

Australian Radiation Protection and Nuclear Safety Amendment Regulations 2000 (No. 1) 2000 No. 306

EXPLANATORY STATEMENT

STATUTORY RULES 2000 No. 306

Issued by the Authority of the Parliamentary Secretary to the Minister for Health and Aged Care

Australian Radiation Protection and Nuclear Safety Act 1998

Australian Radiation Protection and Nuclear Safety Amendment Regulations 2000 (No. 1)

Subsection 85(1) of the *Australian Radiation Protection and Nuclear Safety Act 1998* (the Act) provides that the Governor-General may make regulations prescribing, among other things, matters required or permitted by the Act and matters necessary or convenient for carrying out or giving effect to the Act.

Paragraph 85(2)(f) provides that the regulations may prescribe fees in respect of matters under the Act or the regulations. Section 34 of the Act further provides that an application for a source or facility licence must be in a form approved by the Chief Executive Officer of the Australian Radiation Protection and Nuclear Safety Agency (CEO, ARPANSA) and be accompanied by such fee as is prescribed by the regulations. It is a policy requirement that the cost of regulating controlled persons covered by the Act be recovered from the holders of source and facility licences issued under the Act

Section 13 of the Act provides that a controlled person is, among other things, a person in a prescribed Commonwealth place.

Section 84 of the Act requires a power or duty imposed under the Act to be exercised in accordance with Australia's obligations under relevant international agreements. Pursuant to the section, an agreement is a relevant international agreement if it is an international agreement prescribed by the regulations.

The purpose of the Regulations is to amend the Australian *Radiation Protection and Nuclear Safety Regulations 1999* (ARPANS Regulations) to address the following:

- * correct minor drafting errors,
- * clarify that the decision-making power of the CEO, ARPANSA under subregulations 4(3), 6(3), 37(1), 38(3), 38(5) or 38(6) of the regulations is administrative in nature by requiring each decision to be made on a case by case basis according to criteria set out in the regulations and by making the decision subject to a merit review process;
- * prescribe the mechanism by which decisions made by the CEO, ARPANSA are subject to merit review;
- * prescribe the time for payment of the annual charge for a facility licence or a source licence,
- * authorise and prescribe the manner for pro-rating an annual charge for a facility licence or a source licence;

- * authorise and prescribe the manner for refunding an annual charge paid for a facility licence or a source licence,
- * prescribe application fees for a facility licence application to decommission or dispose of a prescribed radiation facility being either a former atomic or nuclear weapons test site or facility used for the mining, processing, use, storage, management or disposal of radioactive ores on the basis that the CEO of ARPANSA is obliged to regulate this conduct on a cost recovery basis;
- * increase existing application fees for a facility licence application to undertake the types of conduct set out in paragraphs 30(1)(a), (b), (c), (d) or (e) of the Act in relation to a controlled facility being a nuclear installation or a prescribed radiation facility on the basis that the current level of fees do not reflect the costs of regulation to be recovered;
- * allow for a reduction in the application fee for a source licence where the controlled person holds a number of sources within the same group, as prescribed by the regulations, at the same location;
- * prescribe specified international agreements for the purposes of section 84 of the Act;
- * prescribe as a Commonwealth place for the purposes of section 13 of the Act, the place known as Building 64, as shown in the site plan drawing No. A3E111993 dated November 1999, Lucas Heights Science and Research Centre, New Illawarra Road, Lucas Heights, in the local government area of Sutherland, Parish of Eckersley, County of Cumberland. This would mean that tenants, other occupants of Building 64 and their employees would be controlled persons for the purpose of the Act and subject to its provisions;
- * exempt dealings involving a controlled apparatus or controlled material that is part of, used in connection with, produced by, incorporate in, stored in, or disposed of in a controlled facility for which a facility licence is in force. This would mean that a controlled person dealing with a controlled apparatus or controlled material that forms part of a controlled facility that is the subject of a current facility licence would not be required to obtain a separate source licence for such dealings.

Details of the Regulations are in the Attachment.

The Regulations commence on gazettal.

ATTACHMENT

Regulation 1 states that the title of the regulations is the *Australian Radiation Protection and Nuclear Safety Amendment Regulations 2000 (No. 1)*.

Regulation 2 states that regulations commence on gazettal.

Regulation 3 states that Schedule 1 to the regulations amends the *ARPANS Regulations*.

Schedule 1

Item 1 in the regulations amends subregulation 4(3) amending the administrative power of the CEO of ARPANSA to exempt an apparatus from being a controlled apparatus by requiring the CEO to consider each declaration on a case by case basis; and base the CEO's decision on criteria specified in the new subregulation 4(3A).

Item 2 in the regulations amends subregulation 6(3) by amending the administrative power of the CEO to exempt a facility from being a prescribed radiation facility by requiring the CEO to consider each facility on a case by case basis; and base the CEO's decision on criteria specified in the new subregulation 6(3A).

Item 3 omits subregulation 6(5) as the object of the subregulation is achieved by the new subregulation 6(3).

Item 4 inserts a new Division 2A in Part 2 of the regulations that consists of regulation 6A. Regulation prescribe the place known as 'Building 64' at Lucas Heights Science and Research Centre in Lucas Heights, New South Wales, as a prescribed Commonwealth place for the purposes of paragraph (d) of the definition of 'controlled person' in section 13 of the Act. If the new regulation 6A is made, tenants, other occupants of Building 64 and their employees would be controlled persons for the purpose of the Act and subject to its provisions.

Item 5 inserts the words ', or is designed to contain' after the work 'contains' in subregulation 8(2), (3) and (4). Subregulation prescribes the activity levels for facilities that are nuclear waste storage facilities or disposal facilities and facilities that contain, or are designed to contain, waste that contains controlled materials. Subregulation 8(2), (3) and (4) set the activity levels for nuclear waste storage facilities or disposal facilities. Each subregulation was also intended to include and define activity levels for facilities that contain, or are designed to contain, waste that contains controlled materials. The Item addresses this drafting omission.

Item 6 amends the administrative power of the CEO of ARPANSA to declare that conduct of a kind mentioned below:

1. prepare a site for a controlled facility;
2. construct a controlled facility;
3. possess or control a controlled facility;
4. operate a controlled facility'
5. decommission, dispose of or abandon a controlled facility;

does not, or will not pose, an unacceptable potential hazard to the health and safety of people or to the environment by substituting subregulation 37(1) and (2) with a new subregulation 37(1) that requires the CEO to:

1. consider the conduct or proposed conduct on a case by case basis; and
2. decide whether to issue a declaration based on the following criteria: whether the conduct or proposed conduct does not or will not pose, an unacceptable potential hazard to the health and safety of people or to the environment.

Item 7 rennumbers subregulation 37(3) and (4) as subregulation 37(2) and (3) as a result of the substitution of subregulation 37(2) by the new subregulation 37(1).

Item 8 substitutes subregulation 37(5) and (6) with a new subregulation 37(4) that exempts a controlled person in relation to conduct of a kind mentioned in paragraph 30(11)(a), (b), (c), (d) or (e) of the Act in relation to a controlled facility if the controlled person, the kind of conduct and the controlled facility are specified in a declaration made under this regulation and the declaration, at the time the conduct is undertaken, is in effect. The purpose of the new subregulation 37(4) is to achieve the objective of subregulation 37(5) and (6) in a more concise and effective manner.

Item 9 makes reference to subregulation 37(2) in subregulation 37A(1) be omitted and replaced with a reference to subregulation 37(1). The amendment is necessary to ensure the correct linkage between regulations is maintained (the subject matter of subregulation 37(2) is to be dealt with by subregulation 37(1)).

Item 10 substitutes paragraph 37A(2)(b). Paragraph 37A(2)(b) sets out the requirements of the declaration notice the CEO may issue under current subregulation 37(2). The amendment addresses the same objective as the current paragraph but in a clearer and more effective manner.

Item 11 substitutes subregulation 38(1) and (2). Subregulation 38(1) repeats the prohibition stated subregulation 31 (1) of the Act that a controlled person must not deal with a controlled material or controlled apparatus unless the dealing is authorised by a source licence or the dealing is prescribed by the regulations as an exempt dealing, Item 11 omit subregulation 38(1) on the basis that it is not required for proper operation of the regulation, is not a proper summary of the existing provision, and will require amendments if the Act is amended. Subregulation 38(2) exempts a dealing (with a controlled material or a controlled apparatus by a controlled person) if the controlled material or controlled apparatus is described in Part 1 of Schedule. The new subregulation 38(1) prescribes, for the purposes of paragraph 31(1)(b) of the Act, the dealings that are exempt dealings for the purposes of that paragraph. The exempt dealings are described in Part 1 of Schedule 2 of the regulations.

Item 12 amends subregulation 38(3) by inserting after 'in writing,' the words 'on a case by case basis,'. Subregulation 38(3) authorises the CEO to declare that a dealing described in Part 1 of Schedule 2 of the regulations is a dealing that meets the criteria set out in the subregulation. The purpose of the amendment is to require the CEO to exercise this administrative power on a case by case basis only.

Item 13 inserts a note at the conclusion of subregulation 38(3) to the effect that a decision made by the CEO to refuse to make a declaration under subregulation 38(3) is reviewable under regulation 66.

Item 14 amends subregulation 38(5) by inserting after 'in writing,' the words 'on a case by case basis,'. Subregulation 38(5) authorises the CEO to declare that a dealing that is not described in Part 1 of Schedule 2 of the regulations is a dealing that meets the criteria set out in the subregulation. A dealing is exempted if it is mentioned in a declaration for subregulation 38(5).

The purpose of the amendment is to require the CEO to exercise this administrative power, on a case by case basis only.

Item 15 inserts a note at the conclusion of subregulation 38(5) to the effect that a decision made by the CEO to refuse to make a declaration under subregulation 38(5) is reviewable under regulation 66.

Item 16 amends subregulation 38(6) by inserting after 'in writing,' the words 'on a case by case basis,'. Subregulation 38(6) authorises the CEO to declare that a dealing that is not described in Part 1 of Schedule 2 of the regulations is a dealing that involves the radiological matters set out in the subregulation. A dealing is exempted if it is mentioned in a declaration of subregulation 38(6). The purpose of the amendment is to require the CEO to exercise this administrative power, on a case by case basis only.

Item 17 inserts a note at the conclusion of subregulation 38(6) to the effect that a decision made by the CEO to refuse to make a declaration under subregulation 38(6) is reviewable under regulation 66.

Item 18 substitutes Division 2A of Part 4 of the regulations. The new Division 2A consists of new regulations 40A, 40B, 40C and 401).

Regulation 40A states that a Division prescribes the fee that must accompany an application for a facility licence and an application for a source licence.

Regulation 40B applies to the application for a facility licence that authorises persons to do a thing mentioned below in relation to a controlled facility that is a nuclear installation:

- 1 . prepare a site for a controlled facility;
2. construct a controlled facility;
3. possess or control a controlled facility;
4. operate a controlled facility;
5. decommission, dispose of or abandon a controlled facility;

the amount of the application fee for a facility licence to do a thing mentioned above is set out in column 3 of the new Schedule 3A of the regulations. For example, the application fee for a facility licence to prepare a site for a controlled facility that is a nuclear reactor designed for research or production of nuclear materials for industrial or medical use (including critical or subcritical assemblies) that has a maximum thermal capacity of less than 1 megawatt or 1 megawatt or more would be \$20,000.00.

Regulation 40C(1) applies to the application for a facility licence that authorises persons to do a thing mentioned below:

1. prepare a site for a controlled facility;

2. construct a controlled facility;
3. possess or control a controlled facility;
4. operate a controlled facility;
5. decommission, dispose of or abandon a controlled facility;

in relation to a controlled facility that is a prescribed radiation facility of a kind mentioned below:

1. particle accelerator with a beam energy of more than 1 MeV;
2. particle accelerator capable of producing neutrons;
3. irradiator containing more than 1015 Bq of a controlled material;
4. irradiator containing more than 1013 Bq of a controlled material but not including shielding as an integral part of its construction;
5. irradiator containing more than 1013 Bq of a controlled material and including shielding as an integral part of its construction, but the shielding does not prevent a person from being exposed to the source;
6. irradiator containing more than 1013Bq of a controlled material and including shielding as an integral part of its construction, and with a source that is not inside the shielding during the operation of the irradiator;
7. facility for the production, processing, use, storage, management or disposal of sealed sources of controlled materials of activity in a quantity more than 109 times that mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations*;
8. facility for the production, processing, use, storage, management or disposal of unsealed sources of controlled materials of activity in a quantity more than 106 times that mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations*;
9. facility for the production, processing, use, storage, management or disposal of a mixture of 'controlled materials, the activity of which, worked out using the method set out. in subregulation 6(2) of the *ARPANS Regulations*, is more than the applicable level mentioned in that subregulation.

According to paragraph 40C(2)(b), the amount of the application fee for a licence is the amount set out in column 3 of Part 1 of the new Schedule 3B of the regulations. For example, the application fee for a facility licence for a particle accelerator with a beam energy of more than 1 MeV would be \$9,000.

According to paragraph 40Q2)(b), if the thing authorised to be done by a licence is a thing mentioned below:

1. decommissioning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site;
2. disposing of or abandoning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site;

3. decommissioning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use storage, management or disposal of radioactive ores;

4. disposing of or abandoning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use, storage, management or disposal of radioactive ores;

the amount of the application fee for a licence is the amount set out in column 3 of Part 2 of the new Schedule 3B of the regulations. For example, the application fee for a facility licence for decommissioning a controlled facility being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site would be \$30,000.

Subregulation 40C(3) prescribes the amount of the application fee payable for a facility licence that authorises persons to do 2 or more of the things mentioned in new subregulation 40C(1) in relation to the controlled facility. The amount of the application fee payable is the sum of the application fees for each thing authorised to be done by the licence.

Regulation 40D applies to an application for a source licence that authorises persons to deal with a controlled apparatus or a controlled material of a kind mentioned in column 2 of an item in group 1, 2 or 3 of Part 1 of Schedule 3C. These Groups are set out below:

Group 1:

1. sealed source for calibration purposes of activity of 40MBq or less;
2. sealed source in a fully enclosed analytical device;
3. sealed source with activity of 400MBq or less in a fixed gauge;
4. sealed source in a blood irradiator;
5. sealed source in a bond densitometer;
6. sealed source that: (a) is in storage and awaiting disposal; and (b) has a nuclide with a maximum activity of not more than 109 times the amount mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations* for that kind of nuclide;
7. unsealed source, or sources, in a laboratory or premises, having nuclides of 1 kind only with a maximum activity not more than 100 times the amount mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations* for that kind of nuclide;
8. unsealed source, or sources, in a laboratory or premises, having nuclides such that when the maximum activity of each nuclide in the source, or sources, is divided by the amount mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations* for that kind of nuclide, the total of the result for all nuclides in the source, or sources, is not more than 1000;
9. mammographic x-ray unit;
10. conventional dental x-ray unit;
11. x-ray unit used for bone densitometry

12. x-ray unit used for veterinary radiography
13. fully enclosed x-ray analysis unit;
14. baggage inspection x-ray unit;
15. mobile or portable medical x-ray unit;
16. magnetic field no-destructive testing device.,
17. induction heater or induction furnace;
18. industrial radiofrequency heater or welder.
19. radiofrequency plasma tube;
20. microwave or radiofrequency diathermy equipment;
21. industrial microwave or radiofrequency processing system;
22. optical source, other than a laser produce, emitting ultraviolet radiation, infrared or visible light;
23. laser product with accessible emission level more than the accessible emission limit of a Class 3B (Restricted) laser produce, set out in Australia/New Zealand Standards AS/NZ 2211.1:1997;
24. optical fibre communication system exceeding Hazard Level 3 A, as set out in Australia/New Zealand Standard AS/NZS 2211.2:1997;

Group 2:

1. sealed sources for calibration purposes of activity of more than 40 MBq;
2. sealed source in a partially enclosed analytical device;
3. sealed source of activity of more than 400 MBq in a fixed gauge;
4. sealed source in a mobile gauge;
5. sealed source for medical or veterinary diagnostic nuclear medicine use;
6. unsealed source, or sources, in a laboratory or premises, having nuclides of 1 kind only, with a maximum activity of more than 100, but not more than 10,000, times the amount mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations* for that kind of nuclide;
7. unsealed source, or sources, in a laboratory or premises, having nuclides such that when the maximum activity of each nuclide in the source, or sources, is divided by the amount mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations* for that kind of nuclide, the total of the results of all nuclides in the source, or sources, is more than 100 but not more than 10,000;

8. unsealed sources used for tracer studies;
9. industrial radiography x-ray unit;
10. fixed medical x-ray unit, including a unit used for fluoroscopy, tomography and chiropractic radiography;
11. partially enclosed x-ray analysis unit;
12. medical therapy simulator;
13. CT scanner.

Group 3

1. sealed source for industrial radiography;
2. sealed source for medial and veterinary radiotherapy;
3. sealed source in a bore hold logger;
4. sealed source of controlled material not mentioned in another item of this Schedule;
5. unsealed source, or sources, in a laboratory or premises, having nuclides such that when the maximum activity of each nuclide in the source, or sources is divided by the amount mentioned in column 4 of Part 2 of Schedule to the *ARPANS Regulations* for that kind of nuclide;
6. unsealed source, or sources, in a laboratory or premises, having nuclides such that when the maximum activity of each nuclide in the source, or sources, is divided by the amount mentioned in column 4 of Part 2 of Schedule 2 to the *ARPANS Regulations* for that kind of nuclide, the total of the results for all nuclides in the source, or sources, is more than 10,000 but not more than 1,000,000;
7. veterinary or medical radiotherapy unit,
8. controlled apparatus that produces ionizing radiation not mentioned in another item of this Schedule.

The amount of each application fee is the fee mentioned in column 3 of the item in Part 2 of Schedule 3C that relates to the number of controlled apparatus or controlled materials from the Group of Part 1 of Schedule 3 that:

1. are sought to be dealt with under the application;
2. are the same location.

For example, the application fee for a source licence to deal with 3 baggage inspection x-ray units would be \$500.

Item 19 substitutes regulations 54 and 55 with new regulations. The new regulation 54 differs from the current regulation 54 by requiring persons covered by source licence or a facility licence, in addition to the holder of the licence, to obtain the approval of the CEO to construct an item that is important for safety and has been identified in a safety analysis report as part of the

construction of a controlled facility. The new regulation 55 differs from the current regulation 55 by requiring persons covered by a licence, in addition to the holder of the licence, to obtain the approval of the CEO to load nuclear fuel into a controlled facility as part of the construction of the controlled facility.

Item 20 inserts a new Division 5 in Part 4 of the regulations. The new Division 5 consists of new regulations 55A, 55B, 55C and 55D.

Regulation 55A prescribes the time for payment of an annual charge imposed on the holder of a facility licence or a source licence. For a licence held during the financial year ending 30 June 2000, it is that the licence annual charge be paid on or before 30 days after the commencement of regulation 55A. For a licence held during the financial year ending 30 June 31, it is that the licence annual charge be paid on or before the later of 30 days after the commencement of regulation 55A and 30 days after the date when the licence was issued. For a licence held during a financial year after 30 June 2001, it is that the licence annual charge be paid on or before the later of 31 July in that financial year and 30 days after the date when the licence was issued.

Regulation 55B authorises the CEO to pro-rata the amount of an annual charge for a facility licence or a source licence that is not held during the whole of a financial year (that occurred before or occurs after the commence of these regulations). If the CEO decides to pro-rata the amount of the licence, the amount must be pro-rated in accordance with regulations.

Regulation 55C applies to the annual charge for a facility licence or a source licence for a financial year if the whole, or part, of the annual charge for the licence for the year has been paid and the licence is suspended, cancelled or surrendered before the end of the year. The regulation gives the CEO the discretion to refund to the holder of the licence part of the amount of the annual charge that has been paid for the licence for the year. If the CEO decides to refund part of the amount of the annual charge, the amount of the refund must be calculated in accordance with regulation 55D.

Regulation 55D prescribes, for regulation 55B, the method for pro-rating the amount of annual charge for a facility licence or a source licence for a financial year and, the regulation 55C, the method for calculating the amount of annual charge for a facility licence or a source licence for a financial year that may be refunded to the holder of the licence. The method is: the amount of the annual charge for the licence for the year multiplied by the number of months of the year during which the licence is held divided by 12. For the purpose of the calculation, a licence that is held for part of a month only is taken to be held for the whole of that month.

Item 21 omits the reference to regulation 64 in subregulation 58(2) and (3) and replace the reference with a reference to regulation 62. The purpose of the amendment is correct an incorrect linkage between regulation 58 and 62.

Item 22 inserts a new Part 7 in the regulations. The new Part will consist of regulations 65 and 66.

Regulation 65 relates to subsection 84(1) of the Act which limits the exercise of a power or discretion or performance of a duty or function conferred or imposed under the Act to the extent that the exercise or performance is not inconsistent with Australia's obligations under the relevant international agreements. Additionally, subsection 84(2) of the Act requires the person to have regard to Australia's obligations under relevant international agreements when exercising a power or discretion or performing a duty or function conferred to imposed under the Act. Pursuant to subsection 84(3), an agreement is a relevant international agreement if it is an international agreement prescribed by the regulations. Regulation 65 prescribes each

international agreement set out in Schedule 5 of the Regulations as a relevant international agreement. The relevant international agreements are:

1. Agreement between the Government of Australia and the Government of New Zealand concerning the Transfer of Uranium;
2. Agreement for Cooperation between Australia and the United States of America concerning Technology for the Separation of Isotopes of Uranium by Laser Excitation, Agreed Minute, and Exchange of Notes ('the Silex Treaty').

Both of these treaties have recently been prescribed as relevant international agreements under the

Nuclear Non-Proliferation (Safeguards) Regulations.

Regulation 66 prescribes the means and nature of merit and judicial review of a decision made by the CEO to refuse to make a declaration under subregulation 4(3), 6(3), 37(1), 38(3), 38(5) or 38(6). It is a controlled person who is affected by a decision of the CEO to refuse to make a declaration under any of the subregulations mentioned may request that the Minister reconsider the CEO's decision. The request to the Minister to review the decision to be made in writing and be given to the Minister within 90 days after the making of the decision. The Minister will be taken to have confirmed the CEO's decision under subregulation 66(3) if the Minister does not give written notice to the Minister's decision under that subregulation within 60 days after the request is received. Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Minister under subregulation 66(3) to confirm, vary or set aside the CEO's decision.

Item 23 inserts a new item 8 in Schedule 2 of Part of the Regulations that exempts dealings involving a controlled apparatus or controlled material that is part of, used in connection with, produced by, incorporated in, stored in, or disposed of in, a controlled facility for which a facility licence is in force. The purpose of the Item is to ensure that a controlled person dealing with a controlled apparatus or controlled material that forms part of a controlled facility that is the subject of a current facility licence is not required to obtain a separate source licence for such dealings.

Item 24 substitutes existing Schedules 3A, 3B, 3C, 3D, 3E and 3F with new Schedules. The new Schedule 3 A sets out the application fee for a facility licence that authorises persons to do a thing mentioned in column 2 of an item in the Schedule in relation to a controlled facility that is a nuclear installation. The new Schedule 3B sets out the application fee for a facility licence that authorises persons to do a thing mentioned in paragraph 30(1)(a), (b), (c), (d) or (e) of the Act in relation to a controlled facility that is a prescribed radiation facility of a kind mentioned in column 2 of an item in Part 1 of Schedule 3B. The new Schedule 3B also sets out the application fee for a facility licence that authorises persons to do a thing mentioned in column 2 of an item in Part 2 of Schedule 3B. The new Schedule 3C sets out the application fee for a source licence that authorises persons to deal with a controlled apparatus or a controlled material of a kind mentioned in column 2 of an item in Group 1, 2 or 3 of Part 1 of Schedule 3C. The application fee for the licence is the fee mentioned in column 3 of the item in Part 2 of Schedule 3 that relates to the number of controlled apparatus or controlled material from the same Group of Part 1 of Schedule 3C that are sought to be dealt with under the application and are in the same location.

Item 25 inserts a new Schedule 5 that sets out the international agreement prescribed as relevant international agreements pursuant to regulation 65.

Item 26 inserts in the Dictionary of the regulations, after the definition of 'action level' the term 'application fee'. The purposes of defining the term 'application fee' is to indicate that costs not ordinary to the processing of an application for a licence are not covered by the application fee.

Item 27 inserts in the Dictionary, after the definition of 'external exposure', a definition for the term 'holder' meaning the controlled person to whom the licence is issued.

Item 28 inserts in the Dictionary, after the definition of 'Remuneration Tribunal', a definition for the term 'same location' meaning, in relation to controlled apparatus or controlled material, the meaning ascribed in subregulation 40D(3).