

# Radiation Protection (Student) Exemption 2014 (No 2)

## Disallowable instrument DI2014–294

made under the

**Radiation Protection Act 2006, s114 (Minister may exempt people, radiation sources etc)**

## EXPLANATORY STATEMENT

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The *Radiation Protection Act 2006* (the Act) regulates the use of radiation sources in the ACT.

Section 114(1) of the Act provides that the Minister may exempt a person, a radiation source or a dealing with a radiation source from the Act if the Minister is satisfied that the person's conduct does not pose a significant risk to the health or safety of people or of damage to property or the environment.

This instrument exempts undergraduate and postgraduate students undertaking course work or research at a university, or other similar educational institution, from the Act while under the appropriate supervision of a licensed person. A specific exemption is also made for a student undertaking a clinical placement in the final year of a four year medical radiation degree.

Section 114(2) of the Act provides that the exemption may be conditional.

The exemption of students is conditional to being appropriately supervised. The person supervising must hold a licence that allows the dealing for that regulated radiation source.

The instrument defines two levels of supervision: 'immediate supervision' and 'general supervision'.

'Immediate supervision' is defined as supervision by a licensed person who is present at all times during, and is observing and directing, the use of regulated radiation source by the student.

'General supervision' is defined as supervision by a licensed person who oversees the person being supervised and ensures that the person follows safe radiation work practices in relation to the use of a regulated radiation source. The supervisor must be physically present at the workplace to enable general supervision.

When a student is using a radiation source to undertake clinical work, the supervision level provided must be immediate supervision. Clinical work may include taking x-rays of a patient, where radiation exposure to persons other than the operator is expected.

When a student is using a radiation source to undertake non-clinical work, the supervision level provided must be general supervision. Non-clinical work may include quality assurance or laboratory work, where only the operator has a potential to be exposed.

The instrument provides a pathway for students undertaking clinical placement in the final year of a four year medical radiation degree to perform clinical work under general supervision. While these students must initially work under immediate supervision, they can progress to general supervision providing that a supervisor has made a written assessment outlining that the student is competent, and capable of working under general supervision.

The written assessment is referred to as a 'documented assessment of competency' and must relate to the site where the student is undertaking their placement. The assessment must outline the modalities, or equipment types (e.g. general diagnostic x-ray equipment) that the student has been deemed competent to use. The assessment must be approved by a licensed person at the site who has overall responsibility for supervising the student. The assessment must be issued in accordance with the relevant radiation management plan, and must be made available for inspection at all times.

The assessment must be based upon the student's experience and performance at that site. Students should not automatically progress to working under general supervision, and there is no obligation for supervisors to assess a student as competent.

The ACT Radiation Council (Council) issue licences under the Act. The Council considers that students should not be required to hold individual licences based on the premise that they are always supervised by someone who holds an appropriate licence, and are therefore not individually responsible for the radiation use. As such, Council endorses the exemption of appropriately supervised students.

The supervised student is exempted as they do not pose additional risk to the health or safety of people, property or the environment. The licensed person is responsible for the student at all times when the student deals with a radiation source. The student may not deal with a radiation source other than in compliance with the supervisor's licence, and must follow all procedures and institutional controls already in place. As such the student is effectively working under the licence of their supervisor. The licensed person ensures that the student works safely and that the radiation protection of all persons is optimised.