



Australian Radiation Protection and Nuclear Safety Amendment (2016 Measures No. 1) Regulation 2016

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 05 May 2016

Peter Cosgrove
Governor-General

By His Excellency's Command

Ken Wyatt AM
Assistant Minister for Health and Aged Care
Parliamentary Secretary to the Minister for Health

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
Part 1—Amendments of fees		2
<i>Australian Radiation Protection and Nuclear Safety Regulations 1999</i>		2
Part 2—Other amendments		4
<i>Australian Radiation Protection and Nuclear Safety Regulations 1999</i>		4

1 Name

This is the *Australian Radiation Protection and Nuclear Safety Amendment (2016 Measures No. 1) Regulation 2016*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 July 2016.	1 July 2016

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Australian Radiation Protection and Nuclear Safety Act 1998*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments of fees

Australian Radiation Protection and Nuclear Safety Regulations 1999

1 Amendments of listed provisions—Schedule 3A

The items of the table in clause 1 of Schedule 3A listed in the following table are amended as set out in the table.

Amendments relating to facility licence application fees—nuclear installations			
Item	Table item	Omit	Substitute
1	Item 1	28 021	28 777
2	Item 2	175 135	179 863
3	Item 3	140 109	143 891
4	Item 4	70 053	71 944
5	Item 5	70 053	71 944
6	Item 6	140 109	143 891
7	Item 7	560 434	575 565
8	Item 8	140 109	143 891
9	Item 9	600 467	616 679
10	Item 10	140 109	143 891
11	Item 11	14 010	14 388
12	Item 12	63 047	64 749
13	Item 13	14 010	14 388
14	Item 14	63 047	64 749
15	Item 15	28 021	28 777
16	Item 16	333 593	342 600
17	Item 17	400 311	411 119
18	Item 18	14 010	14 388
19	Item 19	210 163	215 837
20	Item 20	28 021	28 777
21	Item 21	70 053	71 944
22	Item 22	140 109	143 891
23	Item 23	14 010	14 388
24	Item 24	126 098	129 502
25	Item 25	28 021	28 777

2 Amendments of listed provisions—Part 1 of Schedule 3B

The items of the table in clause 1 of Schedule 3B listed in the following table are amended as set out in the table.

Amendments relating to facility licence application fees—prescribed radiation facilities (general)

Item	Table item	Omit	Substitute
1	Item 1	12 609	12 949
2	Item 2	12 609	12 949
3	Item 3	12 609	12 949
4	Item 4	12 609	12 949
5	Item 5	12 609	12 949
6	Item 6	12 609	12 949
7	Item 7	25 220	25 900

3 Amendments of listed provisions—Part 2 of Schedule 3B

The items of the table in clause 2 of Schedule 3B listed in the following table are amended as set out in the table.

Amendments relating to facility licence application fees—prescribed radiation facilities (other)

Item	Table item	Omit	Substitute
1	Item 1	42 032	43 166
2	Item 2	28 021	28 777
3	Item 3	42 032	43 166
4	Item 4	28 021	28 777

4 Amendments of listed provisions—Part 2 of Schedule 3C

The items of the table in clause 2 of Schedule 3C listed in the following table are amended as set out in the table.

Amendments relating to source licence application fees

Item	Table item	Omit	Substitute
1	Item 1	700	718
2	Item 1	2 801	2 876
3	Item 1	8 405	8 631
4	Item 2	1 819	1 868
5	Item 2	5 604	5 755
6	Item 2	16 811	17 264
7	Item 3	3 503	3 597
8	Item 3	10 533	10 817
9	Item 3	30 822	31 654

Part 2—Other amendments

Australian Radiation Protection and Nuclear Safety Regulations 1999

5 Regulation 5

Repeal the regulation.

6 Subregulation 6(1)

Omit all the words before paragraph (a), substitute:

- (1) For the definition of *prescribed radiation facility* in section 13 of the Act, the following facilities and installations are prescribed:

7 At the end of subregulation 6(1)

Add:

Note: A prescribed radiation facility is a controlled facility, see the definition of *controlled facility* in section 13 of the Act.

8 After regulation 6

Insert:

6AA Prescribed legacy site

For the definition of *prescribed legacy site* in section 13 of the Act, the place known as the Little Forest Legacy Site, as shown labelled as “LFLS” on site plan drawing No. AO SK 127039 revision G dated 1 July 2015, Little Forest Road, Lucas Heights, in the local government area of Sutherland, Parish of Holsworthy, County of Cumberland, erected on part of the land contained in Certificate of Title folio identifier 1/106967, is prescribed.

Note 1: Site plan drawing No. AO SK 127039 revision G could in 2016 be viewed on the Australian Nuclear Science and Technology Organisation’s website (<http://www.ansto.gov.au>).

Note 2: The Little Forest Legacy Site was previously known as the Little Forest Burial Ground.

Note 3: A prescribed legacy site is a controlled facility, see the definition of *controlled facility* in section 13 of the Act.

9 Subregulations 30(2), 31(1), (2) and 35(2)

Omit “or the Council”.

10 Subregulation 35(3)

Omit “and to the Chair of the Council”.

11 Subregulations 37(1) and (4)

Omit “(d) or (e)”, substitute “(d), (e) or (ea)”.

12 After regulation 40C

Insert:

40CA Facility licences—prescribed legacy sites

- (1) This regulation applies to an application for a facility licence that authorises persons to do a thing mentioned in an item in the table in clause 1 of Schedule 3BA in relation to a controlled facility that is a prescribed legacy site.
- (2) The amount of the application fee for the licence is the amount mentioned in the item.

13 Paragraph 48(3)(b)

Repeal the paragraph.

14 Regulation 65

Omit “paragraph 84(3)(b)”, substitute “subsection 84(3)”.

15 Paragraph 66(2)(b)

Omit “90 days”, substitute “28 days”.

16 After Part 7

Insert:

Part 8—Application and transitional provisions

67 Amendments made by the Australian Radiation Protection and Nuclear Safety Amendment (2016 Measures No. 1) Regulation 2016

The amendment made by item 14 of Schedule 1 to the *Australian Radiation Protection and Nuclear Safety Amendment (2016 Measures No. 1) Regulation 2016* applies in relation to a decision of the CEO that is made on or after 1 July 2016.

17 Clause 1 of Schedule 1 (table items 1 and 2)

Repeal the items, substitute:

- 1 The reference levels mentioned in the International Commission on Non-Ionizing Radiation Protection Guidelines for Limiting Exposure to Time-Varying Electric and Magnetic Fields (1 Hz to 100 kHz), published in *Health Physics* 99(6):818-836; 2010.

18 Clause 1 of Schedule 2 (table item 8)

Repeal the item.

19 Clause 2 of Schedule 2 (table item 6)

Omit “Ne-13”, substitute “N-13”.

20 After Schedule 3B

Insert:

Schedule 3BA—Facility licence application fees— prescribed legacy sites

Note: See regulation 40CA.

1 Facility licence application fees—prescribed legacy sites

The following table sets out the amount of the application fee for a facility licence that authorises a person to do a thing mentioned in an item in the table in relation to a prescribed legacy site.

Facility licence application fees—prescribed legacy sites		
Item	Thing authorised to be done by licence	Amount (\$)
1	Possess or control a controlled facility that is a prescribed legacy site	14 010
2	Remediate a controlled facility that is a prescribed legacy site	210 163
3	Abandon a controlled facility that is a prescribed legacy site	28 021

21 Schedule 5

Repeal the Schedule, substitute:

Schedule 5—International agreements

Note: See regulation 65.

1 International agreements

The following table sets out relevant international agreements.

Item	Title of agreement	Date agreement signed on behalf of Australia
1	Treaty on the Non-Proliferation of Nuclear Weapons	27 February 1970
2	Agreement between Australia and the International Atomic Energy Agency for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons	10 July 1974
3	Convention on the Physical Protection of Nuclear Material	22 February 1984
4	Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency	26 September 1986
5	Convention on Early Notification of a Nuclear Accident	26 September 1986
6	Convention on Nuclear Safety	20 September 1994

6 *Australian Radiation Protection and Nuclear Safety Amendment (2016 Measures No. 1) Regulation 2016*

Item	Title of agreement	Date agreement signed on behalf of Australia
7	Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management	13 November 1998
8	Agreement for cooperation between the Government of Australia and the Government of the United States of America concerning technology for the separation of isotopes of uranium by laser excitation, with annexes, exchange of notes and agreed minutes	28 October 1999
9	International Convention for the Suppression of Acts of Nuclear Terrorism	14 September 2005

22 Dictionary

Repeal the Dictionary.

23 Amendments of listed provisions

Further amendments			
Item	Provision	Omit	Substitute
1	Regulation 3 (definition of <i>waste package</i>)	nuclear waste storage facility or a nuclear waste	radioactive waste storage facility or a radioactive waste
2	Regulation 7 (heading)	nuclear waste	radioactive waste
3	Subregulation 7(1)	nuclear waste	radioactive waste
4	Subregulation 7(1) (note)	nuclear waste	radioactive waste
5	Regulation 8 (heading)	nuclear waste	radioactive waste
6	Subregulation 8(1)	nuclear waste	radioactive waste
7	Subregulation 8(2)	nuclear waste	radioactive waste
8	Subregulation 8(2) (note)	nuclear waste	radioactive waste

24 Amendments of listed provisions—Schedule 3A

The items of the table in clause 1 of Schedule 3A listed in the following table are amended as set out in the table.

Further amendments			
Item	Table item	Omit	Substitute
1	Item 1, paragraph (a)	nuclear materials	radioactive materials
2	Item 2, paragraph (a)	nuclear materials	radioactive materials
3	Item 3, paragraph (a)	nuclear materials	radioactive materials
4	Item 4, paragraph (a)	nuclear materials	radioactive materials
5	Item 5, paragraph (a)	nuclear materials	radioactive materials

Schedule 1 Amendments
Part 2 Other amendments

Further amendments			
Item	Table item	Omit	Substitute
6	Item 6, paragraph (a)	nuclear materials	radioactive materials
7	Item 7, paragraph (a)	nuclear materials	radioactive materials
8	Item 8, paragraph (a)	nuclear materials	radioactive materials
9	Item 9, paragraph (a)	nuclear materials	radioactive materials
10	Item 10, paragraph (a)	nuclear materials	radioactive materials
11	Item 16, paragraphs (a) and (b)	nuclear waste	radioactive waste
12	Item 17, paragraphs (a) and (b)	nuclear waste	radioactive waste
13	Item 18, paragraphs (a) and (b)	nuclear waste	radioactive waste
14	Item 19, paragraphs (a) and (b)	nuclear waste	radioactive waste
15	Item 20, paragraphs (a) and (b)	nuclear waste	radioactive waste
