Changes to the Radiation Protection Regulations 2006

This is a summary of the changes to the Radiation Protection Regulations 2006 that began on 9 July 2014.

The changes address matters identified in the day-to-day operation of the Regulations by the Director of Public Health, Population Health Services’ Radiation Protection Unit and key stakeholders, and update references to safety standards.

The changes support a balanced and reliable framework for regulating radiation in Tasmania while enabling access to its beneficial uses, without compromising the public health of Tasmanians. Some regulations have been removed or reduced to avoid duplication or unnecessary red tape where there is negligible public health risk.

Consultation on the changes took place alongside proposed changes to the Radiation Protection Act 2005. Find background to the development of the changes at www.dhhs.tas.gov.au/peh/radiation_protection/proposed_changes_to_radiation_laws/

A copy of the Regulations tracking the changes is also available at the above address.

Updated safety standards and definitions

- The term ‘medical exposure’ is updated and clarifies that it only applies to a person assisting another who has been medically treated with radiation if the assisting person is aware they will be exposed to radiation and accepts any associated risks.
- The occupational dose limit for the lens of an eye has been decreased to align with new safety standards recommended by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and internationally.
- The wavelength range for intense pulse light sources used for cosmetic purposes has been updated to reflect revised safety standards.
- There are now upper limits to the amount of Nickel-63 permitted in exempt gas chromatographs, in line with national guidance.
- Safety standards referred to in the Regulations (such as those issued by ARPANSA and other standard setting bodies) are automatically adopted into the Regulations as they are revised and reissued. However, updated references to the year of issue have now been included for the Safe Transport Code and for Standards for certain lasers, sealed radioactive sources and laboratories using unsealed radioactive materials.

Reduced regulatory burden

- A compliance certificate for a radiation source may now be reissued up to six weeks before a current certificate expires and will take effect at the expiry of the existing certificate.
- When a person is purely transporting a source from point A to B, they now need only a transport licence (instead of also a possess and storage licence and a certificate of registration) – as the Safe Transport Code imposes relevant safety standards.
- Solaria are exempted from these Regulations as they are already regulated under the Public Health Act 1997.

1 The changes are contained in the Radiation Protection Amendment Regulations 2014 and have been incorporated into the Radiation Protection Regulations 2006, available at www.thelaw.tas.gov.au.
2 Changes to the Radiation Protection Act 2005 began on 20 June 2013.
• Physiotherapists, podiatrists and chiropractors no longer need a licence to use a class 3B laser or register the premises at which it is used. The use by trained professionals presents a low safety risk. A licence to possess, acquire and dispose is still needed.

• Exemptions for low exposure radiation sources now include lighting products.

• In line with national radiation protection standards, the Regulations now exempt all persons (including radiation safety officers) from needing a licence to use gas chromatographs containing an (updated) amount of Ni-63 or containing a particular amount of tritium as there is negligible workplace health and safety risk.

• These gas chromatographs no longer need compliance testing. Service and maintenance obligations remain and a licence is still required for possession. A single fee for that purpose is now included in the list of prescribed fees.

• The Regulations clarify that a person medically treated with radioactive material is exempt from the need for a licence under the Act and from compliance with the disposal rules in the Regulations.

• The Regulations clarify that a person does not need to notify the Director of Public Health of the loss or theft of certain radiation sources already exempt from licensing requirements (eg, domestic smoke alarms and mineral samples).

• The Regulations clarify that a person working at an approved disposal site and burying radioactive material to which the Disposal Code applies does not personally need a licence to acquire, possess and dispose of the material. The Disposal Code still applies as does regulation of the site by the Environment Protection Authority and local government.

• Cargo on an aircraft or visiting vessel is now exempt from a licence to possess, store, and transport – reflecting the requirements for other radioactive material on aircraft and visiting vessels. A licence is still needed if the material is used on, or removed from, the aircraft or vessel.

• Maintaining a reliable framework

• The Regulations clarify that the Director of Public Health can have regard to the existing fit and proper criteria for all persons listed on a licence application as dealing with a radiation source (not just the applicant for licence holder). This supports the purpose and integrity of the licensing process.

• The licensing period set by the Regulations has been changed from a fixed date each year to any 12-month period, providing greater flexibility.

• The Regulations clarify that the excretion of radioactive material into a sewer by a medically treated person at the place where he or she was treated is taken to be disposal by the holder of the licence to possess, store and use the radioactive material to treat people.

• The Regulations clarify that the activity concentration limit in the exemption for certain small quantities of radioactive material is applicable to solids but not to liquids.

• Radiation regulators in other jurisdictions may now inspect the register of authorities (licences and certificates) maintained by the Director of Public Health under the Act.

• An infringement notice may now be issued for the new offence in the Act (Section 23(4)) that prohibits advertising in a way that suggests Government has, by issuing a licence, endorsed the efficacy, quality or standard of any service provided under the licence.

For more information contact:
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