

NORTHERN TERRITORY OF AUSTRALIA

RADIATION PROTECTION REGULATIONS

As in force at 2 July 2012

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 2 July 2012. Any amendments that commence after that date are not included.

RADIATION PROTECTION REGULATIONS

Regulations under the *Radiation Protection Act*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Radiation Protection Regulations*.

2 Commencement

These Regulations commence on the day the Act commences.

3 Definitions

In these Regulations:

ANRDR Data Transfer Specification, for Part 2A, see regulation 9A(1).

ARPANSA means the Australian Radiation Protection and Nuclear Safety Agency.

authorisation, for Part 2A, see regulation 9A(1).

dangerous event, see section 15(1) of the Act.

infringement notice, see regulation 14.

infringement offence, see regulation 13.

licensee, for a licence to possess a radiation source, includes the applicant for the licence.

National Directory means the document entitled "National Directory for Radiation Protection, edition 1.0" published by ARPANSA as in force from time to time, and includes a later edition of the document as in force from time to time.

National Standard means the document entitled "National standard for limiting occupational exposure to ionizing radiation [NOHSC:1013(1995)]" published by ARPANSA as part of the Radiation Protection Series Publication No. 1, and includes a later edition of the document as in force from time to time.

prescribed amount, see regulation 16.

radiation incident, see section 15(5) of the Act.

remediation procedures, see section 15(5) of the Act.

Safety Guide, for Part 2A, see regulation 9A(1).

4 References to National Directory and National Standard

A reference in these Regulations to a provision of the National Directory or National Standard includes a reference to the corresponding provision of a later edition of the document.

Part 2 Requirements for radiation sources and licensing

5 Content of radiation protection plans

- (1) A radiation protection plan must contain the following information for the radiation practice for which the licensee is authorised to possess a radiation source:
 - (a) full name and address of the owner of the source;
 - (b) full name and address of the licensee;
 - (c) licensee's qualifications and experience and the professional organisations of which the licensee is a member;
 - (d) nature of the source;
 - (e) full description of the source and its uses;
 - (f) full description of the practice;
 - (g) full name of the occupier, and the exact location, of the place where the source is used and stored;
 - (h) full names and details of other persons holding an authority in relation to the practice;
 - (i) safe disposal of the source when it is no longer useful;

- (j) radiation protection measures for carrying out the practice;
 - (k) radiation monitoring equipment to be used in radiation monitoring carried out by the licensee;
 - (l) remediation procedures for a radiation incident, and emergency procedures for other dangerous events, relating to the practice;
 - (m) information required by applicable codes of practice.
- (2) Without limiting subregulation (1)(e), the following relevant information is required for a full description of the source:
- (a) name of the manufacturer;
 - (b) year of manufacture;
 - (c) serial number;
 - (d) type or model;
 - (e) minimum permanent filtration;
 - (f) maximum tube voltage;
 - (g) maximum milliamperes;
 - (h) approval of radioactive material of special form design against criteria specified by the International Atomic Energy Agency;
 - (i) test results from the approval process mentioned in paragraph (h);
 - (j) certificates of calibration included with the manufacturer's report;
 - (k) type of radionuclide and date of specified activity;
 - (l) description of encapsulation of radioactive material.
- (3) A radiation protection plan must be completed in accordance with applicable guidelines.

6 Radiation sources

- (1) For section 6(1)(b) of the Act, a thing that falls within a category of non-ionising radiation apparatus in the National Directory, Schedule 2, is a radiation source.

(2) For section 6(3)(b) of the Act:

- (a) the activity or activity concentration for a radioactive material is the activity or activity concentration in the National Directory, Schedule 4, for the material; or
- (b) the activity or activity concentration for radioactive material that is a mixture of radioactive materials is the activity or activity concentration in the National Directory, Schedule 4, for each of the materials.

7 Exempt radioactive material

For section 8 of the Act, radioactive material that is a mixture of radioactive materials is material to which the Act does not apply if:

- (a) the sum of the fractions obtained by dividing the activity of each material present by the appropriate activity value from the National Directory, Schedule 4, does not exceed 1; or
- (b) the sum of the fractions obtained by dividing the activity concentration of each material present by the appropriate activity concentration value from the National Directory, Schedule 4, does not exceed 1.

8 Radiation dose limits

For sections 13(3) and 14(2) of the Act, the dose limits for carrying out a radiation practice are the dose limits in the National Standard, Schedule 1.

9 Criteria for suitability to hold licence

For section 26(4)(a) of the Act, the criteria for an applicant for a licence to use a radiation source are the competency requirements in the National Directory, Schedule 6.

Part 2A Monitoring and recording of personal radiation exposure on mining sites

9A Interpretation

(1) In this Part:

ANRDR Data Transfer Specification means the Australian National Radiation Dose Register: ANRDR Data Transfer Specification (2010) published by the Australian Radiation Protection and Nuclear Safety Agency, as amended from time to time.

authorisation means Authorisation 0108 granted under section 36 of the *Mining Management Act*, as varied from time to time.

Safety Guide means the Safety Guide for Monitoring, Assessing and Recording Occupational Radiation Doses in Mining and Mineral Processing (2011) published by the Australian Radiation Protection and Nuclear Safety Agency, as amended from time to time.

- (2) For this Part, a reference in the Safety Guide or ANRDR Data Transfer Specification to:
- (a) an employer is taken to be a reference to an operator for a mining site; and
 - (b) an employee is taken to be a reference to a radiation worker.

9B Mining site

For the definition **mining site** in section 47A of the Act, the Ranger Project Area, being the land described in Schedule 2 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), is prescribed to be a mining site.

9C Radiation workers

For the definition **radiation worker** in section 47A of the Act, the following classes of workers are prescribed to be radiation workers:

- (a) persons who are required under the operator's authorisation to be monitored;
- (b) persons who are required under the Safety Guide to be monitored.

9D Monitoring requirements

- (1) This regulation prescribes monitoring and testing requirements for section 47B of the Act.
- (2) An operator for a mining site must:
- (a) prepare and implement a monitoring and dose assessment program for the mining site in accordance with the following:
 - (i) Parts 2 to 6 of the Safety Guide;
 - (ii) the mine operator's authorisation; and
 - (b) conduct the monitoring and dose assessment program for the mining site in accordance with paragraph (a).

9E Personal radiation exposure records

- (1) For section 47C, the personal radiation exposure record for a radiation worker must:
- (a) include the information required by clause 7.1.2 of the Safety Guide to be kept for an employee; and
 - (b) be kept in a form and manner consistent with Part 7 of the Safety Guide; and
 - (c) be kept for the period required by clause 7.1.2 of the Safety Guide.

- (2) A person must not alter a personal radiation exposure record unless:
- (a) the change is made to correct an arithmetical, typographical or transcription error; or
 - (b) an authorised officer directs the person to make the change.

Maximum penalty: If the offender is a natural person –
100 penalty units.

If the offender is a body corporate –
500 penalty units.

- (3) An authorised officer must not give a direction under subregulation (2)(b) unless a personal radiation exposure record does not accurately record the levels of radiation exposure received by the radiation worker and the Chief Health Officer is satisfied that the record is incorrect and directs that the change be made.
- (4) The operator for a mining site must keep a personal radiation exposure record, until:
- (a) authorised by the Chief Health Officer to dispose of it; or
 - (b) the record is transferred to an operator of a mine site in another jurisdiction who is under an obligation corresponding to section 47D of the Act under the law of that jurisdiction.

9F Reporting requirements

- (1) This regulation prescribes the information to be given by an operator for section 47D of the Act.

- (2) The operator for a mining site must give radiation exposure information to the CEO of ARPANSA in accordance with the ANRDR Data Transfer Specification within 6 weeks from the end of each quarter as defined in clause 8.2 of the ANRDR Data Transfer Specification.
- (3) When an operator gives information mentioned in subregulation (2), the operator must notify the Chief Health Officer in writing that the information has been given within 3 days of giving the information to the CEO of ARPANSA.
- (4) If a radiation worker has received a dose of radiation that is higher than the dose limit prescribed by regulation 8, the operator must notify the Chief Health Officer of that fact immediately once the operator becomes aware of the higher dose.
- (5) For subregulation (4), the notice may be given orally or in writing.
- (6) If the notice is given orally, the operator must give the Chief Health Officer a written notice confirming the oral notice within 7 days after the operator becomes aware of the dose.

9G Information to be given

- (1) For section 47F(2) of the Act, the operator for a mining site must give a radiation worker a written explanation of:
 - (a) the type of information that is collected by the monitoring for section 47B of the Act; and
 - (b) the information that is reported to the CEO of ARPANSA and the Chief Health Officer for section 47D of the Act; and
 - (c) the fact that the worker is entitled to request radiation exposure information and how to do so.
- (2) The written explanation must be given at the commencement of employment as a radiation worker.

Part 3 Offences

10 Occupier to display certificate of compliance

The occupier of a place where a radiation source is used or stored must ensure a copy of the current certificate of compliance for the place is on prominent display at the place.

Maximum penalty: 20 penalty units.

11 Licensee to give notice of sale of radiation source

- (1) Subregulation (2) applies if a licensee authorised to sell a radiation source under the licence agrees to sell the source to another person.
- (2) The licensee must, within 14 days after the agreement is made, give written notice of the sale in the approved form to the Chief Health Officer.

Maximum penalty: 50 penalty units.

12 Minimum age for occupational exposure to radiation source

- (1) A person must not cause or allow a youth to be occupationally exposed to a radiation source.

Maximum penalty: 50 penalty units.

- (2) An offence against subregulation (1) is a regulatory offence.
- (3) In this regulation:

youth means a person under 16.

Part 4 Infringement notices for infringement offences**13 What is infringement offence**

An infringement offence is an offence against a provision of the Act or these Regulations stated in Schedule 1, column 1.

14 When infringement notice may be served

If an authorised officer reasonably believes a person has committed an infringement offence, the officer may serve a notice (an ***infringement notice***) on the person.

15 Contents of infringement notice

- (1) An infringement notice must state the following particulars:
 - (a) the name and address of the alleged offender, if known;
 - (b) the date of the infringement notice;
 - (c) the date, time and place of the infringement offence;
 - (d) a description of the infringement offence and the prescribed amount payable for the offence;

- (e) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) An infringement notice must include a statement to the effect of the following:
- (a) the alleged offender may expiate the infringement offence and avoid further action in relation to the offence by paying the prescribed amount to the stated enforcement agency within 28 days after service of the notice;
 - (b) the alleged offender may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and serving it on the stated enforcement agency;
 - (c) if the alleged offender does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
 - (i) suspension of the alleged offender's licence to drive;
 - (ii) suspension of the alleged offender's vehicle registration;
 - (iii) seizure of personal property of the alleged offender;
 - (iv) deduction of an amount from the alleged offender's wages or salary;
 - (v) registration of a statutory charge on land owned by the alleged offender;
 - (vi) making of a community work order for the alleged offender which may result in imprisonment of the alleged offender if the alleged offender breaches the order.
- (3) In addition, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

16 What is prescribed amount for infringement offence

The prescribed amount payable for an infringement offence is the amount stated opposite the offence provision in Schedule 1, column 2.

17 Payment by cheque

If the alleged offender tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on presentation.

18 Withdrawal of infringement notice

- (1) The Chief Health Officer may withdraw the infringement notice by written notice served on the alleged offender.
- (2) The notice must be served within 28 days after service of the infringement notice but before payment of the prescribed amount.

19 Application of Part

- (1) This Part does not prejudice or affect the start or continuing of proceedings for an infringement offence unless the offence is expiated.
- (2) Also, this Part does not prevent more than one infringement notice for the same infringement offence being served on an alleged offender and, to expiate the offence, it is sufficient for the alleged offender to pay the prescribed amount in accordance with any of the notices.
- (3) In addition, this Part does not:
 - (a) require an infringement notice to be served; and
 - (b) does not affect the liability of a person to be prosecuted in a court for an infringement offence for which an infringement notice has not been served.

Part 5 Miscellaneous matters**20 Fees – general**

- (1) The fees payable under the Act are stated in Schedule 2.
- (2) However, a fee is not payable for an application for the following authorities:
 - (a) a licence for a radiation source made on behalf of the Territory;
 - (b) a certificate of registration of a radiation source owned by the Territory;
 - (c) a certificate of registration of a place occupied by the Territory.

- (3) In addition, a person is not required to pay more than the maximum amount of fees in any calendar year for registration of radiation sources owned by the person.
- (4) Also, a person is not required to pay more than the maximum amount of fees in any calendar year for registration of places occupied by the person.
- (5) For subregulations (3) and (4), the maximum amount is 1 000 revenue units.

21 Fees – change of radiation protection plan

- (1) An application for approval of change to a radiation protection plan must be accompanied by the fee stated in Schedule 2.
- (2) However, subregulation (1) does not apply to a change to a matter mentioned in regulation 5(1)(h).

22 Refund of fees

If the applicant for an authority withdraws the application before the Chief Health Officer starts to consider it, the Chief Health Officer must refund to the applicant the fee paid for the application.

Schedule 1 Infringement offences and prescribed amounts

regulations 13 and 16

Offence provision	Prescribed amount Penalty units
Part 1 – Offences against Act	
Section 12(1) (Licence for radiation source)	2
Section 16 (Registration of radiation source)	2
Section 17 (Registration of place where radiation source used or stored)	2
Section 45 (Contravention of condition)	
(a) if offence relates to disposal of radiation source	5
(b) otherwise	2
Section 72(1) (Obstruction etc. of authorised officer)	1
Part 2 – Offences against Regulations	
Regulation 10 (Occupier to display certificate of compliance)	1
Regulation 11(2) (Licensee to give notice of sale of radiation source)	1
Regulation 12(1) (Minimum age for occupational exposure to radiation source)	1

Schedule 2 Fees

regulations 20 and 21

Revenue units

Application for an authority (section 25(1)(c) of the Act):

- | | |
|----------------------------------|-----|
| (a) licence | 100 |
| (b) certificate of registration | 100 |
| (c) certificate of accreditation | 100 |

Application for variation of conditions of an authority (section 33(2)(c) of the Act)	100
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Application for approval of change to radiation protection plan (regulation 21(1))	100
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ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Radiation Protection Regulations (SL No. 20, 2007)***

Notified	1 August 2007
Commenced	5 October 2009 (r 2, s 2 <i>Radiation Protection Act</i> (Act No. 23, 2004) and <i>Gaz S53</i> , 5 October 2009)

Radiation Protection Amendment Regulations 2012 (SL No. 20, 2012)

Notified	30 May 2012
Commenced	2 July 2012 (r 2, s 2 <i>Radiation Protection Amendment Act</i> (Act No. 14, 2012) and <i>Gaz G23</i> , 6 June, 2012)

3**LIST OF AMENDMENTS**

r 3	amd No. 20, 2012, r 4
pt 2 hdg	sub No. 20, 2012, r 5
pt 2A hdg	ins No. 20, 2012, r 6
rr 9A – 9G	ins No. 20, 2012, r 6