

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

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Note: This table relates only to the provisions of this instrument as originally made.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 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

| Amendments relating to facility licence application fees—nuclear installations |
| --- |
| Item | Table item | Omit | Substitute |
| 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) |
| --- |
| Item | Table item | Omit | Substitute |
| 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) |
| --- |
| Item | Table item | Omit | Substitute |
| 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 |
| --- |
| Item | Table item | Omit | Substitute |
| 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 |
| --- |
| Item | Table item | Omit | Substitute |
| 1 | Item 1 | 718 | 734 |
| 2 | Item 1 | 2 876 | 2,942 |
| 3 | Item 1 | 8 631 | 8,829 |
| 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:

 

 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”.