

Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018

made under the

Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998

**Compilation No. 4**

**Compilation date:** 1 July 2022

**Includes amendments up to:** F2021L01750

**Registered:** 25 July 2022

**About this compilation**

**This compilation**

This is a compilation of the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018* that shows the text of the law as amended and in force on 1 July 2022 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary 1

1 Name 1

3 Authority 1

5 Definitions 1

Part 2—Annual charge for facility licences 2

Division 1—Introduction 2

6 Charge for a financial year for a facility licence 2

Division 2—Facility licences for nuclear installations 3

7 Facility licences for nuclear installations 3

Division 3—Facility licences for prescribed radiation facilities 6

8 Facility licences for prescribed radiation facilities 6

Division 4—Facility licences for prescribed legacy sites 8

9 Facility licences for prescribed legacy sites 8

Division 5—Facility licences of certain holders 9

10 Annual charge for all facility licences held in certain names 9

Part 3—Annual charge for source licences 10

11 Introduction 10

12 Annual charge for source licence 10

13 Annual charge for all source licences held in certain names 10

Endnotes 11

Endnote 1—About the endnotes 11

Endnote 2—Abbreviation key 12

Endnote 3—Legislation history 13

Endnote 4—Amendment history 14

Part 1—Preliminary

1 Name

This instrument is the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018*.

3 Authority

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

5 Definitions

(1) In this instrument:

***Act*** means the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*.

***ARPANS Act*** means the *Australian Radiation Protection and Nuclear Safety Act 1998*.

***ARPANS Regulations*** means the *Australian Radiation Protection and Nuclear Safety Regulations 2018*.

(2) An expression used in this instrument that is defined in the ARPANS Act or the ARPANS Regulations has the same meaning in this instrument as it has in that Act or those regulations.

Part 2—Annual charge for facility licences

Division 1—Introduction

6 Charge for a financial year for a facility licence

For the purposes of subsection 4(2) of the Act, this Part prescribes the amount of the charge for a financial year for a facility licence.

Note 1: Division 5 prescribes the total charge for a financial year for all facility licences held in certain names, and has effect despite Divisions 2, 3 and 4.

Note 2: Division 7 of Part 5 of the ARPANS Regulations provides for the time for payment of the annual charge, pro‑rating and refunds.

Division 2—Facility licences for nuclear installations

7 Facility licences for nuclear installations

The amount of the charge for a financial year for a facility licence authorising an act relating to a controlled facility described in an item of the following table is the amount set out in the item.

| Annual charges for facility licences for nuclear installations | | |
| --- | --- | --- |
|  | Act authorised by licence | Amount ($) |
| 1 | Preparing a site for a nuclear reactor designed:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) to have maximum thermal power less than 1 megawatt | 27,988 |
| 2 | Constructing a nuclear reactor designed:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) to have maximum thermal power less than 1 megawatt | 69,980 |
| 3 | Possessing or controlling a nuclear reactor:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) with maximum thermal power less than 1 megawatt | 27,988 |
| 4 | Operating a nuclear reactor:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) with maximum thermal power less than 1 megawatt | 139,964 |
| 5 | Decommissioning, disposing of or abandoning a nuclear reactor that:  (a) was used for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) had maximum thermal power less than 1 megawatt | 69,980 |
| 6 | Preparing a site for a nuclear reactor designed:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) to have maximum thermal power at least 1 megawatt | 55,984 |
| 7 | Constructing a nuclear reactor designed:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) to have maximum thermal power at least 1 megawatt | 139,964 |
| 8 | Possessing or controlling a nuclear reactor:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) with maximum thermal power at least 1 megawatt | 139,964 |
| 9 | Operating a nuclear reactor:  (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) with maximum thermal power at least 1 megawatt | 1,077,728 |
| 10 | Decommissioning, disposing of or abandoning a nuclear reactor that:  (a) was used for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and  (b) had maximum thermal power at least 1 megawatt | 279,929 |
| 11 | Preparing a site for a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9 | 13,994 |
| 12 | Constructing a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9 | 27,988 |
| 13 | Possessing or controlling a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9 | 13,994 |
| 14 | Operating a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9 | 69,980 |
| 15 | Decommissioning, disposing of or abandoning a plant that was used for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 10 | 27,988 |
| 16 | Preparing a site for:  (a) a radioactive waste storage facility designed to contain controlled materials with an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or  (b) a radioactive waste disposal facility designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations | 13,994 |
| 17 | Constructing:  (a) a radioactive waste storage facility designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or  (b) a radioactive waste disposal facility designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations | 27,988 |
| 18 | Possessing or controlling:  (a) a radioactive waste storage facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or  (b) a radioactive waste disposal facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations | 13,994 |
| 19 | Operating:  (a) a radioactive waste storage facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or  (b) a radioactive waste disposal facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations | 69,980 |
| 20 | Decommissioning, disposing of or abandoning:  (a) a radioactive waste storage facility that contained controlled materials and had an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or  (b) a radioactive waste disposal facility that contained controlled materials and had an activity that was greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations | 27,988 |
| 21 | Preparing a site for a facility to produce radioisotopes that is designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations | 27,988 |
| 22 | Constructing a facility to produce radioisotopes that is designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations | 69,980 |
| 23 | Possessing or controlling a facility producing radioisotopes and containing controlled materials that has an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations | 27,988 |
| 24 | Operating a facility producing radioisotopes and containing controlled materials that has an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations | 111,969 |
| 25 | Decommissioning, disposing of or abandoning a facility that formerly produced radioisotopes and contained controlled materials and had an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations | 69,980 |

Division 3—Facility licences for prescribed radiation facilities

8 Facility licences for prescribed radiation facilities

(1) The charge for a financial year for a facility licence authorising:

(a) an act mentioned in paragraph 30(1)(a), (b), (c), (d) or (e) of the ARPANS Act relating to a prescribed radiation facility described in an item of the table in subsection (2); or

(b) an act described in an item of the table in subsection (3);

is the amount set out in that item. However, the charge is the amount set out in the item of the table in subsection (3) if the act to be authorised by the licence is described in both paragraphs (a) and (b) of this subsection.

Charge for prescribed radiation facilities (except ones formerly used for weapons tests or radioactive ores)

(2) For the purposes of paragraph (1)(a), the table is as follows:

| Annual charges for prescribed radiation facilities not formerly used for weapons tests or radioactive ores | | |
| --- | --- | --- |
|  | Kind of prescribed radiation facility | Amount ($) |
| 1 | Particle accelerator that:  (a) has, or is capable of having, a beam energy greater than 1 MeV; or  (b) can produce neutrons | 12,955 |
| 2 | Irradiator containing more than 1015 Bq of a controlled material | 12,955 |
| 3 | Irradiator:  (a) containing more than 1013 Bq of a controlled material; and  (b) either:  (i) not including shielding as an integral part of its construction; or  (ii) including as an integral part of its construction shielding that does not prevent a person from being exposed to the source or does not shield a source during the operation of the irradiator | 12,955 |
| 4 | Facility for the production, processing, use, storage, management or disposal of:  (a) unsealed sources for which the result of the activity value division steps is greater than 106; or  (b) sealed sources for which the result of the activity value division steps is greater than 109 | 38,865 |

Note: For the ***activity value division steps***, see section 4 of the ARPANS Regulations (and subsection 5(2) of this instrument).

Charge for prescribed radiation facilities formerly used for weapons tests or radioactive ores

(3) For the purposes of paragraph (1)(b), the table is as follows:

| Annual charges for prescribed radiation facilities formerly used for weapons tests or radioactive ores | | |
| --- | --- | --- |
|  | Act authorised by licence | Amount ($) |
| 1 | Decommissioning a prescribed radiation facility formerly used as a nuclear or atomic weapon test site | 49,771 |
| 2 | Disposing of or abandoning a prescribed radiation facility formerly used as a nuclear or atomic weapon test site | 33,179 |
| 3 | Decommissioning a prescribed radiation facility formerly used for mining, processing, using, storing, managing or disposing of radioactive ores | 49,771 |
| 4 | Disposing of or abandoning a prescribed radiation facility formerly used for mining, processing, using, storing, managing or disposing of radioactive ores | 33,179 |

Fee for application for one licence to authorise 2 or more acts

(4) Despite subsection (1), the charge for a financial year for a facility licence authorising 2 or more acts described in paragraph (1)(a) or (b) is the sum of the amounts of the charge under that subsection for separate licences for each of those acts.

Division 4—Facility licences for prescribed legacy sites

9 Facility licences for prescribed legacy sites

The amount of the charge for a financial year for a facility licence authorising an act relating to a controlled facility described in an item of the following table is the amount set out in the item.

| Annual charges for facility licences for prescribed legacy sites | | |
| --- | --- | --- |
|  | Act authorised by licence | Amount ($) |
| 1 | Possessing or controlling a prescribed legacy site | 15,464 |
| 2 | Remediating a prescribed legacy site | 233,629 |
| 3 | Abandoning a prescribed legacy site | 31,147 |

Division 5—Facility licences of certain holders

10 Annual charge for all facility licences held in certain names

(1) The amount of the charge for a financial year for all facility licences held in a name described in an item of the following table is the amount set out in that item.

| Total annual charge for facility licences held in certain names | | |
| --- | --- | --- |
|  | Name | Amount ($) |
| 1 | Australian National University | 22,857 |
| 2 | Australian Nuclear Science and Technology Organisation | 3,680,859 |
| 3 | Department of Defence | 160,190 |

(2) This Division has effect despite Divisions 2, 3 and 4.

Part 3—Annual charge for source licences

11 Introduction

For the purposes of subsection 5(2) of the Act, this Part prescribes the amount of the charge for a financial year for a source licence authorising the holder of the licence to deal with one or more controlled apparatus or controlled materials.

Note 1: Section 13 prescribes the total charge for a financial year for all source licences held in certain names, and has effect despite section 12.

Note 2: Division 7 of Part 5 of the ARPANS Regulations makes provision in relation to the time for payment of the annual charge, pro‑rating and refunds.

12 Annual charge for source licence

The charge for a financial year for a source licence is the amount worked out by multiplying $595 by the total number of controlled apparatus and controlled materials that the licence authorises the holder of the licence to deal with.

13 Annual charge for all source licences held in certain names

(1) The amount of the charge for a financial year for all source licences held in a name described in an item of the following table is the amount set out in that item.

| Total annual charge for source licences held in certain names | | | |
| --- | --- | --- | --- |
|  | | Name | Amount ($) |
| 1 | Australian Federal Police | 73,526 |
| 2 | Australian National University | 125,828 |
| 3 | Australian Nuclear Science and Technology Organisation | 223,428 |
| 4 | Australian War Memorial | 16,223 |
| 5 | Commonwealth Scientific and Industrial Research Organisation | 415,283 |
| 6 | Department of Defence | 408,122 |
| 7 | National Measurement Institute | 23,187 |

(2) This section has effect despite section 12.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018 | 7 Dec 2018 (F2018L01697) | 8 Dec 2018 (s 2(1) item 1) |  |
| Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Regulations 2019 | 3 Apr 2019 (F2019L00519) | 1 July 2019 (s 2(1) item 1) | — |
| Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Regulations 2020 | 15 June 2020 (F2020L00715) | 1 July 2020 (s 2(1) item 1) | — |
| Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment Regulations 2021 | 3 June 2021 (F2021L00690) | 1 July 2021 (s 2(1) item 1) | — |
| Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment (No. 2) Regulations 2021 | 9 Dec 2021 (F2021L01750) | 1 July 2022 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Part 1** |  |
| s 2 | rep LA s 48D |
| s 4 | rep LA s 48C |
| **Part 2** |  |
| **Division 2** |  |
| s 7 | am F2019L00519; F2020L00715; F2021L00690 |
| **Division 3** |  |
| s 8 | am F2019L00519; F2020L00715; F2021L00690; F2021L01750 |
| **Division 4** |  |
| s 9 | am F2019L00519; F2020L00715; F2021L00690 |
| **Division 5** |  |
| s 10 | am F2019L00519; F2020L00715; F2021L00690; F2021L01750 |
| **Part 3** |  |
| s 11 | rs F2019L00519 |
| s 12 | rs F2019L00519 |
|  | am F2020L00715; F2021L00690; F2021L01750 |
| s 13 | am F2019L00519; F2020L00715; F2021L00690; F2021L01750 |
| Schedule 1 | rep LA s 48C |