



# **Australian Radiation Protection and Nuclear Safety Amendment Regulations 2019**

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 31 October 2019

David Hurley  
Governor-General

By His Excellency's Command

Richard Colbeck  
Minister for Aged Care and Senior Australians

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## 1 Name

This instrument is the *Australian Radiation Protection and Nuclear Safety Amendment Regulations 2019*.

## 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	The day after this instrument is registered.	7 November 2019

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### Part 1—Application fees for licences

#### Division 1—Amounts of fees for facility licences

#### *Australian Radiation Protection and Nuclear Safety Regulations 2018*

##### 1 Amendments of listed provisions—section 49

The items of the table in section 49 listed in the following table are amended as set out in the table.

Amendments of application fees for facility licences relating to nuclear installations			
Item	Table item	Omit	Substitute
1	Item 1	30,144	30,747
2	Item 2	188,414	192,182
3	Item 3	150,732	153,747
4	Item 4	75,364	76,871
5	Item 5	75,364	76,871
6	Item 6	150,732	153,747
7	Item 7	602,933	614,992
8	Item 8	150,732	153,747
9	Item 9	646,002	658,922
10	Item 10	150,732	153,747
11	Item 11	15,071	15,372
12	Item 12	67,827	69,184
13	Item 13	15,071	15,372
14	Item 14	67,827	69,184
15	Item 15	30,144	30,747
16	Item 16	358,890	366,068
17	Item 17	430,667	439,280
18	Item 18	15,071	15,372
19	Item 19	226,100	230,622
20	Item 20	30,144	30,747
21	Item 21	75,364	76,871
22	Item 22	150,732	153,747
23	Item 23	15,071	15,372
24	Item 24	135,659	138,372
25	Item 25	30,144	30,747

##### 2 Amendments of listed provisions—subsection 50(2)

The items of the table in subsection 50(2) listed in the following table are amended as set out in the table.

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**Amendments of fees for prescribed radiation facilities not formerly used for weapons tests or radioactive ores**

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Item	Table item	Omit	Substitute
1	Item 1	13,563	13,834
2	Item 2	13,563	13,834
3	Item 3	13,563	13,834
4	Item 4	27,130	27,673

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**3 Amendments of listed provisions—subsection 50(3)**

The items of the table in subsection 50(3) listed in the following table are amended as set out in the table.

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**Amendments of fees for prescribed radiation facilities formerly used for weapons tests or radioactive ores**

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Item	Table item	Omit	Substitute
1	Item 1	45,217	46,121
2	Item 2	30,144	30,747
3	Item 3	45,217	46,121
4	Item 4	30,144	30,747

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**4 Amendments of listed provisions—section 51**

The items of the table in section 51 listed in the following table are amended as set out in the table.

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**Amendments of application fees for facility licences relating to prescribed legacy sites**

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Item	Table item	Omit	Substitute
1	Item 1	14,675	14,969
2	Item 2	220,155	224,558
3	Item 3	29,352	29,939

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**Division 2—Application fees for source licences**

*Australian Radiation Protection and Nuclear Safety Regulations 2018*

**5 Section 52**

Repeal the section, substitute:

**52 Application fees for source licences**

For the purposes of paragraph 34(b) of the Act, the fee to accompany an application for a source licence for controlled apparatus or controlled materials is the total of each amount worked out using the following table for the number of those apparatus or materials that are in a Group specified in an item of the table.

**Schedule 1** Amendments

**Part 1** Application fees for licences

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<b>Fees for source licences</b>				
<b>Item</b>	<b>Column 1 Group of controlled apparatus or controlled material</b>	<b>Column 2 Amount for less than 4 apparatus or materials in the Group (\$)</b>	<b>Column 3 Amount for 4 to 10 apparatus or materials in the Group (\$)</b>	<b>Column 4 Amount for 11 or more apparatus or materials in the Group (\$)</b>
1	Group 1	766	1,994	3,842
2	Group 2	3,072	6,149	11,557
3	Group 3	9,221	18,446	33,822

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Note: For *Group 1*, *Group 2* and *Group 3*, see section 4.

Example 1: For an application for a source licence for a single controlled apparatus or controlled material in Group 1, the amount of the fee is the amount in column 2 of item 1 of the table.

Example 2: For an application for a source licence for 12 controlled apparatus or controlled materials, 3 of which are in Group 1, and the other 9 of which are in Group 2, the amount of the fee is the total of:

- (a) the amount in column 2 of item 1 of the table; and
- (b) the amount in column 3 of item 2 of the table.



## Part 2—Other matters

### *Australian Radiation Protection and Nuclear Safety Regulations 2018*

#### 6 Section 4

Insert:

***Disposal of Radioactive Waste Code*** means the *Code for the Disposal of Radioactive Waste by the User (Radiation Protection Series C-6)*, published by the CEO, as at the commencement of this definition.

Note: The Disposal of Radioactive Waste Code could in 2019 be viewed on ARPANSA's website (<https://www.arpansa.gov.au>).

#### 7 Section 4 (definition of **Group 1**, table item 26)

Repeal the item, substitute:

- 26 Controlled apparatus that produces ionizing radiation or non-ionizing radiation and is not mentioned in another item of this table or in the definition of **Group 2** or **Group 3**, dealings with which do not have the potential for accidental exposure likely to exceed the dose limits mentioned in sections 77 and 79 (for ionizing radiation) or the appropriate non-ionizing radiation exposure limits

#### 8 Section 4 (definition of **Security Code of Practice**)

Repeal the definition, substitute:

***Security Code of Practice*** means the document *Security of Radioactive Sources (Radiation Protection Series No. 11)*, published by the CEO, as at the commencement of this definition.

Note: The Security Code of Practice could in 2019 be viewed on ARPANSA's website (<https://www.arpansa.gov.au>).

#### 9 Section 4 (definition of **Transport Code**)

Repeal the definition, substitute:

***Transport Code*** means the *Code for the Safe Transport of Radioactive Material (Radiation Protection Series C-2)*, published by the CEO, as at the commencement of this definition.

Note: The Transport Code could in 2019 be viewed on ARPANSA's website (<https://www.arpansa.gov.au>).

#### 10 Subsection 44(1) (table item 2)

Repeal the item, substitute:

- 2 The dealing is mixing 2 or more controlled materials, and either of the following totals is one or less:
- (a) the total (for all of the materials) of the results of dividing the activity for each material by the activity value for the material set out in Part 1 of Schedule 1;
  - (b) the total (for all of the materials) of the results of dividing the activity concentration for each material by the activity concentration value set out in Part 1 of Schedule 1 for the material

**11 At the end of paragraph 46(1)(d)**

Add:

; (viii) the decommissioning plan for the facility.

**12 At the end of subsection 46(1)**

Add:

; (e) for each activity to be authorised by the licence—a safety analysis report that is as complete as possible.

**13 Subsection 46(2) (table item 2, column 2, paragraph (d))**

Repeal the paragraph.

**14 Subsection 46(2) (table item 4, column 2, paragraph (b))**

Repeal the paragraph.

**15 Subsection 46(2) (at the end of the cell at table item 4, column 2)**

Add:

; (f) results of a field exercise to respond to a scenario that involves an emergency and has been agreed with the CEO

**16 Subsection 46(2) (cell at table item 5, column 2)**

Repeal the cell, substitute:

Schedule for decommissioning the facility

**17 Before paragraph 59(1)(a)**

Insert:

- (aa) the *Code for Disposal Facilities for Solid Radioactive Waste (Radiation Protection Series C-3)*, published by the CEO, as at the commencement of this paragraph;
- (ab) the Disposal of Radioactive Waste Code;

**18 At the end of subsection 59(1)**

Add:

Note: The *Code for Disposal Facilities for Solid Radioactive Waste* could in 2019 be viewed on ARPANSA's website (<https://www.arpansa.gov.au>).

**19 Before paragraphs 59(2)(a) and (3)(a)**

Insert:

- (aa) the Disposal of Radioactive Waste Code;

**20 At the end of subsection 60(1)**

Add:

; and (c) having in place safety analysis reports described in paragraph 46(1)(e).

**21 Section 61 (at the end of the heading)**

Add “, and safety analysis reports”.

**22 Subsection 61(1)**

After “arrangements”, insert “, and safety analysis reports”.

**23 At the end of subsection 61(2)**

Add “and safety analysis reports”.

**24 Section 74**

Repeal the section, substitute:

**74 Limits on the operation of this Part**

This Part operates in relation to a controlled person who is the holder of a licence, or a person covered by a licence, only so far as the person can comply with the conditions of the licence without discriminating unlawfully under the *Sex Discrimination Act 1984* and the *Age Discrimination Act 2004*.

**25 Subsection 77(1) (at the end of the heading)**

Add “of persons who are at least 18”.

**26 Subsection 77(1)**

After “exposure”, insert “of a person who is at least 18”.

**27 Subsection 77(2)**

After “person”, insert “who is at least 18”.

**28 After subsection 77(2)**

Insert:

*Limit for occupational exposure of persons who are 16 or 17*

(2A) The limit on effective dose for occupational exposure of a person who is 16 or 17 is 6 mSv annually.

**29 In the appropriate position in Part 8**

Insert:

**Division 2—Australian Radiation Protection and Nuclear Safety  
Amendment Regulations 2019**

**88 Material to be included in applications**

The amendments of section 46 by the *Australian Radiation Protection and Nuclear Safety Amendment Regulations 2019* apply in relation to applications for facility licences made on or after the commencement of that instrument.

**89 Licence conditions**

The amendments of section 59 by the *Australian Radiation Protection and Nuclear Safety Amendment Regulations 2019* apply in relation to licences issued before, on or after the commencement of that instrument.