

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

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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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 |
| 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 ***waste package***) | 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 |
| 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 |