



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

---

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 regulations.

Dated 27 June 2017

Peter Cosgrove  
Governor-General

By His Excellency's Command

Dr David Gillespie  
Assistant Minister for Health  
Parliamentary Secretary to the Minister for Health

---



---

# Contents

1	Name.....	1
2	Commencement .....	1
3	Authority.....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
Part 1—Amendments of fees		2
<i>Australian Radiation Protection and Nuclear Safety Regulations 1999</i>		2
Part 2—Other amendments		5
<i>Australian Radiation Protection and Nuclear Safety Regulations 1999</i>		5



---

## 1 Name

This instrument is the *Australian Radiation Protection and Nuclear Safety Amendment (2017 Measures No. 1) Regulations 2017*.

## 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 2017.	1 July 2017

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

---

<b>Amendments relating to facility licence application fees—nuclear installations</b>			
<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 1	28 777	29,438
2	Item 2	179 863	183,999
3	Item 3	143 891	147,200
4	Item 4	71 944	73,598
5	Item 5	71 944	73,598
6	Item 6	143 891	147,200
7	Item 7	575 565	588,802
8	Item 8	143 891	147,200
9	Item 9	616 679	630,862
10	Item 10	143 891	147,200
11	Item 11	14 388	14,718
12	Item 12	64 749	66,238
13	Item 13	14 388	14,718
14	Item 14	64 749	66,238
15	Item 15	28 777	29,438
16	Item 16	342 600	350,479
17	Item 17	411 119	420,574
18	Item 18	14 388	14,718
19	Item 19	215 837	220,801
20	Item 20	28 777	29,438
21	Item 21	71 944	73,598
22	Item 22	143 891	147,200
23	Item 23	14 388	14,718
24	Item 24	129 502	132,480
25	Item 25	28 777	29,438

---

#### **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)**

---

<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 1	12 949	13,246
2	Item 2	12 949	13,246
3	Item 3	12 949	13,246
4	Item 4	12 949	13,246
5	Item 5	12 949	13,246
6	Item 6	12 949	13,246
7	Item 7	25 900	26,495

---

**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)**

---

<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 1	43 166	44,158
2	Item 2	28 777	29,438
3	Item 3	43 166	44,158
4	Item 4	28 777	29,438

---

**4 Amendments of listed provisions—Schedule 3BA**

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

---

**Amendments relating to facility licence application fees—prescribed legacy sites**

---

<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 1	14 010	14,332
2	Item 2	210 163	214,996
3	Item 3	28 021	28,665

---

**5 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**

---

<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
1	Item 1	718	734
2	Item 1	2 876	2,942
3	Item 1	8 631	8,829

---

**Schedule 1** Amendments  
**Part 1** Amendments of fees

---

---

<b>Amendments relating to source licence application fees</b>			
<b>Item</b>	<b>Table item</b>	<b>Omit</b>	<b>Substitute</b>
4	Item 2	1 868	1,910
5	Item 2	5 755	5,887
6	Item 2	17 264	17,661
7	Item 3	3 597	3,679
8	Item 3	10 817	11,065
9	Item 3	31 654	32,382

---

---



## **Part 2—Other amendments**

### ***Australian Radiation Protection and Nuclear Safety Regulations 1999***

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

Repeal the note, substitute:

Note: See the Planned Exposure Code.

#### **7 Regulation 3**

Insert:

***AS/NZS IEC 60825.1:2014*** means the Australian/New Zealand Standard AS/NZS IEC 60825.1:2014 *Safety of laser products, Part 1: Equipment classification and requirements*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as existing on 1 July 2017.

***AS/NZS IEC 60825.2:2011*** means the Australian/New Zealand Standard AS/NZS IEC 60825.2:2011 *Safety of laser products, Part 2: Safety of optical fibre communication systems (OFCS)*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as existing on 1 July 2017.

***AS/NZS IEC 62471:2011*** means the Australian/New Zealand Standard AS/NZS IEC 62471:2011 *Photobiological safety of lamp and lamp systems*, published jointly by, or on behalf of, Standards Australia and Standards New Zealand, as existing on 1 July 2017.

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

Repeal the note, substitute:

Note: See the Planned Exposure Code.

#### **9 Regulation 3**

Insert:

***Disposal Code of Practice*** means the *Code of Practice for the Disposal of Radioactive Wastes by the User (1985)*, as existing on 1 July 2017.

Note: The Disposal Code of Practice could in 2017 be viewed on ARPANSA's website (<http://www.arpansa.gov.au>).

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

Repeal the note, substitute:

Note: See the Planned Exposure Code.

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

Repeal the note, substitute:

Note: See the Planned Exposure Code.

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

Repeal the note, substitute:

Note: See the Planned Exposure Code.

### 13 Regulation 3

Insert:

***Mining and Mineral Processing Code and Safety Guide*** means the *Code of Practice and Safety Guide for Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (2005) (Radiation Protection Series No. 9)*, as existing on 1 July 2017.

Note: The Mining and Mineral Processing Code and Safety Guide could in 2017 be viewed on ARPANSA's website (<http://www.arpansa.gov.au>).

### 14 Regulation 3 (definition of ***National Standard for Limiting Occupational Exposure to Ionizing Radiation***)

Repeal the definition.

### 15 Regulation 3

Insert:

***Planned Exposure Code*** means the *Code for Radiation Protection in Planned Exposure Situations (2016) (Radiation Protection Series C-1)*, as existing on 1 July 2017.

Note: The Planned Exposure Code could in 2017 be viewed on ARPANSA's website (<http://www.arpansa.gov.au>).

### 16 Regulation 3 (definition of ***Recommendations for Limiting Exposure to Ionizing Radiation***)

Repeal the definition.

### 17 Regulation 3

Insert:

***Security Code of Practice*** means the *Code of Practice for the Security of Radioactive Sources (2007) (Radiation Protection Series No. 11)*, as existing on 1 July 2017.

Note: The Security Code of Practice could in 2017 be viewed on ARPANSA's website (<http://www.arpansa.gov.au>).

***Transport Code*** means the *Code for the Safe Transport of Radioactive Material (2014) (Radiation Protection Series C-2)*, as existing on 1 July 2017.

Note: The Transport Code could in 2017 be viewed on ARPANSA's website (<http://www.arpansa.gov.au>).

### 18 After Part 1

Insert:

## **Part 1A—ARPANSA**

### **3B Functions of the CEO**

For the purposes of paragraph 15(1)(i) of the Act, the following are functions of the CEO:

- (a) to grant permissions to export from Australia high activity radioactive sources under regulation 9AD of the *Customs (Prohibited Exports) Regulations 1958*;
- (b) to grant permissions to import into Australia radioactive substances under regulation 4R of the *Customs (Prohibited Imports) Regulations 1956*.

### **19 Subparagraph 4(2)(a)(viii)**

Repeal the subparagraph, substitute:

- (viii) a laser product with an accessible emission that exceeds the accessible emission limits of a Class 3R laser product, as set out in AS/NZS IEC 60825.1:2014; or

### **20 Subparagraph 4(2)(a)(ix)**

Repeal the subparagraph, substitute:

- (ix) an optical fibre communication system exceeding Hazard Level 3R, as defined by AS/NZS IEC 60825.2:2011; and

### **21 Regulation 48**

Repeal the regulation, substitute:

### **48 Compliance with Codes and Codes of Practice**

#### *Facility licences*

- (1) The holder of a facility licence must ensure that the following are complied with in relation to activities relating to the controlled facilities to which the licence relates:
  - (a) the Planned Exposure Code;
  - (b) the Security Code of Practice;
  - (c) the Transport Code.
- (2) If a facility licence authorises persons to deal with a controlled apparatus or a controlled material, the holder of the licence must ensure that the following are complied with in relation to dealings with the controlled apparatus or controlled material to which the licence relates:
  - (a) the Disposal Code of Practice;
  - (b) the Planned Exposure Code;
  - (c) the Security Code of Practice;
  - (d) the Transport Code.

*Source licences*

- (3) The holder of a source licence must ensure that the following are complied with in relation to dealings with the controlled apparatus or controlled material to which the licence relates:
- (a) the Disposal Code of Practice;
  - (b) the Planned Exposure Code;
  - (c) the Security Code of Practice;
  - (d) the Transport Code.

*Application of subregulations (2) and (3)*

- (4) Subregulations (2) and (3) do not apply in relation to dealings with an apparatus covered by paragraph (c) of the definition of **controlled apparatus** in section 13 of the Act.

Note: See subregulations 4(2) and (3).

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

Omit “to receive”, substitute “to deal with”.

**23 Paragraph 55C(1)(a)**

Repeal the paragraph, substitute:

- (a) either:
- (i) the whole of the annual charge for the licence for the year has been paid; or
  - (ii) if regulation 55B applies in relation to the licence—the whole of the annual charge for the licence for the year, as adjusted under that regulation, has been paid; and

**24 Subregulation 55C(3)**

Repeal the subregulation (not including the note), substitute:

- (3) If the CEO decides to refund part of the amount of the annual charge, the amount of the refund is:

$$AC \times \frac{M1 - M2}{12}$$

Where:

*AC* is the amount of the annual charge for the licence for the year.

*M1* is the number of calendar months of the year in relation to which the annual charge was paid.

*M2* is the number of calendar months of the year during which the licence was held.

**25 Subregulation 58(5)**

Omit all the words after “in accordance with the”, substitute “Planned Exposure Code and agreed by the CEO”.

**26 Subregulation 59(1)**

Omit “calendar”.

**27 Regulation 59 (note)**

Repeal the note, substitute:

Note: See also the Planned Exposure Code for the obligation to consider additional controls in relation to female employees who are pregnant.

**28 Subregulation 62(1)**

Omit “calendar”.

**29 Subregulation 62A(2)**

Repeal the subregulation, substitute:

- (2) For subregulation (1), the codes are the following:
- (a) the Mining and Mineral Processing Code of Practice and Safety Guide;
  - (b) the Security Code of Practice;
  - (c) the Transport Code.

**30 Part 8**

Repeal the Part.

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

Repeal the items, substitute:

---

4	The maximum permissible exposure limits mentioned in AS/NZS IEC 60825.1:2014
5	The exposure limits mentioned in AS/NZS IEC 62471:2011

---

**32 Clause 1 of Schedule 1 (note)**

Omit “2015”, substitute “2017”.

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

Repeal the paragraph, substitute:

- (c) is in a container for controlled materials that complies with the requirements in the Transport Code.

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

Repeal the item, substitute:

- 6
- The dealing involves a smoke detector designed and made in accordance with Australian Standard AS 3786:2014: *Smoke Alarms using scattered light, transmitted light or ionization*, as existing on 1 July 2017.
- The dealing is not repair or maintenance of the detector.

**35 Clause 1 of Schedule 2 (note)**

Repeal the note.

---

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

Repeal the items, substitute:

- |    |  |
|----|--|
| 23 | Laser product with an accessible emission that exceeds the accessible emission limits of a Class 3R laser product, as set out in AS/NZS IEC 60825.1:2014 |
| 24 | Optical fibre communication system exceeding Hazard Level 3R, as defined by AS/NZS IEC 60825.2:2011  |
- 

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

Add “in the environment”.