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Radiation Act 2005

EXEMPTIONS FROM THE REQUIREMENT TO HOLD A MANAGEMENT LICENCE

1. DEFINITIONS

In this notice,

‘**Bq**’ means becquerel;

‘**educational institution**’ means a secondary school, TAFE Institute or university;

‘**EPA**’ means the Environment Protection Authority established by the **Environment Protection Act 1970**;

‘**Esso**’ means Esso Australia Pty Ltd (ACN 000 018 566);

‘**Gippsland Water**’ means the Central Gippsland Region Water Authority;

‘**GBq**’ means gigabecquerel;

‘**kBq**’ means kilobecquerel;

‘**MBq**’ means megabecquerel;

‘**prescribed waste**’ has the same meaning as in the Environment Protection (Prescribed Waste) Regulations 1998;

‘**TAFE institute**’ has the same meaning as in the **Education and Training Reform Act 2006**;

‘**the Act**’ means the **Radiation Act 2005**;

‘**university**’ has the same meaning as in the **Education and Training Reform Act 2006**.

2. I, Fran Thorn, Secretary to the Department of Human Services, hereby revoke the notice of exemption made on 29 August 2007 and published in the Government Gazette on 31 August 2007.
3. I hereby give notice under section 16(1)(a) of the Act that I have exempted the following persons and classes of persons from the requirement to hold a management licence in respect of a radiation practice described in this notice. I am satisfied that the radiation practices specified in this notice will not pose a significant risk to the health or safety of any person or the safety of the environment.

EXEMPTIONS OF GENERAL APPLICATION

4. SOURCES USED BY EDUCATIONAL INSTITUTIONS

- (1) In this clause, ‘**specified radiation source**’ means a sealed source referred to in column 2 of the Table with an activity not greater than in column 3 of the Table.

	Radionuclide	Activity (kBq)
1	Cobalt-60	200
2	Strontium-90 / Yttrium 90	80
3	Caesium-137 / Barium 137	200
4	Radium-226	20
5	Americium-241	20

- (2) An educational institution is exempt from the requirement to hold a management licence in respect of a radiation practice that involves a specified radiation source.
- (3) Subclause (2) only applies to a radiation practice conducted for the purpose of teaching the characteristics and properties of radiation.

SPECIAL

- (4) Subclause (2) does not apply to:
 - (a) selling a specified radiation source;
 - (b) repairing a specified radiation source;
 - (c) disposing of a specified radiation source except by:
 - (i) returning it to the person who manufactured or supplied it; or
 - (ii) disposing of it to a person licensed under the Act or under equivalent provisions of the laws of an Australian jurisdiction other than Victoria.
- 5. **EXEMPTION FROM REQUIREMENT TO HOLD A MANAGEMENT LICENCE IN RESPECT OF PRESCRIBED RADIATION SOURCES**
 - (1) In this clause **'prescribed radiation source'** means any of the following radiation sources:
 - (a) electron capture detectors used in gas chromatography units or similar devices containing a nickel-63 sealed source with an activity not greater than 750 MBq or with a tritium source with an activity of not greater than 20 GBq;
 - (b) gaseous tritium light sources that contain less than 74GBq of tritium and used solely for safety purposes;
 - (c) depleted uranium that is completely contained within an appropriate metal sheath and is used as radiation shielding in a container for radioactive sources;
 - (d) depleted uranium in solid massive form that is used for ballast in aircraft, boats and ships;
 - (e) a smoke detector that contains between 40kBq and 130kBq of Americium-241 but no other radioactive material.
 - (2) A person is exempt from the requirement to hold a management licence in respect of a radiation practice in relation to a prescribed radiation source.
 - (3) Subclause (2) does not apply to any of the following radiation practices:
 - (a) selling a prescribed radiation source;
 - (b) repairing a prescribed radiation source;
 - (c) disposing of a prescribed radiation source other than by:
 - (i) returning it to the person who manufactured or supplied the prescribed radiation source; or
 - (ii) disposing of it to a person licensed under the Act or under equivalent provisions of the laws of an Australian jurisdiction other than Victoria.
- 6. **VIPER JET ENGINE**
 - (1) A person is exempt from the requirement to hold a management licence in respect of a radiation practice in relation to a Viper jet engine that contains radioactive thorium within the engine structure.
 - (2) Subclause (1) is subject to the following conditions:
 - (a) the Viper jet engine is not subjected to repair work that involves grinding, filing or drilling of the interior or exterior of the forward compressor case and centre section casings, which contain the radioactive thorium;
 - (b) the Department of Human Services is notified in writing within 14 days of acquisition or sale of a Viper jet engine;
 - (c) the Viper jet engine is not disposed of to a person other than the Australian Defence Force;
 - (d) the Department of Human Services must be notified in writing within 14 days of disposal of a Viper jet engine.

7. SELLING OF RADIATION SOURCES

A person who holds a management licence that authorises the person to sell an ionising radiation apparatus (including a sealed source) or a sealed source apparatus is exempt from the requirement to hold a management licence that authorises the possession of any radiation source that the person's management licence identifies and describes.

8. SELLING OF POSSESSED RADIATION SOURCES

- (1) A person who holds a management licence that authorises the person to possess a radiation source is exempt from the requirement to hold a management licence that authorises the sale of any radiation source that the person's management licence identifies and describes.
- (2) Subclause (1) does not apply to the sale of radiation source to a person not authorised under the Act or under equivalent provisions of the laws of a jurisdiction in Australia other than Victoria.

EXEMPTIONS FOR CERTAIN PERSONS**9. EXEMPTION FOR ESSO IN RESPECT OF THE DISPOSAL OF CERTAIN SCALES AND SAND SLUDGES**

- (1) Esso is exempt from the requirement to hold a management licence in respect of the disposal of scales and sand sludges with activity concentrations not exceeding 10 Bq/g of Radium-226 and 10 Bq/g of Radium-228 to a landfill site for prescribed waste.
- (2) Subclause (1) is subject to the following conditions:
 - (a) the scales and sand sludges must be in a form approved by the EPA;
 - (b) the landfill site accepting the waste must be approved by the EPA, who must also be satisfied that long-term residential development of the site is prevented by appropriate means;
 - (c) the material disposed of in the landfill must be covered by at least two metres of clean soil;
 - (d) records must be maintained of the volume of solid radioactive material disposed of by Esso each year and the locations of the landfill site or sites at which the waste has been disposed, and those records must be made available on request to an authorised officer within the meaning of the Act; and
 - (e) post closure monitoring of the prescribed waste landfill site at which the material has been disposed must be implemented, with radiation measurements being made at six monthly intervals and the results submitted in writing to the Department of Human Services within three weeks of the analysis.

10. EXEMPTION FOR ESSO IN RESPECT OF CERTAIN ACTIVITIES AT DUTSON DOWNS

- (1) Esso is exempt from the requirement to hold a management licence in respect of the discharge of any waste water that contains naturally occurring radioactive material to the Dutson Downs waste treatment facility and from Dutson Downs to the ocean outfall.
- (2) Subclause (1) is subject to the following conditions:
 - (a) a water monitoring program for Radium-226 concentration in the Esso Pond at Dutson Downs and Number 2 Pond at Dutson Downs is implemented, which must include the taking of water samples at 6 monthly intervals;
 - (b) the results of the water monitoring program must be submitted in writing to the Department of Human Services within three weeks of the analysis;
 - (c) the risk assessment be reviewed if the measured concentration of Radium-226 exceeds 20 Bq/L in the Esso Pond or 5 Bq/L in Number 2 Pond.

11. **EXEMPTION FOR GIPPSLAND WATER**

- (1) Gippsland Water is exempt from the requirement to hold a management licence in respect of the possession of scales and sand sludges with activity concentrations not exceeding 10 Bq/g of Radium-226 and 10 Bq/g of Radium-228 in a landfill site for prescribed waste.
- (2) Subclause (1) is subject to the following conditions:
 - (a) the scales and sand sludges must be in a form approved by the EPA;
 - (b) the landfill site accepting the waste must be approved by the EPA, who must also be satisfied that long-term residential development of the site is prevented by appropriate means;
 - (c) the material disposed of in the prescribed waste landfill must be covered by at least two metres of clean soil;
 - (d) records must be maintained if the volume of solid radioactive material received by Gippsland Water each year and the locations of the prescribed waste landfill site or sites at which the waste has been disposed, and those records must be made available on request to an authorised officer within the meaning of the Act;
 - (e) post closure monitoring of the prescribed waste landfill site at which the material has been disposed must be implemented, with radiation measurements being made at six monthly intervals and the results submitted in writing to the Department of Human Services within three weeks of the analysis.

12. This notice takes effect on 1 December 2007.

Dated 30 November 2007.

FRAN THORN
Secretary
Department of Human Services
