

EXPLANATORY STATEMENT

Subject - *Australian Radiation Protection and Nuclear Safety Act 1998*
Australian Radiation Protection and Nuclear Safety Amendment
(2022 Measures No. 1) Regulations 2022.

The purpose of the *Australian Radiation Protection and Nuclear Safety Amendment (2022 Measures No. 1) Regulations 2022* (the Regulations) is to give effect to an annual increase in fees for licence applications to recover the actual costs of processing licence applications and make other minor machinery amendments.

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

Subsection 85(1) of the ARPANS 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 ARPANS Act establishes a Statutory Office of Chief Executive Officer (CEO) of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) to provide regulatory services for Commonwealth entities that deal with radiation equipment and material or undertake certain activities in relation to radiation facilities and nuclear installations. The CEO of ARPANSA issues licences to Commonwealth entities to ensure that such operations can be undertaken safely, minimising the risk of harm to people or to the environment from the operations.

The *Australian Radiation Protection and Nuclear Safety Regulations 2018* (the ARPANS Regulations) prescribe the fees for licence applications to give effect to the ARPANS Act.

To recover the full costs of processing licence applications during the financial year 2022-23 the Regulations increase fees for licences under the ARPANS Act by 2 per cent.

The increase in fees does not affect the amount charged for other regulatory services provided to existing licence holders under the charges prescribed by the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Amendment (No. 2) Regulations 2021* (the Licence Charges Amendment Regulations). Those Regulations came into effect on 1 July 2022 allocating charges to existing licence holders and providing for a decrease in certain annual licence charges and an increase to other annual licence charges so that the total annual licence charges received recover the actual regulatory costs incurred on a basis that is fair to all licence holders.

The Regulations came into effect on the day after Registration on the Federal Register of Legislation with the effect that they increase application fees by 2 per cent. It is noted that the Explanatory Statement to the Licence Charges Amendment Regulations provides that those regulations and the Regulations would commence concurrently on 1 July 2022, however this is no longer the case as the instrument was only finalised following the formation of the Federal Government and following

consultation with Licence Holders about the amendments at the 25 May 2022 Licence Holder Forum. Consequently, the Regulations came into effect the day after registration on the Federal Register of Legislation.

The purpose of the Regulations is to amend the ARPANS Regulations to:

- increase licence application fees by 2 per cent so that such fees reflect the actual cost of receiving and assessing applications; and
- make other minor amendments that are machinery in nature to streamline administration of the Act and to make the ARPANS Regulations easier to understand for licence holders.

The Regulations ensure the CEO of ARPANSA is able to recover the actual cost of regulating holders of licences issued under the ARPANS Act, as part of ARPANSA's commitment to full cost recovery of ARPANSA's regulatory services.

All licence holders have been consulted about the amendments. All licence holders are Commonwealth entities, with the exception of the publicly listed Silex Systems Limited. On 25 May 2022 ARPANSA held a Licence Holder Forum providing information to licence holders about the amendments. Licence Holders were supportive of the amendments which included making the ARPANS Regulations easier for licence holders to understand.

Details of the amendments are set out in the Attachment.

The Act specifies no conditions that need to be satisfied before the power to make the Regulations may be exercised.

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

The Regulations commence on the day after registration.

Authority: Subsection 85(1) of the
*Australian Radiation
Protection and Nuclear
Safety Act 1998*

Details of the *Australian Radiation Protection and Nuclear Safety Amendment (2022 Measures No. 1) Regulations 2022*

Section 1 – Name of regulation

This section provides the name of the regulations as the *Australian Radiation Protection and Nuclear Safety Amendment (2022 Measures No. 1) Regulations 2022*.

Section 2 – Commencement

This section provides for the regulations to commence on the day after this instrument is registered.

Section 3 – Authority

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

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—Amendments

Australian Radiation Protection and Nuclear Safety Regulations 2018

Item [1] - Section 4 - Definition of AS/NZS IEC 62471:2011

This item inserts a definition of the Australian/New Zealand Standard AS/NZS IEC 62471:2011 *Photobiological safety of lamps and lamp systems*, to allow the standard to be easily and consistently referred to as “AS/NZS IEC 62471:2011” throughout the Regulations. It is industry practice in radiation protection in Australia to refer to the standard number. For example, “AS/NZS IEC 62471:2011”.

Item [2] - Section 4 - Definition of Group 1

This item inserts table item 27 in the definition of Group 1 in section 4. Item 27 covers apparatus that produces radiation of the non-ionizing kind and that is apparatus not covered elsewhere in the table. Item 27 only covers apparatus producing non-ionizing radiation.

This item also reduces the scope of the existing item 26 to cover only apparatus that produces ionising radiation and item 26 no longer covers apparatus that produces radiation of the non-ionising kind. Item 26 and item 27 make the definition of *Group 1* easier to administer, as the item 26 and item 27 may be understood by licence holders as item 26 covering only apparatus that produces ionising radiation and item 27 covering only apparatus that produces non-ionising radiation.

Item [3] - Section 4 - Definition of GSR Part 3 and definition of incident

This item inserts a definition of the International Atomic Energy Agency’s International Basic Safety Standard *Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards—IAEA Safety Standards Series No. GSR Part 3* to allow the standard to be easily and consistently referred to as “GSR Part 3” throughout the Regulations. A note is inserted that GSR Part 3 in 2022 could be viewed on the International Atomic Energy Agency’s website.

This item also inserts a definition of “*incident*” consistent with the meaning used in radiation protection in Australia. A definition of “*incident*” is required because the word incident covers events that are accidents and events that are malicious acts. For example, the intentional theft of a radioactive source should not be referred to as an accident. Theft of a source or other malicious act is usually referred to as an incident. For the sake of consistency, the word “*incident*” is taken to cover events that are accidents and events that are malicious acts. This item allows the term incident to be easily and consistently referred to throughout the Regulations.

Item [4] - Section 4 - Definition of non-ionizing radiation exposure limits

This item updates the definition of “*non-ionizing radiation exposure limits*” to refer to AS/NZS IEC 62471:2011, as provided for by the definition of AS/NZS IEC 62471:2011 at Item 1. This item allows the definition of AS/NZS IEC 62471:2011 to be easily and consistently referred to throughout the Regulations.

Item [5] - Section 4 – Definition of notifiable incident

This item inserts a definition of “*notifiable incident*” as those incidents considered to be serious enough to tell the CEO of ARPANSA about within 24 hours of occurring. The following incidents are considered serious enough to tell the CEO of ARPANSA about within 24 hours of occurring:

- an incident that exposes a person to a dose of ionizing radiation that exceeds an effective dose limit or an equivalent dose limit;
- an incident involving a diagnostic or interventional medical procedure resulting in an observable acute radiation effect;
- an incident involving exposure to non-ionizing radiation from controlled apparatus that exceeds the non-ionizing radiation exposure limits, or results in noticeable eye or skin damage;
- a theft or loss of controlled material or controlled apparatus, other than controlled material or controlled apparatus in Group 1;
- an incident involving the release of controlled material above a certain amount of radioactivity; and
- an incident involving the transport of controlled material above a certain amount of radioactivity and safety provisions are degraded.

The definition of a “*notifiable incident*” provides a clear and simple meaning in the Regulations to make it easier for licence holders when applying the Regulations to understand the nature of the incidents that, should they occur, require the licence holder to notify the CEO of ARPANSA within 24 hours under section 58 of the Regulations.

This item also inserts definitions of “*solid clearance material*” and “*solid clearance value*” that assists a licence holder understand that the meaning of those particular terms is found in subsections 65(7) and 65(8) of the Regulations respectively.

Item [6] – At the end of section 5

This item inserts a subsection 5(3) to make it clear that subsections 5(1) and 5(2) do not apply to the subsections 65(7) to (9). The reason for excluding subsections 65(7) to (9) from the operation of subsections 5(1) and 5(2) is that, for solid clearance material, how the activity of progeny is dealt with is specific to solid clearance material as set out in the provision of subsections 65(7) to (9) and that this is not the same as the way it is dealt with in subsections 5(1) and 5(2). A note is inserted to assist licence holders understand the subsections 65(7) to (9) which deal with the radioactivity concentration of progeny nuclides in relation to solid clearance material.

Items [7], [8], [9] and [10] - Subsection 44(1)

Items 7 and 10 repeal dealings involving ionizing radiation from table item 7 in subsection 44(1) and add those dealings as items 10 to 12 at the end of the table. The amended table item 7 as a result only covers dealings involving non-ionizing radiation. This makes subsection 44(1) easier to administer, as the table item 7 will

be understood by licence holders as covering only dealings involving non-ionizing radiation.

Item 8 amends paragraph (i) in table item 7 in subsection 44(1) to properly refer to RADAR in terms of detection and ranging, noting that RADAR is an acronym for Radio Detection and Ranging.

Item 9 adds paragraph (q) to table item 7 in subsection 44(1) to provide for dealings with a range finder with power less than 5 milliwatts to be exempt dealings. This is due to the low risk posed by such a device. Item 9 also adds paragraph (r) to table item 7 to provide for dealings with an optical light source that is not a laser product which emits infra-red or visible light at a level not exceeding the exposure limits mentioned in *AS/NZS IEC 62471:2011* to be dealings exempt from the need to obtain a source licence or facility licence under the ARPANS Act. This is due to the low risk posed by such a device.

Item [11] – Subsection 44(2) (heading)

This item omits the word “*excessive*” from the heading to subsection 44(2) and substitute it with the word “*non-trivial*”. This amendment is required because the word “*excessive*” is not used in relation to radiation doses in the radiation protection industry in Australia and it is more accurate to refer to a particular dealing declared under subsection 44(2) as a dealing having a “*non-trivial*” dose, rather than having an “*excessive*” dose. The effect of the amendment is to make the language in subsection 44(2) consistent with language currently used in radiation protection in Australia.

Item [12] - Paragraph 44(2)(a)

This item repeals the existing paragraph 44(2)(a) and substitute “*(a) under reasonably foreseeable circumstances, the effective dose to an individual is likely to be greater than 10 microsieverts in a year; or*”. This amendment is required because the existing language in paragraph 44(2)(a) is no longer used in radiation protection in Australia. The effect of the amendment is to make the language in paragraph 44(2)(a) consistent with language currently used in radiation protection in Australia.

Item [13] - Paragraph 44(2)(b)

This item omits “*a dose greater than the effective dose limit worked out under sections 77 and 78*” and substitute “*an effective dose to an individual greater than 1 mSv in a year*”. This amendment is required because it is no longer correct to refer to the dose limits in sections 77 and 78 to determine whether to declare under subsection 44(2) that a dealing has a “*non-trivial*” dose. The effect of this amendment is to make paragraph 44(2)(b) consistent with a dose criteria of 1mSv in a year which is currently used in radiation protection in Australia.

Item [14] - Paragraph 44(4)(a)

This item repeals the existing paragraph 44(4)(a) and substitute “*(a) under reasonably foreseeable circumstances, the effective dose to an individual is likely to be not*”

greater than 10 microsieverts in a year; or". This amendment is required because the existing language in paragraph 44(4)(a) is no longer used in radiation protection in Australia. The effect of the amendment is to make the language in paragraph 44(4)(a), consistent with language currently used in radiation protection in Australia.

Item [15] - Paragraph 44(4)(b)

This item omits the existing paragraph 44(4)(b) "*a dose greater than the effective dose limit worked out under sections 77 and 78*", and substitute "*an effective dose to an individual greater than 1 mSv in a year*". This amendment is required because it is not correct to use the effective dose limit referred to in sections 77 and 78 as the dose criteria for declaring that a dealing is a low dose dealing under subsection 44(4). The effect of this amendment is to make paragraph 44(4)(b) consistent with a dose criteria of 1mSv in a year which is currently used in radiation protection in Australia.

Items [16], [17], [18], [19] and [20] - Section 49

These items increase the amount of the application fees listed in the section 49 table by 2 per cent as follows:

Table Item	Application	Existing Fee (\$)	New Fee (\$)
1.	Application for a facility licence, except an application covered by item 2	10,098	10,299
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	11,220	11,444
3.	Application for a source licence, if the application relates only to controlled apparatus or controlled material in Group 1	795	810
4.	Application for a source licence, if the application relates only to controlled apparatus or controlled material in: (a) Group 2; or (b) both Groups 1 and 2	2,346	2,392
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	8,772	8,947

Item [21] – Paragraph 50(2)(a)

This item increases the amount for each hour, or part of an hour, spent in assessing a licence application by 2 per cent, from \$168 to \$171. This item also increases the amount credited to the applicant in determining the assessment fee by 2 per cent, from \$10,098 to \$10,299. The amount credited to the applicant in paragraph 50(2)(a) ensures that an applicant does not pay more than the value of the service provided in

assessing an application by taking into account the nominal application fee covered by section 49 of the Regulations already paid by the applicant.

Item [22] – After paragraph 53(e)

This item inserts a paragraph 53(ea) requiring the CEO of ARPANSA when making a facility licensing decision to take into account whether the applicant has shown that the applicant has considered the interactions between technical, human, and organisational factors in the management of safety. This amendment is required because the nuclear and radiation safety industry now recognises the importance of human and organisational factors in safe management of facilities. The effect of the amendment is that human and organisational factors are strengthened to optimise safe management of facilities and reduce the likelihood of future incidents involving radiation.

Item [23] - After paragraph 54(e)

This item inserts a paragraph 54(ea) requiring the CEO of ARPANSA when making a source licensing decision to take into account whether the applicant has shown that the applicant has considered the interactions between technical, human, and organisational factors in the management of safety. This amendment is required because the nuclear and radiation safety industry now recognises the importance of human and organisational factors in safe management of sources. The effect of the amendment is that human and organisational factors are strengthened to optimise safe management of sources and reduce the likelihood of future incidents involving radiation.

Item [24] - After section 57

This item inserts a section 57A requiring the holder of a licence to take all reasonably practicable steps to prevent and minimise human errors and organisational failures involving controlled materials, controlled apparatus or controlled facilities described in the licence and, in doing so, take into account human and organisational factors. This amendment is required because the nuclear and radiation safety industry now recognises the importance of human and organisational factors in safe management of facilities and sources. The effect of the amendment is that human and organisational factors are strengthened to optimise safe management of facilities and sources and reduce the likelihood of future incidents involving radiation.

Item [25] - Section 58 (heading)

This item omits “*accidents*” and substitute “*incidents*” in the section 58 heading. This amendment is required so that the term “*incident*” as defined in the amended section 4 of the Regulations is consistently referred to throughout the Regulations.

Item [26] - Subsection 58(1) (heading)

This item omits “*accidents*” in the subsection 58(1) heading and substitute “*incidents*”. This amendment is required so that the term “*incident*” as defined in the amended section 4 of the Regulations is consistently referred to throughout the Regulations.

Item [27] - Subsection 58(1)

This item omits “*prevent accidents*” wherever occurring in subsection 58(1) and substitute “*prevent incidents*”. This amendment is required so that the term “*incident*” as defined in the amended section 4 of the Regulations is consistently referred to throughout the Regulations.

Item [28] - Subsection 58(2) (heading)

This item omits “*an accident*” in the subsection 58(2) heading and substitute “*a notifiable incident*”. This item adopts the definition of “*notifiable incident*” replacing the obsolete term “*accident*”. This makes the concept of “*notifiable incident*” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [29] - Subsection 58(2)

This item omits “*if an accident*” wherever occurring in subsection 58(2) and substitute “*if a notifiable incident*”. This amendment is required so that the term “*notifiable incident*” as defined in the amended section 4 of the Regulations is consistently referred to throughout the Regulations. The amended subsection 58(2) makes it clear what actions a licence holder must take if a “*notifiable incident*” occurs. Notifiable incident is clearly defined in the definitions of the Regulations, which makes it easier for licence holders to understand the nature of the incidents that, should they occur, requires the licence holder to take certain actions under subsections 58(2), 58(3), 58(4), 58(5) and 58(6) of the Regulations.

Item [30] - Paragraphs 58(3)(a) and (b)

This item makes it clear that steps mentioned in paragraphs 58(3)(a) and (b) must be undertaken if a “*notifiable incident*” mentioned in subsection 58(2) happens. This item adopts the definition of “*notifiable incident*” replacing the obsolete term “*accident*”. This makes the concept of “*notifiable incident*” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [31] - At the end of subsection 58(3)

Management of a “*notifiable incident*” includes the process of ensuring the orderly, accurate and effective collection and preservation of information so that after the “*notifiable incident*” has happened the information can be used for investigation of the incident and future learning. This item requires the licence holder to manage the “*notifiable incident*” in a way that facilitates investigation and learning.

Item [32] - Paragraph 58(4)(a)

This item adopts the definition of “*notifiable incident*” replacing the obsolete term “*accident*”. This makes the concept of “*notifiable incident*” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [33] - Paragraph 58(4)(b)

This item makes it clear that a written report about the “*notifiable incident*” is due within 14 days or if the CEO extends the period, that extended period. This item adopts the definition of “notifiable incident” replacing the obsolete term “*accident*”. This makes the concept of “notifiable incident” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [34] - Subparagraphs 58(4)(c)(i) and (d)(i)

This item adopts the definition of “*notifiable incident*” replacing the obsolete term “*accident*”. This makes the concept of “notifiable incident” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [35] - Subsection 58(5)

This item makes it clear that the existing provisions of subsection 58(5) regarding preventing a reoccurrence applies to the occurrence of a “*notifiable incident*” mentioned in subsection 58(2). This item adopts the definition of “*notifiable incident*” replacing the obsolete term “*accident*”. This makes the concept of “*notifiable incident*” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [36] - Subsection 58(6)

This item makes it clear that the CEO may in writing extend the period beyond 14 days for a written report mentioned in subparagraph 58(4)(b)(i).

Item [37] - At the end of section 58

This item makes it clear that the actions mentioned in subsections 58(4) and (5) do not apply to the extent that the relevant licence makes other arrangements for a matter mentioned in those subsections.

Item [38] - After paragraph 60(1)(a)

This item requires the holder of a facility licence, in taking all reasonably practicable steps to have in place plans and arrangements for the safe management of the facility, to ensure that such plans and arrangements consider human and organisation factors to reduce human error and organisational failures. Human and organisational factors need to be strengthened to optimise safe management of facilities and reduce the likelihood of future incidents involving radiation.

Item [39] - At the end of subsection 60(1)

This item requires a holder of a facility licence, in taking all reasonably practicable steps to have in place safety analysis reports, to ensure that such safety analysis

reports consider human and organisational factors to reduce human error and organisational failures. Human and organisational factors need to be strengthened to optimise safe management of facilities and reduce the likelihood of future incidents involving radiation.

Item [40] - After paragraph 60(2)(a)

This item requires a holder of a source licence, or facility licence, in taking all reasonably practicable steps to have in place plans and arrangements, to ensure that such plans and arrangements consider human and organisational factors to reduce human error and organisational failures. Human and organisational factors need to be strengthened to optimise safe management of controlled material, controlled apparatus and controlled facilities and reduce the likelihood of future incidents involving radiation.

Item [41] - Section 61 (note)

This item omits “*an accident for the purposes of preventing a reoccurrence of the accident*” and substitutes “*a notifiable incident for the purposes of preventing a reoccurrence of the notifiable incident*”. This item adopts the definition of “*notifiable incident*” replacing the obsolete term “*accident*”. This makes the concept of “*notifiable incident*” as used in the Regulations easier for licence holders to understand as the term “*notifiable incident*” is used consistently throughout the Regulations.

Item [42] - Subsection 65(5)

This item repeals subsection 65(5) and substitute subsections 65(5), 65(6), 65(7), 65(8) and 65(9). Subsection 65(5) has the same effect as the existing subsection 65(5) which provides that subsections (1), (2), (3) and (4) do not apply to the extent that the licence makes other arrangements for a matter mentioned in the subsections.

Subsection 65(6) provides that subsections 65(1), 65(2) and 65(3) do not apply in relation to controlled material that is “*solid clearance material*”. Subsection 65(7) provides a clear definition of the term “*solid clearance material*” and subsection 65(8) provides a definition of the term “*solid clearance value*”. Subsection 65(9) sets out how to deal with the activity concentration of progeny nuclides in relation to “*solid clearance material*” by reference to “*GSR Part 3*”. The effect of this item is to allow a licence holder to dispose of or transfer “*solid clearance material*”, without the prior approval of the CEO of ARPANSA and without the requirement to tell the CEO of ARPANSA about those disposals or transfers.

Item [43] – Part 8

This item amends Part 8 of the Regulations to insert a heading for *Division 4 - Australian Radiation Protection and Nuclear Safety Amendment (2022 Measures No. 1) Regulations 2022*.

This item inserts section 92 following the Division 4 heading to provide a definition of the *amending instrument* and the *commencement time* of the *amending instrument*.

This item inserts a subsection 93(1) and provides that a declaration that was in force under subsection 44(2) immediately before the commencement time has effect, after the commencement time, as if it had been made under subsection 44(2) as amended as described in items 11 to 13 above. Subsection 93(1) allows existing declarations made under the subsection 44(2) to remain in effect.

This item inserts subsection 93(2) and provides that a declaration that was in force under subsection 44(4) immediately before the commencement time has effect, after the commencement time, as if it had been made under subsection 44(4) as amended as described in items 14 to 15 above. Subsection 93(2) allows existing declarations made under the subsection 44(4) to remain in effect.

This item inserts subsection 94(1) and makes those amendments of section 49 made by the amending instrument, as referred to in items 16 to 20 above, apply in relation to applications made after the commencement time. This allows the recovery of ARPANSA's actual costs of processing licence applications.

This item inserts subsection 94(2) and makes those amendments of section 50 made by the amending instrument, as referred to in item 21 above, apply in relation to applications made after the commencement time. This allows the recovery of ARPANSA's actual costs of processing licence applications.

This item inserts subsection 94(3) and provides that despite the amendments of section 50 by the amending instrument, as referred to in item 21 above, the existing section 50 continues to apply, in relation to applications made before the commencement time, as if those amendments had not been made; and the fee for each hour, or part of an hour, spent after the commencement time in assessing the application were \$171.

This item inserts section 95 and provides that the amendments of sections 53 and 54 made by the amending instrument, as referred to in items 22 to 23 above, apply in relation to applications for licences made after the commencement time.

This item inserts subsection 96(1) and provides that section 57A as inserted by the amending instrument, as referred to in item 24 above, applies in relation to licences issued before, at or after the commencement time.

This item inserts subsection 96(2) and provides that those amendments of section 58 made by the amending instrument, as referred to in items 25 to 37 above, apply in relation to licences issued before, at or after the commencement time; and incidents and notifiable incidents that happen after the commencement time.

This item inserts subsection 96(3) and provides that Paragraphs 60(1)(aa) and (d) and (2)(aa), as inserted by the amending instrument, as referred to in items 38 to 40 above, apply in relation to licences granted after the commencement time.

This item inserts subsection 96(4) and provides that in relation to licences granted before the commencement time, Paragraphs 60(1)(aa) and (d) and (2)(aa), as inserted by the amending instrument, as referred to in items 38 to 40 above, apply from the first time after the commencement time that the holder of the licence is required

under section 61 to review and update the plans and arrangements, and safety analysis reports, mentioned in section 60 in relation to the licence.

This item inserts subsection 96(5) and provides that the amendments of section 65 made by the amending instrument, as referred to in item 42 above, apply in relation to licences issued before, at or after the commencement time.

Statement of Compliance with Human Rights
*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny)
Act 2011*

**Australian Radiation Protection and Nuclear Safety Amendment (2022 Measures
No. 1) Regulations 2022**

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 legislative instrument amends the Australian Radiation Protection and Nuclear Safety Regulations 2018 to give effect to an annual increase in fees for licence applications to recover the actual costs of processing licence applications and make other minor machinery amendments.

Human Rights Implications

The amendments are compatible with the right to an adequate standard of living and the right to the enjoyment of the highest attainable standard of physical and mental health as contained in article 11(1) and article 12(1) of the International Covenant on Economic, Social and Cultural Rights.

The amendments give effect to an annual increase in fee payable by Commonwealth entities to the Australian Radiation Protection and Nuclear Safety Agency for applications seeking licences to deal with radiation equipment or radioactive sources or to engage in activities in relation to radiation facilities and nuclear installations.

Conclusion

This legislative instrument is compatible with human rights as it promotes the human right to an adequate standard of living and the highest attainable standard of physical and mental health.

The Hon. Ged Kearney
Assistant Minister for Health and Aged Care
Parliamentary Secretary to the Minister for Health and Aged Care