9
8A Exemptions from section 6 licensing requirements for dental profession in relation to use of certain radiation apparatus .....	11
9 Exemptions from section 7 registration requirements for certain sealed source devices .....	12
10 Registration of certain radiation apparatus .....	12
11 Requirements for registration of radiation apparatus .....	12
11A Exemption from requirement for premises to be registered under section 8 .....	13
11B Exemptions by Minister in emergencies .....	13
12 Consulting radiation experts .....	13
13 Fees .....	14
<b>Part 3 Radiation safety</b> .....	15

<b>Division 1 Radiation safety in the workplace</b> .....	15
14 Duty to comply with dose limits .....	15
15 Duty to inform occupationally exposed persons.....	15
16 Radiation safety manual .....	16
<b>Division 2 Radiation monitoring</b> .....	16
17 Personal monitoring devices.....	16
18 Personal radiation exposure record .....	17
19 Area monitoring devices .....	19
20 Maintenance of monitoring devices.....	19
21 (Repealed) .....	19
<b>Division 3 Voluntary exposure to radiation for scientific or research purposes</b> .....	19
22 Voluntary exposure to radiation for scientific or research purposes .....	19
<b>Division 4 Disposal, discharge and transport of radioactive substances and radiation apparatus</b> .....	20
23 Disposal of radioactive substances and radiation apparatus.....	20
24 Records to be kept of discharge of radioactive substances .....	20
25 Transport of radioactive substances .....	20
<b>Division 5 Radiation accidents</b> .....	21
26 Certain occurrences are taken to be radiation accidents.....	21
27 Duty to report and investigate apparent radiation accidents .....	21
28 Record of accidents .....	22
29 Faults or defects .....	23
<b>Part 4 Radiation safety officers and committees</b> .....	23
30 Appointment of radiation safety officers and committees.....	23
<b>Part 4A Tanning units</b> .....	24
30A Definitions .....	24
30B Application of Part .....	24

30C Prohibition on exposure of certain persons to radiation from tanning units .....	24
30D Prohibition on exposure of persons to radiation from tanning units without written consent .....	25
30E Limits on exposure to radiation from tanning units .....	25
30F Frequency of exposure to radiation from tanning units .....	26
30G Persons exposed to radiation from tanning units to wear protective eyewear.....	26
30H Display of warning notices at solarium businesses .....	26
30I Training of tanning unit operators .....	26
30J Supervision by operator of tanning unit .....	27
30K Only one person to use tanning unit at a time .....	27
30L Requirements for persons who carry on solarium businesses.....	27
30M Requirement to keep records and documents .....	28
30N Requirement to keep copy of regulations and Standard .....	29
30O Prohibition on claims of health benefits and safety from risk.....	29
30P Claims in respect of tanning sessions.....	29
30Q Provision of information .....	29
<b>Part 5 Miscellaneous .....</b>	<b>30</b>
31 Destruction or disposal of records .....	30
32 Contamination of premises by radioactivity: section 21 .....	30
33 Loss or theft of radioactive substance or radiation apparatus.....	31
34 Penalty notice offences .....	31
35 Forfeiture of property: sections 26 and 27 .....	31
36 Warning signs .....	32
37 Savings provision.....	32
<b>Schedule 1 Prescribed activity of a radioactive substance.....</b>	<b>32</b>
<b>Schedule 2 Dose limits for exposure to ionising radiation.....</b>	<b>34</b>
<b>Schedule 3 Exemptions from licensing.....</b>	<b>35</b>
<b>Schedule 3A Exemptions from application of section 7 of the Act .....</b>	<b>36</b>
<b>Schedule 3B Exemptions from application of section 8 of the Act .....</b>	<b>36</b>
<b>Schedule 4 Penalty notice offences .....</b>	<b>37</b>

**Schedule 5 Prescribed warning sign**..... 39

**Schedule 6 Consent form**..... 39

# Radiation Control Regulation 2003



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Radiation Control Regulation 2003*.

### 2 Commencement

- (1) This Regulation commences on 1 September 2003, except as provided by this clause.
- (2) Clause 10 (b) commences on 1 February 2004.

#### Note—

This Regulation replaces the *Radiation Control Regulation 1993* which is repealed on 1 September 2003 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

- (1) In this Regulation:

**approved** means approved for the time being by the Chairperson.

**Computed Tomography and Bone Mineral Densitometry Radiation Guideline** means the document published by the Authority entitled *Radiation Guideline 6: Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging—Part 5—Computed Tomography and Bone Mineral Densitometry* as in force from time to time.

**Dentistry Radiation Guideline** means the document published by the Authority entitled *Radiation Guideline 6: Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging—Part 3—Dentistry (Including maxillofacial)* as in force from time to time.

**effective dose** has the same meaning as it has in the 1990 ICRP recommendations.

**equivalent dose** has the same meaning as it has in the 1990 ICRP recommendations.

**Fluoroscopy and Radiography Radiation Guideline** means the document

published by the Authority entitled *Radiation Guideline 6: Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging—Part 2—Fluoroscopy & Radiography* as in force from time to time.

**Mammography Radiation Guideline** means the document published by the Authority entitled *Radiation Guideline 6: Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging—Part 1—Mammography* as in force from time to time.

**occupationally exposed person** means a person who is exposed to ionising or non-ionising radiation directly arising out of, or in the course of, the person's employment.

**radiation accident** is defined in clause 26.

**the Act** means the [Radiation Control Act 1990](#).

**the 1990 ICRP recommendations** means the document entitled *1990 Recommendations of the International Commission on Radiological Protection* and numbered ICRP Publication 60, as adopted by the International Commission on Radiological Protection in November 1990, a copy of which is deposited in the offices of the Authority.

**Veterinary Radiation Guideline** means the document published by the Authority entitled *Radiation Guideline 6: Registration requirements & industry best practice for ionising radiation apparatus used in diagnostic imaging—Part 4—Veterinary Science* as in force from time to time.

- (2) In this Regulation, a reference to a radioactive substance of a particular Group is a reference to a radioactive substance referred to in the corresponding Group in Schedule 1.
- (3) Notes in the text of this Regulation, other than in Schedules 2 and 5, do not form part of this Regulation.

#### **4 Definition of “radioactive ore”: section 4**

- (1) For the purposes of the definition of **radioactive ore** in section 4 (1) of the Act, the prescribed concentrations of uranium and thorium are:
  - (a) in the case of an ore that contains uranium but not thorium, 0.02 per cent by weight of uranium, or
  - (b) in the case of an ore that contains thorium but not uranium, 0.05 per cent by weight of thorium, or
  - (c) in the case of an ore that contains both uranium and thorium, a percentage by weight of uranium and thorium such that the expression:

$$\frac{U}{0.02} + \frac{Th}{0.05}$$

is equal to, or greater than, one.

(2) In the expression referred to in subclause (1) (c):

**U** represents the percentage by weight of uranium.

**Th** represents the percentage by weight of thorium.

## 5 Definition of “radioactive substance”: section 4

(1) For the purposes of the definition of **radioactive substance** in section 4 (1) of the Act:

(a) the prescribed amount is 100 becquerels per gram, and

(b) a substance has the prescribed activity if the expression:

$$\frac{A1}{40} + \frac{A2}{400} + \frac{A3}{4000} + \frac{A4}{40000}$$

is equal to, or greater than, one.

(2) In the expression referred to in subclause (1) (b):

**A1** represents the total activity, in kilobecquerels, of the Group 1 radionuclides contained in the substance.

**A2** represents the total activity, in kilobecquerels, of the Group 2 radionuclides contained in the substance.

**A3** represents the total activity, in kilobecquerels, of the Group 3 radionuclides contained in the substance.

**A4** represents the total activity, in kilobecquerels, of the Group 4 radionuclides contained in the substance.

## 6 Dose limits to be taken into account by the Authority

When making a decision under the Act, the Authority is to take into account, where relevant, the dose limits for exposure to ionising radiation, and the notes for assessing those limits, set out in Schedule 2.

## Part 2 Licensing, registration and accreditation

### 7 Exemptions from section 6 licensing requirements for certain radioactive substances and radiation apparatus

A person is exempt from the requirement to be licensed under section 6 of the Act in



relation to the following:

- (a) the use of the kinds of radioactive substances specified in Part 1 of Schedule 3,
- (b) the possession, use or sale of the kinds of radioactive substances specified in Part 2 of Schedule 3,
- (c) the use of the kinds of ionising radiation apparatus specified in Part 3 of Schedule 3,
- (d) the possession, use or sale of the kinds of ionising radiation apparatus specified in Part 4 of Schedule 3.

### **8 Exemptions from section 6 licensing requirements for certain persons**

- (1) The following persons are exempt from the licensing requirements of section 6 of the Act in relation to the use of radioactive substances and ionising radiation apparatus:
  - (a) a person who is a medical registrar at a hospital and is training in nuclear medicine, diagnostic radiology, radiation oncology, ophthalmology, dermatology, rheumatology or in a medical discipline which uses fluoroscopy,
  - (b) a person who is a student in medical radiation technology and is a trainee technologist in nuclear medicine, diagnostic radiology or radiation oncology,
  - (c) a person who is an assistant to an industrial radiographer,
  - (d) an undergraduate student in a university or other educational institution who is undertaking course work or research that involves the use of such substances or apparatus,
  - (e) a postgraduate student in a university or other educational institution who is undertaking research or higher studies that involve the use of such substances or apparatus,
  - (f) a person who is a registered nurse at a hospital or a medical officer at a hospital and is required to inject radiopharmaceuticals by that hospital (but only if a person who is the holder of a licence and who is able to inject the radiopharmaceuticals is not readily available at the hospital).
- (2) This exemption does not have effect with respect to a person unless the person:
  - (a) is the subject of an approval under this clause, and
  - (b) is complying with the conditions to which the approval is subject.
- (3) A person who holds a licence may give approvals, for the purposes of this clause, for activities authorised by the licence, but only if the conditions of the licence so allow.
- (4) An approval must:

- (a) be in writing, and
  - (b) specify the radioactive substances or radiation apparatus to which it relates, and
  - (c) set out any conditions to which it is subject, and
  - (d) identify each person, or class of persons, to whom it relates, and
  - (e) identify the person or persons, or class or classes of persons, who are to supervise each person, or class of persons, to whom it relates.
- (5) A person who gives an approval for the purposes of this clause must ensure that a copy of the approval:
- (a) is given to each person to whom it relates, or
  - (b) is conspicuously displayed at each place in which the radioactive substances or ionising radiation apparatus to which the approval relates are proposed to be used.

Maximum penalty: 25 penalty units.

- (6) A person who grants an approval must ensure that each person so approved is supervised by a qualified person as follows:
- (a) a person referred to in subclause (1) (a) must be subject to:
    - (i) immediate supervision at all times during the first 6 months of the person's training, and
    - (ii) general supervision after that period,
  - (b) a person referred to in subclause (1) (b) must be subject to:
    - (i) immediate supervision at all times while the person is using the radioactive substances or radiation apparatus to which the approval relates during clinical experience in the course of training, and
    - (ii) general supervision at all other times,
  - (c) a person referred to in subclause (1) (c) must be subject to immediate supervision at all times,
  - (d) a person referred to in subclause (1) (d) must be subject to:
    - (i) immediate supervision at all times while the person is using the radioactive substances or radiation apparatus to which the approval relates in any clinical situation, and
    - (ii) general supervision at all other times,

- (e) a person referred in subclause (1) (e) or (f) must be subject to general supervision at all times.

Maximum penalty: 25 penalty units.

- (7) In this clause:

**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 radioactive substances or radiation apparatus.

**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 radioactive substances or radiation apparatus.

**qualified person**, in relation to supervision for a particular radioactive substance or item of radiation apparatus, means a person who is the holder of a licence which allows the person to provide supervision with respect to that substance or item.

**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 under the Health Practitioner Regulation National Law to practise in the dental profession (other than as a student) as a dentist, a dental therapist, a dental hygienist or an oral health therapist, and is registered in the corresponding division of that profession, 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 student in the dental profession under the Health Practitioner Regulation National Law, 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).

## **9 Exemptions from section 7 registration requirements for certain sealed source devices**

The sealed source devices specified in Schedule 3A are exempt from the application of section 7 of the Act.

## **10 Registration of certain radiation apparatus**

For the purposes of section 7 (1) (b) of the Act, the following kinds of radiation apparatus are prescribed as apparatus to which section 7 applies:

- (a) any ionising radiation apparatus used or intended to be used for any medical diagnostic, veterinary diagnostic or dental diagnostic purpose,
- (b) any ionising radiation apparatus used or intended to be used for radiotherapy or radiotherapy planning purposes,
- (c) any cyclotron.

## **11 Requirements for registration of radiation apparatus**

For the purposes of section 7 (5) of the Act, the applicable requirements for registration of ionising radiation apparatus of a type specified in Column 1 of the table to this clause are the requirements specified opposite that type in Column 2 of the table.

### **Column 1**

#### **Type of ionising radiation apparatus**

Apparatus for computed tomography or bone mineral densitometry

### **Column 2**

#### **Requirements for registration**

The requirements specified in Schedule 1 to the *Computed Tomography and Bone Mineral Densitometry Radiation Guideline*

Apparatus for dental diagnostic purposes	The requirements specified in Schedule 1 to the <i>Dentistry Radiation Guideline</i>
Apparatus for fluoroscopy or radiography	The requirements specified in Schedule 1 to the <i>Fluoroscopy and Radiography Radiation Guideline</i>
Apparatus for mammography	The requirements specified in Schedule 1 to the <i>Mammography Radiation Guideline</i>
Apparatus for veterinary diagnostic purposes	The requirements specified in Schedule 1 to the <i>Veterinary Radiation Guideline</i>

**Note—**

The Guidelines referred to in this clause, and defined in clause 3 (1), are available from the Environment Protection Authority.

**11A Exemption from requirement for premises to be registered under section 8**

An occupier of premises is exempt from the requirement for the premises to be registered under section 8 of the Act in relation to the keeping or use at the premises of any of the kinds of radioactive substances specified in Schedule 3B.

**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.

**12 Consulting radiation experts**

- (1) For the purposes of section 9 (1) of the Act, the following activities are prescribed as the activities of a consulting radiation expert:

- (a) advising on the design of premises to be registered under section 8 of the Act in relation to radiation safety requirements,
  - (b) assessing plans for premises to be registered under section 8 of the Act in relation to radiation safety requirements for the purpose of certifying compliance with the requirements necessary for registration,
  - (c) measuring and assessing radiation doses from ionising radiation apparatus used for medical therapy,
  - (d) measuring and assessing radiation doses from ionising radiation apparatus used for diagnostic purposes,
  - (e) advising on the design of premises, in relation to radiation safety requirements, in which sealed source devices or radiation apparatus prescribed under section 7 (1) of the Act are kept or used,
  - (f) assessing plans for premises in which sealed source devices or radiation apparatus prescribed under section 7 (1) of the Act are kept or used, for the purpose of certifying compliance with any requirements for registration under section 7 (5) of the Act,
  - (g) assessing radiation apparatus, sealed source devices and premises that are required to be registered under section 7 or 8 of the Act for the purpose of certifying compliance with the requirements for registration,
  - (h) assessing the integrity of any shielding of premises in which sealed source devices or radiation apparatus prescribed under section 7 (1) of the Act are kept or used for purposes of certifying compliance with the requirements for registration.
- (2) Authorised officers are exempt from the provisions of section 9 (1) of the Act.

### 13 Fees

- (1) The following fees are prescribed for the purposes of the Act and this Regulation:

#### Table of fees

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
Registration under section 7 of the Act (other than for cyclotrons)	\$155
Registration of cyclotron under section 7 of the Act	\$1,000

Registration under section 8 of the Act	\$155
Accreditation under section 9 of the Act	\$128
Variation of licence under section 10A of the Act	\$83
Variation of accreditation under section 10A of the Act	\$91
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
Renewal of registration under section 11 of the Act (other than for cyclotrons)	\$105
Renewal of registration of cyclotron under section 11 of the Act	\$800
Renewal of accreditation under section 11 of the Act	\$103
Transfer of registration under section 12 of the Act	\$38
Approval of personal monitoring devices required by clause 17	\$525
Approval of area monitoring devices required by clause 19	\$525

- (2) The Authority may waive the whole or such part of the fees as the Authority may in a particular case think proper.

## Part 3 Radiation safety

### Division 1 Radiation safety in the workplace

#### 14 Duty to comply with dose limits

An employer must ensure that each occupationally exposed person in his or her employ is not exposed to ionising radiation that exceeds the dose limits set out in Schedule 2.

Maximum penalty: 100 penalty units.

#### 15 Duty to inform occupationally exposed persons

An employer must ensure that each occupationally exposed person in his or her employ is made aware of, and kept informed of any changes in, the following particulars:

- (a) the hazards that can arise in connection with the use of radioactive substances and radiation apparatus,
- (b) the safety arrangements that exist to protect persons from such hazards and of the

steps that the person must take in order to minimise the likelihood that such a hazard will arise,

- (c) the name of the radiation safety officer or other person to whom the person should refer in connection with any matters relating to the use of radioactive substances and radiation apparatus.

Maximum penalty: 25 penalty units.

## **16 Radiation safety manual**

- (1) The Chairperson may, by notice in writing served on an employer, direct the employer:

- (a) to prepare or adopt a radiation safety manual, and
  - (b) to submit a copy of the manual to the Authority for approval,
- within such time as is specified in the direction.

- (2) An employer must not fail to comply with such a direction.

Maximum penalty: 25 penalty units.

- (3) An employer whose radiation safety manual has been approved by the Authority:

- (a) must ensure that a copy of the manual is available to all occupationally exposed persons employed by the employer, and
- (b) must take all reasonable steps to ensure that the procedures set out in the manual with respect to the use of radioactive substances and radiation apparatus are followed by all persons in his or her employ.

Maximum penalty: 25 penalty units.

- (4) A radiation safety manual is not to be approved by the Authority unless it conforms to the document adopted by the Authority and entitled *Guideline: Preparation of Radiation Safety Manuals*, a copy of which is deposited in the offices of the Authority.

## **Division 2 Radiation monitoring**

### **17 Personal monitoring devices**

- (1) An employer must provide all occupationally exposed persons in his or her employ who are involved in the use of ionising radiation for any one or more of the following purposes with appropriate approved personal monitoring devices for detecting and measuring cumulative exposure to ionising radiation:

- (a) radiotherapy,



- (b) industrial radiography,
- (c) nuclear medicine,
- (d) scientific research in laboratories classified as medium or high level laboratories (within the meaning of Part 4 of AS 2243.4-1998, *Safety in laboratories—Ionizing radiations*, published by Standards Australia, as in force from time to time) where radioactive substances that are not contained in sealed source devices are used,
- (e) diagnostic radiology (other than dentistry, veterinary and chiropractic applications),
- (f) neutron based detection, analysis and gauging (but only when used in bore-hole logging),
- (g) servicing of ionising radiation apparatus or devices containing radioactive substances.

Maximum penalty: 50 penalty units.

- (2) An occupationally exposed person to whom an approved monitoring device has been provided in accordance with this clause must wear the device while involved in the use of ionising radiation in the course of the person's employment.

Maximum penalty: 25 penalty units.

- (3) The Chairperson may impose conditions on the approval of a personal monitoring device referred to in this clause.

## **18 Personal radiation exposure record**

- (1) An employer must ensure that, for each occupationally exposed person to whom a personal monitoring device is issued, a record is kept, in accordance with this clause and on an appropriate periodic basis:
  - (a) of the amount of radiation to which the person has been exposed, as measured by the device, and
  - (b) of the results of any tests carried out or caused to be carried out by the employer in relation to the person for the purpose of determining the amount of radiation to which the person has been exposed.

Maximum penalty: 25 penalty units.

- (2) Such a record must contain the following particulars:
  - (a) the full name, sex and date of birth of the occupationally exposed person,
  - (b) the current home address of the occupationally exposed person or, if the person is

no longer employed by the employer, the person's last known home address,

- (c) the date of commencement of employment (and, if applicable, the date of cessation of employment) as an occupationally exposed person,
  - (d) the kind of work performed by the occupationally exposed person,
  - (e) details of the types of ionising radiation to which the occupationally exposed person may have been exposed in the course of employment with the employer, including information about radioactive substances in unsealed form (if any) to which the occupationally exposed person may have been exposed,
  - (f) details of any radiation accidents in which the person has been involved or by which the person may have been affected,
  - (g) details of the personal monitoring device worn by the occupationally exposed person,
  - (h) the results of monitoring the levels of radiation exposure of the occupationally exposed person.
- (3) When an employee leaves an employer's employment, the employer:
- (a) must cause a copy of the radiation exposure records relating to the employee to be given to the employee, and
  - (b) if the employee is taking up employment as an occupationally exposed person with another employer and if the employee requests, must cause a further copy of those records to be given to the other employer.

Maximum penalty: 25 penalty units.

- (4) An employer must ensure that a warning in the following terms accompanies a copy of the radiation exposure records given to an employee by the employer in accordance with subclause (3):

THESE RECORDS SHOULD BE KEPT SAFELY AND PERMANENTLY AND BE GIVEN TO ANY FUTURE EMPLOYER EMPLOYING YOU AS A RADIATION WORKER.

Maximum penalty: 25 penalty units.

- (5) An employer by whom records are required to be kept must ensure that the records are available for inspection by the person to whom they relate at reasonable times during normal working hours.

Maximum penalty: 25 penalty units.

## **19 Area monitoring devices**

- (1) The Chairperson may, by notice in writing served on an employer, direct the employer to take specified action with respect to the monitoring of radiation on specified premises.
- (2) In particular, such a direction may require the employer to ensure that specified premises are equipped with approved monitoring devices for the purpose of monitoring the presence and level of radiation on the premises.
- (3) The Chairperson may impose conditions on the approval of a monitoring device referred to in this clause.
- (4) An employer must not contravene a direction in force under this clause.

Maximum penalty: 25 penalty units.

- (5) An employer must ensure that, for each monitoring device with which premises are equipped for the purposes of this clause, a record is kept of the following particulars:
  - (a) the date on which the device was acquired,
  - (b) the date of each occasion on which the device was repaired and the details of the repairs,
  - (c) the date on which the device was last calibrated.

Maximum penalty: 25 penalty units.

## **20 Maintenance of monitoring devices**

An employer must ensure that all monitoring devices that are issued or installed by the employer in accordance with the requirements of this Division are checked, maintained and calibrated in accordance with the document entitled *Guideline: Monitoring Devices*, a copy of which is deposited in the offices of the Authority.

Maximum penalty: 50 penalty units.

## **21 (Repealed)**

## **Division 3 Voluntary exposure to radiation for scientific or research purposes**

### **22 Voluntary exposure to radiation for scientific or research purposes**

A person must not expose any other person to ionising radiation for scientific or research purposes except in accordance with the document published by the Australian Radiation Protection and Nuclear Safety Agency entitled *Administration of Ionizing Radiation to Human Subjects in Medical Research*, as in force from time to time.

Maximum penalty: 50 penalty units.

## **Division 4 Disposal, discharge and transport of radioactive substances and radiation apparatus**

### **23 Disposal of radioactive substances and radiation apparatus**

- (1) A person must not dispose of any radioactive substance or any radiation apparatus except with the consent of the Chairperson.

Maximum penalty: 100 penalty units.

- (2) A person must not dispose of any radiation apparatus unless the apparatus has been rendered permanently inoperable.

Maximum penalty: 100 penalty units.

- (3) The consent of the Chairperson may be given generally or in a particular case and may be subject to such conditions as the Chairperson thinks fit to impose.

### **24 Records to be kept of discharge of radioactive substances**

- (1) The occupier of any premises on which radioactive substances are kept must maintain a record, in accordance with this clause, of all radioactive substances discharged from the premises.

Maximum penalty: 100 penalty units.

- (2) The record must include the following information:

- (a) the type of radioactive substances discharged,
- (b) an estimate of the total activity of the radioactive substances discharged,
- (c) the manner in which the radioactive substances were discharged,
- (d) the date on which the radioactive substances were discharged.

### **25 Transport of radioactive substances**

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

Maximum penalty: 100 penalty units.

## **Division 5 Radiation accidents**

### **26 Certain occurrences are taken to be radiation accidents**

- (1) For the purposes of this Regulation, a **radiation accident** is to be treated as having occurred if there is an occurrence that involves the unplanned or unexpected emission of radiation (including spillage or leakage of a radioactive substance or damage to radiation apparatus) and that is of such a nature or extent that it is likely:
  - (a) that one or more persons have, or could have, received an effective dose of radiation equal to or in excess of:
    - (i) 5 millisieverts, in the case of an occupationally exposed person, or
    - (ii) 1 millisievert, in any other case, or
  - (b) that premises or the environment may have become contaminated within the meaning of section 21 of the Act.
- (2) For the purposes of this Regulation, a radiation accident is to be treated as having occurred if there is an occurrence that involves the misuse of radiation apparatus or maladministration of a radioactive substance used for medical purposes, including any of the following:
  - (a) the administration of a radioactive substance for diagnostic purposes in a quantity of more than 50 per cent more than that prescribed,
  - (b) the administration of a radioactive substance for therapeutic purposes at an activity differing by more than 15 per cent from that prescribed,
  - (c) administration of a therapeutic dose of radiation from radiation apparatus or a sealed source device which differs from the total prescribed treatment dose by more than 10 per cent,
  - (d) the unintended administration of radiation as a result of a malfunction of radiation apparatus,
  - (e) administration of a radiopharmaceutical otherwise than as prescribed.

### **27 Duty to report and investigate apparent radiation accidents**

- (1) An employer must give written notice to the Chairperson of the particulars:
  - (a) specified in subclause (2) (a)–(d) within 48 hours of becoming aware of an apparent radiation accident, and
  - (b) specified in subclause (2) (e) within 10 days of becoming aware of an apparent radiation accident.

Maximum penalty: 25 penalty units.

(2) The notice must contain the following particulars:

- (a) particulars of the accident indicating, as far as is possible, the place where it occurred and the period during which emission of radiation was uncontrolled,
- (b) particulars of the area over which any radioactive substances may have been dispersed,
- (c) particulars of any steps taken to rectify the accident,
- (d) particulars of any personal injury or exposure that may have resulted,
- (e) particulars of any assessment of the radiation dose to which any person may have been exposed as a result of the accident.

## **28 Record of accidents**

(1) An employer must maintain a record, in accordance with this clause, of all radiation accidents.

Maximum penalty: 25 penalty units.

(2) Such a record must, for each radiation accident that is reported to the employer, contain the following particulars:

- (a) particulars of the accident indicating, as far as is possible, the place where it occurred and the period during which emission of radiation was uncontrolled,
- (b) the name of any occupationally exposed person or other person who was there during that period,
- (c) an estimate of the radiation dose to which any person may have been exposed,
- (d) details and results of any medical examinations undertaken as a result of the accident,
- (e) particulars of the area over which any radioactive substances may have been dispersed,
- (f) particulars of any steps taken to rectify the accident,
- (g) the time at which the accident was reported to the employer,
- (h) the probable cause of the accident,
- (i) particulars of any investigations conducted into the accident, together with the results of the investigations,

- (j) details of any steps taken to reduce the risk of a similar accident occurring in the future.

## **29 Faults or defects**

- (1) An employer, on becoming aware that a fault may exist in any radiation apparatus:
  - (a) must investigate the apparent fault and, if necessary, cause the apparatus to be removed, replaced or repaired, and
  - (b) must inform all persons who may have been exposed to radiation in quantities in excess of those that would normally be received from the apparatus in faultless condition that they may have been so exposed.

Maximum penalty: 50 penalty units.

- (2) An employer, on becoming aware that a fault or defect may exist in any sealed source device:
  - (a) must investigate the apparent fault or defect and, if necessary, cause the sealed source device to be removed, replaced or repaired, and
  - (b) must inform all persons who may have been exposed to radiation in quantities in excess of those that would normally be received from the sealed source device in faultless condition that they may have been so exposed.

Maximum penalty: 50 penalty units.

## **Part 4 Radiation safety officers and committees**

### **30 Appointment of radiation safety officers and committees**

- (1) The Chairperson may, by notice in writing served on an employer:
  - (a) direct the employer to appoint a radiation safety officer or a radiation safety committee, or both, for a workplace, and
  - (b) in the case of a direction to appoint a radiation safety officer, determine the qualifications to be held by a person so appointed, and
  - (c) direct what functions are to be exercised by a radiation safety officer or radiation safety committee so appointed.
- (2) An employer:
  - (a) must not fail to appoint a radiation safety officer or a radiation safety committee, or both, in accordance with a direction under this clause, and
  - (b) must not allow the functions of the radiation safety officer or radiation safety committee to be exercised otherwise than by the officer or the committee, as the

case requires.

Maximum penalty: 25 penalty units.

## Part 4A Tanning units

### 30A Definitions

(1) In this Part:

**AS/NZS 2635:2008** means the Australian and New Zealand Standard entitled AS/NZS 2635:2008, *Solaria for cosmetic purposes*, as in force from time to time, published jointly by Standards Australia and Standards New Zealand.

**Fitzpatrick Skin Photo Type classification system** means a system for the classification of skin photo types, as referred to in AS/NZS 2635:2008.

**operator**, in relation to a tanning unit, means a person who operates or activates a tanning unit at a solaria business.

**solaria business** means a commercial establishment containing one or more tanning units that is or are used to provide a service of tanning human skin for cosmetic purposes.

**tanning session** means a period of time during which a client of a solaria business is exposed to ultraviolet radiation from a tanning unit operated by the business.

**tanning unit** means an electrically powered apparatus intended to produce tanning of human skin by exposure of the skin to ultraviolet radiation emitted by the apparatus.

**ultraviolet radiation** means radiation for which the wavelengths are within the range of 100 to 400 nanometres.

(2) In this Part, a reference to a particular Skin Photo Type is a reference to that Skin Photo Type determined in accordance with the Fitzpatrick Skin Photo Type classification system.

### 30B Application of Part

This Part applies only in relation to a tanning unit and a solaria business used to provide a tanning service for fee or reward or used in connection with another service that is provided for fee or reward.

### 30C Prohibition on exposure of certain persons to radiation from tanning units

(1) The operator of a tanning unit must not expose a person to ultraviolet radiation from the unit unless:



- (a) the operator has assessed the person's skin type in accordance with the Fitzpatrick Skin Photo Type classification system, or
  - (b) the person has provided the operator with a certificate from a medical practitioner that certifies that the medical practitioner has assessed the person's skin type in accordance with the Fitzpatrick Skin Photo Type classification system and states the results of that assessment.
- (2) The operator of a tanning unit must not expose a person to ultraviolet radiation from the unit if:
- (a) the person is under the age of 18 years, or
  - (b) the person's skin type is Skin Photo Type I.

Maximum penalty: 100 penalty units.

**30D Prohibition on exposure of persons to radiation from tanning units without written consent**

- (1) The operator of a tanning unit must not expose a person to ultraviolet radiation from the unit unless:
- (a) the person has completed a consent form in the form set out in Schedule 6, and
  - (b) the operator has ensured that the person has been given a reasonable time to read the consent form, and
  - (c) the operator has taken reasonable steps to satisfy himself or herself that the person understands the information in the consent form.

Maximum penalty: 100 penalty units.

- (2) A consent form is not valid for the purposes of subclause (1) unless it relates only to exposure to ultraviolet radiation on the particular occasion concerned.

**30E Limits on exposure to radiation from tanning units**

- (1) The operator of a tanning unit must not expose a person to more than 0.9 MED for that person's skin type from the unit on any single occasion.

Maximum penalty: 50 penalty units.

- (2) For the purposes of this clause, **MED (minimum erythematol dose)**, for a particular skin type specified in Column 1 of the Table to this clause, means the amount of ultraviolet radiation specified for that skin type in Column 2 of the Table to this clause.

**Table**

**Column 1**

**Column 2**

<b>Skin type</b>	<b>MED</b>
Skin Photo Type II	250J/m <sup>2</sup>
Skin Photo Type III	300J/m <sup>2</sup>
Skin Photo Type IV	450J/m <sup>2</sup>
Skin Photo Type V	600J/m <sup>2</sup>
Skin Photo Type VI	1,000J/m <sup>2</sup>

**Note—**

An amount listed in Column 2 of the Table is the dose of ultraviolet radiation that may cause a perceptible reddening of the skin for the skin type listed in Column 1 of the Table opposite that amount.

**30F Frequency of exposure to radiation from tanning units**

- (1) A person who carries on a solaria business must ensure that procedures are in place, and are implemented, to prevent a person from being exposed to ultraviolet radiation from a tanning unit at the business more than once in any 48-hour period.
- (2) The operator of a tanning unit must not expose a person to ultraviolet radiation from the unit if the operator knows, or ought reasonably to know, that the person has been exposed to ultraviolet radiation from a tanning unit within the preceding period of 48 hours.

Maximum penalty: 50 penalty units.

**30G Persons exposed to radiation from tanning units to wear protective eyewear**

The operator of a tanning unit must ensure that a person who is exposed to ultraviolet radiation from the unit is wearing protective eyewear that complies with the requirements set out under AS/NZS 2635:2008 with respect to eye protection.

Maximum penalty: 50 penalty units.

**30H Display of warning notices at solaria businesses**

A person who carries on a solaria business must ensure that a warning notice that complies with the requirements specified in clause 3.6.1 of AS/NZS 2635:2008 is displayed in accordance with that clause.

Maximum penalty: 50 penalty units.

**30I Training of tanning unit operators**

- (1) A person who carries on a solaria business must ensure that any person employed or engaged as an operator of tanning units at the business receives training that covers the following:

- (a) the safe use and operation of tanning units,
- (b) the requirements and practical implementation of AS/NZS 2635:2008,
- (c) the appropriate determination of skin types in accordance with the Fitzpatrick Skin Photo Type classification system,
- (d) the appropriate determination of exposure times for different skin types from tanning units,
- (e) the method of screening persons for skin conditions or other conditions that would limit exposure from tanning units,
- (f) the types and wavelengths of ultraviolet light that are emitted by tanning units,
- (g) the appropriate procedures for sanitising tanning units, using protective eyewear and using other equipment in connection with tanning units.

Maximum penalty: 50 penalty units.

(2) This clause has no operation until 12 months after its commencement.

### **30J Supervision by operator of tanning unit**

A person who carries on a solaria business must ensure that a client of the business is directly supervised by an operator during any period in which the client is using any tanning unit at the business.

Maximum penalty: 50 penalty units.

### **30K Only one person to use tanning unit at a time**

The operator of a tanning unit must ensure that not more than one person is exposed to ultraviolet radiation from the unit at any one time.

Maximum penalty: 25 penalty units.

### **30L Requirements for persons who carry on solaria businesses**

A person who carries on a solaria business must ensure that:

- (a) a tanning unit at the business is not capable of being operated by a client of the business, other than to terminate or suspend a tanning session, and
- (b) there is within the reach of a client using a tanning unit at the business a means by which the client may terminate or suspend a tanning session involving the unit, and
- (c) the operator of a tanning unit at the business is able to terminate a tanning session remotely, and
- (d) a timing device is installed on each tanning unit at the business that can be set to

automatically switch off the unit when the maximum amount of exposure to ultraviolet radiation specified under clause 30E for the client concerned is reached, and

- (e) ultraviolet screening is provided to contain direct ultraviolet radiation emitted by a tanning unit to the area normally occupied by a client using the tanning unit, and
- (f) if a client is exposed to ultraviolet radiation from a tanning unit in a standing position, there is at least one mechanism provided to support the person in that position.

Maximum penalty: 50 penalty units.

### **30M Requirement to keep records and documents**

- (1) A person who carries on a solaria business must keep, or cause to be kept, the following records and documents in accordance with subclause (2) at the premises of the business at which tanning units are operated:
  - (a) a record of each skin type assessment required to be carried out under clause 30C (1) (a),
  - (b) a copy of each certificate provided under clause 30C (1) (b) containing the results of a skin type assessment by a medical practitioner,
  - (c) any written consent forms obtained from clients for the purposes of clause 30D,
  - (d) a record detailing the following for each tanning session conducted at the business:
    - (i) the date of the tanning session,
    - (ii) the name of the client,
    - (iii) the duration of the tanning session,
    - (iv) a description of the tanning unit (including the model number or serial number of the unit),
  - (e) a record detailing each maintenance or servicing of a tanning unit,
  - (f) a record detailing the sale or transfer of each tanning unit operated at the business, including the date on which the unit was sold or transferred and the name and address of the person to whom it was sold or transferred,
  - (g) a record detailing the training provided to each person employed or engaged as an operator of tanning units at the business in accordance with clause 30I.

Maximum penalty: 100 penalty units.

- (2) A record or document required to be kept by a person under this clause must be retained by the person for at least 2 years after the record is made or the document

obtained.

### **30N Requirement to keep copy of regulations and Standard**

A person who carries on a solaria business must keep a copy of this Regulation and AS/NZS 2635:2008 at the premises of the business at which tanning units are operated, or must enable those instruments to be accessed electronically at the premises (such as by means of the internet).

Maximum penalty: 25 penalty units.

### **30O Prohibition on claims of health benefits and safety from risk**

A person who carries on a solaria business must not make a representation or claim that:

- (a) the use of a tanning unit will result in any non-cosmetic health benefit, or
- (b) the use of a tanning unit is safe from risk.

Maximum penalty: 50 penalty units.

### **30P Claims in respect of tanning sessions**

A person who carries on a solaria business must not make a representation or claim that would cause a reasonable person to believe that the business provides tanning sessions:

- (a) to clients at a greater frequency than permitted by this Regulation, or
- (b) that would expose clients to a greater amount of ultraviolet radiation than permitted by this Regulation.

Maximum penalty: 50 penalty units.

### **30Q Provision of information**

(1) A person who carries on a solaria business must provide to the Chairperson, in accordance with this clause, the following information in relation to each premises at which the person carries on the business:

- (a) if the person is a natural person, the name, postal address, telephone number and email address of the person,
- (b) if the person is a corporation, the name, postal address, telephone number and email address of a nominated director or officer of the corporation,
- (c) the address of the premises of the business at which tanning services are provided by the business,
- (d) the number of tanning units used at those premises,
- (e) the type of each tanning unit used at those premises.

Maximum penalty: 50 penalty units.

- (2) The information must be provided in writing:
  - (a) in the case of a person carrying on the solaria business concerned immediately before the commencement of this clause—no later than 6 months after that commencement, or
  - (b) in relation to a person who commences to carry on the solaria business concerned on or after the commencement of this clause—no later than 2 months after the person commences to carry on the business.
- (3) A person who carries on a solaria business must, within 30 days after any change occurring in the information required to be provided under this clause, notify the Chairperson in writing of the change.

Maximum penalty: 50 penalty units.

## **Part 5 Miscellaneous**

### **31 Destruction or disposal of records**

- (1) An employer must not destroy or otherwise dispose of any records required to be kept under this Regulation otherwise than in accordance with this clause.

Maximum penalty: 25 penalty units.

- (2) An employer may, with the consent of the Chairperson, destroy or otherwise dispose of any records that the employer is required by this Regulation to keep.
- (3) The Chairperson is not to give consent to the destruction of any records kept under clause 18 by an employer until at least 5 years after the cessation of employment with the employer of the employee concerned.
- (4) An employer may forward to the Chairperson the records kept under this Regulation by the employer if the employer ceases to carry on business in New South Wales.
- (5) The Chairperson may dispose of any records forwarded to or kept by the Chairperson in accordance with this Regulation.

### **32 Contamination of premises by radioactivity: section 21**

- (1) For the purposes of section 21 (4) of the Act, the prescribed level of activity for premises inside a building is:
  - (a) 0.04 becquerels per square centimetre for any Group 1 or Group 2 radioactive substance that emits alpha radiation, or
  - (b) 0.4 becquerels per square centimetre for any Group 3 or Group 4 radioactive

substance that emits alpha radiation, or

(c) 0.4 becquerels per square centimetre for any radioactive substance that emits beta or gamma radiation.

(2) For the purposes of section 21 (4) of the Act, the prescribed level of activity for premises outside a building is:

(a) 0.01 becquerels per square centimetre for any Group 1 radioactive substance, or

(b) 0.1 becquerels per square centimetre for any Group 2 radioactive substance, or

(c) 1.0 becquerels per square centimetre for any Group 3 radioactive substance, or

(d) 10.0 becquerels per square centimetre for any Group 4 radioactive substance.

### **33 Loss or theft of radioactive substance or radiation apparatus**

(1) If any radioactive substance, or any radiation apparatus registered under section 7 of the Act, is lost or stolen:

(a) the person who is the owner of the substance or apparatus, and

(b) any other person who is the holder of a licence and is employed to use, or to supervise the use of, the substance or apparatus,

must cause notice of the loss or theft to be given to the Chairperson as soon as possible (but in any event, no later than 3 days) after the person becomes aware of the loss or theft.

Maximum penalty: 100 penalty units.

(2) Notice does not have to be given by any one of those persons if notice has already been given by any other of those persons.

### **34 Penalty notice offences**

For the purposes of section 25A of the Act:

(a) each offence created by a provision specified in Column 1 of Schedule 4 is declared to be a penalty notice offence, and

(b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 4.

### **35 Forfeiture of property: sections 26 and 27**

(1) An application made by or on behalf of the Authority for the purposes of section 26 (2) of the Act is to be in writing.

(2) A notice referred to in section 27 (1) (b) of the Act is to be in writing addressed to the

owner of the substance or thing concerned at that person's address last known to the Authority.

### 36 Warning signs

The occupier of any premises in or on which any radiation apparatus or radioactive substance, not specified in Schedule 3, is kept must ensure that a warning sign in or to the effect of the form set out in Schedule 5 (with colouring as indicated in the note to that Schedule) is conspicuously displayed in the immediate vicinity of the apparatus or substance.

Maximum penalty: 25 penalty units.

### 37 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Radiation Control Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.

## Schedule 1 Prescribed activity of a radioactive substance

(Clause 3 (2))

### Column 1

### Column 2

#### Group 1

Ac227	Am241	Am243	Cf249	Cf250	Cf252	Cm242	Cm243	40 kilo-becquerels
Cm244	Cm245	Cm246	Np237	Pa231	Pb210	Po210	Pu238	
Pu239	Pu240	Pu241	Pu242	Ra223	Ra226	Ra228	Th227	
Th228	Th230	U230	U232	U233	U234			

Any alpha emitting radionuclide that is not included in any other Group in this Schedule

### Column 1

### Column 2

#### Group 2

Ac228	Ag110m	At211	Ba140	Bi207	Bi210	Bk249	Ca45	400 kilo-becquerels
Cd115m	Ce144	Cl36	Co56	Co60	Cs134	Cs137	Eu152	
Eu154	Ge68	Hf181	I124	I125	I126	I131	I133	
In114m	Ir192	Mn54	Na22	Pa230	Pb212	Ra224	Ru106	
Sb124	Sb125	Sc46	Sr89	Sr90	Ta182	Tb160	Te127m	
Te129m	Th234	Tl204	Tm170	U236	Y91	Zr95		



Any radionuclide that is not alpha emitting and is not included in any other Group in this Schedule

**Column  
1**

**Column 2**

**Group 3**

Ag105	Ag111	Ar41	As73	As74	As76	As77	Au196	4 mega-becquerels
Au198	Au199	Ba131	Ba133	Be7	Bi206	Bi212	Br75	
Br76	Br82	C14	Ca47	Cd109	Cd115	Ce141	Ce143	
Cl38	Co57	Co58	Cr51	Cs129	Cs131	Cs136	Cu64	
Cu67	Dy165	Dy166	Er161	Er169	Er171	Eu152m	Eu155	
F18	Fe52	Fe55	Fe59	Ga67	Ga68	Ga72	Gd153	
Gd159	Hf175	Hg195m	Hg197	Hg197m	Hg203	Ho166	I123	
I130	I132	I134	I135	In111	In115	In115m	Ir190	
Ir194	K42	K43	Kr85m	Kr87	La140	Lu177	Mg28	
Mn52	Mn56	Mo99	Na24	Nb93m	Nb95	Nd147	Nd149	
Ni63	Ni65	Np239	Os185	Os191	Os193	P32	Pa233	
Pb203	Pd103	Pd109	Pm147	Pm149	Pr142	Pr143	Pt191	
Pt193	Pt197	Rb81	Rb86	Re183	Re186	Re188	Rh105	
Rn220	Rn222	Ru103	Ru105	Ru97	S35	Sb122	Sc47	
Sc48	Se75	Si31	Sm151	Sm153	Sn113	Sn121	Sn125	
Sr85	Sr91	Sr92	Tc96	Tc97	Tc97m	Tc99	Te125m	
Te127	Te129	Te131m	Te132	Th231	Tl200	Tl201	Tl202	
Tm171	U239	V48	W181	W185	W187	Xe135	Y87	
Y90	Y92	Y93	Yb175	Zn62	Zn65	Zn69m	Zr97	

**Column  
1**

**Column 2**

**Group 4**

Ar37	C11	Co58m	Cs134m	Cs135	Cu62	Ga68	Ge71	40 mega-becquerels
H3	I129	In113m	Kr81m	Kr85	N13	Nb97	Ni59	
O15	Os191m	Pt193m	Pt197m	Rb87	Re187	Rh103m	Se73	
Sm147	Sr85m	Sr87m	Tc96m	Tc99m	Th nat	Th232	U nat	

U235 U238 Xe131m Xe133 Y91m Zn69 Zr93

## Schedule 2 Dose limits for exposure to ionising radiation

(Clauses 6 and 14)

Application	Dose limit	Dose limit
	Occupationally exposed person	Member of public (other than patient)
Effective dose	20 mSv per year averaged over a period of 5 consecutive calendar years <sup>4, 5, 6</sup>	1 mSv in a year <sup>7</sup>
Equivalent dose to:		
(a) lens of the eye	150 mSv in a year	15 mSv in a year
(b) skin <sup>8</sup>	500 mSv in a year	50 mSv in a year
(c) the hands and feet	500 mSv in a year	No limit specified

### Note 1—

The limits apply to the sum of the relevant doses from external exposure in the specified period and the committed dose from intakes in the same period. In this Note, **committed dose** means the dose of radiation, arising from the intake of radioactive material, accumulated by the body over 50 years following the intake (except in the case of intakes by children, where it is the dose accumulated until the age of 70).

### Note 2—

Any dose resulting from medical diagnosis or treatment should not be taken into account.

### Note 3—

Any dose attributable to normal naturally occurring background levels of radiation should not be taken into account.

### Note 4—

With the further provision that the effective dose must not exceed 50mSv in any single year.

### Note 5—

When a female employee declares a pregnancy, the embryo or foetus should be afforded the same level of protection as required for members of the public.

### Note 6—

When, in exceptional circumstances, a temporary change in the dose limitation requirements is approved by the Authority, one only of the following conditions applies:

- the effective dose limit must not exceed 50mSv per year for the period, that must not exceed 5 years, for which the temporary change is approved,
- the period for which the 20mSv per year average applies must not exceed 10 consecutive years and the effective dose must

not exceed 50mSv in any single year.

**Note 7—**

In special circumstances, a higher value of effective dose could be allowed in a single year, provided that the average over 5 years does not exceed 1mSv per year.

**Note 8—**

The equivalent dose limit for the skin applies to the dose averaged over any 1 square centimetre of skin, regardless of the total area exposed.

## **Schedule 3 Exemptions from licensing**

(Clause 7)

### **Part 1 Exemptions from licensing for use of radioactive substances**

- 1 (Repealed)
- 2 Sealed source devices used for radiation gauging installed in fixed positions
- 3 Americium 241 in industrial smoke detectors that do not contain any other radioactive substance
- 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)

### **Part 2 Exemptions from licensing for possession, use or sale of radioactive substances**

- 1 Radioactive substances in luminous dials on any devices, including on clocks and watches
- 2 Gaseous tritium in luminous devices, including in self luminous "EXIT" signs
- 3 Radioactive substances used in nuclear medicine for checking gamma cameras and dose calibrators and having a level of activity of less than 40 megabecquerels
- 4 Radioactive substances used as laboratory reference sources and having a level of activity of less than 40 megabecquerels
- 5 Radioactive substances for demonstration, teaching or training having a level of activity of less than 40 megabecquerels
- 6 Uranium metal of natural isotopic composition, or depleted in uranium 235, which is used as radiation shielding in transport packages for radioactive substances or is used in any other manner
- 7 Radioactive substances in gas chromatography detectors
- 8 Radioactive substances used as static eliminators and having a level of activity of less than 40 megabecquerels

### **Part 3 Exemptions from licensing for use of ionising radiation apparatus**

- 1 X-ray baggage inspection apparatus

- 2 Cabinet x-ray inspection apparatus  
Enclosed x-ray diffraction, absorption and fluorescence analysers that comply with the requirements for enclosed units as defined in the document published by the National Health and Medical Research Council entitled *Code of practice for protection against ionizing radiation emitted from X-ray analysis equipment* (or as defined in any document replacing that document that is published by the Australian Radiation Protection and Nuclear Safety Agency)
- 3
- 4 X-ray apparatus used for radiation gauging and installed in a fixed position

## **Part 4 Exemptions from licensing for possession, use or sale of ionising radiation apparatus**

- 1 Television receivers
- 2 Visual display units
- 3 Cold cathode gas discharge tubes
- 4 Electron microscopes

## **Schedule 3A Exemptions from application of section 7 of the Act**

(Clause 9)

- 1 Gas chromatography detectors  
Enclosed x-ray diffraction, absorption and fluorescence analysers that comply with the requirements for enclosed units as defined in the document published by the National Health and Medical Research Council entitled *Code of practice for protection against ionizing radiation emitted from X-ray analysis equipment* (or as defined in any document replacing that document that is published by the Australian Radiation Protection and Nuclear Safety Agency)
- 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

## **Schedule 3B Exemptions from application of section 8 of the Act**

(Clause 11A)

- 1 Americium 241 in industrial smoke detectors that do not contain any other radioactive substance
- 2 Radioactive substances in luminous dials on any devices, including on clocks and watches
- 3 Gaseous tritium in luminous devices, including in self luminous "EXIT" signs
- 4 Radioactive substances used in nuclear medicine for checking gamma cameras and dose calibrators and having a level of activity of less than 40 megabecquerels
- 5 Radioactive substances used as laboratory reference sources and having a level of activity of less than 40 megabecquerels
- 6 Radioactive substances for demonstration, teaching or training having a level of activity of less than 40 megabecquerels

- 7 Uranium metal of natural isotopic composition, or depleted in uranium 235, which is used as radiation shielding in transport packages for radioactive substances or is used in any other manner
- 8 Radioactive substances used as static eliminators and having a level of activity of less than 40 megabecquerels

## Schedule 4 Penalty notice offences

(Clause 34)

<b>Column 1</b>	<b>Column 2</b>
<b>Provision</b>	<b>Penalty</b>
<b>Offences under the Act</b>	
Section 6 (2)	\$1500 for a corporation \$750 for an individual
Section 6 (3)	\$1500 for a corporation \$750 for an individual
Section 7 (2)	\$1500 for a corporation \$750 for an individual
Section 7 (3)	\$1500 for a corporation \$750 for an individual
Section 8 (1)	\$1500 for a corporation \$750 for an individual
Section 8 (2)	\$1500 for a corporation \$750 for an individual
Section 9 (1)	\$500
Section 13 (6)	\$100
Section 18 (4)	\$1000
<b>Offences under this Regulation</b>	
Clause 8 (5)	\$250
Clause 8 (6)	\$250
Clause 14	\$1000
Clause 15	\$250
Clause 16 (2)	\$250
Clause 16 (3) (a)	\$250
Clause 16 (3) (b)	\$250
Clause 17 (1)	\$500

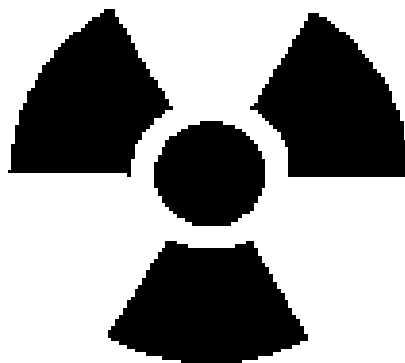
Clause 17 (2)	\$250
Clause 18 (1)	\$250
Clause 18 (3) (a)	\$250
Clause 18 (3) (b)	\$250
Clause 18 (4)	\$250
Clause 18 (5)	\$250
Clause 19 (4)	\$250
Clause 19 (5)	\$250
Clause 20	\$500
Clause 22	\$500
Clause 23 (1)	\$1000
Clause 23 (2)	\$1000
Clause 24 (1)	\$1000
Clause 25	\$1000
Clause 27 (1)	\$250
Clause 28 (1)	\$250
Clause 29 (1) (a)	\$500
Clause 29 (1) (b)	\$500
Clause 29 (2) (a)	\$500
Clause 29 (2) (b)	\$500
Clause 30 (2) (a)	\$250
Clause 30 (2) (b)	\$250
Clause 30C (1) and (2)	\$1000
Clause 30D (1)	\$1000
Clause 30E (1)	\$500
Clause 30F (1) and (2)	\$500
Clause 30G	\$500
Clause 30H	\$500
Clause 30I (1)	\$500
Clause 30J	\$500
Clause 30K	\$250

Clause 30L	\$500
Clause 30M (1)	\$1000
Clause 30N	\$250
Clause 30O	\$500
Clause 30P	\$500
Clause 30Q (1) and (3)	\$500
Clause 31 (1)	\$250
Clause 33 (1)	\$1000
Clause 36	\$250

## **Schedule 5 Prescribed warning sign**

(Clause 36)

**CAUTION RADIATION**



### **Note—**

The sign is to have a yellow background with the distinctive symbol in black and the lettering “CAUTION RADIATION” in black.

## **Schedule 6 Consent form**

(Clause 30D)

### **Client consent form**

#### **Please read the following information carefully**

- (1) Tanning units emit ultraviolet radiation.
- (2) Exposure to ultraviolet radiation such as from a tanning unit contributes to the skin ageing process and skin

cancer.

- (3) Intentional tanning unit exposure should be avoided for 48 hours before and after sunlight or tanning unit exposure.
- (4) Protective eyewear must be worn at all times while undergoing tanning unit exposure.
- (5) If you have fair skin and burn easily you will not be permitted to use a tanning unit.
- (6) If you are under the age of 18 years you will not be permitted to use a tanning unit.
- (7) There is additional risk, and tanning unit exposure is not recommended, if you:
  - (a) have ever been treated for solar keratoses or skin cancer, or
  - (b) have a large number of moles, freckles or naevi, or
  - (c) have a history of frequent childhood sunburn, or
  - (d) burn easily, or
  - (e) have ever suffered from an abnormal reaction, or allergy, to light.
- (8) There may be further risk if you are pregnant, taking certain medications by mouth or applying medications or certain cosmetics to the skin.

If there is any doubt in your mind in relation to any of the particulars described in items (3), (7) or (8) above, consult your doctor before undergoing any ultraviolet exposure.

**Consent**

- (1) I, [Name], of [Address], am over the age of 18 years.
- (2) I acknowledge that I have read and fully understand the above information.
- (3) I consent to being exposed to ultraviolet radiation from a tanning unit in this establishment.
- (4) I have not been exposed to ultraviolet radiation from a tanning unit in the last 48 hours.

.....Signed (client)

.....Date

.....Signed (operator)

.....Date

.....Name of establishment