



# **Australian Radiation Protection and Nuclear Safety Amendment (2023 Measures No. 1) Regulations 2023**

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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 8 June 2023

David Hurley  
Governor-General

By His Excellency's Command

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

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## 1 Name

This instrument is the *Australian Radiation Protection and Nuclear Safety Amendment (2023 Measures No. 1) Regulations 2023*.

## 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	1 July 2023.	1 July 2023

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 49 (table item 1, column headed “Fee (\$)”)**

Omit “10,299”, substitute “10,607”.

**2 Section 49 (table item 2, column headed “Fee (\$)”)**

Omit “11,444”, substitute “11,787”.

**3 Section 49 (table item 3, column headed “Fee (\$)”)**

Omit “810”, substitute “834”.

**4 Section 49 (table item 4, column headed “Fee (\$)”)**

Omit “2,392”, substitute “2,463”.

**5 Section 49 (table item 5, column headed “Fee (\$)”)**

Omit “8,947”, substitute “9,215”.

**6 Paragraph 50(2)(a)**

Repeal the paragraph, substitute:

- (a) \$176 for each hour, or part of an hour, spent in assessing the application, less \$10,607; and

**7 After section 57A**

Insert:

**57B Effective emergency preparedness and response**

The holder of a licence must have in place arrangements that demonstrate the licence holder’s preparedness to respond effectively to an emergency involving radiation exposure resulting from controlled materials, controlled apparatus or controlled facilities described in the licence.

**57C Effective security arrangements**

The holder of a licence must have in place arrangements to ensure the effective security of controlled materials, controlled apparatus and controlled facilities described in the licence.

**8 Section 62**

Omit “The”, substitute “(1) The”.

**9 At the end of section 62**

Add:

- (2) Subsection (1) does not apply to the extent that the licence makes other arrangements for keeping an inventory of the controlled apparatus and controlled materials that the holder of the licence deals with.

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**10 Section 65 (heading)**

Repeal the heading, substitute:

**65 Disposal of controlled apparatus, controlled materials and controlled facilities****11 Subsections 65(1) and (2)**

Repeal the subsections, substitute:

*Disposal of controlled apparatus and controlled materials*

- (1) The holder of a licence must not dispose of controlled apparatus or controlled materials unless the licence holder:
  - (a) has approval from the CEO to dispose of the controlled apparatus and controlled material; or
  - (b) transfers the controlled apparatus or controlled material to another licence holder in accordance with subsection (2); or
  - (c) returns the controlled apparatus to the supplier of the controlled apparatus in accordance with paragraph (3A)(a); or
  - (d) disposes of the controlled apparatus, by rendering the controlled apparatus permanently inoperable as a controlled apparatus, in accordance with paragraph (3A)(b).
- (2) The holder of a licence may, without the approval of the CEO, dispose of controlled apparatus or controlled materials described in the licence by way of transfer to another person (the *transferee*) if the disposal is not covered by subsection (3A) and both of the following apply:
  - (a) the transferee is the holder of a facility licence or a source licence;
  - (b) the transferee's licence authorises the transferee to deal with the controlled apparatus or controlled materials.

**12 Subsection 65(3)**

Omit "paragraph (2)(b)", substitute "subsection (2)".

**13 After subsection 65(3)**

Insert:

- (3A) The holder of a licence may, without the approval of the CEO, dispose of Group 1 controlled apparatus that is described in the licence and that does not contain controlled material:
  - (a) by returning the controlled apparatus to the person that supplied the controlled apparatus to the holder of the licence; or
  - (b) by rendering the controlled apparatus permanently inoperable as a controlled apparatus.

**14 Before subsection 65(4)**

Insert:

*Disposal of controlled facilities*

**15 Subsection 65(4)**

Omit “, or transfer to the possession of another person,”.

**16 Subsection 65(5)**

Repeal the subsection (not including the heading), substitute:

- (5) Subsection (1), (2), (3), (3A) or (4) does not apply to the extent that the licence makes other arrangements for a matter mentioned in that subsection.

**17 Paragraph 84(e)**

Repeal the paragraph, substitute:

- (e) the *Radiation Protection and Control Act 2021* (SA);

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

Insert:

**Division 5—Australian Radiation Protection and Nuclear Safety  
Amendment (2023 Measures No. 1) Regulations 2023**

**97 Definitions**

In this Division:

***amending instrument*** means the *Australian Radiation Protection and Nuclear Safety Amendment (2023 Measures No. 1) Regulations 2023*.

***commencement time*** means the commencement of the amending instrument.

**98 Fees**

- (1) The amendments of section 49 made by the amending instrument apply in relation to applications made after the commencement time.
- (2) Section 50, as amended by the amending instrument, applies in relation to applications made after the commencement time.
- (3) Despite the amendment of section 50 by the amending instrument, that section continues to apply, in relation to applications made, but not finally determined, before the commencement time, as if:
  - (a) that amendment had not been made; and
  - (b) the fee for each hour, or part of an hour, spent after the commencement time in assessing the application were \$176.

**99 Licence conditions**

- (1) Sections 57B and 57C, as inserted by the amending instrument, apply in relation to licences issued before, at or after the commencement time.
- (2) The amendments of section 65 made by the amending instrument apply in relation to licences issued before, at or after the commencement time.