



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

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ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

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ADELAIDE, THURSDAY, 27 AUGUST 2015

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## GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to [governmentgazette@dpc.sa.gov.au](mailto:governmentgazette@dpc.sa.gov.au). Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. **Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.** Gazette enquiries to: **Phone 8207 1045**. The *Government Gazette* is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).

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Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Health Performance Council, pursuant to the provisions of the Health Care Act 2008:

Deputy Chair: (from 27 August 2015 until 1 August 2016)  
Barbara Lydia Hartwig

Member: (from 27 August 2015 until 30 June 2019)  
Steven Hunter Tully

By command,

JAY WILSON WEATHERILL, Premier

HEAC-2015-00054

Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Stephen Campbell Mullighan, MP, Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning and Minister Assisting the Minister for Housing and Urban Development to be also Acting Minister for Planning and Acting Minister for Housing and Urban Development for the period from 3 October 2015 to 11 October 2015 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JAY WILSON WEATHERILL, Premier

DPR0009/15CS

Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Training Centre Review Board, pursuant to the provisions of the Young Offenders Act 1993:

Member: (from 3 September 2015 until 2 September 2018)  
Darryn Michael Keneally

Deputy Member: (from 30 August 2015 until 29 August 2018)  
Barry John Jennings (Deputy to Keneally)

By command,

JAY WILSON WEATHERILL, Premier

AGO0102/15CS

Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the SafeWork SA officers, Kendall Ann Hoile, Tore Ware Nielsen, Nicholas Perry and Barry Anthony John Sheppard as Inspectors for the purposes of the Shop Trading Hours Act 1977, commencing on 27 August 2015, pursuant to Section 7 of the Shop Trading Hours Act 1977.

By command,

JAY WILSON WEATHERILL, Premier

MIR0045/15CS

#### ABORIGINAL LANDS TRUST ACT 2013

##### *Scheme to Call for Expressions of Interest for Appointment to the Aboriginal Lands Trust*

PURSUANT to Section 10 (2) of the Aboriginal Lands Trust Act 2013 (the Act), two vacancies exist within the Aboriginal Lands Trust (ALT) requiring the call for expressions of interest for appointment to the Trust.

I, the Honourable Kyam Maher, MLC, Minister for Aboriginal Affairs and Reconciliation, hereby give notice that I intend to establish a selection panel for the purposes of recommending persons for appointment to the Trust in accordance with Section 11 of the Act and publish a Public Notice calling for applications by Aboriginal people interested in being appointed to the ALT.

The Public Notice will be published in *The Advertiser*, websites of both Department of State Development-Aboriginal Affairs and Reconciliation (DSD-AAR) and the ALT, the principal office of the ALT, The Paper Tracker, and provided to a wide range of relevant government and community agencies.

The Public Notice will allow three weeks for responses to be received by DSD-AAR for forwarding to the Selection Panel.

The Selection Panel would have two weeks to deliberate and make a recommendation on a person or panel of persons from which an appointment may be made.

The successful applicants will be appointed to the Trust by the Governor, on nomination by the Minister, upon recommendation of the Selection Panel.

Dated 21 August 2015.

KYAM MAHER, Minister for Aboriginal  
Affairs and Reconciliation

Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Gail Elizabeth Gago, MLC, Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women and Minister for Business Services and Consumers to be also Acting Deputy Premier for the period from 3 October 2015 to 11 October 2015 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JAY WILSON WEATHERILL, Premier

DPR0009/15CS

Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John James Snelling, MP, Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts and Minister for Health Industries to be also Acting Attorney-General, Acting Minister for Justice Reform and Acting Minister for Industrial Relations for the period from 3 October 2015 to 11 October 2015 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JAY WILSON WEATHERILL, Premier

DPR0009/15CS

Department of the Premier and Cabinet  
Adelaide, 27 August 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Kyam Joseph Maher, MLC, Minister for Manufacturing and Innovation, Minister for Automotive Transformation and Minister for Aboriginal Affairs and Reconciliation to be also Acting Minister for Child Protection Reform for the period from 3 October 2015 to 11 October 2015 inclusive, during the absence of the Honourable John Robert Rau, MP.

By command,

JAY WILSON WEATHERILL, Premier

DPR0009/15CS

#### DEVELOPMENT ACT 1993

##### *Existing Activity Centres Policy Review Development Plan Amendment Prepared by the Minister for Public Consultation*

NOTICE is hereby given that the Minister for Planning, pursuant to Sections 24 and 26 of the Development Act 1993, has prepared the Existing Activity Centres Policy Review Development Plan Amendment (DPA) to amend the Development Plans for the following Councils:

- Adelaide Hills Council
- Alexandrina Council
- The Barossa Council

- City of Burnside
- Campbelltown Council
- City of Charles Sturt
- Town of Gawler
- City of Holdfast Bay
- Light Regional Council
- District Council of Mallala
- City of Marion
- City of Mitcham
- Mount Barker District Council
- City of Norwood Payneham and St Peters
- City of Onkaparinga
- City of Playford
- City of Port Adelaide Enfield
- City of Prospect
- City of Salisbury
- City of Tea Tree Gully
- City of Unley
- City of Victor Harbor
- Corporation of the Town of Walkerville
- City of West Torrens
- District Council of Yankalilla

The DPA proposes to amend each Development Plan in the Greater Adelaide Region (excluding the City of Adelaide) to establish more consistent assessment processes, procedures and requirements for proposals involving shops, offices and consulting rooms in areas intended to be a focus for those activities.

The overall aim is to stimulate economic diversity and development in our prime retail and commercial areas comprising existing 'centre', 'shopping' and some mixed use development zones across the 25 Council jurisdictions.

The DPA will be on public consultation from 27 August 2015 to 21 October 2015.

For more information and to view the DPA online visit the Existing Activity Centres Policy Review Development Plan Amendment webpage at [www.sa.gov.au/planning/ministerialdpas](http://www.sa.gov.au/planning/ministerialdpas).

Copies of the DPA also are available for viewing during normal office hours at the Department of Planning, Transport and Infrastructure, Level 5, 136 North Terrace, Adelaide and the offices of each of the affected Councils.

Written submissions regarding the DPA should be submitted no later than 5 p.m. on 21 October 2015. Submissions should be addressed to:

The Presiding Member, Development Policy Advisory Committee,  
Existing Activity Centres Policy Review Development Plan Amendment:

- c/o Department of Planning, Transport and Infrastructure  
Post: G.P.O. Box 1815, Adelaide, S.A. 5001
- Email: [dpac@sa.gov.au](mailto:dpac@sa.gov.au)

Your submission should clearly indicate whether you wish to be heard at the public meeting.

Copies of all public submissions will be available for inspection by interested persons at the Department of Planning, Transport and Infrastructure, Level 5, 136 North Terrace, from 22 October 2015 until the conclusion of the public meeting, and will also be available for viewing online in the Existing Activity Centres Policy Review Development Plan Amendment webpage at [www.sa.gov.au/planning/ministerialdpas](http://www.sa.gov.au/planning/ministerialdpas).

Public meetings will be held at the following locations, at which time interested persons may appear to be heard in relation to the DPA and the submissions:

- 7 p.m. on Wednesday, 4 November 2015 in Adelaide Rooms 1 and 2, The Playford Hotel, 120 North Terrace, Adelaide.

- 7 p.m. on Thursday, 5 November 2015 in the Governor Phillip Function Room, St Francis Winery, 14 Bridge Street, Reynella.
- 7 p.m. on Tuesday, 10 November 2015 in the Playford Civic Centre, Function Room 1, 10 Playford Boulevard, Elizabeth.

The public meetings may not be held if no submissions are received or if no-one requests to be heard. Please check the Existing Activity Centres Policy Review Development Plan Amendment webpage at [www.sa.gov.au/planning/ministerialdpas](http://www.sa.gov.au/planning/ministerialdpas) or the Development Policy Advisory Committee website at [www.dpac.sa.gov.au](http://www.dpac.sa.gov.au) before the scheduled date of the meeting to find out whether it is being held.

If you would like more information about the DPA, please contact Steven Copus on telephone number (08) 7109 7020 or via email at [Steven.Copus@sa.gov.au](mailto:Steven.Copus@sa.gov.au).

Dated 27 August 2015.

M. VRANAT, Secretary, Development Policy Advisory Committee

#### DEVELOPMENT ACT 1993, SECTION 28 (1): DECLARATION OF INTERIM OPERATION OF RURAL CITY OF MURRAY BRIDGE—MONARTO SOUTH DEVELOPMENT PLAN AMENDMENT

##### NOTICE

PURSUANT to Section 28 (1) of the Development Act 1993, I, John Rau, Minister for Planning, am of the opinion that it is necessary in the interest of the orderly and proper development of the area affected by the Rural City of Murray Bridge—Monarto South Development Plan Amendment (the Amendment), that the Amendment should come into operation without delay.

I declare that the Amendment will come into operation on an interim basis on the day in which this notice is published in the *Gazette*.

Dated 12 August 2015.

JOHN RAU, Deputy Premier, Minister for Planning

#### FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007 (the Act), Leslie Morrison, of the School of Biological Sciences at Flinders University, Sturt Road, Bedford Park (the 'exemption holder') or a person acting as her agent, are exempt from Sections 70 and 71 (2) of the Fisheries Management Act 2007, Regulation 7 and Clauses 38, 39, 40, 72, 118 and 123 of the 6th Schedule of the Fisheries Management (General) Regulations 2007 but only insofar as they may engage in the activities specified in Schedule 1, using the gear specified in Schedule 2, (the 'exempted activity'), subject to the conditions specified in Schedule 3, from 24 August 2015 until 23 August 2016, unless varied or revoked earlier.

##### SCHEDULE 1

For the purposes of teaching appropriate sampling techniques, the collection of aquatic organisms from all waters of South Australia, including the River Murray Protection Area, excluding aquatic reserves (unless otherwise authorised under the Act), marine parks (unless otherwise authorised under the Marine Parks Act 2007) and the Adelaide Dolphin Sanctuary.

For the purposes of undertaking the following research projects; monitoring populations of European Green Crab (*Carcinus maenas*), post-capture survivorship of Whaler Sharks (*Carcharinus brachyurus* and *Carcharinus obscurus*) and the monitoring of Southern Pygmy Perch (*Nannoperca australis*) and Yarra Pygmy Perch (*Nannoperca obscura*) populations.

##### SCHEDULE 2

##### Teaching Activities

- Two plankton nets where each net is a funnel shaped, fine-meshed net that is towed through the water to collect plankton with a diameter not exceeding 1 m, depth not exceeding 1.6 m and mesh size not exceeding 38 mm.
- A seine net with a mesh size not exceeding 5 mm and total length not exceeding 20 m.
- Plastic corer (10 cm diameter, 20 cm length).

- Sweep nets.
- Double-rig demersal prawn trawl with standard mesh and a maximum cod end mesh of 50 mm.

*Research Activities*

- A longline (no more 2.2 km long, 1.7 mm leaders with a maximum of 200, 16/0 size hooks, floats marked with exemption holder or Ministerial Exemption No.).
- Hooped bait net, floats marked with exemption holder or Ministerial Exemption No.
- A fyke net (maximum 6 m long, with addition 4 m wing).
- A seine net with a mesh size not exceeding 5 mm and total length not exceeding 20 m.

SCHEDULE 3

*General Conditions For All Activities*

1. Research completed pursuant to this notice must be within the waters of the State and related to or for the purposes of the administration of the Act.

2. Any equipment used to collect and hold fish during the exempted activity must be decontaminated prior to and after undertaking the research activities.

3. All species caught pursuant to this notice that are not being collected for scientific, education and research purposes must be returned to the water as soon as practical except for species declared as noxious under the Act. Noxious species must not be returned to the water and be disposed of appropriately.

4. All protected species incidentally taken while undertaking the exempted activity may be measured and recorded and must be returned to the water as soon as reasonably practicable. Protected species must not be retained.

5. The specimens collected by the exemption holder are for scientific, education and research purposes only and must not be sold.

6. The exemption holder must not collect specimens for aquaculture research purposes pursuant to this notice.

7. Organisms collected pursuant to this notice must not be released once they have been kept separate to their natural environment at the University.

8. At least one hour before conducting an exempted activity, the exemption holder must contact PIRSA Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of this notice in their possession at the time of making the call, and be able to provide information about the area and time of the exempted activity, the specific gear to be used, vehicles and/or boats involved, the number of permit holders undertaking the exempted activity and other related questions. Exemption No. ME9902796.

9. The exemption holder must provide a report in writing detailing the activities carried out pursuant to this notice to the Director, Fisheries and Aquaculture (G.P.O. Box 1625, Adelaide, S.A. 5001) by 23 September 2016 with the following details:

- the date and location of sampling;
- the gear used;
- the number and description of all species caught and their fate;
- the number and description of any samples/biopsies collected;
- any interactions with protected species and their fate; and
- any other information regarding size, breeding or anything deemed relevant or of interest that is able to be volunteered.

10. Failure to submit a report as per Condition 6 may result in further exemptions not being supported.

11. While engaged in the exempted activity, the exemption holder must be in possession of a signed copy of this notice and carry their identification card issued by Flinders University. Such notice and identification must be produced to a PIRSA Fisheries Officer if requested.

12. A person acting as an agent of the exemption holder must possess a copy of a signed letter from the exemption holder stating that they are acting as an agent during the exempted activity and carry their identification card issued by Flinders University.

13. The exemption holder, or agent must not contravene or fail to comply with the Act or any regulations made under the Act, except where specifically exempted by this notice.

*Specific Teaching Activity—Double-Rig Demersal Prawn Trawl*

14. The exempted activity must be conducted using the SARDI research vessel *Ngerin*.

15. The exempted activity may undertake a maximum of six shots over three nights of no more than 45 minutes duration each.

16. The exempted activity is to be undertaken in the waters contained within Gulf St Vincent commencing at position latitude 34°45.00'S, longitude 138°17.00'E then to position latitude 34°47.00'S, longitude 138°17.00'E then to position latitude 34°47.00'S, longitude 138°15.00'E then to position latitude 34°45.00'S, longitude 138°15.00'E then to the point of commencement.

17. The exempted activity may not be undertaken in daylight hours between sunrise and sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the Proof of Sunrise and Sunset Act 1923).

18. The exemption holder must not conduct any other fishing activity including recreational fishing whilst undertaking the exempted activity.

19. All species caught during the exempt activity must be returned to the water as soon as practical.

*Specific Research Activity—Monitoring of Southern Pygmy Perch and Yarra Pygmy Perch*

20. All tissue samples taken from any species must be taken in such a way to maximise the survival of the animal.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the Marine Parks Act 2007 and the River Murray Act 2003. The exemption holder and her agents must comply with any relevant regulations, permits, requirements and directions from the Department of Environment, Water and Natural Resources when undertaking activities within a marine park.

Dated 21 August 2015.

S. SLOAN, Director, Fisheries and Aquaculture Policy

GEOGRAPHICAL NAMES ACT 1991

FOR PUBLIC CONSULTATION

*Notice of Intention to Alter the Boundaries of a Place and Create a New Suburb*

NOTICE is hereby given pursuant to the provisions of the above Act, that the Minister for Transport and Infrastructure seeks public comment on a proposal to:

1. Exclude from the suburb of **PENFIELD** that area marked **(A)** on the plan.
2. Create the new suburb of **EYRE** covering that area marked **(A)** on the plan.

Copies of the plan showing the extent of the subject area can be viewed at:

- the Office of the Surveyor-General, 101 Grenfell Street, Adelaide;
- the office of the City of Playford; and
- the Land Services website at:  
[www.sa.gov.au/landservices/namingproposals](http://www.sa.gov.au/landservices/namingproposals).

Submissions in writing regarding this proposal may be lodged with the Chief Executive Officer, City of Playford, 12 Bishopstone Road, Daveron Park, S.A. 5113, within one month of the publication of this notice.

Dated 30 July 2015.

M. BURDETT, Surveyor-General, Department for Planning, Transport and Infrastructure

DPTI.2013/089584/01

## GEOGRAPHICAL NAMES ACT 1991

## FOR PUBLIC CONSULTATION

*Notice of Intention to Alter the Boundaries of Places  
and Assign a Name and Boundary to a Place*

NOTICE is hereby given pursuant to the provisions of the above Act, that the Minister for Transport and Infrastructure seeks public comment on a proposal to:

1. Exclude from the suburb of **NORTHGATE** that area marked **(A)** shown highlighted in blue on the plan.
2. Exclude from the suburb of **NORTHFIELD** that area marked **(B)** shown highlighted in purple on the plan.
3. Exclude from the suburb of **GREENACRES** that area marked **(C)** shown highlighted in orange on the plan.
4. Assign the name **LIGHTSVIEW** to those areas marked **(A)**, **(B)** and **(C)**.

Copies of the plan showing the extent of the subject area can be viewed at:

- the office of the City of Port Adelaide Enfield;
- the Office of the Surveyor-General, 101 Grenfell Street, Adelaide; and
- the Land Services website at:

[www.sa.gov.au/landservices/namingproposals](http://www.sa.gov.au/landservices/namingproposals).

Submissions in writing regarding this proposal may be lodged with the City Manager, City of Port Adelaide Enfield, P.O. Box 110, Port Adelaide, S.A. 5015, within one month of the publication of this notice.

Dated 13 August 2015.

M. BURDETT, Surveyor-General, Department  
for Planning, Transport and Infrastructure

DPTI.2014/23051/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land situated at 1385 Main South Road, Bedford Park S.A. 5042, being the whole of Allotment 36 in Deposited Plan No. 3608 comprised in Certificate of Title Volume 5418, Folio 664.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Carlene Russell,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7031

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2014/09390/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in that piece of land situated at 1349 Main South Road, Bedford Park, being the whole of Allotment 19 in Deposited Plan No. 3608 comprised in Certificate of Title Volume 5100, Folio 108.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Chris Southam,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7036

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2014/09375/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land situated at 1461 Main South Road, Bedford Park, S.A. 5042, being the whole of the Common Property in Strata Plan No. 11502 comprised in Certificate of Title Volume 5461, Folio 744.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Rocco Caruso,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7014

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2010/22208/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land situated at Unit 5, 1461 Main South Road, Bedford Park, S.A. 5042, being the whole of Unit 5 in Strata Plan No. 11502 comprised in Certificate of Title Volume 5461, Folio 742.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Rocco Caruso,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7014

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2010/22213/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land situated at 1319 Main South Road, Bedford Park, S.A. 5042, being the whole of Allotment 3 in Deposited Plan No. 3608 comprised in Certificate of Title Volume 5403, Folio 783.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Chris Southam,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone: (08) 7424 7036

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI: 2014/09356/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land situated at 1423A-D Main South Road, Bedford Park, S.A. 5042 being the whole of Allotment 22 in Deposited Plan No. 4934 comprised in Certificate of Title Volume 5329, Folio 871.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Carlene Russell,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone (08) 7424 7031

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2010/22327/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land situated at 1337 Main South Road, Bedford Park, S.A. 5042, being the whole of Allotment 12 in Deposited Plan No. 3608 comprised in Certificate of Title Volume 5834, Folio 769.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Chris Southam,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone: (08) 7424 7036

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2014/09369/01

## LAND ACQUISITION ACT 1969

## (SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land situated at 4 Rupert Avenue, Bedford Park, being the whole of Allotments 23 and 24 in Deposited Plan No. 4934 comprised in Certificate of Title Volume 5428, Folio 694.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Carlene Russell,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Phone: (08) 7424 7031

Dated 25 August 2015.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner of Highways in the presence of:

A. J. BERRY, Manager, Real Estate Services  
(Authorised Officer), Department of  
Planning, Transport and Infrastructure

DPTI 2010/2233001

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001*Closure of Granite Island Recreation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Co-ordination, Partnerships and Stewardship, formerly entitled Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of Granite Island Recreation Park from:

10.30 p.m. on Friday, 20 November 2015 until 5.30 a.m. on Saturday, 21 November 2015;

10.30 p.m. on Saturday, 21 November 2015 until 5.30 a.m. on Sunday, 22 November 2015;

10.30 p.m. on Sunday, 22 November 2015 until 5.30 a.m. on Monday, 23 November 2015;

10.30 p.m. on Monday, 23 November 2015 until 5.30 a.m. on Tuesday, 24 November 2015; and

10.30 p.m. on Tuesday, 24 November 2015 until 5.30 a.m. on Wednesday, 25 November 2015.

The purpose of the closure is for the proper management of the reserve and in the interest of public safety.

*Permission to Enter and Remain in the Reserve*

Pursuant to Regulations 8 (4) and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Co-ordination, Partnerships and Stewardship, formerly entitled Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, grant permission to persons undertaking *bona fide* recreational and commercial fishing activities to enter Granite Island Recreation Park between the causeway and the screw-pile jetty for the purpose of accessing the screw-pile jetty for these fishing activities, during the abovementioned closure periods.

Pursuant to Regulations 8 (4) and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Co-ordination, Partnerships and Stewardship, formerly entitled Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, grant permission to the agents and employees of the City of Victor Harbor to enter and remain in Granite Island Recreation Park during the abovementioned closure periods for the purposes of undertaking activities associated with the operation of licences held by the City of Victor Harbor for activities on Granite Island.

These permissions are conditional upon the observance by each of those persons, of the requirements of the National Parks and Wildlife Act 1972, National Parks and Wildlife (National Parks) Regulations 2001, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 3 September 2015.

G. A. PELTON, Director, Regional Co-ordination,  
Partnerships and Stewardship, Department of  
Environment, Water and Natural Resources

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001*Closure of Brookfield Conservation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Co-ordination, Partnerships and Stewardship, formerly entitled Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, close to the public the whole of the Brookfield Conservation Park from:

- 6 a.m. on Monday, 7 September 2015 until 6 p.m. on Friday, 11 September 2015;
- 6 a.m. on Monday, 18 January 2016 until 6 p.m. on Friday, 22 January 2016;
- 6 a.m. on Friday, 4 March 2016 until 6 p.m. on Monday, 7 March 2016; and
- 6 a.m. on Monday, 6 June 2016 until 6 p.m. on Friday, 10 June 2016.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program adjacent the reserve during the period indicated.

Dated 19 August 2015.

G. A. PELTON, Director, Regional Co-ordination,  
Partnerships and Stewardship, Department of  
Environment, Water and Natural Resources

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001*Partial Re-opening of Katarapko Section of  
Murray River National Park*

PURSUANT to Regulations 8 (2), 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Regional Co-ordination, Partnerships and Stewardship, formerly entitled Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, re-open to the public, part of the Katarapko Section of Murray River National Park, which has been closed to the public as a result of bushfire and/or fire danger since 3 p.m. on Friday, 17 January 2014, and most recently published in the *South Australian Government Gazette* dated 6 February 2014, on page 539, effective 9 a.m. on Friday, 28 August 2015.

The part (section) of the park to be reopened is the area known as 'Main Katarapko' of the Katarapko Section normally accessed via Katarapko Crescent, with the exception of an area comprised of the land contained within and bounded by a line commencing at E 458589, N 6193291, then south-south-westerly following the bank of the Murray River to E 458045, N 6192606, then westerly following the bank of the Murray River to E 457837, N 6192637, then north-north-easterly to E 458112, N 6193636, then to the point of commencement. This area includes campsites 23 to 27 inclusive and will remain closed until further notice.

The continued closure of the identified area above is necessary to ensure the safety of the public and for the proper management of the reserve as a result of bushfires.

All lines are geodesics based on the Geocentric Datum of Australia 1994 (GDA94) and all Easting and Northing co-ordinates are located in Zone 54S and expressed in terms of Universal Transverse Mercator, Map Grid of Australia 1994 (MGA94).

Dated 21 August 2015.

G. A. PELTON, Director, Regional Co-ordination,  
Partnerships and Stewardship, Department of  
Environment, Water and Natural Resources

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**PETROLEUM AND GEOTHERMAL ENERGY ACT 2000**

*Suspension of Petroleum Exploration Licences—  
PELs 138, 147 and 148*

*Gas Storage Exploration Licences—  
GSELS 576, 577, 578, 579, 580, 581, 582 and 583*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Exploration Licences have been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

Petroleum Exploration Licence PEL 138 has been suspended for the period from 24 August 2015 to 23 August 2016 inclusive.

The expiry date of PEL 138 is now determined to be 15 April 2020.

Petroleum Exploration Licences PELs 147 and 148, and Gas Storage Exploration Licences GSELS 576, 577, 578, 579, 580, 581, 582 and 583 have been suspended for the period from 22 August 2015 to 21 August 2016 inclusive.

The expiry date of PELs 147 and 148 and GSELS 576, 577, 578, 579, 580, 581, 582 and 583 is now determined to be 28 July 2021.

Dated 20 August 2015.

B. A. GOLDSTEIN,  
Executive Director  
Energy Resources Division  
Department of State Development,  
Delegate of the Minister for Mineral  
Resources and Energy

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**PETROLEUM AND GEOTHERMAL ENERGY ACT 2000**

*Application for Grant of Associated  
Activities Licence—AAL 234*

PURSUANT to Section 65 (6) of the Petroleum and Geothermal Energy Act 2000 (the Act) and Delegation dated 21 March 2012, notice is hereby given that an application for the grant of an Associated Activities Licence over the area described below has been received from:

Beach Energy Limited  
Cooper Energy Limited

The application will be determined on or after 24 September 2015.

*Description of Application Area*

All that part of the State of South Australia, bounded as follows:

A corridor 50 m wide centred on a line between co-ordinates:

356125mE 6894818mN

356364mE 6894818mN

All co-ordinates in GDA94, Zone 54.

Area: 0.014 km<sup>2</sup> approximately.

Dated 25 August 2015.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division,  
Department of State Development,  
Delegate of the Minister for  
Mineral Resources and Energy

**PROFESSIONAL STANDARDS ACT 2004**

*Australian Property Institute Valuers Limited  
Professional Standards Scheme*

PURSUANT to Section 34 (2) of the Professional Standards Act 2004, I extend the period for which the Australian Property Institute Valuers Limited Professional Standards Scheme is in force for a period of 12 months.

I specify 31 August 2016 as the revised expiry date of the Australian Property Institute Valuers Limited Professional Standards Scheme.

Dated 25 August 2015.

JOHN RAU, Attorney-General

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**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 27 August 2015

**WATER MAINS LAID**

Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.

**ADELAIDE WATER DISTRICT**

ADELAIDE HILLS COUNCIL  
Pugh Road, Balhannah. p34 and 35  
Wicks Close, Balhannah. p34 and 35  
Silverwood Drive, Heathfield. p84

**CITY OF CHARLES STURT**

Seymour Avenue, Woodville West. p31-33  
Livingston Street, Woodville West. p31 and 33  
Gibson Street, Woodville West. p31 and 32  
Wesley Road, Woodville West. p31-33  
Lynch Street, Woodville West. p31 and 32  
Pearce Road, Woodville West. p31 and 32  
Swan Lane, Woodville West. p31 and 33  
Jones Lane, Woodville West. p31 and 33  
Jenkins Street, Woodville West. p31 and 32  
St Clair Avenue, St Clair. p64-66  
Hill Smith Boulevard, St Clair. p64 and 66  
Easements in allotment piece 1076 in LTRO DP 96303 (proposed road named Gate Street in Land Division number 252/D262/11), Torrens Road, St Clair. p64 and 65  
Trainer Street, St Clair. p64 and 65  
Tulloch Drive, St Clair. p64 and 65  
Easement in allotment piece 1079 in LTRO DP 96303 (proposed road named Roan Lane in Land Division number 252/d262/11), Torrens Road, St Clair. p64 and 65

**TOWN OF GAWLER**

Across Para Road, Evanston. p10 and 11  
Easements in lot 500 in LTRO DP 96004 (Murphy Boulevard, Rawlings Circuit and Holland Way in proposed Land Division number 490/D005/14), Evanston. p10 and 11  
Athol Road, Kudla. p76

**CITY OF MARION**

Harris Street, Edwardstown. p46

**DISTRICT COUNCIL OF MOUNT BARKER**

Across Hallett Road, Littlehampton. p68  
Easements in lot 14 in LTRO DP 86368 (proposed Land Division number 580/D039/09), Hallett Road, Littlehampton. p68



**CITY OF ONKAPARINGA**

Yeltana Avenue, Huntfield Heights. p21, 23 and 24  
 Kimber Avenue, Huntfield Heights. p21 and 23  
 Adel Circuit, Huntfield Heights. p21-23  
 Easements in lot 3257 in LTRO DP 94911 and lot 1009 in LTRO DP 93886, Robinson Road (proposed roads Vista Parade, Hindmarsh Street, Neale Street, Forsyth Street, Towler Road, Jervois Road, Harrison Street, Robe Street, Willandra Street and Everton Road in Land Division number 145/D135/12, stage 1A), Seaford Heights. p38-41  
 Easements in lot 3257 in LTRO DP 94911, Robinson Road (proposed roads Jarrett Lane, Dutton Lane, Hindmarsh Street, Neale Street, McDonnell Street and Forsyth Street in Land Division number 145/D135/12, stage 1B), Seaford Heights. p42-44  
 Godsmith Drive, Noarlunga Centre. p60  
 Jackson Place, Noarlunga Centre. p60  
 Easements in lot 3212 in LTRO DP 89645 (proposed roads Dampier Road, Tan Lane, Gladstone Road, Lemon Lane, Triton Street and Magellan Road in Land Division number 145/D142/13), Jared Road, Seaford Meadows. p88 and 89

**CITY OF PLAYFORD**

Across Bubner Road, Angle Vale. p19 and 20  
 Easement in lot 3 in LTRO FP 121687 (Road A in proposed Land Division 292/D023/14), Angle Vale. p19 and 20  
 Booyong Drive, Penfield. p69 and 70  
 Bass Circuit, Penfield. p69 and 70  
 Teak Lane, Penfield. p69 and 70  
 Burke Circuit, Penfield. p69 and 70  
 Beech Lane, Penfield. p69 and 70  
 Easements in reserves (lot 5000 in LTRO DP 95852, Edward John Parade and lot 5053 in LTRO DP 95867, Brittlewood Drive), Penfield. p71 and 72  
 Brittlewood Drive, Penfield. p71 and 72  
 Beech Lane, Penfield. p71 and 72

**CITY OF PORT ADELAIDE ENFIELD**

Tiara Street, Northgate. p14 and 15  
 Condon Drive, Northgate. p14 and 15  
 Chard Street, Northgate. p14 and 15  
 Kerr Lane, Northgate. p14 and 15  
 Campbell Avenue, Rosewater. p45  
 Weir Street, Largs Bay. p80

**CITY OF SALISBURY**

Heritage Drive, Paralowie. p16 and 17  
 Fazzolari Circuit, Paralowie. p16-18  
 Walkway (lot 203 in LTRO DP 96026), Paralowie. p16 and 17  
 Whites Road, Salisbury North. p61 and 62  
 Grady Court, Salisbury North. p61 and 62  
 Kulbina Drive, Salisbury North. p61 and 63  
 Stapleton Court, Salisbury North. p61 and 63  
 Diruwa Drive, Salisbury North. p61 and 63  
 Passmore Place, Salisbury North. p61 and 63  
 Diment Road, Salisbury North. p61 and 63  
 Diment Road, Salisbury North. p73 and 74

**MOUNT GAMBIER WATER DISTRICT****CITY OF MOUNT GAMBIER**

Easements in lot 1030 in LTRO DP 86526 (proposed road John Powell Drive in Land Division number 381/D001/11), Mount Gambier. p99

**POOCHERA WATER DISTRICT**

**DISTRICT COUNCIL OF STREAKY BAY**  
 Barnes Street, Poochera. p100

**PORT VICTOR WATER DISTRICT****CITY OF VICTOR HARBOR**

Raminjeri Crescent, Encounter Bay. p85

**RENMARK WATER DISTRICT**

**RENMARK PARINGA COUNCIL**  
 Patey Drive, Renmark. p53

**TUMBY BAY WATER DISTRICT**

**DISTRICT COUNCIL OF TUMBY BAY**  
 Dutton Terrace, Tumby Bay. p81 and 82

**WARREN COUNTRY LANDS WATER DISTRICT**

**THE BAROSSA COUNCIL**  
 Cyril Minge Road, Williamstown. p12 and 13  
 Mewett Court, Williamstown. p12 and 13

**OUTSIDE ADELAIDE WATER DISTRICT**

**DISTRICT COUNCIL OF MOUNT BARKER**  
 Potts Road, Mount Barker. p54 and 55  
 Paech Road, Mount Barker. p54-56  
 Easements in allotment piece 2000 in LTRO DP 95971, Heysen Boulevard, Mount Barker. p54, 56 and 58  
 In and across Spicer Street, Mount Barker. p54, 56 and 57  
 Wise Court, Mount Barker. p54 and 57  
 Mattner Road, Mount Barker. p54 and 57  
 Lucerne Crescent, Mount Barker. p54 and 57  
 Heysen Boulevard, Mount Barker. p54, 57 and 58

**SEWERS LAID**

Notice is hereby given that the following sewers have been laid down by the South Australian Water Corporation in the undermentioned drainage areas and are now available for house connections.

**ADELAIDE DRAINAGE AREA****CITY OF BURNSIDE**

Easements in lots 64 and 65 in LTRO DP 4917 (proposed lot 1 in Land Division number 180/D010/14), Sunnyside Road, Glen Osmond. FB 1247 p51

**CAMPBELLTOWN CITY COUNCIL**

Kerry Street, Athelstone. FB 1248 p1

**CITY OF CHARLES STURT**

Cudmore Terrace, Henley Beach South. FB 1244 p57  
 Across Trainer Street, St Clair. FB 1247 p19, 20 and 22  
 Easements in allotment piece 1076 in LTRO DP 96303 (proposed roads Steeplechase Avenue and Gate Street in Land Division 252/D262/11), St Clair. FB 1247 p19-22  
 Across St Clair Avenue, St Clair. FB 1247 p19, 21 and 22  
 Across Tulloch Drive, St Clair. FB 1247 p19, 20 and 22  
 Easements in allotment piece 1079 in LTRO DP 96303 (proposed road Roan Lane in Land Division number 252/d262/11), St Clair. FB 1247 p19, 20 and 22  
 Easement in lot 101 in LTRO DP 48641 (proposed lot 1 in Land Division number 252/D264/14), Bannon Court, Pennington. FB 1248 p13

**CITY OF MARION**

Renown Place, Clovelly Park. FB 1244 p60  
 Harris Street, Edwardstown. FB 1248 p4

**CITY OF MITCHAM**

Young Street, Blackwood. FB 1248 p8

**CITY OF NORWOOD PAYNEHAM AND ST PETERS**

Slape Grove, Payneham South. FB 1248 p9

**CITY OF ONKAPARINGA**

Easements in lot 203 in LTRO DP 95901, Adel Circuit, Huntfield Heights. FB 1247 p8, 9, 11 and 12

Adel Circuit, Huntfield Heights. FB 1247 p8-12

Kimber Avenue, Huntfield Heights. FB 1247 p8, 10 and 11

Yeltana Avenue, Huntfield Heights. FB 1247 p8, 10 and 12

Easements in lot 1009 in LTRO DP 93886 and lot 3257 in LTRO DP 94911 (proposed Land Division number 145/D135/12), Robinson Road, Seaford Heights. FB 1247 p13-15

Easements in lot 50 in LTRO DP 70847 (proposed lot 31 in Land Division 145/D054/14), Patapinda Road, Old Noarlunga. FB 1248 p5

Easements in lot 7 in LTRO DP 17070 (proposed lots 71 in Land Division number 145/D184/14), Maple Avenue, Aberfoyle Park. FB 1248 p7

Easements in lot 145 in LTRO DP 10374, Brodie Road, Morphet Vale. FB 1247 p26-28

Marston Drive, Morphet Vale. FB 1247 p26-28

Easement in lot 20 in LTRO DP 95899, Marston Drive, Morphet Vale. FB 1247 p26-28

Easements in lots 20-8 in LTRO DP 95899, Marston Drive, Morphet Vale. FB 1247 p29-31

Easements in lot 3212 in LTRO DP 89645 (proposed roads Magellan Road, Triton Street, Lemon Lane, Lime Lane, Dampier Road and Gladstone Road in Land Division number 145/D142/13), Jared Road, Seaford Meadows. FB 1247 p47-50

**CITY OF PLAYFORD**

Easements in lot 1894 in LTRO DP 96348 (proposed roads St Georges Way and River Darling Pass in Land Division 292/D018/14), Blakeview. FB 1247 p16-18

St Georges Way, Blakeview. FB 1247 p16-18

River Darling Pass, Blakeview. FB 1247 p16-18

Easements in lot 5000 in LTRO DP 95852, Edward John Parade and lot 5052 in LTRO DP 95852, Booyong Drive, Penfield. FB 1247 p36-38

Burke Circuit, Penfield. FB 1247 p36-38

Booyong Drive, Penfield. FB 1247 p36-38

Bass Circuit, Penfield. FB 1247 p36, 37 and 39

Teak Lane, Penfield. FB 1247 p36, 37 and 39

Easements in lot 3000 in LTRO DP 95867, Brittlewood Drive, Penfield. FB 1247 p40-42

Brittlewood Drive, Penfield. FB 1247 p40-42

Beech Lane, Penfield. FB 1247 p40-42

**CITY OF PORT ADELAIDE ENFIELD**

Hillburn Avenue, Windsor Gardens. FB 1248 p10

**CITY OF PROSPECT**

Hillsdale Street, Prospect. FB 1248 p14

**CITY OF SALISBURY**

Across Nangari Road, Salisbury North. FB 1247 p23-25

Easement in lot 1 in LTRO DP 91179, Nangari Road, Salisbury North. FB 1247 p23-25

Across Diment Road, Salisbury North. FB 1247 p23-25

Whites Road, Salisbury North. FB 1247 p32-35

Easement in reserve (lot 221 in LTRO DP 95534), Kulbina Drive, Salisbury North. FB 1247 p32-35

Kulbina Drive, Salisbury North. FB 1247 p32-35

Grady Court, Salisbury North. FB 1247 p32-35

Stapleton Court, Salisbury North. FB 1247 p32-35

Druwa Drive, Salisbury North. FB 1247 p32-35

Passmore Place, Salisbury North. FB 1247 p32-35

In and across Main North Road, Salisbury Heights. FB 1247 p44-46

Easement in reserves (lots 500 and 501 in LTRO DP 95926), Main North Road, Salisbury Heights. FB 1247 p44-46

Oxford Avenue, Salisbury Heights. FB 1247 p44-46

**CITY OF TEA TREE GULLY**

Vulcan Avenue, Modbury Heights. FB 1248 p11

**THE CORPORATION OF THE TOWN OF WALKERVILLE**

Clisby Street, Vale Park. FB 1248 p12

Ascot Avenue, Vale Park. FB 1248 p12

**CITY OF UNLEY**

Rugby Street, Malvern. FB 1248 p16

**CITY OF WEST TORRENS**

Kenton Street, Lockleys. FB 1244 p58

Anna Street, Brooklyn Park. FB 1244 p59

Creslin Terrace, Camden Park. FB 1248 p2

Lipsett Terrace, Brooklyn Park. FB 1248 p3

**HAHNDORF COUNTRY LANDS DRAINAGE AREA****DISTRICT COUNCIL OF MOUNT BARKER**

Willow End, Hahndorf. This main is available on application only.

FB 1248 p15

**MOUNT GAMBIER COUNTRY DRAINAGE AREA****CITY OF MOUNT GAMBIER**

Easements in lot 1030 in LTRO DP 86526 (proposed road John Powell Drive in Land Division number 381/D001/11), Mount Gambier. FB 1196 p32 and 33

**STIRLING COUNTRY DRAINAGE AREA****ADELAIDE HILLS COUNCIL**

Railway land (lot 416 in LTRO FP 8131), Bridgewater. FB 1248 p6

**VICTOR HARBOR COUNTRY DRAINAGE AREA****CITY OF VICTOR HARBOR**

Raminjeri Crescent, Encounter Bay. FB 1247 p43

**SEWERS LAID**

Notice is hereby given that the undermentioned sewers have been laid down by the South Australian Water Corporation and are not available for house connections.

**ADELAIDE DRAINAGE AREA****CITY OF CHARLES STURT**

Across St Clair Avenue, St Clair. FB 1247 p19, 21 and 22

Easement in allotment piece 7001 in LTRO DP 94012, St Clair Avenue, St Clair. FB 1247 p19, 21 and 22

Across Furlong Drive, St Clair. FB 1247 p19, 21 and 22

A. J. RINGHAM, Chief Executive Officer,  
South Australian Water Corporation

## SOUTH AUSTRALIA

*Authorised Betting Operations Act 2000*

## Section 4(1)(a)

GR Notice No. 14 of 2015  
**Approved Contingencies (Innamincka Picnic Races—  
Galloping) Notice 2015**

INDEPENDENT GAMBLING AUTHORITY, by this notice, approves contingencies relating to sporting or other events within Australia:

**1. Citation**

This notice may be cited as the Approved Contingencies (Innamincka Picnic Races—Galloping) Notice 2015.

**2. Approval**

- (1) The contingencies listed in the table are approved in respect of fixed odds betting by licensed bookmakers.
- (2) This approval is subject to the provisions of the *Authorised Betting Operations Act 2000*, the Bookmakers Licensing Rules 2000, any other rules made under section 62 of the Act, and the conditions to which a licence or permit are subject.
- (3) This approval of contingencies may be amended or revoked by further notice.

**3. Definitions**

In this Notice—

**“Event”**—

- (a) means a race on the flat for horses where each animal is ridden by a person;
- (b) includes, in relation to an event mentioned in paragraph (a) for which there were more accepters than places, a division of that event offering the same prize as the event;

**“place”** means the contingency that a specified Entrant will place either first or second (or, if applicable, third or fourth) in a specified Event (including where different odds are offered by a bookmaker for first place *vis-a-vis* any of second or, if applicable, third or fourth place);

“**race**”, with respect to horses, includes—

- (a) a race conducted by a licensed racing club; and
- (b) a race at a picnic race meeting or a gymkhana;

“**win**” means the contingency that a specified Entrant will place first in, or win, a specified Event.

**TABLE**

*Picnic race meeting conducted by or on behalf of the Innamincka Sporting Club at the Innamincka racecourse on 29 August 2015 and such later date to which the meeting may be adjourned*

<i>No.</i>	<i>Description of Event</i>	<i>Prizes</i>	<i>Approved Contingencies</i>
1.	Open sprint over 800 metres for horses	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
2.	Open sprint over 1000 metres for horses	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
3.	800 metres race for horses which have been registered	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
4.	Open race over 1400 metres for horses	First—\$3000 and cup Second—\$500 Third—\$300	Win, place or derivative
5.	Open race over 1000 metres for horses	First—\$1300 Second—\$300 Third—\$200	Win, place or derivative
6.	Open race over 1200 metres for horses	First—\$800 Second—\$200 Third—\$100	Win, place or derivative
7.	Consolation race over 800 metres for horses which have been registered—open to horses which have started, but not placed first, on the day	First—\$700 Second—\$200 Third—\$100	Win, place or derivative

Dated: 24 August 2015

R. C. J. CHAPPELL  
Secretary to the Independent Gambling Authority

## HOUSING IMPROVEMENT ACT 1940

NOTICE is hereby given that the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the Housing Improvement Act 1940, does hereby declare the houses described in the table hereunder to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940.

No. of House and Street	Allotment, Section, etc.	Certificate of Title	
		Volume	Folio
20 Crocker Street, Bordertown, S.A. 5268	Allotment 140 in Township Plan 400601, Hundred of Tatiara	CT5817	971
Dated at Adelaide, 27 August 2015.		P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)	

## HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the said Part, does hereby fix as the maximum rental per week which shall be payable subject to Section 55 of the Residential Tenancies Act 1995, in respect of each house described in the following table the amount shown in the said table opposite the description of such house and this notice shall come into force on the date of this publication in the *Gazette*.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
44 Fourth Street, Port Pirie, S.A. 5540	Allotment 80 in Deposited Plan 403, Hundred of Pirie	CT5160	834	2.7.15, page 3343	115.00
1 Kitchener Street, Netherby, S.A. 5062	Allotment 162 in Filed Plan 9, Hundred of Adelaide	CT5086	965	2.7.15, page 3343	210.00
27 Bell Street, Smithfield Plains, S.A. 5114	Allotment 201 in Deposited Plan 7887, Hundred of Munno Para	CT5252	914	2.7.15, page 3343	170.00
18 Medlow Road, Blakeview, S.A. 5114 (also known as Lot 431)	Allotment 431 in Filed Plan 163399, Hundred of Munno Para	CT5823	120	2.7.15, page 3343	114.00
7 Penrose Street, Risdon Park, S.A. 5540	Allotment 102 in Deposited Plan 4213, Hundred of Pirie	CT5707	11	2.7.15, page 3343	94.00
Dated at Adelaide, 27 August 2015.		P. REARDON, Director, Property and Contract Manager, Housing SA (Delegate SAHT)			

## HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, and whereas the South Australian Housing Trust Board Delegate is satisfied that each of the houses described hereunder has ceased to be substandard, notice is hereby given that, in exercise of the powers conferred by the said Part, the South Australian Housing Trust does hereby revoke the said declaration in respect of each house.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
134 Wright Road, Ingle Farm, S.A. 5098, Detached Granny Flat at Rear	Allotment 1450 in Deposited Plan 9282, Hundred of Yatala	CT5570	551	4.1.01, page 13
20 Hender Avenue, Klemzig, S.A. 5087	Allotment 727 in Deposited Plan 4954, Hundred of Yatala	CT5136	400	29.7.93, page 715
Dated at Adelaide, 27 August 2015.		P. REARDON, Director, Property and Contract Manager, Housing SA (Delegate SAHT)		

SOUTH AUSTRALIA

## Road Traffic (Exemption from Regulation 54 (5) (a) (ii) of the Road Traffic (Miscellaneous) Regulations 2014 for Four Wheel Drive Vehicles) Notice No. 2 of 2015

under Section 163AA of the *Road Traffic Act 1961*

### 1 SHORT TITLE

This Notice may be cited as the *Road Traffic (Exemption from Regulation 54 (5) (a) (ii) of the Road Traffic (Miscellaneous) Regulations 2014 for Four Wheel Drive Vehicles) Notice No. 2 of 2015*.

### 2 COMMENCEMENT

This Notice will come into operation on the day on which it is published in the *Government Gazette*.

### 3 REVOCATION

This notice revokes the notice titled *Exemption from Regulation 54 (5) (a) (ii) of the Road Traffic (Miscellaneous) Regulations 2014 for Off Road Passenger Vehicles (Australian Design Rule Category MC)* dated 30 June 2015, published in the *South Australian Government Gazette* on 30 June 2015.

### 4 INTERPRETATION

In this Notice—

**Act** means the *Road Traffic Act 1961* (SA);

**Four wheel drive vehicles** means all four wheel drive vehicles of the Australian Design Rule Categories MC, NA NB, Forward Control Passenger Vehicle, Multi Purpose Passenger Car and Other Vehicle having a gross vehicle mass not exceeding 4.5 tonne;

**Manual** means Tyre and Rim Standards Manual;

### 5 EXEMPTION

In accordance with the powers delegated to me by the Minister for Transport and Infrastructure, under Section 163AA of the Act, I hereby exempt, the following specified class of vehicles being:

‘four wheel drive vehicles’

From the following provisions of the *Road Traffic (Miscellaneous) Regulations 2014*:

Regulation 54 (5) (a) (ii) – (Wheels and tyres, maximum tyre diameter) light motor vehicles required to comply with ADR 24 or the tyre and rim selection requirements of ADR 42

Subject to the following conditions:

1. That any tyre fitted to a four wheel drive vehicle may have an increased tyre diameter of no greater than 50 millimetres more than that advised in the Manual for the largest tyre size listed on the vehicle’s placard;
2. That any tyre fitted to a four wheel drive vehicle may have a decreased tyre diameter of not more than 15 millimetres less than that advised in the Manual for the smallest size listed on the vehicle’s placard;

3. Speedometer accuracy remains compliant with the requirements of the applicable Australian Design Rule;
4. The total ground clearance is increased by no more than 50 millimetres; and
5. All other requirements of the *Road Traffic Act 1961* and Regulations are met.

**6 AUTHORISATION**

21 August 2015

TONY CARBONE, Manager  
Vehicle Operations, Operational Services  
Safety and Service Division  
Department of Planning, Transport and Infrastructure  
Delegate for the Minister for Transport and Infrastructure

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SOUTH AUSTRALIAN WATER CORPORATION  
FEES AND CHARGES SCHEDULE

*Rates and Sales*

NOTICE in *Government Gazette* No. 39, page 3051, published on 25 June 2015, *should be* replaced with the following property scale for commercial water supply services. The property scale applies for the period 1 July 2015 to 30 June 2016.

Pursuant to the Water Industry Regulations 2012 (Regulations 38) and *Government Gazette*, 6 June 2013, SA Water may levy an availability charge despite the fact that the land is not connected to SA Water's infrastructure. The availability charge for water applying to commercial properties is based on the property valuation of the land. Property values are set by the Valuer-General each year in June for the next 12 months.

WATER FEES AND CHARGES

*Commercial Land Charges (excludes country lands)*

Commercial properties, excluding country lands, include wholesale and retail trade in goods and the provision of a service of any kind (if not otherwise specified in this *Gazette*):

The commercial Availability Charge (Supply Charge) is based on the greater of the property based charge or minimum Availability Charge (Supply Charge).

Description	Property Scale and Charge	Class of Land Affected
<i>Availability Charge (Supply Charge)</i>		
Scale to be applied to the capital Value of commercial land to determine the Availability Charge (Supply Charge)	\$0.000710 per dollar of capital value per annum	All commercial land
Minimum Availability Charge (Supply Charge)	\$286.40 per annum	Commercial land other than strata/community titled parking spaces under land use code 6532
Minimum Availability Charge (Supply Charge)	\$143.20 per annum	Commercial land classified as strata/community titled parking spaces under land use code 6532

Confirmed as a true and accurate record of the decision of the Corporation.

J. F. RINGHAM, Chief Executive, South Australian Water Corporation



## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2015

	\$		\$
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Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	506.00
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Meeting')		First Name .....	101.00
First Name.....	51.00	Each Subsequent Name.....	13.00
Each Subsequent Name.....	13.00	Noxious Trade .....	37.75
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pany be wound up voluntarily and that a liquidator		Rate per page (in 8pt) .....	324.00
be appointed').....	64.00	Rate per page (in 6pt) .....	428.00
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South Australia

## **Statutes Amendment (Superannuation) Act (Commencement) Proclamation 2015**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Superannuation) Act (Commencement) Proclamation 2015*.

### **2—Commencement of Act**

The *Statutes Amendment (Superannuation) Act 2015* (No 18 of 2015) will come into operation on 27 August 2015.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 27 August 2015

T&F15/070CS

South Australia

## **Tobacco Products (Smoking Bans in Public Areas—Longer Term) Variation Regulations 2015**

under the *Tobacco Products Regulation Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Tobacco Products (Smoking Bans in Public Areas—Longer Term) Regulations 2012***

- 4 Insertion of regulations 6 and 7
    - 6 Smoking ban—outdoor dining areas
    - 7 Further offence where smoking occurs in outdoor dining area
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Tobacco Products (Smoking Bans in Public Areas—Longer Term) Variation Regulations 2015*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2016.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Tobacco Products (Smoking Bans in Public Areas—Longer Term) Regulations 2012*

### 4—Insertion of regulations 6 and 7

After regulation 5 insert:

#### 6—Smoking ban—outdoor dining areas

- (1) For the purposes of section 52 of the Act, smoking is banned in public areas consisting of outdoor dining areas at any time that food is being offered for purchase, or otherwise provided, by or on behalf of the occupier of the outdoor dining area for the purpose of consumption in the area (whether or not a person is, in fact, dining in the area).

**Note—**

For example, if a hotel offers meals between 12 pm and 2 pm in an outdoor dining area, then smoking will be banned in the area during that period, regardless of whether anyone is actually eating in the area.

- (2) For the purposes of this regulation a person will be taken to be in an outdoor dining area if any part of the person is within the outdoor dining area.

- (3) In this regulation—

*food* does not include snack food;

*outdoor dining area* means an unenclosed public area in which tables, or tables and chairs, are permanently or temporarily provided for the purpose of public dining in the area, but does not include a part of the unenclosed public area that is separated from the part in which dining occurs by a wall or other solid barrier of not less than 2 metres in height;

*snack food* means prepackaged food of a kind generally intended to be consumed between meals.

**Example—**

This would include foods such as potato crisps, nuts and chocolate bars, but would not include, for example, sandwiches or hot chips.

#### 7—Further offence where smoking occurs in outdoor dining area

- (1) If smoking occurs in an outdoor dining area in contravention of section 52(2) of the Act, the occupier of the outdoor dining area is guilty of an offence.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (2) It is a defence to an offence against subregulation (1) if the defendant proves that—

- (a) he or she was not aware, and could not reasonably be expected to have been aware, that the contravention was occurring; or
- (b) he or she requested the person smoking to stop smoking and informed the person that the person was committing an offence.

(3) In this section—

*outdoor dining area* has the same meaning as in regulation 6.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 27 August 2015

No 200 of 2015

HEAC-2014-00072

South Australia

## **Motor Vehicles Variation Regulations 2015**

under the *Motor Vehicles Act 1959*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Motor Vehicles Regulations 2010***

- 4 Insertion of regulation 10A
    - 10A Exemption from registration and insurance for motor vehicles returning from extinguishing or controlling a fire
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Motor Vehicles Variation Regulations 2015*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Motor Vehicles Regulations 2010*

### 4—Insertion of regulation 10A

After regulation 10 insert:

#### **10A—Exemption from registration and insurance for motor vehicles returning from extinguishing or controlling a fire**

- (1) A motor vehicle that has been driven from a location without registration or insurance in accordance with the exemption specified in section 12B(1)(a) of the Act, may be driven on roads without registration or insurance under Part 4 of the Act subject to the following conditions:
  - (a) the motor vehicle may only be driven, by the shortest practicable route, back to that location or to another location at which the motor vehicle is to be kept;
  - (b) a policy of public liability insurance indemnifying the owner and any authorised driver of the motor vehicle in an amount of at least \$5 000 000 in relation to death or bodily injury caused by, or arising out of, the use of the motor vehicle on roads must be in force.
- (2) A person who drives a motor vehicle on a road without registration or insurance under Part 4 of the Act as authorised by this regulation must, if requested by a police officer to do so, produce evidence of the person's public liability insurance either—
  - (a) forthwith to the police officer who made the request; or
  - (b) within 48 hours after the making of the request, at a police station conveniently located for the driver, specified by the police officer at the time of making the request.

Maximum penalty: \$750.

#### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 27 August 2015

No 201 of 2015

MRS15/03CS



South Australia

# **Motor Vehicles (Accident Towing Roster Scheme) Regulations 2015**

under the *Motor Vehicles Act 1959*

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9	Positions on rosters
10	Authorisation notices
11	Stipulated conditions
12	Books of forms
13	Exemptions

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2015*.

### 2—Commencement

These regulations will come into operation on 1 September 2015.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

**accident towing roster** or **roster** means an accident towing roster prepared by the Registrar under Part 2;

**accident towing roster scheme** or **scheme** means the accident towing roster scheme continued in existence by Schedule 4 Part 2 clause 3;

**Act** means the *Motor Vehicles Act 1959*;

**council** has the same meaning as in the *Local Government Act 1999*;

**designated police communications centre** means a police communications centre designated for the purposes of these regulations by the Commissioner of Police from time to time;

**position on a roster** includes the position originally granted by the Registrar on a roster and any renewal or re-grant of position;

**storage area** means premises, or a part of premises, set aside for the storage of vehicles that have been towed in compliance with an accident towing direction.

### 4—Definition of declared area

The areas specified in Schedule 1 are within the declared area for the purposes of the definition of **declared area** in section 5(1) of the Act.

### 5—Division of declared area into zones

The Minister may, by notice in the Gazette—

- (a) declare that the declared area is divided into specified zones (which may, without limitation, include 1 or more zones for general accident towing and 1 or more zones for heavy vehicle accident towing); and
- (b) vary or revoke a declaration under paragraph (a).

## **Part 2—Accident towing roster scheme**

### **6—Functions of Registrar**

The Registrar is responsible for the administration of the accident towing roster scheme.

### **7—Functions of Commissioner of Police**

The Commissioner of Police is responsible—

- (a) for receiving all requests for the services of a towtruck for any purpose related to the recovery or towing of a vehicle at or from the scene of an accident occurring within the declared area; and
- (b) for the giving of all accident towing directions under the Act.

### **8—Rosters**

- (1) The Registrar is responsible for preparing a roster for each zone into which the declared area is divided.
- (2) A roster will—
  - (a) be in a form determined by the Minister; and
  - (b) contain the following information:
    - (i) the names and contact telephone numbers of the towtruck operators and towtrucks in the roster;
    - (ii) any other information that the Registrar considers necessary.
- (3) The Registrar must endorse on any heavy vehicle accident towing roster, recognition of a contract between the owner of heavy vehicles and a towtruck operator for the towing of that owner's heavy vehicles.
- (4) A roster comes into force at 0001 hours on the first day of the commencement period nominated by the Registrar for that roster and remains in force until 2400 hours on the day nominated by the Registrar.
- (5) A person must not at any time alter, or change in any manner, a roster or roster form without the express permission of the Registrar or an officer appointed under section 7 of the Act and authorised by the Registrar to so act.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **9—Accident towing directions**

- (1) The Commissioner of Police must direct police officers on duty at the designated police communications centre to—
  - (a) receive all requests for the services of a towtruck for any purpose related to the recovery or towing of a vehicle at or from the scene of an accident that has occurred within the declared area; and
  - (b) give an accident towing direction directly to the towtruck operator next listed on the appropriate accident towing roster for the zone in which the accident occurred; and
  - (c) identify to the towtruck operator the vehicle to be towed.

- (2) However, if—
- (a) an accident towing direction is to be given to a towtruck operator listed on the heavy vehicle accident towing roster; and
  - (b) there is endorsed on the heavy vehicle accident towing roster recognition of a contract between a towtruck operator and the owner of the vehicle to be towed,
- the accident towing direction must be given to that towtruck operator.

### **10—Towtruck operator's turn on roster**

- (1) An accident towing direction given to a towtruck operator constitutes that towtruck operator's turn on the roster.
- (2) No towtruck operator is entitled to receive an accident towing direction, fee, benefit, advantage, reward or compensation in respect of an act or activity that does not result effectively in the towing of a vehicle under an accident towing direction having been given.
- (3) Despite subregulation (2), if a towtruck operator included on a roster can substantiate that he or she has lost 4 or more accident tows during a calendar month under circumstances that appear to be unduly harsh or unfair, or as a result of the misuse or abuse of the scheme, he or she may make written application to the Registrar for the reallocation of turns on a roster.

### **11—Offence to give accident towing direction other than in accordance with regulations**

A person must not give an accident towing direction except in accordance with the Act and these regulations.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## **Part 3—Registered premises**

### **12—Only registered premises to be used for purpose associated with scheme**

A person must not use, or cause or permit to be used, any premises or place for a purpose associated with the operation of the scheme unless the premises have been approved and registered by the Registrar under this Part.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **13—Standards and requirements for registered premises**

- (1) Subject to this regulation, the Registrar must not approve premises for registration unless satisfied that the premises—
  - (a) comply with all requirements of the relevant council; and
  - (b) are situated wholly within the boundaries of the zone for the roster on which the towtruck operator holds a position or for which the operator has applied for a position; and
  - (c) are premises at and from which the towtruck operator seeking registration of the premises conducts the operator's towing business; and
  - (d) are used by only 1 towtruck operator; and

- (e) are owned or leased solely by the towtruck operator seeking registration of the premises; and
  - (f) include a permanent building that is suitable for use as business premises; and
  - (g) are adequate to prevent the entry of unauthorised persons and the unauthorised removal of vehicles or goods; and
  - (h) include within the boundary fences or walls an area for the storage of vehicles that—
    - (i) is adequate to accommodate vehicles that are towed to those premises in compliance with accident towing directions; and
    - (ii) is constructed and located in such a way that a vehicle can be released from that area within a reasonable time after a request is made for such release; and
  - (i) comply with any conditions stipulated by the Registrar under these regulations.
- (2) Premises that may be approved for registration by the Registrar include—
- (a) any buildings or allotments adjacent to, or within the immediate vicinity of, the main place of business of the towtruck operator; and
  - (b) storage areas outside the zone for the roster on which the towtruck operator holds a position or for which the operator has applied for a position.
- (3) The Registrar may exempt a towtruck operator from compliance with subregulation (1)(b) if the Registrar is of the opinion that the towtruck operator can supply a prompt and efficient accident towing service to an adjacent zone.
- (4) The registration of premises takes effect when the premises approved by the Registrar are entered in a register kept under the Registrar's control.
- (5) A person must not make a structural alteration to any part of registered premises that would result in the premises not complying with the standards and requirements set out in subregulation (1).

Maximum penalty: \$1 250.

Expiation fee: \$310.

## 14—Signs

A towtruck operator must ensure that a sign clearly displaying—

- (a) the trading name of the towtruck operator's business; and
- (b) the hours of business; and
- (c) the telephone number for the business,

is erected and maintained near the main entrance of the registered premises used by the operator in a position clearly visible from the road.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## Part 4—Towtrucks

### 15—Towtrucks to comply with certain standards

A person must not use a towtruck, or cause or permit a towtruck to be used, for the recovery or towing of any vehicle at or from the scene of an accident unless the towtruck—

- (a) has been approved by the Registrar under these regulations; and
- (b) is registered under Part 2 of the Act in the name of a person who has been granted a position on a roster by the Registrar; and
- (c) has the legal capacity to tow the vehicle that is to be towed; and
- (d) complies with the *Road Traffic Act 1961* and any regulations or rules made under that Act; and
- (e) if the towtruck is a heavy vehicle—complies with the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### 16—Requirements for approval of towtruck

- (1) The Registrar may not approve a towtruck unless the towtruck complies with—
  - (a) the requirements of the *Road Traffic Act 1961* and any regulations or rules made under that Act; and
  - (b) if the towtruck is a heavy vehicle—the requirements of the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act; and
  - (c) the standards fixed by the Registrar; and
  - (d) any conditions stipulated by the Registrar under these regulations.
- (2) If a towtruck does not carry radio equipment capable of receiving messages transmitted from the registered premises of the towtruck operator who owns it, the Registrar must not approve the towtruck unless the Registrar is satisfied that there is an alternate means of communication by which the driver of the towtruck is able, at all times, to receive messages transmitted from the registered premises.

### 17—Surrender of towtruck number plates

If an approved towtruck ceases to be used in the operation of the scheme, the owner of that towtruck must, within the time specified by the Registrar, surrender to the Registrar the number plates issued in respect of that towtruck.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### 18—Registrar must be advised of dealings with approved towtrucks

A person must not sell, transfer, give away, lend, wreck or otherwise dispose of an approved towtruck unless the Registrar has been advised in writing of the intention to do so.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## Part 5—Qualifications of applicants

### 19—Qualifications of applicants

- (1) An applicant for a position on an accident towing roster qualifies for a position if the applicant satisfies each of the following:
  - (a) the applicant is the owner or sole lessee of premises approved by the Registrar under Part 3;
  - (b) the applicant satisfies the Registrar that, for a period of not less than the 12 months prior to the application—
    - (i) he or she has been continuously engaged as a proprietor in the business of towing vehicles for or on behalf of the public; and
    - (ii) the business has provided a satisfactory service at all times and on all occasions;
  - (c) the applicant employs, at each of the premises approved by the Registrar under Part 3, such number of persons as, in the opinion of the Registrar, is sufficient to ensure that the applicant is able—
    - (i) to respond in a timely manner to accident towing directions at all times; and
    - (ii) to properly perform all other duties imposed on towtruck operators by the Act and these regulations;
  - (d) the applicant owns not less than 1 towtruck for the first position for which the applicant applies on a general accident towing roster and 1 additional towtruck for every additional position which the applicant may be allocated on the roster;
  - (e) the applicant owns not less than 1 towtruck for each heavy vehicle accident towing roster on which the applicant applies for a position;
  - (f) in the case of an applicant who is a natural person—
    - (i) the applicant is not an undischarged bankrupt or subject to a composition or deed or scheme of arrangement with or for the benefit of creditors; and
    - (ii) the applicant has a sound knowledge of the law applicable to motor vehicle towing; and
    - (iii) the applicant is a fit and proper person; and
  - (g) in the case of an applicant that is a body corporate—
    - (i) the body corporate is not in any way in the course of being wound up for the benefit of creditors; and
    - (ii) the body corporate employs, for the purpose of managing its towing business, a person who has adequate experience in the management of a towtruck operator's business and who has a sound knowledge of the law applicable to motor vehicle towing; and
    - (iii) each director, manager and any other person who substantially controls or could substantially control the affairs of the body corporate, is a fit and proper person.
- (2) If the proprietor in a business of towing vehicles for or on behalf of the public is a member of a partnership, each member of the partnership must satisfy the requirements of subregulation (1)(f).



## 20—Applicant to satisfy Registrar as to qualifications

The Registrar may, for the purpose of determining an applicant's qualifications for a position on an accident towing roster, require an applicant to—

- (a) submit himself or herself or, if the applicant is a body corporate, the manager of the applicant's towing business, to an examination of the provisions of—
  - (i) the *Motor Vehicles Act 1959* and these regulations; and
  - (ii) the *Road Traffic Act 1961* and the regulations and rules made under that Act relating to towtrucks and towtruck equipment; and
  - (iii) if any of the towtrucks to be used in the applicant's towing business is a heavy vehicle—the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act relating to towtrucks and towtruck equipment; and
  - (iv) any other law applicable to the business of motor vehicle towing; and
- (b) furnish such further information, books, documents and records as the Registrar may require; and
- (c) make any vehicle, towing equipment or premises available for inspection.

## Part 6—Positions on rosters

### 21—Applications for positions on rosters

- (1) The Registrar will determine each application for a position on a roster.
- (2) An application for a position on a roster must—
  - (a) be made in a manner and form determined by the Minister; and
  - (b) be accompanied by the appropriate fee specified in Schedule 3; and
  - (c) be accompanied by such documents and things as the Registrar may require.
- (3) Subject to subregulation (4), the Registrar must grant an applicant a position on a roster if—
  - (a) the applicant—
    - (i) satisfies the Registrar that the applicant has the qualifications required by these regulations; and
    - (ii) has paid the appropriate fee specified in Schedule 3; and
    - (iii) has otherwise complied with the requirements of the Act and these regulations; and
  - (b) there is a vacant position on the roster for which the applicant qualifies.
- (4) If 2 or more applicants qualify for a vacant position on a roster, the Registrar must decide the grant of the vacant position by lot in a manner determined by the Registrar.

### 22—Restrictions on granting of positions on rosters

- (1) A towtruck operator may not be granted—
  - (a) more than 1 position on any 1 roster; or
  - (b) a position on more than 1 general accident towing roster and 1 heavy vehicle accident towing roster,

except in the following circumstances:

- (c) the Registrar has invited the operator to apply for a position on a roster; and
  - (d) if the Registrar so requires, the operator must, within the time specified by the Registrar, establish and maintain within the zone for which the operator has been invited to apply, premises that qualify for registration under Part 3; and
  - (e) the operator has made an application and paid the appropriate fees specified in Schedule 3.
- (2) If the Registrar determines that a vacancy for a position on a roster exists, the Registrar may invite a towtruck operator to apply for the position.

### **23—Granting of position on roster**

- (1) Subject to this Part, the first position on a roster granted to a towtruck operator is for a period of 1 year and each subsequent position on the same roster is granted for a period such that the position will expire at the same time as the first position.
- (2) Each renewal of a position is for a period of 1 year.
- (3) However, a towtruck operator's position or positions on a roster lapse immediately if—
- (a) the operator leases, sells, transfers or disposes of his or her business, or the operation of the business, to some other person; or
  - (b) the operator ceases to carry on business as a towtruck operator.
- (4) A towtruck operator must give the Registrar written notice of any change in circumstances that would result in the lapsing of a position held by the operator on a roster under this regulation within 3 days of the change.
- Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (5) The Registrar must, if a towtruck operator—
- (a) leases, sells, transfers or disposes of his or her business, or the operation of the business, to some other person; or
  - (b) operator ceases to carry on business as a towtruck operator,
- transfer the position or positions held on a roster by the operator to the other person if that other person has made application, and qualified, under this Part for a position on a roster.

### **24—Renewals**

- (1) The Registrar must forward an application for renewal of a position on a roster to a towtruck operator's registered premises at least 2 calendar months before the expiration of the operator's position.
- (2) The Registrar must renew a towtruck operator's position (or positions) if—
- (a) the Registrar receives a duly completed application for renewal together with the appropriate fee specified in Schedule 3 at least 28 days prior to the expiration of the position; and
  - (b) the applicant continues to have the qualifications required by this Part and to comply with the requirements of the Act and these regulations; and
  - (c) a vacancy exists for the position for which renewal is applied.
- (3) The Registrar may accept a late application, on payment of the appropriate fee specified in Schedule 3, if the application is made not less than 14 days before the expiry date.

- (4) The Registrar must, when considering the renewal of positions on a specific roster, give priority to qualified towtruck operators currently holding a position on the roster for that zone.

## **25—Registrar may defer grant or renewal in certain circumstances**

Despite regulation 23, the Registrar may defer the grant or renewal of a position on a roster pending determination of the applicant's qualification or the existence of a vacancy.

## **26—Authorisation Notices**

- (1) The Registrar must, on granting a towtruck operator a position on a roster, send to the towtruck operator an Authorisation Notice in a form determined by the Minister containing the following information:
  - (a) the accident towing roster and the zone to which the operator has been allocated;
  - (b) the towtrucks approved for use by the operator for accident towing;
  - (c) the registration number issued to each of the operator's approved accident towtrucks;
  - (d) the address of the registered premises at and from which the operator is authorised to operate;
  - (e) any other information that the Registrar considers necessary.
- (2) The towtruck operator must display the Authorisation Notice as directed by the Registrar.  
Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (3) An Authorisation Notice must be immediately surrendered to an authorised officer attending at the registered premises who presents a notice signed by the Registrar requiring surrender of the Authorisation Notice.  
Maximum penalty: \$1 250.  
Expiation fee: \$310.

## **27—Surrender of positions**

- (1) A towtruck operator may surrender a position on a roster.
- (2) A towtruck operator intending to surrender a position on a roster must notify the Registrar in writing of the intention not less than 7 days before the day on which the surrender is to take place.

# **Part 7—Duties and conduct of towtruck operators**

## **28—Duties**

- (1) In addition to any other duty imposed by the Act and these regulations, a towtruck operator holding a position on an accident towing roster must—
  - (a) be ready and able to receive and comply with an accident towing direction at all times each day; and
  - (b) comply promptly with every accident towing direction given; and
  - (c) conduct the towing business at and from the registered premises; and

- (d) keep the storage area for motor vehicles that have been towed to the registered premises under an accident towing direction open for business for not less than 8 hours between 7 am and 6 pm each day, other than—
  - (i) Saturday; and
  - (ii) Sunday or any other public holiday; and
  - (iii) the day in each month that the towtruck operator has rostered as a day off for persons employed at the premises; and
- (e) maintain, at all times, a telephone service to the registered premises; and
- (f) ensure that, at all times at the registered premises or at the premises to which telephone calls have been diverted, there is an employee or other adult person directly responsible to the towtruck operator to—
  - (i) answer all telephone and personal calls; and
  - (ii) provide necessary information; and
  - (iii) carry out any effective action that the operator would be required to give or take; and
- (g) employ at all times, at each of the registered premises, such number of persons as is sufficient to ensure that the towtruck operator is able—
  - (i) to respond in a timely manner to accident towing directions at all times; and
  - (ii) to properly perform all other duties imposed on towtruck operators by the Act and these regulations; and
- (h) have at all times at the registered premises or within the zone for which the towtruck operator holds a position, not less than 1 approved accident towtruck for the first position held on a roster and 1 additional towtruck for each additional position that—
  - (i) is in operating order; and
  - (ii) is capable of towing a vehicle of the type designated by the Registrar for which the towtruck operator is rostered; and
  - (iii) can be despatched to the scene of an accident immediately on receipt of an accident towing direction; and
- (i) provide at all times a prompt and efficient towing and storage service; and
- (j) not cause or permit any person, other than a person employed by the towtruck operator, to drive or proceed by any means to the scene of an accident in response to an accident towing direction; and
- (k) not tow a vehicle or cause or permit a vehicle to be towed at or from the scene of an accident with a towtruck that does not have the legal capacity to tow such vehicle except in compliance with a direction given by an authorised officer or police officer at the scene of an accident; and
- (l) only permit or cause a person who is the holder of a current towtruck driver's certificate to drive or operate any towtruck; and
- (m) exercise proper supervision and control over the towtruck operator's employees and all other persons acting in the course of the business; and

- (n) maintain at all times the whole of the towtruck operator's registered premises in good repair and clean condition; and
  - (o) store every vehicle towed to the registered premises in compliance with an accident towing direction in the storage area; and
  - (p) keep at all times each vehicle being towed or that has been towed in compliance with an accident towing direction, or stored in the storage area, and all accessories and items in or about every such vehicle, safe from damage, loss or theft; and
  - (q) not establish, erect or maintain, or cause or permit to be established, erected or maintained, equipment of any kind capable of receiving, transmitting, intercepting or overhearing a message by means of radio communication on a frequency allocated under Commonwealth law for use by the police, an emergency or taxi service, or some other towtruck operator; and
  - (r) maintain at all times a policy of insurance with a recognised insurer in respect of all liability that may be incurred by the towtruck operator in respect of any loss, theft or damage to any vehicle, vehicle accessory or any item in or about a vehicle being towed or that has been towed in compliance with an accident towing direction; and
  - (s) charge no more than the fees prescribed by the current applicable Prices Order under the *Prices Act 1948* for the recovery, towing, storage and quotation for repair of a vehicle involved in an accident, and for mileage; and
  - (t) comply at all times with the lawful directions given by the Minister, the Registrar, an authorised officer or a police officer; and
  - (u) comply at all times with—
    - (i) the Act and the applicable regulations made under the Act; and
    - (ii) the *Road Traffic Act 1961* and the regulations and rules made under that Act; and
    - (iii) the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act in relation to any towtruck used in the towtruck operator's business that is a heavy vehicle; and
    - (iv) the laws applicable to motor vehicle towing.
- (2) A towtruck operator who is granted a position on a roster must agree in writing to perform and accept the duties required under this regulation.  
Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (3) A towtruck operator holding a position on an accident towing roster is responsible for the acts and omissions (including wrongful acts and omissions) of every employee and every other person while the employee or person is or should be engaged in the performance of work relating to the operator's accident towing business.

## **29—Diversion of telephone calls from registered premises**

- (1) A towtruck operator may have telephone calls diverted, during times when the operator is not required to keep his or her premises open, from the registered premises to another place which has the same telephone number.

- (2) If a towtruck operator has an accident towing direction diverted from the registered premises to another place, the operator—
  - (a) is responsible for compliance with the Act and these regulations as if he or she had received such accident towing direction in the first instance; and
  - (b) must advise the Registrar in writing of the location of the other place to where accident towing directions are to be diverted.

### **30—Stipulated conditions**

- (1) The Registrar may stipulate such conditions as the Registrar thinks necessary, with which towtruck operators applying for or holding a position on a roster must comply.
- (2) The Registrar must notify each towtruck operator who may be affected by a stipulated condition in writing of the condition.

## **Part 8—Discipline**

### **31—Registrar's powers**

- (1) If, after receiving a report from an authorised officer, the Registrar is satisfied that there is proper cause to discipline a towtruck operator, the Registrar may do 1 or more of the following:
  - (a) reprimand the operator;
  - (b) reduce the number of positions held by the operator on any roster;
  - (c) suspend the operator from a roster for a specified time or until the operator has fulfilled a requirement or satisfied a condition;
  - (d) remove the operator from a roster and specify a date before which the operator may not reapply for a position on a roster;
  - (e) remove the operator from a roster for an unspecified time;
  - (f) remove the operator from a roster permanently.
- (2) Without limiting the Registrar's power to discipline a towtruck operator more severely, the Registrar must—
  - (a) if satisfied that there is proper cause to discipline a towtruck operator who has been reprimanded on 2 separate occasions within the previous year—suspend the operator for not less than 3 months from all rosters on which the operator holds a position;
  - (b) if satisfied that there is proper cause to discipline a towtruck operator who has been previously suspended or removed from a roster within the previous 3 years—suspend the operator for not less than 6 months from all rosters on which the operator holds a position.

### **32—Registrar may grant removed operator position on roster**

The Registrar may grant a towtruck operator who has been removed from a roster another position on a roster if satisfied that—

- (a) the time before which the operator may not reapply for a position, specified by the Registrar or the District Court, has elapsed; and
- (b) the operator qualifies for a position on the roster; and

- (c) the operator has rectified any matter which was a cause for the operator being disciplined that is able to be rectified; and
- (d) there is a vacant position on an appropriate roster; and
- (e) the operator's re-inclusion on a roster would not prejudice the efficient operation of the scheme.

### **33—Cause for disciplinary action**

There is proper cause for the Registrar to discipline a towtruck operator if the operator—

- (a) has improperly obtained a position on a roster; or
- (b) has furnished any information, orally or otherwise, that is false or misleading in a material particular; or
- (c) has failed to comply with an accident towing direction or a direction given by an authorised officer or a police officer under the Act; or
- (d) has contravened or failed to comply with the *Radiocommunications Act 1992* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- (e) has habitually contravened the *Road Traffic Act 1961* or the regulations or rules made under that Act; or
- (f) has habitually contravened the *Heavy Vehicle National Law (South Australia) Act 2013* or any regulations (whether national or local) made under that Act; or
- (g) has been convicted of an offence involving any dishonest, threatening or violent conduct or any other offence involving the use of a motor vehicle; or
- (h) has, in the course of business as a towtruck operator or vehicle repairer, acted in a dishonest, unfair, unethical or improper manner by—
  - (i) failing to observe or contravening any duty or obligation under any Act or law of the State or Commonwealth; or
  - (ii) by failing to have due and proper regard for the rights, duties or obligations on the part of any other person under any Act or law of the State or Commonwealth; or
- (i) has caused, or has attempted to cause, a person to do or omit to do anything relating to—
  - (i) the towing, storage or repair of a vehicle; or
  - (ii) the administration or operation of the scheme,by means of any misrepresentation, intimidation, threat, violence, persistent soliciting or by any other unethical, improper or unfair device, means or conduct; or
- (j) has contravened or failed to comply with the Act, these regulations, or a condition stipulated or imposed by the Registrar under these regulations.

## **Part 9—Authorities to tow**

### **34—Authorities to tow**

- (1) The Registrar must, on payment of the appropriate fee specified in Schedule 3, issue each towtruck operator holding a position on a roster with books of forms for use as authorities to tow.

- (2) The forms—
- (a) will be in the form determined by the Minister; and
  - (b) will be issued in triplicate in books on the cover of which is written the registration number of the towtruck for which the forms are to be used; and
  - (c) may only be used for the towtruck for which they are issued.

### **35—Completion of authorities to tow**

- (1) A towtruck driver who has obtained an authority to tow or the towtruck operator who employs the driver must—
- (a) write in the appropriate place on the duplicate and triplicate copies of the authority to tow the following information:
    - (i) all services performed and additional kilometres travelled after leaving the scene of the accident for which the towtruck operator intends to charge a fee;
    - (ii) the fee charged for each service;
    - (iii) the total amount of fees charged;
    - (iv) the registration number of any vehicle lent or hired by the operator or driver to the person who gave the authority to tow or the owner of the vehicle recovered or towed; and
  - (b) give the duplicate copy of the authority to tow to the Registrar within 24 hours of the authority to tow being given.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (2) The burden of proving that the duplicate copy of the authority to tow has been given to the Registrar lies with the towtruck operator.

### **36—Loss of or damage to authority to tow**

- (1) If an authority to tow or a copy of an authority to tow is lost, destroyed, rendered unusable, illegible or cancelled—
- (a) the towtruck operator or driver who has or had possession of it must—
    - (i) write, date and sign on the authority to tow (or in the case of loss, destruction or mutilation, by separate explanatory report) an explanation of that happening; and
    - (ii) as soon as practicable but, in any case, within 10 hours of that happening, deliver the original and copies of the authority to tow (or the explanatory report) to the registered premises of the towtruck operator to whom the authority to tow was issued; and
  - (b) the towtruck operator to whom it was issued must deliver the authority to tow and duplicate copy (or the explanatory report) to the Registrar within 24 hours of receiving or writing the explanation.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (2) The burden of proving that the duplicate copy of the authority to tow and duplicate copy (or the explanatory report) have been delivered to the Registrar lies with the towtruck operator.



## Part 10—Records

### 37—Records

- (1) A towtruck operator must keep for not less than 3 years at the operator's registered premises in good order and condition the following records (*required records*):
  - (a) in chronological order—all forms, notices and documents required by the Act or these regulations to be made, completed or kept;
  - (b) in alphabetical order—lists of the following:
    - (i) the names of employees;
    - (ii) the job classification of each employee;
    - (iii) the number of hours worked each week by each employee;
    - (iv) the weekly wage or salary and all other remuneration paid to each employee;
    - (v) the commencement and termination dates of the employment of each employee.
- (2) A towtruck operator who formerly held a position on an accident towing roster, or who is suspended from a roster, must—
  - (a) in the case where he or she sells or otherwise transfers the business to another towtruck operator who holds or is granted a position on a roster—deliver the required records to the second towtruck operator who must keep them in accordance with subregulation (1); and
  - (b) in any other case—continue to keep the required records.
- (3) A towtruck operator who continues to keep required records under subregulation (2)(b) may keep and make them available for inspection at a place within the declared area other than the formerly registered premises.
- (4) A towtruck operator who continues to keep required records under subregulation (2)(b) must give the Registrar written notice of the place where the records are kept within 7 days of the operator ceasing to carry on the business of accident towing.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (5) A person who—
  - (a) fails to keep required records in accordance with this regulation; or
  - (b) falsifies, mutilates or destroys required records; or
  - (c) causes or permits another person—
    - (i) to fail to keep required records in accordance with this regulation; or
    - (ii) to falsify, mutilate or destroy or remove from his or her control, required records,

is guilty of an offence.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (6) A towtruck operator may, where reasonable cause exists, keep required records at a place provided by the Registrar.

## **Part 11—Miscellaneous**

### **Division 1—Police powers**

#### **38—Decisions as to zones**

- (1) If there is any doubt as to the zone for which an accident towing direction is to be given, the police officer who is in charge of the designated police communications centre at the time the direction is to be given will decide which zone applies.
- (2) In making such a decision, the police officer may—
  - (a) assume that, where the boundary of the zone falls on a railway or river, the mid-point of the width of that railway or river is the boundary;
  - (b) base the decision on the place at which the damaged vehicle came to rest and not the point of impact;
  - (c) consider the welfare and safety of members of the public;
  - (d) consider traffic requirements and congestion generally.
- (3) A decision made under this regulation may not be challenged.

#### **39—Accident towing directions**

- (1) If the police officer who is in charge of the designated police communications centre at the time that an accident towing direction is given is of the opinion that there has been or may be a delay in a towtruck operator complying with the direction, or that a towtruck may not have the capacity to tow the vehicle to be towed, the police officer may—
  - (a) cancel the accident towing direction previously given; and
  - (b) give an accident towing direction to the next appropriate towtruck operator on the roster for the zone in which the accident occurred.
- (2) If an accident towing direction is cancelled—
  - (a) the towtruck driver whose direction was cancelled must be notified of the cancellation as soon as reasonably possible; and
  - (b) the cancellation and subsequent direction must be recorded on the roster.
- (3) A towtruck operator is not entitled to receive an accident towing direction in place of the cancelled direction or any fee, advantage, reward or compensation when an accident towing direction given to the operator is cancelled.

#### **40—Attendance of other recovery vehicle may be called for in certain circumstances**

- (1) If the holder of a current towtruck certificate attending the scene of an accident in response to an accident towing direction forms the opinion that a vehicle, other than an approved accident towtruck, is required for a purpose related to the recovery or towing of a damaged vehicle, he or she may (with the approval of the police officer in charge of the designated police communications centre at the time or an authorised officer) cause that other vehicle to attend the scene of that accident and recover or tow the damaged vehicle.
- (2) The attendance, identity and owner of that other vehicle, and any other relevant fact, must be recorded on the accident towing roster and the authority to tow.

## **Division 2—General**

### **41—Scale of fees for recovery, towing and storage of vehicles and quotations for repairs (sections 98ME and 98MF of Act)**

The scale of fees set out in Prices Order No. 1136 (S.A.) made under the *Prices Act 1948* (see *Gazette 16.7.2015 p3413*) is prescribed for the purposes of sections 98ME(15) and 98MF(2)(b) of the Act, but, if that Order has been superseded, then the prescribed scale of fees is that set out in the Order under that Act that is in force for the time being.

### **42—Towtruck certificate (section 98ML of Act)**

The holder of a current towtruck certificate or current temporary towtruck certificate must securely fix the certificate in a conspicuous position on the clothing covering the left side of his or her chest and must ensure that it is clearly visible at all times when he or she is driving or riding in or on a towtruck, operating the equipment of a towtruck or in attendance at the scene of an accident.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **43—Prohibition on use of official telephone number**

Subject to these regulations, a person must not use, or cause or permit to be used, an official telephone number allocated for use in conjunction with the operation of the scheme in any advertising, display, correspondence or communication unless the Registrar has given written permission to do so.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **44—Exemptions**

- (1) The Registrar may exempt the Crown, an agent of the Crown, or any other person from compliance with such provisions of Part 3C of the Act or these regulations as the Registrar specifies for such periods and on such conditions as the Registrar may specify.
- (2) However, the Registrar may not give an exemption in respect of the requirement to call a towtruck under the accident towing roster scheme, except for the towing of vehicles in conjunction with the heavy vehicle towing roster.
- (3) All vehicles (including court exhibits) under the control of the Commissioner of Police are exempt from compliance with Part 3C of the Act and these regulations.

### **45—Complaints**

Subject to section 98PD of the Act, all complaints or reports concerning—

- (a) the administration or operation of the scheme; or
- (b) the conduct of a towtruck operator who holds a position on a roster; or
- (c) an employee or person acting in the course of the business of a towtruck operator who holds a position on a roster,

must be lodged with the Registrar.

### **46—Forms**

- (1) The forms set out in Schedule 2 are prescribed for the purposes of the Act.

- (2) Subject to these regulations, a form set out in Schedule 2 must—
- (a) be used for the purposes specified in that Schedule; and
  - (b) contain the information required by, and be completed in accordance with, the instructions contained in the forms; and
  - (c) in the case of Form 1 (Notice—storage charges)—be delivered personally or by registered post to the owner of the stored vehicle.

#### **47—Fees**

The fees set out in Schedule 3 are prescribed for the purposes set out in that Schedule and are payable to the Registrar.

#### **Schedule 1—Declared area**

The whole of the areas of The Corporation of the City of Adelaide, the City of Burnside, The Corporation of the City of Campbelltown, the City of Charles Sturt, the City of Holdfast Bay, The Corporation of the City of Marion, the City of Mitcham, The Corporation of the City of Norwood Payneham and St Peters, the City of Port Adelaide Enfield, the City of Prospect, the City of Salisbury, the City of Tea Tree Gully, The Corporation of the City of Unley, The Corporation of the Town of Walkerville and the City of West Torrens.

The portions of the area of the Adelaide Hills Council bounded as follows:

- the areas between the western boundary of the Adelaide Hills Council and the eastern boundary of that portion of Kersbrook Road extending southerly from Allotment 3 in Deposited Plan 22440 to Section 59, Hundred of Para Wirra;

- commencing at the intersection of the eastern boundary of Kersbrook Road and the western boundary of the Adelaide Hills Council in the vicinity of the intersection of Kersbrook Road and MG 19 Track, then generally easterly and southerly along the northern and eastern boundaries of Kersbrook Road to a point being the easterly production of the southern boundary of Mount Gawler Road, then westerly and generally south-westerly along the southern boundary of Mount Gawler Road to a point being the easterly production of the southern boundary of Airstrip Road, then westerly and generally north-westerly along the southern boundary of Airstrip Road to the eastern boundary of Lower Hermitage Road, then generally southerly and south-westerly along the eastern boundary of Lower Hermitage Road to the eastern boundary of Salem Bridge Road, then generally south-easterly along the eastern boundary of Salem Bridge Road to a point on the northern boundary of Allotment 98 in Deposited Plan 57485, then continuing generally south-easterly being the production of the eastern boundary of Salem Bridge Road to a point on the northern boundary of North East Road being the northerly production of Black Hill Road, then generally south-easterly along the northern boundary of North East Road to a point being the northerly production of the eastern boundary of Paracombe Road, then generally southerly along the eastern boundary of Paracombe Road to the northern boundary of Torrens Hill Road, then generally easterly along the northern boundary of Torrens Hill Road and the production thereof to the River Torrens, then generally south-westerly, westerly, southerly and easterly along the River Torrens to Kangaroo Creek, then south-easterly along Kangaroo Creek and the production thereof to the southern boundary of Prankerd Road, then westerly along the southern boundary of Prankerd Road to the eastern boundary of Croft Road, then generally southerly along the eastern boundary of Croft Road to the eastern boundary of Mawson Road, then generally south-westerly and southerly along the south-eastern and eastern boundary of Mawson Road to the northern boundary of Lobethal Road, then continuing southerly and south-westerly along the eastern and south-eastern boundary of Deviation Road to the north-eastern boundary of Greenhill Road, then generally south-easterly along the north-eastern boundary of Greenhill Road to a point being the northerly production of the eastern boundary of Beaumont Road, then generally southerly along the eastern boundary of Beaumont Road and the production thereof to the southern boundary of Onkaparinga Valley Road, then generally westerly and southerly along the southern and eastern boundary of Onkaparinga Valley Road to the eastern boundary of Mount Barker Road, then south-easterly along the eastern boundary of Mount Barker Road to the eastern boundary of the Adelaide Hills Council, then generally south-easterly and northerly along the eastern and western boundary of the Adelaide Hills Council to the point of commencement.

That portion of the area of the Alexandrina Council bounded as follows:

- commencing at the intersection of the southern boundary of Wickham Hill Road and the eastern boundary of the Range Road, then generally south-westerly and westerly along the eastern and southern boundaries of Range Road to the northern boundary of Badgers Road, then generally south-easterly and southerly along the eastern boundary of Badgers Road and Pottery Road to the northern boundary of Brookman Road, then generally easterly along the northern boundary of Brookman Road and Woodgate Hill Road to the western boundary of Section 932, Hundred of Kuitpo, then southerly along the western boundary of Sections 932 and 933, Hundred of Kuitpo, to the south-western corner of Section 933, Hundred of Kuitpo, then southerly to the south-western corner of Allotment 4 in Filed Plan 161162, then generally south-westerly along the eastern boundary of Blackfellows Creek Road to the southern boundary of Enterprise Road, then generally north-westerly and westerly along the southern boundary of Enterprise Road and Yundi Road to the eastern boundary of Proctor Road, then southerly along the eastern boundary of Proctor Road and the production thereof to the southern boundary of Bahloo Glen Road, then generally westerly along the southern boundary of Bahloo Glen Road and the production thereof to the western boundary of Victor Harbor Road, then north-westerly along the western boundary of Victor Harbor Road to the southern boundary of Lanacoona Road, then south-westerly along the southern boundary of Lanacoona Road to the intersection of the southern boundary of Lanacoona Road and the western boundary of the Alexandrina Council, then north-westerly and easterly along the western boundary of the Alexandrina Council to the intersection of the western boundary of Blockers Road and the western boundary of the Alexandrina Council, then westerly along the southern boundary of Blockers Road to the intersection of the southern boundary of Blockers Road, the north-western corner of Allotment 6 in Filed Plan 3086 and the western boundary of the Alexandrina Council, then northerly and westerly along the western boundary of the Alexandrina Council to the south-western corner of Dodd Road, then continuing generally northerly along the western boundary of Dodd Road to the southern boundary of Pages Flat Road, then south-westerly along the southern boundary of Pages Flat Road to the intersection of the southern boundary of Pages Flat Road and the western boundary of the Alexandrina Council, then generally north-westerly, north-easterly and easterly along the western boundary of the Alexandrina Council to the point of commencement.

That portion of the area of The Barossa Council bounded as follows:

- commencing at the intersection of the eastern boundary of Cheek Avenue and the southern boundary of The Barossa Council, then generally westerly and northerly along a southern and western boundary of The Barossa Council to un-named creek adjacent to the eastern boundary of Allotment 63 Filed Plan 153664, then generally easterly along un-named creek to its intersection with the eastern boundary of Allotment 3 in Filed Plan 6163, then generally easterly to a point being the production of the eastern boundary of Cheek Avenue, then generally south-westerly to the point of commencement.

The area of the Town of Gawler other than the portions of that area bounded as follows:

- commencing at the intersection of the eastern boundary of the Town of Gawler and the eastern boundary of Main North Road in the vicinity of the intersection of Main North Road and Kingfisher Drive, then generally northerly along the eastern boundary of Main North Road to the intersection of the eastern boundary of the Town of Gawler and the eastern boundary of Main North Road in the vicinity of the intersection of Main North Road and Kestrel Road, then southerly along the eastern boundary of the Town of Gawler to the point of commencement;

- commencing at the intersection of the eastern boundary of Murray Road and the northern boundary of the Town of Gawler, then generally south-easterly to the North Para River, then continuing south-easterly along the North Para River to the intersection of the North Para River and un-named creek adjacent to the waster boundary of Allotment 3 Filed Plan 153664, then generally easterly along un-named creek to the eastern boundary of the Town of Gawler, then northerly and generally westerly along the boundary of the Town of Gawler to the point of commencement;
- commencing at the intersection of the eastern boundary of Cheek Avenue and the northern boundary of the Town of Gawler, then generally south-easterly, southerly, easterly, south-easterly, south-westerly and westerly along the boundary of the Town of Gawler to the South Para River, then northerly along the South Para River to the south-eastern corner of Allotment 11 in Filed Plan 121155, then northerly, north-easterly and northerly along the eastern boundaries of Allotment 11 in Filed Plan 121155 and Allotment 2 in Filed Plan 11902, then continuing generally northerly along the eastern boundary of Cheek Avenue to the point of commencement.

That portion of the area of the Light Regional Council bounded as follows:

- commencing at the intersection of the southern boundary of the Light Regional Council and the western boundary of Gawler Bypass, extending northerly and north-easterly along the western and north-western boundaries of Gawler Bypass, Northern Expressway and Sturt Highway to the eastern boundary of Horrocks Highway, then southerly along the eastern boundary of Horrocks Highway to the southern boundary of the Light Regional Council, then south-westerly, southerly, south-easterly and generally south-westerly along the boundary of the Light Regional Council to the point of commencement.

The portions of the area of Mount Barker District Council bounded as follows:

- commencing at a point on the northern boundary of Mount Barker Road being the production of the eastern boundary of Taminga Grove, then easterly along the northern boundary of Mount Barker Road to Onkaparinga River, then generally southerly and south-westerly along Onkaparinga River to a point on the western boundary of Mount Barker District Council located on the southern boundary of Allotment 2 in Filed Plan 100821, then generally northerly, easterly and northerly along the western boundary of Mount Barker District Council to the point of commencement;
- commencing at the easternmost corner of Allotment 1 in Filed Plan 13141, then south-westerly along Onkaparinga River to the western boundary of Mount Barker District Council, then northerly and south-easterly along the western boundary of Mount Barker District Council to the point of commencement;
- commencing at the intersection of the northern boundary of Razorback Road and the western boundary of Mount Barker District Council, then south-easterly along the northern boundary of Razorback Road to a point being the north-easterly production of the south-eastern boundary of Kingsway Road, then south-westerly along the south-eastern boundary of Kingsway Road until Kingsway Road terminates, then continuing south-westerly to the intersection of the southern boundary of Harper Road and the western boundary of Mount Barker District Council, then generally northerly along the western boundary of Mount Barker District Council to the point of commencement;

- commencing at the intersection of the northern boundary of Hillyfields Road and the western boundary of Mount Barker District Council, then generally southerly along the northern and eastern boundary of Hillyfields Road to the eastern boundary of Dashwood Gully Road, then south-westerly to the intersection of the western boundary of Dashwood Gully Road and the southern boundary of Wicks Road, then continuing south-westerly and southerly along the south-eastern and eastern boundary of Wicks Road to the intersection of the southern boundary of Mallowa Road and the eastern boundary of Wicks Road, then westerly to the intersection of the western boundary of Kingfisher Road and the western boundary of Mount Barker District Council, then generally northerly along the western boundary of Mount Barker District Council to the point of commencement.

The area of the City of Onkaparinga other than the portions of that area bounded as follows:

- commencing at the intersection of the northern boundary of Hillyfields Road and the eastern boundary of the City of Onkaparinga, then westerly along the northern boundary of Hillyfields Road to the southernmost corner of Allotment 101 in Deposited Plan 88827, then north-easterly along the western boundary of Allotment 101 in Deposited Plan 88827, then north-westerly for a distance of 144.59 metres to a point on the northern boundary of Allotment 100 in Deposited Plan 88827, then north-easterly from that point to the south-eastern boundary of Harper Road, then generally north-easterly along the south-eastern boundary of Harper Road to the intersection of the southern boundary of Harper Road and the eastern boundary of the City of Onkaparinga, then generally easterly and south-westerly along the eastern boundary of the City of Onkaparinga to the point of commencement;
- commencing at the intersection of the southern boundary of Wickham Hill Road and the eastern boundary of the City of Onkaparinga, then northerly along the eastern boundary of Wickham Hill Road to the eastern boundary of Toops Hill Road, then generally northerly along the eastern boundary of Toops Hill Road to the southern boundary of Knotts Hill Road, then generally south-easterly and easterly along the southern boundary of Knotts Hill Road to the intersection of the southern boundary of Knotts Hill Road and the eastern boundary of the City of Onkaparinga, then generally southerly and westerly along the eastern boundary of the City of Onkaparinga to the point of commencement;
- commencing at the intersection of the eastern boundary of Main South Road and the southern boundary of the City of Onkaparinga, then north-easterly along the eastern boundary of Main South Road to the western boundary of Old Sellicks Hill Road, then generally southerly along the western boundary of Old Sellicks Hill Road to the intersection of the western boundary of Old Sellicks Hill Road and the southern boundary of the City of Onkaparinga, then westerly along the southern boundary of the City of Onkaparinga to the point of commencement.

The area of the City of Playford other than the portion of that area bounded as follows:

- commencing at the intersection of the southern boundary of Karwin Road and the eastern boundary of the City of Playford, then generally south-westerly and southerly along the boundary of the City of Playford to the eastern boundary of Kersbrook Road, then generally northerly along the eastern boundary of Kersbrook Road to the southern boundary of Karwin Road, then generally easterly to the point of commencement.



The portions of the area of The District Council of Yankalilla bounded as follows:

- commencing at the intersection of the southern boundary of Lanacoona Road and the northern boundary of The District Council of Yankalilla, then south-westerly along the southern boundary of Lanacoona Road and the production thereof to the western boundary of Blockers Road, then northerly along the western boundary of Blockers Road to the intersection of the western boundary of Blockers Road and the northern boundary of The District Council of Yankalilla, then generally easterly and south-easterly along the northern boundary of The District Council of Yankalilla to the point of commencement;
- commencing at the intersection of the southern boundary of Blockers Road, the northern boundary of The District Council of Yankalilla and the north-eastern corner of Section 202, Hundred of Myponga, then westerly along the southern boundary of Blockers Road to the north-western corner of Section 202, Hundred of Myponga, then north-westerly to the nearest corner on the eastern boundary of Allotment 4 in Filed Plan 103413, then easterly and southerly along the northern boundary of The District Council of Yankalilla to the point of commencement;
- commencing at the intersection of the southern boundary of Pages Flat Road and the northern boundary of The District Council of Yankalilla in the vicinity of the intersection of Pages Flat Road and Crow Road, then south-westerly along the southern boundary of Pages Flat Road to a point being the southerly production of the western boundary of Old Sellicks Hill Road, then northerly along the western boundary of Old Sellicks Hill Road to the intersection of the western boundary of Old Sellicks Hill Road and the northern boundary of The District Council of Yankalilla, then generally north-easterly and southerly along the northern boundary of The District Council of Yankalilla to the point of commencement.

## **Schedule 2—Forms**

### **Form 1—Notice—storage charges**

To (insert name)

of (insert address)

Claim is made for the sum of \$ (insert amount)

being charges for (insert number of days) days storage of the following motor vehicle:

Registered number

Make

Type

Odometer reading

presently stored by (insert business name)

at (insert business address)

Telephone number

You are advised that failure to arrange removal of the vehicle from the business premises will make you liable for further storage charges at the rate of \$ (insert amount) per day.

Signature

Title

Date

## Notes—

1. Charges may not exceed the fees prescribed in the current applicable Prices Order under the *Prices Act 1948* as published in the South Australian Government Gazette.
2. This notice must be delivered either personally to the owner of the vehicle or sent by registered post to the address of the owner of the vehicle.

**Form 2—Contract for quotation for repair of motor vehicle**

I (insert full name)

of (insert address)

Business telephone number

Private telephone number

\*being the owner of the following motor vehicle:

\*acting on behalf of the owner of the following motor vehicle:

Registered number

Make

Type

Odometer reading

Authorise a Quotation for Repair to be prepared by—

(insert business name)

on the understanding that fees charged, if any, will be in compliance with the relevant current Prices Order under the *Prices Act 1948* as published in the South Australian Government Gazette.

I acknowledge that I have been given a duplicate copy of this contract.

Signature

Date

Time

**Note—**

**This contract is unenforceable unless the owner of the motor vehicle or some person duly authorised to act on behalf of the owner confirms the contract not less than 6 hours nor more than 14 days after the signing of the contract.**

Confirmed by (print full name)

of (insert address and telephone number)

Signature of authorising person

Title

Date

Time

\*Strike out what is inapplicable

## Schedule 3—Fees

### Towtruck certificates

1	On application for a towtruck certificate	\$60
2	For a practical test for a towtruck certificate	\$61
3	For a towtruck certificate—	
	(a) when the holder will be proceeding to and attending at the scene of an accident	\$170 per year
	(b) when the holder will not be proceeding to or attending at the scene of an accident	\$85 per year
4	For a temporary towtruck certificate	\$60
5	For a duplicate towtruck certificate	\$60

### Accident towing roster scheme

6	On application for the first position on a roster	\$480
7	On application for renewal of each position on a roster	\$284
8	On late application for renewal of a position on a roster	\$240
9	On application for re-inclusion on a roster	\$480

### Books of forms

10	For authority to tow forms (book of 10)	\$211
11	For direction to remove vehicle forms (book of 20)	\$11
12	For quotation to repair vehicle contract forms (book of 80)	\$11
13	For storage notice forms (book of 20)	\$11

## Schedule 4—Revocation and transitional provisions

### Part 1—Revocation of regulations

#### 1—Revocation of *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000*

The *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000* are revoked.

### Part 2—Transitional provisions

#### 2—Interpretation

In this Part—

*revoked regulations* means the regulations revoked by clause 1.

#### 3—Saving of existing accident towing roster scheme

The accident towing roster scheme in existence under the *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000* immediately before the commencement of this clause continues in existence as if it had been established under these regulations.

#### 4—Saving of existing division of declared area into zones

The division of the declared area into zones for general accident towing rosters and zones for heavy vehicle accident towing rosters in operation under the revoked regulations immediately before the commencement of these regulations continues in operation under these regulations as if it had been declared by the Minister under Part 1 of these regulations.

**5—Saving of existing accident towing rosters**

The general accident towing roster prepared by the Registrar for each general accident towing zone and the heavy vehicle towing roster for each heavy vehicle accident towing zone in operation immediately before the commencement of these regulations continue in operation as if they had been prepared under Part 2 of these regulations.

**6—Registered premises**

Premises that were registered premises under Part 4 of the revoked regulations immediately before the commencement of these regulations will be taken to have been registered under Part 3 of these regulations.

**7—Approved towtrucks**

The approval of a towtruck by the Registrar under Part 5 of the revoked regulations in operation immediately before the commencement of these regulations will continue to operate as if it had been approved under Part 4 of these regulations.

**8—Qualification of applicants for position on accident towing roster**

A person who qualified under Part 6 of the revoked regulations for a position on an accident towing roster immediately before the commencement of these regulations will be taken to have qualified for a position on an accident towing roster under Part 5 of these regulations.

**9—Positions on rosters**

A person granted a position on a roster under Part 7 of the revoked regulations immediately before the commencement of these regulations will be taken to have been granted the position on the roster under Part 6 of these regulations.

**10—Authorisation notices**

An authorisation notice issued under Part 7 of the revoked regulations in operation immediately before the commencement of these regulations will continue to operate as if it had been issued under Part 6 of these regulations.

**11—Stipulated conditions**

Conditions stipulated by the Registrar under Part 8 of the revoked regulations in operation immediately before the commencement of these regulations will continue to operate as if they had been stipulated under Part 7 of these regulations.

**12—Books of forms**

Books of forms obtained from the Registrar under the revoked regulations may be used for the purposes of these regulations.

**13—Exemptions**

An exemption granted under Part 12 of the revoked regulations in force immediately before the commencement of these regulations will continue in force as if it had been granted under these regulations.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 27 August 2015

No 202 of 2015

MTR/15/029

South Australia

# **Radiation Protection and Control (Ionising Radiation) Regulations 2015**

under the *Radiation Protection and Control Act 1982*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Radiation Protection and Control (Ionising Radiation) Regulations 2015*.

### 2—Commencement

These regulations will come into operation on 1 September 2015.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

***absorbed dose*** means the energy absorbed per unit mass by matter from ionising radiation that impinges on it, as defined in Annex B of the NHMRC and NOHSC Recommendations;

***Act*** means the *Radiation Protection and Control Act 1982*;

***adequately shielded***, in relation to a component of an X-ray analysis apparatus, means that the equivalent dose rate as measured at any accessible point 50 millimetres from the surface of the component does not exceed 25 microsievert per hour when the X-ray tube is operated at any of the permissible ratings specified by the manufacturer of the X-ray analysis apparatus;

***annual effective dose***—see regulation 4;

***annual limit on intake*** means a quantity of a radionuclide which, if taken into the body during 1 year, would lead to a committed effective dose equal to the annual effective dose limit for a radiation worker specified in Part 2 Division 2;

***aperture*** means a gap in the protective material of a tube housing through which ionising radiation from an X-ray tube within the tube housing may pass with little or no attenuation;

***apparatus*** means ionising radiation apparatus;

***approved*** means approved by the Minister;

***ARPANSA*** means the Australian Radiation Protection and Nuclear Safety Agency of the Commonwealth;

**AS** means a standard published or approved by Standards Australia, as in force from time to time;

**bore hole logging** means the use of a sealed radioactive source to acquire geophysical information about geological strata by lowering the source and a detector down a bore hole which has been drilled through the strata being investigated;

**bore hole logging tool** means a device containing a sealed radioactive source that is designed and constructed to be lowered and raised at the end of a cable during bore hole logging;

**cabinet X-ray unit** means apparatus in a shielded enclosure into which articles may be placed for radiographic (including fluoroscopic) examination;

**chiropractor** means a person registered under the *Health Practitioner Regulation National Law* to practise in the chiropractic profession (other than as a student);

**committed effective dose** means the effective dose that a person is committed to receive from an intake of radioactive material as defined in Annex B of the NHMRC and NOHSC Recommendations;

**committed equivalent dose** means the equivalent dose that an organ or tissue is committed to receive from an intake of radioactive material as defined in Annex B of the NHMRC and NOHSC Recommendations;

**consumer product** means a device, article or thing that contains a radioactive substance and is designed and constructed for personal or domestic use and not for use during the course of employment or the carrying on of any occupation, but does not include an ionisation chamber smoke detector approved by the Minister;

**cumulative** means the sum of all the results obtained for a parameter since the beginning of the relevant year;

**dental hygienist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession (other than as a student); and
- (b) in the dental hygienists division of that profession;

**dental radiologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession (other than as a student); and
- (b) holding specialist registration as a dental radiologist;

**dental therapist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession (other than as a student); and
- (b) in the dental therapists division of that profession;

**dentist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) in the dentists division of that profession;

**dento-maxillofacial radiologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession (other than as a student); and

- (b) holding specialist registration as a dento-maxillofacial radiologist;

**designated employee** means an employee involved in operations that are subject to a licence under section 23A or 24 of the Act and who is likely to receive significant doses greater than 5 microsievert per year;

**disposal**, in relation to a radioactive substance, does not include sale;

**durably marked**, in relation to an article, device or thing, means that the article, device or thing is so marked that it is likely to retain the marking—

- (a) during its normal working life; and
- (b) despite any occurrence or accident that is reasonably foreseeable as being likely to happen to the article, device or thing, or in which the article, device or thing may become involved;

**effective dose** means a measure of dose that takes into account both the radiation involved and the radiological sensitivities of the organs or tissue irradiated as defined in Annex B of the NHMRC and NOHSC Recommendations;

**equivalent dose** means a measure of dose in organs and tissue that takes into account the type of radiation involved as defined in Annex B of the NHMRC and NOHSC Recommendations;

**emergency exposure** means a voluntary exposure to ionising radiation in an emergency situation;

**enclosed X-ray analysis apparatus** means X-ray analysis apparatus that complies with regulation 67(3);

**external radiation**, in relation to the exposure of a natural person to ionising radiation, means ionising radiation that is not internal radiation;

**fail safe**, in relation to a warning device or interlock, means that the failure of the device or interlock results in the inability to produce useable ionising radiation from the apparatus or sealed radioactive source to which the device or interlock is connected;

**fixed apparatus** means any apparatus that is neither a mobile apparatus nor a portable apparatus;

**fully protected enclosure**, in relation to industrial radiography, means an enclosure on or in respect of which—

- (a) all doors and other openings into the enclosure are interlocked with either the apparatus or the source control mechanism so that the apparatus is de-energised or the source is returned to the shielded ("off") position whenever a door or other opening is opened; and
- (b) a warning device inside the enclosure sounds continuously for at least 5 seconds when an exposure commences; and
- (c) a red warning light marked "Radiation On" that remains on throughout an exposure, is readily visible from all normal routes of access; and
- (d) the warning lights are fail safe; and
- (e) the equivalent dose rate at a distance of 50 millimetres from any readily accessible point on the surface of the enclosure never exceeds 25 microsievert per hour; and
- (f) a door can be readily opened from inside the enclosure;

***gaseous tritium light device*** means an instrument, device, article or thing that contains 1 or more gaseous tritium light sources;

***gaseous tritium light source*** means a sealed glass container filled with gaseous tritium and coated internally with a phosphor;

***general objective*** means the objective contained in section 23 of the Act;

***group***, in relation to a radionuclide, means the group to which the radionuclide is assigned in Schedule 1;

***industrial radiography*** means the process of radiographing the whole or any part of any pipes, welds, vessels, or any other constructed, fabricated or manufactured object or article by the use of a sealed radioactive source or an apparatus other than a cabinet X-ray unit;

***internal radiation***, in relation to the exposure of a person to ionising radiation, means ionising radiation from a radioactive substance located within the person's body;

***ionisation chamber smoke detector*** means a device containing a radioactive substance that is designed and constructed to detect the presence of smoke or other combustion product aerosols;

***laboratory*** means premises in which unsealed radioactive substances are—

- (a) used for the purposes of scientific investigation or testing; or
- (b) prepared for use for the treatment of patients or for medical or scientific investigation or testing; or
- (c) prepared for sale;

***medical practitioner*** means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

***member of the public*** means a person who is not a radiation worker;

***mineral sands operation*** means an operation involving the separation of heavy minerals from mineral sands ore or further processing of the heavy minerals;

***Mining Code*** means the Code of Practice and Safety Guide entitled *Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (2005)* published by the Chief Executive Officer of ARPANSA, as in force from time to time;

***mobile apparatus*** means apparatus that is designed and constructed so as to be moveable from place to place for use as required but does not include a portable apparatus;

***National Directory for Radiation Protection*** means the document of that name published by the Chief Executive Officer of ARPANSA, as in force from time to time;

***NHMRC and NOHSC Recommendations*** means the *Recommendations for limiting exposure to ionizing radiation (1995) (Guidance note [NOHSC:3022(1995)])* and the *National standard for limiting occupational exposure to ionizing radiation (1995) [NOHSC:1013(1995)]* adopted or endorsed by the National Health and Medical Research Council and published as Radiation Health Series No. 39 in June 1995 by the Commonwealth Department of Human Services and Health (ISBN 0644 35659 6);

***normal operation***, in relation to X-ray analysis apparatus, means the step-by-step procedures necessary to accomplish X-ray analysis, including sample insertion and manipulation, equipment alignment and data recording;

***open-beam X-ray analysis system*** means an X-ray analysis system that does not comply with regulation 67(3) or regulation 67(4) but complies with regulation 67(5);

**oral and maxillofacial radiologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) holding specialist registration as an oral and maxillofacial radiologist;

**oral and maxillofacial surgeon** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) holding specialist registration as an oral and maxillofacial surgeon;

**partly enclosed X-ray analysis apparatus** means X-ray analysis apparatus that does not comply with regulation 67(3) but complies with regulation 67(4);

**physiotherapist** means a person registered under the *Health Practitioner Regulation National Law* to practise in the physiotherapy profession (other than as a student);

**plain radiography** means the technique for obtaining, recording and processing directly or after transfer, static information contained in an X-ray image at an image receptor where the X-ray tube is stationary throughout the exposure;

**podiatrist** means a person registered under the *Health Practitioner Regulation National Law* to practise in the podiatry profession (other than as a student);

**portable apparatus** means any apparatus that is designed to be carried manually from place to place for use as required;

**primary beam** means that part of the X-radiation that passes through an aperture of a tube housing by a direct path from an X-ray tube;

**radiation accident** means an abnormal occurrence in which a source of ionising radiation is out of control and in which 1 or more of the following occurs:

- (a) control over the source of ionising radiation is not totally regained;
- (b) a significant dispersal of radioactive substances takes place;
- (c) a person receives or is likely to have received an effective dose or intake of radioactive substances of at least twice the amount of that which he or she is likely to receive during the course of operations normally carried out with the source of ionising radiation involved;

**radiation emergency** means a situation in which a source of ionising radiation is out of control to such an extent that the continued exposure of a person to excessive amounts of ionising radiation while the source of ionising radiation remains out of control is unavoidable unless the normal functions or operations of the facility or place in which the source of ionising radiation is being used are grossly disrupted (and for the purposes of this definition **excessive amounts of ionising radiation** means effective doses or intakes of radioactive substances that, if continued for the normal hours of occupancy of the facility or place for 3 months, would result in an exposure contrary to Part 2 Division 2);



**radiation incident** means an abnormal occurrence in which a source of ionising radiation is temporarily out of control, but in which no significant dispersal of any radioactive substance takes place, and in which no person receives or is likely to have received an effective dose or an intake of any radioactive substance more than twice that which is likely to occur during any operation normally carried out with that source of ionising radiation (and for the purposes of this definition, an abnormal occurrence involving radioactive substances is not to be regarded as being a radiation incident unless—

- (a) if the occurrence is 1 in which a radioactive substance is swallowed by a person—the activity of the radioactive substance swallowed exceeds the following amounts:
  - (i) for group 1 radionuclides—5 kilobecquerels;
  - (ii) for group 2 radionuclides—50 kilobecquerels;
  - (iii) for group 3 radionuclides—500 kilobecquerels;
  - (iv) for group 4 radionuclides—5 megabecquerels; or
- (b) in any other case—the activity of the radioactive substance involved exceeds the following amounts:
  - (i) for group 1 radionuclides—50 kilobecquerels;
  - (ii) for group 2 radionuclides—500 kilobecquerels;
  - (iii) for group 3 radionuclides—5 megabecquerels;
  - (iv) for group 4 radionuclides—50 megabecquerels;

**radiation gauge** means a device containing a sealed radioactive source that uses the detection of a beam of radiation transmitted through or scattered by an item or material of interest to measure a parameter associated with the item or material of interest, including the whole of the device, consisting of the sealed source, the source container or housing, and the detector and associated controls, but does not include a device that does not need to be permanently fixed in place to be used;

**radiation symbol** means the radiation symbol described and shown in Schedule 2;

**radiation worker** means a person who by reason of his or her profession, trade or occupation—

- (a) uses any source of ionising radiation; or
- (b) is directly involved in any activity or operation in which any source of ionising radiation is used and who may be exposed to ionising radiation from that source as a result of being directly involved in such activity or operation; or
- (c) is a designated employee; or
- (d) is directly involved in the transport of a radioactive substance and is likely in the course of that profession, trade or occupation to receive an annual effective dose in excess of 1 millisievert;

**registrable device** means a device or instrument that contains a sealed radioactive source which is required to be registered under section 30 of the Act;

**registered nurse** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession;

**revoked Health Act regulations** means the *Radioactive Substances and Irradiating Apparatus Regulations 1962* made under the *Health Act 1935* on 29 March 1962 (see *Gazette 29.3.1962 p661*), as varied;

**sell** means—

- (a) sell; or
- (b) supply by way of barter, exchange or gift; or
- (c) let on hire; or
- (d) bail; or
- (e) authorise, direct, cause, suffer or permit any of the acts referred to in paragraphs (a) to (d);

**shutter** means a controllable aperture cover that adequately shields an aperture when closed;

**significant dispersal** means a dispersal of a radioactive substance where the activity of that radioactive substance exceeds the following amounts:

- (a) for group 1 radionuclides—50 kilobecquerels;
- (b) for group 2 radionuclides—500 kilobecquerels;
- (c) for group 3 radionuclides—5 megabecquerels;
- (d) for group 4 radionuclides—50 megabecquerels;

but does not include the dispersal of a radioactive substance that is in accordance with Part 5 Division 4;

**site radiography** means industrial radiography other than that done within a fully protected enclosure;

**source container** means an enclosure for a sealed radioactive source that provides, by shielding and by distance, protection against radiation emitted by the source;

**source holder**, in relation to bore hole logging, means the component of a bore hole logging tool that—

- (a) houses the sealed radioactive source to protect it from damage; and
- (b) fits into the source container when the source is not being used; and
- (c) fits onto the bore hole logging tool when the source is being used;

**source of ionising radiation** means an apparatus or a radioactive substance to which these regulations apply;

**specialist dermatologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a dermatologist;

**specialist in nuclear medicine** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding registration as a specialist in nuclear medicine;

**specialist medical oncologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a medical oncologist;

**specialist nuclear medicine physician** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a nuclear medicine physician;

**specialist ophthalmologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as an ophthalmologist;

**specialist paediatric medical oncologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a paediatric medical oncologist;

**specialist paediatric nuclear medicine physician** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a paediatric nuclear medicine physician;

**specialist radiation oncologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a radiation oncologist;

**specialist radiologist** means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the medical profession (other than as a student); and
- (b) holding specialist registration as a radiologist;

**specified employer** means a person—

- (a) who employs a radiation worker; or
- (b) who is a registered occupier; or
- (c) in whose name a sealed radioactive source or ionising radiation apparatus is registered under Part 3 of the Act; or
- (d) who holds a licence granted under section 24 of the Act;

**technologically enhanced**, in relation to exposure to natural background radiation, means exposure resulting from natural sources of radiation whose original state has been changed by human activity in such a way that the exposure of any person to ionising radiation has been increased;

**tube housing**, in relation to an ionising radiation apparatus, means a container in which an X-ray tube is mounted for normal use, providing protection against electric shock and against ionising radiation except for an aperture for the useful beam;

**type**, in relation to premises in which an unsealed radioactive substance is kept or handled, means the type of premises established by the classification scheme set out in Schedule 3;

**veterinary surgeon** means a person registered on the general register or on both the general register and the specialist register under the *Veterinary Practice Act 2003*;

**X-ray analysis apparatus** means an apparatus that is used to analyse the properties or composition of materials by the techniques of X-ray fluorescence or X-ray diffraction;

**X-ray analysis system** means apparatus that consists of an X-ray analysis apparatus and ancillary devices or equipment necessary to determine the elemental composition or to examine the microstructure of matter, but does not include power supplies, transformers, amplifiers, readout devices and associated electronics and control panel;

**X-ray tube**, in relation to an ionising radiation apparatus, means an evacuated glass envelope in which electrons are accelerated for the purposes of the production of ionising radiation.

- (2) In these regulations, a reference to a radiation worker being employed by a specified employer is to be taken to include the acceptance of a person as—
- (a) a voluntary worker; or
  - (b) a student,
- and the person who accepts a person as a voluntary worker or student will, for the purposes of these regulations, be taken to be a specified employer in relation to that person.
- (3) If a person who is a specified employer engages an independent contractor to carry out for the specified employer radiation work of a kind normally carried out by the specified employer, that person is, for the purposes of these regulations, to be taken to be a specified employer in relation to—
- (a) that independent contractor; and
  - (b) any person employed by that independent contractor to do the radiation work that the independent contractor has been engaged to carry out.
- (4) In subregulation (3)—
- radiation work** means work of the kind referred to in the definition of **radiation worker** in subregulation (1).
- (5) In these regulations, a reference to a radioactive substance or sealed radioactive source is to be taken to be a reference to a radioactive substance or sealed radioactive source to which these regulations apply.
- (6) In these regulations, a requirement on a specified employer to do or provide any matter or thing for or in relation to a radiation worker employed by the specified employer is, in relation to a specified employer who is himself or herself a radiation worker, to be taken to require that the person do or provide for himself or herself any matter or thing that a specified employer would be required to provide for or in relation to a radiation worker employed by him or her.

#### 4—Definition of annual effective dose

- (1) In these regulations—
- annual effective dose** means the sum of—
- (a) the effective dose received from external radiation during a calendar year; and
  - (b) the committed effective dose received from radionuclides taken into the body during that year calculated in the manner set out in subregulation (2).
- (2) The committed effective dose received from radionuclides taken into the body must be calculated—
- (a) using the methods recommended by the International Commission on Radiological Protection in—
    - (i) Publication 68 *Dose Co-efficients for Intakes of Radionuclides by Workers* published by the Commission, as varied from time to time; and
    - (ii) (if applicable), Publication 65 *Protection Against Radon-222 at Home and at Work* published by the Commission, as varied from time to time; and
  - (b) if some of the data relevant to the circumstances of a case is not available—using the data recommended or adopted by the International Commission on Radiological Protection in the publications referred to in paragraph (a).
- (3) For the purposes of subregulation (2), if—
- (a) the International Commission on Radiological Protection recommends or adopts more than 1 value for an item of data; and
  - (b) the information required so as to choose which of those values is relevant to the circumstances of the case has not been obtained by the specified employer,
- the value that gives rise to the largest value of committed equivalent dose must be used in the calculation.

#### 5—Application of regulations to apparatus

These regulations do not apply to or in relation to apparatus that produces ionising radiation incidental to its function (including electron microscopes and apparatus containing a cathode ray tube or an electronic valve) if the apparatus does not, in normal operating conditions, cause an equivalent dose rate exceeding 1 microsievert per hour at a distance of 0.1 metre from any accessible surface of the apparatus.

#### 6—Definition of radioactive ore—prescribed concentrations

- (1) For the purposes of the definition of **radioactive ore** in section 5 of the Act, a radioactive ore has the prescribed concentration of a radioactive element or compound if the radioactive element or compound—
- (a) has a specific activity of more than 35 kilobecquerels per kilogram; and
  - (b) contains 1 or more radionuclides so that—
 
$$\frac{A1}{5} + \frac{A2}{50} + \frac{A3}{500} + \frac{A4}{5000}$$
 is more than or equal to 1.
- (2) In subregulation (1)—
- A1** means the total activity of group 1 radionuclides (in kilobecquerels);

**A2** means the total activity of group 2 radionuclides (in kilobecquerels);

**A3** means the total activity of group 3 radionuclides (in kilobecquerels);

**A4** means the total activity of group 4 radionuclides (in kilobecquerels).

## 7—Application of regulations to radioactive substances

- (1) Subject to subregulation (3), these regulations apply only to or in relation to radioactive substances—

(a) that are—

(i) a radioactive ore; or

(ii) a radioactive substance with a specific activity of more than 35 kilobecquerels per kilogram; and

(b) that contain 1 or more radionuclides so that—

$$\frac{A1}{5} + \frac{A2}{50} + \frac{A3}{500} + \frac{A4}{5000}$$

is more than or equal to one.

- (2) In subregulation (1)—

**A1** means the total activity of group 1 radionuclides (in kilobecquerels);

**A2** means the total activity of group 2 radionuclides (in kilobecquerels);

**A3** means the total activity of group 3 radionuclides (in kilobecquerels);

**A4** means the total activity of group 4 radionuclides (in kilobecquerels).

- (3) These regulations do not apply to or in relation to tritium contained in an instrument, device, article or thing if—

(a) less than 20 gigabecquerels of tritium is contained in the instrument, device, article or thing; and

(b) the tritium is wholly confined to a gaseous tritium light source; and

(c) the gaseous tritium light source is accessible only with the use of a tool designed for the specific task of gaining access to the gaseous tritium light source in the instrument, article, device or thing; and

(d) the activity in the form of tritiated water is less than 50 megabecquerels; and

(e) the instrument, article, device or thing is not a consumer product.

## Part 2—Radiation control

### Division 1—General provisions

#### 8—Duties of specified employer

- (1) This regulation applies to—

(a) apparatus; and

(b) source control mechanisms and other devices containing a sealed radioactive source; and

(c) radiation monitoring equipment; and

- (d) radiation warning devices; and
  - (e) protective clothing, fume cupboards, interlocks, signs, labels and any other radiation protection equipment or devices,  
supplied by a specified employer for his or her use during the course of his or her profession, trade or occupation or for the use of any radiation worker during the course of the worker's employment with the specified employer.
- (2) A specified employer must at all times keep or cause to be kept in good working order and condition any article, device or thing to which this regulation applies.
- (3) If a specified employer discovers in any article, device or thing to which this regulation applies a fault or defect that is likely to increase the exposure to ionising radiation of any person, the specified employer must—
- (a) immediately inform all persons who use, work with, inspect, test, handle, are protected from exposure to ionising radiation by or otherwise deal with the article, device or thing of the nature of the fault or defect; and
  - (b) cause the fault or defect to be remedied as soon as is reasonably practicable.

### **9—Specified employer to give radiation worker certain information**

- (1) A specified employer must, before a radiation worker employed by him or her first commences any duties as a radiation worker—
- (a) inform the worker of the potential hazards from ionising radiation to which the worker is likely to be subject during the course of employment; and
  - (b) inform the worker of the name of the radiation safety officer appointed by the specified employer together with the name of any assistant radiation safety officer who has responsibilities pertaining to such worker's duties; and
  - (c) inform the worker of all safety arrangements that have been made to protect the worker from the effects of ionising radiation; and
  - (d) give directions in the form of working rules to the worker as to all steps that the worker must take in order to achieve the general objective; and
  - (e) inform the worker of the existence of the Act, these regulations and any radiation safety manual prepared under regulation 10; and
  - (f) make available to the worker for perusal a copy of the Act, these regulations and any radiation safety manual prepared under regulation 10.
- (2) Wherever there is a change in any of the matters referred to in subregulation (1), a specified employer must immediately inform a radiation worker who is likely to be affected by any such change of the particulars of the change.

### **10—Specified employer to prepare radiation safety manual etc**

- (1) A specified employer must, within a reasonable time of first employing a radiation worker, prepare a radiation safety manual containing—
- (a) information on the potential hazards in respect of exposure to ionising radiation that any radiation worker is likely to face during the course of employment; and
  - (b) the name and full contact details of the radiation safety officer and assistant radiation safety officers who have been appointed; and
  - (c) the arrangements made by the specified employer for the radiation protection of all persons employed by him or her; and

- (d) the directions which the specified employer has given pursuant to regulation 9(1)(d) as to the steps to be taken to achieve the general objective; and
  - (e) the requirements of regulation 11.
- (2) A specified employer who has prepared a radiation safety manual must supply a copy of the manual to the Minister if directed to do so by the Minister by notice in writing.
- (3) If a specified employer has supplied a copy of a radiation safety manual to the Minister under this regulation, the Minister may serve on the specified employer a notice in writing directing him or her to make specified changes to the manual that the Minister regards as appropriate, having regard to the general objective.
- (4) A specified employer must comply with a notice served on the employer by the Minister under subregulation (3).

### **11—Duties of radiation worker**

A radiation worker must—

- (a) obey all notices displayed in accordance with these regulations; and
- (b) not wilfully or recklessly do any act, or omit to do any act, the doing or omission of which is likely to result in a radiation incident, radiation accident or radiation emergency; and
- (c) report immediately to his or her supervisor any fault or defect in any device, article or thing that the radiation worker uses, inspects, tests, handles or otherwise deals with during the course of employment, being a fault or defect that is likely to result in a radiation incident, radiation accident or radiation emergency; and
- (d) use, in the manner set out in these regulations and in the radiation safety manual applicable to the duties the radiation worker performs, all radiation protection equipment furnished for his or her use in accordance with these regulations and that manual.

### **12—Display of radiation symbol**

A person must not exhibit, display or otherwise use, or cause or permit another to exhibit, display or otherwise use, the radiation symbol except—

- (a) on a container used for the storage of a sealed radioactive source; or
- (b) on apparatus to which these regulations apply (see regulation 5); or
- (c) on a sign erected in connection with—
  - (i) premises registered under section 29 of the Act; or
  - (ii) a place in which a radioactive substance to which these regulations apply (see regulation 7) is stored; or
  - (iii) a place in which radioactive material within the meaning of the *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003* is stored; or
  - (iv) a place in which apparatus to which these regulations apply (see regulation 5) is installed, stored or used; or
- (d) as required by these regulations or any other law.



## Division 2—Radiation protection standards and limits

### 13—Specified employer to prevent exposures above certain dose limits

- (1) Subject to subregulation (2), a specified employer must not expose, or cause, suffer or permit the exposure of, himself or herself or a radiation worker employed by him or her to—
  - (a) an annual effective dose exceeding—
    - (i) 20 millisievert averaged over a period of 5 consecutive years; or
    - (ii) 50 millisievert in any single year; or
  - (b) an equivalent dose, during any calendar year, exceeding—
    - (i) 150 millisievert in the lens of the eye; or
    - (ii) 50 millisievert in the skin, averaged over any 1 square centimetre of the skin, regardless of the total area exposed; or
    - (iii) 500 millisievert in the hands and feet.
- (2) The Minister may, on application by a specified employer, if satisfied that exceptional circumstances exist, grant the specified employer permission to exceed the annual effective dose limit prescribed by subregulation (1) subject to a condition that—
  - (a) the specified employer does not expose, or cause, suffer or permit the exposure of, himself or herself or a radiation worker employed by him or her to annual effective dose exceeding 20 millisievert averaged over a period of not more than 10 consecutive years; or
  - (b) the specified employer does not expose, or cause, suffer or permit the exposure of, himself or herself or a radiation worker employed by him or her to annual effective dose exceeding 50 millisievert for a period not exceeding 5 years.
- (3) If—
  - (a) a specified employer is pregnant; or
  - (b) a radiation worker employed by a specified employer is pregnant and the worker has informed the specified employer of the pregnancy,the specified employer must not expose, or cause, suffer or permit the exposure of, the unborn child *in utero* to an annual effective dose or equivalent dose exceeding the limit prescribed by subregulation (4) in relation to a member of the public.
- (4) Subject to subregulation (5), a specified employer must not expose, or cause, suffer or permit the exposure of, a member of the public to—
  - (a) an annual effective dose exceeding 1 millisievert; or
  - (b) an equivalent dose, in any calendar year, exceeding—
    - (i) 15 millisievert in the lens of the eye; or
    - (ii) 50 millisievert in the skin, averaged over any 1 square centimetre of the skin, regardless of the total area exposed.
- (5) The Minister may, on application by a specified employer, if satisfied that special circumstances exist, grant the specified employer permission to exceed the annual effective dose limit prescribed by subregulation (3) or (4) subject to a condition that the specified employer does not expose, or cause, suffer or permit the exposure of, an unborn child referred to in subregulation (3) or a member of the public (as the case may require) to an annual effective dose exceeding 1 millisievert averaged over a period of 5 consecutive years.

- (6) In calculating doses for the purposes of this regulation, the following must be disregarded:
- (a) except where directed otherwise by the Minister—doses received by a person due to natural background radiation that has not been technologically enhanced;
  - (b) doses received by a person participating as a volunteer in medical research approved by the Minister under regulation 44;
  - (c) doses received by a person as a patient for the purposes of diagnosis or treatment;
  - (d) doses received by a person (other than a radiation worker) who knowingly and willingly supports a patient undergoing an exposure for the purposes of diagnosis or treatment;
  - (e) doses received by a person as a result of an emergency exposure.
- (7) A specified employer must not contravene or fail to comply with a condition imposed on a permission granted by the Minister to the specified employer under this regulation.

### **Division 3—Radiation safety officers**

#### **14—Appointment of radiation safety officers**

- (1) A person must, within 3 months of becoming a specified employer, appoint a person to be a radiation safety officer.
- (2) A specified employer must appoint a radiation safety officer in respect of each separate establishment—
  - (a) at which the specified employer carries on any operation for the mining or milling of radioactive ore; or
  - (b) of which the specified employer is a registered occupier; or
  - (c) at which the specified employer employs a radiation worker.
- (3) A specified employer must not appoint a person to be a radiation safety officer unless that person has detailed knowledge of the principles and practices of all aspects of radiation protection applicable to the activities carried out by the specified employer at the establishment in respect of which the radiation safety officer is appointed.
- (4) A specified employer must not appoint a person to be an assistant radiation safety officer unless that person has detailed knowledge of the principles and practices of all aspects of radiation protection applicable to those activities of the specified employer in respect of which the person is to assist the radiation safety officer.
- (5) A specified employer must, within 7 days of appointing a radiation safety officer or assistant radiation safety officer, serve on the Minister a notice in writing setting out—
  - (a) the full name and date of birth of the person appointed; and
  - (b) the business and residential address of the person appointed and full contact details at those addresses; and
  - (c) details of the educational qualifications of the person appointed; and
  - (d) details of any formal training in radiation protection undergone by the person appointed; and
  - (e) details of the practical experience in radiation protection of the person appointed; and

- (f) in the case of the appointment of an assistant radiation safety officer—details of the activities of the specified employer in respect to which the assistant radiation safety officer will assist the radiation safety officer.
- (6) Subregulation (5) does not apply to a specified employer who—
  - (a) holds a licence under section 28 or 31 of the Act; and
  - (b) is the only person so licensed working at the establishment under his or her control; and
  - (c) is the radiation safety officer for that establishment.
- (7) If, after a specified employer gives notice to the Minister under subregulation (5)—
  - (a) any information contained in that notice relating to the radiation safety officer or an assistant radiation safety officer changes; or
  - (b) the specified employer becomes aware of additional information relating to the radiation safety officer or assistant radiation safety officer,

and such changed or additional information is of a kind that the specified employer would have been required by these regulations to have included in the notice had he or she known of it at the time the notice was served, the specified employer must, within 14 days of becoming aware of the changed or additional information, serve on the Minister a notice in writing that complies with subregulation (5).

#### **15—Duties of radiation safety officer**

The duties of a radiation safety officer appointed by a specified employer are—

- (a) to assist the specified employer in complying with the requirements of the Act and these regulations; and
- (b) to advise the specified employer on all aspects of radiation safety applicable to the activities carried out by the specified employer; and
- (c) to perform the duties imposed upon a radiation safety officer by these regulations.

#### **16—Specified employer to make certain things available to radiation safety officer**

A specified employer must make available to a radiation safety officer appointed by the specified employer such equipment, time and assistance, including such assistant radiation safety officers, as are necessary to enable the radiation safety officer to satisfactorily perform his or her duties under these regulations.

### **Division 4—Monitoring**

#### **17—Specified employer to issue personal monitoring device to radiation worker**

- (1) A specified employer must issue to each radiation worker employed by him or her an approved personal monitoring device or devices for detecting and measuring a time integrated exposure to ionising radiation, so that each radiation worker has such a device or devices on issue to the worker at all times while he or she is at his or her place of employment.

- (2) If the type of ionising radiation emitted by a source of ionising radiation is of such a nature that there is no approved personal monitoring device for measuring a person's exposure to that type of radiation, the specified employer must—
  - (a) immediately advise the Minister accordingly and set out the arrangements the specified employer proposes to make to monitor the exposure to ionising radiation of persons employed by him or her; and
  - (b) make such arrangements as the Minister directs in writing for the monitoring of that type of radiation and for the calculation of personal exposures from that monitoring.
- (3) A specified employer who issues a personal monitoring device to a radiation worker must give to the radiation worker—
  - (a) instructions; or
  - (b) if directed in writing by the Minister—instructions approved by the Minister, on the wearing, operation or use of the personal monitoring device.
- (4) A radiation worker to whom a personal monitoring device is issued must wear, operate or use, as the case requires, the personal monitoring device—
  - (a) in accordance with any instructions or approved instructions given to the worker under subregulation (3); and
  - (b) whenever the worker is likely to be exposed to ionising radiation as a result of his or her employment.
- (5) A specified employer who has issued to a radiation worker a personal monitoring device must, whenever it is necessary for the device to be examined or processed—
  - (a) cause the device to be examined or processed, as the case requires; and
  - (b) cause the effective dose to be calculated and recorded,by such persons, in such manner and at such times as are approved by the Minister.
- (6) A specified employer who issues a personal monitoring device to a radiation worker must not subsequently issue the same device to any other person unless the dose measured by the device has been assessed and recorded.
- (7) A radiation worker must not permit any other person to wear, operate or use a personal monitoring device issued to him or her during the period for which it is so issued.

**18—Minister's power to direct specified employer to place monitoring equipment on premises where radiation worker employed**

- (1) A specified employer must, if directed in writing by the Minister to do so, place on any premises at which any radiation worker is employed by him or her, from time to time in accordance with that direction, approved equipment or devices for detecting and measuring ionising radiation for the purpose of monitoring the presence and amounts of ionising radiation on those premises.
- (2) A person who has placed approved equipment or devices in accordance with a direction given under subregulation (1) must, whenever it is necessary for the approved equipment or devices to be examined, or for any film or other substance used to detect ionising radiation in the device to be processed in order to ascertain the amount of radiation present on the premises concerned, cause the approved equipment or devices to be examined, or that film or substance to be processed or changed, and the amount of ionising radiation detected to be measured, in such manner, by such persons and at such times as the Minister directs in writing.

### **19—Minister's power to direct specified employer to place monitoring equipment on affected premises**

- (1) If any premises are in proximity to any other premises at which an activity is carried on by a specified employer involving the use or handling of a source of ionising radiation and the Minister is of the opinion that the first-mentioned premises (the *affected premises*) are likely to be affected by ionising radiation emanating from the second-mentioned premises, the Minister may, by notice in writing—
  - (a) direct the specified employer to place on the affected premises, from time to time, in accordance with such direction, approved equipment or devices for detecting and measuring ionising radiation for the purpose of monitoring the presence and amounts of ionising radiation on the affected premises; and
  - (b) direct the owner of the affected premises to permit the specified employer to enter into and on the affected premises from time to time and to place on the affected premises in accordance with that direction approved equipment or devices for detecting and measuring ionising radiation for the purpose of monitoring the presence and amounts of ionising radiation on the affected premises.
- (2) A person who has placed approved equipment or devices in accordance with a direction given under subregulation (1) must, whenever it is necessary for the approved equipment or devices to be examined, or for any film or other substance used to detect ionising radiation in the device to be processed in order to ascertain the amount of radiation present on the premises concerned, cause the approved equipment or devices to be examined, or that film or substance to be processed or changed, and the amount of ionising radiation detected to be measured, in such manner, by such persons and at such times as the Minister directs in writing.
- (3) The owner of any affected premises on which a specified employer has placed approved equipment or devices under this regulation must permit the specified employer to enter into and on the affected premises at all reasonable times so as to enable the specified employer to comply with subregulation (2).

### **20—Minister's power to approve monitoring devices**

- (1) The Minister may, by notice in the Gazette, approve a specified monitoring device or kind or class of monitoring device to be an approved monitoring device for the purposes of this Division.
- (2) The Minister may, by notice in writing served on the person to whom the notice is addressed, give such directions and indicate such approvals as are referred to in this Division.

## **Division 5—Records, reports and investigations**

### **21—Specified employer to keep personal radiation exposure record for each radiation worker**

- (1) A specified employer must immediately establish a personal radiation exposure record in respect of each radiation worker employed by him or her.
- (2) A specified employer must maintain the record and keep it up to date at all times.
- (3) A specified employer must, immediately after establishing a personal exposure record, inform the radiation worker that the record has been established and is being maintained.

- (4) A specified employer must allow each radiation worker to have access to his or her own personal radiation exposure record.
- (5) A specified employer must not destroy or dispose of a personal radiation exposure record except—
  - (a) in accordance with an approval given by the Minister; or
  - (b) in the case of disposal—if the record is transferred to another specified employer under regulation 24.
- (6) A personal radiation exposure record must contain the following information:
  - (a) the full name, sex and date of birth of the radiation worker;
  - (b) the current home address of the radiation worker, and if no longer employed by the specified employer his or her last known home address;
  - (c) the date of commencement of employment (and if applicable the date of cessation) as a radiation worker;
  - (d) the kind of work performed by the radiation worker;
  - (e) details of the types of ionising radiation to which the radiation worker may have been exposed as a result of his or her work, including information about radioactive substances in unsealed form (if any) to which the radiation worker may have been exposed;
  - (f) the monitoring devices worn by the radiation worker;
  - (g) the results of monitoring the levels of radiation exposure of the radiation worker in accordance with these regulations, and the conditions, if any, on the authority of the specified employer, indicating—
    - (i) the measurement periods of such monitoring, the result for each period, and the cumulative result since the beginning of the calendar year; and
    - (ii) the cumulative result for each calendar year; and
    - (iii) the cumulative result for previous calendar years and the calendar year being recorded.

## **22—Alteration of personal radiation exposure records**

If an entry has been made in a personal radiation exposure record relating to the levels of radiation exposure received by a radiation worker, a person must not change the entry unless the change—

- (a) is to correct an arithmetical error or transcription error; or
- (b) is made following a report signed by the radiation safety officer stating that the entry to be changed does not accurately record the levels of radiation exposure received by the worker and the Minister has received the report and approved of the change to be made.

## **23—Confidentiality of personal radiation exposure records**

A person must not disclose to another person information contained in a personal radiation exposure record established under this Division unless—

- (a) to do so is a normal part of his or her duties as an employee; or
- (b) being a specified employer, the person does so in order to comply with these regulations; or

- (c) the disclosure is authorised by the radiation worker to whom the record relates; or
- (d) the disclosure is approved by the Minister; or
- (e) the disclosure is authorised by law; or
- (f) the disclosure is in the form of statistical or other information that could not reasonably be expected—
  - (i) to identify any particular radiation worker; or
  - (ii) to relate to any particular radiation worker.

#### **24—Specified employer to make certain enquiries before radiation worker commences duties**

- (1) A specified employer who employs a person as a radiation worker must, before the person first commences duties as a radiation worker, ask the person whether or not he or she has been employed previously as a radiation worker.
- (2) If a specified employer makes enquiries of a radiation worker under subregulation (1), the radiation worker must—
  - (a) confirm whether or not he or she has been employed previously as a radiation worker; and
  - (b) if he or she has been so employed—supply details of that employment.
- (3) If a specified employer discovers that a radiation worker has been employed previously as a radiation worker, the specified employer must request the former employer of the worker to supply the specified employer with any personal radiation exposure record that is in the former employer's possession and relates to that worker.
- (4) A former employer must immediately comply with a request made under subregulation (3).

#### **25—Specified employer to maintain records of certain measurements**

- (1) A specified employer who receives a direction from the Minister under regulation 18 or 19 must maintain records of all measurements made by him or her in accordance with the direction.
- (2) The records maintained under subregulation (1) must contain—
  - (a) the type of measurements made; and
  - (b) the times and places at which the measurements were made; and
  - (c) the results of the measurements; and
  - (d) details of the instruments and methods used to make the measurements; and
  - (e) details of the calibration of the radiation monitoring equipment used to make the measurements; and
  - (f) such additional information relating to the matters referred to in paragraphs (a) to (e) as the Minister may, by notice in writing given to the specified employer, direct the specified employer to make.
- (3) The Minister may, by notice in writing served on a specified employer, require the employer to record such additional information on the records as is referred to in subregulation (2)(f).
- (4) A specified employer must not destroy or dispose of any records kept under this regulation except with the approval of the Minister.

- (5) A specified employer must, if directed in writing to do so by the Minister, supply the Minister with a copy of any record kept by the employer under this regulation.

## **26—Specified employer to investigate exposure of radiation workers to certain ionising radiation doses**

- (1) If a radiation worker's cumulative effective dose received from ionising radiation in any calendar year exceeds a value (in millisievert) of 0.5 multiplied by n, where "n" is the number of months since the beginning of the calendar year for which data are available, the specified employer must cause an investigation to be carried out immediately to ascertain whether the exposure of the worker to ionising radiation is in accordance with the general objective.
- (2) If an investigation is carried out under this regulation, the person carrying out the investigation must—
  - (a) compile a written report of the investigation made by him or her; and
  - (b) hand the report to the specified employer immediately after it is completed.
- (3) If—
  - (a) subregulation (1) applies to more than 1 radiation worker; and
  - (b) all such radiation workers are employed in circumstances that are similar as to radiation exposure and the methods by which such exposure is controlled,

then, for the purposes of this regulation, all of those radiation workers will be regarded as a class, and it will be sufficient compliance with this regulation if there is 1 investigation and a report of that investigation, both of which relate to the radiation workers of the class.

- (4) If a radiation worker's cumulative effective dose received from ionising radiation in any calendar year exceeds a value of n in millisievert (where "n" is the number of months since the beginning of the calendar year for which data are available), the specified employer must immediately give the Minister a notice in writing informing the Minister of that fact.
- (5) For the purposes of this regulation, the effective dose received by a radiation worker from ionising radiation will be taken to be the dose as measured by a personal monitoring device or devices worn in accordance with regulation 17.

## **Division 6—Radiation incidents, radiation accidents and radiation emergencies**

### **27—Radiation worker to report radiation incident involving worker**

- (1) A radiation worker who is involved in a radiation incident during the course of his or her employment must, as soon as is reasonably practicable after the incident, give the specified employer a report in writing that—
  - (a) sets out in full the details of the radiation incident including the probable cause, the length of time the source of ionising radiation was temporarily out of control, and the extent of any dispersal of any radioactive substance; and
  - (b) is signed by the radiation worker.
- (2) If more than 1 radiation worker is involved in a radiation incident it is not necessary for each radiation worker to report the incident, provided that a report is made in accordance with this regulation and each of the radiation workers involved in the incident has assisted in compiling the report and each of them has signed the report.



**28—Specified employer to investigate reported radiation incidents**

- (1) A specified employer must—
  - (a) immediately investigate all radiation incidents reported to him or her under regulation 27; and
  - (b) maintain a register of radiation incidents.
- (2) A specified employer who receives a report of a radiation incident under regulation 27 must immediately enter in the register of radiation incidents—
  - (a) the date, time and place of the incident; and
  - (b) the name of any radiation worker involved in the incident; and
  - (c) full details of the incident, including the probable cause, the length of time the source of ionising radiation was temporarily out of control, the extent of any dispersal of any radioactive substance that may have occurred and the name of any person involved; and
  - (d) the result of any investigation undertaken in respect of the incident; and
  - (e) details of any steps that have been taken to minimise the possibility of any further incident occurring.

**29—Radiation worker to report radiation accident involving worker**

- (1) A radiation worker who is involved in a radiation accident during the course of his or her employment must as soon as is reasonably practicable report the accident to—
  - (a) the radiation safety officer; and
  - (b) the specified employer.
- (2) For the purposes of this regulation—
  - (a) a report to the radiation safety officer may be made orally and must include full details of the radiation accident including the time and place it occurred, the probable cause, possible effects and the name of any person likely to have been affected by it;
  - (b) a report to the specified employer must be in writing and be signed by the radiation worker and must contain—
    - (i) full details of the accident indicating the time the source of ionising radiation was out of control, and the extent of any dispersal of any radioactive substance; and
    - (ii) the time it was reported to the radiation safety officer; and
    - (iii) the probable cause of the accident.
- (3) If more than 1 radiation worker is involved in a radiation accident it is not necessary for each radiation worker to report the accident to the radiation safety officer, provided that 1 of the radiation workers makes a report and the other radiation workers know or have reasonable cause to believe that such a report has been made.
- (4) If more than 1 radiation worker is involved in a radiation accident it is not necessary for each radiation worker to report the accident to the specified employer, provided that a report is made to the specified employer in accordance with this regulation and each of the radiation workers involved in the accident has assisted in compiling the report and each of them has signed the report.

**30—Specified employer to investigate reported radiation accidents**

- (1) A specified employer must—
  - (a) immediately investigate all radiation accidents reported to him or her under regulation 29; and
  - (b) maintain a register of radiation accidents.
- (2) The investigation referred to in subregulation (1) must include the making of estimates of any equivalent doses that may have been received by any person.
- (3) A specified employer who receives a report of a radiation accident under regulation 29 must immediately enter in the register of radiation accidents—
  - (a) the date, time and place of the accident; and
  - (b) the name of any radiation worker involved in the accident; and
  - (c) full details of the accident including the length of time the source of ionising radiation was out of control, the extent of any dispersal of any radioactive substance, the estimate of equivalent doses received by any person, the time it was reported to the radiation safety officer and the probable cause; and
  - (d) the result of any investigation undertaken in respect of the accident; and
  - (e) details of steps taken to minimise the possibility of any similar accident occurring in the future.
- (4) A specified employer must, within 7 days of making an entry in the register of radiation accidents under subregulation (3), serve a copy of the entry on the Minister.

**31—Specified employer to report radiation emergencies etc to Minister**

- (1) This regulation applies to the following kinds of events:
  - (a) radiation emergencies;
  - (b) radiation accidents in which control is not fully regained;
  - (c) loss or theft of any apparatus;
  - (d) loss or theft of any radioactive substance with an activity in excess of the following amounts:
    - (i) for group 1 radionuclides—50 kilobecquerels;
    - (ii) for group 2 radionuclides—500 kilobecquerels;
    - (iii) for group 3 radionuclides—5 megabecquerels;
    - (iv) for group 4 radionuclides—50 megabecquerels;
  - (e) damage to any sealed radioactive source resulting in leakage or suspected leakage of its contents.
- (2) If an event of a kind to which this regulation applies occurs, a specified employer must, as soon as is reasonably practicable after becoming aware of the event, give or cause to be given to the Minister a report of the event.
- (3) A report may be given orally.
- (4) A report must contain as much detail of the event as is known to the specified employer.

- (5) If a written report is made to a specified employer under regulation 29, the specified employer must, within 7 days of receiving the report, serve on the Minister a copy of the report.

### **32—Specified employer to prepare contingency plans**

- (1) A specified employer must, in respect of every kind of operation carried out by him or her that involves the use, handling, storage or disposal of any radioactive substance, prepare in respect of that operation a contingency plan.
- (2) A contingency plan must be prepared before the commencement of the kind of operation to which it relates.
- (3) A contingency plan must—
  - (a) take into account every radiation accident and radiation emergency that is reasonably foreseeable; and
  - (b) contain specific instructions as to how each such accident and emergency is to be dealt with, paying particular regard as to how control may be restored and the exposure of persons may be kept to a minimum; and
  - (c) be incorporated into the radiation safety manual prepared in accordance with regulation 10.
- (4) A specified employer must provide the equipment and facilities (including any monitoring instrument, detector or alarm) that is necessary for the effective operation of the contingency plan.
- (5) If a specified employer discovers that any monitoring instrument, detector, or alarm that is required by subregulation (4) is not in correct working order, the specified employer must immediately replace it by a monitoring instrument, detector, or alarm that is in correct working order.
- (6) The Minister may, by notice in writing given to a specified employer, require the specified employer to supply to the Minister a copy of any contingency plan that the employer has prepared under this regulation.
- (7) A specified employer must not fail to comply with a notice given by the Minister on the specified employer under subregulation (6).

## **Division 7—Medical examinations**

### **33—Minister's power to direct radiation worker to undergo medical examination**

- (1) The Minister may, by notice in writing served on a specified employer, direct a specified employer to undergo or to cause a radiation worker employed by him or her to undergo a medical examination to be conducted in accordance with the notice.
- (2) The notice must specify—
  - (a) the name of the person to be examined; and
  - (b) the purpose for which the examination is to be carried out; and
  - (c) the nature and content of the examination; and
  - (d) the period within which the examination is to be carried out.
- (3) A specified employer who is served with a notice under subregulation (1) that relates to a radiation worker employed by him or her must—
  - (a) inform the radiation worker that he or she has been served with such a notice; and

- (b) request the radiation worker to undergo the medical examination; and
  - (c) arrange for the radiation worker to undergo the medical examination; and
  - (d) organise the radiation worker's duties so that the radiation worker is able to undergo the medical examination.
- (4) If a specified employer—
- (a) informs a radiation worker that he has been served with a notice under subregulation (1) that relates to that radiation worker; and
  - (b) requests the radiation worker to undergo the medical examination as required by the notice; and
  - (c) arranges for the radiation worker to undergo the medical examination; and
  - (d) organises the radiation worker's duties so that he is able to undergo the medical examination,
- the radiation worker must undergo the medical examination as required by the notice.
- (5) If a specified employer is directed by notice under subregulation (1) to undergo a medical examination, the specified employer must undergo the examination as required by the notice.

### **34—Conduct of medical examination**

- (1) A medical examination must be carried out in accordance with the notice referred to in regulation 33.
- (2) The medical practitioner who carries out a medical examination must prepare a report of his or her findings.

### **35—Employer of designated employee to make arrangements for employee to undergo required medical examinations**

- (1) A person who employs a designated employee must make such arrangements as are necessary for the employee to undergo a medical examination conducted in accordance with this Division—
  - (a) within a period of 6 months prior to the date on which he or she commences employment or within a period of 4 weeks after that date; and
  - (b) at intervals during the period of his or her employment not longer than 2 years apart; and
  - (c) on the date on which the employee ceases employment or within a period of 4 weeks after that date unless the employee had undergone a medical examination conducted in accordance with this Division within the period of 6 months immediately preceding the date on which his or her employment ceased.
- (2) If the employer of a designated employee makes an arrangement for the employee to undergo a medical examination to be conducted in accordance with this Division, the employer must inform the designated employee of the arrangements he or she has made, and the employee must comply with the arrangement.
- (3) If a medical examination of a designated employee is conducted, a questionnaire for uranium industry workers in the form of Schedule 5 Form 1 must be completed in respect of that employee.

- (4) A person to be examined under subregulation (1)(a) must—
  - (a) as far as he or she is able to do so—complete Parts 1, 2 and 3 of the questionnaire under the heading "TO BE COMPLETED BY YOU"; and
  - (b) hand the completed questionnaire to the examining medical practitioner.
- (5) A person to be examined under subregulation (1)(b) or (c) must—
  - (a) as far as he or she is able to do so—complete Parts 1, 2 and 4 of the questionnaire under the heading "TO BE COMPLETED BY YOU"; and
  - (b) hand the completed questionnaire to the examining medical practitioner.
- (6) The examining medical practitioner must peruse the questionnaire in the presence of the person to be examined, and complete that part of the questionnaire under the heading "TO BE COMPLETED BY THE EXAMINING DOCTOR".

### **36—Duties of medical practitioner carrying out medical examination**

- (1) A medical practitioner who carries out a medical examination under this Division must send—
  - (a) in the case of an examination conducted under regulation 35—a copy of the questionnaire completed by the medical practitioner and by the person examined; or
  - (b) in the case of an examination conducted under regulation 33—a copy of the report prepared by the medical practitioner,to the person examined, the employer of the person examined and the Minister.
- (2) A medical practitioner must send the copies of the questionnaire or report within 21 days of completing the medical examination.
- (3) A medical practitioner who wilfully contravenes or fails to comply with this regulation is guilty of an offence.

### **37—Specified employer to retain and keep confidential reports etc relating to medical examinations**

- (1) If a copy of a report or questionnaire prepared in accordance with this Division is received by a specified employer he or she must retain it for as long as the person examined is employed by him or her.
- (2) A specified employer or employee of a specified employer must not reveal the contents of such a report or questionnaire except to the person examined or an officer or employee of the Department.

### **38—Costs of medical examination to be borne by specified employer**

The cost of a medical examination conducted in accordance with this Division and of any report supplied on the examination must be borne by the specified employer—

- (a) if the specified employer is the person examined; or
- (b) if the specified employer is the employer of the person examined.

## Part 3—Irradiation of humans for diagnostic, therapeutic or research purposes

### Division 1—Diagnostic and therapeutic purposes

#### 39—Prohibition on unauthorised exposure to ionising radiation

A person must not expose himself or herself or any other person to ionising radiation for the purposes of diagnosis or treatment unless the exposure has first been authorised in accordance with this Division.

#### 40—Persons who may authorise exposure to ionising radiation

An exposure to ionising radiation for a purpose set out below may be authorised by a person of a class set out opposite.

<u>Purpose</u>	<u>Person who may authorise</u>
Diagnostic radiography or purposes associated with treatment	Medical practitioner
Diagnostic radiography of the dento-maxillofacial region and of the hand and wrist	Dentist
Diagnostic radiography of the spine, pelvis or limbs distal to and including the shoulder or hip but not involving tomography, fluoroscopy or the use of contrast media	Chiropractor
Plain intra-oral diagnostic radiography of the teeth	Dental hygienist Dental therapist
Nuclear medicine diagnosis and therapy	Specialist nuclear medicine physician Specialist paediatric nuclear medicine physician Specialist in nuclear medicine
Radiation therapy	Specialist medical oncologist Specialist paediatric medical oncologist Specialist radiation oncologist
Radiation therapy of disorders of the skin	Specialist dermatologist
Diagnostic radiography of the lower limbs distal to the knee (other than by fluoroscopy or the use of contrast media)	Podiatrist
Ophthalmic brachytherapy	Specialist ophthalmologist
Diagnostic radiography (by plain radiography) of the musculo-skeletal system to be interpreted by a radiologist	Physiotherapist
Diagnostic radiography (by plain radiography)	Oral and maxillofacial surgeon

#### 41—Authorisation

- (1) Subject to this regulation, an authorisation under this Division must—
  - (a) be in writing; and
  - (b) contain details of the examination or treatment that is to be authorised; and

- (c) contain the clinical indications for the examination or treatment; and
  - (d) be signed by the person giving the authorisation; and
  - (e) be given before the examination or treatment that is the subject of the authorisation has been given.
- (2) An authorisation under this Division is not required if the person who carries out the examination or treatment is a person who may lawfully authorise the examination or treatment under this Division.
- (3) An authorisation under this Division is not required to comply with subregulation (1)(a), (b), (c) and (d) if the examination or treatment is given in an emergency.
- (4) If an authorisation under this Division is given in accordance with subregulation (3), the person who gave the authorisation must confirm the authorisation within 24 hours of giving the authorisation and the confirmation must—
- (a) be in writing; and
  - (b) contain details of the examination or treatment that had been authorised; and
  - (c) contain the clinical indications for the examination or treatment; and
  - (d) be signed by the person who gave the authorisation.

#### **42—Duties of persons giving authorisation and carrying out treatment to make records**

- (1) A person who authorises the exposure of a person to ionising radiation for the purposes of radiation therapy must, immediately after giving the authorisation make a record containing the following information:
- (a) the full name, date of birth and residential address of the person to be treated;
  - (b) the type of ionising radiation to be given as treatment;
  - (c) the date on which treatment was authorised;
  - (d) the equivalent doses to be given;
  - (e) details of the organs and tissues (or anatomical regions) to be given those equivalent doses;
  - (f) the indications for the treatment.
- (2) A person carrying out a treatment referred to in subregulation (1) must, immediately after carrying out that treatment—
- (a) enter in the record—
    - (i) the date on which the treatment was carried out; and
    - (ii) full details of the treatment factors and parameters actually employed to deliver the dose to the patient; and
  - (b) sign the entry immediately after it has been made.
- (3) A person must not destroy or dispose of a record made under this regulation except as is approved by the Minister.

## **Division 2—Research purposes**

### **43—Interpretation**

In this Division—

*research* means *in vivo* research the subject of which is a human being and during the course of which that human being is exposed to ionising radiation which he or she would not have received but for the research.

### **44—Prohibition on certain research without Minister's approval**

- (1) A person must not—
  - (a) undertake any research without the prior approval of the Minister; or
  - (b) expose himself or herself or any other person to ionising radiation in the course of research unless—
    - (i) the research has been approved by the Minister; and
    - (ii) the person to be exposed has given his or her consent in writing to being so exposed.
- (2) An application for approval must be made in writing and set out—
  - (a) full details of the research that the applicant intends to undertake; and
  - (b) the reasons why it is necessary to expose a person to ionising radiation for the purposes of the research; and
  - (c) the number of persons who may be exposed to ionising radiation in the course of the research; and
  - (d) the extent to which the persons may be exposed; and
  - (e) the possible benefits of the research to the community; and
  - (f) the steps the applicant intends to take to monitor the levels of ionising radiation to which persons may be exposed; and
  - (g) the precautions that the applicant will be taking to keep such exposure to a minimum.
- (3) In considering whether to approve an application under this regulation, the Minister must have regard to—
  - (a) the levels of ionising radiation to which any person may be exposed; and
  - (b) the number of persons who may be exposed; and
  - (c) the steps to be taken by the applicant to monitor radiation levels; and
  - (d) the steps to be taken by the applicant to keep such exposure to a minimum; and
  - (e) the purpose of the research; and
  - (f) the possible benefits of the research to the community; and
  - (g) the risk, if any, to the health of the community that may be caused by the research; and
  - (h) the general objective.



## **Part 4—Ionising radiation apparatus**

### **Division 1—Sale or disposal of apparatus**

#### **45—Application of Division**

This Division applies to a business during the course of which apparatus is sold, installed or maintained.

#### **46—Duty to give Minister notice before selling, installing or maintaining apparatus in course of business**

A person must not carry on a business to which this Division applies unless he or she has served on the Minister a notice in writing that—

- (a) contains the full name and address of the person carrying on the business or, in the case of a company, the name of the company and the address of its registered office; and
- (b) states whether it is intended to hold a stock of apparatus, and if so, what kind of apparatus is likely to be held, where it is likely to be held and in what quantities; and
- (c) states whether any apparatus that is likely to be held in stock is likely to be operable; and
- (d) states whether any person (whether the person carrying on the business or his or her employees) is likely to be called on to operate any apparatus in the course of carrying on the business; and
- (e) if apparatus is likely to be sold during the course of carrying on the business—contains a statement setting out full details of the kind of apparatus that is likely to be sold.

#### **47—Duty to give Minister notice of defective apparatus sold or installed**

- (1) If, during the course of carrying on a business to which this Division applies, a person sells or installs apparatus and after the sale or installation becomes aware that—
  - (a) the apparatus he or she has sold or installed has a defect; or
  - (b) apparatus of the same class or kind as the apparatus he or she has sold or installed has a defect,

the person must, within 7 days of becoming aware of the defect, serve on the Minister a notice in writing that contains the following information:

- (c) details of the defect;
  - (d) the class or kind of apparatus affected by the defect;
  - (e) the likely effects of the defect;
  - (f) details of the steps the person is taking or intends to take to rectify the defect.
- (2) In this regulation—

*defect* means a fault in the design or construction of the apparatus that is likely to increase the dose of ionising radiation that may be received by a person from the apparatus.

- (3) A person who contravenes or fails to comply with this regulation is guilty of a minor indictable offence.

Maximum penalty: \$50 000 or imprisonment for 5 years.

#### **48—Duty to notify Minister of changes etc to information supplied about defective apparatus sold or installed**

If a person who serves a notice on the Minister under regulation 47 becomes aware of—

- (a) a change in any information he or she has supplied; or
- (b) additional information relating to the information supplied,

the person must, within 7 days of becoming aware of the changed or additional information, serve on the Minister a further notice in writing setting out in full the details of the change to or information additional to the information supplied.

#### **49—Minister's power to require further information**

- (1) If a person has served a notice or supplied information to the Minister in accordance with this Division, the Minister may require the person, by notice in writing, to supply such additional information as the Minister thinks fit.
- (2) A person must comply with the requirements of a notice under subregulation (1) within 28 days of service of the notice.

#### **50—Duties of person receiving order for sale of apparatus**

If a person who carries on a business to which this Division applies receives an order for the sale of any apparatus, the person must, if he or she intends to accept the order, serve on the person making the order—

- (a) a notice in the form of Schedule 5 Form 2; and
- (b) an application form in the form of Schedule 5 Form 3.

#### **51—Duty to notify Minister of sale of portable or mobile apparatus**

If a person who carries on a business to which this Division applies delivers to another person a portable or mobile apparatus, the person must, within 7 days of the delivery, serve on the Minister a notice in writing containing—

- (a) the name of the person selling the apparatus; and
- (b) the name of the person to whom the apparatus has been sold; and
- (c) a statement setting out the make, model, class or kind of apparatus that has been sold, and the address to which it has been delivered.

#### **52—Duty to notify Minister of intention to install fixed apparatus**

If a person who carries on a business to which this Division applies intends to install any fixed apparatus, the person must, at least 7 days before commencing the installation, serve on the Minister a notice in writing containing—

- (a) the name of the person selling the apparatus; and
- (b) the name of the person to whom the apparatus has been sold; and
- (c) a statement setting out the make, model, class or kind of apparatus that has been sold and the address at which it will be installed.

**53—Duty to notify Minister of sale or replacement of certain components of apparatus**

If a person who carries on a business to which this Division applies sells or replaces—

- (a) the X-ray tube housing in a medical, dental or veterinary apparatus; or
- (b) the high voltage generator in a medical, dental or veterinary apparatus; or
- (c) the high voltage generator, tube housing or sample changer in an X-ray analysis apparatus,

the person must, within 7 days of carrying out the sale or replacement, serve on the Minister a notice in writing—

- (d) identifying the owner of the apparatus; and
- (e) containing the address at which the apparatus is located; and
- (f) containing details of the make and model of the components sold or replaced.

**54—Duty to notify Minister of sale or disposal of apparatus**

If a person who does not carry on a business to which this Division applies sells or otherwise disposes of any apparatus the person must, within 14 days of the sale or disposal, serve on the Minister a notice in writing containing a statement setting out—

- (a) the name and address of the person making the sale or disposal; and
- (b) the registration number of the apparatus sold or disposed of; and
- (c) the date of the sale or disposal; and
- (d) the manner of the sale or disposal; and
- (e) the name and address of the person to whom the apparatus was sold.

**55—Certain apparatus to be made inoperable before sale or disposal**

- (1) A person who sells or otherwise disposes of apparatus and believes on reasonable grounds that the apparatus will not be operated after the sale or disposal must make the apparatus incapable of operation before he or she sells or otherwise disposes of it.
- (2) For the purposes of this regulation, apparatus is incapable of operation if it would require specialist knowledge to make it operable.

**Division 2—Licence to operate apparatus****56—Licences to operate radiation apparatus (section 31 of Act)—prescribed classes of apparatus and persons and prescribed form**

- (1) For the purposes of section 31(2) of the Act the following classes of apparatus are prescribed:
  - (a) apparatus to which these regulations do not apply by virtue of regulation 5;
  - (b) closed cabinet X-ray equipment for the examination of letters, packages, baggage, freight and other articles that has been designed and constructed so as to prevent a person entering the cabinet while the equipment is being put to its normal use.
- (2) For the purposes of section 31(2) of the Act, the following classes of persons are prescribed:
  - (a) persons who operate apparatus according to the instructions of a veterinary surgeon who—

- (i) holds a licence under section 31 of the Act; and
  - (ii) is present in the room or other place in which the apparatus is located; and
  - (iii) is not able to operate the apparatus himself or herself by reason of the nature of the radiological examination being carried out;
- (b) persons who operate any enclosed X-ray analysis apparatus, but only when the interlocked barriers are in place and who operate such apparatus under the directions of a person who holds a licence under section 31 of the Act;
- (c) persons who operate for the purposes of industrial radiography an apparatus that is located in a fully protected enclosure, and who operate that apparatus under the directions of a person who holds a licence under section 31 of the Act.
- (3) For the purposes of section 31(3a)(b) of the Act, the form set out in Schedule 5 Form 3 is prescribed.

### **57—Licences to operate radiation apparatus (section 31 of Act)—prescribed qualifications**

For the purposes of section 31(4)(b)(i) of the Act, the qualifications listed below are prescribed in relation to the operations listed opposite.

<b>Operations</b>	<b>Qualifications</b>
The practice of diagnostic radiography	<ul style="list-style-type: none"> <li>(a) a Diploma of Qualification as a diagnostic radiographer, or the Certificate of Competence in diagnostic radiography, issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australian Institute of Radiography; or</li> <li>(b) a Statement of Accreditation as a diagnostic radiographer issued by the Australian Institute of Radiography.</li> </ul>
Diagnostic radiography in the practice of radiology	Registration as a specialist radiologist in the field of diagnostic radiology.
Diagnostic radiography (except fluoroscopy or tomography) in the practice of medicine	Successful completion of a course or examination on diagnostic radiography to the satisfaction of the Minister.
Diagnostic radiography in the practice of chiropractic	Registration as a chiropractor and successful completion of a course or examination on chiropractic diagnostic radiography to the satisfaction of the Minister.

<b>Operations</b>	<b>Qualifications</b>
Diagnostic radiography in the practice of dentistry	<ul style="list-style-type: none"> <li>(a) registration as a dentist, dental hygienist or dental therapist; or</li> <li>(b) registration as a dental radiologist, dento-maxillofacial radiologist or oral and maxillofacial radiologist; or</li> <li>(c) successful completion of the nationally recognised— <ul style="list-style-type: none"> <li>(i) HLT07 Dental Radiography skill set that provides credit towards HLT43007 Certificate IV in Dental Assisting; or</li> <li>(ii) HLT40702 Certificate IV in Dental Assisting (Dental Radiography).</li> </ul> </li> </ul>
Diagnostic radiography in the practice of veterinary science	Registration as a veterinary surgeon.
The practice of radiation oncology	Registration as a specialist medical oncologist, specialist paediatric medical oncologist or specialist radiation oncologist.
The practice of radiation therapy	<ul style="list-style-type: none"> <li>(a) a Diploma of Qualification as a therapy radiographer, or the Certificate of Competence in therapeutic radiography, issued by the Conjoint Board of the Royal Australasian College of Radiologists and the Australian Institute of Radiography; or</li> <li>(b) a Statement of Accreditation as a radiation therapist issued by the Australian Institute of Radiography.</li> </ul>

### **58—Licence holder to notify Minister of change of address for service**

If the address for service of a holder of a licence granted under section 31 of the Act is changed, the holder of the licence must, within 14 days of the change, serve on the Minister notice in writing setting out the new address for service.

## **Division 3—Registration of apparatus**

### **59—Registration of radiation apparatus (section 32 of Act)—prescribed classes of apparatus**

For the purposes of section 32(3) of the Act, the following classes of apparatus are prescribed:

- (a) apparatus to which these regulations do not apply by virtue of regulation 5;
- (b) apparatus made incapable of operation in accordance with Division 1 of this Part;
- (c) apparatus held as stock by a person who has complied with regulation 46 (other than apparatus operated by another person and located at premises of a person who has not complied with that regulation);
- (d) apparatus being installed by a person who has complied with regulation 46.

## **60—Application for registration of apparatus**

An applicant for registration of apparatus under section 32 of the Act must—

- (a) complete and sign a form in the form of Schedule 5 Form 4; and
- (b) send the form to the Minister together with the application and registration fees specified in Schedule 4.

## **61—Registered owner of apparatus to notify change of address for service**

If the address for service of the registered owner of an apparatus is changed, the registered owner must, within 14 days of the change, serve on the Minister a notice in writing setting out the new address for service.

## **62—Registered owner of apparatus to notify change of location of fixed apparatus**

If the location of any fixed apparatus is changed, the registered owner of the apparatus must, within 14 days of the change, serve on the Minister a notice in writing setting out the new location of the apparatus.

## **Division 4—Special requirements for apparatus**

### **63—Labelling requirements**

All apparatus must have attached to, or adjacent to, the control which actuates the production of ionising radiation a label that—

- (a) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
- (b) bears the words "RADIATION PRODUCED WHEN ENERGISED" or words to that effect; and
- (c) bears the radiation symbol; and
- (d) is clearly legible at a distance of 2 metres.

### **64—Signage requirements**

- (1) Subject to subregulation (3), a sign complying with subregulation (2) must be clearly displayed at—
  - (a) each entrance to any room—
    - (i) in which a fixed apparatus is installed; or
    - (ii) that is designated as the room in which a mobile or portable apparatus is normally kept and used; or
  - (b) in the case of an open area installation—at each walkway or access route to the installation.
- (2) The sign must—
  - (a) comply with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
  - (b) if it bears words—bear the words "RADIATION AREA" or "X-RAYS" or words of similar effect; and
  - (c) bear the radiation symbol; and
  - (d) have a total surface area of not less than 4 500 square millimetres; and

- (e) be clearly legible at a distance of 2 metres.
- (3) Subregulation (1) does not apply to an entrance to the room from a place or another room which can only be entered from the room.

### **65—Construction of cabinet X-ray unit**

- (1) A cabinet X-ray unit must be constructed so that it conforms with the requirements of the *Statement on cabinet X-ray equipment for examination of letters, packages, baggage, freight and other articles for security, quality control and other purposes* approved by the National Health and Medical Research Council in 1987 as modified in accordance with this regulation.
- (2) Paragraph 5.1 of Section 5 "Access" of the Statement is to be modified as follows:
  - "Where a door is provided for insertion of items to be examined, it must have a minimum of 2 safety interlocks, which must be arranged so that any 1 of them will disconnect the supply of the high voltage transformer when the door is opened."
- (3) Section 8 "X-ray indicator lights" is modified by inserting the following sentence immediately after the third sentence:
  - "Alternatively, only 1 indicator light may be used, provided that:
    - (a) it is readily visible from all doors, ports and access panels; and
    - (b) the failure of this single indicator light results in the failure of the unit to produce X-rays."
- (4) The Statement must be read as if Section 9 "Warning Sign" is deleted.

### **66—Owner of cabinet X-ray unit to carry out regular checks**

- (1) The owner of a cabinet X-ray unit must—
  - (a) at intervals of not more than 3 months, test the operation of every safety interlock and fail safe indicator light fitted to the unit; and
  - (b) establish a register of all tests done under this regulation.
- (2) The test will consist of determining whether the production of ionising radiation ceases when the door or access panel, with which the interlock is associated, is opened.
- (3) If the unit is fitted with a fail safe indicator light, the test will consist of determining whether the production of ionising radiation is possible if the light is removed.
- (4) After a test has been carried out the owner must immediately enter in the register—
  - (a) the date on which the test was carried out; and
  - (b) the name of the person who carried out the test; and
  - (c) the kind of test done; and
  - (d) the results of the test.
- (5) A person who carries out a test must immediately after the entry has been made add his or her signature at the end of the entry.

### **67—X-ray analysis systems used for fluorescence analysis**

- (1) An X-ray analysis system used for fluorescence analysis must comply with the requirements of subregulation (3) or (4).

- (2) An X-ray analysis system used for diffraction analysis must comply with the requirements of subregulation (3), (4) or (5).
- (3) An X-ray analysis system must incorporate an adequately shielded enclosure that—
  - (a) completely encloses the primary X-ray beams generated within the apparatus; and
  - (b) prevents access to such X-ray beams during normal operations with such apparatus; and
  - (c) is comprised of sections that are permanently attached to each other or are interlocked so that removal of any part of the complete enclosure—
    - (i) can be done only when the shutter admitting the primary beam to that part of the enclosure is closed, and the shutter can be opened only when the enclosure is complete; or
    - (ii) de-energises the X-ray tube; or
    - (iii) closes the shutter.
- (4) An X-ray analysis system must incorporate an adequately shielded enclosure that—
  - (a) encloses the primary X-ray beam to the extent that it prevents entry of any part of the body into the primary beam, the enclosure being comprised of sections that—
    - (i) are securely attached to each other; or
    - (ii) are interlocked so that the removal of any part of the enclosure de-energises the X-ray tube; or
    - (iii) are such that the removal of any part of the enclosure—
      - (A) can be done only when the shutter admitting the primary beam to that part of the enclosure is closed; or
      - (B) prevents the shutter from being opened; or
      - (C) closes the shutter; and
  - (b) is constructed so that all operations other than adjustments and alignments can be performed when all sections of the enclosure are in place and all interlocks in operation.
- (5) An X-ray analysis system must be such that—
  - (a) under all conditions the equivalent dose rate at any point on the surface of a volume defined by—
    - (i) the floor of the room in which the analysis system is housed; or
    - (ii) the vertical projection of the plan outline of the analysis system; or
    - (iii) a horizontal plane whose height above the floor is the height of the highest point of the X-ray analysis system,does not exceed 25 microsievert per hour; and
  - (b) radiation shielding used to assist in complying with paragraph (a) is securely attached to—
    - (i) the X-ray analysis system; or
    - (ii) except in the case of a mobile apparatus—the walls, floor or ceiling.
- (6) A person must not operate an X-ray analysis apparatus that does not comply with subregulation (5).



**68—X-ray tubes incorporated in X-ray analysis apparatus**

- (1) An X-ray tube incorporated in an X-ray analysis apparatus must be enclosed in a tube housing every aperture of which is covered—
  - (a) by a shutter; or
  - (b) by a completely shielded enclosure, all entrances to which (apart from the aperture) are interlocked so that the opening of any such entrance immediately de-energises the X-ray tube.
- (2) The tube housing and the enclosure referred to in subregulation (1) must be adequately shielded.
- (3) The X-ray tube and the tube housing of an X-ray analysis apparatus must be interlocked so that the removal of 1 from the other de-energises the X-ray tube.
- (4) If a cover providing direct access to the inside of the X-ray tube housing is removed from an X-ray analysis apparatus, the X-ray tube must be de-energised.

**69—Shutters fitted to X-ray analysis apparatus**

A shutter fitted to an X-ray analysis apparatus must—

- (a) be fitted with a closing device that, in the absence of an external applied force, keeps the shutter closed; and
- (b) either—
  - (i) be fitted to the apparatus so that the use of a tool is required to remove it; or
  - (ii) be interlocked so that removal of the shutter de-energises the X-ray tube.

**70—Lights and signs fitted to X-ray analysis apparatus**

- (1) An X-ray analysis apparatus must be fitted with an illuminated sign or a combination of a light and sign that—
  - (a) is activated only when the X-ray tube is energised; and
  - (b) when activated, indicates that the X-ray tube is operating; and
  - (c) is readily visible from all accessible sides of the apparatus; and
  - (d) bears letters that are legible and readily discernible from a distance of 2 metres.
- (2) A shutter fitted to an X-ray analysis apparatus must be linked to a light that—
  - (a) is illuminated only when the shutter to which it is linked is open; and
  - (b) clearly indicates which shutter is open.
- (3) The lights referred to in subregulations (1) and (2) must—
  - (a) be red or amber in colour; and
  - (b) be fail safe; or
  - (c) consist of 2 lights, each of which is on a separate circuit from the other.

**71—Owner of open-beam X-ray analysis system to display signs**

- (1) The owner of an open-beam X-ray analysis system must display a sufficient number of signs that comply with subregulation (2) so as to be clearly visible from all normal routes of access to the X-ray analysis system.

- (2) A sign must—
  - (a) consist of 2 panels—
    - (i) the top panel of which—
      - (A) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to danger signs; and
      - (B) bears the word "DANGER"; and
      - (C) in the case of a panel that contains additional words—contains the words "KEEP AWAY — RADIATION" or words to that effect; and
    - (ii) the bottom panel of which—
      - (A) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
      - (B) bears the words "OPEN BEAM X-RAY ANALYSIS UNIT"; and
      - (C) bears the radiation symbol; and
  - (b) be clearly legible from a distance of 2 metres.
- (3) The signs referred to in subregulation (1) must be displayed no closer to the X-ray tube than the surface of the volume referred to in regulation 67(5).

#### **72—Registered owner of X-ray analysis apparatus to carry out regular radiation monitoring surveys**

- (1) The registered owner of an X-ray analysis apparatus must, at least once every 6 months, carry out regular radiation monitoring surveys of the apparatus in order to detect unintended radiation emissions from the apparatus.
- (2) The registered owner must carry out an additional radiation monitoring survey in order to detect unintended radiation emissions from that apparatus—
  - (a) wherever a new X-ray analysis apparatus is installed; and
  - (b) after the apparatus has been reassembled; and
  - (c) after any radiation incident or radiation accident in which the apparatus has been involved.
- (3) The surveys referred to in subregulations (1) and (2) must be conducted—
  - (a) by using a monitoring instrument of the kind referred to in regulation 78; and
  - (b) with the X-ray tube of the apparatus operated at the maximum rated voltage and the maximum rated current for continuous operation at that voltage.

#### **73—Registered owner of X-ray analysis apparatus to carry out regular checks**

- (1) The registered owner of an X-ray analysis apparatus must, at least every 6 months, carry out regular checks of the operation of every interlock or warning light fitted to an X-ray analysis system.
- (2) The checks referred to in subregulation (1) need not include checks on interlocks the checking of which is not possible unless other interlocks are deliberately over-ridden.
- (3) The registered owner of an X-ray apparatus, in addition to the checks required by subregulation (1), carry out additional checks of all interlocks—
  - (a) after or during the reassembly of the apparatus; and

- (b) after any radiation incident or radiation accident in which the apparatus has been involved.

#### **74—By-passing of safety device or interlock fitted to X-ray analysis apparatus**

- (1) The registered owner of an X-ray analysis apparatus may permit a person specified by the owner to bypass a safety device or interlock fitted to an X-ray analysis apparatus for a period specified by the owner.
- (2) A person who has bypassed a safety device or interlock must at all times while the safety device or interlock is bypassed display on the control panel of the apparatus a sign that—
  - (a) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
  - (b) bears the words "WARNING — SAFETY DEVICE NOT WORKING"; and
  - (c) is clearly legible from a distance of 2 metres.
- (3) Subregulation (2) does not apply if the interlock or safety device is bypassed for the purpose of converting an X-ray analysis system to an open beam X-ray analysis system.
- (4) A person must not bypass a safety device or interlock fitted to an X-ray analysis apparatus unless permitted by the registered owner to do so.

#### **75—Registered owner of X-ray analysis system to prepare separate working rules in certain cases**

- (1) If an X-ray analysis system is used so that the configuration of the system changes or is likely to change from any 1 of the 3 categories described by regulation 67(3), (4) and (5) to any other such category, the registered owner of such apparatus must prepare separate working rules in accordance with regulation 9(1)(d) relevant to each category to which the apparatus is likely to belong.
- (2) If the configuration of an X-ray analysis system is changed so that the category of the apparatus is changed, the registered owner of the apparatus must immediately give notice in writing to all persons who operate the apparatus that such a change has been made.

#### **76—Duties of registered owner of open-beam X-ray analysis system**

- (1) The registered owner of an open-beam X-ray analysis system must—
  - (a) keep the system in a room or other enclosed area that has a door that is capable of being locked; and
  - (b) display on the outside of all doors of the room or other enclosed area a sign that—
    - (i) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to danger signs; and
    - (ii) bears the word "DANGER"; and
    - (iii) bears the words "KEEP OUT"; and
    - (iv) is clearly legible from a distance of 2 metres.
- (2) If a person has been operating an open-beam X-ray analysis system in a room or other enclosed area and on leaving that room or other enclosed area, the X-ray analysis system remains energised and that room or other enclosed area is left unsupervised, the person must lock all doors to the room or other enclosed area.

- (3) If a person who holds a licence under section 31 of the Act is in a room or other enclosed area which contains an open-beam X-ray analysis system that is energised and in which other persons are present none of whom holds such a licence, the licensed person must not leave the room or other enclosed area while those other persons remain there.
- (4) A person who holds a licence under section 31 of the Act may, so as to enable him or her to lawfully leave a room or other enclosed area that contains an open beam X-ray analysis system that is energised, request any person who is not the holder of a licence under section 31 of the Act to leave that room or other enclosed area.
- (5) If a person who does not hold a licence under section 31 of the Act is requested under subregulation (4) to leave a room or other enclosed area by a person who holds such a licence, the person must immediately comply with that request.

### **77—Registered owner of X-ray analysis apparatus to record radiation surveys etc**

The registered owner of X-ray analysis apparatus must—

- (a) maintain a record of all radiation surveys and checks performed on the apparatus under regulations 72 and 73; and
- (b) within 7 days of a survey or check, make in respect of that survey or check an entry that—
  - (i) identifies the apparatus involved; and
  - (ii) contains the date on which each survey or check took place; and
  - (iii) in the case of surveys—records whether any change in radiation emission was detected since the previous survey, and if so, what that change was; and
  - (iv) in the case of checks on safety devices—records which of the safety devices were checked, and whether they passed or failed the check; and
  - (v) records the name of the person performing the survey or carrying out the checks; and
  - (vi) indicates what action, if any, was taken as a result of the survey or check.

### **78—Registered owner of X-ray analysis apparatus to make available radiation monitoring instrument for radiation surveys**

- (1) The registered owner of X-ray analysis apparatus must have or make available a radiation monitoring instrument that complies with subregulation (2) for the purpose of carrying out the radiation surveys required by regulation 72.
- (2) A radiation monitoring instrument must—
  - (a) be accurate to within  $\pm 50\%$  for the energy range of the primary beam radiation produced over the operating kilovoltage range of the X-ray analysis apparatus for which it is to be used; and
  - (b) have a sensitivity which gives a positive response at an equivalent dose rate of at least 10 microsievert per hour, measured in a field of radiation uniform over the sensitive volume of the detector with the energy range specified in paragraph (a); and
  - (c) have a meter or similar read-out device that—
    - (i) is calibrated in units of exposure rate, equivalent dose rate or absorbed dose rate; or

- (ii) is calibrated in arbitrary units, but has indicated on the instrument the appropriate method of conversion from those units to exposure rate, equivalent dose rate or absorbed dose rate for a radiation field uniform over the sensitive volume of the detector.

### **79—Duties of user of X-ray analysis apparatus**

- (1) If a user of X-ray analysis apparatus detects or suspects an unnecessary or unexpected radiation field, he or she must immediately—
  - (a) de-energise the apparatus; and
  - (b) notify the radiation safety officer of the unnecessary or unexpected radiation field.
- (2) A person must not re-energise or modify an apparatus that has been de-energised under subregulation (1) until such time as the radiation safety officer has—
  - (a) inspected the apparatus; and
  - (b) approved of the proposed action.

### **80—Person carrying out site radiography using apparatus to be accompanied by person trained in emergency procedures**

A person must not carry out site radiography using apparatus unless the person is, at all times while engaged in carrying out site radiography, accompanied by a person who has been trained in the emergency procedures to be carried out in the event of a radiation incident, radiation accident or other mishap of a kind that is reasonably foreseeable during the course of site radiography.

### **81—Person carrying out site radiography using apparatus etc to wear chirper and have radiation survey meter**

- (1) A person must not carry out, or assist in the carrying out, of site radiography using apparatus unless—
  - (a) the person is wearing or has affixed to his or her person a device of a kind specified in subregulation (2); and
  - (b) the person has a radiation survey meter of a kind specified in subregulation (3) immediately available for his or her use.
- (2) The device referred to in subregulation (1)(a) of this regulation (commonly known as a "chirper") must be a device that—
  - (a) is capable of detecting the type and energy of radiation being used; and
  - (b) emits an audible signal upon detecting radiation, the rate at which the audible signal is produced being proportional to the equivalent dose rate incident upon the device; and
  - (c) is of a kind that has been approved by the Minister.
- (3) The radiation survey meter referred to in subregulation (1)(b) must be a device that—
  - (a) is designed to measure radiation of the type and energy emitted by the apparatus in use; and
  - (b) has a measurement range of equivalent dose rate from 10 microsievert per hour to at least 10 000 microsievert per hour; and
  - (c) continues to indicate, either visibly or audibly, when the radiation level exceeds the maximum of the measurement range being used; and

- (d) indicates the measured quantity with a measurement uncertainty of no more than  $\pm 30\%$ , inclusive of uncertainty due to variations in response with energy over the range of energies of the radiation to be measured.
- (4) An owner of apparatus used for site radiography must provide every person who uses apparatus of which he or she is the owner with the chirper and radiation survey meter of the kind required by subregulation (1).
- (5) It is sufficient compliance with subregulation (1) if the same radiation survey meter is available for use by the person carrying out the site radiography and the person assisting him or her.
- (6) An owner of apparatus used for site radiography must, in respect of a radiation survey meter he or she provides under subregulation (4)—
  - (a) calibrate the survey meter at intervals not exceeding 12 months; and
  - (b) cause the calibration of the survey meter to be carried out by a body or organisation approved by the Minister; and
  - (c) keep a record of each calibration, which may consist of calibration certificates issued by the body or organisation that performed the calibration.
- (7) An owner of apparatus used for site radiography must in respect of a chirper he or she provides under subregulation (4)—
  - (a) test the chirper at intervals not exceeding 3 months; and
  - (b) make or cause to be made records of each test so performed.
- (8) The test referred to in subregulation (7) must—
  - (a) test the response of the chirper to the type and energies of radiation used by the owner for the purposes of site radiography; and
  - (b) test the dependence of the chirp rate upon the equivalent dose rate received by the chirper; and
  - (c) be of a kind approved by the Minister.
- (9) An owner of an apparatus used for site radiography must maintain in good order and condition the chirper and survey meter provided by him or her under this regulation.

## **82—Duties of owner of apparatus used for site radiography when using apparatus on premises owned by another**

- (1) If the owner of apparatus used for site radiography carries out site radiography using that apparatus on premises owned by another person, the owner of the apparatus and the person on whose behalf the site radiography is being carried out must comply with this regulation.
- (2) Before the owner of the apparatus begins to carry out the site radiography—
  - (a) the owner must provide the person on whose behalf the site radiography is to be carried out with an instrument in writing setting out the safety precautions to be adopted so that the exposure to ionising radiation of any person who is likely to be on the premises on which the site radiography is being carried out (not being the person carrying out or assisting in the carrying out of the site radiography) is as low as is reasonably achievable and is no more than the exposure limits for members of the public; and
  - (b) the owner must request the person on whose behalf the site radiography is to be carried out to nominate a person who is to be responsible for ensuring that the safety precautions referred to in paragraph (a) are carried out; and

- (c) the person on whose behalf the site radiography is to be carried out must nominate a person to be responsible for carrying out the safety precautions referred to in paragraph (a).
- (3) If a person on whose behalf site radiography is to be carried out is requested to nominate a person to be responsible for carrying out the safety precautions referred to in subregulation (2), the person must comply with that request before the owner of the apparatus begins to carry out the site radiography.
- (4) During the time site radiography using apparatus is being carried out on the premises—
- (a) the person nominated as being responsible for carrying out the safety precautions referred to in subregulation (2)(a) must give such instructions as are necessary so that such safety precautions are carried out by all persons who are on the premises (not being the persons who are carrying out or assisting in the carrying out of the site radiography); and
- (b) a person on the premises (not being a person carrying out or assisting in the carrying out of the site radiography) must obey all reasonable instructions given to him or her by the person nominated as being responsible for carrying out the safety precautions referred to in subregulation (2)(a).

### **83—Apparatus used for site radiography to incorporate collimating device**

A person must not carry out site radiography that involves the use of apparatus unless the apparatus incorporates a collimating device that is designed to limit the primary beam to a size that is, as far as is reasonably practicable, limited to the minimum necessary for the radiographic exposure.

### **84—Duty of person carrying out site radiography using apparatus with remote control unit**

If a person carries out site radiography involving the use of apparatus with a remote control unit, the person must locate the remote control unit so that the equivalent dose rate at the remote control unit is as low as is reasonably achievable.

### **85—Duty of person intending to carry out site radiography using apparatus to mark out area around exposure**

A person who intends to carry out site radiography involving the use of apparatus must, before commencing to do so, mark out the area around the exposure site with—

- (a) barriers that—
- (i) are marked with bunting of a vivid colour; and
- (ii) are placed so that the equivalent dose rate outside the barrier does not exceed 25 microsievert per hour; and
- (b) signs that—
- (i) consist of 2 panels—
- (A) the top panel of which—
- complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to danger signs; and
  - bears the word "DANGER"; and

- bears the words "KEEP OUT: RADIOGRAPHY IN PROGRESS" or other words to that effect; and
- (B) the bottom panel of which—
- complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
  - bears the words "WARNING" and "RADIATION"; and
  - bears the radiation symbol; and
- (ii) are clearly legible from a distance of 5 metres.

#### **86—Owner of apparatus used for industrial radiography to regularly inspect apparatus**

- (1) The owner of apparatus used for industrial radiography must, at intervals not exceeding 3 months, have the apparatus inspected by a competent person for the purpose of determining whether or not the apparatus is in good working order and condition.
- (2) A person who carries out an inspection of an apparatus under subregulation (1) must check the apparatus to determine whether or not it is in good working order and condition.

#### **87—Prohibition on use of device etc in course of industrial radiography unless in good working order**

A person must not use a device, article, or thing in the course of industrial radiography unless the device, article or thing is in good working order and condition.

#### **88—Apparatus used for industrial radiography**

- (1) Apparatus used for industrial radiography must be durably marked with a label containing the following information:
  - (a) the serial number of the apparatus;
  - (b) the maximum accelerating voltage (kV) at which the tube can be operated;
  - (c) the maximum continuous current (mA) at which the tube can be operated.
- (2) Apparatus used for industrial radiography must—
  - (a) have a key operated device which controls, and when locked, prevents the supply of power to the high voltage generator; and
  - (b) have a red or amber fail safe light that indicates when X-rays are being produced.

#### **89—Requirement to provide warning devices when carrying out site radiography using apparatus**

- (1) If site radiography is carried out using apparatus, a red or amber rotating or flashing light visible at all points along the barriers referred to in regulation 85 must be provided and activated whenever the X-ray tube is energised.
- (2) A person must not carry out or cause or permit another person to carry out site radiography using apparatus unless warning devices as specified in subregulation (1) have been provided in accordance with that subregulation.



**90—Apparatus used for dental radiography with extra-oral X-ray tube**

- (1) Apparatus, not including orthopantomographic or cephalometric apparatus, that is used for dental radiography with an extra-oral X-ray tube must—
  - (a) if the apparatus had been registered under the revoked Health Act regulations—comply with—
    - (i) the requirements of subregulations (3), (7), (10), (11), (12), (13), (14)(b), (15)(a) and (19); and
    - (ii) the requirements of subregulation (5), except that the beam limiting device need not be open ended; and
    - (iii) the requirements of subregulation (6), except that the minimum distance referred to must be 100 millimetres; and
    - (iv) the requirements of either subregulations (8)(a) and (9) or subregulation (8)(b);
  - (b) in any other case—comply with the requirements of subregulations (2) to (20).
- (2) The X-ray tube must be enclosed in a housing in such a manner that the equivalent dose rate from leakage radiation at a distance of 1 metre from the focus of the tube does not exceed 1 millisievert in 1 hour at every rating specified by the manufacturer for that tube in the housing and, to determine compliance with this requirement, measurements must be made over an area not larger than 10 000 square millimetres at a distance of 1 metre from that tube.
- (3) The X-ray tube housing must remain stationary when placed in position for radiography.
- (4) A device that serves to limit the size of the useful beam must be constructed so that, in combination with the tube housing, it complies with the leakage radiation limits set out in subregulation (2).
- (5) The X-ray tube housing must be fitted with an open ended beam limiting device that limits the maximum dimension of the useful beam in a plane at right angles to the central ray of the beam located at the end of that cone or diaphragm to a length not exceeding 60 millimetres.
- (6) A beam limiting device referred to in subregulation (5) must be constructed so that the minimum distance from the outer end of the cone or diaphragm to the X-ray tube focus is not less than 200 millimetres.
- (7) The half value layer of the primary beam must—
  - (a) if the nominal kilovoltage is less than 50 kilovolts—be not less than 1.2 millimetres of aluminium; or
  - (b) if the nominal kilovoltage is equal to or more than 50 kilovolts—be not less than the value appropriate to the nominal kilovoltage set out in Schedule 6.
- (8) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised and that warning must consist of—
  - (a) a red or amber light; and
  - (b) an audible signal provided by a device incorporated into the apparatus for that purpose.
- (9) There must be no indicator light on the control panel of the apparatus of the same colour as the light referred to in subregulation (8) other than that complying with that subregulation.

- (10) The exposure control switch must be arranged so that the operator can remain—
  - (a) outside the useful X-ray beam and at least 2 metres from the X-ray tube and from the patient; or
  - (b) behind a fixed protective barrier which complies with subregulation (12), while the X-ray tube is energised.
- (11) Whenever the primary beam from such apparatus is likely to be directed at an area normally occupied by a person, being an area less than 5 metres from the X-ray tube, a fixed protective barrier that complies with subregulation (12) must be provided.
- (12) The protective barrier referred to in subregulations (10) and (11) must have a lead equivalent of at least 0.15 millimetres.
- (13) The exposure control switch must have a circuit closing contact that can be maintained only by continuous pressure and it must not be possible to make repeat exposures without releasing the switch.
- (14) A timer must be provided that will terminate the exposure after a preset time setting or at a preset product of current and time and—
  - (a) termination of exposure must cause automatic resetting of the timer to its initial setting or zero; and
  - (b) it must not be possible to energise the X-ray tube if the timer is set to zero.
- (15) If X-ray tube potential, current or exposure time—
  - (a) are capable of being varied—control settings must be provided so that the required value of tube potential, current or exposure time or a combination thereof can be set without a trial exposure being made; or
  - (b) are not capable of being varied—the values of that potential, current or exposure time must be indicated on labels affixed to the tube housing or to the control panel.
- (16) The apparatus must have a mains switch that controls the supply of mains power to the apparatus but does not control the supply of power to any other device and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (17) The position of the focal spot must be clearly indicated on the X-ray tube housing.
- (18) When more than 1 X-ray tube can be operated from a single control panel, it must not be possible to energise more than 1 X-ray tube at the same time and there must be an indication at or near each tube housing and on the control panel showing which X-ray tube is selected.
- (19) The apparatus must produce a consistent radiation output so that the coefficient of variation of at least 5 measurements of the radiation output taken at the same exposure settings is less than or equal to 0.05.
- (20) The apparatus must produce a linear radiation output so that if at least 5 measurements of radiation output of the machine are made at a range of exposure times from 0.1 second to 1 second, the coefficient of variation of the quotients formed by dividing each radiation output by the associated timer setting is less than or equal to 0.1.

### **91—Prohibition on use of apparatus designed for dental radiography with intra-oral X-ray tube**

Apparatus that is designed to be used with the X-ray tube inside the patient's mouth must not be used to irradiate human beings.

**92—Fixed apparatus used for medical or veterinary diagnostic radiography or by chiropractor**

- (1) Subject to subregulation (2), fixed apparatus that is used for medical or veterinary diagnostic radiography or by a chiropractor, but is not used for fluoroscopy, computed tomography, mammography, or soft tissue radiography must—
  - (a) if the apparatus had been registered under the revoked Health Act regulations—
    - (i) comply with the requirements of subregulations (4) to (7)(a), (8), (9) and (12); and
    - (ii) except in the case of a special purpose fixed geometry apparatus, comply with subregulation (3); and
    - (iii) comply with the requirements of either subregulations (10)(a) and (11) or subregulation (10)(b);
  - (b) in any other case—comply with the requirements of subregulations (3) to (18).
- (2) This regulation does not apply to—
  - (a) apparatus capable of both fluoroscopy and plain radiography; or
  - (b) orthopantomographic apparatus.
- (3) The X-ray tube must be fitted with a continuously adjustable collimator that—
  - (a) has a light beam—
    - (i) the centre of which is indicated; and
    - (ii) the alignment of which with any boundary of the X-ray beam does not exceed 1% of the distance between the focus of the X-ray tube and the image receptor; and
  - (b) can be rotated around the centre of the X-ray beam; and
  - (c) the minimum distance of which between the focal spot and the patient's entrance surface is 300 millimetres.
- (4) If X-ray tube potential, current or exposure time—
  - (a) are capable of being varied, control settings must be provided on the control panel so that the required value of tube potential, current and exposure time or a combination thereof can be set without a trial exposure being made; or
  - (b) are not capable of being varied, the values of that potential, current or exposure time must be indicated on the control panel.
- (5) The half value layer of the primary beam must, for every available kilovoltage, be not less than the value of half value layer shown in the table set out in Schedule 8 as being appropriate to the selected kilovoltage.
- (6) The apparatus must be fitted with a device that will terminate the exposure after a preset—
  - (a) time interval; or
  - (b) product of tube current and time; or
  - (c) programmed exposure.
- (7) The exposure switch fitted to the apparatus must—
  - (a) have a circuit closing contact that—

- (i) can be maintained only by continuous pressure; and
    - (ii) makes it impossible to make repeat exposures without releasing the switch; and
    - (iii) in the case of programmed exposures—makes it possible to interrupt the exposure at any stage of the programme; and
  - (b) not be operable in parallel with any other exposure switch.
- (8) The X-ray tube housing must be supported so that it remains stationary when placed in position for plain radiography.
- (9) The apparatus must produce a consistent, linear radiation output so that—
- (a) the coefficient of variation of at least 5 measurements of radiation output taken at the same exposure settings must be less than or equal to 0.05; and
  - (b) the coefficient of variation of at least 5 values of the ratio of radiation output to charge, where the radiation output is measured at a fixed kilovoltage and the charge is that indicated on the control panel and is varied from measurement to measurement, must be less than or equal to 0.1.
- (10) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised, being a warning that consists of—
- (a) a clearly distinguishable red or amber light; and
  - (b) an audible signal that is audible at the location from which the equipment is operated and indicates either the duration or termination of the exposure.
- (11) If the apparatus does not have the audible signal referred to in subregulation (10) it must not have an indicator light on the control panel that is the same colour as the light referred to in that subregulation.
- (12) The apparatus must have a readily accessible mains switch to control the supply of mains power to the apparatus and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (13) The X-ray tube must be enclosed in a housing so that the equivalent dose rate from leakage radiation at a distance of 1 metre from the focus of that tube does not exceed 1 millisievert in 1 hour at each rating specified by the manufacturer for that tube in that housing and, in order to determine compliance with this requirement, measurements must be made over an area not larger than 10 000 square millimetres at a distance of 1 metre from that tube.
- (14) Any diaphragm, cone or collimator used to limit the useful beam to the area of clinical interest must be so constructed that, in combination with the tube housing, it complies with the leakage radiation limits set out in subregulation (13).
- (15) A continuously adjustable collimator fitted to an X-ray tube must—
- (a) have a light beam the illuminance of which is not less than 100 lux at a distance of 1 metre from the light source; and
  - (b) where provision is made for the automatic adjustment of the size of the irradiated area—be fitted with a manual override that permits the selection of a smaller area.
- (16) If more than 1 X-ray tube can be operated from a single control panel, except in the case of diagnostic X-ray apparatus specifically designed for 2 tube techniques, it must not be possible to energise more than 1 X-ray tube at the same time and there must be an indication showing which X-ray tube is selected—
- (a) on the control panel; and

- (b) except in the case of the undertable and associated overtable X-ray tubes on fluoroscopic apparatus—at or near the tube housing.
- (17) If an apparatus is fitted with an automatic exposure control—
- (a) the selection of the control must, when it takes place, be clearly indicated on the control panel; and
  - (b) the control must limit—
    - (i) the exposure time to no more than 6 seconds; or
    - (ii) the product of the tube current selected and exposure time delivered to no more than 600 milli-ampere seconds; and
  - (c) where an exposure has been terminated after the period referred to in paragraph (b)—a visible or audible signal must indicate that termination has occurred and manual resetting of the control must then be required before further automatically timed exposures can be made.
- (18) The position of the focal spot must be clearly indicated on the tube housing.

### **93—Portable or mobile apparatus used for medical or veterinary plain radiography**

- (1) Portable or mobile apparatus used for medical plain radiography or mobile apparatus used for veterinary plain radiography, not including fluoroscopy or tomography, must—
- (a) if the apparatus had been registered under the revoked Health Act regulations—comply with—
    - (i) the requirements of subregulations (2), (3)(a), (4) to (8), (9)(a) and (12); and
    - (ii) the requirements of either subregulations (10)(a) and (11) or subregulation (10)(b); and
    - (iii) in the case of an apparatus other than a capacitor discharge apparatus—the requirements of subregulations (9)(b) and (13)(a); and
    - (iv) in the case of a capacitor discharge apparatus—
      - (A) that is not fitted with a multiple exposure facility—the requirements of subregulation (13)(a); or
      - (B) that is fitted with a multiple exposure facility—the requirements of subregulation (13)(a) when that facility is not activated; and
  - (b) in any other case—comply with—
    - (i) the requirements of subregulations (2), (3), (4) to (8), (9)(a) to (13)(b) and (15) to (19); and
    - (ii) in the case of apparatus other than capacitor discharge apparatus—the requirements of subregulation (9)(b); and
    - (iii) in the case of an apparatus other than a capacitor discharge apparatus fitted with a multiple exposure facility—the requirements of subregulation (13)(a); and
    - (iv) in the case of a capacitor discharge apparatus fitted with a multiple exposure facility—
      - (A) the requirements of subregulation (13)(a) when that facility is not activated; or

- (B) the requirements of subregulation (14) when that facility is activated.
- (2) The cord attaching the exposure switch to the apparatus must be no shorter than 2 metres.
  - (3) The X-ray tube must be fitted with a continuously adjustable collimator that—
    - (a) has a light beam—
      - (i) the centre of which is indicated; and
      - (ii) the alignment of which with any boundary of the X-ray beam does not exceed 1% of the distance between the focus of the X-ray tube and the image receptor; and
    - (b) can be rotated around the centre of the X-ray beam.
  - (4) If the apparatus is used for medical plain radiography, the focal spot of the X-ray tube must not be less than 200 millimetres from the patient's skin.
  - (5) If X-ray tube potential, current or exposure time—
    - (a) are capable of being varied—control settings must be provided on the control panel so that the required value of tube potential, current and exposure time or a combination thereof can be set without a trial exposure being made; or
    - (b) are not capable of being varied—the values of that potential, current or exposure time must be indicated on the control panel.
  - (6) The half value layer of the primary beam must, for every available kilovoltage, be not less than the value of half value layer shown in the table set out in Schedule 6 as being appropriate to the selected kilovoltage.
  - (7) The apparatus must be fitted with a device that will terminate the exposure after a preset—
    - (a) time interval; or
    - (b) product of tube current and time; or
    - (c) programmed exposure.
  - (8) The X-ray tube housing must be supported in such a way that it remains stationary when placed in position for plain radiography.
  - (9) The apparatus must produce a consistent, linear radiation output so that—
    - (a) the coefficient of variation of at least 5 measurements of radiation output taken at the same exposure settings must be less than or equal to 0.05; and
    - (b) the coefficient of variation of at least 5 values of the ratio of radiation output to charge, where the radiation output is measured at a fixed kilovoltage, the charge is that indicated on the control panel and is varied from measurement to measurement, must be less than or equal to 0.1.
  - (10) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised, being a warning that consists of—
    - (a) a clearly distinguishable red or amber light; and
    - (b) an audible signal that is audible at the location from which the equipment is operated and indicates either the duration or termination of the exposure.
  - (11) If the apparatus does not have the audible signal referred to in subregulation (10) it must not have an indicator light on the control panel that is the same colour as the light referred to in that subregulation.

- (12) The apparatus must have a readily accessible mains switch to control the supply of mains power to the apparatus and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (13) The exposure switch fitted to the apparatus must—
  - (a) have a circuit closing contact that—
    - (i) can be maintained only by continuous pressure; and
    - (ii) makes it impossible to make repeat exposures without releasing the switch; and
    - (iii) in the case of programmed exposures—makes it possible to interrupt the exposure at any stage of the programme; and
  - (b) is not operable in parallel with any other exposure switch.
- (14) Capacitor discharge apparatus fitted with a multiple exposure facility must—
  - (a) be fitted with a control by means of which the operator of the apparatus can select the number of exposures in the multiple exposure; and
  - (b) during a multiple exposure, cease producing ionising radiation when—
    - (i) the preset number of exposures has occurred; or
    - (ii) the operator of the apparatus releases the exposure switch.
- (15) The X-ray tube must be enclosed in a housing so that the equivalent dose rate from leakage radiation at a distance of 1 metre from the focus of that tube does not exceed 1 millisievert in 1 hour at each rating specified by the manufacturer for that tube in that housing and, in order to determine compliance with this requirement, measurements must be made over an area not larger than 10 000 square millimetres at a distance of 1 metre from that tube.
- (16) Any diaphragm, cone or collimator used to limit the useful beam to the area of clinical interest must be constructed so that, in combination with the tube housing, it complies with the leakage radiation limits set out in subregulation (15).
- (17) A continuously adjustable collimator fitted to an X-ray tube must—
  - (a) have a light beam the illuminance of which is not less than 100 lux at a distance of 1 metre from the light source; and
  - (b) where provision is made for the automatic adjustment of the size of the irradiated area—be fitted with a manual override that permits the selection of a smaller area.
- (18) If an apparatus is fitted with an automatic exposure control—
  - (a) the selection of the control must, when it takes place, be clearly indicated on the control panel; and
  - (b) the control must limit—
    - (i) the exposure time to no more than 6 seconds; or
    - (ii) the product of the tube current selected and exposure time delivered to no more than 600 milli-ampere seconds; and
  - (c) if an exposure has been terminated after the period referred to in paragraph (b)—a visible or audible signal must indicate that termination has occurred and manual resetting of the control must then be required before further automatically timed exposures can be made.
- (19) The position of the focal spot must be clearly indicated on the tube housing.

**94—Capacitor discharge apparatus**

Capacitor discharge apparatus must be such that—

- (a) the equivalent dose rate from the X-ray tube when the exposure switch or timer is not activated must not exceed 20 microsievert per hour at 50 millimetres from any accessible surface of the X-ray tube or associated diaphragm or collimator with the collimator fully open and, to determine compliance with this regulation, measurements must be made over an area not exceeding 10 000 square millimetres with no linear dimension greater than 200 millimetres; and
- (b) at least 4 different values of the product of the tube current and exposure time are available.

**95—Portable apparatus used for veterinary plain radiography**

- (1) Portable apparatus that is used for veterinary plain radiography must—
  - (a) if the apparatus had been registered under the revoked Health Act regulations—comply with—
    - (i) the requirements of subregulations (2) to (8)(a), (9) and (12); and
    - (ii) the requirements of either subregulations (10)(a) and (11) or subregulations (10)(b);
  - (b) in any other case—comply with the requirements of subregulations (2) to (16).
- (2) The apparatus must be provided with an X-ray tube stand designed and constructed to support the X-ray tube during radiography.
- (3) The cord attaching the exposure switch to the apparatus must be no shorter than 2 metres.
- (4) The X-ray tube must be fitted with a continuously adjustable collimator that must have a light beam—
  - (a) the centre of which must be indicated; and
  - (b) the edge of which does not fall outside or inside the edge of the irradiated area by more than 10 millimetres at a focal spot image receptor distance of 800 millimetres.
- (5) If X-ray tube potential, current or exposure time—
  - (a) are capable of being varied—control settings must be provided on the control panel so that the required value of tube potential, current and exposure time or a combination of these can be set without a trial exposure being made; or
  - (b) are not capable of being varied—the values of that potential, current or exposure time must be indicated on the control panel.
- (6) The half value layer of the primary beam must, for every available kilovoltage, be not less than the value of the half value layer shown in the table set out in Schedule 6 as being appropriate to the selected kilovoltage.
- (7) The apparatus must be fitted with a device that will terminate the exposure after a preset—
  - (a) time interval; or
  - (b) product of tube current and time; or
  - (c) programmed exposure.
- (8) The exposure switch fitted to the apparatus must—
  - (a) have a circuit closing contact that—



- (i) can be maintained only by continuous pressure; and
    - (ii) makes it impossible to make repeat exposures without releasing the switch; and
    - (iii) in the case of programmed exposures—makes it possible to interrupt the exposure at any stage of the programme; and
  - (b) be not operable in parallel with any other exposure switch.
- (9) The apparatus must produce a consistent radiation output so that the coefficient of variation of at least 5 measurements of radiation output taken at the same exposure settings must be less than or equal to 0.05.
- (10) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised, being a warning that consists of—
- (a) a clearly distinguishable red or amber light; and
  - (b) an audible signal that is audible at the location from which the equipment is operated and indicates either the duration or termination of the exposure.
- (11) If the apparatus does not have the audible signal referred to in subregulation (10) it must not have an indicator light on the control panel that is the same colour as the light referred to in that subregulation.
- (12) The apparatus must have a readily accessible mains switch to control the supply of mains power to the apparatus and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (13) The collimator must be provided with a device or other means to indicate the X-ray field size at various focus-film distances.
- (14) The X-ray tube must be enclosed in a housing so that the equivalent dose rate from leakage radiation at a distance of 1 metre from the focus of that tube does not exceed 1 millisievert in 1 hour at each rating specified by the manufacturer for that tube in that housing and, in order to determine compliance with this requirement, measurements must be made over an area not larger than 10 000 square millimetres at a distance of 1 metre from that tube.
- (15) Any collimator used to limit the useful beam to the area of clinical interest must be constructed so that, in combination with the tube housing, it complies with the leakage radiation limits set out in subregulation (14).
- (16) The position of the focal spot must be clearly indicated on the tube housing.

## **96—Orthopantomographic apparatus**

- (1) Orthopantomographic apparatus must—
- (a) if the apparatus had been registered under the revoked Health Act regulations—comply with—
    - (i) the requirements of subregulations (2) to (7)(a) and (10) to (13); and
    - (ii) the requirements of either subregulations (8)(a) and (9) or subregulation (8)(b);
  - (b) in any other case—comply with the requirements of subregulations (2) to (4) and subregulations (6) to (17).
- (2) The focal spot to skin distance determined by the location of the X-ray tube and the patient positioning device must not be less than 180 millimetres at any time during the exposure.

- (3) The X-ray beam at the secondary collimator must not fall outside the aperture in the secondary collimator.
- (4) The primary beam must not fall outside the film.
- (5) If the apparatus must be energised in order to preset the current, it must be provided with a lead protective cap designed to fit over the exit slit of the X-ray tube.
- (6) The half value layer of the primary beam must, for every available kilovoltage, be not less than the value of half value layer shown in the table set out in Schedule 6 as being appropriate to the selected kilovoltage.
- (7) The exposure switch fitted to the apparatus must—
  - (a) have a circuit closing contact that—
    - (i) can be maintained only by continuous pressure; and
    - (ii) makes it impossible to make repeat exposures without releasing the switch; and
    - (iii) in the case of programmed exposures—makes it possible to interrupt the exposure at any stage of the programme; and
  - (b) not be operable in parallel with any other exposure switch.
- (8) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised, being a warning that consists of—
  - (a) a clearly distinguishable red or amber light; and
  - (b) an audible signal that is audible at the location from which the equipment is operated and indicates either the duration or termination of the exposure.
- (9) If the apparatus does not have the audible signal referred to in subregulation (8) it must not have an indicator light on the control panel that is the same colour as the light referred to in that subregulation.
- (10) The apparatus must have a readily accessible mains switch to control the supply of mains power to the apparatus and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (11) The exposure control switch must be arranged so that the operator can remain—
  - (a) outside the useful X-ray beam and at least 2 metres from the X-ray tube and from the patient; or
  - (b) behind a fixed protective barrier that complies with subregulation (13), while the X-ray tube is energised.
- (12) Whenever the primary beam from such apparatus is likely to be directed at an area normally occupied by a person, which area is less than 5 metres from the X-ray tube, a fixed protective barrier that complies with subregulation (13) must be provided.
- (13) The protective barrier referred to in subregulations (11) and (12) must have a lead equivalent of at least 0.15 millimetres.
- (14) The X-ray tube must be enclosed in a housing so that the equivalent dose rate from leakage radiation at a distance of 1 metre from the focus of that tube does not exceed 1 millisievert in 1 hour at each rating specified by the manufacturer for that tube in that housing and, in order to determine compliance with this requirement, measurements must be made over an area not larger than 10 000 square millimetres at a distance of 1 metre from that tube.

- (15) A diaphragm, cone or collimator used to limit the useful beam to the area of clinical interest must be so constructed that, in combination with the tube housing, it complies with the leakage radiation limits set out in subregulation (14).
- (16) If X-ray tube potential, current or exposure time—
  - (a) are capable of being varied—control settings must be provided on the control panel so that the required value of tube potential, current and exposure time or a combination of these can be set without a trial exposure being made; or
  - (b) are not capable of being varied—the values of that potential, current or exposure time must be indicated on the control panel.
- (17) The position of the focal spot must be clearly indicated on the tube housing.

### **97—Prohibition on use of orthopantomographic apparatus with person positioned in apparatus while tube current being preset**

A person must not use, or cause, suffer or permit another person to use orthopantomographic apparatus so that a person is positioned in the apparatus while the tube current is being preset.

### **98—Apparatus used for mammography or soft tissue radiography**

- (1) Apparatus that is used for mammography or soft tissue radiography must—
  - (a) if the apparatus had been registered under the revoked Health Act regulations—comply with—
    - (i) the requirements of subregulations (2) to (6)(a), (7), (8) and (11); and
    - (ii) the requirements of either subregulations (9)(a) and (10) or subregulation (9)(b);
  - (b) in any other case—comply with the requirements of subregulations (2) to (16).
- (2) A device or stand designed to hold the image receptor must have a protective backing with a lead equivalent of at least 0.25 millimetres.
- (3) If X-ray tube potential, current or exposure time—
  - (a) are capable of being varied—control settings must be provided on the control panel so that the required value of tube potential, current and exposure time or a combination of these can be set without a trial exposure being made; or
  - (b) are not capable of being varied—the values of that potential, current or exposure time must be indicated on the control panel.
- (4) The half value layer of the primary beam must, for every available kilovoltage, be not less than the value of half value layer shown in the table set out in Schedule 6 as being appropriate to the selected kilovoltage.
- (5) The apparatus must be fitted with a device that will terminate the exposure after a preset—
  - (a) time interval; or
  - (b) product of tube current and time; or
  - (c) programmed exposure.
- (6) The exposure switch fitted to the apparatus must—
  - (a) have a circuit closing contact that—
    - (i) can be maintained only by continuous pressure; and

- (ii) makes it impossible to make repeat exposures without releasing the switch; and
  - (iii) in the case of programmed exposures—makes it possible to interrupt the exposure at any stage of the programme; and
- (b) not be operable in parallel with any other exposure switch.
- (7) The X-ray tube housing must be supported so that it remains stationary when placed in position for radiography.
- (8) The apparatus must produce a consistent linear radiation output so that—
  - (a) the coefficient of variation of at least 5 measurements of radiation output taken at the same exposure settings must be less than or equal to 0.05; and
  - (b) the coefficient of variation of at least 5 values of the ratio of radiation output to charge, where the radiation output is measured at a fixed kilovoltage and the charge is that indicated on the control panel and is varied from measurement to measurement, must be less than or equal to 0.1.
- (9) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised, being a warning that consists of—
  - (a) a clearly distinguishable red or amber light; and
  - (b) an audible signal that is audible at the location from which the equipment is operated and indicates either the duration or termination of the exposure.
- (10) If the apparatus does not have the audible signal referred to in subregulation (9), it must not have an indicator light on the control panel that is the same colour as the light referred to in that subregulation.
- (11) The apparatus must have a readily accessible mains switch to control the supply of mains power to the apparatus and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (12) The X-ray field—
  - (a) must extend to the edge of the patient support that is designed to be adjacent to the chest wall of the patient and must not extend beyond that edge by more than 5 millimetres; and
  - (b) must not extend beyond any edges of the image receptor by a distance greater than 2% of the focal spot to image receptor distance.
- (13) The X-ray tube must be enclosed in a housing so that the equivalent dose rate from leakage radiation, measured at a distance of 1 metre from the focus of that tube over a detection area not larger than 10 000 square millimetres, does not exceed 1 millisievert in 1 hour at each rating specified by the manufacturer for that tube in that housing.
- (14) If more than 1 X-ray tube can be operated from a single control panel, except in the case of diagnostic X-ray apparatus specifically designed for 2 tube techniques, it must not be possible to energise more than 1 X-ray tube at the same time and there must be an indication—
  - (a) on the control panel; and
  - (b) at or near the tube housing,showing which X-ray tube is selected.

- (15) If an apparatus is fitted with an automatic exposure control—
- (a) the selection of the control must, when it takes place, be clearly indicated on the control panel; and
  - (b) the control must limit—
    - (i) the exposure time to no more than 6 seconds; or
    - (ii) the product of the tube current selected and exposure time delivered to no more than 600 milli-ampere seconds; and
  - (c) where an exposure has been terminated after the period referred to in paragraph (b)—a visible or audible signal must indicate that termination has occurred and manual resetting of the control must then be required before further automatically timed exposures can be made.
- (16) The position of the focal spot must be clearly indicated on the tube housing.

### **99—Apparatus used for medical or veterinary fluoroscopy**

- (1) Apparatus used for medical or veterinary fluoroscopy (including apparatus capable of both fluoroscopy and plain radiography) must—
- (a) if the apparatus had been registered under the revoked Health Act regulations—comply with—
    - (i) the requirements of subregulations (2) to (7), (9), (10), (11)(a) and (14); and
    - (ii) in the case of an apparatus fitted with an automatic collimation system—the requirements of subregulation (15); and
    - (iii) the requirements of subregulation (8) provided that, if an optional high level control is not provided, the maximum equivalent dose rate must not exceed 100 millisievert per minute; and
    - (iv) in respect of the operation in radiographic mode of apparatus that is capable of both fluoroscopy and plain radiography—the requirements of regulation 92(4), (5), (6), (7)(a), (8), (9), (12) and either (10)(a) and (11) or (10)(b); or
  - (b) in any other case—comply with—
    - (i) the requirements of subregulations (2) to (24); and
    - (ii) except in the case of fixed apparatus—as from 1 April 1987, the requirements of subregulation (25); and
    - (iii) in respect of the operation in radiographic mode of apparatus that is capable of both fluoroscopy and plain radiography—the requirements of regulation 92(4) to (18).
- (2) If a fixed apparatus is fitted with an automatic collimation system that complies with subregulation (15), it must be fitted with a manual override that permits the selection of a smaller radiation field.
- (3) The apparatus must be fitted with an image intensifier.
- (4) The apparatus must be fitted with electrical meters or other visual indicators on the control panel that provide a continuous indication of X-ray tube potential and current.
- (5) Except in the case of over table fluoroscopic X-ray tubes, a fluoroscopic exposure switch must be located at the image explorer.

- (6) A fluoroscopic table designed also for radiography must be provided with a bucky slot radiation protective cover.
- (7) If the apparatus is fitted with an optional high level control, the control must—
  - (a) require continuous activation by the operator of the apparatus for its operation; and
  - (b) have a continuous signal audible to the operator to indicate that the high level control is being employed.
- (8) For any combination of X-ray tube potential and current, the equivalent dose rate—
  - (a) in the case of an undertable X-ray tube, when the patient support is permanently between the X-ray tube and the patient, at a distance of 10 millimetres from the patient support on the patient side of the support; or
  - (b) in the case of an overtable X-ray tube, when a patient support is permanently between the patient and the X-ray image receptor, at a distance of 300 millimetres above the patient support on the X-ray tube side of the support; or
  - (c) in the case of C or U arm systems, where the X-ray tube and image receptor are mechanically linked and where a patient support may or may not be permanently in the radiation beam, at a distance of 300 millimetres from the front surface of the image intensifier but not less than 400 millimetres from the focal spot; or
  - (d) in the case where no patient support is permanently in the radiation beam, at a distance of 400 millimetres from the focal spot or the minimum distance, whichever is greater,during fluoroscopy, but not during the recording of images from the image intensifier must not exceed—
  - (e) 50 millisievert per minute if the system is manually controlled; or
  - (f) 100 millisievert per minute if the system is operated under automatic brightness control (ABC); or
  - (g) where an optional high level control is provided, 150 millisievert per minute with the high level control activated (and the high control must only be activated through the ABC mode of operation).
- (9) In the case of a fixed undertable fluoroscopic X-ray tube, the apparatus must be provided with removable drapes that—
  - (a) have a lead equivalent of no less than 0.5 millimetres; and
  - (b) are designed to attach to the lower edge of the image explorer.
- (10) The half value layer of the primary beam must, for every available kilovoltage, be not less than the value of half value layer shown in the table set out in Schedule 6 as being appropriate to the selected kilovoltage.
- (11) The exposure switch fitted to the apparatus must have a circuit closing contact that—
  - (a) can be maintained only by continuous pressure; and
  - (b) makes it impossible to make repeat exposures without releasing the switch; and
  - (c) in the case of programmed exposures—makes it possible to interrupt the exposure at any stage of the programme.
- (12) The apparatus must incorporate a device that provides a warning to the operator whenever the tube is energised and that warning must consist of—
  - (a) a red or amber light incorporated on the explorer of the apparatus; or

- (b) an audible signal provided by a device incorporated into the apparatus for that purpose.
- (13) If the apparatus incorporates a device that provides a warning to the operator and that device consists of a red or amber light required by subregulation (12), the apparatus must not have an indicator light on the control panel that is the same colour as the light referred to in subregulation (12) other than that complying with that subregulation.
- (14) The apparatus must have a readily accessible mains switch to control the supply of mains power to the apparatus and a mains indicator light to indicate when the control panel is energised and the mains switch is in the "ON" position.
- (15) The X-ray tube, collimating device, spot film device, and image intensifier must be linked together so that under all operating conditions—
  - (a) in radiographic mode—the X-ray field at the image receptor is not larger than the area being imaged on the film to the extent that none of the error distances defined in Schedule 7 exceeds the limits set out in that Schedule; and
  - (b) in all other modes—the X-ray field at the input phosphor of the image intensifier is not larger than the area being imaged on the television monitor to the extent that none of the error distances defined in Schedule 8 exceeds the limits set out in that Schedule.
- (16) The apparatus must be interlocked so that the fluoroscopic X-ray tube is de-energised whenever the image receptor is taken out of the path of the primary X-ray beam.
- (17) The apparatus must be fitted with an adjustable timing device that is activated when the X-ray tube is activated for fluoroscopy, and that has a maximum setting of 10 minutes in order to give the operator of the apparatus an audible signal at the termination of a preset time.
- (18) If the apparatus is fitted with a foot actuated exposure switch, the switch must have a cover designed to prevent accidental activation.
- (19) The position of the focal spot must be clearly indicated on the tube housing.
- (20) The X-ray tube must be enclosed in a housing so that the equivalent dose rate from leakage radiation at a distance of 1 metre from the focus of that tube does not exceed 1 millisievert in 1 hour at each rating specified by the manufacturer for that tube in that housing and, in order to determine compliance with this requirement, measurements must be made over an area not larger than 10 000 square millimetres at a distance of 1 metre from that tube.
- (21) A collimator used to limit the useful beam to the area of clinical interest must be constructed so that, in combination with the tube housing, it complies with the leakage radiation limits set out in subregulation (20).
- (22) If more than 1 X-ray tube can be operated from a single control panel, except in the case of diagnostic X-ray apparatus specifically designed for 2 tube techniques, it must not be possible to energise more than 1 X-ray tube at the same time and there must be an indication—
  - (a) on the control panel; and
  - (b) except in the case of the undertable and associated overtable X-ray tubes on fluoroscopic apparatus—at or near the tube housing, showing which X-ray tube is selected.

- (23) In the case of a fixed undertable fluoroscopic X-ray tube, the drapes referred to in subregulation (9) must—
- (a) consist of overlapping sheets; and
  - (b) be attached to the image explorer in such a way that there is no gap between the drape and the image explorer; and
  - (c) reach the table top when the image explorer is in its maximum vertical position; and
  - (d) be adjustable to protect the operator of the apparatus when the table is in the tilted position.
- (24) In the case of apparatus with an overtable fluoroscopic tube—
- (a) the collimator must be a light beam unit; and
  - (b) an exposure switch must be located at the control panel; and
  - (c) there must not be an exposure switch at the table.
- (25) Mobile apparatus must be fitted with an image storage device that is capable of storing an image and maintaining that image on a television monitor without subjecting the patient to further irradiation.

#### **100—Fixed and mobile fluoroscopic apparatus**

- (1) Fixed fluoroscopic apparatus must be designed and constructed so that the minimum distance between the focus of the X-ray tube and the patient entrance surface is—
  - (a) in the case of apparatus that has a patient support permanently between the X-ray tube and the patient—not less than 400 millimetres;
  - (b) in any other case—not less than 300 millimetres.
- (2) Mobile fluoroscopic apparatus must be designed and constructed so that—
  - (a) the distance between the focus and the X-ray tube and the patient entrance surface is not less than 200 millimetres other than in the case of a mini C-arm apparatus that has a maximum tube current not exceeding 200 microamperes; and
  - (b) the radiographic exposure switch is attached to the apparatus by a cord that is not less than 2 metres in length.
- (3) Except where it is not reasonably practicable to do so, a person must not operate mobile fluoroscopic apparatus so that the distance between the focus of the X-ray tube and the patient entrance surface is less than 300 millimetres.

#### **101—Apparatus used for treatment at accelerating voltages up to 0.5MV**

- (1) If apparatus is used for treatment at accelerating voltages of up to and including 0.5 megavolts, it must comply with subregulations (2) to (13).
- (2) The X-ray tube must be enclosed in such a housing that, at every specified rating of that tube in that housing, the equivalent dose rate from the leakage radiation—
  - (a) at a distance of 1 metre from the focus—does not exceed 10 millisievert per hour, nor 300 millisievert per hour at any position accessible to the patient at a distance of 50 millimetres from the surface of that housing or its accessory equipment; and
  - (b) in the case of an X-ray tube which is operated at a peak potential of 50 kilovolts or less—does not exceed 1 millisievert per hour at any position 50-millimetres from the surface of that housing or its accessory equipment.



- (3) For the purpose of determining compliance with subregulation (2), measurements must be made over an area not exceeding 10 000 square millimetres at a distance of 1 metre or 1 000 square millimetres at a distance of 50 millimetres, as the case requires, from the X-ray tube housing.
- (4) Control settings, meters or other means must be provided at the control panel of the apparatus to indicate X-ray tube potential and current when these can be varied and for indication of the filtration being used.
- (5) Permanent diaphragms or cones fitted to the apparatus must be so constructed that, in combination with the X-ray tube housing, they comply with the requirements for leakage radiation set out in subregulation (2).
- (6) Additional diaphragms or cones provided with the apparatus must not transmit more than 2% of the primary beam.
- (7) The apparatus must have a clear mark on the exterior of the X-ray tube housing to indicate the position of the focal spot.
- (8) The X-ray tube housing must remain stationary during stationary portal treatment.
- (9) The apparatus must have a clearly visible indicator on the control panel that indicates when X-rays are being produced.
- (10) Apparatus in which the useful beam is controlled by a shutter must have clearly visible indicators on the control panel that indicate whether the shutter is open or closed.
- (11) The apparatus must be provided with an automatic timer that terminates an exposure by de-energising the X-ray tube after the preset time has elapsed and that timer must preserve its accumulated response in the event of any failure or interruption in the operation of the apparatus during treatment.
- (12) Apparatus that can operate at tube potentials exceeding 150 kilovolts must be provided with a transmission monitoring ionisation chamber or equivalent device positioned in the useful beam to provide a continuous check on the constancy of the radiation output, and, when that chamber is also employed as an integrating meter, the integrating meter must preserve its accumulated response in the event of any failure or interruption in the operation of the apparatus during treatment.
- (13) Apparatus that had not been registered under the revoked Health Act regulations must be provided with a means of selecting the filtration to be used at the control panel so that it cannot be operated—
  - (a) without the filtration selected being placed in the primary beam; and
  - (b) at unintended combinations of kilovoltage and filtration.

**102—Apparatus producing X-rays or electron beams (energy range 0.5-20 MeV)  
used for medical radiation therapy**

- (1) Apparatus that produces either X-rays or an electron beam with energies above 0.5 megaelectronvolts and less than 20 megaelectronvolts and is operated or used for medical radiation therapy must comply with the requirements of subregulations (2) and (3).
- (2) The apparatus must be shielded so that the equivalent dose rate due to leakage radiation (excluding neutrons)—
  - (a) at any point outside the maximum useful beam, but inside a plane circular area of radius 2 metres centred around, and perpendicular to, the central axis of the beam at 1 metre from the focal spot—must not exceed 0.2% of the equivalent dose rate on the axis at the same distance; and

- (b) at 1 metre from the path of the electrons between their origin and the target or the electron window—must not exceed 0.5% of the equivalent dose rate on the central axis of the beam at 1 metre from the focal spot for areas not included in paragraph (a).
- (3) The apparatus must have 2 independent dose monitoring systems so that any failure or malfunction in 1 system does not influence the function of the other system and both systems must be capable of independently terminating the irradiation.

### **103—Fixed apparatus used for medical, veterinary or chiropractic radiography**

- (1) Fixed apparatus used for medical, veterinary or chiropractic radiography, including fluoroscopy, tomography, computed tomography, mammography and including apparatus designed for soft tissue radiography, but excluding orthopantomographic apparatus, must be installed in premises so that—
  - (a) if the apparatus was installed before 1 April 1986—subregulations (2) to (5)(a) are complied with; or
  - (b) in any other case—subregulations (2) to (9) are complied with.
- (2) The control panel must be isolated—
  - (a) in a room, space or enclosure adjacent to but separate from the room, space or enclosure in which the apparatus is installed; or
  - (b) behind a fixed screen, situated within the room, space or enclosure in which the apparatus is installed, such screen to include radiation shielding material and, where reasonably practicable, arranged so that the radiation emitted by the apparatus is scattered at least twice before it can enter the area behind the screen from which the apparatus is operated.
- (3) The apparatus must be installed so that the operator of the apparatus is able to see the patient—
  - (a) by means of closed circuit television or a mirror; or
  - (b) through a viewing window.
- (4) The apparatus must be installed so that the operator of the apparatus is able to communicate with the patient from a shielded position.
- (5) The room, space or enclosure in which such apparatus is installed must be of sufficient size to—
  - (a) allow all the uses to which the apparatus is to be put to be readily carried out; and
  - (b) allow distance from the X-ray tube and from the primary X-ray beam to be used as a means of complying with the general objective.
- (6) The equivalent dose rate—
  - (a) 50 millimetres from any wall, door, window, floor or ceiling outside a room, space or enclosure in which the apparatus is installed, being—
    - (i) an area continuously occupied by a radiation worker; or
    - (ii) a corridor, walkway, lift, stairway, carpark, toilet or other area that is normally occupied by a member of the public for a short time; and
  - (b) 50 millimetres from behind a protective screen,

must not exceed 25 microsievert per hour when the apparatus is operated at its maximum rated X-ray tube potential and 1 half of its maximum continuous tube current at that potential.

- (7) The equivalent dose rate 50 millimetres from any wall, door, window, floor or ceiling outside a room, space or enclosure in which the apparatus is installed, being an area occupied by a member of the public for other than a short period of time, must not exceed 2.5 microsievert per hour when the apparatus is operated at its maximum rated X-ray tube potential and 1 tenth of its maximum continuous tube current at that potential.
- (8) The viewing window referred to in subregulation (3) must be at least 300 millimetres wide and 400 millimetres high.
- (9) The protective screen referred to in subregulation (2)(b) must have a minimum height of 2 metres and a minimum width of 1 metre.

#### **104—Installation of radiation therapy apparatus operating above 50kV**

Radiation therapy apparatus that can operate at voltages above 50 kilovolts must be installed so that—

- (a) the control panel for the apparatus is located outside the treatment room and in a shielded position; and
- (b) safety interlocks are provided so that when any door to the treatment room is opened—
  - (i) the production of ionising radiation ceases; or
  - (ii) the equivalent dose rate within the treatment room is reduced to a maximum of 100 microsievert per hour at a distance of 1 metre in any direction from the source of radiation; and
- (c) if an interlock referred to in paragraph (b) has caused the apparatus to cease producing useful ionising radiation—useful ionising radiation must not be produced when the door is closed until the apparatus is re-activated from the control panel; and
- (d) a red warning light to indicate the production of ionising radiation is fitted adjacent to any door to the treatment room which is not visible from the control panel; and
- (e) a shielded window, mirror, closed circuit television system or other means are provided so that it is possible to continuously observe and communicate with the patient undergoing treatment from the control panel; and
- (f) the equivalent dose rate 50 millimetres from any wall, door, entrance, window, floor or ceiling outside a room, space or enclosure in which the apparatus is installed, being—
  - (i) an area continuously occupied by a radiation worker; or
  - (ii) a corridor, walkway, lift, stairway, carpark, toilet or other area that is normally occupied by a member of the public for a short time,

does not exceed 25 microsievert per hour when the apparatus is operated at the maximum potential to be used and 1 half of the maximum radiation output available at that potential; and

- (g) the equivalent dose rate 50 millimetres from any wall, door, window, entrance, floor or ceiling outside a room, space or enclosure in which the apparatus is installed, being an area occupied by a member of the public for other than a short period of time, does not exceed 2.5 microsievert per hour when the apparatus is operated at the maximum potential to be used and 1 half of the maximum radiation output available at that potential.

**105—Minister's power to prohibit use of certain apparatus designed for medical, dental or chiropractic use pending consideration of application for registration of apparatus**

- (1) If an apparatus—
  - (a) had not been registered under the revoked Health Act regulations; and
  - (b) is designed for medical, dental or chiropractic use; and
  - (c) is the subject of an application for registration in accordance with these regulations and the application is under consideration by the Minister,

the Minister may serve on the owner a notice in writing that contains a direction prohibiting the owner or any other person from operating the apparatus until the apparatus has been registered under section 32 of the Act.

- (2) A person must not contravene a notice undersubregulation (1).
- (3) For the purposes of subregulation (1), the testing of apparatus solely with the irradiation of inanimate objects is not to be regarded as the operation of the apparatus.

**106—Duty of person licensed to operate apparatus in relation to persons other than patients during medical etc radiographic procedure**

A person licensed to operate apparatus in accordance with section 31 of the Act must not cause, suffer or permit any person other than the patient, during any medical, dental, veterinary or chiropractic radiographic procedure, to—

- (a) expose his or her chest or abdomen to scattered radiation unless he or she is wearing a protective apron with a shielding value of not less than 0.25 millimetres lead equivalent; or
- (b) expose his or her hands to the useful X-ray beam unless he or she is wearing protective gloves with a shielding value of not less than 0.25 millimetres lead equivalent; or
- (c) remain in the room in which the procedure is being carried out unless—
  - (i) his or her presence is necessary; or
  - (ii) he or she is receiving instruction from the person conducting the procedure.

**107—Persons other than patient not to remain in room during fluoroscopic procedure or test procedure**

A person other than the patient must not, during any fluoroscopic procedure or any test procedure, remain in the room in which the procedure is being carried out unless—

- (a) he or she has been granted permission by the person operating the apparatus; and
- (b) he or she is wearing a protective apron with a shielding value of not less than 0.25 millimetres lead equivalent; or

- (c) he or she is shielded by a protective screen of a kind referred to in regulation 103(2)(b).

### **108—Prohibition on use of direct exposure film for mammography**

A person must not use direct exposure film for the purpose of mammography.

### **109—Manual processing of radiographic films**

- (1) A person licensed to operate apparatus in accordance with section 31 of the Act must not—
  - (a) manually process; or
  - (b) cause, suffer or permit any other person to manually process,a radiographic film of a human patient otherwise than in accordance with this regulation.
- (2) The processing must be carried out as follows:
  - (a) developer and fixer chemicals must be diluted as recommended by the manufacturer of those chemicals, be replenished as necessary, and replaced at intervals as recommended by the manufacturer of those chemicals;
  - (b) the developer and fixer must be maintained within the temperature range recommended by the manufacturer of those chemicals;
  - (c) the developer and fixer must be stirred thoroughly prior to each use of those chemicals;
  - (d) the temperature of the developer must be measured with a thermometer prior to each use of the developer;
  - (e) the film must be developed for the developing time recommended by the manufacturer of the developer according to the measured temperature of the developer;
  - (f) the film must be fixed and washed in the manner recommended by the manufacturer of the fixing chemicals used.
- (3) Subregulation (2) does not apply to a radiographic film taken by a dentist during the course of endodontic treatment provided that the processing method used does not necessitate radiation exposures greater than those which would be required in order to comply with that subregulation.

### **110—Persons other than patient not to remain in treatment room where apparatus operated or used for radiation therapy above certain voltages**

A person other than a patient must not, where apparatus is operated or used for radiation therapy at voltages—

- (a) above 50 kilovolts—remain in; or
  - (b) at or below 50 kilovolts—remain in an unshielded area of,
- the treatment room during the treatment of the patient.

### **111—Minister's power to require registered owner of diagnostic radiography apparatus to maintain quality assurance test program**

- (1) For the purpose of attaining the general objective, the Minister may direct a registered owner of apparatus used for diagnostic radiography to institute and maintain a program of quality assurance tests on the apparatus and on the equipment ancillary to it.
- (2) The program referred to in subregulation (1) will consist of such tests as the Minister directs.

- (3) A direction from the Minister must be in writing served on the registered owner of the apparatus and must specify—
  - (a) the apparatus or ancillary equipment to be tested; and
  - (b) the methods to be used in carrying out the tests; and
  - (c) the time within which the tests must be carried out; and
  - (d) the frequency at which the tests are to be carried out; and
  - (e) the criteria to be used in deciding whether or not the apparatus or ancillary equipment has passed the tests; and
  - (f) the action to be taken upon a failure to pass a test being detected.
- (4) A person who has been directed by the Minister to carry out tests in accordance with this regulation must keep a register for the purpose of recording the tests.
- (5) If a person carries out tests in accordance with this regulation, the person must, within 14 days of carrying out the tests, make an entry in the register containing—
  - (a) sufficient details to identify the apparatus or ancillary equipment tested; and
  - (b) the date of the tests; and
  - (c) the results of the tests.
- (6) The tests referred to in this regulation may include, but need not be limited to—
  - (a) tests of the performance of automatic film processors;
  - (b) tests of the alignment of the light beam from a light beam diaphragm with the primary radiation beam;
  - (c) tests of consistency of radiation output;
  - (d) tests of linearity of radiation output with charge (mAs);
  - (e) tests of accuracy of selected kilovoltage;
  - (f) tests of timer accuracy;
  - (g) tests on automatic exposure control systems;
  - (h) tests on radiographic cassettes and viewing boxes;
  - (i) for fluoroscopic apparatus—
    - (i) tests on automatic collimation systems; and
    - (ii) measurements of the maximum equivalent dose rate at the patient's skin; and
    - (iii) measurements of the equivalent dose or equivalent dose rate at the image intensifier; and
    - (iv) measurements of the product of the equivalent dose and primary beam area at the exit surface of the beam limiting device; and
    - (v) tests on the synchronisation of a pulsed X-ray tube with a cine camera shutter; and
    - (vi) tests on the imaging performance of the system.

## **Part 5—Radioactive substances**

### **Division 1—Sale of radioactive substances**

#### **112—Application of Division**

This Division applies to a business during the course of which a radioactive substance, or a device that contains a radioactive substance, is sold, installed or maintained.

#### **113—Duty to give Minister notice before carrying on certain business**

A person must not carry on a business during the course of which he or she sells, installs or maintains a radioactive substance or a device that contains a radioactive substance unless he or she has first served on the Minister a notice in writing that—

- (a) contains the full name and address of the person carrying on the business or, in the case of a company, the name of the company and the address of its registered office; and
- (b) states the number of persons who will in the course of carrying on the business handle any radioactive substance or device containing any radioactive substance; and
- (c) states whether or not any radioactive substance or device containing any radioactive substance will be stowed or stored during the course of carrying on the business and, if so, where it is likely that it will be stowed or stored; and
- (d) if it is proposed to sell any radioactive substance or any device containing any radioactive substance, states details of the substance or device.

#### **114—Duty to notify Minister of defective registrable device sold or installed in course of business**

- (1) If, during the course of carrying on a business to which this Division applies, a person sells or installs a registrable device and after the sale or installation becomes aware that—
  - (a) the registrable device the person has sold or installed has a defect; or
  - (b) registrable devices of the same class or kind as the registrable device the person has sold or installed, have a defect,

the person must, within 7 days of becoming aware of the defect, serve on the Minister a notice in writing containing—

- (c) details of the defect; and
  - (d) the class or kind of registrable device affected by the defect; and
  - (e) the likely effects of the defect; and
  - (f) details of the steps the person is taking or intends to take to rectify the defect.
- (2) A person who fails to comply with subregulation (1) is guilty of a minor indictable offence. Maximum penalty: \$50 000 or imprisonment for 5 years.
- (3) If a person serves a notice on the Minister in accordance with subregulation (1), the person must, within 7 days of becoming aware of—
  - (a) any change in the information he or she has already supplied; or
  - (b) any additional information relating to the information already supplied,

serve on the Minister a further notice in writing setting out full details of the change or the information additional to the information already supplied.

- (4) In this regulation—

*defect* means a fault in the design or the construction of the registrable device that is likely to increase the dose of ionising radiation that may be received by any person from the registrable device.

#### **115—Minister's power to require additional information**

- (1) The Minister may, by notice in writing served on a person who has served notice in accordance with this Part, require the person to supply such additional information as the Minister thinks fit.
- (2) A person on whom notice is served under subregulation (1) must comply with the notice within 28 days of service of the notice.

#### **116—Person selling registrable device to give purchaser certain information**

If a person who carries on a business to which this Division applies receives an order for the sale of a registrable device, the person must, if intending to sell the device, serve on the person to whom he or she intends to sell the device—

- (a) a form in the form of Schedule 5 Form 5; and
- (b) a form in the form of Schedule 5 Form 6.

#### **117—Duty to notify Minister of sale of mobile registrable device**

If a person who carries on a business to which this Division applies delivers a mobile registrable device that he or she has sold, the person must, within 7 days of the date of the delivery, serve on the Minister a notice in writing containing—

- (a) the name of the person to whom the device has been sold; and
- (b) the address to which the device was delivered; and
- (c) full details of the device sold and delivered.

#### **118—Duty to notify Minister of intention to install fixed registrable device**

A person who carries on a business and who intends to install at any premises a registrable device that is to be fixed, the person must, at least 7 days before commencing the installation, give to the Minister a notice in writing containing—

- (a) the name of the person to whom the device has been sold; and
- (b) the address at which the device is to be installed; and
- (c) full details of the device to be installed.

#### **119—Person selling sealed radioactive source required to be registered to supply ISO certificate**

A person must not sell a sealed radioactive source that is required by the Act to be registered unless at the time of such sale the person supplies with the source a certificate that meets the relevant requirements of International Standard ISO 2919:1999 (E) *Radiation protection — sealed radioactive sources — General requirements and classification* published by the International Organisation for Standardisation reference number ISO 2919:1999 (E).



**120—Duty to notify Minister of sale of registered sealed radioactive source**

If a person, not being a person who carries on a business to which this Division applies, sells a sealed radioactive source that is registered under section 30 of the Act, the person must, within 7 days of the sale, serve on the Minister a notice in writing containing—

- (a) the name and address of the registered owner of the source prior to the sale; and
- (b) the name and address of the person to whom the source has been sold; and
- (c) the registered number of the source.

**121—Duty to notify Minister of sales of radioactive substances**

A person who carries on a business to which this Division applies must—

- (a) within 3 months of first notifying the Minister in accordance with regulation 113; and
- (b) thereafter at intervals of not longer than 3 months,

serve on the Minister a notice in writing containing—

- (c) details of all sales of radioactive substances made by the person during the preceding 3 months or since the last notice given by the person in accordance with this regulation; and
- (d) in respect of each sale—
  - (i) the name and address of the person to whom the sale was made; and
  - (ii) the radionuclides sold and total activity of each radionuclide sold; and
  - (iii) if the device sold is a sealed radioactive source larger than 50 megabecquerels—the activity of each such sealed radioactive source sold; and
  - (iv) for each radionuclide sold, the total activity of each such radionuclide supplied in unsealed form.

**122—Prohibition on selling consumer product**

A person must not sell a consumer product.

**123—Prohibition on selling unapproved ionisation chamber smoke detector**

A person must not sell an ionisation chamber smoke detector unless that model of detector has been approved by the Minister.

**Division 2—Licence to use or handle radioactive substances****124—Prescribed classes of persons and substances (section 28(2) of Act)**

For the purposes of section 28(2) of the Act—

- (a) substances to which these regulations do not apply by virtue of regulation 7 are a prescribed class of substances;
- (b) the following classes of persons are prescribed:
  - (i) persons who use or handle any sealed radioactive source, being a source with an activity of less than the following—
    - (A) for group 1 and 2 radionuclides: 5 megabecquerels;

- (B) for group 3 and 4 radionuclides (not including tritium in gaseous tritium light sources): 50 megabecquerels;
- (C) for tritium in gaseous tritium light sources: 20 gigabecquerels, and who use or handle such a sealed radioactive source under the directions of a person who holds a licence under section 28 of the Act;
- (ii) persons who use a sealed radioactive source that is contained in a radiation gauge but do not use or handle the source at any time other than by operating the source control mechanism under the directions of a person who holds a licence under section 28 of the Act;
- (iii) persons who handle a sealed radioactive source that is contained in a radiation gauge under the direct supervision of a person who holds a licence under section 28 of the Act, and do not dismantle the source container nor handle the source while it is out of the source container;
- (iv) persons who use or handle an unsealed radioactive substance in type C premises and are working under the directions of a person who—
  - (A) supervises the persons who work in those premises; and
  - (B) holds a licence pursuant to section 28 of the Act entitling the holder to use or handle the radioactive substances used or handled in those premises in the manner in which they are used or handled in those premises;
- (v) persons, being members of the public, who handle any radioactive substance that is packaged for transport in accordance with the *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003*;
- (vi) persons who, being members of the nursing staff employed in a hospital ward in which patients are treated by the use of a radioactive substance, are supervised by a registered nurse in charge of that ward who holds a licence under section 28 of the Act that entitling the holder to use or handle such a radioactive substance in that ward;
- (vii) persons who are patients undergoing diagnosis or treatment by use of a radioactive substance;
- (viii) persons who use, for the purpose of industrial radiography, a sealed radioactive source that is located in a fully protected enclosure and who use that source under the supervision of a person who holds a licence under section 28 of the Act;
- (ix) persons who use or handle any radioactive substance in the course of operations authorised by a licence issued under section 23A or 24 of the Act.

### **125—Prescribed form (section 28(3)(b) of Act)**

For the purposes of section 28(3)(b) of the Act, the form set out in Schedule 5 Form 6 is prescribed.

**126—Holder of licence under section 28 of Act to notify Minister of change of address for service**

If the address for service of a holder of a licence granted under section 28 of the Act is changed, the holder of the licence must, within 14 days of the change, serve on the Minister a notice in writing setting out the new address for service.

**Division 3—Accounting for and storage and labelling of radioactive substances****127—Registered occupier of premises in which unsealed radioactive substance is kept or handled to maintain register of unsealed radioactive substances**

The registered occupier of premises in which an unsealed radioactive substance is kept or handled must—

- (a) maintain a register of unsealed radioactive substances; and
- (b) within 24 hours after each unsealed radioactive substance kept or handled at the premises is first taken onto the premises, enter in the register an entry containing—
  - (i) the radionuclide contained in the substance; and
  - (ii) the activity or nominal activity; and
  - (iii) the date to which the activity refers; and
  - (iv) the name of the person in whose care the substance has been placed; and
  - (v) the date upon which the substance was first taken onto the premises.

**128—Person in possession of sealed radioactive source to maintain register of sealed radioactive sources**

A person in possession of a sealed radioactive source (whether or not registered under section 30 of the Act) must—

- (a) maintain a register of sealed radioactive sources; and
- (b) within 24 hours of taking possession of a sealed radioactive source, enter in the register in respect of the source—
  - (i) the name of the manufacturer of the source; and
  - (ii) the manufacturer's model or type number; and
  - (iii) the serial number of the source; and
  - (iv) the radionuclide enclosed in the source; and
  - (v) if it is a non-fissile neutron source—the target element; and
  - (vi) the activity or nominal activity; and
  - (vii) the date to which the activity refers; and
  - (viii) if the source is permanently mounted in a device, article or thing—sufficient information to identify the device article or thing; and
  - (ix) if the source is permanently fixed—the place where it is located; and
  - (x) the name of the person in whose care the source has been placed; and
  - (xi) if the source is not permanently fixed—the place at which it is usually stored; and

- (xii) the date on which the person took possession of the source.

### **129—Storage of sealed radioactive sources and unsealed radioactive substances**

A person who owns a sealed radioactive source or is the registered occupier of any premises in which an unsealed radioactive substance is stored, being a source or substance that is not being handled or used, must—

- (a) store the source or substance so that—
  - (i) the equivalent dose rate in any area accessible to members of the public and outside the place of storage is as low as is reasonably achievable and in no case exceeds 25 microsievert per hour; and
  - (ii) no person receives an effective dose exceeding the appropriate dose limit referred to in Part 2 Division 2; and
  - (iii) the place of storage is ventilated in such a way that the concentration of airborne radioactive substances within the place of storage will, for any period of time that the place of storage is occupied, be as low as is reasonably achievable; and
- (b) take reasonable precautions to prevent unauthorised access to the source or substance or unauthorised removal of the source or substance from the place of storage; and
- (c) if it is reasonably foreseeable that, during a period of time, chemical, radiation or other action may weaken or rupture a container in which the source or substance is stored so as to cause leakage from that container—provide suitable secondary containment adequate to contain the entire quantity of radioactive substance.

### **130—Owner of sealed radioactive source etc to mark doors and entrances to areas where source or unsealed radioactive substance kept**

- (1) A person who owns a sealed radioactive source or is the registered occupier of any premises in which an unsealed radioactive substance is kept, handled or stored must mark every door and every entrance to the area in which the source or substance is kept, handled or stored with a sign that—
  - (a) complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
  - (b) if it bears words—bears the words "RADIATION AREA" or "STORE FOR RADIOACTIVE SUBSTANCES" or other words to that effect; and
  - (c) bears the name and telephone number of a person to contact in the event of any emergency arising within or emanating from that area; and
  - (d) bears the radiation symbol; and
  - (e) has a total surface area of not less than 4 500 square millimetres; and
  - (f) is clearly legible from a distance of 2 metres.
- (2) Subregulation (1) does not apply to a sealed radioactive source that is contained in a radiation gauge.

**131—Owner of sealed radioactive source etc to mark sources and vessels containing unsealed radioactive substance**

- (1) A person who owns a sealed radioactive source or is the registered occupier of any premises in which an unsealed radioactive substance is kept must mark each source and every vessel containing the substance with a sign that—
  - (a) bears the radiation symbol; and
  - (b) bears the word "RADIOACTIVE"; and
  - (c) contains the identity and activity of the radionuclide.
- (2) A person need not mark a source or a vessel containing a radioactive substance if by reason of the size of the source or vessel it is not reasonably practicable to do so.

**Division 4—Disposal of radioactive substances****132—Application of Division**

This Division does not apply to—

- (a) radioactive substances to which these regulations do not apply by virtue of regulation 7; or
- (b) any radioactive ore; or
- (c) the discharge from a place other than a hospital or health service that occupies registered premises into a sewerage system of a radioactive substance contained in excreta from a person who is or has been undergoing medical diagnosis or treatment with a radioactive substance.

**133—Prohibition on disposal of radioactive substance without Minister's approval**

A person must not dispose of a radioactive substance without the prior approval of the Minister.

**134—Application for approval to dispose of unsealed radioactive substance**

- (1) An application for approval to dispose of an unsealed radioactive substance must be made by—
  - (a) in the case of a substance kept or handled in registered premises—the occupier of the registered premises;
  - (b) in any other case—the owner of the substance.
- (2) An application may relate to the disposal of 1 or more unsealed radioactive substances on 1 occasion or a proposal to dispose of more than 1 or a variety of unsealed radioactive substances on more than 1 occasion extending over a period of up to 12 months from the date of the approval.
- (3) An application must—
  - (a) be in writing; and
  - (b) specify the substance or substances to be disposed of; and
  - (c) contain details of the substance or substances to be disposed of including their chemical and physical form; and
  - (d) specify the maximum activities of the substances likely to be disposed of, and the arrangements to prevent the maximum activities from being exceeded; and

- (e) contain details of the place or places where the substance or substances will be disposed of; and
- (f) contain the approximate date or dates when the substance or substances will be disposed of; and
- (g) contain details of the method of the proposed disposal including details of packaging, storage, segregation, labelling, monitoring and transport; and
- (h) contain the name of any person or persons who it is proposed will handle the substance or substances during the course of their disposal.

### **135—Application for approval to dispose of sealed radioactive source**

- (1) An application for approval to dispose of a sealed radioactive source must be made by—
  - (a) in the case of a registered source—the registered owner of the source; or
  - (b) in any other case—the owner of the source.
- (2) An application may relate to the disposal of 1 or more sealed radioactive sources.
- (3) An application must—
  - (a) be in writing; and
  - (b) specify the source or sources to be disposed of; and
  - (c) contain details of the source or sources to be disposed of including their chemical and physical form and the activity of such source or sources; and
  - (d) contain details of the place or places where the source or sources will be disposed of; and
  - (e) contain the approximate date or dates when the source or sources will be disposed of; and
  - (f) contain details of the method of the proposed disposal including details of segregation, labelling, monitoring, and transport; and
  - (g) contain details of any container or device in which the source is housed; and
  - (h) contain the name of any person or persons who it is proposed will handle the source or sources during the course of their disposal.

### **136—Minister's power to require applicant to supply further information**

Before the Minister determines an application for approval to dispose of a radioactive substance—

- (a) the Minister may, by notice in writing, direct the applicant to supply the Minister with such further information as the Minister considers is necessary to enable the Minister to give full consideration to the application; and
- (b) the Minister must, if the Minister gives such a notice to the applicant, defer consideration of the application until the applicant has complied with the notice.

### **137—Matters to be taken into account by Minister in deciding application for approval**

The Minister may grant or refuse an application for approval to dispose of an unsealed radioactive substance or a sealed radioactive source and, in deciding whether to grant or refuse such an application, must have regard to the following matters:

- (a) the nature of the substance or source;

- (b) the activity of the substance or source;
- (c) whether the substance or source may be safely disposed of;
- (d) whether the method of disposal proposed by the applicant is appropriate;
- (e) whether the place at which it is proposed to dispose of the substance or source is appropriate;
- (f) whether the proposed disposal will adversely affect the health of any person, any class of person or members of the public generally;
- (g) whether the proposed disposal is consistent with the general objective.

### **138—Approval of application**

- (1) If the Minister grants an approval to a proposal to dispose of an unsealed radioactive substance or a sealed radioactive source, the Minister may do so unconditionally or subject to such conditions as the Minister considers ought to be imposed so that the disposal may take place in accordance with the general objective.
- (2) An approval of the Minister may relate to the disposal of 1 or more sealed radioactive sources or to 1 or more unsealed radioactive substances on 1 occasion, or to the disposal of more than 1 or a variety of unsealed radioactive substances on more than 1 occasion extending over a period of up to 12 months from the date of the approval.

### **139—Minister to notify applicant of decision on application**

- (1) If the Minister approves an application to dispose of an unsealed radioactive substance or a sealed radioactive source, the Minister must notify the applicant in writing of the granting of the approval and of the precise nature of any conditions to which the approval is subject.
- (2) If the Minister refuses an application for approval to dispose of an unsealed radioactive substance or a sealed radioactive source, the Minister must give the applicant a notice in writing stating—
  - (a) that the application is refused; and
  - (b) the reasons for its refusal.

### **140—Minister's power to vary or impose conditions during currency of approval**

- (1) The Minister may, at any time during the period for which an approval has been granted, by notice in writing served upon the applicant—
  - (a) vary any condition which it had imposed; or
  - (b) impose a condition on an approval that had been granted unconditionally; or
  - (c) impose an additional condition.
- (2) An applicant must comply with a condition imposed on an approval.

### **141—Right to apply for reconsideration of decision refusing application or imposing or varying condition**

- (1) If the Minister—
  - (a) refuses an application; or
  - (b) imposes a condition on an approval; or
  - (c) varies a condition to which an approval is subject,

the applicant may, within 14 days of receiving notice of the refusal or imposition or variation of conditions, apply to the Minister for a reconsideration of the Minister's decision.

- (2) An application for reconsideration must be in writing and set out fully any representations the applicant wishes to make in support of the application.
- (3) The Minister must, within 28 days of receiving an application, reconsider the decision the subject of the application and inform the applicant of the Minister's further decision.
- (4) In reconsidering an application the Minister must have regard to the matters contained in regulation 137 and to any written representations made by the applicant.

## **Division 5—Registration of sealed radioactive sources**

### **142—Prescribed classes of sealed radioactive sources**

For the purposes of section 30(3) of the Act, the following classes of sealed radioactive sources are prescribed:

- (a) sealed radioactive sources to which these regulations do not apply by reason of regulation 7;
- (b) sealed radioactive sources that consist solely of Hydrogen-3 or Polonium-210;
- (c) sealed radioactive sources that consist solely of Gold-198, are in the form of seeds or grains, and are used for radiation therapy;
- (d) sealed radioactive sources that contain Cobalt-60 or Iridium-192, are in the form of wire or pins, and are used for radiation therapy;
- (e) sealed radioactive sources that are kept, stored and used while contained in an instrument or device that contains another sealed radioactive source that is registered under section 30 of the Act;
- (f) sealed radioactive sources that contain Iridium-192 and are used for industrial radiography if—
  - (i) the source replaces a source in a source container; and
  - (ii) the replaced source is registered under section 30 of the Act; and
  - (iii) the source replacing the registered source has a maximum activity no greater than the maximum activity of the source it has replaced;
- (g) sealed radioactive sources that are held as stock for sale by a person who has complied with regulation 113;
- (h) sealed radioactive sources that are being installed by a person who has complied with regulation 113;
- (i) sealed radioactive sources that contain a group 1 or 2 radionuclide with an activity of less than 50 megabecquerels except—
  - (i) Radium-226; and
  - (ii) Strontium-90 used for ophthalmological radiation therapy;
- (j) sealed radioactive sources that contain less than 25 megabecquerels of Radium-226;
- (k) sealed radioactive sources that contain a group 3 or 4 radionuclide with an activity of less than 500 megabecquerels.



**143—Application for registration of sealed radioactive source**

An applicant for registration of a sealed radioactive source must—

- (a) complete and sign a form in the form of Schedule 5 Form 7; and
- (b) send the form to the Minister together with the application and registration fees specified in Schedule 4.

**144—Duty of registered owner of sealed radioactive source to notify Minister of change of address for service**

If the address for service of the registered owner of a sealed radioactive source is changed, the registered owner must, within 14 days of the change, serve on the Minister a notice in writing setting out the new address for service.

**145—Duty of registered owner of sealed radioactive source to notify Minister of modifications to source container**

If a source container housing a registered sealed radioactive source is modified, the registered owner of the sealed radioactive source must, within 14 days of the modification, serve on the Minister a notice setting out the particulars of the modification that has been made.

**Division 6—Special requirements for sealed radioactive sources****146—Design and construction of capsules and source holders**

- (1) A capsule must be designed and constructed so that any radioactive substance within the capsule remains effectively enclosed within the capsule—
  - (a) during all the conditions that are likely to arise when the source is being put to its normal use; and
  - (b) during all the conditions that are likely to arise if the source is involved in an accident of a kind that is likely to arise when the source is being put to its normal use.
- (2) A source holder that is a component of a bore hole logging tool must be designed and constructed so that any sealed radioactive source housed within the holder will remain so housed, and will resist dispersal of the radioactive substance in the event of the integrity of the source capsule failing, during—
  - (a) all the conditions that are likely to arise when the bore hole logging tool is being put to its normal use; and
  - (b) all the conditions that are likely to arise if the bore hole logging tool is involved in an accident of a kind that is likely to arise when the tool is being put to its normal use.
- (3) For the purposes of this regulation, a capsule complies with the requirements of subregulation (1) if it complies with the requirements of the International Standard ISO 2919:1999 (E) *Radiation protection — sealed radioactive sources — General requirements and classification* published by the International Organisation for Standardisation reference number ISO 2919:1999 (E) as those requirements relate to the usage to which the sealed radioactive source is to be put, as expressed in Table 4 of that standard.

**147—Sealed radioactive source to be used in device etc**

If a sealed radioactive source is to be used in a device, article or thing, the radionuclide to be used in the source must be one—

- (a) the activity which is not larger than is necessary for the satisfactory operation of the device, article or thing beyond its normal working life; and
- (b) the energy and type of radiation emitted from which are appropriate to the use for which the device, article or thing has been designed; and
- (c) the half life of which is as short as is practicable; and
- (d) from a group other than group 1 unless there are no other radionuclides readily available with the necessary properties.

**148—Sealed radioactive source to be in chemical and physical form minimising corrosion etc**

A sealed radioactive source must be in a chemical and physical form that will throughout its ordinary working life—

- (a) minimise corrosion; and
- (b) minimise the build up of internal pressure; and
- (c) minimise the dispersal of the radioactive substance or the dissolution of the radioactive substance in water in the event of the capsule being ruptured.

**149—Minister's power to require owner of sealed radioactive source to carry out tests**

- (1) The Minister may, by notice in writing served on the owner of a sealed radioactive source, direct the owner to carry out in respect of the source such tests as the Minister directs.
- (2) A notice under subregulation (1) must—
  - (a) identify the source to be tested; and
  - (b) specify the method to be used in carrying out the tests; and
  - (c) specify the time within which the tests must be carried out; and
  - (d) specify the frequency at which the tests are to be carried out; and
  - (e) specify the criteria to be used in deciding whether or not the source passes the tests.
- (3) A person who has been required by the Minister to carry out tests in accordance with this regulation must—
  - (a) keep a register for the purpose of recording such tests; and
  - (b) within 14 days of carrying out tests in accordance with this regulation—make an entry in the register containing—
    - (i) sufficient details to identify the source tested; and
    - (ii) the date of the tests; and
    - (iii) the results of the tests.
- (4) If a source fails to pass a test carried out under this regulation, the owner of the source must immediately—
  - (a) cease to use the source; and

- (b) prevent any other person from using the source; and
- (c) notify the Minister that the source has failed to pass the test.

**150—Owner of sealed radioactive source to keep register of location if moved for use**

- (1) If in order to use a sealed radioactive source it is necessary for that source to be moved away from the premises controlled by the owner of the source, the owner must, in respect of the source—
  - (a) keep a separate register for the purpose of establishing, so far as is possible, the location of a sealed radioactive source at any given time; and
  - (b) in respect of the source, make entries in the register containing—
    - (i) registered number of the source; and
    - (ii) if the source is being moved in a vehicle—the registered number of that vehicle; and
    - (iii) the site, district or other locality at which the source is to be used; and
    - (iv) if the source is to be used pursuant to a contract between the owner and another person—the name of the other person; and
    - (v) the name of the person who has taken charge of the source; and
    - (vi) the date on which the source was taken by the person who has taken charge of the source; and
    - (vii) the date on which the source was returned to the premises controlled by the owner.
- (2) A person who takes charge of a sealed radioactive source to which subregulation (1) applies must sign the register on the date on which he or she takes charge of the source.
- (3) When the source is returned to the premises controlled by the owner, the person returning it must sign the register on the date on which it is returned and indicate in the register—
  - (a) details of any abnormal occurrence which had occurred while he was in charge of the source, being an occurrence that—
    - (i) is indicative of some fault or defect in the source, its capsule, container or source control mechanism; and
    - (ii) may have damaged the source, its capsule, container or source control mechanism; and
  - (b) details of any fault or defect he or she observed in the source, source capsule, source container or source control mechanism.

**151—Source container used for radiation gauge etc**

- (1) In this regulation—

*Code* means the *Code of Practice for the Safe Use of Radiation Gauges (1982)* published by the National Health and Medical Research Council.
- (2) A reference in the Code to the "Statutory Authority" or the "relevant Statutory Authority" will be taken to be a reference to the Minister.

- (3) A source container used for a radiation gauge first installed after 1 April 1986 must comply with the design and construction requirements set out in the following paragraphs of the Code:
  - (a) 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5, 3.1.6, 3.1.7, 3.1.9, 3.1.10, 3.1.11, 3.1.12, 3.1.13, 3.1.14 and 3.1.15.
- (4) The owner of a radiation gauge must comply with the following requirements of the Code:
  - (a) Paragraphs 4.3.2, 4.3.5, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.11, 4.3.14, 4.3.15, 4.3.16, 4.3.17, 4.3.18, 4.3.19, 7.2.3 and 7.2.4.
- (5) The owner of a radiation gauge first installed after 1 April 1986 must comply with the requirements of paragraph 4.3.6 of the Code.
- (6) The owner of a radiation gauge must—
  - (a) make available at least 1 radiation survey meter at each separate establishment at which a radiation gauge owned by him or her is used; and
  - (b) provide survey meters that comply with the requirements of paragraph 5.2.1 of the Code; and
  - (c) calibrate each survey meter provided at intervals not exceeding 12 months; and
  - (d) cause the calibration of the survey meter to be carried out by a body or organisation approved by the Minister for that purpose; and
  - (e) keep a record of each calibration (which may consist of calibration certificates issued by the body or organisation that performed the calibration); and
  - (f) maintain each survey meter in good order and condition.

### **152—Radioactive substance used for bore hole logging**

- (1) A radioactive substance used for bore hole logging must be in a capsule that consists of at least 2 layers of metal so that the radioactive substance within the capsule is contained within 2 separate metal casings.
- (2) A source container used to house a sealed radioactive source used for bore hole logging must be durably marked with a label containing the following:
  - (a) the radiation symbol;
  - (b) the word "RADIOACTIVE" in black letters on a yellow or white background;
  - (c) the name of the radioactive substance;
  - (d) if it is a non-fissile neutron source—the target element;
  - (e) the activity of the radioactive source and the date on which the activity was measured;
  - (f) the total equivalent dose rate from all types of ionising radiation at a distance of 1 metre from the source container and the date on which the measurement was made;
  - (g) the name, address and full contact details of the owner of the container;
  - (h) the name and address of the manufacturer or supplier of the container;
  - (i) the manufacturer's identification number of the container.

**153—Owner of sealed radioactive source used for bore hole logging to provide radiation survey meter**

- (1) An owner of a sealed radioactive source used for bore hole logging must provide a radiation survey meter that—
  - (a) is designed to measure the gamma radiation emissions from the bore hole logging source and bore hole logging source containers; and
  - (b) has a measurement range of equivalent dose rate from 10 microsievert per hour to at least 1 000 microsievert per hour; and
  - (c) continues to indicate, either visibly or audibly, when the radiation level exceeds the maximum of the measurement range being used; and
  - (d) indicates the measured quantity with a measurement uncertainty of no more than  $\pm 30\%$ , inclusive of uncertainty due to variations in response with energy over the range of energies of radiation to be measured.
- (2) An owner of a sealed radioactive neutron source used for bore hole logging must provide ready access to a radiation monitor capable of detecting the X-rays or gamma rays emitted by the radioactive substance contained in that source which is sufficiently sensitive to detect background levels of that radiation.
- (3) An owner to whom subregulation (1) applies, must in respect of any survey meter that he or she is required to provide by that subregulation—
  - (a) calibrate each survey meter so provided at intervals not exceeding 12 months; and
  - (b) cause the calibration of the survey meter to be carried out by a body or organisation approved for that purpose; and
  - (c) keep a record of each calibration (which may consist of calibration certificates issued by the body or organisation which performed the calibration).
- (4) An owner to whom subregulation (1) applies must maintain in good order and condition the survey meters referred to in subregulations (1) and (2).

**154—Duty of operator of bore hole logging tool**

- (1) If the operator of a bore hole logging tool fails to raise the tool from a bore hole by the means usually employed to raise the tool, the operator must immediately inform the owner of the sealed radioactive source contained in the bore hole logging tool of that fact.
- (2) If the owner has been informed by an operator under subregulation (1), the owner must—
  - (a) take all reasonable precautions to prevent the cable attached to the tool from becoming broken until he or she has decided that the tool cannot be retrieved; and
  - (b) during any operation to recover the tool—
    - (i) prevent the source holder from becoming damaged; and
    - (ii) make available a device sufficiently sensitive to detect background radiation of the type and energy emitted by the radioactive substance involved and cause it to be used to monitor all equipment, materials and other matter brought to the surface; and
  - (c) if the owner becomes aware that a bore hole logging tool cannot be raised—inform the Minister of that fact.

- (3) If an owner has informed the Minister that a bore hole logging tool cannot be raised, the owner must—
  - (a) unless otherwise directed by the Minister, cease all operations to recover the tool immediately a device of a kind referred to in subregulation (2) detects a level of radiation above background; and
  - (b) immediately inform the Minister of that fact.
- (4) A person who contravenes or fails to comply with this regulation is guilty of a minor indictable offence.  
Maximum penalty: \$50 000 or imprisonment for 5 years, or both.

**155—Person carrying out site radiography using sealed radioactive source to be accompanied by person trained in emergency procedures**

A person must not carry out site radiography using a sealed radioactive source unless the person is, at all times while engaged in carrying out site radiography, accompanied by a person who has been trained in the emergency procedures to be carried out in the event of a radiation incident, radiation accident or other mishap of a kind the occurrence of which is reasonably foreseeable during the course of site radiography.

**156—Person carrying out site radiography using sealed radioactive source to wear chirper and have radiation survey meter**

- (1) A person must not carry out or assist in the carrying out of site radiography using a sealed radioactive source unless—
  - (a) the person is wearing or has affixed to his or her person a device of a kind specified in subregulation (2); and
  - (b) the person has a radiation survey meter of a kind specified in subregulation (3) immediately available for his or her use.
- (2) The device referred to in subregulation (1)(a) (commonly known as a "chirper") must be a device that—
  - (a) is capable of detecting the type and energy of radiation being used; and
  - (b) emits an audible signal upon detecting radiation, the rate at which the audible signal is produced being proportional to the equivalent dose rate incident upon the device; and
  - (c) is of a kind that has been approved by the Minister.
- (3) The radiation survey meter referred to in subregulation (1)(b) must be a device that—
  - (a) is designed to measure radiation of the type and energy emitted by the sealed radioactive source in use; and
  - (b) has a measurement range of equivalent dose rate from 10 microsievert per hour to at least 10 000 microsievert per hour; and
  - (c) continues to indicate, either visibly or audibly, when the radiation level exceeds the maximum of the measurement range being used; and
  - (d) indicates the measured quantity with a measurement uncertainty of no more than  $\pm 30\%$ , inclusive of uncertainty due to variations in response with energy over the range of energies of radiation to be measured.

- (4) An owner of a sealed radioactive source used for site radiography must provide every person who uses a sealed radioactive source of which he or she is the owner with a chirper and radiation survey meter of the kind required by subregulation (1)(b).
- (5) It is sufficient compliance with subregulation (1) if the same radiation survey meter is available for use by both the person carrying out the site radiography and the person assisting him or her.
- (6) An owner of a sealed radioactive source used for site radiography must, in respect of a radiation survey meter he or she provides under subregulation (4)—
  - (a) calibrate the survey meter at intervals not exceeding 12 months; and
  - (b) cause the calibration of the survey meter to be carried out by a body or organisation approved for that purpose; and
  - (c) keep a record of each calibration (which may consist of calibration certificates issued by the body or organisation that performed the calibration).
- (7) An owner of a sealed radioactive source used for site radiography must, in respect of a chirper he or she provides pursuant to subregulation (4)—
  - (a) test the chirper at intervals not exceeding 3 months; and
  - (b) make or cause to be made records of each test so performed.
- (8) The tests referred to in subregulation (7) must—
  - (a) test the response of the chirper to the type and energies of radiation used by the owner for the purposes of site radiography; and
  - (b) test the dependence of the chirp rate upon the absorbed dose rate received by the chirper; and
  - (c) be of a kind that have been approved by the Minister.
- (9) An owner of a sealed radioactive source used for site radiography must maintain in good order and condition the chirper and survey meter provided by him or her pursuant to subregulation (4).

**157—Duties of owner of sealed radioactive source carrying out site radiography on premises owned by another person**

- (1) If the owner of a sealed radioactive source used for site radiography carries out site radiography using that source on premises owned by another person, the owner of the source and the person on whose behalf the site radiography is being carried out must comply with this regulation.
- (2) Before the owner of the source begins to carry out the site radiography—
  - (a) the owner must provide the person on whose behalf the site radiography is to be carried out with an instrument in writing setting out the safety precautions to be adopted so that the exposure to ionising radiation of any person who is likely to be on the premises on which the site radiography is being carried out (not being the person carrying out or assisting in the carrying out of the site radiography) is as low as is reasonably achievable and is no more than the exposure limits for members of the public; and
  - (b) the owner must request the person on whose behalf the site radiography is to be carried out to nominate a person who is to be responsible for ensuring that the safety precautions referred to in paragraph (a) are carried out; and

- (c) the person on whose behalf the site radiography is to be carried out must have nominated a person to be responsible for carrying out the safety precautions referred to in paragraph (a).
- (3) If a person for whom site radiography is to be carried out is requested to nominate a person to be responsible for carrying out the safety precautions referred to in subregulation (2)(a), he or she must comply with the request before the owner of the source begins to carry out the site radiography.
- (4) During the time site radiography using a sealed radioactive source is being carried out on the premises—
- (a) the person nominated by the person on whose behalf the site radiography is being carried out must give such instructions as are necessary so that such safety precautions are carried out by all persons who are on the premises, not being the persons who are carrying out or assisting in the carrying out of the site radiography; and
- (b) a person on the premises (other than a person carrying out or assisting in the carrying out of the site radiography) must obey all reasonable instructions given to him or her by the person nominated as being responsible for carrying out the safety precautions referred to in subregulation (2)(a).

#### **158—Person carrying out site radiography using sealed radioactive source to use collimating device**

A person must not carry out site radiography that involves the use of a sealed radioactive source unless—

- (a) the person uses a collimating device designed to limit the radiation beam from the source to a size which is, as far as is reasonably practicable, limited to the minimum necessary for the radiographic exposure; and
- (b) if a remotely operated source control mechanism is used—the person locates the control mechanism so that the equivalent dose rate at the control position is as low as is reasonably achievable.

#### **159—Person carrying out site radiography using sealed radioactive source to mark out area around exposure site**

A person who intends to carry out site radiography that involves the use of a sealed radioactive source must, before commencing to do so, mark out the area around the exposure site with—

- (a) barriers that—
- (i) are marked with bunting of a vivid colour; and
- (ii) are placed so that the equivalent dose rate outside the barrier does not exceed 25 microsievert per hour; and
- (b) signs—
- (i) that consist of 2 panels—
- (A) the top panel of which—
- complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to danger signs; and
  - bears the word "DANGER"; and



- bears the words "KEEP OUT: RADIOGRAPHY IN PROGRESS" or other words to that effect; and
- (B) the bottom panel of which—
- complies with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
  - bears the words "WARNING" and "RADIATION"; and
  - bears the radiation symbol; and
- (ii) are clearly legible from a distance of 5 metres.

**160—Source container used for industrial radiography and equipment used for handling source**

- (1) Subject to this regulation, a source container used for industrial radiography, and any equipment used for handling the source, must comply with section 3 of the *Code of Practice for the Safe Use of Industrial Radiography Equipment (1989)* published by the National Health and Medical Research Council.
- (2) The label with which the source container is to be marked under section 3.1.15 of the Code must incorporate a warning of the presence of radioactive materials but need not do so by use of the symbols and words required by that section.
- (3) For the purposes of this regulation, a reference in the Code to the Statutory Authority is to be taken to be a reference to the Minister.

**161—Owner of certain devices used for industrial radiography to carry out regular inspections**

- (1) This regulation applies to source containers, transfer containers and remote control mechanisms used for industrial radiography.
- (2) The owner of any device of a kind to which this regulation applies must have the device inspected by a competent person at intervals not exceeding 3 months for the purpose of determining whether or not the device is in good working order and condition.
- (3) A person who carries out an inspection of a device under subregulation (2) must check the device in order to determine whether or not it is in good working order and condition.

**162—Prohibition of use of device etc in course of industrial radiography not in good working order**

A person must not use a device, article or thing in the course of industrial radiography unless the device, article or thing is in good working order and condition.

**163—Sealed radioactive source used for external beam radiation therapy**

- (1) A sealed radioactive source used for external beam radiation therapy must be enclosed in a housing so that when the beam control mechanism is in the "off" position—
  - (a) the equivalent dose rate from leakage radiation at a distance of 1 metre from the source does not exceed 10 microsievert per hour; and
  - (b) the equivalent dose rate from leakage radiation at any accessible point 50 millimetres from the surface of the housing does not exceed 200 microsievert per hour.

- (2) For the purposes of this regulation, leakage radiation must be measured over an area not greater than—
  - (a) 10 000 square millimetres at a distance of 1 metre from the source; or
  - (b) 1 000 square millimetres at a distance of 50 millimetres from the source housing.

#### **164—Design and construction of sealed radioactive source used for external beam radiation therapy**

- (1) A sealed radioactive source used for external beam radiation therapy must—
  - (a) have adjustable or interchangeable beam limiting devices that are designed and constructed so that leakage radiation through those devices does not exceed 2 % of the useful beam; and
  - (b) be designed and constructed so that—
    - (i) the beam control mechanism automatically returns to the "off" position—
      - (A) at the end of an exposure; and
      - (B) when there is a breakdown or interruption of the force that holds it in the "on" position; and
    - (ii) the "off" position is maintained at all times except when the beam control mechanism is activated from the control panel; and
    - (iii) in the event of failure of the automatic return system referred to in paragraph (b)(i) the source can be returned by some alternative means; and
    - (iv) there is a reliable indicator at the control panel and near to or at the source that indicates when the source is in the "on" and "off" positions; and
    - (v) the beam control mechanism returns to the "off" position after a preset time period has elapsed.
- (2) The source housing of a sealed radioactive source used for external beam therapy must be fire resistant so that in the event of it being involved in a fire the radiation shielding provided by the source housing is preserved.

#### **165—Installation of sealed radioactive source used for external beam therapy**

- (1) A sealed radioactive source used for external beam therapy must be installed in a room or other enclosed area—
  - (a) near to the entrance to which is a reliable indicator that indicates when the source is in the "on" and "off" position; and
  - (b) the entrance to which is provided with interlocks that cause the return of the source to the "off" position when the door to the room or area is opened; and
  - (c) if an interlock referred to in paragraph (b) has caused the return of the source to the "off" position—the source must not move to the "on" position when the door is closed until the source control is activated from the control panel; and
  - (d) the door to which may be opened from the inside; and
  - (e) so that when the source is in the "on" position the equivalent dose rate 50 millimetres from any wall, door, entrance, floor or ceiling of the room or enclosed area—

- (i) does not exceed 25 microsievert per hour in any area outside the room or enclosed area, being an area continuously occupied by any radiation worker or any corridor, walkway, lift, stairway, car park, toilet or any other area which is normally occupied by a member of the public for a short time; or
  - (ii) does not exceed 2.5 microsievert per hour in any area outside the room or enclosed area, being an area occupied by any member of the public for other than a short period of time.
- (2) A sealed radioactive source used for external beam therapy must be installed so that—
- (a) the control panel is located in a shielded position outside the treatment room or area; and
  - (b) a shielded window, mirror, closed circuit television system or other means is provided so that it is possible to continuously observe and communicate from the control panel with a patient undergoing treatment.

**166—Duty of person administering human brachytherapy using sealed radioactive source**

- (1) If a sealed radioactive source is used for the purpose of human brachytherapy, the person administering the brachytherapy must, where the patient undergoing treatment is in hospital, post on the patient's bed a sign containing—
- (a) the radiation symbol; and
  - (b) the number of sealed radioactive sources being used to treat the patient; and
  - (c) the type and activity of each source being used to treat the patient; and
  - (d) the equivalent dose rate 1 metre from the patient and the time the equivalent dose rate was measured; and
  - (e) the date on which the equivalent dose rate was measured; and
  - (f) the name and signature of the person who measured the equivalent dose rate; and
  - (g) the name and phone number of the person to be contacted in the event of a radiation incident, radiation accident or radiation emergency involving any of the sealed radioactive sources being used to treat the patient.
- (2) If a sign has been placed on a patient's bed under subregulation (1), a person must not interfere with or remove the sign unless he or she is removing it to make an entry on it or until—
- (a) the patient is discharged from the hospital; or
  - (b) all sealed radioactive sources are removed from the patient; or
  - (c) the equivalent dose rate 1 metre from the patient falls below 1 microsievert per hour.
- (3) This regulation does not apply to the use of a sealed radioactive source for brachytherapy if that source is used in a remote controlled afterloading device.

**167—Duties of person carrying out veterinary radiation therapy involving insertion or attachment of sealed radioactive source**

- (1) In this regulation—

*patient* means an animal undergoing veterinary radiation therapy of the kind referred to in subregulation (2).
- (2) If a sealed radioactive source used for the purpose of veterinary radiation therapy is intended to be inserted in or attached to an animal and some time later removed or detached from the animal, as the case may be, the person carrying out the veterinary radiation therapy must comply with subregulations (3) to (6) and subregulation (8).
- (3) The person must not commence the radiation therapy until the patient is locked in a kennel, yard, box, stable or other enclosure that—
  - (a) is designed and constructed to house an animal of the same kind as the patient; and
  - (b) is designed and constructed so that it can be secured in such a manner so that the patient is unlikely to be able to leave it without human assistance; and
  - (c) is located in a position that is at least 3 metres from—
    - (i) any part of any other kennel, yard, box, stable or other enclosure that is normally occupied by another animal; and
    - (ii) any part of any area that is normally used as a corridor or thoroughfare by any person or other animal.
- (4) Before commencing the radiation therapy the person must give to the owner of the patient, or the person in whose care the patient has been placed by the owner, a written notice containing the following instructions:
  - (a) that until any sealed radioactive source inserted into or attached to the patient has been removed or detached, as the case may be—
    - (i) the patient must remain in the kennel, yard, stable, box or other enclosure in which it is to be housed at the commencement of the radiation therapy; and
    - (ii) apart from the essential feeding and care of the patient a person must not enter the kennel, yard, stable, box or other enclosure in which the patient is housed;
  - (b) that a person must not remain in the kennel, yard, stable, box or other enclosure in which the patient is housed for any 1 period or periods, exceeding or exceeding in aggregate, as the case may be, 15 minutes in any 1 day;
  - (c) that the person must prevent any person who is a member of the public and who is not a person involved in the essential care of the animal from entering any area that is less than 1 metre from any part of the kennel, yard, stable, box or other enclosure in which the patient is housed.
- (5) The person must keep a register and immediately enter in the register—
  - (a) the serial number, if any, of the sealed radioactive source inserted into or attached to the patient; and
  - (b) the physical or chemical form of the radioactive substance; and
  - (c) the date the person received any source used; and
  - (d) the activity of the source and the date to which the activity refers; and

- (e) the date on which any source was inserted into or attached to the patient; and
  - (f) the date on which any source was removed or detached from the patient.
- (6) At all times while carrying out the veterinary radiation therapy, the person must have in his or her immediate possession or control a radiation monitoring instrument that is—
- (a) suitable for monitoring the kind of ionising radiation that is likely to be produced; and
  - (b) in good working order and condition.
- (7) If the patient dies before the veterinary radiation therapy has been completed, the owner of the patient or the person in whose care the patient has been placed by the owner must immediately notify the person carrying out the radiation therapy.
- (8) If the person carrying out the radiation therapy has been notified in accordance with subregulation (7), he or she must remove the source as soon as is reasonably practicable.

### **168—Duties of person carrying out veterinary radiation therapy involving implanting of sealed radioactive source in an animal**

- (1) In this regulation—
- companion animal* means a domestic pet or other animal that is normally in regular contact with humans;
- field animal* means an animal that is normally housed in a paddock or other large area and is not in regular contact with humans;
- patient* means an animal undergoing veterinary radiation therapy of the kind referred to in subregulation (2).
- (2) If a sealed radioactive source used for the purpose of veterinary radiation therapy is intended to be permanently implanted in an animal, the person carrying out the veterinary radiation therapy must comply with subregulations (3) to (8).
- (3) The person must not commence the radiation therapy until the patient is housed in a kennel, yard, box, stable or other enclosure of a kind referred to in regulation 167(3).
- (4) Before commencing the radiation therapy the person must give to the owner of the patient, or the person in whose care the patient has been placed by the owner, a written notice containing the following instructions:
- (a) that until the total activity contained in the patient is less than—
    - (i) for companion animals—Radon-222: 400 megabecquerels, Gold-198: 1200 megabecquerels;
    - (ii) for field animals—Radon-222: 2 000 megabecquerels, Gold-198: 6 000 megabecquerels,the patient must remain in the kennel, yard, stable, box or other enclosure in which it is to be housed at the commencement of the radiation therapy;
  - (b) apart from the essential feeding and care of the patient a person must not enter the kennel, yard, stable, box or other enclosure in which the patient is housed;
  - (c) a person must not remain in the kennel, yard, stable, box or other enclosure in which the patient is housed for any 1 period or periods, exceeding or exceeding in aggregate, as the case may be, 15 minutes in any 1 day;

- (d) the person must prevent any person who is a member of the public and who is not a person involved in the essential care of the animal from entering any area that is less than 1 metre from any part of the kennel, yard, stable, box or other enclosure in which the patient is housed.
- (5) If the patient's total activity becomes less than the activity specified in subregulation (4), the person who carried out the veterinary radiation therapy must give the owner of the patient or the person in whose care the patient has been placed by the owner a written notice containing the following instructions:
  - (a) that apart from essential feeding and care, a person must not come closer to the patient than 1 metre for the first 4 days after the discharge of the patient;
  - (b) that the patient must not be ridden, groomed or be allowed to have any other form of close contact with any human for a period of at least 14 days;
  - (c) that if any seed or grain from an implant becomes dislodged—
    - (i) it must be handled only by means of tweezers, pliers or other similar tool; and
    - (ii) the fact that it has become dislodged must be immediately reported to the person who carried out the radiation therapy or the Minister and kept in a place away from other persons until it is disposed of by the person who carried out the radiation therapy or an officer of the Department.
- (6) The person must keep a register and enter in the register, as soon as is reasonably practicable—
  - (a) the serial number, if any, of any sealed radioactive source implanted in the patient; and
  - (b) the physical or chemical forms of the radioactive substance; and
  - (c) the date the person received the source; and
  - (d) the activity of the source and the date to which the activity refers.
- (7) The person must, at all times while carrying out veterinary radiation therapy, have in his or her immediate possession or control a radiation monitoring instrument that is—
  - (a) suitable for monitoring the kind of ionising radiation that is likely to be produced; and
  - (b) in good working order and condition.
- (8) If a patient dies before the total activity contained in the patient has fallen to 1 thousandth of the value given in subregulation (4), the carcass of the patient must not be disposed of except as is approved by the Minister.

### **169—Duty of owner etc of animal undergoing certain veterinary radiation therapy**

- (1) In this regulation—

*patient* means an animal undergoing veterinary radiation therapy of the kinds referred to in regulations 167 and 168.
- (2) The owner of the patient or the person in whose care the patient has been placed by the owner must keep the patient in a kennel, yard, box, stable or other enclosure of the kind referred to in regulation 167(3) until—
  - (a) all sealed radioactive sources have been removed or detached from the patient; or

- (b) the total activity contained in the patient is less than that specified in the table in regulation 168(4).
- (3) The owner of the patient or the person in whose care the patient has been placed by the owner must attend the patient in the manner referred to in regulation 167(4) until—
  - (a) all sealed radioactive sources have been removed or detached from the patient; or
  - (b) the total activity contained in the patient is less than that specified in the table in regulation 168(4).

## **Division 7—Registration of premises**

### **170—Registration of premises in which unsealed radioactive substances are kept or handled—prescribed classes of substances and prescribed classes of premises**

For the purposes of section 29(3) of the Act—

- (a) substances to which these regulations do not apply by virtue of regulation 7 are a prescribed class of substances; and
- (b) the following classes of premises are prescribed:
  - (i) premises in which radioactive substances are stored in transit during the course of transport in accordance with the *Radiation Protection and Control (Transport of Radioactive Substances) Regulations 2003*;
  - (ii) premises in which unsealed radioactive substances are kept or handled in the course of operations authorised by a licence issued under section 23A, 24 or 29A of the Act.

### **171—Application for registration of premises under section 29 of Act**

- (1) An applicant for registration of premises under section 29 of the Act must—
  - (a) complete and sign a form in the form of Schedule 5 Form 8; and
  - (b) send the form to the Minister together with the application and registration fees specified in Schedule 4.
- (2) If an application for registration relates to part of any land, building or structure the applicant must submit with the application a plan of the land, building or structure clearly identifying the part of the land, building or structure to which the application relates.

### **172—Registered occupier to notify change of address for service or structural alterations to registered premises**

- (1) If the address for service of a registered occupier is changed, the registered occupier must, within 14 days of the change, serve on the Minister a notice in writing setting out the new address for service.
- (2) If any structural alterations are made to any registered premises, the registered occupier must, within 14 days of the alteration, serve on the Minister a notice in writing setting out details of the alterations that have been made.

## **Division 8—Special requirements for premises**

### **173—Interpretation**

For the purposes of this Division—

- (a) a reference to premises is a reference to those parts of premises that are registered under section 29 of the Act or in respect of which registration has been applied for;
- (b) premises are classified accordingly as type A, type B or type C as set out in Schedule 3.

### **174—Laboratory in which unsealed radioactive substance is kept or handled**

- (1) A laboratory in which an unsealed radioactive substance is kept or handled must comply with the requirements set out in subregulations (2) to (7).
- (2) A sign that displays—
  - (a) the type of the laboratory (as set out in Schedule 3); and
  - (b) the name and full contact details of the person in charge of the laboratory (being a person who holds a licence under section 28 of the Act),must be displayed at each entrance to the laboratory.
- (3) The sign referred to in subregulation (2) may be part of or separate to the sign required to be displayed under regulation 130.
- (4) In respect of any laboratory where any unsealed radioactive substance the half life of which is 12 hours or longer, is likely to be kept or handled, the surfaces of the walls, floors, ceilings and fittings of the laboratory must either—
  - (a) be smooth and free from cracks and crevices; or
  - (b) consist of or be covered by a substance that—
    - (i) in the case of bench or floor coverings—prevents the spread of any radioactive liquid beyond the confines of such substance; and
    - (ii) is readily removable, disposable as radioactive waste and replaceable.
- (5) Furniture must be moveable so as to facilitate the decontamination and cleaning of the surfaces of walls, ceilings, floors and fittings of the laboratory.
- (6) Pipes and drains that are connected to the laboratory must be installed so that—
  - (a) they are readily accessible for maintenance; and
  - (b) they do not affect the surfaces of the walls, ceilings, floors and fittings of the laboratory in such a way that those surfaces cease to be smooth or contain cracks or crevices in which contamination with radioactive substances is likely to accumulate.
- (7) Drains that are used to carry radioactive effluent must comply with the requirements of subregulation (6) and must be labelled at all points at which there is access to them for the purposes of maintenance with a label that—
  - (a) complies with the requirements applying of AS 1319–1994 *Safety Signs for the Occupational Environment* applying to warning signs; and
  - (b) contains the radiation symbol.
- (8) Subregulation (6) does not apply to a laboratory in which an unsealed radioactive substance was kept or handled before 1 September 1985.



**175—Requirement to provide fume cupboard or total enclosure in certain cases**

- (1) If an operation or process that is likely to produce airborne radioactivity in excess of the concentration that could result in a radiation worker receiving an annual limit on intake due to inhalation is carried out in a laboratory, a fume cupboard or total enclosure that complies with this regulation must be provided.
- (2) The fume cupboard or total enclosure provided in accordance with this regulation must be designed, constructed, maintained and used so that the concentration of airborne radioactivity in the air breathed by a radiation worker is not likely to exceed the concentration that could result in a radiation worker receiving an annual limit on intake due to inhalation of airborne radioactivity.
- (3) If the laboratory referred to in subregulation (1) had before 1 September 1985 not been used for the keeping or handling of unsealed radioactive substances, a fume cupboard provided in accordance with that subregulation must comply with subregulations (5) to (8).
- (4) For the purposes of subregulation (3) and regulation 176, the requirements with which a fume cupboard must comply are set out in subregulations (5) to (8).
- (5) The fume cupboard must be designed and constructed so that—
  - (a) there is a constant non-turbulent flow of air at a rate sufficient to prevent the movement of radioactive substances from its interior into the laboratory and in any case the flow of air must be at a rate not less than 0.5 metres per second; and
  - (b) the efficiency of the fume cupboard is not impaired by changing the position of the sash; and
  - (c) the accumulation of contamination with radioactive substances in any part of the fume cupboard or the fume extraction system is minimised; and
  - (d) its internal surfaces and the surfaces of any of its fittings comply with regulation 174(4)(a).
- (6) The fume extraction system must be labelled at all accessible points with signs that comply with the requirements of regulation 174(7).
- (7) The extraction system must be designed and constructed so that there is no escape of air from the fume cupboard into a part of the laboratory or to a part of the premises in which the laboratory is situated if such part of the laboratory or premises is normally occupied by any person.
- (8) The extraction system must be sited in such a position so that the opening of any door or window or the presence of any furniture or other object in the laboratory does not significantly disturb the flow of air into the fume cupboard.
- (9) Subregulation (5)(a) does not apply to a fume cupboard that is a laminar flow cupboard.

**176—Type B laboratory**

- (1) A type B laboratory must, in addition to complying with the requirements of regulations 174 and 175, have—
  - (a) if volatile radioactive substances, or radioactive substances in the form of dry powders are kept or handled—a fume cupboard that complies with the requirements of regulation 175 or a glove box or other total enclosure that encloses such radioactive substances and has an extraction system that complies with that regulation; and

- (b) an area at or near to the entrance but separated from the remaining part of the laboratory by a barrier suitable for changing into and out of protective clothing; and
  - (c) an eyewash facility; and
  - (d) a hand basin fitted with taps that are connected to the mains water supply; and
  - (e) a shower connected to the mains water supply; and
  - (f) a ventilation system that complies with subregulation (2).
- (2) The ventilation system for a type B laboratory must be such as to maintain a negative air pressure in the laboratory relative to areas immediately outside the laboratory but which does not interfere with the proper operation of the fume cupboard or glove box.
- (3) The surfaces of any furniture used in a type B laboratory must comply with regulation 174(4).

### **177—Type A laboratory**

- (1) A type A laboratory must comply with—
- (a) the requirements for all laboratories, including a type B laboratory; and
  - (b) any additional requirements that the Minister may direct by notice in writing served on the registered occupier of the laboratory.
- (2) A notice under subregulation (1)(b) must—
- (a) specify the requirements with which the laboratory must comply; and
  - (b) specify a reasonable time within which the laboratory must be made to comply with the additional requirements.

### **178—Duties of registered occupier of premises in which unsealed radioactive substance is kept or handled**

The registered occupier of any premises in which an unsealed radioactive substance is kept or handled must—

- (a) provide monitoring equipment suitable for detecting radioactive contamination by the types of radioactive substances kept or handled on the premises; and
- (b) post in a prominent position near to all parts of the premises where a radioactive substance is kept or handled, a summary of—
  - (i) the working rules referred to in regulation 9; and
  - (ii) the contingency plan prepared in accordance with regulation 32; and
- (c) display in a prominent position on the premises a sign that contains a prohibition against eating, drinking and smoking on the premises.

## **Division 9—Licence to test for developmental purposes**

### **179—Definition of prescribed radioactive substance—prescribed concentration**

- (1) For the purposes of the definition of *prescribed radioactive substance* in section 23A(10) of the Act, a radioactive substance has a prescribed concentration of a radioactive element or compound if the radioactive element or compound—
- (a) has a specific activity of more than 35 kilobecquerels per kilogram; and
  - (b) contains 1 or more radionuclides so that—

$$\frac{A1}{5} + \frac{A2}{50} + \frac{A3}{500} + \frac{A4}{5000}$$

is more than or equal to 1.

(2) In subregulation (1)—

*A1* means the total activity of group 1 radionuclides (in kilobecquerels);

*A2* means the total activity of group 2 radionuclides (in kilobecquerels);

*A3* means the total activity of group 3 radionuclides (in kilobecquerels);

*A4* means the total activity of group 4 radionuclides (in kilobecquerels).

### **180—Operations to which section 23A(1) of Act does not apply**

Section 23A(1) of the Act does not apply to the following operations:

- (a) developmental testing operations involving the processing of a prescribed radioactive substance in which the radioactive substance is not subjected to a process of chemical treatment and the amount of the radioactive substance processed is less than 10 tonnes per calendar month;
- (b) developmental testing operations involving the processing of a prescribed radioactive substance in which the radioactive substance is subjected to a process of chemical treatment including leaching, dissolution, solvent extraction or ion exchange but the amount of radioactive substance involved in the operation is less than 10 tonnes in any 1 year.

### **181—Prescribed form of application for licence**

For the purposes of section 23A(4)(b) of the Act, the form of application for a licence is that set out in Schedule 5 Form 9.

## **Division 10—Licence to carry out mining or mineral processing**

### **182—Operations to which section 24(1) of Act does not apply**

Section 24(1) of the Act does not apply to the following operations:

- (a) operations for the mining or processing of a prescribed radioactive substance in which the radioactive substance is not subjected to a process of chemical treatment and the amount of the radioactive substance processed is less than 10 tonnes per calendar month;
- (b) operations for the processing of a prescribed radioactive substance in which the radioactive substance is subjected to a process of chemical treatment including leaching, dissolution, solvent extraction or ion exchange but the amount of the radioactive substance involved in the operation is less than 10 tonnes in any 1 year.

### **183—Definition of prescribed radioactive substance—prescribed concentration**

- (1) For the purposes of the definition of *prescribed radioactive substance* in section 24(6) of the Act, a radioactive substance has a prescribed concentration of a radioactive element or compound if the radioactive element or compound—
  - (a) has a specific activity of more than 35 kilobecquerels per kilogram; and
  - (b) contains 1 or more radionuclides so that—

$$\frac{A1}{5} + \frac{A2}{50} + \frac{A3}{500} + \frac{A4}{5000}$$

is more than or equal to 1.

(2) In subregulation (1)—

*A1* means the total activity of group 1 radionuclides (in kilobecquerels);

*A2* means the total activity of group 2 radionuclides (in kilobecquerels);

*A3* means the total activity of group 3 radionuclides (in kilobecquerels);

*A4* means the total activity of group 4 radionuclides (in kilobecquerels).

### 184—Prescribed form of application for licence

For the purposes of section 24(3)(b) of the Act, the form of application for a licence is that set out in Schedule 5 Form 10.

## Division 11—Facilities licence

### 185—Prescribed facilities

(1) For the purposes of section 29A(1) of the Act, the following facilities are prescribed:

- (a) a particle accelerator that—
  - (i) has, or is capable of having, a beam energy greater than 1 megaelectron volts; or
  - (ii) is capable of producing neutrons;
- (b) an irradiator that contains more than  $10^{15}$  becquerels of a radioactive substance;
- (c) an irradiator that—
  - (i) contains more than  $10^{13}$  becquerels of a radioactive substance; and
  - (ii) does not include shielding as an integral part of its construction;
- (d) an irradiator that—
  - (i) contains more than  $10^{13}$  becquerels of a radioactive substance; and
  - (ii) includes, as an integral part of its construction, shielding that does not prevent a person from being exposed to the source;
- (e) an irradiator that—
  - (i) contains more than  $10^{13}$  becquerels of a radioactive substance; and
  - (ii) includes shielding as an integral part of its construction; and
  - (iii) has a source that is not inside that shielding during the operation of the irradiator;
- (f) a facility used for the production, processing, use, storage, management or disposal of—
  - (i) sealed sources of radioactive substances of activity greater than  $10^9$  times the exempt activity; or
  - (ii) unsealed sources of radioactive substances of activity greater than  $10^6$  times the exempt activity;

- (g) a facility where—
  - (i) a mixture of radioactive substances is produced, used, stored, managed or disposed of using the facility; and
  - (ii) the activity of the mixture is greater than the applicable level.
- (2) For the purposes of subregulation (1)(g)(ii), the activity of the mixture is greater than the applicable level if, after dividing the activity of each radionuclide in the mixture by the exempt activity for that radionuclide and adding the fractions for each radionuclide, the result is greater than—
  - (a) for a sealed source— $10^9$ ;
  - (b) for an unsealed source— $10^6$ .
- (3) In this regulation—

*exempt activity* means activities referred to in Schedule 4 of the National Directory for Radiation Protection.

### **186—Classes of persons not required to hold licence**

For the purposes of section 29A(3) of the Act, a person is not required to hold a facilities licence in respect of a radiation facility if—

- (a) the person holds a licence under section 23A of the Act authorising developmental testing operations involving a prescribed radioactive substance at that facility; or
- (b) the person holds a licence under section 24 of the Act authorising mining or mineral processing of a prescribed radioactive substance at that facility.

### **187—Prescribed form of application for licence**

For the purposes of section 29A(4)(b) of the Act, the form of application for a licence is that set out in Schedule 5 Form 11.

## **Division 12—Licence to possess a radiation source**

### **188—Prescribed circumstances in which licence is not required**

For the purposes of section 33A(2) of the Act, a licence is not required—

- (a) if the radiation source is one in respect of which an application for a licence to possess has been made to the Minister and in respect of which the Minister has not made a determination; or
- (b) if the only radiation source in possession is apparatus of a class prescribed by regulation 59(a) or (b) for the purposes of section 32(3) of the Act; or
- (c) if the only radiation source in possession is a sealed radiation source of a class prescribed by regulation 142 (other than paragraph (g)) for the purposes of section 30(3) of the Act; or
- (d) if the radiation source in possession is a substance to which these regulations do not apply by virtue of regulation 7; or
- (e) if the radiation source is in possession in the course of operations authorised by a licence under section 23A, 24 or 29A of the Act;

- (f) if the radiation source is only in possession during, or for the purposes of, its transportation and the radiation source is a category 4 or category 5 radiation source as determined in accordance with the Code of Practice entitled *Code of Practice for the Security of Radioactive Sources (2007)* published by the Chief Executive Officer of ARPANSA, as in force from time to time.

### **189—Prescribed form of application for licence**

For the purposes of section 33A(3)(b) of the Act, the form of application for a licence is that set out in Schedule 5 Form 12.

## **Division 13—Accreditation of third party service providers**

### **190—Prescribed form of application for accreditation**

For the purposes of section 33B(1)(b) of the Act, the form of application for accreditation is that set out in Schedule 5 Form 13.

## **Part 6—Miscellaneous**

### **Division 1—Use of ionising radiation in schools**

#### **191—Interpretation**

- (1) In this Division—

*the Code* means the *Code of Practice for the Safe Use of Ionizing Radiation in Secondary Schools (1986)* published by the National Health and Medical Research Council, as modified by this regulation.

- (2) For the purposes of this Division, the Code is modified—

- (a) by striking out from the glossary the definition of "Ionizing radiation" and substituting the following definition:

*Ionizing radiation* has the same meaning as in the *Radiation Protection and Control Act 1982*.;

- (b) by striking out from the glossary the definition of "Radioactive material" and substituting the following definition:

*Radioactive material* has the meaning given to "radioactive substance" in the *Radiation Protection and Control Act 1982*.;

- (c) by striking out from the glossary the definition of "Sealed source" and substituting the following definition:

*Sealed source* has the meaning given to "sealed radioactive source" in the *Radiation Protection and Control Act 1982*.;

- (d) by inserting in the glossary after the definition of "Sievert" the following definition:

*Statutory authority* means the Minister for Human Services.;

- (e) by striking out from the glossary the definition of "Unsealed source" and substituting the following definition:

*Unsealed source* has the meaning given to "unsealed radioactive substance" in the *Radiation Protection and Control Act 1982*.;

- (f) by striking out sections 10.1 and 11.

**192—Use of radioactive substance etc in secondary school to be in accordance with Code**

- (1) The use of a radioactive substance or apparatus in a secondary school must be in accordance with the Code.
- (2) A person in charge of a secondary school must ensure that at all times there is a person designated to act as the responsible teacher for the purposes of compliance with the Code.
- (3) If this regulation is not complied with, the person in charge of the school is guilty of an offence.

**Division 2—Miscellaneous****193—Application for licence to mine or mill radioactive ores (section 24 of Act)—prescribed form**

An applicant for renewal of a licence under section 24 of the Act must—

- (a) complete and sign a form in the form of Schedule 5 Form 9; and
- (b) send the form to the Minister not less than 28 days prior to the expiry of the term of the licence.

**194—Application forms for renewal of accreditations and authorities**

An applicant for the renewal of an accreditation or authority under the Act must complete and sign a form in the form set out in Schedule 5 Form 15 or Schedule 5 Form 16 (as the case may be) and send the form to the Minister.

**195—Register of licences under section 24 of Act**

The register of licences under section 24 of the Act must contain the following information in respect of each licence:

- (a) the name and postal address of the licence holder;
- (b) the address and location of—
  - (i) the mine; and
  - (ii) the mill; and
- (c) the name and address of the manager;
- (d) the date of first issue of the licence;
- (e) the date of last renewal of the licence;
- (f) the current expiry date of the licence;
- (g) the conditions imposed on the licence.

**196—Registers of licences under sections 28 and 31 of Act**

- (1) The register of licences in respect of licences granted under sections 28 and 31 of the Act must—
  - (a) contain the information specified in subregulation (2); and
  - (b) be kept in electronic form and a printout made available for public inspection.
- (2) The register must contain the following information in respect of each licence:
  - (a) the name, postal address and occupation of licence holder;

- (b) the name, postal address and principal business activity of the employer of the licence holder;
- (c) in the case of apparatus—the kind of work performed with the apparatus;
- (d) in the case of radioactive substances—the kind of work performed with radioactive substances, and whether the radioactive substances are sealed or unsealed;
- (e) the conditions imposed on the licence;
- (f) the date the licence was first issued;
- (g) the most recent date upon which the licence was renewed;
- (h) the date the current licence expires.

**197—Register of sealed radioactive sources and apparatus registered under sections 30 and 32 of Act**

- (1) The register in respect of sealed radioactive sources and apparatus registered under sections 30 and 32 of the Act must—
  - (a) contain the information specified in subregulation (2); and
  - (b) be kept in electronic form and a printout made available for public inspection.
- (2) The register must contain the following information in respect of each registration:
  - (a) the name, postal address and occupation or principal business activity of the registered owner;
  - (b) the make, model, and serial number of the apparatus and of the sealed radioactive source or the registrable device;
  - (c) the address at which the apparatus or sealed radioactive source is located or at which it is stored when not in use;
  - (d) the purposes to which the apparatus or sealed radioactive source are put;
  - (e) in the case of a sealed radioactive source—the radionuclide involved;
  - (f) in the case of a sealed radioactive source with a half life of less than 1 year—the maximum activity registered by the registered owner;
  - (g) in the case of a sealed radioactive source with a half life of more than 1 year—the activity of the source, and the date to which that activity refers;
  - (h) the conditions imposed upon the registration;
  - (i) the date the registration was first granted;
  - (j) the most recent date upon which the registration was renewed;
  - (k) the date the current registration expires.

**198—Register of premises registered under section 29 of Act**

- (1) The register of premises registered under section 29 of the Act must—
  - (a) contain the information specified in subregulation (2); and
  - (b) be kept in electronic form and a printout made available for public inspection.
- (2) The register must contain the following information in respect of each registration:
  - (a) the name, postal address, and occupation or principal business activity of the registered occupier;



- (b) the address of the registered premises;
- (c) a description sufficient to identify the premises at that address so registered;
- (d) the type of premises;
- (e) the kind of work performed on the premises;
- (f) the date the registration was first granted;
- (g) the most recent date upon which the registration was renewed;
- (h) the date the current registration expires;
- (i) the conditions imposed upon the registration.

### **199—Procedure for obtaining Minister's approval to destroy certain documents**

- (1) A person seeking approval of the Minister to dispose of or destroy a document under regulation 21, regulation 25 or regulation 42 must apply to the Minister in writing.
- (2) The application must contain—
  - (a) details of the document to be disposed of and the proposed manner of disposal; and
  - (b) details of the document to be destroyed and the proposed manner of destruction; and
  - (c) the reasons for the disposal or destruction.
- (3) The Minister may approve the application if satisfied that the document is not required for the purposes of the Act or these regulations.

### **200—Release of information obtained in administration of Act—prescribed body**

- (1) For the purposes of section 43(3)(m) of the Act, the Australian Radiation Protection and Nuclear Safety Agency of the Commonwealth is a prescribed body.
- (2) The Minister, the Department or the Commission may release to the Australian Radiation Protection and Nuclear Safety Agency of the Commonwealth any information relating to radiation incidents, radiation accidents or radiation emergencies.

### **201—Use of codes of practice and standards in these regulations**

- (1) For the purposes of section 43(4)(a) of the Act, the International Organization for Standardization is a prescribed body.
- (2) A code of practice or standard referred to or incorporated in these regulations is referred to or incorporated as in force from time to time.

### **202—Service of documents**

A notice or other document required or authorised by these regulations to be served on or given to the Minister or the Department may be served or given—

- (a) by sending it by certified mail addressed to the Department at its postal address; or
- (b) by leaving it at the principal place of business of the Department with a person who is apparently—
  - (i) over 16 years of age; and
  - (ii) in the employment of the Department.

**203—Manner of giving directions or approvals required by these regulations**

Subject to these regulations, the Minister may give any direction or approval that is required by these regulations by serving notice in writing on the person to whom the notice is addressed.

**204—Fees**

- (1) The fees set out in Schedule 4 are prescribed for the purposes of the Act and these regulations.
- (2) If for any reason an application for a licence or registration is not granted, any fee (other than an application fee) paid by the applicant for the licence or registration must be returned to the applicant.

**205—General penalty**

A person who contravenes or fails to comply with a provision of these regulations for which a specific penalty is not provided is guilty of an offence.

Maximum penalty: \$10 000.

**Schedule 1—Classification of radionuclides into groups**

## GROUP 1

Pb-210	Po-210	Ra-223	Ra-226	Ra-228	Ac-227	Th-227	Th-228	Th-230
Pa-231	U-230	U-232	U-233	U-234	Np-237	Pu-238	Pu-239	Pu-240
Pu-241	Pu-242	Am-241	Am-243	Cm-242	Cm-243	Cm-244	Cm-245	Cm-246
Cf-249	Cf-250	Cf-252						

## GROUP 2

Na-22	Cl-36	Ca-45	Sc-46	Mn-54	Co-56	Co-60	Ge-68	Sr-89
Sr-90	Y-91	Zr-95	Ru-106	Ag-110m	Cd-115m	In-114m	Sb-124	Sb-125
Te-127m	Te-129m	I-124	I-125	I-126	I-131	I-133	Cs-134	Cs-137
Ba-140	Ce-144	Eu-152	Bi-210	Eu-154	Tb-160	Tm-170	Hf-181	Ta-182
Ir-192	Tl-204	Bi-207		At-211	Pb-212	Ra-224	Ac-228	Pa-230
Th-234	U-236	Bk-249						

## GROUP 3

Be-7	C-14	F-18	Na-24	Cl-38	Si-31	P-32	P-33	S-35
Ar-41	K-42	K-43	Ca-47	Sc-47	Sc-48	V-48	Cr-51	Mn-52
Mn-56	Fe-52	Fe-55	Fe-59	Co-57	Co-58	Ni-63	Ni-65	Cu-64
Zn-65	Zn-69m	Ga-67	Ga-72	As-73	As-74	As-76	As-77	Se-75
Br-82	Kr-85m	Kr-87	Rb-81	Rb-86	Sr-85	Sr-91	Y-87	Y-90
Y-92	Y-93	Zr-97	Nb-93m	Nb-95	Mo-99	Tc-96	Tc-97m	Tc-97
Tc-99	Ru-97	Ru-103	Ru-105	Rh-105	Pd-103	Pd-109	Ag-105	Ag-111
Cd-109	Cd-115	In-115m	Sn-113	Sn-125	Sb-122	Te-125m	Te-127	Te-129
Te-131m	Te-132	I-123	I-130	I-132	I-134	I-135	Xe-135	Cs-129
Cs-131	Cs-136	Ba-131	La-140	Ce-141	Ce-143	Pr-142	Pr-143	Nd-147
Nd-149	Pm-147	Pm-149	Sm-151	Sm-153	Eu-152m	Eu-155	Gd-153	Gd-159

Dy-165	Dy-166	Ho-166	Er-169	Er-171		Tm-171	Yb-175	Lu-177
W-181	W-185	W-187	Re-183	Re-186	Re-188	Os-185	Os-191	Os-193
Ir-190	Ir-194	Pt-191	Pt-193	Pt-197	Au-196	Au-198	Au-199	Hg-197
Hg-197m	Hg-203	Tl-200	Tl-201	Tl-202	Pb-203	Bi-206	Bi-212	Rn-220
Rn-222	Th-231	Pa-233	Np-239					

## GROUP 4

H-3	C-11	-13	O-15	Ar-37	Co-58m	Ni-59	Ga-68	Zn-69
Ge-71	Kr-85	Sr-85m	Sr-87m	Rb-87	Y-91m	Zr-93	Nb-97	To-96m
Tc-99m	Rh-103m	In-113m	I-129	Xe-131m	Xe-133	Cs-134m	Cs-135	Sm-147
Re-187	Os-191m	Pt-193m	Pt-197m	Th-232	Th-Nat	U-235	U-238	U-Nat

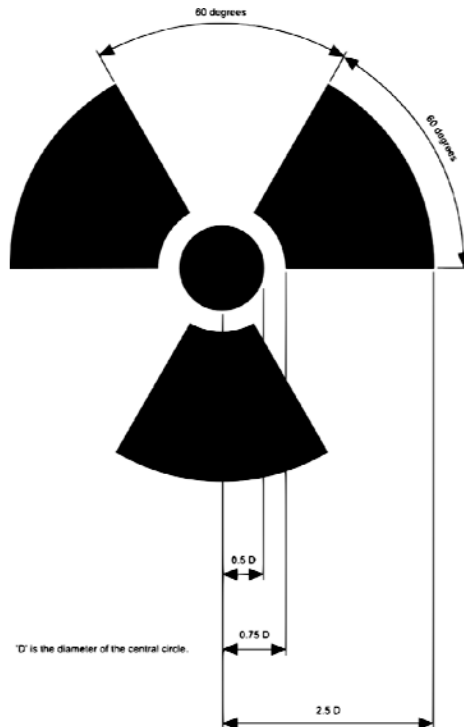
## Notes—

- 1 An alpha emitting radionuclide not listed in this Schedule will be taken to be in Group 1.
- 2 A radionuclide that is not an alpha emitter and is not listed in this Schedule will be taken to be in Group 2.

**Schedule 2—Radiation symbol**

The radiation symbol consists of the conventional 3 blade design shown below.

The symbol and background colours must comply with the requirements of AS 1319–1994 *Safety Signs for the Occupational Environment*.

**Schedule 3—Classification of premises**

- 1 The classification of premises into Type A, Type B or Type C depends on—

- (a) the groups to which the radionuclides kept or handled belong; and
  - (b) the maximum activities handled; and
  - (c) the type of operations performed on the premises.
- 2 If more than 1 radionuclide is handled, or if more than 1 type of operation is performed, then the highest classification found when all radionuclides and operations are separately considered is the classification of the premises (Type A = highest classification, Type C = lowest classification).
- 3 The maximum activity of a particular radionuclide handled on the premises should be multiplied by the modifying factors given in Table 1, and the results applied to Table 2 to determine the premises classification.

**Table 1—Modifying factors**

Type of operation	Factor
Simple storage (no operations)	0.01
Simple wet operations such as preparation of aliquots of stock solutions	0.1
Normal chemical operations involving few transfers	1
Complex chemical operations involving many transfers or complex apparatus	10
Simple dry operations (eg manipulation of powders)	10
Work with volatile radioactive compounds	10
Dry, dust producing operations such as grinding	100

**Table 2—Premises classification**

Group of radionuclide	Allowable activity range for:		
	TYPE C	TYPE B	TYPE A
1	less than 400 kBq	400 kBq-40MBq	more than 40 MBq
2	less than 40 MBq	40 MBq-4 GBq	more than 4 GBq
3	less than 4 GBq	4 GBq-400 GBq	more than 400 GBq
4	less than 400 GBq	400 GBq-40 TBq	more than 40 TBq

## Schedule 4—Fees

### 1—Interpretation

In this Schedule—

*level 1 radiation apparatus* means—

- (a) apparatus for dental plain radiography; or
  - (b) cabinet X-ray units; or
  - (c) bone densitometry apparatus; or
  - (d) X-ray analysis apparatus; or
  - (e) apparatus for bomb disposal radiography,
- other than level 2 or 3 radiation apparatus;

**level 2 radiation apparatus** means—

- (a) fixed, mobile or portable apparatus for chiropractic, medical or veterinary plain radiography; or
- (b) industrial radiography apparatus (including site radiography apparatus); or
- (c) orthopantomographic or cephalometric apparatus for dental radiography; or
- (d) mini C-arm fluoroscopy apparatus; or
- (e) bore hole logging apparatus,

other than level 3 radiation apparatus;

**level 3 radiation apparatus** means—

- (a) apparatus for computed or cone beam tomography; or
- (b) fixed or mobile apparatus for medical or veterinary fluoroscopy (other than mini C-arm fluoroscopy apparatus); or
- (c) apparatus capable of producing accelerating voltages of up to 0.5 megavolts for medical radiation therapy; or
- (d) apparatus capable of producing X-rays or electron beams with an energy range of 0.5 to 20 megaelectronvolts for medical radiation therapy; or
- (e) apparatus for mammography or soft tissue radiography.

## 2—Licence to test for developmental purposes (section 23A of Act)

For a licence under section 23A of the Act to carry out developmental testing operations—

- |   |             |
|---|-------------|
| (a) application fee   | \$3 403.00  |
| (b) annual fee—   |             |
| (i) for a licence authorising, at a site, operations for the mining or processing of radioactive ores not involving <i>in situ</i> leaching | \$31 759.00 |
| (ii) for a licence authorising, at a site, operations for the mining or processing of radioactive ores involving <i>in situ</i> leaching    | \$31 759.00 |
| (iii) for a licence authorising, at a site, mineral sands operations  | \$3 403.00  |
| (iv) for a licence authorising, at a site, mineral processing operations where a radioactive substance is generated as a by-product         | \$3 403.00  |

## 3—Licence to carry out mining or mineral processing (section 24 of Act)

For a licence under section 24 of the Act to carry out operations for mining or mineral processing—

- |   |              |
|---|--------------|
| (a) application fee   | \$10 209.00  |
| (b) annual fee—   |              |
| (i) for a licence authorising, at a site, operations for the mining or processing of radioactive ores involving <i>in situ</i> leaching                           | \$275 530.00 |
| (ii) for a licence authorising, at a site, operations for the mining or processing of radioactive ores (other than activities involving <i>in situ</i> leaching)— |              |
| (A) with a capacity to extract or process up to 5 megatonnes of radioactive ore per year  | \$336 244.00 |
| (B) with a capacity to extract or process more than 5 megatonnes but not more than 15 megatonnes of radioactive ore per year                                      | \$672 482.00 |

(C) with a capacity to extract or process more than 15 megatonnes of radioactive ore per year	\$895 154.00
(iii) for a licence authorising, at a site, mineral sands operations	\$26 086.00
(iv) for a licence authorising, at a site, mineral processing operations where a radioactive substance is generated as a by-product	\$10 209.00

#### 4—Licence to use or handle radioactive substances (section 28 of Act)

(1) For a licence under section 28 of the Act to use or handle radioactive substances—	
(a) application fee	\$248.00
(b) licence fee or fee for renewal of licence	\$111.00
(2) No additional licence fee or application fee is payable by a person who applies for a temporary licence and a permanent licence at the same time where the subject matter of both applications is the same.	

#### 5—Registration of premises in which unsealed radioactive substances are handled or kept (section 29 of Act)

For registration under section 29 of the Act of premises in which unsealed radioactive substances are handled or kept—

(a) application fee	\$1 223.00
(b) registration fee or fee for renewal of registration	\$282.00

#### 6—Facilities licence (section 29A of Act)

(1) For a licence in respect of a facility containing unsealed radioactive substances resulting from past activities—	
(a) application fee	\$1 964.00
(b) licence fee or fee for renewal of licence	\$7 858.00
(2) For a licence in respect of a facility used for the storage or handling of radioactive substances—	
(a) application fee	\$1 312.00
(b) licence fee or fee for renewal of licence	\$3 929.00
(3) For a licence in respect of a pilot plant for developmental testing operations involving or in relation to mining or mineral processing where—	
(a) the radioactive substances are not subjected to a process of chemical treatment and the amount of radioactive substance processed is less than 10 tonnes of ore per calendar month; or	
(b) the radioactive substances are subjected to a process of chemical treatment including leaching, dissolution, solvent extraction or ion exchange and the amount of radioactive substance involved in the operation is less than 10 tonnes of ore per year—	
(i) application fee	\$1 312.00
(ii) licence fee or fee for renewal of licence	\$3 929.00

#### 7—Registration of a sealed radioactive source (section 30 of Act)

For registration under section 30 of the Act of a sealed radioactive source—

(a) application fee for each sealed radioactive source	\$1 223.00
(b) registration fee or fee for renewal of registration—	
(i) for the first source	\$282.00
(ii) for each additional source to be registered in the name of the same owner	\$94.00

**8—Licence to operate radiation apparatus (section 31 of Act)**

- |   |          |
|---|----------|
| (1) For a licence under section 31 of the Act to operate radiation apparatus—   |          |
| (a) application fee   | \$252.00 |
| (b) licence fee or fee for renewal of licence   | \$111.00 |
| (2) No additional licence fee or application fee is payable by a person who applies for a temporary licence and a permanent licence at the same time where the subject matter of both applications is the same. |          |

**9—Registration of radiation apparatus (section 32 of Act)**

- |  |          |
|--|----------|
| (1) For registration under section 32 of the Act of each level 1 radiation apparatus—  |          |
| (a) application fee  | \$471.00 |
| (b) registration fee or fee for renewal of registration  | \$224.00 |
| (2) For registration under section 32 of the Act of each level 2 radiation apparatus—  |          |
| (a) application fee  | \$506.00 |
| (b) registration fee or fee for renewal of registration  | \$239.00 |
| (3) For registration under section 32 of the Act of each level 3 radiation apparatus—  |          |
| (a) application fee  | \$613.00 |
| (b) registration fee or fee for renewal of registration  | \$391.00 |
| (4) For registration under section 32 of the Act of each radiation apparatus other than level 1, 2 or 3 radiation apparatus— |          |
| (a) application fee  | \$471.00 |
| (b) registration fee or fee for renewal of registration  | \$224.00 |

**10—Licence to possess a radiation source (section 33A of Act)**

- |   |            |
|---|------------|
| (1) For up to 5 apparatus or sealed radioactive sources or up to 2 premises—          |            |
| (a) application fee   | \$355.00   |
| (b) licence fee or fee for renewal of licence   | \$116.00   |
| (2) For 6 to 10 apparatus or sealed radioactive sources or 3 to 5 premises—           |            |
| (a) application fee   | \$1 008.00 |
| (b) licence fee or fee for renewal of licence   | \$276.00   |
| (3) For more than 10 apparatus or sealed radioactive sources or more than 5 premises— |            |
| (a) application fee   | \$1 874.00 |
| (b) licence fee or fee for renewal of licence   | \$435.00   |

If more than 1 fee becomes payable under this clause, only the higher fee must be paid.

**11—Accreditation of third party service providers (section 33B of Act)**

- |   |          |
|---|----------|
| (1) Accreditation for shielding verifier—                 |          |
| (a) application fee                                       | \$180.00 |
| (b) annual fee  | \$56.00  |
| (2) Accreditation for tester—                             |          |
| (a) application fee                                       | \$244.00 |
| (b) annual fee  | \$56.00  |
| (3) Accreditation for both shielding verifier and tester— |          |

(a) application fee	\$306.00
(b) annual fee	\$56.00

**12—Miscellaneous fees**

For a reprint of a licence or certificate of accreditation or registration	\$17.90
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**Schedule 5—Forms****FORM 1—QUESTIONNAIRE FOR DESIGNATED EMPLOYEES (regulation 35, *Radiation Protection and Control (Ionising Radiation) Regulations 2015*)**

This questionnaire has been designed specifically for radiation workers in mining and mineral processing who are likely to receive significant doses. The information collected may only be used by appropriate governmental health agencies in studies to identify any long term health trends among the worker population as a whole.

Thank you for your cooperation.

Date:

**TIMING OF QUESTIONNAIRE FOR WORKER**

Commencement of employment

Routine biennial medical examination

Termination of employment

TO BE COMPLETED BY YOU

**1. PERSONAL PARTICULARS**

Surname (please print):

First 2 given names:

Sex (please tick):  Male  Female

Date of birth:

Usual permanent residence:

Place of birth:

If born in Australia (please tick State or Territory where born):

SA  NSW  VIC  WA  NT  QLD  ACT  TAS

If born overseas indicate country:

Name of spouse or domestic partner:

Surname (please print):

First 2 given names:

**2. SMOKING HISTORY**

Do you smoke a pipe now?  Yes  No

Do you smoke cigars now?  Yes  No

Do you smoke cigarettes now?  Yes  No

If you smoke cigarettes now, about how many cigarettes have you smoked per day in the last 12 months?

1-9  10-19  20-39  40+

If you no longer smoke cigarettes, but did so in the past, about how many cigarettes did you smoke per day during the 12 months before you gave up?



1-9  10-19  20-39  40+

For about how many years in your life have you smoked cigarettes regularly?

(If less than 6 months, write 0):

If you have given up smoking cigarettes, how long ago did you stop?

(If less than 6 months, write 0):

### 3. PAST EMPLOYMENT HISTORY

If never employed before tick here and take questionnaire to examining doctor.

Please give details if you have been exposed in any previous job to either radiation or radioactive material:

Please give details if you have been exposed in any previous job to asbestos:

Please indicate if you have been employed in an uranium mining company at a previous time  Yes  No

If yes, indicate:

Name of uranium company where last employed:

Location of that company:

Please give details of your last 3 jobs (prior to the present 1):

#### DETAILS OF LAST 3 JOBS

Job title	Likely period of exposure (from year to year)	Company name	Company location
(a)			
(b)			
(c)			

Please give details if you have been exposed in any previous job to either radiation or radioactive material:

#### EXPOSURE TO RADIATION OR RADIOACTIVE MATERIAL

Job title	Likely period of exposure (from year to year)	Company name	Company location
(a)			
(b)			
(c)			

Please give details if you have been exposed in any previous job to asbestos:

#### EXPOSURE TO ASBESTOS

Job title	Likely period of exposure (from year to year)	Company name	Company location
(a)			
(b)			
(c)			

#### 4. FAMILY MEMBERS

It is exceedingly rare for the health of family members to be affected by a person's occupation. However, could you please provide the following information so that this possibility can be checked?

The information will be treated in the utmost confidence.

Indicate where your wife or domestic partner (or you, if female) has had any of the following in the past 2 years:

(a) a normal birth

(b) a still-birth

(c) a miscarriage

Please give details of any children you have had, who were born in the last 2 years

##### Child 1

Surname:

First 2 given names:

Sex (please tick):  Male  Female

Date of birth:

Place of birth (please tick):

SA  NSW  VIC  WA  NT  QLD  ACT  TAS

If born overseas, indicate country:

Name of child's mother:

Surname:

First 2 given names:

##### Child 2

Surname:

First 2 given names:

Sex (please tick):  Male  Female

Date of birth:

Place of birth (please tick):

SA  NSW  VIC  WA  NT  QLD  ACT  TAS

If born overseas, indicate country:

Name of child's mother:

Surname:

First 2 given names:

**PLEASE TAKE QUESTIONNAIRE TO EXAMINING DOCTOR**

## 5. TO BE COMPLETED BY EXAMINING DOCTOR

Please indicate conditions requiring treatment or further investigation (be specific):

Please indicate any significant conditions reported by the patient for the past 2 year period:

Has the patient ever had radiotherapy?  Yes  No

Reason:

Has the patient ever had a barium meal or enema, an IVP or other specialised X-ray procedure?

Yes  No

Reason:

Has the patient ever had an injury (such as a fracture) or a medical condition requiring at least 5 attendances for diagnostic X-ray or nuclear scan?  Yes  No

If yes, indicate likely part of body investigated

Chest  Limbs  Abdomen/pelvis  Head (excluding Dental)

Worker's signature:

Doctor's signature:

Date:

## FORM 2—NOTICE TO PURCHASER OF APPARATUS (regulation 50, *Radiation Protection and Control (Ionising Radiation) Regulations 2015*)

### To the purchaser of an apparatus (X-ray apparatus):

This notice, which the person or organisation from whom you are buying an X-ray apparatus is obliged by law to give to you, is intended to inform you of certain legal obligations you will face as the owner of an X-ray apparatus. *Failure to take note of these obligations could result in a great deal of unnecessary expense and inconvenience.*

### 1. Basic obligations under the *Radiation Protection and Control Act 1982 (the Act)*

The Act requires you to:

- have an appropriate licence to cover all activities associated with the use of all your radiation sources, including X-ray apparatus (section 33A of the Act<sup>1</sup>);
- register your apparatus (section 32 of the Act<sup>2</sup>);
- ensure that all persons who will operate the apparatus hold a licence issued to do so (section 31 of the Act).

### 2. Application to register an X-ray apparatus

An application to register an X-ray apparatus must be submitted to the Minister before installation commences. If you:

- do not already have an appropriate licence to cover all activities associated with the X-ray apparatus you are wanting to register, in most cases, a "Licence to possess a radiation source", you must apply for 1 at the same time;
- if you already have an appropriate licence, then you must update your radiation management system accordingly and include, as appropriate, either your "Licence to possess", "Licence to test for developmental purposes", "Licence to carry out mining or mineral processing", or "Facilities licence" number on your application to "Register an ionising radiation apparatus" form.

### 3. Application forms and associated information and advice

You can download a copy of all relevant registration and licence application forms, along with information which will help you comply with your registration and licence obligations, from the Environment Protection Authority (EPA) website at [http://www.epa.sa.gov.au/environmental\\_info/radiation](http://www.epa.sa.gov.au/environmental_info/radiation). You will also be able to access information on the website on such things as the fees to be paid, and answers to commonly asked questions about registration and licensing processes and associated arrangements.

You can get information and advice on what to do to ensure compliance with the Act and associated regulations by contacting the EPA. Telephone the EPA on (08) 8204 2000 or email [radiationprotection@epa.sa.gov.au](mailto:radiationprotection@epa.sa.gov.au). If you have any difficulties in complying with what is required, contact the EPA as soon as possible.

<sup>1</sup>Section 33A of the Act requires those in possession of a registrable radiation source to have a "Licence to possess" it. The *Radiation Protection and Control (Ionising Radiation) Regulations 2015* exempt owners from having such a licence if the apparatus is authorised under either section 23A ("Licence to test for developmental purposes"), 24 ("Licence to carry out mining or mineral processing") or 29A ("Facilities licence") of the Act.

<sup>2</sup>The *Radiation Protection and Control (Ionising Radiation) Regulations 2015* exempt a limited range of apparatus from being registered. For further information, go to <http://www.epa.sa.gov.au>.

### FORM 3—APPLICATION: LICENCE TO OPERATE IONISING RADIATION APPARATUS (section 31, *Radiation Protection and Control Act 1982*)

#### APPLICANT'S DETAILS

- Title:
- Full name and previous name (if applicable):
- Birth date:
- Gender:
- Correspondence address:
- Contact details:

#### EMPLOYMENT DETAILS

- Title:
- Name of employer:
- Address:
- Applicant's occupation:
- Principal business activity of employer:

#### TYPE OF WORK

- Brief description of work to be performed with apparatus:
- Have you previously held a licence to operate such X-ray apparatus in South Australia? If yes, state licence number:
- Have you performed the above type of work in the last 5 years? If yes, and you haven't held an SA licence in the last 5 years, give details eg location, employer, interstate licence details (please provide copies):

#### APPLICANT'S QUALIFICATIONS AND TRAINING IN RADIATION PROTECTION

Basis on which licence being applied for:

- a relevant qualification (attach copy);
- do not have a relevant qualification, but have successfully completed a relevant examination and attach a copy of the certificate issued by the exam administrator;
- as a special case and attach documentation supporting my case.

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

**FORM 4—APPLICATION: REGISTRATION OF AN IONISING RADIATION APPARATUS**  
(section 32, *Radiation Protection and Control Act 1982*)**OWNER'S DETAILS**

- Company trading name:
- Company business name **or** for individual owner (title and full name):
- ABN/ACN:
- Principal business activity:
- Correspondence address:
- Title, full name, contact details of contact person:

**LICENCE COVERING USE OF RADIATION SOURCES<sup>1</sup>**

Does the business already have 1 of the following types of licence to cover the use of this or other radiation sources?

Licence to possess

Licence to test for developmental purposes

Licence to carry out mining or mineral processing

Facilities licence

If yes, indicate the licence type and licence number.

If no, you must apply for 1 of the above-mentioned licences immediately.

**APPARATUS DETAILS**

- Previous registration of apparatus in SA? If yes, registration no (if known):
- Physical location of apparatus:
- Type and use of apparatus:
- Fixed, mobile or portable?
- Identifying information (make, model, serial numbers):
- Exposure capacity (maximum tube voltage, maximum tube current, capable of fluoroscopy?):
- Purchase and installation details:

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

<sup>1</sup>Section 33A of the Act requires those in possession of a registrable radiation source to have a "Licence to possess" it. The *Radiation Protection and Control (Ionising Radiation) Regulations 2015* exempt owners from having such a licence if the apparatus is authorised under either section 23A ("Licence to test for developmental purposes"), 24 ("Licence to carry out mining or mineral processing") or 29A ("Facilities licence") of the Act.

**FORM 5—NOTICE TO PURCHASER OF A SEALED RADIOACTIVE SOURCE (regulation 60, *Radiation Protection and Control (Ionising Radiation) Regulations 2015*)****To the purchaser of a sealed radioactive source:**

This notice, which the person or organisation from whom you are buying a sealed radioactive source is obliged by law to give to you, is intended to inform you of certain legal obligations you will face as the owner of a sealed radioactive source. *Failure to take note of these obligations could result in a great deal of unnecessary expense and inconvenience.*

**1. Basic obligations under the *Radiation Protection and Control Act 1982* (the Act)**

The Act requires you to:

- have an appropriate licence to cover all activities associated with the use of all your radiation sources, including sealed radioactive sources (section 33A of the Act<sup>1</sup>);
- register your sealed radioactive sources (section 30 of the Act<sup>2</sup>);
- ensure that all persons who will use or handle a sealed radioactive source hold a licence issued to do so (section 28 of the Act).

**2. Application to register a sealed radioactive source**

An application to register a sealed radioactive source must be submitted to the Minister before it is bought. If you:

- do not already have an appropriate licence to cover all activities associated with the use of the radiation sources you are wanting to register, in most cases, a "Licence to possess a radiation source", you must apply for 1 at the same time;
- already have an appropriate licence, then you must update your radiation management system accordingly and include, as appropriate, either your "Licence to possess", "Licence to test for developmental purposes", "Licence to carry out mining or mineral processing", or "Facilities licence" number on your application to "Register an ionising radiation apparatus" form.

**3. Application forms and associated information and advice**

You can download a copy of all relevant registration and licence application forms, along with information which will help you comply with your registration and licence obligations, from the Environment Protection Authority (EPA) website at [http://www.epa.sa.gov.au/environmental\\_info/radiation](http://www.epa.sa.gov.au/environmental_info/radiation). You will also be able to access information on the website on such things as the fees to be paid, and answers to commonly asked questions about registration and licensing processes and associated arrangements.

You can get information and advice on what to do to ensure compliance with the Act and associated regulations by contacting the EPA. Telephone the EPA on (08) 8204 2000 or email [radiationprotection@epa.sa.gov.au](mailto:radiationprotection@epa.sa.gov.au). If you have any difficulties in complying with what is required, contact the EPA as soon as possible.

<sup>1</sup>Section 33A of the Act requires those in possession of a registrable radiation source to have a "Licence to possess" it. The *Radiation Protection and Control (Ionising Radiation) Regulations 2015* exempt owners from having such a licence if the apparatus is authorised under either section 23A ("Licence to test for developmental purposes"), 24 ("Licence to carry out mining or mineral processing") or 29A ("Facilities licence") of the Act.

<sup>2</sup>The *Radiation Protection and Control (Ionising Radiation) Regulations 2015* exempt certain sealed radioactive sources from being registered. For further information, go to <http://www.epa.sa.gov.au>.

**FORM 6—APPLICATION: LICENCE TO USE OR HANDLE A RADIOACTIVE SUBSTANCE**  
(section 28, *Radiation Protection and Control Act 1982*)

**APPLICANT'S DETAILS**

- Title:
- Full name and previous name (if applicable):
- Birth date:
- Gender:
- Correspondence address:
- Contact details:

**EMPLOYMENT DETAILS**

- Title:
- Name of employer:
- Address:
- Applicant's occupation:
- Principal business activity of employer:

**TYPE OF WORK**

- Brief description of proposed use of radioactive substances:
- Have you previously held a licence to use radioactive substances in South Australia? If yes, state licence number:
- Have you performed the above type of work in the last 5 years? If yes, and you haven't held an SA licence in the last 5 years, give details eg location, employer, interstate licence details (please provide copies):

**APPLICANT'S QUALIFICATIONS AND TRAINING IN RADIATION PROTECTION**

Basis on which licence being applied for:

- a relevant qualification (attach copy):
- do not have a relevant qualification, but have successfully completed a relevant examination and attach a copy of the certificate issued by the exam administrator:
- as a special case and attach documentation supporting my case.

**DETAILS OF PRIOR RADIATION PROTECTION CONVICTIONS**

- Prior conviction of an offence under any radiation protection legislation? If yes, details:
- Prior licence (or an application for a licence) to operate radiation apparatus or to use or handle a radioactive substance, or an accreditation as a compliance tester having been refused, suspended or cancelled by any radiation licensing authority? If yes, details:

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

**FORM 7—APPLICATION: REGISTRATION OF A SEALED RADIOACTIVE SOURCE**  
(section 30, *Radiation Protection and Control Act 1982*)**OWNER'S DETAILS**

- Company trading name:
- Company business name or for individual owner (title and full name):
- ABN/ACN:
- Principal business activity:
- Correspondence address:
- Title, full name, contact details of contact person:

**LICENCE COVERING USE OF RADIATION SOURCES<sup>1</sup>**

Does the business already have 1 of the following types of licence to cover the use of this or other radiation sources?

Licence to possess

Licence to test for developmental purposes

Licence to carry out mining or mineral processing

Facility licence

If yes, indicate the licence type and licence number.

If no, you must apply for 1 of the above-mentioned licences immediately.

**SEALED SOURCE DESCRIPTION**

- Previous registration of sealed source in SA? If yes, registration no (if known):
- Physical location of sealed source:
- Type and use of sealed sources:
- Fixed or portable?
- Identifying information (radionuclide, activity (Bq), date activity measured, serial no of source, source manufacturer, model of source encapsulation, container/instrument manufacturer, container/instrument model no, serial no of container, date of manufacture of container)
- Source security details:
- Purchase and installation details:
- Supporting documentation to be attached (as appropriate).

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:



**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

<sup>1</sup>Section 33A of the Act requires those in possession of a registrable radiation source to have a "Licence to possess" it. The *Radiation Protection and Control (Ionising Radiation) Regulations 2000* exempt owners from having such a licence if the apparatus is authorised under either section 23A ("Licence to test for developmental purposes"), 24 ("Licence to carry out mining or mineral processing") or 29A ("Facilities licence") of the Act.

**FORM 8—APPLICATION: REGISTRATION OF PREMISES IN WHICH UNSEALED RADIOACTIVE SUBSTANCES ARE HANDLED OR KEPT (section 29, *Radiation Protection and Control Act 1982*)**

*This form only needs to be completed for premises that are not on a site covered by, or to be covered by, a "Licence to test for developmental purposes", a "Licence to carry out mining or mineral processing" or a "Facilities licence".*

**OCCUPIER'S DETAILS**

- Company trading name:
- Company business name or for individual owner (title and full name):
- ABN/ACN:
- Principal business activity:
- Correspondence address:
- Title, full name, contact details of contact person:

**LICENCE COVERING USE OF RADIATION SOURCES<sup>1</sup>**

Does the business already have a "Licence to possess" to cover the use of this or other radiation sources?

If yes, state the licence number:

If no, you must apply for a "Licence to possess" immediately.

**PREMISES DETAILS**

- Physical location of premises:
- Type (A, B or C) and use of premises:
- Name and licence number of persons licensed under section 28 of the Act who will be supervising the work with unsealed radioactive substances:
- Radionuclide identifying information:
- Supporting documentation to be attached (as appropriate).

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

<sup>1</sup>Section 33A of the Act requires those in possession of a registrable radiation source to have a "Licence to possess" it. The *Radiation Protection and Control (Ionising Radiation) Regulations 2000* exempts owners from having such a licence if the apparatus is authorised under either section 23A ("Licence to test for developmental purposes"), 24 ("Licence to carry out mining or mineral processing") or 29A ("Facilities licence") of the Act.

**FORM 9—APPLICATION/RENEWAL: LICENCE TO TEST FOR DEVELOPMENTAL PURPOSES—MINING OR MINERAL PROCESSING (section 23A, *Radiation Protection and Control Act 1982*)**

- Indication of whether a new application or a renewal:
- If a renewal:
  - Date of invitation to renew:
  - Licence number:
  - Licence expiry date:

**APPLICANT'S DETAILS**

- Company trading name:
- Company business name **or** for individual owner (title and full name):
- ABN/ACN:
- Correspondence address:
- Title, full name, contact details of responsible person (the person authorised to act on behalf of the applicant):
- Location of mine or mineral processing operation:
- Title, full name, contact details of mine manager (if different from responsible person):
- Title, full name and contact details of processing manager (if different from responsible person and mine manager):
- Title, full name and contact details of Radiation Safety Officer:

**TYPE OF OPERATION**

- Nominate type of activity that relates to the type of operation being conducted under this licence:

**SUPPORTING DOCUMENTS**

Documents to be attached to the application:

- Draft radiation management plan
- Draft radioactive waste management plan
- As appropriate, radiation source register, source security plan, source transport security plan, proposed radiation source details

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

**NOTES**

1. Failure to renew your licence by the expiry date will result in your licence lapsing, and may require a new application to be made and payment of the applicable fees.
2. Changes to particulars since previous application must be provided as part of renewal application.

**FORM 10—APPLICATION/RENEWAL: LICENCE TO CARRY OUT MINING OR MINERAL PROCESSING (section 24, *Radiation Protection and Control Act 1982*)**

- Indication of whether a new application or a renewal:
- If a renewal:
  - Date of invitation to renew:
  - Licence number:
  - Licence expiry date:

**APPLICANT'S DETAILS**

- Company trading name:
- Company business name **or** for individual owner (title and full name):
- ABN/ACN:
- Correspondence address:
- Title, full name, contact details of responsible person (the person authorised to act on behalf of the applicant):
- Location of mine or mineral processing operation:
- Title, full name, contact details of mine manager (if different from responsible person):
- Title, full name and contact details of processing manager (if different from responsible person and mine manager):
- Title, full name and contact details of Radiation Safety Officer:

**TYPE OF OPERATION**

- Nominate type of activity that relates to the type of operation being conducted under this licence:

**SUPPORTING DOCUMENTS**

Documents to be attached to the application:

- Draft radiation management plan
- Draft radioactive waste management plan
- As appropriate, radiation source register, source security plan, source transport security plan, proposed radiation source details

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

**NOTES**

1. Failure to renew your licence by the expiry date will result in your licence lapsing, and may require a new application to be made and payment of the applicable fees.
2. Changes to particulars since previous application must be provided as part of renewal application.

**FORM 11—APPLICATION/RENEWAL: LICENCE TO OPERATE A FACILITY (section 29A, Radiation Protection and Control Act 1982)**

- Indication of whether a new application or a renewal:
- If a renewal:
  - Date of invitation to renew:
  - Licence number:
  - Licence expiry date:

**APPLICANT'S DETAILS**

- Company trading name:
- Company business name **or** for individual owner (title and full name):
- ABN/ACN:
- Correspondence address:
- Title, full name, contact details of responsible person (the person authorised to act on behalf of the applicant):
- Location of facility:
- Title, full name, contact details of manager (if different from responsible person):
- Title, full name and contact details of Radiation Safety Officer:

**TYPE OF FACILITY**

- Nominate type of prescribed facility:

**SUPPORTING DOCUMENTS**

Documents to be attached to the application:

- Draft radiation management plan
- Draft radioactive waste management plan
- As appropriate, radiation source register, source security plan, source transport security plan, proposed radiation source details

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

**NOTES**

1. Failure to renew your licence by the expiry date will result in your licence lapsing, and may require a new application to be made and payment of the applicable fees.
2. Changes to particulars since previous application must be provided as part of renewal application.

**FORM 12—APPLICATION/RENEWAL: LICENCE TO POSSESS A RADIATION SOURCE  
(section 33A, *Radiation Protection and Control Act 1982*)**

- Indication of whether a new application or a renewal:
- If a renewal:
  - Date of invitation to renew:
  - Licence number:
  - Licence expiry date:

**OCCUPIER'S DETAILS**

- Company trading name:
- Company business name **or** for individual owner (title and full name):
- ABN/ACN:
- Principal business activity:
- Correspondence address:
- Title, full name, contact details of responsible/contact person (the person authorised to act on behalf of the applicant):
- Title, full name, contact details of manager (if different from responsible person):
- Title, full name and contact details of Radiation Safety Officer:
- Location(s) of radiation sources:

**RADIATION SOURCE DETAILS**

Maximum number of registrable sealed radioactive sources, maximum number of registrable irradiating apparatus, maximum number of registrable premises

**SUPPORTING DOCUMENTS**

As appropriate, including radiation management plan, source security plan, source transport security plan, proposed radiation source details

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fee
- Lodgment of form and payment of fees
- Enquiries

**NOTES**

1. Failure to renew your licence by the expiry date will result in your licence lapsing, and may require a new application to be made and payment of the applicable fees.
2. Changes to particulars since previous application must be provided as part of renewal application.

**FORM 13—APPLICATION: ACCREDITATION AS A COMPLIANCE TESTER (section 33B, Radiation Protection and Control Act 1982)****APPLICANT'S DETAILS**

- Title:
- Full name and previous name (if applicable):
- Licence to operate ionising radiation apparatus number:
- Birth date:
- Gender:
- Correspondence address:
- Contact details:
- Occupation:
- Do you wish to have your name, email address, and contact no listed on the EPA web page? (this enables owners of X-ray apparatus to contact compliance testers):

**EMPLOYMENT DETAILS**

- Employment status (eg self-employed, employee):
  - If self-employed/business owner—trading or business name, ABN/ACN:
  - If employed—name and contact details of employer, principal business activity of employer:
- Relevant professional employment history (not required if applying for mutual recognition or prior recognition):

**TYPE OF ACCREDITATION BEING APPLIED FOR**

- Nominate type of accreditation being applied for:
- Sample test report for each type of accreditation being applied for (all reports to include/address all of the information/provisions specified in relevant protocols document/compliance statement).

**APPLICANT'S QUALIFICATIONS, PRIOR ACCREDITATION AND TRAINING IN RADIATION PROTECTION**

- Professional qualifications and training certificates:
- Relevant accreditations:
- Basis on which accreditation being applied for:
  - relevant qualifications and training (attach copy of awards and certificates):
  - mutual recognition (attach copy of certificates of accreditation):
  - prior recognition as a compliance tester in SA:
  - have the required competencies (attach statements demonstrating claims).

**DETAILS OF PRIOR RADIATION PROTECTION CONVICTIONS**

- Prior conviction of an offence under any radiation protection legislation? If yes, details:
- Prior licence (or an application for a licence) to operate radiation apparatus or to use or handle a radioactive substance, or an accreditation as a compliance tester having been refused, suspended or cancelled by any radiation licensing authority? If yes, details:

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fees
- Lodgment of form and payment of fees
- Enquiries

**FORM 14—APPLICATION TO RENEW LICENCE TO OPERATE RADIATION APPARATUS OR RENEW A LICENCE TO USE OR HANDLE A RADIOACTIVE SUBSTANCE (section 37, *Radiation Protection and Control Act 1982*)****PARTICULARS RELATING TO LICENCE**

- Title:
- Full name:
- Correspondence address:
- Licence number:
- Expiry date:
- Name of employer:
- Business address of employer:

**NOTES**

1. Failure to renew your licence by the expiry date will result in your licence lapsing, and may require a new application to be made and payment of the applicable fees.
2. Operation of an ionising radiation apparatus or use or handling of a sealed or unsealed radioactive substance without the appropriate licence is an offence under the *Radiation Protection and Control Act 1982* and may result in fines of up to \$10 000.
3. Changes to particulars since previous application must be provided as part of renewal application.

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fees
- Lodgment of form and payment of fees
- Enquiries

**AMENDMENT OF LICENCE PARTICULARS**

If the details of the licensee or the employer have changed, please enter only the changes in the table below.

Title:

Full name:

Postal address:

Occupation:

Name of employer:

Business address of employer:

**FORM 15—APPLICATION TO RENEW REGISTRATION (section 37, *Radiation Protection and Control Act 1982*)**

**PARTICULARS RELATING TO REGISTRATION**

- Name of registered owner/occupier of premises:
- Correspondence address:
- Owner number:
- Expiry month:

---

The following registrations expire on:	Expiry date	
Apparatus Level 3 Renewal	Number @ Fee	Fees Subtotal
Apparatus Level 2 Renewal	Number @ Fee	Fees Subtotal
Apparatus Level 1 Renewal	Number @ Fee	Fees Subtotal
Premises Renewal	Number @ Fee	Fees Subtotal
Sealed Radioactive Source Renewal	First Source Fee:	Fee
Sealed Radioactive Source Renewal	Number @ Fee	Fees Subtotal

---

Total of Fees Due:

**NOTES**

1. Ownership of an unregistered X-ray apparatus or unregistered sealed radioactive source or use of unsealed radioactive substances in unregistered premises is an offence under the *Radiation Protection and Control Act 1982* and may result in fines of up to \$10 000.
2. This notice applies to the registered entities listed on the attached report. If any of the particulars in this report are incorrect please note the amendments on a copy of the report and return with this form.
3. Changes to particulars since previous application must be provided as part of renewal application.

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEEES TO BE PAID**

- Applicable fees
- Lodgment of form and payment of fees
- Enquiries

**DETAILS OF REGISTRATIONS TO BE RENEWED**

For each applicable registered apparatus, sealed radioactive sources and registered premises—registration number and details:

**AMENDMENT OF REGISTRATION DETAILS**

For each applicable registered apparatus, sealed radioactive source and premises—registration number and details:



**FORM 16—APPLICATION FOR RENEWAL OF ACCREDITATION (section 37, *Radiation Protection and Control Act 1982*)**

**PARTICULARS RELATING TO CURRENT ACCREDITATION**

- Title:
- Full name:
- Correspondence address:
- Current type of accreditation:
- Accreditation number:
- Expiry date:
- Contact details:
- Business status:
- If self-employed/business owner—trading/business name and ABN/ACN:
- if employed, name of employer and business address of employer:

**NOTES**

1. Failure to renew your accreditation by the expiry date will result in your accreditation lapsing, and may require a new application to be made.
2. Failure to renew your accreditation would invalidate tests carried out for compliance purposes.
3. Operation of an X-ray apparatus without the appropriate licence is an offence under the *Radiation Protection and Control Act 1982* and may result in fines of up to \$10 000.
4. Changes to particulars since previous application must be provided as part of renewal application.

**DECLARATION**

I declare that the information provided on this form and in support of this application is to the best of my knowledge complete and true in every particular.

Applicant's signature:

Date:

**FEES TO BE PAID**

- Applicable fees
- Lodgment of form and payment of fees
- Enquiries

**Schedule 6—Minimum half value layers for diagnostic apparatus**

Indicated potential kV (peak)	Half value layer mm Al
30	0.3
40	0.4
49	0.5
50	1.2
60	1.3
70	1.5
71	2.1
80	2.3
90	2.5

Indicated potential kV (peak)	Half value layer mm Al
100	2.7
110	3.0
120	3.2
130	3.5
140	3.8
150	4.1

### Schedule 7—Error distances for automatic collimation to a spot film device

- 1 For the purposes of this Schedule—
 

*area being imaged* means the area of X-ray film available for imaging but does not include any area of the film covered by X-ray opaque masks or any area of the X-ray film which has previously been imaged by X-rays; and

*error distance* means the lack of alignment between the X-ray field and the area being imaged, where the X-ray field lies outside the area being imaged.
- 2 For a polygonal X-ray field, measurements of the error distance are taken perpendicularly from the mid-point of each side of the X-ray field, which is outside of the area being imaged, to the corresponding boundary of the area being imaged.
- 3 For an X-ray field with a curved boundary (eg a circular X-ray field) the error distance is defined for all points on the boundary of the X-ray field which lie outside of the area being imaged. For any such point the error distance is measured perpendicularly from the tangent to the boundary at that point to the corresponding boundary of the area being imaged.
- 4 In no case must the error distance, measured in the way described above, exceed 1.5 % of the focal spot to film distance.

### Schedule 8—Error distances for automatic collimation to an image intensifier

- 1 For the purposes of this Schedule—
 

*area being imaged* means the area of the input phosphor which produces an image on the television monitor;

*error distance* means the lack of alignment between the X-ray field and the area being imaged, where the X-ray field lies outside the area being imaged.
- 2 For a polygonal X-ray field, measurements of the error distance are taken perpendicularly from the mid-point of each side of the X-ray field, which is outside of the area being imaged, to the corresponding boundary of the area being imaged.
- 3 For an X-ray field with a curved boundary (eg a circular X-ray field) the error distance is defined for all points on the boundary of the X-ray field which lie outside of the area being imaged. For any such point the error distance is measured perpendicularly from the tangent to the boundary at that point to the corresponding boundary of the area being imaged.
- 4 In no case must the error distance, measured in the way described above, exceed 1 % of the focal spot to image receptor distance.

## **Schedule 9—Revocation of *Radiation Protection and Control (Ionising Radiation) Regulations 2000***

The *Radiation Protection and Control (Ionising Radiation) Regulations 2000* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 27 August 2015

No 203 of 2015

EPA

South Australia

## Southern State Superannuation Variation Regulations 2015

under the *Southern State Superannuation Act 2009*

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- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Southern State Superannuation Variation Regulations 2015*.

#### 2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Superannuation) Act 2015* comes into operation.

#### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### Part 2—Variation of *Southern State Superannuation Regulations 2009*

#### 4—Variation of regulation 3—Interpretation

Regulation 3(1), definition of *terminal illness*—delete "12" and substitute:

24

#### 5—Variation of Schedule 3—Transitional provisions

Schedule 3, clause 4, definition of *FS*—after "annual amount" insert:

and determined on the basis that the member's actual or attributed salary is to be increased by 10% (rather than 11%) if section 4(6) of that Act applies

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the approval of the Treasurer and with the advice and consent of the Executive Council  
on 27 August 2015

No 204 of 2015

T&F14/104CS

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## ADELAIDE CITY COUNCIL

## DEVELOPMENT ACT 1993—DRAFT FOR PUBLIC CONSULTATION

*North Adelaide Large Institutions and Colleges  
Development Plan Amendment*

NOTICE is hereby given that the Adelaide City Council, pursuant to Sections 24 and 25 of the Development Act 1993, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan.

The DPA aims to help guide the future for 11 institutional and college sites in North Adelaide in the context of the area's acknowledged heritage value and amenity whilst sensibly maximising the economic benefits that these institutions offer to the local area and city more generally.

The DPA proposes a number of policy changes to the Adelaide (City) Development Plan for the following sites within North Adelaide:

- Helping Hand Aged Care;
- Memorial Hospital;
- Women's and Children's Hospital;
- Calvary Hospital;
- St Dominic's Priory School;
- Kathleen Lumley College;
- Aquinas College;
- St Mark's College;
- Lincoln College; and
- St Ann's College.

The DPA also introduces a new 'Archer West Policy Area 13' for the land including and surrounding the Lutheran Church of Australia land holdings located between Ward and Archer Streets.

The DPA will be available from Thursday, 27 August 2015 until Monday, 26 October 2015 for inspection or downloading at:

- [yoursay.adelaidecitycouncil.com](http://yoursay.adelaidecitycouncil.com) (North Adelaide Large Colleges and Institutions DPA);
- Adelaide City Council's Customer Centre—25 Pirie Street Adelaide; and
- Adelaide City Council Libraries and Community Centres.

An information event will be held on:

- Wednesday, 2 September at 6 p.m.  
Cynthia Poulton Hall, King William Road, North Adelaide (north side of St Peter's Cathedral). Please RSVP 24 hours in advance to Judy Rowe on (08) 8203 7474 or:

[j.rowe@adelaidecitycouncil.com](mailto:j.rowe@adelaidecitycouncil.com).

Drop-in information sessions where staff will be available to discuss issues and answer questions will be held as follows:

- Thursday, 24 September from 2 p.m. to 7 p.m.  
Level 1, North Adelaide Village, Shop 31 (in between Arya and TopTai Restaurants), 67 O'Connell Street.
- Saturday, 10 October from 10 a.m. to 1 p.m.  
Lohe Memorial Library, Australian Lutheran College, enter from Ward Street and walk along the road around to the Library and follow the signs.

Comments on the North Adelaide Large Institutions and Colleges DPA can be submitted in writing addressed to:

Chief Executive Officer,  
Adelaide City Council,  
(North Adelaide Large Institutions and Colleges DPA),  
G.P.O. Box 2252,  
Adelaide, S.A. 5001.

If you wish to lodge your submission electronically, please go to Council's web page [www.yoursay.adelaidecitycouncil.com](http://www.yoursay.adelaidecitycouncil.com) and complete the required fields.

All submissions should be received by 5 p.m. on Monday, 26 October 2015 and should clearly indicate whether you wish to be heard by Council at a public hearing in support of your submission.

A public hearing will be held at 5.30 p.m. on Wednesday, 18 November 2015 at the Adelaide Town Hall, 128 King William Street, Adelaide at which time interested persons may be heard in relation to the DPA and the submissions. People do not need to make a submission to be able to speak at the public hearing. If no-one requests to be heard or if no submissions are received the public hearing will not be held.

Copies of all submissions will be available for inspection at the Customer Centre, 25 Pirie Street, Adelaide from 27 October 2015 until the conclusion of the public hearing. The submissions can also be viewed at [www.yoursay.adelaidecitycouncil.com](http://www.yoursay.adelaidecitycouncil.com) (North Adelaide Large Institutions and Colleges DPA) during this time.

If you would like further information about the DPA, please contact Council on 8203 7437.

Dated 27 August 2015.

S. HAINS, Acting Chief Executive Officer

## CITY OF MITCHAM

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 1 of 2015—Permits and Penalties*

A by-law to create a permit system for Council by-laws, to fix maximum and continuing penalties for offences, and for the construction of Council by-laws.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2015 and is By-law No. 1 of the City of Mitcham.

2. *Authorising Law*

This by-law is made under Section 246 of the Act and Sections 667 (1) 3.LIV and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council by-laws;
- 3.2 providing for the enforcement of breaches of Council by-laws and fixing penalties; and
- 3.3 clarifying the construction of Council by-laws.

4. *Commencement, Revocation and Expiry*

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 1—Permits and Penalties.<sup>2</sup>

4.2 This by-law will expire on 1 January 2023.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

5.1 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means the City of Mitcham; and
- 6.3 *person* includes a body corporate.

## Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Act.

7. *Construction of By-laws Generally*

7.1 Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.

7.2 In any by-law of the Council, unless the contrary intention appears *permission* means permission of the Council, or such other person as the Council may by resolution authorise for that purpose, granted in writing prior to the act, event or activity to which it relates.

## PART 2—PERMITS AND PENALTIES

8. *Permits*

8.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

8.2 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.

8.3 A person granted permission must comply with every such condition. Failure to do so is an offence.

8.4 The Council, or such other person as the Council may by resolution authorise for that purpose, may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. *Offences and Penalties*

9.1 A person who acts in contravention of any by-law of the Council is guilty of an offence and may be liable to pay:

9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a by-law for any breach of a by-law; or

9.1.2 Subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against by-laws, being a fee equivalent to 25% of the maximum penalty fixed for any breach of a by-law.

9.2 A person who commits a breach of a by-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a by-law for a breach of a by-law of a continuing nature.

## Note:

The maximum penalty for a breach of a by-law is currently \$750, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see Section 246 (3) (g) of the Act.

Pursuant to Section 246 (5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25% of the maximum penalty for the offence to which it relates.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

## CITY OF MITCHAM

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 2 of 2015—Moveable Signs*

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Moveable Signs By-law 2015 and is By-law No. 2 of the City of Mitcham.

2. *Authorising Law*

This by-law is made under Sections 239 and 246 of the Act, and Sections 667 (1), 4.I and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The object of this by-law is to set standards for moveable signs on roads:

3.1 to protect the comfort and safety of road users and members of the public;

3.2 to enhance the amenity of roads and surrounding parts of the Council area;

3.3 to prevent nuisances occurring on roads;

3.4 to prevent unreasonable interference with the use of a road; and

3.5 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 2—Moveable Signs.<sup>2</sup>

4.2 This by-law will expire on 1 January 2023.<sup>3</sup>

## Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetting of the by-law.

5. *Application*

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2015.

5.2 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

6.1 *Act* means the Local Government Act 1999;

6.2 *business premises* means premises from which a business is being conducted;

6.3 *Council* means the City of Mitcham;

6.4 *footpath area* means:

6.4.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;

6.4.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;



6.5 *road* has the same meaning as in the Local Government Act 1999; and

6.6 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

- Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.
- The definition of 'road' under the Local Government Act 1999, includes footpaths and other walkways.

PART 2—MOVEABLE SIGNS

7. *Construction and Design*

A moveable sign placed on a footpath area must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed when in position so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be, in the opinion of an authorised officer, unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 900 mm in height, 600 mm in width and 600 mm in depth;
- 7.8 in the case of an 'A' frame or sandwich board sign:
  - 7.8.1 be hinged or joined at the top;
  - 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
  - 7.8.3 not have a base area in excess of 0.6 square metres;
- 7.9 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign;
- 7.10 not rotate, contain flashing parts or lights or be illuminated internally;

8. *Placement*

A moveable sign must not be:

- 8.1 placed on any part of a road apart from the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 placed closer than 1.9 metres from another structure, fixed object (including another moveable sign), tree, bush or plant;
- 8.4 placed within 1 metre of an entrance to any business premises;
- 8.5 placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this by-law;
- 8.6 placed so as to:
  - 8.6.1 obstruct a vehicle door when opened, provided that the vehicle is parked lawfully on the road; or
  - 8.6.2 otherwise interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 0.5 metres to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 3 metres of an intersection of two or more roads;

8.10 placed on a footpath area with a minimum height clearance from a structure above it of less than 2 metres;

8.11 placed on a designated parking area or within 1 metre of an entrance to premises;

8.12 tied, fixed or attached to, or placed closer than 2 metres to any other structure, object or thing (including another moveable sign);

8.13 displayed during the hours of darkness unless it is clearly lit;

8.14 placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk; or

8.15 placed on a median strip, traffic island, roundabout or any other traffic control device on a road.

9. *Banners*

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note:

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under Section 222 of the Local Government Act 1999.

10. *Restrictions*

10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.

10.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.

10.3 A person must not cause or allow a moveable sign to be placed on a footpath area unless:

10.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and

10.3.2 the business premises to which it relates is open to the public.

10.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. *Exemptions*

11.1 Subclauses 10.1 and 10.3 of this by-law do not apply to a moveable sign which:

11.1.1 advertises a garage sale taking place from residential premises; or

11.1.2 is a directional sign to an event run by a community organisation or charitable body.

11.2 Subclauses 10.1 and 10.3 of this by-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.

11.3 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

Note:

This by-law does not apply to moveable signs placed and maintained on a road in accordance with Section 226 (3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

#### PART 3—ENFORCEMENT

### 12. Removal of Moveable Signs

12.1 A person must immediately comply with the order of an Authorised Person made pursuant to Section 227 (1) of the Act to remove a moveable sign.

Note:

Pursuant to Section 227 (1) of the Act, an Authorised Person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this by-law; or
- any other requirement of this by-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road, or endangers the safety of other persons.

12.2 The owner of or other person entitled to recover a moveable sign removed by an Authorised Person pursuant to Section 227 (2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.

12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an Authorised Person:

- 12.3.1 if, in the opinion of an Authorised Person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 12.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the Authorised Person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

### 13. Liability of Vehicle Owners

13.1 For the purposes of this Clause 13, *owner* in relation to a vehicle has the same meaning as contained in Section 4 of the Act.

13.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

#### CITY OF MITCHAM

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 3 of 2015—Local Government Land*

A by-law to regulate the access to and use of Local Government land (other than roads), and certain public places.

#### PART 1—PRELIMINARY

### 1. Title

This by-law may be cited as the Local Government Land By-law 2015 and is By-law No. 3 of the City of Mitcham.

### 2. Authorising Law

This by-law is made under Sections 238 and 246 of the Act and Sections 667 (1) 4.1 and 9.XVI of the Local Government Act 1934.

### 3. Purpose

The objectives of this by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

### 4. Commencement, Revocation and Expiry

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 3—Local Government Land.<sup>2</sup>

4.2 This by-law will expire on 1 January 2023.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

### 5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2015.

5.2 Subject to Clauses 5.3 and 5.4, this by-law applies throughout the Council area.

5.3 Clauses 9.2, 9.7.1, 9.11.2 (b), 9.22.2, 9.22.3, 9.22.4, 9.25.2, 9.32, 10.4, and 10.11.2 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.

5.4 Clauses 9.33 of this by-law only apply throughout the Council area except in such part or parts of the Council area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Act.

### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal or animals* includes birds and insects but does not include a dog;
- 6.3 *authorised person* has the same meaning as in the Act;
- 6.4 *boat* includes a raft, pontoon or personal watercraft or other similar device;
- 6.5 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land, whether or not any person is in attendance or sleeps on the land;
- 6.6 *Council* means the City of Mitcham;
- 6.7 *electoral matter* has the same meaning as in the Electoral Act 1985, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.8 *effective control* means a person exercising effective control of an animal either:
  - 6.8.1 by means of a physical restraint; or
  - 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times.
- 6.9 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;

- 6.10 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.11 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.12 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.13 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.14 *open container* means a container which:
- 6.14.1 after the contents of the container have been sealed at the time of manufacture:
- being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
  - being a can, it has been opened or punctured;
  - being a cask, it has had its tap placed in a position to allow it to be used;
  - being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
  - is a flask, glass, mug or other container able to contain liquid.
- 6.15 *personal watercraft* means a device that:
- 6.15.1 is propelled by a motor; and
- 6.15.2 has a fully enclosed hull; and
- 6.15.3 is designed not to retain water if capsized; and
- 6.15.4 is designed to be operated by a person who sits astride, stands, or kneels on the device.
- and includes the device commonly referred to as a jet ski.
- 6.16 *recreation ground* means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any area of land contiguous thereto and used in connection with it.
- 6.17 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.18 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.19 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council.

## Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

## PART 2—ACCESS TO LOCAL GOVERNMENT LAND

## 7. Access

## Note:

Pursuant to Section 238 (3) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

The Council may:

- close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- fix charges or fees payable for entry onto any part of Local Government land.

## 8. Closed Lands

A person must not without permission, enter or remain on any Local Government land:

- which has been closed, or in respect of which access by the public is regulated or restricted in accordance with Clause 7.1;
- where entry fees or charges are payable, without paying those fees or charges; or
- where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

## PART 3—USE OF LOCAL GOVERNMENT LAND

## 9. Activities Requiring Permission

## Note:

Pursuant to Section 238 (3) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

## 9.1 Advertising

Display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.

## 9.2 Alcohol

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

## 9.3 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound.

## 9.4 Animals

- cause or allow an animal to stray onto, move over, graze or be left unattended on the land; or
- cause or allow an animal to enter, swim, bathe or remain in any waters located on the land; or
- lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

## 9.5 Attachments

Attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

## 9.6 Bees

Place a hive of bees on such land, or allow it to remain thereon.

## 9.7 Boats and Buoys

Subject to the provisions of the Harbors and Navigation Act 1993 and the Marine Safety (Domestic Commercial Vessel) National Law:

- launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;
- launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- propel, float or otherwise use a boat on or in any waters;
- hire out a boat or otherwise use a boat for commercial purposes;
- moor a boat on any waters or to a pontoon attached to Local Government land; or

- 9.7.6 place a buoy, cable, chain, hawser, rope or net in or across any waters on Local Government land.
- 9.8 *Bridge Jumping*  
Jump or dive from a bridge on Local Government land.
- 9.9 *Buildings*  
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.10 *Burials and Memorials*
- 9.10.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.10.2 Erect any memorial.
- 9.11 *Camping and Tents*
- 9.11.1 Erect a tent or other structure of calico, canvas, plastic or similar material.
- 9.11.2 Camp or sleep overnight:
- (a) unless in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or
- (b) other than in an area to which the Council has, by resolution, designated for camping and in accordance with such time limits and other conditions determined by resolution of the Council (if any).
- 9.12 *Canvassing*  
Subject to Clause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.13 *Defacing Property*  
Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.
- 9.14 *Depasturing*  
Cause, suffer or allow any horse, cattle, sheep, goat or other animal under his or her control to depasture thereon.
- 9.15 *Distribution*  
Subject to Clause 14.2, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.
- 9.16 *Donations*  
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.17 *Entertainment and Busking*
- 9.17.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.17.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.18 *Equipment*  
Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 9.19 *Fires*  
Subject to the Fire and Emergency Services Act 2005 light a fire except:
- 9.19.1 in a place provided by the Council for that purpose; or
- 9.19.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 metres.
- 9.20 *Fireworks*  
Ignite or discharge any fireworks.
- 9.21 *Flora and Fauna*  
Subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:
- 9.21.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 9.21.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.21.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.21.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.21.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.21.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.21.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.21.8 burn any timber or dead wood.
- 9.22 *Games*
- 9.22.1 participate in, promote or organise any organised competition or sport, as distinct from organised social play;
- 9.22.2 play or practice any game which involves kicking, hitting or throwing a ball or other object on Local Government land to which the Council has resolved this subclause applies;
- 9.22.3 play or practice the game of golf on Local Government land to which the Council has resolved this subclause applies; or
- 9.22.4 engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23 *Litter*
- 9.23.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.
- 9.23.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.
- 9.24 *Marine Life*  
Introduce any marine life to any waters located on Local Government land.
- 9.25 *Model Aircraft, Boats and Cars*  
Subject to the Civil Aviation Safety Regulations 1998:
- 9.25.1 fly or operate a model or drone aircraft, boat or model or remote control car in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.25.2 fly or operate a model or drone aircraft, boat or model or remote control car on any Local Government land to which the Council has resolved this subclause applies.
- 9.26 *Overhanging Articles or Displaying Personal Items*  
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

- 9.27 *Playing Area*  
Use or occupy a Recreation Ground:
- 9.27.1 in such a manner as to damage or be likely to damage the surface of the Recreation Ground or infrastructure (above and under ground level);
- 9.27.2 in a manner contrary to the purpose for which the Recreation Ground was intended to be used or occupied; or
- 9.27.3 contrary to any directions of the Council made by resolution and indicated on a sign displayed adjacent to the Recreation Ground.
- 9.28 *Pontoons*  
Install or maintain a pontoon or jetty in any waters.
- 9.29 *Posting of Bills*  
Post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government land or in a public place.
- 9.30 *Preaching*  
Preach, harangue or solicit for religious purposes.
- 9.31 *Ropes*  
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.32 *Skateboards, Small Wheeled Vehicles*  
Subject to the Road Traffic Act 1961, ride on a skateboard or use roller skates or blades, or similar devices on Local Government land to which the Council has resolved this paragraph applies.
- 9.33 *Swimming*  
Subject to the provisions of the Harbors and Navigation Act 1993, swim in, bathe or enter any waters except:
- 9.33.1 in an area which the Council has determined may be used for such purposes; and
- 9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.34 *Trading*  
Sell, buy, offer or display anything for sale.
- 9.35 *Vehicles*
- 9.35.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.36 *Weddings, Functions and Special Events*
- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.
10. *Prohibited Activities*  
A person must not do any of the following on Local Government land.
- 10.1 *Animals*
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 *Annoyance*  
Do anything likely to offend or unreasonably interfere with any other person:
- 10.2.1 using that land; or
- 10.2.2 occupying nearby premises, by making a noise or creating a disturbance.
- 10.3 *Equipment*  
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.4 *Fishing*  
Fish in any waters to which the Council has determined this subclause applies.
- 10.5 *Glass*  
Wilfully break any glass, china or other brittle material.
- 10.6 *Interference With Land*  
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 10.6.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.6.2 erecting or installing a structure in, on, across, under or over the land;
- 10.6.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.6.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.6.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 10.7 *Interference With Permitted Use*  
Interrupt, disrupt or interfere with any other person's use of Local Government land which is permitted or for which permission has been granted.
- 10.8 *Nuisance*  
Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.
- 10.9 *Playing Games*  
Play or practice a game, recreation or amusement:
- 10.9.1 which is likely to cause damage to the land or anything on it;
- 10.9.2 which endangers the safety or interferes with the comfort of any person;
- 10.9.3 in any area where a sign indicates that the game is prohibited.
- 10.10 *Rubbish and Rubbish Dumps*
- 10.10.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 10.10.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin on Local Government land.

10.11 *Smoking*

Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product:

- 10.11.1 in any building; or  
 10.11.2 on any land to which the Council has determined this subclause applies.

10.12 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.13 *Throwing Objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.14 *Toilets*

In any public convenience on Local Government land:

- 10.14.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;  
 10.14.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;  
 10.14.3 use it for a purpose for which it was not designed or constructed;  
 10.14.4 enter a toilet that is set aside for use of the opposite sex except:  
 (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or  
 (b) to provide assistance to a disabled person; or  
 (c) in the case of a genuine emergency.

10.15 *Waste*

- 10.15.1 Deposit or leave thereon:  
 (a) anything obnoxious or offensive;  
 (b) any offal, dead animal, dung or filth; or  
 (c) any mineral, mineral waste, industrial waste or bi-products.  
 10.15.2 Foul or pollute any waters situated thereon.  
 10.15.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose.  
 10.15.4 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

## PART 4—ENFORCEMENT

11. *Directions*

11.1 A person on Local Government land must comply with a reasonable direction from an Authorised Person relating to:

- 11.1.1 that person's use of the land;  
 11.1.2 that person's conduct and behaviour on the land;  
 11.1.3 that person's safety on the land; or  
 11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the opinion of an Authorised Person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an Authorised Person to leave that part of Local Government land.

12. *Orders*

If a person fails to comply with an order of an Authorised Person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

## Note:

Section 262 (1) of the Act states:

- (1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a by-law under this Act, an Authorised Person may order the offender:  
 (a) if the conduct is still continuing—to stop the conduct; and  
 (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the Authorised Person may take action reasonably required to have the order carried out. For example, an Authorised Person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. *Removal of Animals and Objects*

An Authorised Person may remove an animal or object that is on Local Government land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 5—MISCELLANEOUS

14. *Exemptions*

14.1 The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

14.2 The restrictions in Clauses 9.12 and 9.15 of this by-law do not apply to electoral matter authorised by a candidate and which is:

- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or  
 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or  
 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

15. *Liability of Vehicle Owners*

15.1 For the purposes of this Clause 15, *owner* in relation to a vehicle has the same meaning as contained in Section 4 of the Act.

15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

## CITY OF MITCHAM

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 4 of 2015—Roads*

A by-law to regulate certain activities on roads in the Council area.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Roads By-law 2015 and is By-law No. 4 of the City of Mitcham.

## 2. Authorising Law

This by-law is made under Sections 239 and 246 of the Act, Regulation 28A of the Local Government (General) Regulations 2013 and Sections 667 (1), 4.I, 5.VII, 7.II and 9.XVI of the Local Government Act 1934.

## 3. Purpose

The objectives of this by-law are to manage and regulate the prescribed uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

## 4. Commencement, Revocation and Expiry

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 4—Roads.<sup>2</sup>

4.2 This by-law will expire on 1 January 2023.<sup>3</sup>

### Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

## 5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2015.

## 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal* includes birds, insects and poultry but does not include a dog or a cat;
- 6.3 *camp* includes setting up a camp, or causing a tent or, subject to the Road Traffic Act 1961, a caravan or motor home, to remain on a road, whether or not any person is in attendance or sleeps on the road;
- 6.4 *Council* means the City of Mitcham;
- 6.5 *effective control* means a person exercising effective control of an animal either:
  - 6.5.1 by means of a physical restraint; or
  - 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.6 *electoral matter* has the same meaning as in the Electoral Act 1995, provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014;
- 6.8 *vehicle* has the same meaning as in the Road Traffic Act 1961.

### Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

## PART 2—USE OF ROADS

### 7. Activities Requiring Permission

A person must not do any of the following activities on a road without the permission of the Council:

#### 7.1 Advertising

Display any sign, other than a moveable sign which is displayed on a Road in accordance with the Council's Moveable Signs By-law.

#### 7.2 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements.

#### 7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, graze, or be left unattended on a road.

7.3.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

#### 7.4 Camping and Tents

7.4.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.4.2 Camp or sleep overnight.

#### 7.5 Obstructions

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

#### 7.6 Posting of Bills

Post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

#### 7.7 Preaching

Preach, harangue, solicit or canvass for religious purposes.

#### 7.8 Public Exhibitions and Displays

7.8.1 Sing, busk, play a recording or use a musical instrument, or perform similar activities.

7.8.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.8.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.8.4 Cause any public exhibitions or displays.

#### 7.9 Soliciting

Ask for or receive or indicate a desire for a donation of money or any other thing.

#### 7.10 Vehicles

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

### Note:

Moveable signs on roads are regulated by Sections 226 and 227 of the Act and the Council's Moveable Signs By-law (if any).

## PART 3—ENFORCEMENT

### 8. Directions

A person who, in the opinion of an Authorised Person is committing or has committed a breach of this by-law, must immediately comply with a direction of an Authorised Person to leave that part of the road.

### 9. Orders

If a person does not comply with an order of an Authorised Person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

- (1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a by-law under this Act, an Authorised Person may order the offender:
- (a) if the conduct is still continuing—to stop the conduct; and
  - (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the Authorised Person may take action reasonably required to have the order carried out. For example, an Authorised Person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

### 10. Removal of Animals and Objects

An Authorised Person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

#### PART 4—MISCELLANEOUS

### 11. Exemptions

- 11.1 The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.

### 12. Liability of Vehicle Owners

- 12.1 For the purposes of this Clause 12, *owner* in relation to a vehicle has the same meaning as contained in Section 4 of the Act.
- 12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this by-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

#### CITY OF MITCHAM

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 5 of 2015—Dogs*

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

#### PART 1—PRELIMINARY

### 1. Title

This by-law may be cited as the Dog By-law 2015 and is By-law No. 5 of the City of Mitcham.

### 2. Authorising Law

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, Sections 238 and 246 of the Act, and Sections 667 (1), 9.XVI of the Local Government Act 1934.

### 3. Purpose

The objects of this by-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

### 4. Commencement, Revocation and Expiry

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:
- 4.1.1 By-law No. 5—Dogs.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2023.<sup>3</sup>

Note:

- <sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.
- <sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.
- <sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

### 5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2015.
- 5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 9.1.1 and 10, of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (*e*) of the Act.

### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *approved kennel establishment* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis;
- 6.3 *assistance dog* means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled.
- 6.4 *Council* means the City of Mitcham;
- 6.5 *dog* (except for in Clause 7.1) has the same meaning as in the Dog and Cat Management Act 1995;
- 6.6 *effective control* means a person exercising effective control of a dog either:
  - 6.6.1 by means of a physical restraint (as defined under the Dog and Cat Management Act 1995); or
  - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 *keep* includes the provision of food or shelter;
- 6.8 *premises* includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;
- 6.9 *small dwelling* means a self-contained residence that is:
  - 6.9.1 a residential flat building; or
  - 6.9.2 contained in a separate strata unit or community title.



## Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-laws was made.

## PART 2—LIMITS ON DOG NUMBERS

7. *Limits on Dog Numbers in Private Premises*

- 7.1 Subject to Clauses 7.2 and 7.4, a person must not, without the Council's permission keep:
- 7.1.1 more than one dog in a small dwelling;
- 7.1.2 more than two dogs in premises other than a small dwelling;
- 7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any business involving dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs must be inspected by an Authorised Person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an Authorised Person, there is no secure or appropriate area where a dog may be effectively confined.

## PART 3—DOG CONTROLS

8. *Dog Exercise Areas*

- 8.1 Subject to Clauses 9 and 10 of this by-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.
- 8.2 A person entering a dog exercise area designated by the Council must ensure that any dog under that person's control, charge or authority is under effective control at all times.

## Note:

Clause 8.2 is not an offence provision. If a person is exercising a dog in a park or reserve as permitted under this clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under Section 43 (1) of the Dog and Cat Management Act 1995, for which the owner or person responsible for the dog may be liable.

9. *Dog on Leash Areas*

- 9.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain:
- 9.1.1 on Local Government land or a public place to which the Council has resolved that this clause applies; and
- 9.1.2 on any park or reserve during times when organised sport is being played;
- unless the dog is secured by a strong leash not exceeding 2 metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

10. *Dog Prohibited Areas*

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any other Local Government land or public place to which the Council has determined that this clause applies.

11. *Dog Faeces*

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation to dispose of dog faeces deposited in a public place under Section 45A (6) of the Dog and Cat Management Act 1995).

## PART 4—ENFORCEMENT

12. *Orders*

- 12.1 If a person engages in conduct that is in contravention of this by-law, an Authorised Person may order that person:
- 12.1.1 if the conduct is still continuing—to stop the conduct; and
- 12.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 12.2 A person must comply with an order under this Clause.
- 12.3 If a person does not comply with an order, the Authorised Person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 However, an Authorised Person may not use force against a person under this section.

## Note:

For example, an Authorised Person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

## CITY OF MITCHAM

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 6 of 2015—Cats*

A by-law to limit the number of cats kept on premises and for the management and control of cats in the Council area.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Cats By-law 2015 and is By-law No. 6 of the City of Mitcham.

2. *Authorising Law*

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, Section 246 of the Act and Sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to control and manage cats in the Council area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

- 4.1.1 By-law No. 6—Cats.<sup>2</sup>

4.2 This by-law will expire on 1 January 2023.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

#### 5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2015.

#### 6. Interpretation

In this by-law, unless the contrary intention appears;

6.1 *Act* means the Local Government Act 1999;

6.2 *cat* means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;

6.3 *Council* means the City of Mitcham;

6.4 *keep* includes the provision of food or shelter;

6.5 *nuisance* means:

6.5.1 unreasonably interfering with the peace, comfort or convenience of a person;

6.5.2 injurious to a person's real or personal property; or

6.5.3 obnoxious, offensive or hazardous to health;

6.6 *premises* includes land whether used or occupied for domestic or non-domestic purposes.

Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law is made.

#### PART 2—REGISTRATION AND IDENTIFICATION OF CATS

##### 7. Registration of Cats

7.1 A person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this by-law.

7.2 An application for registration of a cat must:

7.2.1 be made to the Council in the manner and form prescribed (if any) and accompanied by the fee (if any) prescribed by the Council by resolution; and

7.2.2 nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and

7.2.3 identify with reference to an address the premises at which the cat is kept.

7.3 Clause 7.1 does not apply to a person operating a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

7.4 Registration under this by-law remains in force until 30 June next after registration has been granted and may be renewed from time to time for further periods of 12 months.

##### 8. Identification of Cats

8.1 Subject to Clause 8.2, a person must not, without Council's permission, keep a cat on any premises unless the cat is an identified cat by means of having a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat.

8.2 Clause 8.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

#### PART 3—LIMITS ON CAT NUMBERS

##### 9. Limits on Cat Numbers

9.1 Subject to Clause 9.2, a person must not, without the Council's permission, keep more than two cats on any premises.

9.2 Clause 9.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

##### 10. Cats Not To Be a Nuisance

10.1 An owner or occupier of premises is guilty of an offence if a cat or cats kept or allowed to remain on the premises causes a nuisance by reason of:

10.1.1 noise or odour created by the cat or cats; or

10.1.2 wandering from the land; or

10.1.3 the aggressive nature of the cat or cats.

#### PART 4—ENFORCEMENT

##### 11. Orders

11.1 If a person engages in conduct that is a contravention of this by-law, an Authorised Person may order that person:

11.1.1 if the conduct is still continuing—to stop the conduct; and

11.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.

11.2 A person must comply with an order under this clause.

11.3 If a person does not comply with an order, the Authorised Person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.

11.4 However, an Authorised Person may not use force against a person under this section.

Note:

For example, an Authorised Person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

#### CITY OF MITCHAM

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 7 of 2015—Waste Management*

A by-law to regulate the removal of domestic waste, recyclable and green organic waste from premises in the Council area.

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Waste Management By-law 2015 and is By-law No. 7 of the City of Mitcham.

##### 2. Authorising Law

This by-law is made under Sections 238, 239 and 246 of the Local Government Act 1999, Sections 667 (1) 4.I and 9.XVI of the Local Government Act 1934 and Regulation 28 (b) of the Local Government (General) Regulations 2013;

##### 3. Purpose

The objectives of this by-law are:

3.1 to prevent and suppress nuisances associated with the storage and collection of domestic waste;

3.2 to prevent damage to Council property and land;

- 3.3 to define the requirements for the use of Council's kerbside waste and recycling collection services;
- 3.4 to protect the convenience, comfort and safety of members of the public;
- 3.5 to enhance the amenity of the Council area; and
- 3.6 for the good rule and government of the area.

#### 4. Application

- 4.1 This by-law operates subject to the Council's Permits and Penalties By-law 2015.
- 4.2 This by-law applies throughout the Council area.

#### 5. Definitions

In this by-law:

- 5.1 *Act* means the Local Government Act 1999;
- 5.2 *Council* means the City of Mitcham;
- 5.3 *Container* includes a Green Organics Container, Domestic Waste Container or Recyclables Container;
- 5.4 *Green Organics* means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, food scraps or other materials for which permission has been given by the Council;
- 5.5 *Green Organics Container* means a container for the disposal of Green Organics that is approved by the Council;
- 5.6 *Hard Waste* means any internal and/or external domestic items such as (but not limited to) fridges, and mattresses but excludes any Domestic Waste;
- 5.7 *Domestic Waste* means any kind of domestic and kitchen waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood and any toxic waste;
- 5.8 *Domestic Waste Container* means a container for the disposal of Domestic Waste that is approved by the Council;
- 5.9 *Premises* means premises, excluding vacant land, to which the Council's kerbside waste collection services are made available;
- 5.10 *Recyclables* means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;
- 5.11 *Recyclables Container* means a container for the disposal of Recyclables that is approved by the Council;
- 5.12 *Road* has the same meaning as in the Local Government Act 1999;
- 5.13 *Waste* means Domestic Waste, Recyclables and Green Organics;
- 5.14 *Waste Containers* means Domestic Waste Containers, Recyclables Containers and Green Organics Containers.

Note:

Section 14 of the Acts Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Act.

#### 6. Provide Containers

- 6.1 An occupier of premises must keep on his or her premises a Domestic Waste Container and a Recyclables Container;
- 6.2 An occupier of premises may keep on his or her premises a Green Organics Container.

#### 7. Management of Waste Collection Services

An occupier of a premises must:

##### 7.1 Domestic Waste

- 7.1.1 ensure that the Domestic Waste Container kept on the premises is approved by the Council; and
- 7.1.2 not, cause, suffer or permit any waste other than Domestic Waste to be in a Domestic Waste Container.

##### 7.2 Recyclables

- 7.2.1 ensure that the Recyclables Container kept on the premises is approved by the Council; and
- 7.2.2 not cause, suffer or permit any waste other than Recyclables to be in a Recyclables Container; and

##### 7.3 Green Organics

- 7.3.1 ensure that any Green Organics Container kept on the premises is approved by the Council;
- 7.3.2 not cause, suffer or permit waste other than Green Organics to be in a Green Organics Container; and

##### 7.4 Keep Container Clean

cause each Waste Container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times; and

##### 7.5 Sealing of Container

cause each Container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the Container; and

##### 7.6 Damage

ensure that each Waste Container on the premises is maintained, repaired or replaced (as necessary) so that it is not damaged or worn to the extent that:

- 7.6.1 it is not robust or watertight;
- 7.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 7.6.3 the lid does not seal on the container when closed; or
- 7.6.4 its efficiency or use is otherwise impaired; and

##### 7.7 Collection Services

7.7.1 facilitate the collection and removal of waste from the premises by ensuring all Waste Containers thereon that contain waste for collection are placed on the road for collection by the Council, its agents or contractors:

- (a) on the day appointed by the Council or the night before (and not before these times); and for the collection of waste from those premises; and
- (b) in a position:
  - (i) adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and
  - (ii) not under the overhanging branches of any trees; and
  - (iii) as may otherwise be directed by the Council and notified to the occupier in writing.

7.7.2 remove all Waste Containers from the road on the same day as the collection of waste has occurred.

##### 7.8 Waste

not place any Waste Container on the road for collection by the Council, its agents or contractors unless the Waste Container contains only the type of waste that is permitted to be disposed of in that Waste Container.

7.9 *Hard Waste*

not place any Hard Waste on the road for collection by the Council, its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing.

8. *Interference with Waste*

A person must not, without the Council's permission, remove, disburse or interfere with any Waste, or Hard Waste that has been placed on a road or in a Waste Container on a road for the apparent purpose of collection by the Council, its agents or contractors.

## PART 2—ENFORCEMENT

9. *Orders*

9.1 If a person engages in conduct that is in contravention of this by-law, an Authorised Person may order that person:

9.1.1 if the conduct is still continuing—to stop the conduct; and

9.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.

9.2 A person must comply with an order under this clause.

9.3 If a person does not comply with an order, the Authorised Person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.

9.4 However, an Authorised Person may not use force against a person under this section.

This by-law was duly made and passed at a meeting of the City of Mitcham held on 11 August 2015, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

M. PEARS, Chief Executive Officer

## THE RURAL CITY OF MURRAY BRIDGE

DEVELOPMENT ACT 1993—  
PUBLIC CONSULTATION

*Monarto South Development Plan Amendment*

NOTICE is hereby given that The Rural City of Murray Bridge, pursuant to Sections 24 and 25 of the Development Act 1993, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan(s).

The Amendment will change the Development Plan by proposing to: increase the amount of industrially zoned land at Monarto whilst also facilitating the development of an intermodal facility.

The DPA report will be on public consultation from 27 August 2015 until 22 October 2015.

Copies of the DPA report are available during normal office hours at the Murray Bridge Council's Local Government Centre (LGC). Alternatively the DPA report can be viewed on the Internet at [www.murraybridge.sa.gov.au](http://www.murraybridge.sa.gov.au) or during normal office hours at the following location:

2 Seventh Street, Murray Bridge.

Written submissions regarding the DPA should be submitted no later than 5 p.m. on 22 October 2015. All submissions should be addressed to The Chief Executive Officer, The Rural City of Murray Bridge, P.O. Box 421, Murray Bridge, S.A. 5253 and should clearly indicate whether you wish to be heard in support of your submission at the public hearing. If you wish to lodge your submission electronically, please email it to:

[DPASubmissions@murraybridge.sa.gov.au](mailto:DPASubmissions@murraybridge.sa.gov.au).

Copies of all submissions will be available for inspection at the Murray Bridge Local Government Centre (LGC) from 27 October 2015 until the conclusion of the public hearing.

A public hearing will be held on 11 November 2015 at 5.30 p.m. at the Local Government Centre, 2 Seventh Street, Murray Bridge, at which time interested persons may be heard in

relation to the DPA and the submissions. The public hearing will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like further information about the DPA contact Cherry Getsom on (08) 8539 1100, or at:

[c.getsom@murraybridge.sa.gov.au](mailto:c.getsom@murraybridge.sa.gov.au).

Dated 27 August 2015.

M. SEDGMAN, Chief Executive Officer

## CITY OF ONKAPARINGA

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given pursuant to Section 193 (6) (a) of the Local Government Act 1999, that the City of Onkaparinga at its meeting on 31 July 2012 resolved, pursuant to Section 193 (4) (a) of the Local Government Act 1999, that the following parcels of land be excluded from the Classification as Community Land:

Allotment 33 in Deposited Plan 25006 being the whole of the land comprised in Certificate of Title Volume 5386 Folio 496, located at McRae Street, Aldinga Beach.

Allotment 16 in Deposited Plan 96221 being the whole of the land comprised in Certificate of Title Volume 6158 Folio 634, located at Heathersay Avenue, Aldinga Beach.

M. DOWD, Chief Executive Officer

## THE BAROSSA COUNCIL

*Renaming of Roads*

NOTICE is hereby given that pursuant to Section 219 of the Local Government Act 1999, Council on 18 August 2015, resolved to rename the section of Clark Terrace—Angaston which runs off of Jubilee Avenue. The section of road has been named Short Row.

M. MCCARTHY, Chief Executive Officer

## CLARE &amp; GILBERT VALLEYS COUNCIL

*Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that the Clare & Gilbert Valleys Council at a Special Council Meeting held on 20 August 2015, resolved as follows for the year ending 30 June 2016:

1. Adopted for rating purposes the capital valuations made by the Valuer-General within Council's area totalling \$2 379 351 190.

2. Declared differential general rates based upon the use of the land as follows:

2.1 Residential, Vacant Land and Other: 0.4617 cents in the dollar.

2.2 Commercial (Shop), Commercial (Office) and Commercial (Other): 0.6233 cents in the dollar.

2.3 Industrial (Light) and Industrial (Other): 0.6233 cents in the dollar.

2.4 Primary Production: 0.3463 cents in the dollar.

3. Fix a minimum amount of \$650 payable by way of general rates.

4. Imposed annual service charges based on the level of usage of the service in respect of land to which it provides or makes available Community Wastewater Management System services at \$380 per unit in respect of all land serviced by either the Clare Scheme, Riverton Scheme or Saddleworth Scheme.

5. Imposed an annual service charge of \$190 based on the nature of the service in respect of all land to which it provides the waste collection service within the towns of Clare, Riverton, Saddleworth, Mintaro, Sevenhill, Auburn, Watervale, Manoora, Rhyndie, Marrabel, Stockport, Tarlee, Waterloo and Armagh.

6. Declared a separate rate of 0.0144 cents in the dollar in order to reimburse the Council the amount contributed to the Northern and Yorke Natural Resources Management Board being \$336 916.

R. D. BLIGHT, Chief Executive Officer

## WAKEFIELD REGIONAL COUNCIL

*Declaration of Public Roads*

NOTICE is hereby given, pursuant to Section 210 of the Local Government Act 1999, that the Wakefield Regional Council resolved at the meeting held on 25 March 2015, that the land identified as Allotment 31 in Deposited Plan 1796, contained in Certificate of Title Volume 754, Folio 178 and known as Florence Street is hereby declared to be a Public Road.

C. ATKINSON, Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

- Barrie, Kerrick John*, late of 226 Fullarton Road, Glenside, labourer, who died on 27 March 2015.  
*Burnside, James*, late of 200 Fosters Road, Oakden, retired steel fixer, who died on 26 April 2015.  
*Fowler, Jillian Lorraine*, late of 144 Main South Road, Hackham, home duties, who died on 30 May 2015.  
*Gladigau, Coral Maureen*, late of 38 Nairne Road, Woodside, of no occupation, who died on 8 April 2015.  
*John, Winifred Eunice*, late of 222 Beulah Road, Beulah Park, home duties, who died on 25 May 2015.  
*Leitch, Walter*, late of 18 Trafford Street, Angle Park, of no occupation, who died on 28 May 2015.  
*Mellowship, Yvonne Joyce*, late of 1 East Parkway, Northgate, of no occupation, who died on 2 May 2015.  
*Richardson, Lorraine Anne*, late of 41A Fourth Avenue, Klemzig, retired clerical officer, who died on 5 March 2015.  
*Richmond, Ana*, late of 10 South Molle Boulevard, Cannonvale, Queensland, registered nurse, who died on 9 April 2015.  
*Rodda, Kathleen Frances*, late of 6 Seaforth Avenue, Dover Gardens, home duties, who died on 30 April 2015.  
*Walker, Stella Millicent Doris*, late of 550 Portrush Road, Glen Osmond, widow, who died on 27 December 2014.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975 that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 25 September 2015 otherwise they will be excluded from the distribution of the said estates; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 27 August 2015.

D. A. CONTALA, Public Trustee

## SALE OF PROPERTY

Auction Date: Friday, 18 September 2015 at 12 p.m.

Location: 3 Lochhead Court, Wynn Vale

AMENDED Notice: Notice is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the Federal Circuit Court of Australia, Action No. 1984 of 2013 directed to the Sheriff of South Australia in an action wherein Child Support Registrar is the Applicant and Mark Colin Thompson is the Respondent, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Respondent, Angelo Nikolinakos the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Wynn Vale, being 3 Lochhead Court, Wynn Vale, Hundred of Yatala, being the property comprised in Certificate of Title Register Book Volume 5129, Folio 98.

Further particulars from the auctioneers:

Griffin Real Estate  
 8 Greenhill Road  
 Wayville, S.A. 5034  
 Telephone: 0414 214 858

# ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 4 p.m. on Wednesday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

**Remember**—the onus is on you to inform us of any corrections necessary to your notice.

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