New South Wales

Protection from Harmful Radiation Regulation 2025

under the

Protection from Harmful Radiation Act 1990

[*The following enacting formula will be included if the regulation is made*—]
Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Protection from Harmful Radiation Act 1990*.

Minister for the Environment

Explanatory note

The object of this regulation is to repeal and remake, with amendments, the *Protection from Harmful Radiation Regulation 2013*, which would otherwise be repealed on 1 September 2025 under the *Subordinate Legislation Act 1989*, section 10(2).

This regulation—

(a) prescribes standard conditions on radiation management licences requiring licence holders to—
  (i) comply with adopted National Directory documents, and
  (ii) have, and ensure compliance with, radiation management plans for the regulated material, and

(b) provides for exemptions from the requirement to hold a radiation management licence or radiation user licence for particular persons or in relation to particular regulated material, and

(c) imposes an obligation on persons responsible for regulated material to ensure persons using the regulated material under an exemption—
  (i) meet the requirements for the exemption, and
  (ii) if the person using the regulated material is required to be supervised under the exemption—are supervised in the way required under the exemption, and

(d) imposes an obligation on a person who is supervising another person who is using regulated material under an exemption to provide the kind of supervision required under the exemption, and

(e) impose an obligation on persons using regulated material under an exemption to—
  (i) comply with relevant requirements of prescribed codes of practice and Australian standards for the regulated material, and
  (ii) comply with the radiation management plan for the regulated material, and
  (iii) notify the person responsible for the regulated material of any faults or defects in the regulated material and of any radiation incidents, and
  (iv) comply with exposure dose limits for the regulated material, and

(f) provides for the approval by the Authority of courses required for licences, accreditations or exemptions, and

(g) prescribes the activities of consulting radiation experts and radiation security assessors, and

(h) prescribes additional matters that must be dealt with in security plans, and

(i) prescribes the security measures that a person responsible for a security enhanced source is required to comply with in relation to the source, and

(j) imposes a duty to report breaches of security measures, and

(k) prescribes all security enhanced sources as sources in relation to which users must have undergone and satisfied identity checks, and

(l) prescribes the requirements for carrying out and keeping records of identify checks, and

(m) provides for radiation safety in the workplace, including exposure dose limits and requiring the radiation doses received by a person in the course of the person's employment to be monitored, and

(n) requires adherence to certain standards where a person is exposed to ionising radiation for scientific or research purposes, and

(o) imposes requirements relating to the safe disposal of regulated material, and

(p) sets out the procedure for dealing with, including reporting, investigating and recording, radiation incidents, and

(q) prohibits commercial cosmetic tanning services, and

(r) provides for the appointment of radiation safety officers and committees, and

(s) requires the reporting of the loss or theft of regulated material and security enhanced sources, and

(t) requires warning signs to be displayed by the occupier of premises in or on which certain radiation apparatus and radioactive substances are kept, and

(u) provides that certain functions of the Authority and the CEO of the Authority under the Act may be exercised by the Secretary of the Department of Primary Industries and Regional Development, and

(v) declares certain offences to be penalty notice offences and prescribes the penalty for those offences, and

(w) provides for certain exemptions from compliance with all or certain specified provisions of the *Protection from Harmful Radiation Act 1990* and this regulation, and

(x) prescribes certain matters in relation to the definitions of ***radioactive ore***, ***radioactive substance*** and ***security enhanced source***, and

(y) prescribes fees for the *Protection from Harmful Radiation Act 1990* and this regulation, and

(z) provides for other miscellaneous matters of an administrative, savings or transitional nature.

Contents

Page

Part 1 Preliminary

1 Name of regulation 6
2 Commencement 6
3 Definitions 6
4 Meaning of “employment” 6
5 Definition of “radioactive ore” 7
6 Definition of “radioactive substance” 7
7 Definition of “security enhanced source” 7
8 Relationship with Work Health and Safety Act 2011 7

Part 2 Licensing and accreditation

Division 1 Preliminary

9 Definitions 8

Division 2 Conditions on radiation management licences—the Act, ss 13B(1A) and 40(3)(d1)

10 Obligations of person responsible set out in National Directory 8
11 Radiation management plans 9

Division 3 Licence exemptions—the Act, s 39

Subdivision 1 Exemptions from licensing requirements generally

12 Radiation management licence exemptions for certain radioactive substances and ionising radiation apparatus 9
13 Radiation user licence exemptions for certain radioactive substances and ionising radiation apparatus 9
14 Exemption for certain medical registrars 10
15 Exemption for medical radiation practice students 10
16 Exemption for industrial radiographer assistants 10
17 Exemption for students and persons undertaking approved courses 10
18 Exemption for registered nurses and medical practitioners in particular circumstances 11
19 Exemption for veterinary nurses, technicians and technologists 11
20 Exemption for chiropractic students 12
21 Exemption for authorised officers 12

Subdivision 2 Exemptions from licensing requirements—use of radiation apparatus for dental radiography

22 Application of subdivision 12
23 Exemption for certain dental practitioners 12
24 Exemption for dental students 13
25 Exemption for dental assistants 13
26 Exemption for approved courses—dental assistants 13

Division 4 Accreditations—the Act, ss 8, 13B(1A) and 40(3)(d1)

27 Activities of consulting radiation experts 13
28 Activities of radiation security assessors 14

Page

Division 5 Approval of courses—the Act, s 40(3)(d3)

29 Applications for approval of courses 14
30 Deciding applications for approval 14

Division 6 Offences relating to licence exemptions—the Act, s 40(3)(d4)

31 Licence exemptions—obligation of person responsible 14
32 Licence exemptions—supervision by qualified person 15
33 Licence exemptions—obligations of exempt persons 15

Part 3 Security of radioactive sources

Division 1 Preliminary

34 Definitions 17

Division 2 Security plans—the Act, s 14

35 Security plans generally—additional matters and review 17
36 Source security plans—additional matters 18
37 Source transport security plans—additional matters 18
38 Amendments to security plans that do not require review 19

Division 3 Security measures—the Act, ss 14A and 40(2), (3)(h) and (3A)

39 Prescribed security measures for security enhanced sources 19
40 Duty to report breach of a prescribed security measure 20
41 Loss or theft of security enhanced source 20
42 Loss or theft of other regulated material—the Act, s 40(2), (3)(h) and (3A) 21

Division 4 Identity checking—the Act, s 14B

43 Prescribed security enhanced sources for identity checking 21
44 Identity checking 21

Part 4 Radiation safety and public health

Division 1 Radiation safety in the workplace

45 Duty to comply with dose limits—the Act, s 40(2) and (3)(f), (i2) and (j) 22
46 Duty to inform occupationally exposed persons—the Act, s 40(2) and (3)(f), (i2) and (j) 23
47 Employers may be directed to submit radiation management plan—the Act, s 40(2) and (3)(e), (f), (i2) and (j) 23

Division 2 Radiation monitoring in the workplace

48 Definitions 24
49 Approval of personal monitoring devices—the Act, s 40(2) and (3)(i1) 24
50 Personal monitoring devices must be worn—the Act, s 40(2) and (3)(f), (i), (i1) and (i2) 24
51 Personal radiation exposure records—the Act, s 40(2) and (3)(f), (h), (i) and (i2) 25
52 Area monitoring devices must be used on direction of Authority—the Act, s 40(3)(e), (h), (i), (i1) and (i2) 26

Page

53 Maintenance of monitoring devices—the Act, s 40(2) and (3)(h), (i), (i1), (i2), (j) and (k) 27

Division 3 Disposal of regulated material

54 Disposal of ionising radiation apparatus—the Act, s 39 27
55 Records must be kept of disposal of regulated material—the Act, s 40(2)(a) and (3)(h) 27

Division 4 Radiation incidents—the Act, s 40(2)(a), (3)(h) and (3A)

56 Certain incidents taken to be radiation incidents 27
57 Duty to report and investigate radiation incidents 28
58 Record of incidents 29
59 Faults or defects 30

Division 5 Miscellaneous

60 Duty to protect public from exposure to radiation—the Act, s 40(2) and (3)(c) and (j) 30
61 Prohibition on commercial tanning using ultraviolet radiation—the Act, s 40(2) and (3)(c) and (j) 31
62 Voluntary exposure to radiation for scientific or research purposes—the Act, s 40(3)(c), (f) and (j) 31
63 Appointment of radiation safety officers and committees—the Act, s 40(2) and (3)(e) and (f) 31
64 Warning signs—the Act, s 40(2) and (3)(j) 32

Part 5 Miscellaneous

65 Fees—the Act, ss 9(2), 18(4)(b) and 40(3)(l) and (5) 33
66 Classification of laboratories 33
67 Exercise of certain functions by Secretary of Department of Primary Industries and Regional Development 33
68 Contamination of premises by radioactivity 34
69 Financial assurance guidelines—the Act, s 28F 34
70 Destruction or disposal of records—the Act, s 40(3)(h) 34
71 Forfeiture of property 35
72 Penalty notice offences 35
73 6-month term for certain accreditations issued without an expiry—the Act, s 40(3)(d2) 35
74 Continued exemption for certain medical registrars 35
75 Repeal and savings 36

Schedule 1 Prescribed activity of radioactive substances 37
Schedule 2 Exemptions from licensing requirements 39
Schedule 3 Fees 41
Schedule 4 Dose limits for exposure to ionising radiation 47
Schedule 5 Prescribed warning sign 49
Schedule 6 Penalty notice offences 50
Schedule 7 Dictionary 53

Protection from Harmful Radiation Regulation 2025

under the

Protection from Harmful Radiation Act 1990

Part 1 Preliminary

1 Name of regulation

This regulation is the *Protection from Harmful Radiation Regulation 2025*.

2 Commencement

This regulation commences as follows—

(a) for section 11—on 1 September 2026,

(b) otherwise—on the day on which the regulation is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Protection from Harmful Radiation Regulation 2013*, which would otherwise be repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*.

3 Definitions

(1) The dictionary in Schedule 7 defines words used in this regulation.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

(2) In this regulation—

(a) a reference to a radioactive substance of a particular ***Group*** is a reference to the radioactive substances in the corresponding Group in Schedule 1, and

(b) a reference to the ***category*** of a sealed source device or sealed radioactive source, or an aggregation of devices or sources, means the category of the device or source determined in accordance with the Security Code, Schedule B.

4 Meaning of "employment"

(1) In this regulation, ***employment*** includes the following—

(a) an engagement under a contract for services,

(b) self-employment,

(c) carrying on business in partnership.

(2) In relation to an 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.

5 Definition of "radioactive ore"

For the Act, section 4(1), definition of ***radioactive ore***, the prescribed concentrations of uranium and thorium are—

(a) for an ore that contains uranium but not thorium—0.02% by weight of uranium, or

(b) for an ore that contains thorium but not uranium—0.05% by weight of thorium, or

(c) for an ore that contains both uranium and thorium—a percentage by weight of uranium and thorium so—

$$\frac{U}{0.02} + \frac{Th}{0.05} \geq 1$$

Where—

U represents the percentage by weight of uranium.

Th represents the percentage by weight of thorium.

6 Definition of "radioactive substance"

For the Act, section 4(1), definition of ***radioactive substance***—

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

(b) the prescribed activity of a radioactive element is set out the table in Schedule 1, and

(c) a substance has the prescribed activity if the expression—

$$\frac{A1}{40} + \frac{A2}{400} + \frac{A3}{4000} + \frac{A4}{40000} \geq 1$$

Where—

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

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

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

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

7 Definition of "security enhanced source"

For the Act, section 4, definition of ***security enhanced source***, a sealed radioactive source, or an aggregation of sealed radioactive sources, that is a category 1, 2 or 3 source is prescribed as a security enhanced source.

8 Relationship with Work Health and Safety Act 2011

The obligations to ensure health and safety imposed by this regulation are in addition to, and do not derogate from, the obligations of a person conducting a business or undertaking under—

(a) the *Work Health and Safety Act 2011*, or

(b) the regulations made under that Act.

Part 2 Licensing and accreditation

Division 1 Preliminary

9 Definitions

In this part—

general supervision, of a person using regulated material, means the supervision of the person by a qualified person for the purposes of ensuring the person being supervised follows safe radiation work practices for the use of the material.

immediate supervision, of a person using regulated material, means the supervision of the person—

(a) by a qualified person who, at all times when the person being supervised uses the material—

(i) is physically present with the person being supervised, and

(ii) observes and directs the use of the material, and

(b) for the purposes of ensuring the person being supervised follows safe radiation work practices for the use of the material.

indirect supervision, of a person using regulated material, means supervision of the person—

(a) by a qualified person who, at all times when the person being supervised uses the material—

(i) is physically present at the same workplace as the person being supervised, and

(ii) is contactable by the person being supervised, and

(b) for the purposes of ensuring the person being supervised follows safe radiation work practices for the use of the material.

qualified person, in relation to the supervision of a person using regulated material—

(a) means an individual who holds a radiation user licence for the use of the regulated material, and

(b) for supervision required under Division 3, Subdivision 2—includes an individual who would, at the time the material is used, be exempt under section 23 from the requirement to hold a radiation user licence for the use of the regulated material.

workplace has the same meaning as in the *Work Health and Safety Act 2011*.

Division 2 Conditions on radiation management licences—the Act, ss 13B(1A) and 40(3)(d1)

10 Obligations of person responsible set out in National Directory

(1) It is a condition of a radiation management licence that the person responsible for the regulated material to which the licence applies must comply with the obligations on a person responsible that—

(a) are set out in an adopted National Directory document, and

(b) relate to the person and the regulated material.

(2) The condition does not include the obligations relating to safety assessments in the Code for Radiation Protection in Planned Exposure Situations, clause 3.1.19.

(3) If there is an inconsistency between an obligation imposed by the condition and a provision of this regulation, the provision of this regulation prevails to the extent of the inconsistency.

(4) In this section—

Code for Radiation Protection in Planned Exposure Situations means the document titled *Code for Radiation Protection in Planned Exposure Situations* published by the Australian Radiation Protection and Nuclear Safety Agency as in force from time to time.

11 Radiation management plans

(1) It is a condition of a radiation management licence that the person responsible for regulated material to which the licence applies must ensure a radiation management plan for the regulated material is—

(a) prepared or adopted, and

(b) implemented.

(2) It is a condition of a radiation management licence that the radiation management plan must comply, to the extent relevant, with the requirements for the preparation of a radiation management plan contained in an adopted National Directory document.

(3) It is a condition of a radiation management licence that the person responsible for the regulated material to which the licence applies must—

(a) ensure a copy of the radiation management plan is available to—

(i) all persons who use the regulated material, and

(ii) all occupationally exposed persons employed by the person, and

(b) take all reasonable steps to ensure the procedures set out in the radiation management plan for the use of the regulated material are followed by—

(i) all persons who use the regulated material, and

(ii) all occupationally exposed persons employed by the person.

Note— This section commences on 1 September 2026.

Division 3 Licence exemptions—the Act, s 39

Subdivision 1 Exemptions from licensing requirements generally

12 Radiation management licence exemptions for certain radioactive substances and ionising radiation apparatus

A person is exempt from the requirement to hold a radiation management licence under the Act, section 6 in relation to the following types of regulated material—

(a) radioactive substances and sealed source devices specified in Schedule 2, Part 2,

(b) ionising radiation apparatus specified in Schedule 2, Part 4.

13 Radiation user licence exemptions for certain radioactive substances and ionising radiation apparatus

A person is exempt from the requirement to hold a radiation user licence under the Act, section 7 in relation to the following types of regulated material—

(a) radioactive substances and sealed source devices specified in Schedule 2, Part 1 or Part 2,

(b) ionising radiation apparatus specified in Schedule 2, Part 3 or Part 4.

14 Exemption for certain medical registrars

(1) This section applies to a person who—

(a) is a medical registrar at a hospital, and

(b) is training in 1 of the following specialties—

(i) dermatology,

(ii) diagnostic radiology,

(iii) nuclear medicine,

(iv) ophthalmology,

(v) radiation oncology,

(vi) rheumatology.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of regulated material during the person's training if the person, when using the material, is subject to the following supervision—

(a) during the first 6 months of the person's speciality training—immediate supervision,

(b) otherwise—general supervision.

15 Exemption for medical radiation practice students

(1) This section applies to a person who—

(a) is a student in the medical radiation practice health profession, and

(b) is training in—

(i) diagnostic radiography, or

(ii) nuclear medicine, or

(iii) radiation therapy.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of regulated material during the person's training if the person, when using the material—

(a) during periods of clinical experience—

(i) for a person who is in the final 12 months of training in diagnostic radiography and whom the qualified person is satisfied does not require immediate supervision—is subject to indirect supervision, or

(ii) otherwise—is subject to immediate supervision, or

(b) during the person's training other than during periods of clinical experience—is subject to general supervision.

(3) In this section—

student has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

16 Exemption for industrial radiographer assistants

(1) This section applies to a person who is employed to assist an industrial radiographer.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of regulated material in the course of employment if the person, when using the material, is subject to immediate supervision.

17 Exemption for students and persons undertaking approved courses

(1) This section applies to a person—

(a) undertaking—

(i) course work or research involving the use of regulated material as—

(A) an undergraduate student in a university, or

(B) a student of an NVR registered training organisation within the meaning of the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth, or

(C) a postgraduate student in a university, or

(ii) a course approved by the Authority under section 30 as a course required for this exemption, and

(b) who is not otherwise exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of the regulated material under this division.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of regulated material when undertaking the course work, research or course if the person, when using the material, is subject to the following supervision—

(a) for a student referred to in subsection (1)(a)(i)(A) or (B)—immediate supervision,

(b) for a student referred to in subsection (1)(a)(i)(C)—

(i) for the first 3 months of the course work or research—immediate supervision, or

(ii) otherwise—general supervision,

(c) for a student referred to in subsection (1)(a)(ii)—immediate supervision.

18 Exemption for registered nurses and medical practitioners in particular circumstances

(1) This section applies to a person who is a registered nurse or a medical practitioner at a hospital in the following circumstances—

(a) a patient at the hospital experiences a seizure or convulsion, and

(b) the prescribing nuclear medicine physician treating the patient lawfully requires the nurse or practitioner to inject the patient with a radiopharmaceutical for a diagnostic purpose—

(i) at the time the patient experiences the seizure, or

(ii) immediately after the seizure or convulsion ends, and

(c) there is no one readily available who—

(i) holds a radiation user licence, and

(ii) is able to inject the patient with the radiopharmaceutical.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 in relation to use of the radiopharmaceutical for the injection if, at all times when using the radiopharmaceutical, the person is subject to general supervision.

19 Exemption for veterinary nurses, technicians and technologists

(1) This section applies to a person if—

(a) the person is employed as—

(i) a veterinary nurse, or

(ii) a veterinary technician, or

(iii) a veterinary technologist, and

(b) the person—

(i) successfully completes a course approved by the Authority under section 30 as a course required for this exemption, or

(ii) at the commencement of this section, holds a radiation user licence that applies to the use of ionising radiation apparatus for veterinary radiography.

(2) A person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of ionising radiation apparatus for veterinary radiography in the course of employment if—

(a) the use of the apparatus is at the request of a veterinary practitioner, and

(b) the person is subject to the following supervision when using the apparatus—

(i) for equine veterinary radiography—immediate supervision,

(ii) otherwise—general supervision.

20 Exemption for chiropractic students

(1) This section applies to a person who is a student in the chiropractic health profession.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of regulated material in the course of studying if, at all times when using the material, the person is subject to the following supervision—

(a) during the person's clinical experience—immediate supervision,

(b) otherwise—general supervision.

(3) In this section—

student has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

21 Exemption for authorised officers

An authorised officer is exempt from the requirement to hold a radiation user licence under the Act, section 7 when exercising the functions of an authorised officer.

Subdivision 2 Exemptions from licensing requirements—use of radiation apparatus for dental radiography

22 Application of subdivision

The exemptions under this subdivision apply only to the use of the following ionising radiation apparatus for dental diagnostic purposes—

(a) extra-oral x-ray apparatus when used with intra-oral image receptors,

(b) orthopantomogram x-ray apparatus when used to take an orthopantomogram x-ray,

(c) lateral cephalometric x-ray apparatus when used to take a lateral cephalmoetric x-ray.

23 Exemption for certain dental practitioners

(1) This section applies to a person employed as—

(a) a dentist, or

(b) a dental therapist, or

(c) a dental hygienist, or

(d) a oral health therapist.

(2) A person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of apparatus to which this subdivision applies if the use of the apparatus occurs in the course of the person's employment as a dentist, dental therapist, dental hygienist or oral health therapist.

24 Exemption for dental students

(1) This section applies to a person who is a student in the dental health profession.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of apparatus to which this subdivision applies in the course of studying if, at all times when using the apparatus, the person is subject to the following supervision—

(a) during the person's clinical experience—immediate supervision,

(b) otherwise—general supervision.

(3) In this section—

student has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

25 Exemption for dental assistants

(1) This section applies to a person employed as a dental assistant if—

(a) the person successfully completes a course approved by the Authority under section 30 as a course required for this exemption, or

(b) at the commencement of this section, the person holds a radiation user licence for the use of apparatus to which this subdivision applies.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of apparatus to which this subdivision applies if—

(a) the use of the apparatus occurs in the course of the person's employment as a dental assistant, and

(b) at all times when using the apparatus, the person is subject to general supervision.

26 Exemption for approved courses—dental assistants

(1) This section applies to a person who is undertaking a course relating to requirements for employment as a dental assistant approved by the Authority under section 30 as a course required for this exemption.

(2) The person is exempt from the requirement to hold a radiation user licence under the Act, section 7 when using apparatus to which this subdivision applies for the course if, when using the apparatus, the person is subject to the following supervision—

(a) during the person's clinical experience—immediate supervision,

(b) otherwise—general supervision.

Division 4 Accreditations—the Act, ss 8, 13B(1A) and 40(3)(d1)

27 Activities of consulting radiation experts

For the Act, section 8(1), the following activities are prescribed as the activities of a consulting radiation expert if the activities are carried out for certifying compliance with a condition imposed on a radiation management licence—

(a) advising on the design of premises, in relation to radiation safety requirements, on which regulated material is kept or used,

(b) assessing plans, including shielding plans, relating to radiation safety requirements for premises on which regulated material is kept or used,

(c) assessing the integrity of the shielding of premises at which regulated material is kept or used,

(d) assessing regulated material and the premises at which it is kept or used.

28 Activities of radiation security assessors

For the Act, section 8(2), the following activities are prescribed as the activities of a radiation security assessor—

(a) reviewing a security plan or amended security plan to assess whether the plan, or plan as amended, satisfies the requirements of the Act, section 14,

(b) endorsing on a security plan that the plan, or plan as amended, satisfies the requirements of the Act, section 14.

Division 5 Approval of courses—the Act, s 40(3)(d3)

29 Applications for approval of courses

(1) A person may apply to the Authority for the approval of a course provided by the person as a course required for—

(a) a licence, accreditation or exemption, or

(b) a class of licence, accreditation or exemption.

(2) The application must be—

(a) in the approved form, and

(b) accompanied by the fee for the application specified in Schedule 3.

30 Deciding applications for approval

(1) The Authority may decide an application for approval of a course by—

(a) approving the course, or

(b) refusing to approve the course.

(2) The Authority may require the applicant to provide additional information the Authority considers necessary to decide the application.

(3) The approval must specify the licence, accreditation or exemption, or class of licence, accreditation or exemption, for which the course is approved.

(4) The Authority may impose conditions on the approval.

(5) The approval remains in force until the date specified in the approval as the expiry date for the approval, unless sooner—

(a) surrendered by the approval holder, or

(b) cancelled by the Authority.

Division 6 Offences relating to licence exemptions—the Act, s 40(3)(d4)

31 Licence exemptions—obligation of person responsible

A person responsible for regulated material must not permit an individual who does not hold a radiation user licence for the use of the regulated material to use the regulated material unless—

(a) the individual is exempt from the requirement to hold a radiation user licence for the use of the material under Division 3, and

(b) if the relevant exemption requires the individual to be supervised when using the material—the responsible person takes all reasonable steps to ensure the individual is subject to the required kind of supervision when using the material.

Maximum penalty—

(a) for an individual—250 penalty units,

(b) otherwise—500 penalty units.

32 Licence exemptions—supervision by qualified person

(1) This section applies to a qualified person supervising the use of regulated material by an individual for the purposes of an exemption under Division 3 applying to the individual that requires the individual to be supervised when using the material.

(2) The qualified person must provide the individual with the kind of supervision specified for the exemption at all times when the individual uses the regulated material.

Maximum penalty—250 penalty units.

33 Licence exemptions—obligations of exempt persons

(1) This section applies to a person (an ***exempt person***) using regulated material who—

(a) does not hold a radiation user licence for the use of the regulated material, and

(b) is exempt from the requirement to hold a radiation user licence for the use of the regulated material under Division 3.

(2) The exempt person must take all reasonable steps to comply with the following—

(a) the requirements imposed on an operator under the prescribed code of practice for the exemption that apply in relation to the use,

(b) any other requirements imposed on the person under the prescribed code of practice for the exemption that apply in relation to the use,

(c) for use within a laboratory—the requirements set out in AS/NZS 2243.4:2018 that apply in relation to the use.

Maximum penalty—250 penalty units.

(3) The exempt person must take all reasonable steps to comply with the radiation management plan for the regulated material.

Maximum penalty—250 penalty units.

(4) The exempt person must not expose a member of the public to ionising radiation that exceeds the dose limits set out in Schedule 4.

Maximum penalty—250 penalty units.

(5) If the exempt person notices or identifies a fault or defect in the regulated material, the exempt person must, as soon as practicable, notify the person responsible for the regulated material of the fault or defect.

Maximum penalty—250 penalty units.

(6) The exempt person must notify the person responsible for the regulated material of any radiation incident related to the use of the regulated material that occurs as soon as practicable after the occurrence.

Maximum penalty—250 penalty units.

(7) In this section—

prescribed code of practice, for an exemption, means the following—

(a) for an exemption under section 14, 15 or 18—the Code for Radiation Protection in Medical Exposure,

(b) for an exemption under section 16—the Code of Radiation Protection Requirements for Industrial Radiography,

(c) for an exemption under section 17, the following—

(i) for use in veterinary clinical situations—the Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine,

(ii) for use in all other clinical situations—the Code for Radiation Protection in Medical Exposure,

(iii) for use of gauges—the Code of Practice and Safety Guide for Portable Density/Moisture Gauges Containing Radioactive Sources,

(d) for an exemption under section 19—the Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine,

(e) for an exemption under section 20—the Code of Practice: Radiation Protection in the Application of Ionizing Radiation by Chiropractors,

(f) for an exemption under section 23, 24, 25 or 26—the Code for Radiation Protection in Dental Exposure.

Part 3 Security of radioactive sources

Division 1 Preliminary

34 Definitions

In this part—

security protection measure means a measure to deter, detect, delay, assess and respond to actual or attempted unauthorised access, or the actual or attempted intentional misuse of, radioactive substances.

prescribed security measure means a security protection measure prescribed by section 39.

Division 2 Security plans—the Act, s 14

35 Security plans generally—additional matters and review

(1) A security plan must deal with the following matters in addition to the matters specified in the Act—

(a) a description of the security enhanced source to which the plan applies, including the following—

(i) the isotope,

(ii) the activity and the date of measurement of the activity,

(iii) the serial number,

(iv) the physical and chemical form,

(b) how the source was determined to be a category 1, 2 or 3 source,

(c) how the plan was developed, with particular regard to the findings of a risk assessment involving the following matters—

(i) the nature of the source,

(ii) the nature of dealings with the source, the environment in which the dealings occur and existing security measures,

(iii) identification of credible threats to the source in relation to the dealings and the likelihood and consequence of the threats eventuating,

(iv) an assessment of the effectiveness of existing security measures in complying with the prescribed security measures for the source, having regard to the credible threats to the source,

(v) identification of further action, if any, required for compliance with the prescribed security measures for the source,

(d) how compliance with the prescribed security measures for the source will be, or is being, achieved, including the security protection measures that will be used,

(e) a description of how the responsibilities for security are allocated, including how the persons to whom responsibilities are allocated are competent, qualified and authorised to carry out their responsibilities,

(f) a description of specific risks to the security of the source, for example, theft, sabotage or mechanical or electronic failure of a physical security measure,

(g) arrangements for review and revision of the plan, including the intervals at which the plan will be reviewed.

(2) Each person responsible for a security enhanced source must ensure the security plan is reviewed at least once every 12 months.

36 Source security plans—additional matters

(1) A source security plan must also deal with the following matters—

(a) a description of the radiation practice for which the security enhanced source is used,

(b) the category of the source,

(c) the specific location of the source in the building or facility where it is used or stored,

(d) a plan of the building or facility in which the source is used or stored,

(e) a description of any surveillance or monitoring measures implemented in relation to the source,

Examples of surveillance or monitoring measures— closed-circuit television systems, personal surveillance or security patrols

(f) a description of the administrative and procedural measures to be used in relation to the source, including the following—

(i) access controls, including key controls,

(ii) identification and security checks in accordance with the Act,

(iii) inventories and records related to the management of sources,

(iv) information security measures,

(v) procedures to be followed before, during and after repair or maintenance,

(vi) contingency and security response arrangements, including notification of security breaches,

(vii) security education and awareness measures,

(viii) actions to be taken if there is change in the threat level in relation to the source.

(2) In this section—

radiation practice has the same meaning as in the National Directory.

37 Source transport security plans—additional matters

(1) A source transport security plan must also deal with the following matters—

(a) why the source is being transported,

(b) a description of—

(i) the conveyance in which the source will be transported, and

(ii) the arrangements for securing the shipment during transfer between different conveyances or during other stops,

(c) the name, address and business and after hours contact details for the consignor, consignee, carrier and, if applicable, guard or police services,

(d) a description of the administrative and procedural security protection measures to be used in connection with the prescribed security measures for the source, including—

(i) contact details for local police and the Authority and arrangements for notifying local police or the Authority, or both, depending on the issue,

(ii) contingency and emergency procedures for vehicle accidents or breakdowns, including, for category 1 sources, a planned principal route and an alternative route,

(iii) security response arrangements, including the notification of a security breach to local emergency services and the Authority as appropriate,

(iv) security briefings for persons involved in transporting the source, including the nature of any threats, the threat level and contingency and security response arrangements,

(v) identification and security checking carried out in accordance with the Act,

(vi) information security,

(vii) the ways in which persons involved in transporting the source may communicate,

(viii) actions to be taken in there is a change in the threat level.

(2) For the Act, section 14(6)(b), a person responsible for a security enhanced source must ensure the source transport security plan for the source is given to the Authority—

(a) for a category 1 source—at least 7 days before the transportation of the source, and

(b) for a category 2 or 3 source—

(i) if, in the opinion of the Authority, the source is to be transported on a regular basis—at least 7 days before the first transportation of the source,

(ii) otherwise—at least 7 days before the transportation of the source.

38 Amendments to security plans that do not require review

Amendments to a security plan relating to the following matters are prescribed as amendments to which the Act, section 14(4) does not apply—

(a) the replacement of a security enhanced source by a new source of the same category or a lower risk category,

Example— if a category 1 source is replaced by a category 1, 2 or 3 source

(b) minor changes and upgrades to computer hardware or software identified in the plan,

(c) changes to contact details for a person with security responsibilities,

(d) the addition or omission of details of identification checks and security background checks of personnel,

(e) for a source transport security plan—changes to—

(i) the date of travel, or

(ii) a planned principal route or alternative route.

Division 3 Security measures—the Act, ss 14A and 40(2), (3)(h) and (3A)

39 Prescribed security measures for security enhanced sources

(1) For the Act, section 14A(1), the following security protection measures are prescribed for security enhanced sources—

(a) the appropriate security action determined in accordance with the Security Code, Schedule D,

(b) for a category 1 security enhanced source—the source must be protected by, at a minimum, security protection measures capable of providing sufficient delay to allow—

(i) the immediate detection and assessment of an intrusion, and

(ii) a guard or police officer to interrupt unauthorised removal of the source,

(c) for a category 2 security enhanced source—the source must be protected by, at a minimum, security protection measures capable of providing sufficient delay to allow immediate detection and assessment of unauthorised access to the source,

(d) for a category 3 security enhanced source—the source must be protected by, at a minimum, security protection measures capable of preventing unauthorised access to the source by human force.

(2) In this section—

human force means a force that can be exerted by a natural person, including by using tools other than power tools.

40 Duty to report breach of a prescribed security measure

(1) A person responsible for a security enhanced source must provide a written report to the Authority regarding a breach of a prescribed security measure relating to the source within 7 days of the breach.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(2) The report must include details of—

(a) the circumstances of the breach, and

(b) the steps taken to rectify the breach.

(3) The person is not required to provide the report if—

(a) a report has already been made by another person responsible for the source, or

(b) a report has already been given in accordance with another provision of this regulation.

41 Loss or theft of security enhanced source

(1) If there is a breach of a prescribed security measure that results in a security enhanced source being lost, stolen, intentionally damaged or accessed without authority, a person responsible for the security enhanced source must—

(a) immediately notify the Authority and the NSW Police Force of the incident, and

(b) within 7 days of the notice, submit a report about the incident to the Authority that contains the following information—

(i) the circumstances of the loss, theft, damage or access,

(ii) the steps taken to rectify the loss, theft, damage or access,

(iii) if regulated material is lost or stolen—other information that may assist in the recovery of the material.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(2) A person is not required to—

(a) give notice if another person responsible for the source has already given notice, or

(b) submit a report if another person responsible for the source has already submitted a report.

42 Loss or theft of other regulated material—the Act, s 40(2), (3)(h) and (3A)

(1) This section applies to—

(a) the person responsible for regulated material, and

(b) another person who—

(i) holds a radiation user licence for the regulated material, and

(ii) is employed to use, or supervise the use of, the material.

(2) The person must, immediately after becoming aware that regulated material, other than a security enhanced source, is lost or stolen, ensure notice of the loss or theft is given to the Authority.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) A person is not required to give the notice if notice has already been given by another person to whom this section applies.

Division 4 Identity checking—the Act, s 14B

43 Prescribed security enhanced sources for identity checking

All security enhanced sources are prescribed for the Act, section 14B(1).

44 Identity checking

(1) An identity check must be carried out in accordance with the document titled *Requirements for identity checks*, published by the Authority on the Authority's website on 1 July 2013.

(2) The person responsible for a security enhanced source must ensure—

(a) records are made of all identity checks, and

(b) the records are kept for 5 years.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) For the Act, section 14B(1)(b), an individual nominated under the Act, section 14(2) is prescribed.

Part 4 Radiation safety and public health

Division 1 Radiation safety in the workplace

45 Duty to comply with dose limits—the Act, s 40(2) and (3)(f), (i2) and (j)

(1) An employer must ensure each occupationally exposed person employed by the employer is not exposed to ionising radiation that exceeds the dose limits for the occupationally exposed person set out in Schedule 4.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(2) An employer must ensure each occupationally exposed person employed by the employer who is 16 or 17 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 the occupationally exposed person's—

(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 an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) An employer must ensure each person employed by the employer who is less than 16 years of age is not exposed to ionising radiation during the person's employment.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(4) In this section—

immediate supervision, of a person, means the supervision of the person—

(a) by a qualified person who, at all times when the person is exposed to ionising radiation—

(i) is physically present with the person being supervised, and

(ii) observes and directs as required the use of relevant regulated material, and

(b) for the purposes of ensuring—

(i) the person being supervised follows safe radiation work practices in relation to the use of the material, and

(ii) the use of the relevant regulated material is in accordance with safe radiation work practices.

qualified person, in relation to the immediate supervision of a person—

(a) means an individual who holds a radiation user licence for the use of the relevant regulated material, and

(b) for supervision relating to the use of ionising radiation apparatus referred to in section 22 for dental diagnostic purposes—includes an individual who would, at the time the material is used, be exempt under section 23 from the requirement to hold a radiation user licence for the use of the regulated material.

46 Duty to inform occupationally exposed persons—the Act, s 40(2) and (3)(f), (i2) and (j)

A person responsible for regulated material in a workplace must ensure each occupationally exposed person in the workplace is made aware of, and kept informed of changes in, the following in relation to the regulated material—

(a) the hazards that can arise in connection with the use of the regulated material,

(b) the safety arrangements in place to protect the person from the hazards,

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

(d) the name of the radiation safety officer or other person to whom the person should refer to for matters relating to the use of the regulated material.

Maximum penalty—

(a) for an individual—125 penalty units, or

(b) otherwise—250 penalty units.

47 Employers may be directed to submit radiation management plan—the Act, s 40(2) and (3)(e), (f), (i2) and (j)

(1) The Authority may, by written notice served on an employer, direct the employer to—

(a) submit to the Authority for approval a copy of a radiation management plan required under the licence condition imposed by section 11, or

(b) if a radiation management plan is not required under the condition—

(i) prepare or adopt a radiation management plan that complies with the condition imposed under section 11(2), and

(ii) submit a copy of the plan to the Authority for approval.

(2) The direction may specify a time within which the employer must comply with the direction.

(3) The employer must comply with the direction.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(4) An employer whose radiation management plan has been approved by the Authority must ensure the plan is implemented, including by—

(a) ensuring a copy of the plan is available to—

(i) all persons who use the regulated material, and

(ii) all occupationally exposed persons employed by the employer, and

(b) taking all reasonable steps to ensure the procedures set out in the plan for the use of radioactive substances and ionising radiation apparatus are followed by—

(i) all persons who use the regulated material, and

(ii) all occupationally exposed persons employed by the employer.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(5) The Authority must not approve a radiation management plan unless the Authority is satisfied the plan complies with the relevant requirements relating to the preparation of a radiation management plan under an adopted National Directory document.

Division 2 Radiation monitoring in the workplace

48 Definitions

In this division—

area monitoring device means a device used to monitor the levels of radiation exposure of persons by monitoring the levels of radiation within a specific area.

personal monitoring device means a device used to monitor the levels of radiation exposure of persons that is—

(a) worn by, or otherwise attached to, a person, and

(b) able to detect and measure cumulative exposure to ionising radiation.

49 Approval of personal monitoring devices—the Act, s 40(2) and (3)(i1)

(1) The Authority may, on application, approve a personal monitoring device for this division.

(2) The application must be—

(a) in the approved form, and

(b) accompanied by the fee specified for the application in Schedule 3.

(3) The Authority may require an applicant to provide additional information the Authority considers necessary to decide the application.

(4) The Authority may impose conditions on the approval of the personal monitoring device.

(5) The approval remains in force until the date specified in the approval as the expiry date for the approval, unless sooner—

(a) surrendered by the approval holder, or

(b) cancelled by the Authority.

50 Personal monitoring devices must be worn—the Act, s 40(2) and (3)(f), (i), (i1) and (i2)

(1) This section applies to an occupationally exposed person who is involved in the use of ionising radiation for 1 or more of the following purposes—

(a) radiotherapy,

(b) industrial radiography,

(c) nuclear medicine,

(d) equine veterinary radiography,

(e) scientific research in a medium level laboratory or high level laboratory where radioactive substances that are not contained in sealed source devices are used,

(f) diagnostic or interventional radiology, other than—

(i) dentistry, veterinary and chiropractic applications, or

(ii) dual energy x-ray absorptiometry, known as DEXA,

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

(h) for bore-hole logging—neutron based detection, analysis and gauging.

(2) The employer of the occupationally exposed person must provide the person with an appropriate approved personal monitoring device.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) The occupationally exposed person must wear the device while involved in the use of ionising radiation in the course of the person's employment.

Maximum penalty—65 penalty units.

(4) In this section—

involved in the use of ionising radiation means—

(a) using ionising radiation, or

(b) being within 2m of—

(i) the source of the radiation, or

(ii) the primary beam of the radiation.

51 Personal radiation exposure records—the Act, s 40(2) and (3)(f), (h), (i) and (i2)

(1) An employer must ensure a record (a ***personal radiation exposure record***) is kept for each occupationally exposed person to whom the employer is required to provide an approved personal monitoring device that complies with the requirements of subsection (2).

Maximum penalty—

(a) for an individual—65 penalty units, or

(b) otherwise—125 penalty units.

(2) The personal radiation exposure record must include the following information about the occupationally exposed person—

(a) the person's full name, sex and date of birth,

(b) details of the personal monitoring device provided to the person,

(c) the amount of radiation to which the person has been exposed, as measured by the device,

(d) the results of tests carried out by the employer in relation to the person to determine the amount of radiation to which the person has been exposed,

(e) the results of monitoring the levels of radiation exposure of the person,

(f) the date the person started employment, and if applicable, the date the person ended employment, as an occupationally exposed person with the employer,

(g) the kind of work performed by the person,

(h) details of the types of ionising radiation to which the person may have been exposed in the course of the person's employment with the employer, including information about radioactive substances in unsealed form to which the person may have been exposed,

(i) details of any radiation incidents involving the person, or by which the person may have been affected, in the course of the person's employment with the employer,

(j) the person's current home address or, if the person is no longer employed by the employer, the person's last known home address.

(3) When the occupationally exposed person leaves the employer's employment, the employer must—

(a) give the person a copy of the person's personal radiation exposure record, and

(b) if the person is taking up employment as an occupationally exposed person with another employer and the person asks the employer to do so—give a copy of the person's personal radiation exposure record to the other employer.

Maximum penalty—

(a) for an individual—65 penalty units, or

(b) otherwise—125 penalty units.

(4) The employer must ensure that a warning in the following terms accompanies a copy of the personal radiation exposure record given to the occupationally exposed person—

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

Maximum penalty—

(a) for an individual—65 penalty units, or

(b) otherwise—125 penalty units.

(5) The employer must ensure, for as long as the personal radiation exposure record is required to be kept under section 70, the record is available for inspection by the person to whom the record relates at reasonable times during normal working hours.

Maximum penalty—

(a) for an individual—50 penalty units, or

(b) otherwise—125 penalty units.

52 Area monitoring devices must be used on direction of Authority—the Act, s 40(3)(e), (h), (i), (i1) and (i2)

(1) The Authority may, by written notice served on an employer, direct the employer to take specified action about the monitoring of radiation on specified premises.

(2) In particular, the direction may require the employer to ensure specified premises are equipped with approved monitoring devices to monitor the presence and level of radiation on the premises.

(3) The employer must comply with the direction.

Maximum penalty—

(a) for an individual—65 penalty units, or

(b) otherwise—125 penalty units.

(4) The employer must ensure a record is kept of the following information about each monitoring device—

(a) the date on which the device was acquired,

(b) the date of each occasion on which the device is repaired and the details of the repairs,

(c) the date on which the device was last calibrated.

Maximum penalty—

(a) for an individual—65 penalty units, or

(b) otherwise—125 penalty units.

53 Maintenance of monitoring devices—the Act, s 40(2) and (3)(h), (i), (i1), (i2), (j) and (k)

An employer must ensure all personal and area monitoring devices provided or installed by the employer under this division are checked, maintained and calibrated in accordance with the document titled *Radiation Guideline 1: Monitoring devices*, published by the Authority in February 2005.

Maximum penalty—

(a) for an individual—125 penalty units, or

(b) otherwise—250 penalty units.

Division 3 Disposal of regulated material

54 Disposal of ionising radiation apparatus—the Act, s 39

A person is exempt from the Act, section 33D if—

(a) the person is disposing of ionising radiation apparatus, and

(b) the apparatus has been rendered permanently inoperable.

55 Records must be kept of disposal of regulated material—the Act, s 40(2)(a) and (3)(h)

(1) A person who disposes of regulated material must maintain a record of the disposal in accordance with this section.

Note— See the Act, section 33D.

Maximum penalty—

(a) for an individual—125 penalty units, or

(b) otherwise—250 penalty units.

(2) The record must include all of the following information to the extent that it is relevant to the regulated material—

(a) the type of regulated material disposed of,

(b) an estimate of the total activity of the regulated material disposed of,

(c) the way in which the regulated material was disposed of,

(d) the date on which the regulated material was disposed of.

Division 4 Radiation incidents—the Act, s 40(2)(a), (3)(h) and (3A)

56 Certain incidents taken to be radiation incidents

(1) For this regulation, a ***radiation incident*** is taken to have occurred if—

(a) there is an unplanned or unexpected emission of, or exposure to a person of, radiation, including as a result of—

(i) the spillage or leakage of a radioactive substance, or

(ii) damage to, or the malfunctioning of, an ionising radiation apparatus or sealed source device, and

(b) it is likely that—

(i) 1 or more persons have, or could have, received an effective dose of radiation of at least—

(A) for an occupationally exposed person—5 mSv, or

(B) otherwise—1 mSv, or

(ii) the premises or the environment may have become contaminated within the meaning of the Act, section 21(4).

(2) A radiation incident is also taken to have occurred if the use of a radioactive substance, ionising radiation apparatus or sealed source device for medical purposes results in 1 or more of the following—

(a) the administration of a radioactive substance for diagnostic purposes at an activity that exceeds the activity prescribed by 50% or more,

(b) the administration of a radioactive substance for therapeutic purposes at an activity differing by 15% or more from the activity prescribed,

(c) the administration of radiation from an ionising radiation apparatus or a sealed source device for therapeutic purposes which differs from the total prescribed treatment dose by more than 10%,

(d) the administration of radiation from an ionising radiation apparatus for diagnostic purposes, other than in the course of delivering radiation therapy, in a quantity—

(i) of 50% or more of the initial intended dose, and

(ii) that results in a person receiving an effective dose of radiation of at least 1 mSv,

(e) the administration of radiation—

(i) to the wrong person or to the wrong part of a person's body, and

(ii) that results in a person receiving an effective dose of radiation of at least 1 mSv,

(f) the administration of a radiopharmaceutical—

(i) otherwise than as prescribed, and

(ii) that results in a person receiving an effective dose of radiation of at least 1 mSv,

(g) the administration of radiation for diagnostic or interventional purposes resulting in an unanticipated or unexpected observable acute radiation effect,

(h) the unplanned exposure of an embryo or foetus to radiation that results in the embryo or foetus receiving an absorbed dose of radiation of at least 1 mGy.

(3) In this section—

absorbed dose has the same meaning as in the 2007 ICRP recommendations.

57 Duty to report and investigate radiation incidents

(1) If a radiation incident occurs, the person responsible for the regulated material involved in the incident must give the Authority written notice of the following matters within the period specified for the matter—

(a) for the matters required under subsection (2)(a)–(e)—

(i) if it is likely that the premises or the environment may have become contaminated within the meaning of the Act, section 21(4) because of the incident—immediately, or

(ii) otherwise—within 48 hours of becoming aware of the incident,

(b) for the matters required under subsection (2)(f)—within 10 days of becoming aware of the incident,

(c) for the matters required under subsection (2)(g)—

(i) within 30 days of becoming aware of the incident, or

(ii) within a longer period approved by the Authority.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(2) For subsection (1), the required matters are as follows—

(a) the place where the incident occurred and the period during which emission of radiation was uncontrolled, as far as is possible to determine,

(b) the area over which radioactive substances may have been dispersed,

(c) the steps taken to rectify the incident,

(d) any personal injury or exposure that may have resulted,

(e) if applicable, the names of the following—

(i) the person who prescribed the dose of radiation that resulted in the incident,

(ii) the person who administered the dose of radiation that resulted in the incident,

(f) an assessment of the radiation dose to which a person may have been exposed as a result of the incident,

(g) the steps taken to reduce the risk of a similar incident occurring in the future.

(3) A person is not required to give notice of a matter if another person responsible for the regulated material has given notice of the matter.

58 Record of incidents

(1) A person responsible for regulated material must maintain a record of each radiation incident involving the regulated material in accordance with this section.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(2) The record must contain the following information about the radiation incident—

(a) the place where the incident occurred and the period during which emission of radiation was uncontrolled, as far as is possible to determine,

(b) the name of occupationally exposed persons or other persons who were there during the period,

(c) an estimate of the radiation dose to which each person may have been exposed,

(d) details and results of a medical examination undertaken as a result of the incident,

(e) the area over which radioactive substances may have been dispersed,

(f) the steps taken to rectify the incident,

(g) the time at which the incident was reported to the employer,

(h) the probable cause of the incident,

(i) details of investigations conducted into the incident, together with the results of the investigations,

(j) the steps taken to reduce the risk of a similar incident occurring in the future.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) The estimate required under subsection (2)(c) must be calculated by a medical physicist for the following radiation incidents—

(a) the administration of radiation for therapeutic purposes referred to in section 56(2)(b) and (c),

(b) the administration of radiation for interventional purposes referred to in section 56(2)(g),

(c) the unplanned exposure of an embryo or foetus referred to in section 56(2)(h).

(4) If requested by the Authority, the person responsible must give the Authority a copy of the record about a radiation incident.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(5) A person is not required to maintain a record of an incident if a record of the incident is maintained by another person responsible for the regulated material.

(6) In this section—

medical physicist has the same meaning as in the Code for Radiation Protection in Medical Exposure.

59 Faults or defects

(1) This section applies to a person responsible for regulated material who becomes aware that a fault or defect exists, or may exist, in—

(a) ionising radiation apparatus for which the person is responsible, or

(b) a sealed source device for which the person is responsible.

(2) The person responsible for the regulated material must—

(a) immediately investigate the actual or possible fault or defect and, if necessary, ensure the ionising radiation apparatus or sealed source device is removed, replaced or repaired, and

(b) as soon as practicable after, but within 7 days of, becoming aware of the actual or possible fault or defect, inform all persons who may have been exposed to a level of radiation greater than would normally be received from the apparatus or device if it were in faultless condition of the person's possible exposure.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) A person is not required to comply with a requirement under this section if another person responsible for the regulated material has complied with the requirement.

Division 5 Miscellaneous

60 Duty to protect public from exposure to radiation—the Act, s 40(2) and (3)(c) and (j)

A person responsible for regulated material must ensure that a member of the public is not exposed to ionising radiation from the regulated material that exceeds the dose limits for members of the public set out in Schedule 4.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

61 Prohibition on commercial tanning using ultraviolet radiation—the Act, s 40(2) and (3)(c) and (j)

(1) A person must not operate or provide the use of, or offer to operate or offer the use of, a tanning unit—

(a) for fee or reward, or

(b) in connection with other goods or services that are provided for fee or reward,

(c) in connection with another benefit, including the membership of a club, association or other body, that is provided for fee or reward.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(2) A person must not cause or permit a contravention of subsection (1).

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

(3) In this section—

tanning unit means a non-ionising radiation apparatus designed to produce the tanning of human skin by emitting ultraviolet radiation, whether or not the apparatus also emits other frequencies of light.

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

62 Voluntary exposure to radiation for scientific or research purposes—the Act, s 40(3)(c), (f) and (j)

A person must not expose another person to ionising radiation for scientific or research purposes except in accordance with the document entitled *Code of Practice for Exposure of Humans to Ionizing Radiation for Research Purposes*, published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

Maximum penalty—

(a) for an individual—250 penalty units, or

(b) otherwise—500 penalty units.

63 Appointment of radiation safety officers and committees—the Act, s 40(2) and (3)(e) and (f)

(1) The Authority may, by written notice 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) direct what functions must be exercised by a radiation safety officer or radiation safety committee, and

(c) for a direction to appoint a radiation safety officer—specify the qualifications a person must hold to be appointed.

(2) An employer must not—

(a) fail to appoint a radiation safety officer or a radiation safety committee in accordance with a direction, and

(b) 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—

(a) for an individual—125 penalty units, or

(b) otherwise—250 penalty units.

64 Warning signs—the Act, s 40(2) and (3)(j)

(1) The occupier of premises in or on which regulated material is kept must ensure—

(a) a warning sign is conspicuously displayed in the immediate vicinity of the regulated material, and

(b) the warning sign satisfies the requirements set out in Schedule 5.

Maximum penalty—

(a) for an individual—65 penalty units, or

(b) otherwise—125 penalty units.

(2) This section does not apply to regulated material specified in Schedule 2, Part 4.

Part 5 Miscellaneous

65 Fees—the Act, ss 9(2), 18(4)(b) and 40(3)(l) and (5)

(1) The fees for the Act are set out in Schedule 3.

(2) The Authority may, if the Authority considers it appropriate in a particular case, waive the payment of a fee in whole or part.

(3) If a radiation user licence relates to the use of 2 or more licence groups of regulated material, the applicable fee is the fee for the licence group that attracts the highest fee amount.

(4) In this section—

licence group, of regulated material, means a group of regulated material under Schedule 3, Part 1.

66 Classification of laboratories

The classification of a laboratory as a low level laboratory, medium level laboratory or high level laboratory must be determined in accordance with AS/NZS 2243.4:2018, section 3.5, other than Table 3.4.

67 Exercise of certain functions by Secretary of Department of Primary Industries and Regional Development

(1) For the Act, section 5A(2), the following functions of the Authority and of the CEO of the Authority in relation to radioactive ore are prescribed—

(a) the functions under the *Protection of the Environment Operations Act 1997*, sections 187(1), 189(1), 191(1), 210 and 212A,

Note— The Act, section 15 provides that the *Protection of the Environment Operations Act 1997*, Chapter 7 extends to the exercise of powers in connection with the Act and this regulation.

(b) the functions under the Act, sections 18, 19, 21, 24A, 25(2) and (4), 25A(8), 26(2), (4) and (5), 27, 28, 36 and 38A,

(c) the functions under this regulation, sections 42, 47, 52, 57, 58(4), 63, 70 and 71(1).

(2) The Secretary may only exercise the prescribed functions in relation to radioactive ore located in—

(a) a workplace to which the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* applies, or

(b) a place where activities regulated under 1 or more of the following Acts are carried out—

(i) the *Mining Act 1992*,

(ii) the *Offshore Minerals Act 1999*,

(iii) the *Petroleum (Offshore) Act 1982*,

(iv) the *Petroleum (Onshore) Act 1991*.

(3) The Secretary's power to exercise the functions under the Act, sections 24A and 25(2) and (4) is limited to the exercise of the functions in relation to an offence under—

(a) the *Protection of the Environment Operations Act 1997*, section 211, or

(b) the Act, section 18, 19, 33C or 36B, or

(c) this regulation, section 42, 45–47, 51–53, 55, 57, 58, 60, 63 or 70.

(4) An authorised officer appointed by the Secretary exercising the Authority's function under the *Protection of the Environment Operations Act 1997*, section 187(1) may exercise any of the functions of an authorised officer under that Act, but only in relation to—

(a) radioactive ore located at a workplace or other place specified in subsection (2), and

(b) an offence under—

(i) the Act, section 19 or 36B, or

(ii) this regulation, section 42, 45–47, 51–53, 55, 57, 58, 60, 63 or 70.

(5) In this section—

Secretary means the Secretary of the Department of Primary Industries and Regional Development.

68 Contamination of premises by radioactivity

(1) For the Act, section 21(4), the following levels of radioactivity are prescribed—

(a) for premises where one radionuclide is causing the radioactivity—100 times the exempt activity specified for the radionuclide in the Safety Standards, Table I.1,

(b) for premises where a mixture of two or more radionuclides are causing the radioactivity—the sum of the activity ratios of the radionuclides is 100.

(2) In this section—

activity ratio, of a radionuclide, is the actual activity for the radionuclide divided by the exempt activity specified for the radionuclide in the Safety Standards, Table I.1.

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.

69 Financial assurance guidelines—the Act, s 28F

For the Act, section 28F, the following guidelines must be observed—

(a) for the content of conditions of licences requiring financial assurances—the *Financial Assurance Policy*, prepared by the EPA and published in the Gazette, as in force from time to time,

(b) for the calculation of the amount of financial assurances required—the *Estimating financial assurances: Guideline on Independent Assessment of Costs*, prepared by the EPA and published in the Gazette, as in force from time to time.

70 Destruction or disposal of records—the Act, s 40(3)(h)

(1) An employer or person responsible for regulated material must not destroy or otherwise dispose of a record required to be kept under this regulation (a ***required record***) otherwise than in accordance with this section.

Maximum penalty—

(a) for an individual—125 penalty units, or

(b) otherwise—250 penalty units.

(2) The employer or person responsible for regulated material may, with the consent of the Authority, destroy or otherwise dispose of a required record.

(3) However, if the required record is a record required to be kept by an employer under section 51, the record must not be destroyed or otherwise disposed of until at least 5 years after the employee concerned ceases to be employed by the employer.

(4) An employer may forward a required record to the Authority if the employer ceases to carry on business in New South Wales.

(5) The Authority may dispose of a required record forwarded to, or otherwise kept by, the Authority.

(6) This section does not apply to the records referred to in section 44.

71 Forfeiture of property

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

(2) A notice referred to in the Act, section 27(1)(b) must be a written notice addressed to the owner of the substance or thing concerned at the person's address last known to the Authority.

72 Penalty notice offences

For the Act, section 25A—

(a) each offence created by a provision specified in Schedule 6, Column 1 is prescribed as a penalty notice offence, and

(b) the prescribed penalty for each offence is the amount specified in Schedule 6, Column 2.

73 6-month term for certain accreditations issued without an expiry—the Act, s 40(3)(d2)

(1) This section applies to an accreditation for a consulting radiation expert if—

(a) the accreditation was issued without an expiry date, and

(b) the accreditation is in force on the commencement of this section.

(2) Unless sooner cancelled or surrendered, the accreditation remains in force for the term ending 6 months after the date of the commencement of this section.

(3) For the purposes of the Act, section 11, the term specified in subsection (2) is taken to be the term specified by the Authority in the accreditation.

74 Continued exemption for certain medical registrars

(1) A relevant medical registrar continues to be exempt from the requirement to hold a radiation user licence under former clause 10(1)(a) in relation to the use of regulated material in the course of the registrar's training if the registrar complies with section 14(2).

(2) The exemption continues until the earlier of the following—

(a) the relevant day,

(b) the registrar is granted a radiation user licence.

(3) In this section—

former clause 10(1)(a) means the *Protection from Harmful Radiation Regulation 2013*, clause 10(1)(a), as in force immediately before its repeal.

relevant day means the day that is 9 months after the day on which this section commences.

relevant medical registrar means a person who, immediately before the repeal of the *Protection from Harmful Radiation Regulation 2013*—

(a) was a medical registrar at a hospital, and

(b) was training in a health profession that uses fluoroscopy, other than a health profession referred to in section 14(1), and

(c) was exempt from the requirement to hold a radiation user licence under former clause 10(1)(a), and

(d) did not hold a radiation user licence.

75 Repeal and savings

(1) The *Protection from Harmful Radiation Regulation 2013* is repealed.

(2) An act, matter or thing that, immediately before the repeal of the *Protection from Harmful Radiation Regulation 2013*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Prescribed activity of radioactive substances

sections 3(2) and 6(b)

Group 1								Prescribed activity
Ac225	Ac227	Am241	Am243	Cf249	Cf250	Cf252	Cm242	40 kBq
Cm243	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 another Group in this schedule								

Group 2								Prescribed activity
Ac228	Ag110m	At211	Ba140	Bi207	Bi210	Bk249	Ca45	400 kBq
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 another Group in this schedule								

Group 3								Prescribed activity
Ag105	Ag111	Ar41	As73	As74	As76	As77	Au196	4 MBq
Au198	Au199	Ba131	Ba133	Be7	Bi206	Bi212	Br75	
Br76	Br82	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	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	P33	Pa233	Pb203	
Pd103	Pd109	Pm147	Pm149	Pr142	Pr143	Pt191	Pt193	

Group 3								Prescribed activity
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		

Group 4								Prescribed activity
Ar37	C11	C14	Co58m	Cs134m	Cs135	Cu62	Ga68	40 MBq
H3	H3	I129	In113m	Kr81m	Kr85	N13	Nb97	
Ni59	O15	Os191m	Pt197m	Pt197m	Rb87	Re187	Se73	
Se73	Sm147	Sr85m	Sr87m	Tc96m	Tc99m	Th nat	U nat	
U nat	U235	U238	Xe131m	Xe133	Y91m	Zn69	Zr93	

Schedule 2 Exemptions from licensing requirements

sections 12 and 13

Part 1 Radiation user licence exemptions—sealed source devices

1 Sealed source devices used for radiation gauging installed in fixed positions

2 Self-shielded irradiators, being 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 Radiation management and radiation user licence exemptions—radioactive substances and sealed source devices

1 Americium 241 in industrial smoke detectors that do not contain another radioactive substance

2 Gaseous tritium in luminous devices, including in self luminous "EXIT" signs

3 Radioactive ores at a place where activities regulated under the *Mining Act 1992* are carried out

4 Radioactive ores at a place where activities regulated under the *Offshore Minerals Act 1999* are carried out

5 Radioactive ores at a place where activities regulated under the *Petroleum (Offshore) Act 1982* are carried out

6 Radioactive ores at a place where activities regulated under the *Petroleum (Onshore) Act 1991* are carried out

7 Radioactive ores at a place to which the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* applies

8 Radioactive substances for demonstration, teaching or training having a level of activity of less than 40 MBq

9 Radioactive substances in luminous dials on any devices, including on clocks and watches

10 Radioactive substances used as laboratory reference sources that have a level of activity of less than 40 MBq

11 Radioactive substances used as static eliminators that have a level of activity of less than 40 MBq

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

13 Radioactive substances used in nuclear medicine for checking positron emission tomography scanners, gamma cameras and dose calibrators that have a level of activity of less than 40 MBq

14 Uranium metal depleted in uranium 235

15 Uranium metal of natural isotopic composition

Part 3 Radiation user licence exemptions—ionising radiation apparatus

1 Cabinet x-ray apparatus for inspection or imaging purposes

2 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 another document replacing that document published by the Australian Radiation Protection and Nuclear Safety Agency

3 Self-shielded x-ray irradiators

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

5 X-ray baggage inspection apparatus

6 X-ray apparatus used for quality control inspection purposes

Part 4 Radiation management and radiation user licence exemptions—ionising radiation apparatus

1 Cold cathode gas discharge tubes

2 Electron microscopes

3 Television receivers

4 Visual display units

Schedule 3 Fees

sections 29(2)(b), 49(2)(b) and 65(1)

Part 1 Interpretation

1 Definitions

In this schedule—

Group A regulated material, for a radiation management licence, means an ionising radiation apparatus used or intended to be used for—

(a) a veterinary diagnostic purpose, or

(b) a dental diagnostic purpose.

Group B regulated material, for a radiation management licence, means any of the following—

(a) an ionising radiation apparatus used or intended to be used for a medical diagnostic purpose,

(b) an ionising radiation apparatus used or intended to be used for radiotherapy,

(c) a sealed source device that contains a source that is a category 4 or 5 source,

(d) a sealed radioactive source, or an aggregation of sealed radioactive sources, that—

(i) is not contained in a device, and

(ii) is a category 4 or 5 source, and

(iii) is kept or used within premises,

(e) a radioactive substance or substances, other than in the form of a sealed radioactive source, kept or used within a low level laboratory or medium level laboratory,

(f) an ionising radiation apparatus used for non-medical analytical or educational purposes,

(g) a portable x-ray fluorescence (XRF) radiation apparatus used for analysis,

(h) an ionising radiation apparatus used for the detection of concealed items.

Group C regulated material, for a radiation management licence, means any of the following—

(a) a sealed source device that contains a source that is a category 1, 2 or 3 source,

(b) a sealed radioactive source, or an aggregation of sealed radioactive sources, that—

(i) is not contained in a device, and

(ii) is a category 1 source, and

(iii) has a D-value Activity Level of 1000 or less, as determined in accordance with the Security Code, Schedule B, Table B.2, and

(iv) is kept or used within premises,

(c) a sealed radioactive source, or an aggregation of sealed radioactive sources, that—

(i) is not contained in a device, and

(ii) is a category 2 or 3 source, and

(iii) is kept or used within premises,

(d) a radioactive substance or substances, other than in the form of a sealed radioactive source, kept or used within a high level laboratory,

(e) an ionising radiation apparatus used for industrial radiography,

(f) a portable enclosed industrial ionising radiation apparatus,

(g) another ionising radiation apparatus used for a purpose that is not otherwise specified in—

(i) this definition, or

(ii) the definitions of Group A regulated material, Group B regulated material or Group D regulated material.

Group D regulated material, for a radiation management licence, means—

(a) a cyclotron, or

(b) a sealed radioactive source, or an aggregation of sealed radioactive sources, that—

(i) is not contained in a device, and

(ii) is a category 1 source, and

(iii) has a D-value Activity Level, as determined in accordance with Table B.2 of Schedule B to the Security Code, greater than 1000, and

(iv) is kept or used within premises.

Group 1 regulated material, for a radiation user licence, means any of the following—

(a) an ionising radiation apparatus, other than computed tomography apparatus, used for dental diagnostic radiography or veterinary diagnostic radiography,

(b) an ionising radiation apparatus, other than computed tomography apparatus, used for bone mineral analysis for medical diagnostic purposes,

(c) a radioactive substance used for veterinary purposes,

(d) an ionising radiation apparatus or a radioactive substance used for non-medical analytical or educational purposes,

(e) a portable x-ray fluorescence (XRF) radiation apparatus used for analysis,

(f) a radioactive substance used in a portable x-ray fluorescence (XRF) analyser,

(g) an ionising radiation apparatus or a radioactive substance used for auditing or storage,

(h) an ionising radiation apparatus used for detection of concealed items,

(i) a radioactive substance used for packaging for transport.

Group 2 regulated material, for a radiation user licence, means any of the following—

(a) an ionising radiation apparatus or a radioactive substance used for quality assurance purposes,

(b) an ionising radiation apparatus used for industrial fluoroscopy,

(c) a portable enclosed industrial ionising radiation apparatus,

(d) a radioactive substance used for industrial gauging, maintaining a radioactive substances store or moisture and density determination,

(e) a computed tomography apparatus used for dental diagnostic purposes,

(f) an ionising radiation apparatus or a radioactive substance used for scientific or research purposes,

(g) a radioactive substance used for tracer studies, other than studies on humans.

Group 3 regulated material, for a radiation user licence, means any of the following—

(a) an ionising radiation apparatus used for radiation oncology, diagnostic radiology, radiation therapy, medical diagnostic radiography, dermatology, nuclear medicine technology, chiropractic radiography, medical fluoroscopy, radiation oncology physics or production of radionuclides,

(b) a radioactive substance used for radiation oncology, nuclear medicine, radiation therapy, nuclear medicine technology, radiation oncology, ophthalmology, in-vitro medical diagnosis or radiopharmacy,

(c) an ionising radiation apparatus used for industrial radiography, borehole logging or installing or servicing radiation apparatus,

(d) a radioactive substance used for industrial radiography, borehole logging, or installing or servicing devices containing a radioactive substance,

(e) regulated material used for another purpose not otherwise specified in—

(i) this definition, or

(ii) the definitions of Group 1 regulated material or Group 2 regulated material.

Part 2 Fees payable

Item	Matter for which fee is payable	Fee
Licences		
1	Application for a new radiation management licence with a 1-year term—the Act, s 9(2)	The total of the following— (a) 1.13 fee units, (b) 2.16 fee units plus the following— (i) for Group A regulated material—0.16 fee units per unit of regulated material, (ii) for Group B regulated material—0.33 fee units per unit of regulated material, (iii) for Group C regulated material—0.65 fee units per unit of regulated material, (iv) for Group D regulated material—14.19 fee units per unit of regulated material, (c) if the application is referred by the Authority to the Council for advice under the Act, s 9(8)—2.26 fee units.
2	Application for a new radiation user licence with a 1-year term—the Act, s 9(2)	The total of the following— (a) 1.13 fee units, (b) one of the following— (i) for Group 1 regulated material—0.68 fee units, (ii) for Group 2 regulated material—0.83 fee units, (iii) for Group 3 regulated material—1.28 fee units, (c) if the application is referred by the Authority to the Council for advice under the Act, s 9(8)—2.26 fee units.

Item	Matter for which fee is payable	Fee
3	Application for a new radiation user licence with a 3-year term—the Act, s 9(2)	The total of the following— (a) 1.13 fee units, (b) one of the following— (i) for Group 1 regulated material—2.03 fee units, (ii) for Group 2 regulated material—2.49 fee units, (iii) for Group 3 regulated material—3.84 fee units, (c) if the application is referred by the Authority to the Council for advice under the Act, s 9(8)—2.26 fee units.
4	Variation of radiation user licence under the Act, s 10 on application of the holder of the licence—the Act, s 9(2)	Either— (a) 1.13 fee units, or (b) if the application is referred by the Authority to the Council for advice under the Act, s 9(8)—3.39 fee units.
5	Renewal of radiation management licence for 1-year term—the Act, s 9(2)	2.16 fee units plus the following— (a) for Group A regulated material—0.16 fee units per unit of regulated material, (b) for Group B regulated material—0.33 fee units per unit of regulated material, (c) for Group C regulated material—0.65 fee units per unit of regulated material, (d) for Group D regulated material—14.19 fee units per unit of regulated material.
6	Renewal of radiation user licence for 1-year term—the Act, s 9(2)	Either— (a) for Group 1 regulated material—0.68 fee units, or (b) for Group 2 regulated material—0.83 fee units, or (c) for Group 3 regulated material—1.28.
7	Renewal of radiation user licence for 3-year term—the Act, s 9(2)	Either— (a) for Group 1 regulated material—2.03 fee units, or (b) for Group 2 regulated material—2.49 fee units, or (c) for Group 3 regulated material—3.84 fee units.
Accreditations		

Item	Matter for which fee is payable	Fee
8	Application for a new accreditation as a consulting radiation expert—the Act, s 9(2)	The total of the following— (a) 1.13 fee units, (b) accreditation fee—6.78 fee units, (b) if the application is referred by the Authority to the Council for advice under the Act, s 9(8)—2.26 fee units.
9	Application for a new accreditation as a radiation security assessor—the Act, s 9(2)	Nil
10	Variation of accreditation under the Act, s 10 on application of the holder of the accreditation—the Act, s 9(2)	Either— (a) 1.13 fee units, or (b) if the application is referred by the Authority to the Council for advice under the Act, s 9(8)—3.39 fee units.
11	Renewal of accreditation as a consulting radiation expert for 1-year term—the Act, s 9(2)	6.78 fee units
12	Renewal of accreditation as a radiation security assessor for 1-year term—the Act, s 9(2)	Nil
Miscellaneous		
13	Notice to avoid or remedy contraventions or exposure under the Act, s 18(1)—the Act, s 18(4)(b)	3.39 fee units
14	Approval of courses under s 30—the Act, s 40(3)(d3)	3.39 fee units
15	Approval of personal monitoring devices under s 49—the Act, s 40(3)(i1)	9.62 fee units

Part 3 Adjustment of fees for inflation

2 Calculation of fee unit

(1) For this schedule, a ***fee unit*** is—

(a) in the financial year 2024–25, $117, and

(b) in each subsequent financial year, the amount calculated as follows—

$$\$117 \times \frac{A}{B}$$

where—

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2024.

(2) The amount of a fee unit must be rounded to the nearest cent and an amount of 0.5 cent must be rounded down.

(3) The amount of a fee calculated by reference to a fee unit must be rounded to the nearest dollar and an amount of 50 cents must be rounded down.

(4) If the amount of a fee unit calculated for a financial year is less than the amount that applied for the previous financial year, the amount for the previous financial year applies instead.

(5) As soon as practicable after the Australian Bureau of Statistics publishes the CPI number for the March quarter, the Authority must—

(a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year to allow notice of the amount to be published on the NSW legislation website, and

(b) publish, on an appropriate government website, the fees calculated under this section for each financial year.

(6) A failure to comply with subsection (5) does not affect the operation of this section.

(7) In this section—

CPI number means the Consumer Price Index, All Groups Index for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

Schedule 4 Dose limits for exposure to ionising radiation

sections 33, 45 and 60

1 Preliminary

(1) This schedule sets out—

(a) the dose limits each year for exposure to ionising radiation for—

(i) occupationally exposed persons, and

(ii) members of the public, and

(b) the considerations for calculating a person's exposure to ionising radiation for applying the dose limits.

(2) In this schedule—

committed effective dose has the same meaning as in the 2007 ICRP recommendations.

committed equivalent dose has the same meaning as in the 2007 ICRP recommendations.

equivalent dose has the same meaning as it has in the 2007 ICRP recommendations.

Note— Effective dose is defined in the dictionary.

year means any period of 12 months.

2 Dose limits

Type of limit	Dose limits		
	Occupationally exposed persons who are at least 18 years of age	**Occupationally exposed persons who are 16 or 17 years of age**	**Members of the public**
Effective dose	Both— (i) 20 mSv per year, when averaged over the preceding period of 5 years, and (ii) 50 mSv in any year	6 mSv per year	1 mSv per year
Equivalent dose to—			
(a) lens of the eye	Both— (i) 20mSv per year, when averaged over the preceding period of 5 years, and (ii) 50mSv in any year	20 mSv per year	15 mSv per year
(b) skin	500 mSv per year	150 mSv per year	50 mSv per year
(c) hands and feet	500 mSv per year	150 mSv per year	Not applicable

Note— Under the 2007 ICRP recommendations—

(a) the effective dose includes both doses from external exposure and committed effective doses, and

(b) the equivalent dose includes both doses from external exposure and committed equivalent doses.

3 Considerations for calculating exposure to radiation

(1) When calculating a person's effective dose or equivalent dose in a year for this regulation, the following doses must not be included in the calculation—

(a) a dose received in the person's capacity as a medically exposed person in the year,

(b) a dose attributable to normal naturally occurring background levels of radiation in the year.

(2) If an occupationally exposed person notifies an employer that the person is pregnant, the dose limit that applies to the embryo or foetus is 1 mSv for the remainder of the pregnancy.

(3) The equivalent dose limit for skin must be calculated by averaging the dose over any $1cm^2$ of skin, regardless of the total area of skin actually exposed.

Schedule 5 Prescribed warning sign

section 64

1 The sign must contain the following ***distinctive symbol***—



2 The distinctive symbol and the lettering "CAUTION RADIATION" must be in black.

3 The sign must have a yellow background.

Schedule 6 Penalty notice offences

section 72

Column 1 Provision	Column 2 Penalty
Offences under the Act	
Section 6(2)	for a corporation—$3,000 otherwise—$1,500
Section 6(6)	for a corporation—$3,000 otherwise—$1,500
Section 7	$1,500
Section 8(1)	$1,500
Section 8(2)	$1,500
Section 13(5)	$250
Section 13A(4)	for a corporation—$3,000 otherwise—$1,500
Section 13A(5)	$1,500
Section 14(1)	for a corporation—$3,000 otherwise—$1,500
Section 14(2)	for a corporation—$3,000 otherwise—$1,500
Section 14(4)	for a corporation—$3,000 otherwise—$1,500
Section 14(6)	for a corporation—$3,000 otherwise—$1,500
Section 14(7)	for a corporation—$3,000 otherwise—$1,500
Section 14A(1)	for a corporation—$3,000 otherwise—$1,500
Section 14A(2)	for a corporation—$3,000 otherwise—$1,500
Section 14B(1)	for a corporation—$3,000 otherwise—$1,500
Section 14B(5)	for a corporation—$3,000 otherwise—$1,500
Section 18(4)(a)	for a corporation—$3,000 otherwise—$1,500
Section 18(4)(b)	for a corporation—$2,000 otherwise—$1,000
Section 19(4)	for a corporation—$3,000 otherwise—$1,500

Column 1 Provision	Column 2 Penalty
Section 19(6)	for a corporation—$3,000 otherwise—$1,500
Section 33A(1)	for an individual—$1,500 otherwise—$3,000
Section 33C	for an individual—$1,500 otherwise—$3,000
Section 33D(1)	for an individual—$1,500 otherwise—$3,000
Offences under this regulation	
Section 40(1)	for an individual—$1,500 otherwise—$3,000
Section 41(1)	for an individual—$1,500 otherwise—$3,000
Section 42(2)	for an individual—$1,500 otherwise—$3,000
Section 44(2)	for an individual—$1,000 otherwise—$2,000
Section 45(1)	for an individual—$1,500 otherwise—$3,000
Section 45(2)	for an individual—$1,500 otherwise—$3,000
Section 45(3)	for an individual—$1,500 otherwise—$3,000
Section 46	for an individual—$750 otherwise—$1,500
Section 47(3)	for an individual—$1,500 otherwise—$3,000
Section 47(4)	for an individual—$1,500 otherwise—$3,000
Section 50(2)	for an individual—$1,500 otherwise—$3,000
Section 50(3)	$750
Section 51(1)	for an individual—$750 otherwise—$1,500
Section 51(3)	for an individual—$500 otherwise—$1,000
Section 51(4)	for an individual—$500 otherwise—$1,000
Section 51(5)	for an individual—$500 otherwise—$1,000

Column 1 Provision	Column 2 Penalty
Section 52(3)	for an individual—$500 otherwise—$1,000
Section 52(4)	for an individual—$350 otherwise—$1,000
Section 53	for an individual—$1,000 otherwise—$2,000
Section 55(1)	for an individual—$1,000 otherwise—$2,000
Section 57(1)	for an individual—$1,500 otherwise—$3,000
Section 58(1)	for an individual—$500 otherwise—$1,000
Section 58(4)	for an individual—$500 otherwise—$1,000
Section 59(2)	for an individual—$1,000 otherwise—$2,000
Section 60	for an individual—$1,500 otherwise—$3,000
Section 61(1)	for an individual—$5,000 otherwise—$10,000
Section 61(2)	for an individual—$5,000 otherwise—$10,000
Section 62	for an individual—$1,500 otherwise—$3,000
Section 63(2)	for an individual—$500 otherwise—$1,000
Section 64(1)	for an individual—$500 otherwise—$1,000
Section 70(1)	for an individual—$500 otherwise—$1,000

Schedule 7 Dictionary

section 3

2007 ICRP recommendations means the document entitled *The 2007 Recommendations of the International Commission on Radiological Protection*, numbered ICRP Publication 103 and published for the International Commission on Radiological Protection in 2007.

adopted National Directory document means a document adopted by the Authority under the Act, section 37.

area monitoring device, for Part 4, Division 2—see section 48.

AS/NZS 2243.4:2018 means AS/NZS 2243.4:2018, *Safety in laboratories, Part 4: Ionizing radiations* published by Standards Australia, as in force from time to time.

category—see section 3(3).

Code of Practice for Radiation Protection in the Application of Ionizing Radiation by Chiropractors means the document titled *Code of Practice: Radiation Protection in the Application of Ionizing Radiation by Chiropractors* published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

Code of Practice and Safety Guide for Portable Density/Moisture Gauges Containing Radioactive Sources means the document titled *Code of Practice and Safety Guide for Portable Density/Moisture Gauges Containing Radioactive Sources* published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine means the document titled *Code of Practice and Safety Guide for Radiation Protection in Veterinary Medicine*, published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

Code for Radiation Protection in Dental Exposure means the document titled *Code for Radiation Protection in Dental Exposure* published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

Code for Radiation Protection in Medical Exposure means the document entitled the *Code for Radiation Protection in Medical Exposure* published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

Code of Radiation Protection Requirements for Industrial Radiography means document titled *Code of Radiation Protection Requirements for Industrial Radiography* published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

consulting radiation expert means a person who holds an accreditation as a consulting radiation expert.

effective dose has the same meaning as in the 2007 ICRP recommendations.

employment—see section 4.

fee unit—see Schedule 3, section 2(1).

general supervision, for Part 2—see section 9.

Group, in relation to a radioactive substance, other than in section 65 and Schedule 3—see section 3(2).

Group 1 regulated material, ***Group 2 regulated material*** and ***Group 3 regulated material***, for Schedule 3—see Schedule 3, section 1.

Group A regulated material, ***Group B regulated material***, ***Group C regulated material*** and ***Group D regulated material***, for Schedule 3—see Schedule 3, section 1.

health profession has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

high level laboratory means a laboratory classified as a high level laboratory under section 66.

indirect supervision, for Part 2—see section 9.

immediate supervision, for Part 2—see section 9.

laboratory means—

(a) a single laboratory, or

(b) up to 3 contiguous laboratories forming part of a single work area.

low level laboratory means a laboratory classified as a low level laboratory under section 66.

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 exposed to ionising radiation while supporting or caring for the patient,

(c) a person who is voluntarily exposed to ionising radiation for scientific or research purposes.

medium level laboratory means a laboratory classified as a medium level laboratory under section 66.

member of the public means a person who is not—

(a) a medically exposed person, or

(b) an occupationally exposed person.

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.

personal monitoring device, for Part 4, Division 2—see section 48.

physical security measure, for Part 3—see section 34.

prescribed security measure, for Part 3—see section 34.

qualified person, for Part 2—see section 9.

radiation incident—see section 56.

radiation management plan, for regulated material, means the radiation management plan prepared or adopted by—

(a) the person responsible for the regulated material under section 11(1),

(b) an employer under section 47(1)(b).

Security Code means the document entitled *Code of Practice for the Security of Radioactive Sources*, published by the Australian Radiation Protection and Nuclear Safety Agency, as in force from time to time.

the Act means the *Protection from Harmful Radiation Act 1990*.

threat level means a threat level set by the Australian Government's National Threat Assessment Centre.

workplace, for Part 2—see section 9.

year, for Schedule 4—see Schedule 4, section 1(2).