

FACT SHEET

Radiation Protection Amendment Bill 2012

The regulatory framework for radiation

- The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) maintains the *National Directory for Radiation Protection* which has been endorsed by the Australian Health Minister's Conference as the uniform national framework for radiation protection in Australia. It is implemented via legislative arrangements in each jurisdiction.
- In Tasmania, the *Radiation Protection Act 2005* provides the framework for protecting people and the environment from harmful radiation, while recognising and enabling access to its beneficial uses.
- Radiation sources include equipment such as x-ray units, high powered lasers and intense pulse lights, and radioactive material used in medicine, research, industry and mining.
- The Act sets out a licensing scheme for all dealings with radiation sources, and a registration scheme for places where radiation sources are primarily used or stored. Where appropriate, licence conditions require compliance with guidelines and codes of practice issued by the Director of Public Health, which incorporate safety standards issued by ARPANSA.
- All persons dealing with a radiation source must take all reasonable and practicable measures to ensure there is no resulting harm to the health or safety of persons or to the environment.
- Some radiation sources pose no more than a negligible risk to health and safety (such as domestic smoke detectors) and the *Radiation Protection Regulations 2006* exempts these sources from various provisions of the Act. The Regulations also set out the safety standards applicable to particular activities (for example, transport).

The amendments in the Bill

- The Director of Public Health and the Radiation Protection Unit monitor closely, not only relevant policy discussions at the national and international level, but also the practical day-to-day application of the Act.
- The Bill is the result of the latter, in which amendments have been identified to provide greater clarity and certainty in the administration of the Act. The changes are intended to:
 - reduce the regulatory burden in circumstances where there is no net safety gain from additional or duplicate regulation;
 - correct legislative provisions with unintended and impractical consequences; and
 - provide certainty where there is current ambiguity.

- In particular, the Bill:
 - clarifies the meaning of the terms ‘possess’ and ‘dispose of’, to provide certainty as to the circumstances in which these licences are required;
 - ensures it is clear that prescribed occupational and public dose limits for radiation exposure apply at all times, even during diagnostic and therapeutic procedures (‘medical exposure’ continues to be permitted for those subject to the diagnostic and therapeutic procedures and their carers);
 - enables the Director of Public Health, when seeking reports to assist in determining an application for a licence, to release the names of all persons applying to deal with a radiation source (and not simply the names of directors and managers);
 - enables the Director of Public Health, when determining an application for a licence, to have regard to existing prescribed criteria when assessing whether each person likely to deal with the radiation source is a fit and proper person to hold a licence (and not simply directors and managers);
 - ensures it is clear that the processes and criteria for considering an application to amend a licence are the same as those for an initial licence application;
 - amends the exemption head of power to permit exemptions for radiation sources and practices to be made where there is no net safety benefit from regulating under the Act; and
 - introduces a new offence provision, whereby a person must not publicly represent that a licence issued under the Act constitutes an endorsement of the efficacy of the procedure for which the radiation source is used.