

|  |
| --- |
| 2022-23 fines and penalties for Radiation Act 2005 |
| OFFICIAL |

This document is an annually updated publication of the indexation of fees and charges for the reference of the general public

# Radiation Act 2005

|  |  |  |  |
| --- | --- | --- | --- |
| **Section** | **Offence** | **Maximum Penalty for 2022/2023 - Natural person (current year)** | **Maximum Penalty for 2022/2023 - Body Corporate (current year)** |
| **12** | A person must not conduct a radiation practice unless that person holds a current management licence that authorises that radiation practice, or they are exempt from that requirement under s.16 of the Radiation Act. | $332,856 | $1,664,280 |
| **13** | A person must not use a radiation source unless that person holds a current use licence that authorises that use, or they are exempt from that requirement under s.16 of the Radiation Act and they are using that source in accordance with that exemption, OR they are an approved tester who is using the radiation source in line with their tester's approval. | $221,904 | Not applicable |
| **14 (a)** | An owner or occupier of land must not construct a radiation facility on land that they own or occupy unless they hold a current facility construction licence that allows them to construct the radiation facility | $110,952 | $554,760 |
| **14 (b)** | An owner or occupier of land must not permit or allow another person to construct a radiation facility on land that they own or occupy unless the other person holds a current facility construction licence, in relation to the radiation facility to be constructed. | $110,952 | $554,760 |
| **14 (c)** | An owner or occupier of land must not change the use of land that they own or occupy to use for a radiation facility unless they hold a current facility construction licence that allows them to use that land for a radiation facility. | $110,952 | $554,760 |
| **15 (1)** | A management licence holder must not knowingly, recklessly or negligently fail to comply with any condition of their licence. | $221,904 | $1,109,520 |
| **15 (2)** | A use licence holder must not knowingly, recklessly or negligently fail to comply with any condition of his or her licence. | $110,952 | Not applicable |
| **15 (3)** | A facility construction licence holder must not knowingly, recklessly or negligently fail to comply with any condition of their licence. | $110,952 | $554,760 |
| **17** | A person must not directly or indirectly represent that he or she is a licence holder unless the person is a licence holder. | $11,095 | $55,476 |
| **18** | It is an offence for a management licence holder to allow persons to use a radiation source when the management licence holder knows that the person does not hold the appropriate use licence. | $221,904 | $1,109,520 |
| **19** | It is an offence for a management licence holder to allow persons to use a radiation source in a manner that the management licence holder knows is contrary to the conditions of the person's use licence. | $221,904 | $1,109,520 |
| **20** | A management licence holder, on becoming aware that a radiation source that was in their possession is lost or has been stolen, must immediately notify the Secretary of the loss or theft. | $110,952 | $554,760 |
| **21** | A management licence holder must not knowingly, recklessly or negligently **abandon** a radiation source that is in their possession. | $332,856 | $1,664,280 |
| **22 (1)** | It is an offence for a person - **when conducting a radiation practice** - to knowingly, recklessly or negligently cause another person to receive a radiation dose that is greater than the dose prescribed in the regulations. | $110,952 | $554,760 |
| **22 (2)** | A person must not - **when using a radiation source** - knowingly, recklessly or negligently cause another person to receive a radiation dose that is greater than the dose limit that is prescribed. | $44,381 | Not applicable |
| **23 (1)** | A person must not - when **conducting a radiation practice** in relation to a radiation source - knowingly, recklessly or negligently cause serious harm to the environment. | $332,856 | $1,664,280 |
| **23 (2)** | A person must not, when **using a radiation source**, knowingly, recklessly or negligently cause serious harm to the environment. | $221,904 | Not applicable |
| **23A** | A management licence holder must not direct, request or allow a person to use a high consequence sealed source that the licence holder possesses or controls knowing that the licence holder has not verified the identity of the person using an identification document. | $221,904 | $1,109,520 |
| **23B** | A management licence holder must not direct, request or allow a person to transport a high consequence sealed source or a high consequence group of sealed sources that the licence holder possesses or controls knowing that the licence holder has not verified the identity of the person using an identification document. | $221,904 | $1,109,520 |
| **23C** | A management licence holder must not direct, request or allow a person to access a high consequence sealed source or a high consequence group of sealed sources that the licence holder possesses or controls knowing that the licence holder has not verified the identity of the person using an identification document. | $221,904 | $1,109,520 |
| **23D** | A person must not (a) provide, or offer to provide, for fee or reward the use of a tanning unit or (b) operate or offer to operate for a fee or reward a tanning unit. | $11,095 | $55,476 |
| **26** | An approved tester must not knowingly, recklessly or negligently fail to comply with any condition of his or her tester's approval. | $110,952 | Not applicable |
| **27** | A person must not issue a certificate of compliance in relation to a prescribed radiation source unless he or she holds a current tester's approval. | $11,095 | Not applicable |
| **28** | It is an offence to directly or indirectly impersonate an approved tester. | $11,095 | Not applicable |
| **35** | An approved tester must not knowingly issue a certificate of compliance that is false. | $110,952 | Not applicable |
| **36** | A person who is in possession of a prescribed radiation source must not require, direct, allow or permit a person to use the prescribed radiation source unless there is a certificate of compliance in respect of that source that has not expired. | $221,904 | $1,109,520 |
| **36B** | An approved assessor must not knowingly, recklessly or negligently fail to comply with every condition of his or her assessor's approval. | $110,952 | Not applicable |
| **36C** | A person must not issue a security compliance certificate in relation to a security plan or a transport security plan unless he or she holds a current assessor's approval. | $11,095 | Not applicable |
| **36D** | It is an offence to directly or indirectly impersonate an approved assessor. | $11,095 | Not applicable |
| **36E** | An approved assessor must not knowingly issue a security compliance certificate knowing that it is false or misleading. | $110,952 | Not applicable |
| **61** | If the Secretary cancels a licence, the licence holder must return the licence to the Secretary within 14 days after being notified unless the holder has a reasonable excuse. | $3,698 | Not applicable |
| **67D** | A management licence holder must at all times have an approved security plan for every high consequence sealed source or every high consequence group of sealed sources the holder is licensed to possess. | $221,904 | $1,109,520 |
| **67E** | A management licence holder who is licensed to possess a high consequence sealed source or high consequence group of sealed sources must provide to the Secretary a copy of the approved security plan, within 30 days after receiving a security compliance certificate. | $11,095 | $55,476 |
| **67F (1)** | A management licence holder who is licensed to possess a high consequence sealed source or high consequence group of sealed sources must submit to the Secretary a revised security plan that has been approved by an approved assessor as soon as practicable after (a) a significant change in the operation or the environment in which the radiation practice is being conducted OR (b) the licence holder has been notified of an amendment to the security standard under section 67O. | $11,095 | $55,476 |
| **67I** | A management licence holder who is licensed to transport a high consequence sealed source or high consequence group of sealed sources of which there is an approved transport security plan must submit to the Secretary a revised transport security plan that has been approved by an approved assessor as soon as practicable after the review of the transport security plan. | $11,095 | $55,476 |
| **67J** | It is an offence to transport high consequence sealed source without transport security plan. | $221,904 | $1,109,520 |
| **67M** | Failure to comply with the most recent approved security plan or approved transport security plan. | $221,904 | $1,109,520 |
| **78 (2)** | A person must not refuse or fail to comply with a direction of an authorised officer unless the person has a reasonable excuse. | $11,095 | $55,476 |
| **91** | It is an offence to impersonate an authorised officer. | $11,095 | Not applicable |
| **96** | A person must not refuse or fail to comply with a direction under subsection (1)(a), (c), (d) or (g) unless the person has a reasonable excuse. | $11,095 | $55,476 |
| **115** | A person must not open, alter, break or remove any seal placed on a radiation source by an authorised officer unless the person has a reasonable excuse | $110,952 | $554,760 |
| **116** | A person must not knowingly give the Secretary or an authorised officer information that is false or misleading in a material particular. | $221,904 | $1,109,520 |
| **117** | A person must not hinder or obstruct an authorised officer who is exercising a power under this Act unless the person has a reasonable excuse | $11,095 | Not applicable |

|  |
| --- |
| To receive this publication in an accessible format phone 03 9096 5321 using the National Relay Service 13 36 77 if required, [or email Fees and Penalties](mailto:feesandpenalties@dhhs.vic.gov.au) <feesandpenalties@dhhs.vic.gov.au>.  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Australia, Department of Health, August 2022.  Available at Fees, charges and penalties subject to automatic indexation [Fees, Charges and Penalties Subject to Automatic Indexation (health.vic.gov.au)](https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation) < https://www.health.vic.gov.au/payments/fees-charges-and-penalties-subject-to-automatic-indexation> |