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**HEALTH**

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HE301\*

Radiation Safety Act 1975

**Radiation Safety (General) Amendment  
Regulations (No. 2) 1999**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Radiation Safety (General) Amendment Regulations (No. 2) 1999*.

**2. The regulations amended**

The amendments in these regulations are to the *Radiation Safety (General) Regulations 1983\**.

[\* Reprinted as at 4 April 1995.

For amendments to 25 November 1999 see 1998 Index to Legislation of Western Australia, Table 4, pp. 251-2, and Gazette of 30 June 1999, p. 2875-6.]

**3. Regulation 3 amended**

Regulation 3(1) is amended in the definitions of “radiation therapist” and “radiographer” by deleting “that are recognized by the Australian Institute of Radiography or are approved;” and inserting instead —

“

who is eligible for ordinary membership of the Australian Institute of Radiography;

”.

**4. Regulation 7 amended**

Regulation 7(2) is repealed and the following subregulation is inserted instead —

“

(2) An exemption under section 6 is granted from all provisions of the Act and these regulations which apply to or in relation to the electronic products specified in Schedule VII other than —

- (a) the regulations specified opposite the products in that Schedule; and
- (b) those provisions of the Act necessary to support the making of those regulations.

”.

**5. Regulation 7C amended**

- (1) Regulation 7C(2) is amended by deleting “An” and inserting instead —  
“ Subject to subregulation (3), an ”.
- (2) Regulation 7C(3) is repealed and the following subregulation is inserted instead —  
“
- (3) The exemption granted by subregulation (2) only applies if the electron capture detector has a durable label in substantially the form set out in Schedule III affixed in a prominent position on its front surface.

**6. Regulation 7D inserted**

After regulation 7C the following regulation is inserted —  
“

**7D. Exemption for Nickel 63 contained in ion mobility spectrometer**

- (1) In this regulation —  
“**ion mobility spectrometer**” means a device that contains the radioactive substance Nickel 63 in a sealed source.
- (2) Subject to subregulation (3), Nickel 63 contained in an ion mobility spectrometer that is used for the detection of drugs and narcotics is exempt from the Act and these regulations, other than those provisions relating to the sale or disposal of radioactive substances.
- (3) The exemption granted by subregulation (2) only applies if the ion mobility spectrometer has a durable label in substantially the form set out in Schedule III affixed in a prominent position on its front surface.

**7. Regulation 28A inserted**

After regulation 28 the following regulation is inserted —  
“

**28A. Exemption from registration of premises for temporary storage while in transit**

- (1) The owner of premises used for the storage of radioactive substances is exempt from the requirements of section 28 if —
- (a) radioactive substances are stored at the premises only while they are being transported between 2 other premises;
  - (b) each package containing a radioactive substance is stored on the premises for 24 hours or less; and

- (c) packages containing radioactive substances are, at all times while they are on the premises, kept —
  - (i) under the control of a person who holds a licence for the storage or transport of radioactive substances; and
  - (ii) in a part of the premises to which the public does not have access.
- (2) This regulation does not affect the application or operation of the *Radiation Safety (Transport of Radioactive Substances) Regulations 1991*.

”.

#### 8. Regulations 53, 53A and 53B inserted

- (1) After regulation 52 the following regulations are inserted —

“

**53. Lasers to be in compliance with the laser safety standard**

A person who manufactures, sells, uses or is in possession of a laser shall comply with the laser safety standard to the extent that the standard can be applied to the person in the circumstances.

**53A. Regulations 54, 55 and 56 are in addition to regulation 53**

The duties imposed on a person by regulations 54, 55 and 56 apply in addition to any duty imposed on that person by regulation 53.

**53B. Laser pointers**

- (1) A person shall not manufacture, sell, use or possess a laser pointer unless —
  - (a) it is a class 1 or class 2 laser; or
  - (b) the Council has imposed a condition in relation to the registration of the laser under section 28 that it is to be used only for the purpose of entertainment.
- (2) In subregulation (1) —
 

“**laser pointer**” means a laser for —

  - (a) pointing at objects or images; or
  - (b) recreation or amusement.

”.

- (2) It is a defence to a prosecution for an offence against regulation 53B(1), inserted by subregulation (1), in relation to the possession of a laser pointer, to prove that the defendant possessed the pointer at the commencement of these regulations.
- (3) Subregulation (2) applies only until 31 May 2000.

**9. Schedule III inserted**

After Schedule II the following Schedule is inserted —

“

**Schedule III — Exemption Label**

[Regulations 7C(3) and 7D(3) ]

**Caution — Radioactive**



*[Name of device]*

*[Radionuclide]*

*[Activity of radioactive substance]*

*[Date activity was measured]*

**Warning**

**It is an offence to dispose of this device  
other than in accordance with a disposal  
permit granted under section 34 of the  
*Radiation Safety Act 1975.***

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**10. Schedule VII replaced**

Schedule VII is repealed and the following Schedule is inserted instead —

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**Schedule VII — Exempted electronic products**

[r. 7]

<i>Item</i>	<i>Electronic product</i>	<i>Regulations from which there is no exemption under section 6 and regulation 7</i>
1	Microwave ovens	regulations 39 and 40
2	Class 1 lasers	regulation 53
3	Class 2 lasers	regulation 53
4	Class 3A lasers	regulations 53 and 53B
5	Class 3B(R) lasers	regulations 53 and 53B
6	Class 3B lasers with average output power of 5 milliwatts or less, other than single pulsed lasers	regulations 53 and 53B

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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