



Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021

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 02 March 2021

David Hurley
Governor-General

By His Excellency's Command

Richard Colbeck
Minister for Senior Australians and Aged Care Services

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1 Name

This instrument is the *Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021*.

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.	6 March 2021

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Australian Radiation Protection and Nuclear Safety Regulations 2018

1 Section 4 (definition of AS/NZS IEC 60825.1:2014)

Omit “as at the commencement of this instrument”, substitute “as existing on 8 December 2018”.

2 Section 4 (definition of AS/NZS IEC 60825.2:2011)

Omit “as at the commencement of this instrument”, substitute “as existing on 8 December 2018”.

3 Section 4 (definition of *Disposal of Radioactive Waste Code*)

Omit “as at the commencement of this definition”, substitute “as existing on 7 November 2019”.

4 Section 4 (note to the definition of *Disposal of Radioactive Waste Code*)

Omit “2019”, substitute “2021”.

5 Section 4 (paragraphs (a), (b), (d), (e) and (f) of the definition of *non-ionizing radiation exposure limits*)

Omit “as at the commencement of this instrument”, substitute “as existing on 8 December 2018”.

6 Section 4 (notes 1 and 2 to the definition of *non-ionizing radiation exposure limits*)

Omit “2018”, substitute “2021”.

7 Section 4 (definition of *Planned Exposure Code*)

Repeal the definition, substitute:

Planned Exposure Code means the *Code for Radiation Protection in Planned Exposure Situations (2020)*, published by the CEO, as existing at the commencement of the *Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021*.

Note: The Planned Exposure Code could in 2021 be viewed on ARPANSA’s website (<https://www.arpansa.gov.au>).

8 Section 4 (definitions of *Security Code of Practice and Transport Code*)

Repeal the definitions, substitute:

Security Code of Practice means the document *Security of Radioactive Sources (2019)*, published by the CEO, as existing at the commencement of the *Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021*.

Note: The Security Code of Practice could in 2021 be viewed on ARPANSA’s website (<https://www.arpansa.gov.au>).

Transport Code means the *Code for the Safe Transport of Radioactive Material (2019)*, published by the CEO, as existing at the commencement of the *Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021*.

Note: The Transport Code could in 2021 be viewed on ARPANSA's website (<https://www.arpansa.gov.au>).

9 Paragraph 9(1)(a)

Repeal the paragraph.

10 Paragraph 9(1)(b)

Omit "it produces", substitute "the apparatus produces".

11 Subsection 44(1) (table item 6, paragraph (a))

Omit "as at the commencement of this instrument", substitute "as existing on 8 December 2018".

12 Subsection 44(1) (table item 7, paragraph (n))

Repeal the paragraph, substitute:

- (n) a laser product with an accessible emission that does not exceed the accessible emission limits of a Class 3R laser product, as set out in AS/NZS IEC 60825.1:2014;
- (o) an optical fibre communication system that does not exceed the hazard level 3R, as set out in AS/NZS IEC 60825.2:2011;
- (p) a klystron

13 Division 4 of Part 5

Repeal the Division, substitute:

Division 4—Licence fees

49 Application fees

For the purposes of paragraph 34(b) of the Act, the fee to accompany an application for a licence described in an item of the following table is the fee set out in the item.

Application fees		
Item	Application	Fee (\$)
1	Application for a facility licence, except an application covered by item 2	9,900
2	Application for a facility licence, if the application relates to a controlled facility that is a particle accelerator described in paragraph 13(1)(a) of this instrument	11,000
3	Application for a source licence, if the application relates only to controlled apparatus or controlled material in Group 1	780
4	Application for a source licence, if the application relates only to controlled apparatus or controlled material in: <ul style="list-style-type: none"> (a) Group 2; or 	2,300

Application fees		
Item	Application	Fee (\$)
	(b) both Groups 1 and 2	
5	Application for a source licence, if the application relates to controlled apparatus or controlled material in: (a) Group 3; or (b) Group 3, and either or both Groups 1 and 2	8,600

50 Fees for CEO services—assessing applications for certain facility licences

- (1) For the purposes of section 54 and paragraph 85(2)(f) of the Act, this section sets out the fee payable for the service provided by the CEO of assessing an application for a facility licence covered by item 1 of the table in section 49.
- (2) The fee is the sum of:
 - (a) \$165 for each hour, or part of an hour, spent in assessing the application, less \$9,900; and
 - (b) if, for the purposes of assessing the application, the CEO incurs expenses for services provided by external consultants and suppliers—an amount equal to those expenses.
- (3) The fee is payable to the Commonwealth in accordance with one or more notices, in writing, given to the applicant for the licence.

14 Before subsection 58(1)

Insert:

Preventing accidents

15 Subsection 58(2)

Repeal the subsection, substitute:

Actions if an accident occurs

- (2) If an accident involving controlled materials, controlled apparatus or controlled facilities described in a licence happens, the holder of the licence must take the actions set out in subsections (3), (4) and (5).
- (3) The holder must take all reasonably practicable steps:
 - (a) to control the accident; and
 - (b) to minimise the consequences of the accident, including injury to any person and damage or harm to the environment.
- (4) The holder must:
 - (a) within 24 hours of the accident happening, tell the CEO about the accident; and
 - (b) within 14 days of the accident happening, give the CEO a written report about the accident, including the causes of the accident; and
 - (c) take the actions mentioned in subsection (5) within:
 - (i) 6 months of the accident happening; or
 - (ii) if the CEO extends the period—the extended period; and

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- (d) give the CEO a written summary of the outcome of the actions mentioned in subsection (5) within:
- (i) 7 months of the accident happening; or
 - (ii) if the CEO extends the period—the extended period.
- (5) The holder must, for the purposes of preventing a reoccurrence of the accident, review and update the following plans and arrangements that are relevant to the accident (including any internal safety approval system that authorised an activity that led to the accident):
- (a) if the accident involves a controlled facility—the plans and arrangements described in paragraph 46(1)(d);
 - (b) if the accident involves a controlled material or a controlled apparatus—the plans and arrangements described in paragraph 47(1)(d).
- (6) The CEO may, in writing, extend or further extend the periods mentioned in subparagraphs (4)(c)(i) and (4)(d)(i).

16 Paragraph 59(1)(aa)

Omit “as at the commencement of this paragraph”, substitute “as existing on 7 November 2019”.

17 Subsection 59(1) (note)

Omit “2019”, substitute “2021”.

18 At the end of section 61

Add:

- (4) In working out when plans and arrangements have been reviewed and updated for the purposes of subsection (1), disregard any reviews and updates done for the purposes of subsection 58(5).

Note: Subsection 58(5) requires the holder of a licence to review and update plans and arrangements (including internal safety approval systems) relevant to an accident for the purposes of preventing a reoccurrence of the accident.

19 Paragraph 81(a)

Omit “as at the commencement of this instrument”, substitute “as existing on 8 December 2018”.

20 Section 81 (note)

Omit “2018”, substitute “2021”.

21 At the end of Part 8

Add:

**Division 3—Australian Radiation Protection and Nuclear Safety
Amendment (2021 Measures No. 1) Regulations 2021****90 Licence fees**

The amendments of Division 4 of Part 5 by the *Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021* apply

in relation to applications for licences made on or after the day those Regulations commence.

91 Licence conditions

Section 58, as amended by the *Australian Radiation Protection and Nuclear Safety Amendment (2021 Measures No. 1) Regulations 2021*, applies in relation to:

- (a) licences issued before, on or after the day those Regulations commence;
and
- (b) accidents that happen on or after the day those Regulations commence.