

EXPLANATORY STATEMENT

Australian Radiation Protection and Nuclear Safety Act 1998

Environment Protection and Biodiversity Conservation Act 1999

Australian Radiation Protection and Nuclear Safety (Repeal and Consequential Amendments) Regulations 2018

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

The object of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) is, amongst other things, to provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance and to assist in the co-operative implementation of Australia's international environmental responsibilities.

Subsection 85(1) of 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.

Section 520 of the EPBC 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 purpose of the *Australian Radiation Protection and Nuclear Safety (Repeal and Consequential Amendments) Regulations 2018* (the proposed Regulations) is to repeal the *Australian Radiation Protection and Nuclear Safety Regulations 1999* (ARPANS Regulations) and to make consequential amendments to the *Environment Protection and Biodiversity Conservation Regulations 2000* replacing references in those regulations to the ARPANS Regulations with references to the remade *Australian Radiation Protection and Nuclear Safety Regulations 2018*.

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

The regulations commenced on the day after being registered on the Federal Register of Legislation.

Details of the regulations are set out in the [Attachment A](#). A Statement of Compatibility with Human Rights is at [Attachment B](#).

The regulations were brought forward concurrently with the *Australian Radiation Protection and Nuclear Safety Regulations 2018* and the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018*.

Neither the Act nor the EPBC Act specifies any condition that needs to be met before the power to make the regulations may be exercised.

Consultation:

The Department of the Environment and Energy was consulted and was comfortable with the proposed amendments.

Authority: Section 6 of the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*

ATTACHMENT A**Details of the proposed *Australian Radiation Protection and Nuclear Safety (Repeal and Consequential Amendments) Regulations 2018*****Section 1 – Name**

This section provides that the name of the regulations is the *Australian Radiation Protection and Nuclear Safety (Repeal and Consequential Amendments) Regulations 2018*.

Section 2 – Commencement

This section provides for the regulations to commence on the day after being registered on the Federal Register of Legislation.

Section 3 – Authority

This section provides that the regulations are made under the *Australian Radiation Protection and Nuclear Safety Act 1998* and the *Environment Protection and Biodiversity Conservation Act 1999*.

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 – Repeals and Amendments**Part 1 - Repeals**

This schedule repeals the whole of the *Australian Radiation Protection and Nuclear Safety Regulations 1999*.

Part 1 – Amendments

This schedule amends the *Environment Protection and Biodiversity Conservation Regulations 2000* to replace references in paragraphs 2.02(1)(a) and 2.02(1)(b) and subregulation 2.02(3) Details of the proposed *Australian Radiation Protection and Nuclear Safety (Repeal and Consequential Amendments) Regulations 2018*

The definition of ARPNS Regulations in the Dictionary to the *Environment Protection and Biodiversity Conservation Regulations 2000* is repealed as the new references to the *Australian Radiation Protection and Nuclear Safety Regulations 2018* are spelt out in full in each provision.

ATTACHMENT B**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 (Repeal and Consequential Amendments) Regulations 2018

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 repeal the *Australian Radiation Protection and Nuclear Safety Regulations 1999* and make consequential amendments to the *Environment Protection and Biodiversity Conservation Regulations 2000*.

Human Rights Implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Instrument is compatible with human rights as it as it does not raise any human rights issues.

Senator the Hon. Bridget McKenzie, Minister for Rural Health