

Guidelines for the verification of identity

Security of high consequence radioactive material

Section 16A of *Subordinate Legislation Act 1994*
Section 67A(2) of *Radiation Act 2005*

Background

The *Radiation Act 2005* has a number of offences for radiation management licence holders related to failure to verify the identity of persons.

In particular:

- Section 23A makes it an offence for a management licence holder to direct, request or allow a person to **use** a high consequence sealed source that the licence holder possesses or controls where that licence holder has not verified the identity of the person by using an identification document.
- Section 23B makes it an offence for a management licence holder to direct, request or allow a person to **transport** a high consequence sealed source or a high consequence group of sealed sources that the licence holder possesses or controls where that licence holder has not verified the identity of the person by using an identification document.
- Section 23C makes it an offence for a management licence holder to direct, request or allow a person to **access** a high consequence sealed source or a high consequence group of sealed sources that the licence holder possesses or controls where that licence holder has not verified the identity of the person by using an identification document.

However, the management licence holder does not commit an offence where the person:

- **Uses** the high consequence sealed source while accompanied by a person whose identity has been verified by the management licence holder using an identification document.
- **Transports** a high consequence sealed source or a high consequence group of sealed sources while accompanied by a person whose identity has been verified by the management licence holder using an identification document.
- **Accesses** a high consequence sealed source or a high consequence group of sealed sources while the person is either accompanied by a person whose identity has been verified by the management licence holder using an identification document or is subject to surveillance at all times.

These offences all attract a maximum penalty of 6000 penalty units for a body corporate and 1200 penalty units for individuals.

Section 67A of the Act states that the Secretary to the Department of Health and Human Services may prepare guidelines for the purpose of guiding applicants for authorities as to what is required for the purposes of sections 23A, 23B, 23C, 39, 41 and 66. These guidelines must be published in the Government Gazette.

What needs to be proved in order to verify identity?

In order to verify a person's identity for the purposes of the *Radiation Act 2005*, the following four elements need to be established:

- a) Evidence of commencement of the person's identity in Australia;
- b) Linkage between evidence of the identity and the person;
- c) Evidence of the identity operating in the community; and
- d) Evidence of the person's residential address.

Evidence of the change of name is required if the name on any of the documents presented is different from the name of the person.

The management licence holder verifying the identity of another person must sight the identification documents which establish each of these elements:

Element A - Evidence of commencement of the person's identity in Australia

In order to prove the commencement of identity in Australia, at least one of the identification documents listed in Category 1 of the table to Schedule 2 of the Radiation Regulations 2017 must be sighted.

Element B - Linkage between evidence of the identity and the person

In order to prove the linkage between evidence of the identity and the person, at least one of the identification documents listed in Category 2 of the table to Schedule 2 of the Radiation Regulations 2017 must be sighted.

Element C - Evidence of identity operating in the community

In order to prove that the person's identity is operating in the community, at least one of the identification documents listed in Category 3 of the table to Schedule 2 of the Radiation Regulations 2017 must be sighted.

Element D - Evidence of residential address

In order to establish the persons' residential address where this has not already been established in elements B and C, the person's current residential address must be sighted on at least one of the identification documents listed in Category 4 of the table to Schedule 2 of the Radiation Regulations 2017.