

Version
as at 28 June 2023



Radiation Safety Regulations 2016 (LI 2016/303)

Patsy Reddy, Governor-General

Order in Council

At Wellington this 12th day of December 2016

Present:

The Right Hon Bill English presiding in Council

These regulations are made under sections 91 to 93 of the Radiation Safety Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Health in accordance with sections 91(5) and 92(3) of that Act and after the requirements of section 92(4) of the Act have been satisfied.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Health.

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Regulations

1 Title

These regulations are the Radiation Safety Regulations 2016.

2 Commencement

These regulations come into force on 7 March 2017.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Radiation Safety Act 2016

authorisation means—

- (a) a source licence:
- (b) a use licence:
- (c) a consent

authorisation year, in relation to an authorisation or a renewal of an authorisation, means each 12-month period in the term of the authorisation that is requested by the applicant under regulation 6(2)(g) (*see also* subclause (2))

compliance monitoring category, in relation to a source licence or a renewal of a source licence, means a category set out in column 1 of Schedule 2

health practitioner has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003

high-activity radioactive material, in relation to any radioactive material listed in column 1 of Schedule 4, means material with an activity that equals or exceeds the corresponding activity in column 2 of that schedule

low-activity radioactive material means radioactive material that is not high-activity radioactive material

scope of practice has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003.

- (2) If the term of the authorisation that is requested by the applicant under regulation 6(2)(g) includes a part of a 12-month period, the number of authorisation years must be rounded up to the nearest whole 12-month period.

Examples

Example 1

The applicant requests that a licence be granted for a period of 8 months. That period is treated as 1 authorisation year.

Example 2

The applicant requests that a licence be granted for a period of 2 years and 3 months. That period is treated as 3 authorisation years.

- (3) In these regulations, a reference to the Chiropractic Board, Dental Council, Medical Council of New Zealand, or the Medical Radiation Technologists Board is a reference to the body of that name that is continued or established under the Health Practitioners Competence Assurance Act 2003.

Regulation 3(1) **authorisation year**: amended, on 28 June 2023, by regulation 4(1) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 3(1) **inspection period**: revoked, on 28 June 2023, by regulation 4(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 3(2): amended, on 28 June 2023, by regulation 4(3) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 3 example 1: amended, on 28 June 2023, by regulation 4(4) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 3 example 2: amended, on 28 June 2023, by regulation 4(4) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

4 Status of examples

- (1) An example used in these regulations is only illustrative of the provisions to which it relates. It does not limit those provisions.
- (2) If an example and a provision to which it relates are inconsistent, the provision prevails.

5 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Authorisations

6 Information that must be included in applications

- (1) This regulation applies to—
- (a) an application for an authorisation; and
 - (b) an application for a renewal of an authorisation.
- (2) The application must include the following information:
- (a) the applicant's full name;
 - (b) the address of the applicant's principal place of business;
 - (c) the particulars of the radiation sources to which the application relates (*see* regulation 7);
 - (d) in the case of—
 - (i) a source licence or a renewal of a source licence, the locations from which the applicant will manage or control radiation sources under the source licence:

- (ii) any other authorisation or renewal of an authorisation, the places where the radiation sources referred to in paragraph (c) will be dealt with:
 - (e) in relation to the activities that the applicant will carry out with the radiation sources referred to in paragraph (c),—
 - (i) the nature of those activities; and
 - (ii) in the case of a source licence or a renewal of a source licence, the compliance monitoring category that applies under regulation 16 for each location:
 - (f) the applicant's knowledge and experience of radiation safety and security:
 - (g) the requested period for the authorisation (*see* regulation 8 for the maximum periods for which an authorisation may be granted and regulation 3(2) for a provision that applies if the period includes a part-year).
- (3) Subclause (2)(g) does not limit the power of the Director to determine the period for which an authorisation is in force.

Regulation 6(2)(d)(i): amended, on 28 June 2023, by regulation 5(1) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 6(2)(e)(ii): amended, on 28 June 2023, by regulation 5(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

7 Particulars of radiation sources

The particulars required under regulation 6(2)(c) are the following particulars of the radiation sources to which the application relates:

- (a) in the case of radioactive material,—
 - (i) the type of radionuclide:
 - (ii) whether the radiation source is sealed radioactive material or unsealed radioactive material:
 - (iii) the current activity of the radiation source (or the level of activity on a specified date of measurement):
 - (iv) the serial number on the radiation source (if any):
 - (v) the make, model, and serial number of the equipment in which the radiation source is housed (if any):
 - (vi) the intended use of the radiation source:
- (b) in the case of irradiating apparatus,—
 - (i) the type of apparatus (for example, X-ray equipment, a linear accelerator, or a cyclotron):
 - (ii) the maximum kilovoltage of the apparatus:
 - (iii) the make, model, and serial number of the apparatus:
 - (iv) the intended use of the apparatus.

8 Maximum periods for which authorisations may be granted

- (1) The maximum period for which a source licence or use licence may be granted is 3 years.
- (2) The maximum period for which a consent may be granted is 1 year.

9 Use licence not required for certain persons when performing specified activities

A person specified in column 1 of Schedule 3 is authorised, for the purpose of section 16(a) of the Act, to perform the activity or class of activity specified for that person in column 2 of Schedule 3.

*Exemptions***10 Exemption for dealing with americium-241 in smoke detectors**

Every person who deals with americium-241 is, in accordance with section 91(1)(a)(iii)(A) of the Act, exempted from subparts 2 and 3 of Part 1 of the Act in respect of that radiation source if—

- (a) the americium-241 is contained in an ionisation chamber smoke detector; and
- (b) the level of activity of the americium-241 does not exceed 40 kilobecquerels; and
- (c) the americium-241 is not readily accessible without dismantling the smoke detector; and
- (d) the smoke detector is clearly labelled with a trefoil symbol and the word “Radioactive”.

11 Exemption for dealing with nickel-63 or hydrogen-3 (tritium) in electron capture detectors or similar devices

Every person who deals with nickel-63 or hydrogen-3 (tritium) is, in accordance with section 91(1)(a)(iii)(A) of the Act, exempted from subparts 2 and 3 of Part 1 of the Act in respect of that radiation source if—

- (a) the nickel-63 or hydrogen-3 (tritium) is contained in an electron capture detector or a similar device for use in gas chromatography; and
- (b) the level of activity,—
 - (i) in the case of nickel-63, does not exceed 750 megabecquerels;
 - (ii) in the case of hydrogen-3 (tritium), does not exceed 20 gigabecquerels; and
- (c) the source housing is clearly labelled with a trefoil symbol and the word “Radioactive”.

12 Exemption for dealing with hydrogen-3 gaseous tritium light sources

Every person who deals with hydrogen-3 is, in accordance with section 91(1)(a)(iii)(B) of the Act, exempted from subparts 2 and 3 of Part 1 of the Act in respect of that radiation source if—

- (a) the hydrogen-3 is contained in a gaseous tritium light source; and
- (b) the level of activity of the hydrogen-3 does not exceed 74 gigabecquerels; and
- (c) at least 98% of the total activity is in the form of elemental hydrogen gas.

13 Exemption for dealing with enclosed irradiating apparatus used for X-ray fluorescence or X-ray diffraction

Every person who deals with an irradiating apparatus is, in accordance with section 91(1)(a)(iii)(A) of the Act, exempted from subpart 2 of Part 1 of the Act in respect of that apparatus if—

- (a) the irradiating apparatus is used for X-ray fluorescence or X-ray diffraction; and
- (b) while the primary X-ray beam is activated, the irradiating apparatus is completely and permanently enclosed to prevent access of any part of the body to the beam; and
- (c) the enclosure is interlocked with the X-ray generator so that disassembly of the enclosure would prevent the production of X-rays; and
- (d) the source is shielded sufficiently to limit the instantaneous dose rate to 2.5 microsieverts per hour at a distance of 5 cm from any accessible point on the surface of the enclosure; and
- (e) the enclosure is clearly labelled with a warning to the following effect:
“Do not disassemble. This unit produces ionising radiation when energised.”

Regulation 13 heading: amended, on 28 June 2023, by regulation 6(1) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 13: amended, on 28 June 2023, by regulation 6(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 13(b): replaced, on 28 June 2023, by regulation 6(3) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

14 Exemption for radiation sources that temporarily enter New Zealand

Every person who deals with a radiation source (other than nuclear material) is, in accordance with section 91(1)(a)(ii) of the Act, exempted from subparts 2 and 3 of Part 1 of the Act in respect of that radiation source if the source—

- (a) temporarily enters New Zealand by a ship or an aircraft; and
- (b) is destined to be taken to a place outside New Zealand; and

- (c) stays on board the ship or aircraft or is transferred to another ship or aircraft for the purpose of leaving New Zealand.

Fees

15 Fee payable on application for source licence

- (1) The fees payable under this regulation are payable for each location from which the applicant will manage or control radiation sources under a source licence.
- (2) If a person applies for a source licence, the fee payable in respect of a location in a given compliance monitoring category is,—
- (a) for the first authorisation year, the fee specified for the category in column 2 of Schedule 2; and
- (b) for each of the second and third authorisation years, if any, the fee specified for the category in column 3 of Schedule 2.
- (3) If a person applies for a renewal of a source licence, the fee payable in respect of a location in a given compliance monitoring category, and for each authorisation year, is the fee specified for the category in column 3 of Schedule 2.

Example

On 1 March 2024, an applicant applies for a new licence that will cover a location in Auckland and a location in Wellington. Under regulation 6(2)(g), the applicant requests that the licence be granted for 3 years (that is, there are 3 authorisation years). For each location,—

- the fee under subclause (2)(a) is payable for the first authorisation year; and
- the fee under subclause (2)(b) is payable twice, once for each of the second and third authorisation years.

For the Auckland location, the compliance monitoring category determined under regulation 16 is a category in Schedule 2 that specifies a fee of \$1,931 for the first authorisation year and a fee of \$1,695 for each other authorisation year. The application fee as it relates to the Auckland location is $\$5,321 = \$1,931 + (\$1,695 \times 2)$.

For the Wellington location, 2 separate sub-locations need to be identified under regulation 16(4). For one of those sub-locations, the category determined under regulation 16 has the same fees as for the Auckland location. The application fee as it relates to that sub-location is \$5,321. For the other sub-location, the category determined under regulation 16 is a category in Schedule 2 that specifies a fee of \$993 for the first authorisation year and a fee of \$757 for each other authorisation year. The application fee as it relates to that sub-location is $\$2,507 = \$993 + (\$757 \times 2)$.

So the total fee payable on applying for the source licence is \$13,149 ($\$5,321 + \$5,321 + \$2,507$) plus goods and services tax. Section 14 of the Act requires the fee to accompany the application for the source licence.

Regulation 15(1): amended, on 28 June 2023, by regulation 7(1)(a) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 15(1) example: revoked, on 28 June 2023, by regulation 7(1)(b) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 15(2): replaced, on 28 June 2023, by regulation 7(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 15(3): replaced, on 28 June 2023, by regulation 7(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

16 Determining compliance monitoring category for purpose of calculating fees for source licences

- (1) This regulation must be applied to determine the compliance monitoring category for the purpose of calculating fees under regulation 15.
- (2) This regulation must be applied for each location from which the applicant will manage or control radiation sources under the source licence.
- (3) If all practices carried out from the location are—
 - (a) fully described in only 1 compliance monitoring category, the location is in that category:
 - (b) fully described in each of 2 or more compliance monitoring categories, the location is in whichever of those categories has the lowest fees specified in Schedule 2.

Example

The practices to be carried out under a particular new licence are fully described in a category in Schedule 2 that specifies a fee of \$1,931 for the first authorisation year.

The practices are also fully described in a separate category that specifies a fee of \$1,097 for the first authorisation year.

So the location is in a category that specifies a fee of \$1,097 for the first authorisation year.

- (4) If there is no single compliance monitoring category that fully describes all practices carried out from the location,—
 - (a) separate sub-locations must be identified and the practices must be assigned to those sub-locations so that at least 1 compliance monitoring category fully describes the practices carried out from each sub-location; and
 - (b) subclause (3) must be applied for each sub-location (as if it were a location) to determine which category each sub-location is in; and
 - (c) each sub-location must be treated as a location under the rest of these regulations.

Example

The practices to be carried out at a hospital under a particular licence cannot be fully described by any single category in Schedule 2.

The applicant identifies 2 sub-locations from which the practices are to be carried out (a radiotherapy sub-location and a radiology sub-location).

The radiotherapy sub-location is in the category of medical therapy because that is the single category that fully describes all practices to be carried out from that sub-location. The radiology sub-location is in the category of medical diagnosis (excluding the use of radioactive material) because that is the single category that fully describes all practices to be carried out from that sub-location.

The sub-locations are treated as locations under these regulations and so fees are payable under regulation 15 in respect of both of them.

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- (5) To avoid doubt, this regulation does not limit the power of the Director to—
- (a) impose conditions on a source licence as described by regulation 16A(1)(b) or 19(2)(a); or
 - (b) vary a source licence as described by regulation 19A(1).

Regulation 16 heading: amended, on 28 June 2023, by regulation 8(1) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(1): amended, on 28 June 2023, by regulation 8(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(2): amended, on 28 June 2023, by regulation 8(3) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(3): replaced, on 28 June 2023, by regulation 8(4) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(4)(b): replaced, on 28 June 2023, by regulation 8(5) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(4)(c): inserted, on 28 June 2023, by regulation 8(5) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(4) example: replaced, on 28 June 2023, by regulation 8(6) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 16(5): replaced, on 28 June 2023, by regulation 8(7) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

16A Additional fee payable for application for source licence

- (1) This regulation applies if—
- (a) a person applies for a source licence, or for a renewal of a source licence, in respect of a location in any compliance monitoring category (the **original category**); and
 - (b) the Director proposes to impose any conditions in relation to the location so that compliance with the radiation safety requirements is monitored on the same basis as for a higher compliance monitoring category.
- (2) Before the Director may grant or renew the licence,—
- (a) the Director must give written notice to the applicant requiring the payment of an additional fee; and
 - (b) the applicant must pay the additional fee.
- (3) The additional fee is the difference between—

- (a) the fee that would have been payable if the location were in the higher compliance monitoring category; and
 - (b) the fee that was paid in respect of the location.
- (4) In this regulation, **higher compliance monitoring category** means a compliance monitoring category for which the fees specified in Schedule 2 are higher than those specified for the original category.

Regulation 16A: inserted, on 28 June 2023, by regulation 9 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

17 Fee payable on application for use licence

- (1) The fee payable by a person who applies for a use licence is—
- (a) \$408, for the first authorisation year; and
 - (b) \$250, for each of the second and third authorisation years, if any.
- (2) The fee payable by a person who applies for a renewal of a use licence is \$250 for each authorisation year.

Regulation 17: replaced, on 28 June 2023, by regulation 10 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

18 Fee payable on application for consent

The fee payable by a person who applies for a consent, or a renewal of a consent, is—

- (a) \$233, if the consent is for the import or export of high-activity radioactive material on a single occasion:
- (b) \$163, if the consent is for the import or export of low-activity radioactive material on a single occasion:
- (c) \$163, if the consent is for the import or export of unsealed radioactive material that is low-activity radioactive material on 2 or more occasions during the period of the consent.

Regulation 18(a): amended, on 28 June 2023, by regulation 11(1) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 18(b): amended, on 28 June 2023, by regulation 11(2) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Regulation 18(c): amended, on 28 June 2023, by regulation 11(3) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

19 Partial refund on application for source licence

- (1) This regulation applies if a person applies for the grant or renewal of a source licence in respect of a location in any compliance monitoring category (the **original category**).
- (2) The Director must partly refund the fee paid for the application in respect of the location if they—

- (a) grant or renew the source licence with any conditions so that compliance with the radiation safety requirements, in relation to the location,—
 - (i) is monitored on the same basis as for a lower compliance monitoring category; or
 - (ii) is not monitored; or
- (b) decline the application.

Lower compliance monitoring

- (3) For subclause (2)(a)(i), the amount of the refund is the difference between—
 - (a) the fee that was paid in respect of the location; and
 - (b) the fee that would have been payable if the location were in the lower compliance monitoring category.

No compliance monitoring

- (4) For subclause (2)(a)(ii), the amount of the refund is the difference between—
 - (a) the fee that was paid in respect of the location; and
 - (b) either of the following:
 - (i) \$588, if the application is for a source licence;
 - (ii) \$353, if the application is for a renewal of a source licence.

Declined application

- (5) For subclause (2)(b), the amount of the refund is the difference between—
 - (a) the fee that was paid in respect of the location; and
 - (b) either of the following:
 - (i) \$405, if the application is for a source licence;
 - (ii) \$305, if the application is for a renewal of a source licence.

Meaning of lower compliance monitoring category

- (6) In this regulation and regulation 19A, **lower compliance monitoring category** means a compliance monitoring category for which the fees specified in Schedule 2 are lower than those specified for the original category.

Regulation 19: replaced, on 28 June 2023, by regulation 12 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

19A Partial refund on variation of source licence

- (1) This regulation applies if—
 - (a) the Director varies a source licence in respect of a location in any compliance monitoring category (the **original category**); and
 - (b) as a result of the variation, the location is in a lower compliance monitoring category.

- (2) If there are 1 or more remaining authorisation years, the Director must partly refund the fee paid for the application, in respect of the location, for the most recent grant or renewal of the source licence.
- (3) The amount of the refund is the difference between—
 - (a) the fee that was paid in respect of the location and the remaining authorisation years; and
 - (b) the fee that would have been payable in respect of the remaining authorisation years if the location were in the lower compliance monitoring category.
- (4) In this regulation, **remaining authorisation year** means each of the licence's authorisation years (if any) that has not started when—
 - (a) the holder requests a variation of the source licence, if the variation results from the request; or
 - (b) the licence is varied, if the variation is made without a request.

Example

A new source licence is granted for a single location for 3 authorisation years. The application fees were \$1,931 for the first authorisation year and \$1,695 for each other authorisation year. The licence is varied during the first authorisation year, so there are 2 remaining authorisation years. As a result of the variation, the location is in a lower compliance monitoring category. The fees that would have been payable for the second and third years of the lower compliance monitoring category are \$861 for each year. The amount of the refund is \$1,668, which is the difference between—

- $\$3,390 = \$1,695 \times 2$; and
- $\$1,722 = \861×2 .

The \$1,931 fee paid for the first authorisation year is not refunded.

Regulation 19A: inserted, on 28 June 2023, by regulation 12 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

19B Refund on application for use licence or consent

The Director must fully refund the fee paid for an application for the grant or renewal of a use licence or a consent if they decline the application.

Regulation 19B: inserted, on 28 June 2023, by regulation 12 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

20 Fees exclusive of GST

The fees or other amounts prescribed by these regulations are exclusive of goods and services tax.

Regulation 20: amended, on 28 June 2023, by regulation 13 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

*Miscellaneous***21 Service of compliance orders**

- (1) A compliance order that is to be served on a person (A) must be served in accordance with Part 6 of the District Court Rules 2014 (applied with all necessary modifications).
- (2) If A is an individual, the modifications under subclause (1) include that A's actual or last known postal or electronic address must be treated as an address under rule 6.1(1)(d) of those rules.

22 Form of warrant of appointment of enforcement officer

A warrant of appointment issued to an enforcement officer under section 36 of the Act must be in the form set out in Schedule 5.

Schedule 1**Transitional, savings, and related provisions**

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Part 1**Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions relating to these regulations as made.

Part 2**Provisions relating to Radiation Safety Amendment Regulations 2023**

Schedule 1 Part 2: inserted, on 28 June 2023, by regulation 14(a) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

1 Existing applications

If, before 28 June 2023, a person applied for anything for which a fee was payable under these regulations, the application must be dealt with in accordance with these regulations as they were when the application was made (including in respect of any fees payable or to be refunded).

Schedule 1 clause 1: inserted, on 28 June 2023, by regulation 14(a) of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Schedule 2

Source licences: compliance monitoring categories and fees

rr 3, 15, 16, 16A, 19

Schedule 2: replaced, on 28 June 2023, by regulation 15 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Column 1	Column 2	Column 3
Compliance monitoring category	Fee for first authorisation year of new authorisation (\$)	Fee for each other authorisation year (\$)
Medical		
Medical therapy	3,744	3,508
Medical diagnosis (excluding the use of radioactive material)	1,931	1,695
Nuclear medicine	1,931	1,695
Medical diagnosis (excluding interventional radiology, interventional cardiology, computed tomography, and the use of radioactive material) or dental diagnosis	1,097	861
Dental diagnosis (excluding computed tomography)	993	757
Sentinel node biopsy, low-dose-rate brachytherapy, and bone densitometry	993	757
Non-medical		
Industrial radiography, the practice of X-ray irradiation, and any non-medical practice involving high-activity radioactive material	3,744	3,508
Production of unsealed radioactive material using a cyclotron	3,744	3,508
Any non-medical practice involving irradiating apparatus or low-activity radioactive material, or both (excluding industrial radiography using radioactive material, X-ray irradiation, and the production of unsealed radioactive material using a cyclotron)	1,931	1,695
Any non-medical practice involving irradiating apparatus or low-activity radioactive material that is sealed radioactive material, or both (excluding industrial radiography, X-ray irradiation, the production of unsealed radioactive material using a cyclotron, veterinary diagnosis or practice, well logging, and the use of particle accelerators)	1,328	1,092
Veterinary diagnosis (excluding the use of radioactive material)	1,097	861
Any non-medical practice involving irradiating apparatus (excluding industrial radiography, X-ray irradiation, veterinary diagnosis or practice, well logging, the use of particle accelerators, human imaging, and the use of pulse-generated portable security inspection systems)	993	757

Schedule 3

Use licence not required for certain persons when performing specified activities

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Column 1 Authorised persons	Column 2 Activity or class of activity that may be performed without a use licence
A health practitioner who—	Use of irradiating apparatus for medical diagnostic purposes
(a) is, or is deemed to be, registered with the Medical Council of New Zealand in the scope of practice of diagnostic and interventional radiology; and	
(b) holds a current practising certificate	
A health practitioner who—	Use of irradiating apparatus or radioactive material for medical therapeutic purposes
(a) is, or is deemed to be, registered with the Medical Council of New Zealand in the scope of practice of radiation oncology; and	
(b) holds a current practising certificate	
A health practitioner who—	Use of irradiating apparatus for dental diagnostic purposes
(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of general dental practice; and	
(b) holds a current practising certificate	
A health practitioner who—	Use of irradiating apparatus for taking periapical and bitewing radiographs for dental diagnostic purposes
(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of dental therapy practice (with no exclusion in taking radiographs); and	
(b) holds a current practising certificate	
A health practitioner who—	Use of irradiating apparatus for dental diagnostic purposes
(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of oral health therapy; and	
(b) holds a current practising certificate	
A health practitioner who—	Use of irradiating apparatus for dental diagnostic purposes
(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of special needs dentistry specialist; and	
(b) holds a current practising certificate	
A health practitioner who—	Use of irradiating apparatus for taking extra-oral radiographs for dental diagnostic purposes
(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of dental hygiene practice (with no exclusion in taking extra-oral radiographs); and	
(b) holds a current practising certificate	

Column 1 Authorised persons	Column 2 Activity or class of activity that may be performed without a use licence
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of dental hygiene practice (with no exclusion in taking intra-oral radiographs); and (b) holds a current practising certificate	Use of irradiating apparatus for taking periapical and bitewing radiographs for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of orthodontic auxiliary practice (with no exclusion in taking extra-oral radiographs); and (b) holds a current practising certificate	Use of irradiating apparatus for taking extra-oral radiographs for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of orthodontic auxiliary practice (with no exclusion in taking intra-oral radiographs); and (b) holds a current practising certificate	Use of irradiating apparatus for taking periapical and bitewing radiographs for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of endodontic specialist; and (b) holds a current practising certificate	Use of irradiating apparatus for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of oral and maxillofacial surgery specialist; and (b) holds a current practising certificate	Use of irradiating apparatus for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of oral medicine specialist; and (b) holds a current practising certificate	Use of irradiating apparatus for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of oral pathology specialist; and (b) holds a current practising certificate	Use of irradiating apparatus for dental diagnostic purposes
A health practitioner who— (a) is, or is deemed to be, registered with the Dental Council in the scope of practice of oral surgery specialist; and (b) holds a current practising certificate	Use of irradiating apparatus for dental diagnostic purposes

Column 1 Authorised persons	Column 2 Activity or class of activity that may be performed without a use licence
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of orthodontic specialist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for dental diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of paediatric dentistry specialist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for dental diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of periodontic specialist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for dental diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of prosthodontic specialist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for dental diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of public health dentistry specialist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for dental diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Dental Council in the scope of practice of restorative dental specialist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for dental diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Medical Radiation Technologists Board in the scope of practice of medical imaging technologist; and</p> <p>(b) holds a current practising certificate</p>	Use of irradiating apparatus for medical diagnostic purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Medical Radiation Technologists Board in the scope of practice of nuclear medicine technologist; and</p> <p>(b) holds a current practising certificate</p>	Administration of radiopharmaceuticals and use of irradiating apparatus and radioactive material for nuclear medicine purposes
<p>A health practitioner who—</p> <p>(a) is, or is deemed to be, registered with the Medical Radiation Technologists Board in the scope of practice of radiation therapist; and</p>	Use of radiation sources for the delivery of radiation treatment for medical therapeutic purposes

Column 1

Authorised persons

- (b) holds a current practising certificate
A veterinarian within the meaning of the Veterinarians Act 2005
A health practitioner who—
- (a) is, or is deemed to be, registered with the Chiropractic Board in the scope of practice of chiropractor; and
- (b) holds a current practising certificate

Schedule 3: amended, on 28 June 2023, by regulation 16 of the Radiation Safety Amendment Regulations 2023 (SL 2023/70).

Schedule 3: amended, on 18 January 2018, by regulation 4(1) of the Radiation Safety Amendment Regulations 2017 (LI 2017/308).

Schedule 3: amended, on 18 January 2018, by regulation 4(2) of the Radiation Safety Amendment Regulations 2017 (LI 2017/308).

Column 2

Activity or class of activity that may be performed without a use licence

- Use of irradiating apparatus in general radiography for veterinary diagnostic purposes
- Use of irradiating apparatus for chiropractic purposes

Schedule 4 Activity levels

r 3

Column 1 Radioactive material radionuclide	Column 2 Activity level (Bq)
Am-241	6×10^{11}
Am-241/Be	6×10^{11}
Cf-252	2×10^{11}
Cm-244	5×10^{11}
Co-60	3×10^{11}
Cs-137	1×10^{12}
Gd-153	1×10^{13}
Ir-192	8×10^{11}
Pm-147	4×10^{14}
Pu-238	6×10^{11}
Pu-239/Be	6×10^{11}
Ra-226	4×10^{11}
Se-75	2×10^{12}
Sr-90 (Y-90)	1×10^{13}
Tm-170	2×10^{14}
Yb-169	3×10^{12}
Au-198	2×10^{12}
Cd-109	2×10^{14}
Co-57	7×10^{12}
Fe-55	8×10^{15}
Ge-68	7×10^{12}
Ni-63	6×10^{14}
Pd-103	9×10^{14}
Po-210	6×10^{11}
Ru-106 (Rh-106)	3×10^{12}
Tl-204	2×10^{14}

Schedule 5 Form of warrant

r 22

Warrant of appointment of enforcement officer

Section 36, Radiation Safety Act 2016

(Front of warrant)

Enforcement officer Warrant of appointment

Full name:

Identification number:

Place of work:

Period of appointment:

[Photo of warrant holder]

Signature:

(Back of warrant)

Warrant of appointment issued under section 36 of Radiation Safety Act 2016

This is to certify that the person whose name, photograph, and signature appear on this warrant—

- (a) is an enforcement officer appointed under section 36 of the Radiation Safety Act 2016; and
- (b) may perform or exercise the following functions, duties, and powers: *[specify]*

The warrant is subject to the following conditions: *[specify conditions imposed under section 36(3) of the Act]*

Date:

Signature:

Director for Radiation Safety

Michael Webster,
Clerk of the Executive Council.

Notes

1 *General*

This is a consolidation of the Radiation Safety Regulations 2016 that incorporates the amendments made to the regulations so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Radiation Safety Amendment Regulations 2023 (SL 2023/70)

Radiation Safety Amendment Regulations 2017 (LI 2017/308)