

## **EXPLANATORY STATEMENT**

### **Select Legislative Instrument 2010 No. 174**

*Australian Radiation Protection and Nuclear Safety Act 1998*

*Australian Radiation Protection and Nuclear Safety Amendment Regulations 2010 (No. 2)*

Subsection 85(1) of *Australian Radiation Protection and Nuclear Safety Act 1998* (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.

The Regulations amend the *Australian Radiation Protection and Nuclear Safety Regulations 1999* (the Principal Regulations) to correct an error introduced during the printing of the *Australian Radiation Protection and Nuclear Safety Amendment Regulations 2010 (No. 1)* (the Amendment Regulations) by the Office of Legislative Drafting and Publishing.

Under the Act, the Chief Executive Officer of Australian Radiation Protection and Nuclear Safety Agency may issue a source licence to a controlled person authorising that person to deal with controlled apparatus or controlled materials (collectively referred to as ‘sources’). Licence application fees for source licences are currently prescribed by regulation 40D and listed in Schedule 3C (Source licence application fees) of the Principal Regulations.

The Amendment Regulations amended the Principal Regulations by increasing the licence application fees by 14 per cent. However, an item in the Amendment Regulations that was meant to be printed as “omit 7,896, insert 9,001” was incorrectly printed as “omit 896, insert 9,001”. Consequently the intended amendment has not been made to the Principal Regulations. The Regulations correct this error.

No consultation took place as the amendment is to correct a printing error and is machinery in nature.

The Act does not specify any condition that needs to be met before the power to make the Regulations may be exercised.

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

The Regulations commence on the day after they are registered on the Federal Register of Legislative Instruments.