EXPLANATORY STATEMENT

Australian Radiation Protection and Nuclear Safety Act 1998

Australian Radiation Protection and Nuclear Safety Regulations 1999

Australian Radiation Protection and Nuclear Safety Amendment (2017 Measures No. 1) Regulations 2017

The object of the *Australian Radiation Protection and Nuclear Safety Act 1998* (the Act) is to protect the health and safety of people, and to protect the environment, from the harmful effects of radiation.

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

The *Australian Radiation Protection and Nuclear Safety Amendment (2017 Measures No. 1) Regulations 2017* (the regulations) amend the *Australian Radiation Protection and Nuclear Safety Regulations 1999* (the ARPANS Regulations) to:

(1) increase the licence application fees prescribed in the ARPANS Regulations by 2.3 per cent, in line with the Australian Bureau of Statistics annualised Wage Price Index (excluding bonuses) for the public sector as at 30 September 2016.

(2) update the publication details of technical standards and codes incorporated by reference in the ARPANS Regulations, and

(3) clarify certain provisions in the ARPANS Regulations to facilitate interpretation and application.

Under section 34 of the Act, an application for a facility or source licence must be in a form approved by the CEO and accompanied by such application fee as is prescribed in the ARPANS Regulations. The licence application fees have been indexed every year since 2010 using ABS wage and labour price indices to recover increased labour costs.

The regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The regulations commenced on 1 July 2017 and the increase to the licence application fees took effect on 1 July 2017.

Details of the regulations are set out in the Attachment below.

The regulations were brought forward concurrently with the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment (2017 Measures No. 1) Regulation 2017*.

The Act does not specify any condition that needs to be met before the power to make the Regulation may be exercised.

Consultation:

No consultation was therefore undertaken among licence holders (all of whom are Commonwealth entities) as the amendments are machinery in nature and are done annually to ensure the regulations are up-to-date. The Office of Best Practice Regulation (OBPR) exempted ARPANSA from the need to prepare a regulatory impact statement for the amendments (OBPR ID**:** 21894) as the amendments are machinery in nature and are not likely to result in any change to regulatory costs.

Authority: Subsection 85(1) of the *Australian Radiation Protection and Nuclear Safety Act 1998*

Attachment

Details of the *Australian Radiation Protection and Nuclear Safety Amendment (2017 Measures No. 1) Regulations 2017*

Section 1 – Name of regulation

This section provides that the name of the regulations is the *Australian Radiation Protection and Nuclear Safety Amendment (2017 Measures No. 1) Regulations 2017.*

Section 2 – Commencement

This section provides for the regulations to commence on 1 July 2017.

Section 3 – Authority

This section provides that the regulations are made under the *Australian Radiation Protection and Nuclear Safety Act 1998*.

Section 4 – Schedules(s)

This section provides that 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

Item 1 Amendments of listed provisions—Schedule 3A

Clause 1 of Schedule 3A has a table that lists the fees that must accompany an application for a facility licence for particular activities in relation to nuclear installations. The amendments increase the application fees in the table in Schedule 3A by 2.3 per cent as follows:

Table Item	Thing authorised to be done by licence	Fees ($)
1.	Preparing a site for a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of less than 1 megawatt	28 777 to 29,438
2.	Constructing a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of less than 1 megawatt	179 863 to 183,999

Table Item	Thing authorised to be done by licence	Fees ($)
3.	Possessing or controlling a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of less than 1 megawatt	143 891to 147,200
4.	Operating a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of less than 1 megawatt	71 944 to 73,598
5.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear reactor that was used for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and had maximum thermal power of less than 1 megawatt	71 944 to 73,598
6.	Preparing a site for a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of 1 megawatt or more	143 891to 147,200
7.	Constructing a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of 1 megawatt or more	575 565 to 588,802
8.	Possessing or controlling a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of 1 megawatt or more	143 891to 147,200
9.	Operating a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of 1 megawatt or more	616 679 to 630,862
10.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear reactor that was used for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and had maximum thermal power of 1 megawatt or more	143 891 to 147,200
11.	Preparing a site for a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	14 388 to 14,718
12.	Constructing a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	64 749 to 66,238
13.	Possessing or controlling a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	14 388 to 14,718

Table Item	Thing authorised to be done by licence	Fees ($)
14.	Operating a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	64 749 to 66,238
15.	De-commissioning, disposing of or abandoning a controlled facility, being a plant that was used for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	28 777 to 29,438
16.	Preparing a site for a controlled facility, being: (a) a nuclear waste storage facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	342 600 to 350,479
17.	Constructing a controlled facility, being: (a) a nuclear waste storage facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	411 119 to 420,574
18.	Possessing or controlling a controlled facility, being: (a) a nuclear waste storage facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	14 388 to 14,718
19.	Operating a controlled facility, being: (a) a nuclear waste storage facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	215 837 to 220,801
20.	De-commissioning, disposing of or abandoning a controlled facility, being: (a) a nuclear waste storage facility that formerly contained controlled materials with an activity that was greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that formerly contained controlled materials with an activity that was greater than the applicable activity level prescribed by regulation 8	28 777 to 29,438
21.	Preparing a site for a controlled facility, being a facility to produce radioisotopes, that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	71 944 to 73,598
22.	Constructing a controlled facility, being a facility to produce radioisotopes, that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	143 891 to 147,200

Table Item	Thing authorised to be done by licence	Fees ($)
23.	Possessing or controlling a controlled facility, being a facility producing radioisotopes and containing controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	14 388 to 14,718
24.	Operating a controlled facility, being a facility producing radioisotopes and containing controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	129 502 to 132,480
25.	De-commissioning, disposing of, or abandoning a controlled facility, being a facility that formerly produced radioisotopes and contained controlled materials with an activity that was greater than the applicable activity level prescribed by regulation 11	28 777 to 29,438

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

Clause 1 of Schedule 3B has a table that lists the fees that must accompany an application for a facility licence for particular kinds of prescribed radiation facilities. The amendments increase the application fees in the table by 2.3 per cent as follows:

Table Item	Kind of prescribed radiation facility	Fees ($)
1.	Particle accelerator with a beam energy of more than 1 mega electron volt (MeV)	12 949 to 13,246
2.	Particle accelerator capable of producing neutrons	12 949 to 13,246
3.	Irradiator containing more than 10^{15} becquerel (Bq) of a controlled material	12 949 to 13,246
4.	Irradiator containing more than 10^{13} Bq of a controlled material but not including shielding as an integral part of its construction	12 949 to 13,246
5.	Irradiator containing more than 10^{13} 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	12 949 to 13,246
6.	Irradiator containing more than 10^{13} Bq 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	12 949 to 13,246
7.	Facility for the production, processing, use, storage, management or disposal of: (a) unsealed sources for which the result worked out using the steps mentioned in subregulation 6(2) is greater than 10^6; or (b) sealed sources for which the result worked out using the steps mentioned in subregulation 6(2) is greater than 10^9	25 900 to 26,495

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

Clause 2 of Schedule 3B has a table that lists the fees that must accompany an application for a facility licence for particular activities in relation to certain prescribed radiation facilities. The amendments increase the application fees in the table by 2.3 per cent as follows:

Table Item	Thing authorised to be done by licence	Fee ($)
1.	De-commissioning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site	43 166 to 44,158
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	28 777 to 29,438
3.	De-commissioning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use, storage, management or disposal of radioactive ores	43 166 to 44,158
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	28 777 to 29,438

Item 4 Amendments of listed provisions—Schedule 3BA

Clause 1 of Schedule 3BA has a table that lists the application fees that must accompany an application for a facility licence for particular activities in relation to prescribed legacy sites. The amendments increase the application fees in the table by 2.3 per cent as follows:

Table Item	Thing authorised to be done by licence	Fee ($)
1.	Possess or control a controlled facility that is a prescribed legacy site	14 010 to 14,332
2.	Remediate a controlled facility that is a prescribed legacy site	210 163 to 214,996
3.	Abandon a controlled facility that is a prescribed legacy site	28 021 to 28,665

Item 5 Amendments of listed provisions—Part 2 of Schedule 3C

Clause 2 of Schedule 3C lists the application fees that must accompany an application for a source licence to deal with particular kinds of controlled apparatus or controlled material. For purposes of source licence application fees, controlled material and controlled apparatus have been divided into three groups, namely Group 1, Group 2 and Group 3, in ascending order of risk to people and the environment. The amendments increase the application fees in the table by 2.3 per cent as follows:

Table Item	Number of controlled apparatus or controlled materials in the same location to be dealt with under the application	Fees ($)
1.	For less than 4 controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	 718 to 734 2 876 to 2,942 8 631 to 8,829
2.	For more than 3, but less than 11, controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	 1 868 to 1,910 5 755 to 5,887 17 264 to 17,661
3.	For 11 or more controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	 3 597 to0 3,679 10 817 to 11,065 31 654 to 32,382

Part 2—Other amendments

Australian Radiation Protection and Nuclear Safety Regulations 1999

Item 6 Regulation 3 (note at the end of the definition of *absorbed dose*)

The note at the end of the definition of *absorbed dose* refers to an outdated document that has been deleted (see item 16 below). The amendment substitutes that with the *Planned Exposure Code*, which is a document published by ARPANSA and is available in the ARPANSA website (www.arpansa.gov.au) (see item 15 below).

Item 7 Regulation 3

The amendment inserts definitions of three Australian/New Zealand Standards that are incorporated by reference in other parts of the ARPANS Regulations. These Standards are on safety of lasers, safety of optical fibre communication systems and photobiological safety of lamp and lamp systems. The amendment ensures that only the short title of each Standard appears where the Standards are incorporated by reference instead of repeating the long title in each instance. The amendments simplify the ARPANS Regulations and are in line with current drafting convention of the Office of Parliamentary Counsel. All three Standards are available from www.saiglobal.com.

Item 8 Regulation 3 (note at the end of the definition of *committed effective dose*)

The note at the end of the definition of *committed effective dose* refers to an outdated document that has been deleted (see item 16 below). The amendment substitutes that with the *Planned Exposure Code*, which is a document published by ARPANSA and is available in the ARPANSA website (www.arpansa.gov.au) (see item 15 below).

Item 9 Regulation 3

The amendment inserts a definition of the *Disposal Code of Practice*, which is incorporated by reference in other parts of the ARPANS Regulations. The Code is on the safe disposal of radioactive waste by the user. The amendment ensures that only the short title, *Disposal Code of Practice*, appears wherever it is incorporated by reference instead of repeating the long title in each instance. The amendment simplifies the ARPANS Regulations and is in line with current drafting convention of the Office of Parliamentary Counsel. The *Disposal Code of Practice* is available in the ARPANSA website (www.arpansa.gov.au).

Item 10 Regulation 3 (note at the end of the definition of *dose*)

The note at the end of the definition of *dose* refers to an outdated document that has been deleted (see item 16 below). The amendment substitutes that with the *Planned Exposure Code*, which is a document published by ARPANSA and is available in the ARPANSA website (www.arpansa.gov.au) (see item 15 below).

Item 11 Regulation 3 (note at the end of the definition of *effective dose*)

The note at the end of the definition of *effective dose* refers to an outdated document that has been deleted (see item 16 below). The amendment substitutes that with the *Planned Exposure Code*, which is a document published by ARPANSA and is available in the ARPANSA website (www.arpansa.gov.au) (see item 15 below).

Item 12 Regulation 3 (note at the end of the definition of *equivalent dose*)

The note at the end of the definition of *equivalent dose* refers to an outdated document that has been deleted (see item 16 below). The amendment substitutes that with the *Planned Exposure Code*, which is a document published by ARPANSA and is available in the ARPANSA website (www.arpansa.gov.au) (see item 15 below).

Item 13 Regulation 3

The amendment inserts a definition of the *Mining and Mineral Processing Code and Guide*, which is an existing code that had previously been incorporated by reference in regulation 62A of the ARPANS Regulations. The Code provides for radiation safety requirements during mining and mineral processing and the safety guide provides recommendations and guidance to implement the requirements of the Code. The amendment ensures that only the short title, *Mining and Mineral Processing Code and Guide*, appears in regulation 62A. The amendment simplifies the ARPANS Regulations and is in line with current drafting conventions of the Office of Parliamentary Counsel. The *Mining and Mineral Processing Code and Guide* are available in the ARPANSA website (www.arpansa.gov.au).

Item 14 Regulation 3 (definition of *National Standard for limiting Occupational Exposure to Ionising Radiation*)

The proposed amendment repeals the definition of the *National Standard for Limiting Occupational Exposure to Ionising Radiation* as this Standard is outdated and has been replaced by the *Planned Exposure Code* (See item 15 below)

Item 15 Regulation 3

The amendment inserts a definition of the *Planned Exposure Code*, which has replaced the outdated *National Standard for limiting Occupational Exposure to Ionising Radiation* and *Recommendations for Limiting Exposure to Ionising Radiation*. The Planned Exposure Code is an ARPANSA publication that is available in the ARPANSA website (www.arpansa.gov.au)

Item 16 Regulation 3 (definition of *Recommendations for Limiting Exposure to Ionising Radiation*)

The amendment repeals the definition of the *Recommendations for Limiting Exposure to Ionising Radiation* as this Standard is outdated and has been replaced by the *Planned Exposure Code* (See item 15 above)

Item 17 Regulation 3

The amendment inserts definitions of the *Security Code of Practice* and *Transport Code*, both of which are existing ARPANSA codes that have previously been incorporated by reference in a few places in the ARPANS Regulations. The *Security Code of Practice* has requirements for the secure possession, use and transport of radioactive sources. The *Transport Code* has requirements for the safe packaging, handling and transport of radioactive sources. The amendment ensures that only the short titles *Security Code of Practice* and *Transport Code* appear wherever they are incorporated by reference instead of repeating the long title in each instance. The amendment simplifies the ARPANS Regulations and is in line with current drafting conventions of the Office of Parliamentary Counsel. The *Security Code of Practice* and the *Transport Code* are available in the ARPANSA website (www.arpansa.gov.au).

Item 18 After Part 1

The CEO and ARPANSA officers appointed by the Minister are 'authorised officers' who may issue import and export permits under Regulation 4R of the Customs (Prohibited Imports) Regulations 1956 and Regulation 9AD of the Customs (Prohibited Exports) Regulations 1958. The authorised officers have been performing these functions for a number of years. The CEO has been charging import permit fees on a cost recovery basis for a number of years and intends to charge export permit fees on a cost recovery basis. Section 54 of the *Australian Radiation Protection and Nuclear Safety Act 1998* (the Act) provides that the CEO "may charge for services provided by the CEO in the performance of the CEO's functions". Section 15 of the Act lists the CEO's functions but this list does not include the issuing of import and export permits. The Australian Government Solicitor advised ARPANSA to take steps to expressly prescribe the function of issuing import and export permits in the ARPANS Regulations in order to have a proper basis for charging the import and export fees. Paragraph 15(1)(i) of the Act provides that the CEO's functions may include "such other functions as are conferred by this Act, the regulations or any other law". The amendment prescribes the functions of issuing import and export permits in the ARPANS Regulations.

Item 19 Subparagraph 4(2)(a)(viii)

Regulation 4 of the ARPANS Regulations prescribes those non-ionising radiation equipment that are controlled apparatus and therefore need to be licenced under the Act. Subparagraph 4(2)(a)(viii) prescribes a laser product with an accessible emission level more than the accessible emission limit of a Class 3R laser product, as set out in Australian/New Zealand Standard AS/NZS IEC 60825.1:2011. The amendment updates the title of the Australian/New Zealand Standard to the most recent version published in 2014. The Standard is available from www.saiglobal.com.

Item 20 Subparagraph 4(2)(a)(ix)

Regulation 4 of the ARPANS Regulations prescribes those non-ionising radiation equipment that are controlled apparatus and therefore need to be licenced under the Act. Subparagraph 4(2)(a)(ix) prescribes an optical fibre communication system exceeding Hazard Level 3R as defined by Australian/New Zealand Standard AS/NZS IEC 60825.2:2011 *Safety of laser products, Part 2: Safety of optical fibre communication systems (OFCS)*. The amendment shortens the title and refers only to AS/NZS IEC 60825.2:2011. This short title is defined in Regulation 3 (see item 7 above). The amendment simplifies the ARPANS Regulations and is in line with the current drafting conventions of the Office of Parliamentary Counsel. The Standard is available from www.saiglobal.com.

Item 21 Regulation 48

Regulation 48 is a general licence condition that requires licence holders to ensure compliance with certain codes published by ARPANSA and the National Health and Medical Research Council. The amendment simplifies the regulation by providing only the short title of the codes. The amendment also clarifies that the codes apply to all activities in relation to nuclear installations, radiation facilities and radioactive sources and not just the operation of installations and facilities or the possession, use, control, or disposal of radioactive sources. For example, the clarification makes it clear that a licence holder must also comply with the requirement in the *Planned Exposure Code* to submit radiation dose records of its employees to a central dose register.

Item 22 Subparagraph 53(1A)(b)(ii)

Regulation 53 requires licence holders to seek CEO ARPANSA's approval before disposing of or transferring radioactive sources under certain circumstances. Subparagraphs 53(1A)(b)(i) and (ii) describe the circumstances under which a licence holder may transfer a radioactive source or radiation apparatus without seeking the CEO's approval, namely, when the transfer is to another ARPANSA licence holder who is authorised to 'receive' the radioactive source or radiation apparatus. The amendment replaces the word 'receive' in subparagraph 53(1A)(b)(ii) with the words 'deal with'. The amendment corrects an error, as ARPANSA's licences authorise holders to 'deal with' radioactive sources and radiation apparatus. 'Deal with' includes to possess, use or to have control of radioactive sources and radiation apparatus.

Item 23 Paragraph 55C(1)(a) and Item 24 Subregulation 55C(3)

Regulation 55C provides for the refund of annual licence charges where a licence holder holds a licence for only part of a year. The formula in subregulation 55C(3) may now be wrongly

applied where a refund is being calculated in a situation where a licence holder only paid a licence charge for part of the year in the first place. The amendments ensure that such an error would not be made.

Item 25 Subregulation 58(5)

The amendment replaces the outdated *Recommendations for Limiting Exposure to Ionizing Radiation* and *National Standard for Limiting Occupational Exposure to Ionizing Radiation* with the *Planned Exposure Code*. (See item 15 above)

Item 26 Subregulation 59(1) and Item 28 Subregulation 62(1)

Subregulation 59 provides that the effective dose limit for occupational exposure is 20 millisievert (mSv) annually, averaged over five consecutive calendar years. (Millisievert is a measure of the absorption of radiation by the human body) Subregulation 62(1) provides that for occupational exposure, the equivalent dose limit to the lens of the eye is 20 mSv annually, averaged over five consecutive calendar years. However, the reference to 'calendar years' is an error as the averaging should commence from the day that the occupational exposure to the worker commenced and not the 1st of January. Dose limits should apply to or are in relation to a 12-month period and not a calendar year. This is in line with the *International Atomic Energy Agency (IAEA) General Safety Requirements Part 3 (July 2014): Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards*. The amendment corrects this error by deleting the word 'calendar' from subregulations 59(1) and 62(1).

Item 27 Regulation 59 (note)

The note to Regulation 59 provides that for dose limits in relation to female employees reference is to be made to the *National Standard for Limiting Occupational Exposure to Ionizing Radiation*. The amendment repeals this note and replaces it with a note that refers to the *Planned Exposure Code*, which has replaced the National Standard. (See item 15 above)

Item 29 Subregulation 62A(2)

Subregulation 62A(1) requires all controlled persons (Commonwealth entities and contractors) to ensure compliance with certain codes published by ARPANSA in relation to their activities in nuclear installations or radiation facilities and any dealing with radioactive sources or radiation apparatus. Subregulation 62A(2) lists the codes. The amendment simplifies the regulation by providing only the short title of the codes. This is in line with drafting conventions of the Office of Parliamentary Counsel. The codes listed in subregulation 62A(2) are available in the ARPANSA website (www.arpansa.gov.au)

Item 30 Part 8

Part 8 contains a transitional provision that is not required anymore. The amendment deletes Part 8.

Item 31 Clause 1 of Schedule 1 (table items 4 and 5)

The table in clause 1 of Schedule 1 sets out exposure limits for non-ionising radiation. To do so it incorporates by reference certain international documents, ARPANSA codes and

Australian/New Zealand Standards on the safety of laser products and the photobiological safety of lamps and lamp systems. The amendment updates the title of Australian/New Zealand Standards on the safety of laser products to the latest version published in 2014 and also simplifies the regulation by providing only the short title of the Standards. This is in line with drafting conventions of the Office of Parliamentary Counsel. The Australian/New Zealand Standards in the table in clause 1 of Schedule 1 are available from www.saiglobal.com.

Item 32 Clause 1 of Schedule 1 (note)

The note to the table in clause 1 of Schedule 1 states that the ARPANSA codes listed in the table could in 2015 be viewed on the ARAPNSA website. The amendment amends the note to state that the codes could be viewed on the AARPANSA website in 2017.

Item 33 Clause 1 of Schedule 2 (table item 4, paragraph (c))

The table in clause 1 of Schedule 2 sets out dealings that are exempt and therefore do not require a source licence. Table item 4 exempts dealings with depleted uranium provided it meets certain conditions. Paragraph (c) is one of those conditions. It requires the depleted uranium to be in a container that complies with the requirements in the *Code for the Safe Transport of Radioactive Material (2014) (Radiation Protection Series C-2)*. The amendment simplifies paragraph (c) by providing only the short title, Transport Code. This is in line with drafting conventions of the Office of Parliamentary Counsel. The Transport Code is available from the ARPANSA website (www.arpansa.gov.au).

Item 34 Clause 1 of Schedule 2 (table item 6)

The table in clause 1 of Schedule 2 sets out dealings that are exempt and therefore do not require a source licence. Table item 6 exempts smoke detectors designed and made in accordance with Australian Standard AS 3786 - 1993 *Smoke Alarms*. The amendment replaces this Standard with the more recent *Australian Standard AS 3786:2014: Smoke Alarms using scattered light, transmitted light or ionization.* The 2014 version of the Australian Standard is available from www.saiglobal.com.

Item 35 Clause 1 of Schedule 2 (note)

The note to clause 1 of Schedule 2 provides that the code mentioned in table item 4 could in 2015 be viewed in the ARPANSA website. The amendment deletes the note as the location of the code is now mentioned in Regulation 3 where the code is defined.

Item 36 Clause 1 of Schedule 3C (table items 23 and 24)

The table in clause 1 of Schedule 3C lists radioactive sources and radiation apparatus and divides them into three groups, namely Group 1, Group 2 and Group 3, in ascending order of risk to people and the environment. This is for purposes of calculating source licence application fees. Table items 23 and 24 incorporate two Australian/New Zealand Standards on laser safety. The amendment updates the title of one of the two Australian/New Zealand Standards on the safety of laser products to the latest version published in 2014 and also simplifies the regulation by providing only the short titles of the each Standard. This is in line with drafting conventions of the Office of Parliamentary Counsel. The Australian/New Zealand Standards in table items 23 and 24 are available from www.saiglobal.com.

Item 37 Clause 1 of Schedule 3C (at the end of the cell at table item 32, column headed "Controlled apparatus or controlled material")

The table in clause 1 of Schedule 3C lists radioactive sources and radiation apparatus and divides them into three groups, namely Group 1, Group 2 and Group 3, in ascending order of risk to people and the environment. This is for purposes of calculating source licence application fees. Table item 32 refers to unsealed sources used for tracer studies. The amendment adds the words 'in the environment' after 'tracer studies'. The amendment distinguishes table item 32 from table items 30 and 31, which apply to unsealed sources used for tracer studies in laboratories.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Australian Radiation Protection and Nuclear Safety Amendment (2017 Measures No. 1) Regulations 2017

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the legislative instrument

The Regulations amend the Australian Radiation Protection and Nuclear Safety Regulations 1999 (the ARPANS Regulations) to increase licence application fees by 2.3 per cent and to make other minor amendments.

Human Rights Implications

The amendments are compatible with the right to an adequate standard of living and the right to the enjoyment of the highest attainable standard of physical and mental health as contained in article 11(1) and article 12(1) of the International Covenant on Economic, Social and Cultural Rights.

The amendments increase the licence application fees paid by Commonwealth entities to the Australian Radiation Protection and Nuclear Safety Agency for licences to deal with radiation apparatus or radioactive sources or to engage in activities in relation to radiation facilities and nuclear installations.

Other amendments are minor or machinery in nature, namely, updating the publication details of technical standards and codes incorporated by reference in the ARPANS Regulations, and clarifying certain provisions in the ARPANS Regulations to facilitate interpretation and application.

Conclusion

This Instrument is compatible with human rights as it promotes the human right to an adequate standard of living and the highest attainable standard of physical and mental health.

The Hon. David Gillespie, Assistant Minister for Health
Parliamentary Secretary to the Minister for Health