

Radiation Safety (Radiation Safety Standards) Notice 2021

Explanatory notes for SL 2021 No. 133

made under the

Radiation Safety Act 1999

General Outline

Short title

Radiation Safety (Radiation Safety Standards) Notice 2021

Authorising law

Section 16 of the *Radiation Safety Act 1999*

Policy objectives and the reasons for them

The main objective of the *Radiation Safety Act 1999* (Act) is to protect persons and the environment from the harmful effects of particular sources of ionising radiation and harmful non-ionising radiation, while recognising the beneficial uses of radiation. The Act provides a safety and protection framework by regulating how radiation sources can be used, establishing a licensing and compliance regime, imposing restrictions and prohibiting particular radiation sources.

Section 16 of the Act enables the Minister to make radiation safety standards about certain matters relating to radiation sources and premises where radiation sources are used and where radioactive substances are stored. Radiation safety standards set the minimum acceptable standards for equipment and premises used by businesses, industry and individuals.

To support the operation of the Act, in 2010 the then Minister for Health made the *Radiation Safety (Radiation Safety Standards) Notice 2010* (existing Notice) to prescribe 21 radiation safety standards approved by the Minister.

In 2017, Queensland Health commenced a review of the radiation safety standards. As a result of this review, the 21 existing standards were consolidated into five new standards which are more closely aligned with the five categories about which the Minister can make radiation safety standards under the Act. The existing Notice is due to expire on 1 September 2021. The *Radiation Safety (Radiation Safety Standards) Notice 2021* (Notice) has been prepared to notify the making of the five new consolidated standards.

Achievement of policy objectives

As the matters prescribed in the Notice are critical to supporting the operation of the Radiation Safety Act, the existing Notice must be replaced to ensure the legislative requirements can continue.

Consistency with policy objectives of authorising law

The Notice is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The new standards were developed in consultation with experts and clarify test requirements, cater for more flexible technology, and update tests to be more consistent with relevant national or international standards. There are no direct costs associated with the making and implementation of the Notice.

Consistency with fundamental legislative principles

The Notice is consistent with fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

A sunset review of the Notice was undertaken in accordance with *The Queensland Government Guide to Better Regulation*. The Office of Best Practice Regulation, Queensland Treasury was consulted and advised that Queensland Health satisfactorily met the objectives for sunset reviews.

The review of the radiation safety standards was undertaken through extensive work with a number of small working groups, comprising members of the Australasian College of Physical Scientists and Engineers in Medicine, the Australasian Radiation Protection Society, Radiation Safety Users Group, accredited persons, service people, and representatives involved in the sale and supply of radiation apparatus.

In June 2021, the proposed new radiation safety standards and the associated comparison documents between the current standards and proposed new standards were published on the Queensland Government's Get Involved website. Queensland Health also contacted approximately 20,000 individuals and businesses who hold licences and other authorities under the Radiation Safety Act and the Radiation Advisory Council. Stakeholders were largely supportive of the making of the radiation safety standards, and provided a number of detailed and technical comments on the specific tests in the standards. The test criteria in the standards were amended to incorporate stakeholder feedback where appropriate.

Notes on provisions

Short title

Section 1 of the Notice provides that the short title is the *Radiation Safety (Radiation Safety Standards) Notice 2021*.

Commencement

Section 2 of the Notice states that this notice commences on 1 September 2021.

Notice of making radiation safety standards—Act, s 16

Section 3 of the Notice states that each of the documents mentioned in schedule 1 has been made a radiation safety standard.

Where radiation safety standards and particular documents may be inspected—Act, s 16

Section 16(5) of the *Radiation Safety Act 1999* (Act) states that a notice notifying of the making of radiation safety standards must state the places where copies of the standard and the provisions of any document applied, adopted or incorporated by the standard are available for inspection, without charge, during normal business hours at the places.

Section 4 of the Notice states that for section 16(5) of the Act, the place is the department's office dealing with radiation health and safety.

Copies of the radiation safety standards are also available on the Queensland Health website at <www.health.qld.gov.au/radiationhealth>.

Schedule 1 Radiation safety standards

Schedule 1 of the Notice prescribes the following radiation safety standards:

1. Standard for ionising radiation apparatus—diagnostic or therapeutic procedures, or related practices (2021)
2. Standard for non-ionising radiation apparatus—medical or cosmetic procedures, or related practices (2021)
3. Standard for premises—Ionising Radiation Sources (2021)
4. Standard for premises—Non-Ionising Radiation Apparatus (2021)
5. Standard for radiation sources—industrial, mining, manufacturing, and other practices (2021)