



Proposed Protection from Harmful Radiation Regulation 2025

Submission of the
Australian Veterinary Association Ltd

June 2025

About the Australian Veterinary Association (AVA)

The AVA is the peak professional body representing veterinary professionals and students across Australia. For more than 100 years we have been the united voice of the veterinary profession.

Veterinarians are among Australia's most trusted and respected professionals, dedicated to safeguarding animal health and welfare and supporting the communities they live in.

Our vision and purpose

Vision *A thriving veterinary profession*

Purpose *Building a vibrant future for veterinary professionals.*

At the AVA we champion the veterinary community, advance professional excellence, foster connectivity, and deliver exceptional member experiences to achieve our vision of a thriving profession.

Essential role of the veterinary profession

Veterinary services are essential to Australia's animal health, food security, and economy. They help secure Australia's animal health and livestock supply chain, protecting hundreds of thousands of jobs and easing cost of living pressures through a safe and reliable food supply.

Beyond agriculture, veterinarians support companion animals and their owners, strengthening the human-animal bond and promoting the associated mental and physical health benefits of pet ownership. Animals are not just a part of the Australian way of life; they are deeply embedded in it - socially, culturally, environmentally, and economically, and veterinarians are an essential part of every vibrant Australian community.

Veterinarians play a pivotal role in maintaining the social licence of animal industries, ensuring animal health and welfare meets community expectations. Like human healthcare and education, veterinary services provide both private benefits to individuals and critical public benefits to society, in areas like biosecurity surveillance, wildlife treatment and health and emergency animal disease management.

Recognised among Australia's most ethical and trusted professionals, veterinarians are highly respected and trusted members of their communities. The Governance Institute of Australia's 2023 Ethics Index ranked veterinarians among the nation's top 10 ethical occupations¹.

¹ Governance Institute 2023 (<https://governanceinstitute.com.au/app/uploads/2023/11/2023-ethics-index-report.pdf>)



Introduction

The Australian Veterinary Association (AVA) welcomes the opportunity to provide feedback on the *Proposed Protection from Harmful Radiation Regulation 2025* and accompanying Regulatory Impact Statement (RIS). The AVA represents thousands of veterinary professionals across Australia who utilise radiation technology as an essential tool in the diagnosis and treatment of animal patients.

Radiation use in veterinary practice is generally low risk and primarily involves diagnostic radiography, including in clinical and ambulatory (e.g. equine) settings. The AVA acknowledges and supports the NSW Environment Protection Authority's intent to modernise and streamline the regulatory framework, improve clarity, and strengthen safety while ensuring that regulation is proportionate to the risks involved.

This submission addresses key proposed changes relevant to veterinary professionals, including licence exemptions for veterinary team members, requirements for radiation management plans, personal monitoring device obligations, and provisions for radiation incidents, penalties, and fees. Our feedback seeks to ensure that the final regulations are practical, reduce unnecessary administrative burden, and continue to protect the health and safety of both people and animals.



Question responses

Question:

1. When thinking about licence exemptions what are your views on the updated licensing exemptions and new offences related to exemptions in the proposed Regulation?

Please see Part 2, Divisions 3 & 6 and Schedule 2 of the proposed Regulation and section 5.1.1 of the RIS

Proposed Regulations

19 Exemption for veterinary nurses, technicians and technologists

(1) This section applies to a person if—

(a) the person is employed as—

(i) a veterinary nurse, or

(ii) a veterinary technician, or

(iii) a veterinary technologist, and

(b) the person—

(i) successfully completes a course approved by the Authority under section 30 as a course required for this exemption, or

(ii) at the commencement of this section, holds a radiation user licence that applies to the use of ionising radiation apparatus for veterinary radiography.

(2) A person is exempt from the requirement to hold a radiation user licence under the Act, section 7 for the use of ionising radiation apparatus for veterinary radiography in the course of employment if—

(a) the use of the apparatus is at the request of a veterinary practitioner, and

(b) the person is subject to the following supervision when using the apparatus—

(i) for equine veterinary radiography—immediate supervision,

(ii) otherwise—general supervision.



9 Definitions

In this part—

general supervision, of a person using regulated material, means the supervision of the person by a qualified person for the purposes of ensuring the person being supervised follows safe radiation work practices for the use of the material.

immediate supervision, of a person using regulated material, means the supervision of the person—

(a) by a qualified person who, at all times when the person being supervised uses the material—

(i) is physically present with the person being supervised, and

(ii) observes and directs the use of the material, and

(b) for the purposes of ensuring the person being supervised follows safe radiation work practices for the use of the material.

indirect supervision, of a person using regulated material, means supervision of the person—

(a) by a qualified person who, at all times when the person being supervised uses the material—

(i) is physically present at the same workplace as the person being supervised, and

(ii) is contactable by the person being supervised, and

(b) for the purposes of ensuring the person being supervised follows safe radiation work practices for the use of the material.

qualified person, in relation to the supervision of a person using regulated material—

(a) means an individual who holds a radiation user licence for the use of the regulated material, and

(b) for supervision required under Division 3, Subdivision 2—includes an individual who would, at the time the material is used, be exempt under section 23 from the requirement to hold a radiation user licence for the use of the regulated material.

workplace has the same meaning as in the Work Health and Safety Act 2011.

RIS

2.4.4 Mutual recognition

Under the Australian and Trans-Tasman mutual recognition schemes, someone holding a registration to carry out activities under an occupation in an Australian state or territory, or New Zealand, may be granted a registration in another state or territory for the equivalent occupation.¹⁰

The automatic mutual recognition (AMR) scheme streamlined mutual recognition by permitting workers in identified categories who are registered to carry on activities in their home Australian state or territory to carry out those activities in another state or territory participating in AMR without the need to apply and pay fees for a licence or registration there.¹¹



Since 1 December 2022, two NSW radiation occupational registrations – radiation user licences and radiation security assessor accreditations – have been included in the AMR scheme. Workers from a state or territory participating in AMR who hold an interstate licence or registration equivalent to one of these NSW occupational registrations may be eligible to work in NSW and therefore comply with requirements under the Act and Regulation.

Response:

The AVA supports the exemptions from holding a radiation user licence being extended to veterinary nurses, veterinary technologists, and veterinary and nursing/technologist students, under the prescribed levels of supervision by a registered veterinarian who holds a radiation user licence. We would however request clarification around the definition of veterinary nurse, veterinary technician and veterinary technologist.

With regards to “Mutual Recognition” outlined in the RIS, the AVA would request that clarification is provided that a person who holds a Radiation Use license from another jurisdiction, who is not a registered veterinarian, would not have the ability to perform veterinary radiography in NSW. It is the AVA’s position that only registered veterinarians or paraprofessionals working under the direction and supervision of a veterinarian, should be able to perform veterinary radiography.



Question:

2. Considering radiation management plans please tell us your views on the requirement in the proposed Regulation for all radiation management licensees to prepare or adopt a radiation management plan?

Please see sections 11 and 47 of the proposed Regulation and section 5.2.1 of the RIS

Response:

The AVA supports the proposed Regulation for all radiation management licensees to prepare or adopt a radiation management plan (RMP). To ensure that RMPs are appropriate, the AVA welcomes the EPA providing templates and also requests that training on completion of these is also provided to minimise confusion and the burden of regulation.

It is noted that the EPA is not intending to review RMPs. How will compliance to a RMP be monitored or enforced to protect those people working in, or visiting, veterinary practices that hold an RML?



Question:

3. Please tell us your views on the provisions in the proposed Regulation relating to occupational exposure monitoring and exposure dose limits, including clarifying which occupationally exposed persons must be issued with a personal monitoring device by employers?

Please see Part 4, Division 2 and Schedule 4 of the proposed Regulation and section 5.2.2 of the RIS

Proposed Regulations

50 *Personal monitoring devices must be worn—the Act, s 40(2) and (3)(f), (i), (i1) and (i2)*

(1) *This section applies to an occupationally exposed person who is involved in the use of ionising radiation for 1 or more of the following purposes—*

- (a) radiotherapy,*
- (b) industrial radiography,*
- (c) nuclear medicine,*
- (d) equine veterinary radiography,*

(4) *In this section—*

involved in the use of ionising radiation means—

- (a) using ionising radiation, or*
- (b) being within 2m of—*
 - (i) the source of the radiation, or*
 - (ii) the primary beam of the radiation.*

Schedule 7 Dictionary

member of the public means a person who is not—

- (a) a medically exposed person, or*
- (b) an occupationally exposed person.*

occupationally exposed person means a person who is exposed to ionising or non-ionising

radiation directly arising out of, or in the course of, the person's employment.



Response:

Further clarification is requested regarding who is required to be issued with Personal Monitoring Devices (PMD).

Discussions held with the AVA in earlier consultation around the proposed Regulations (email 19/2/24: Kerrie Crowe, ACILALLEN) provided this input:

There has been some uncertainty about which persons are captured by the phrase “involved in the use of ionising radiation”. It is proposed that this phrase be replaced with a reference to “persons who use, or are in close proximity to the use of, ionising radiation”.

The proposed Regulations retain (in Part 4 - extracted above) the wording (identified as highlighted in the above) as causing “some uncertainty” and does not address the issues previously raised by the AVA around the PMD requirements for people who are not “occupationally exposed persons” (eg animal owners or laypeople) who are assisting with animal handling during radiography.

It may be helpful to consider including in the Regulations a reference to the frequency or duration of non-occupational exposure to clarify around this.



Question:

4. Thinking about radiation incidents please share your views on the provisions in the proposed Regulation defining what occurrences are taken to be radiation incidents, including the thresholds and requirements for reporting them?

Please see Part 4, Division 4 of the proposed Regulation and section 5.3 of the RIS

Response:

The AVA recommends that consideration be given to facilitating or supporting veterinary-specific radiation safety continuing professional development (CPD). The development of veterinary focussed training resources that have been informed by veterinarians with expertise in this field is strongly advised. This would support user licence holders in maintaining current knowledge and practice in radiation safety, while also addressing the unique aspects of veterinary practice compared to human healthcare.



Question:

7. Do you have any feedback about fees payable for radiation licences, accreditations and other purposes in the proposed Regulation, including adjusting fees annually in line with the consumer price index?

Please see section 65 and Schedule 3 of the proposed Regulation and section 5.5.1 of the RIS

RIS

6.3.7.1 Changes to the consulting radiation expert fee

The proposed Regulation will increase the fee for a consulting radiation expert, to cover the costs of administering an enhanced compliance audit program.

Response:

Discussions held with the AVA in earlier consultation around the proposed Regulations (email 19/2/24: Kerrie Crowe, ACILALLEN) provided this input:

It is proposed to migrate this condition to the Regulation, requiring a radiation management licence holder to ensure that apparatus is certified by a consulting radiation expert accredited by the EPA as complying with the requirements.

Whilst the AVA is not opposed to the requirement for equipment compliance inspections and testing, we hold concerns with the potential for increased administrative burden of multiple authorities conducting separate inspections for the same purposes. The AVA supports the Veterinary Practitioners Board NSW ongoing inclusion in their [Hospital Self-assessment Checklist](#) and that their Veterinary Hospital inspections be utilised for this compliance checking.

Can clarification be provided as to where in the proposed Regulations the details are located regarding an “*enhanced compliance audit program*”, for example the frequency with which inspections will be required for equipment certifications to be obtained.



Question:

8. Do you have any feedback on the updated maximum penalties and penalty notice amounts prescribed in the proposed Regulation?

Please see Schedule 6 and maximum penalties for offences in the proposed Regulation and section 5.5.3 and 5.5.4 of the RIS

Response:

The AVA requests that there is clarity and transparency in proposed legislation around any penalties and that this provides assurance that practitioners taking reasonable steps to comply will meet these requirements. The AVA believes that enforcement and compliance measures should be educative rather than punitive.



Conclusion

The AVA supports the NSW EPA's approach to modernising radiation regulation through a more risk-based, transparent, and nationally consistent framework. In particular, we welcome the proposed licence exemptions for veterinary nurses and technologists, and students, under defined supervision, and the provision of guidance materials to support veterinary practices in meeting new requirements including template radiation management plans.

However, we note areas requiring further clarification—especially around the definitions of occupational exposure and personal monitoring obligations for non-employees assisting during radiography. We also seek clarity on the details of equipment audits and request that veterinary specific safety training be co-developed with veterinarians.

We encourage the EPA to continue engaging with veterinary stakeholders to ensure implementation is practical, cost-effective, and supports high standards of safety while enabling continued access to essential diagnostic tools in veterinary practice.

The AVA appreciates the opportunity to contribute to this important consultation and remains available for further discussion.

Contact

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