

EXPLANATORY STATEMENT

Select Legislative Instrument 2013 No. 74

Australian Radiation Protection and Nuclear Safety Act 1998

Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998

*Australian Radiation Protection and Nuclear Safety Legislation (Fees and Charges)
Amendment Regulation 2013 (No. 1)*

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.

Section 6 of the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998* (the Licence Charges Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Licence Charges Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Licence Charges Act.

The regulation amends the *Australian Radiation Protection and Nuclear Safety Regulations 1999* (the Regulations) and the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2000* (Licence Charges Regulations) to increase the licence application fees and annual licence charges charged by the Chief Executive Officer (CEO) of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) by 3.3 per cent on 1 July 2013.

The increase is to adjust ARPANSA's licence application fees and charges to recover increased labour costs and is in line with the Australian Bureau of Statistics' Wage Price Index (excluding bonuses) as at 30 September 2012. The licence application fees and charges were last adjusted on 1 July 2012.

Under the Act, a 'controlled person' is prohibited from undertaking certain conduct in relation to a 'controlled facility' unless that person is authorised to do so by a facility licence. A 'controlled person' is a Commonwealth entity, Commonwealth contractor or person in a prescribed Commonwealth place (the Regulations currently prescribe only one place within the Lucas Heights Science and Technology Centre in Sydney. That place houses a private company called Silex Systems Ltd, which is regulated by ARPANSA for its activities in relation to the laser enrichment of non-nuclear material). The types of conduct that are prohibited include the construction or operation of a controlled facility and the decommissioning of a controlled facility. A controlled facility is defined as either a nuclear installation or a prescribed radiation facility.

The Act also provides that a controlled person is prohibited from undertaking dealings with controlled material or controlled apparatus (collectively referred to as 'sources') unless that person is authorised to do so by a source licence. To 'deal with' a source includes to possess or control the source; use or operate the source or dispose of the source. An example of a controlled material is Technetium-99, which is commonly used in nuclear medicine and an example of a controlled apparatus is an X-ray machine.

Subsection 32(1) of the Act provides that the CEO of ARPANSA may issue a facility licence to a controlled person authorising that controlled person to undertake an otherwise prohibited action. Subsection 33(1) of the Act provides that the CEO of ARPANSA may issue a source licence to a controlled person authorising that controlled person to deal with a controlled apparatus or a controlled material.

Under the Act, an application for a facility or source licence must be in a form approved by the CEO and accompanied by such application fee as is prescribed in the Regulations. The fees are listed in Schedule 3A (Facility licence application fees for nuclear installations), Schedule 3B (Facility licence application fees for prescribed radiation facilities), and Schedule 3C (Source licence application fees) to the Regulations. The regulation increases these licence application fees by 3.3 per cent.

The Licence Charges Act provides that the holder of a facility or source licence, at any time during a financial year, is liable to pay a charge for the licence for that year. The amounts of these annual licence charges are prescribed in the Licence Charges Regulations. The annual licence charges are listed in Schedule 1 (Facility licence annual charges – nuclear installations), Schedule 2 (Facility licence annual charges – prescribed radiation facilities) and Schedule 3 (Source licence annual charges) to the Licence Charges Regulations. The regulation increases these annual licence charges by 3.3 per cent.

The regulation also amends an error in the heading of Part 2 of Schedule 2 to the Licence Charges Regulations. The heading currently reads ‘Part 2 Fees—Other’. This is an error. The reference should be to ‘charges’ and not ‘fees’. The regulation amends the heading of Part 2 of Schedule 2 to ‘Part 2—Charges: Other’.

Details of the regulation are set out in the Attachment.

The Act and the Licence Charges Act do not specify any condition that needs to be met before the power to make the regulation may be exercised.

The regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The regulation commences on 1 July 2013.

The Office of Best Practice Regulation (OBPR) has informed ARPANSA that regulatory amendments to index ARPANSA’s licence application fees and annual licence charges by the Wage Price Index are machinery in nature and a regulatory impact statement is not required. (OBPR Reference Number 12312). As such, no consultation was undertaken as, under section 18 of the *Legislative Instruments Act 2003*, consultation is unnecessary or inappropriate where an instrument is of a minor or machinery nature and does not substantially alter existing arrangements.

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

Section 6 of the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*

Details of the *Australian Radiation Protection and Nuclear Safety Legislation (Fees and Charges) Amendment Regulation 2013 (No. 1)***Section 1 – Name of regulation**

This section provides that the name of the regulation is the *Australian Radiation Protection and Nuclear Safety Legislation (Fees and Charges) Amendment Regulation 2013 (No. 1)*.

Section 2 – Commencement

This section provides for the regulation to commence on 1 July 2013.

Section 3 – Authority

This section provides that the regulation is made under the *Australian Radiation Protection and Nuclear Safety Act 1998* and the *Australian Radiation Protection and Nuclear Safety (Licence Charges) 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 Table items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to the terms.

Schedule 1—Amendments

Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2000

Item [1] – Part 2 of Schedule 2 (heading)

This amendment repeals the existing heading of Part 2 of Schedule 2 to the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2000* and replace it with the heading, ‘Part 2—Charges: Other’.

Item [2] – Amendments of listed provisions—charges

This amendment increases the existing annual licence charges listed in Schedule 1, Parts 1 and 2 of Schedule 2 and Parts 2 and 3 of Schedule 3 to the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2000* as follows:

Schedule 1 (table)

Item	Thing authorised to be done by licence	Charge (\$)
1.	Preparing a site for a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of less than 1 megawatt	22 526 to 23 269

Item	Thing authorised to be done by licence	Charge (\$)
2.	Constructing a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of less than 1 megawatt	56 316 to 58 174
3.	Possessing or controlling a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of less than 1 megawatt	22 526 to 23 269
4.	Operating a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) with maximum thermal power of less than 1 megawatt	112 631 to 116 348
5.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear reactor that was used for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and had maximum thermal power of less than 1 megawatt	56 316 to 58 174
6.	Preparing a site for a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of 1 megawatt or more	45 052 to 46 539
7.	Constructing a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of 1 megawatt or more	112 631 to 116 348
8.	Possessing or controlling a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of 1 megawatt or more	112 631 to 116 348
9.	Operating a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies and with maximum thermal power of 1 megawatt or more	867 255 to 895 874
10.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear reactor that was used for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies); and had maximum thermal power of 1 megawatt or more	225 261 to 232 695
11.	Preparing a site for a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	11 263 to 11 635
12.	Constructing a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	22 526 to 23 269
13.	Possessing or controlling a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	11 263 to 11 635
14.	Operating a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	56 316 to 58 174

Item	Thing authorised to be done by licence	Charge (\$)
15.	De-commissioning, disposing of or abandoning a controlled facility, being a plant that was used for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	22 526 to 23 269
16.	Preparing a site for a controlled facility, being a nuclear waste storage or disposal facility that is designed to contain waste with an activity that is more than the relevant activity level prescribed by regulation 8 of the ARPANS Regulations	11 263 to 11 635
17.	Constructing a controlled facility, being: a nuclear waste storage or disposal facility that is designed to contain waste with an activity that is more than the relevant activity level prescribed by regulation 8 of the ARPANS Regulations	22 526 to 23 269
18.	Possessing or controlling a controlled facility, being: a nuclear waste storage or disposal facility with an activity that is more than the relevant activity level prescribed by regulation 8 of the ARPANS Regulations	11 263 to 11 635
19.	Operating a controlled facility, being a nuclear waste storage or disposal facility with an activity that is more than the relevant activity level prescribed by regulation 8 of the ARPANS Regulations	56 316 to 58 174
20.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear waste storage or disposal facility that formerly contained waste with an activity that is more than the relevant activity level prescribed by regulation 8 of the ARPANS Regulations.	22 526 to 23 269
21.	Preparing a site for a controlled facility, being a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is more than the activity level prescribed by regulation 11 of the ARPANS Regulations	22 526 to 23 269
22.	Constructing a controlled facility, being a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is more than the activity level prescribed by regulation 11 of the ARPANS Regulations	56 316 to 58 174
23.	Possessing or controlling a controlled facility, being a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is more than the activity level prescribed by regulation 11 of the ARPANS Regulations	22 526 to 23 269
24.	Operating a controlled facility, being a facility to produce radioisotopes, containing a mixture of controlled materials, with an activity that is more than the activity level prescribed by regulation 11 of the ARPANS Regulations	90 105 to 93 078
25.	De-commissioning, disposing of, or abandoning a controlled facility, being a facility that formerly produced radioisotopes, containing a mixture of controlled materials, with an activity that was more than the activity level prescribed by regulation 11 of the ARPANS Regulations	56 316 to 58 174

Part 1 of Schedule 2 (table)

Item	Kind of prescribed radiation facility	Charge (\$)
1.	Particle accelerator with a beam energy of more than 1 mega electron volt (MeV)	11 585 to 11 967
2.	Particle accelerator capable of producing neutrons	11 585 to 11 967

Item	Kind of prescribed radiation facility	Charge (\$)
3.	Irradiator containing more than 10^{15} becquerel (Bq) of a controlled material	11 585 to 11 967
4.	Irradiator containing more than 10^{13} Bq of a controlled material but not including shielding as an integral part of its construction	11 585 to 11 967
5.	Irradiator containing more than 10^{13} Bq of a controlled material and including shielding as an integral part of its construction, but the shielding does not prevent a person from being exposed to the source	11 585 to 11 967
6.	Irradiator containing more than 10^{13} Bq of a controlled material and including shielding as an integral part of its construction, and with a source that is not inside the shielding during the operation of the irradiator	11 585 to 11 967
7.	Facility for the production, processing, use, storage, management or disposal of sealed sources of controlled materials of activity in a quantity more than 10^9 times that mentioned in column 4 of Part 2 of Schedule 2 to the ARPANS Regulations	23 170 to 23 935
8.	Facility for the production, processing, use, storage, management or disposal of unsealed sources of controlled materials of activity in a quantity more than 10^6 times that mentioned in column 4 of Part 2 of Schedule 2 to the ARPANS Regulations	23 170 to 23 935
9.	Facility for the production, processing, use, storage, management or disposal of a mixture of controlled materials, the activity of which, worked out using the method set out in subregulation 6(2) of the ARPANS Regulations, is more than the applicable level mentioned in that subregulation	23 170 to 23 935

Part 2 of Schedule 2 (table)

Item	Thing authorised to be done by licence	Charge (\$)
1.	De-commissioning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site	38 616 to 39 890
2.	Disposing of or abandoning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site	25 744 to 26 594
3.	De-commissioning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use, storage, management or disposal of radioactive ores	38 616 to 39 890
4.	Disposing of or abandoning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use, storage, management or disposal of radioactive ores	25 744 to 26 594

Part 2 of Schedule 3 (table)

Item	Number of controlled apparatus or controlled materials in the same location that persons are authorised to deal with under the licence	Charge (\$)
1.	For less than 4 controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	644 to 665 2 574 to 2 659 7 723 to 7 978

Item	Number of controlled apparatus or controlled materials in the same location that persons are authorised to deal with under the licence	Charge (\$)
2.	For more than 3, but less than 11, controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	1 673 to 1 728 5 149 to 5 319 15 446 to 15 956
3.	For 11 or more controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	3 219 to 3 325 9 679 to 9 998 28 318 to 29 252

Note: For purposes of source licence annual licence charges, controlled material and controlled apparatus have been divided into three groups, namely Group 1, Group 2 and Group 3, in ascending order of risk to people and the environment.

Part 3 of Schedule 3

Item	Charges for certain licence holders	Charge (\$)
1.	Department of Defence	744 005 to 768 557
2.	Australian Nuclear Science and Technology Organisation	248 174 to 256 364
3.	Commonwealth Scientific and Industrial Research Organisation	248 174 to 256 364

Australian Radiation Protection and Nuclear Safety Regulations 1999

Item [3] – Amendments of listed provisions—fees

These amendments increase the application fees in Schedule 3A, Parts 1 and 2 of Schedule 3B and Part 2 of Schedule 3C to the *Australian Radiation Protection and Nuclear Safety Regulations 1999* as follows:

Schedule 3A (table)

Item	Thing authorised to be done by licence	Fees (\$)
1.	Preparing a site for a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of less than 1 megawatt	25 744 to 26 594
2.	Constructing a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of less than 1 megawatt	160 900 to 166 210
3.	Possessing or controlling a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of less than 1 megawatt	128 721 to 132 969
4.	Operating a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of less than 1 megawatt	64 360 to 66 484

Item	Thing authorised to be done by licence	Fees (\$)
5.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear reactor that was used for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and had maximum thermal power of less than 1 megawatt	64 360 to 66 484
6.	Preparing a site for a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of 1 megawatt or more	128 721 to 132 969
7.	Constructing a controlled facility, being a nuclear reactor that is designed for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and to have maximum thermal power of 1 megawatt or more	514 882 to 531 873
8.	Possessing or controlling a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of 1 megawatt or more	128 721 to 132 969
9.	Operating a controlled facility, being a nuclear reactor for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and with maximum thermal power of 1 megawatt or more	551 660 to 569 865
10.	De-commissioning, disposing of or abandoning a controlled facility, being a nuclear reactor that was used for research or production of nuclear materials for industrial or medical use (including critical and subcritical assemblies) and had maximum thermal power of 1 megawatt or more	128 721 to 132 969
11.	Preparing a site for a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	12 872 to 13 297
12.	Constructing a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	57 924 to 59 835
13.	Possessing or controlling a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	12 872 to 13 297
14.	Operating a controlled facility, being a plant for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	57 924 to 59 835
15.	De-commissioning, disposing of or abandoning a controlled facility, being a plant that was used for preparing or storing fuel for use in a nuclear reactor of a kind mentioned in any of items 1 to 9 above	25 744 to 26 594
16.	Preparing a site for a controlled facility, being: (a) a nuclear waste storage facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	306 478 to 316 592

Item	Thing authorised to be done by licence	Fees (\$)
17.	Constructing a controlled facility, being: (a) a nuclear waste storage facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	367 773 to 379 910
18.	Possessing or controlling a controlled facility, being: (a) a nuclear waste storage facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	12 872 to 13 297
19.	Operating a controlled facility, being: (a) a nuclear waste storage facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that contains controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 8	193 081 to 199 453
20.	De-commissioning, disposing of or abandoning a controlled facility, being: (a) a nuclear waste storage facility that formerly contained controlled materials with an activity that was greater than the applicable activity level prescribed by regulation 7; or (b) a nuclear waste disposal facility that formerly contained controlled materials with an activity that was greater than the applicable activity level prescribed by regulation 8	25 744 to 26 594
21.	Preparing a site for a controlled facility, being a facility to produce radioisotopes, that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	64 360 to 66 484
22.	Constructing a controlled facility, being a facility to produce radioisotopes, that is designed to contain controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	128 721 to 132 969
23.	Possessing or controlling a controlled facility, being a facility producing radioisotopes and containing controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	12 872 to 13 297
24.	Operating a controlled facility, being a facility producing radioisotopes and containing controlled materials with an activity that is greater than the applicable activity level prescribed by regulation 11	115 849 to 119 672
25.	De-commissioning, disposing of, or abandoning a controlled facility, being a facility that formerly produced radioisotopes and contained controlled materials with an activity that was greater than the applicable activity level prescribed by regulation 11	25 744 to 26 594

Part 1 of Schedule 3B (table)

Item	Kind of prescribed radiation facility	Fees (\$)
1.	Particle accelerator with a beam energy of more than 1 mega electron volt (MeV)	11 585 to 11 967
2.	Particle accelerator capable of producing neutrons	11 585 to 11 967
3.	Irradiator containing more than 10^{15} becquerel (Bq) of a controlled material	11 585 to 11 967
4.	Irradiator containing more than 10^{13} Bq of a controlled material but not including shielding as an integral part of its construction	11 585 to 11 967
5.	Irradiator containing more than 10^{13} Bq of a controlled material and including shielding as an integral part of its construction, but the shielding does not prevent a person from being exposed to the source	11 585 to 11 967
6.	Irradiator containing more than 10^{13} Bq of a controlled material and including shielding as an integral part of its construction, and with a source that is not inside the shielding during the operation of the irradiator	11 585 to 11 967
7.	Facility for the production, processing, use, storage, management or disposal of unsealed sources, for which the result worked out using the steps mentioned in subregulation 6 (2) is greater than 10^6	23 170 to 23 935
8.	Facility for the production, processing, use, storage, management or disposal of sealed sources, for which the result worked out using the steps mentioned in subregulation 6 (2) is greater than 10^9	23 170 to 23 935

Part 2 of Schedule 3B (table)

Item	Thing authorised to be done by licence	Fee (\$)
1.	De-commissioning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site	38 616 to 39 890
2.	Disposing of or abandoning a controlled facility, being a prescribed radiation facility that was formerly used as a nuclear or atomic weapon test site	25 744 to 26 594
3.	De-commissioning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use, storage, management or disposal of radioactive ores	38 616 to 39 890
4.	Disposing of or abandoning a controlled facility, being a prescribed radiation facility that was formerly used for the mining, processing, use, storage, management or disposal of radioactive ores	25 744 to 26 594

Part 2 of Schedule 3C (table)

Item	Number of controlled apparatus or controlled materials in the same location to be dealt with under application	Fees (\$)
1.	For less than 4 controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	644 to 665 2 574 to 2 659 7 723 to 7 978
2.	For more than 3, but less than 11, controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	1 673 to 1 728 5 149 to 5 319 15 446 to 15 956

Item	Number of controlled apparatus or controlled materials in the same location to be dealt with under application	Fees (\$)
3.	For 11 or more controlled apparatus or controlled materials from: (a) Group 1 (b) Group 2 (c) Group 3	3 219 to 3 325 9 679 to 9 998 28 318 to 29 252

Note: For purposes of source licence application fees, controlled material and controlled apparatus have been divided into three groups, namely Group 1, Group 2 and Group 3, in ascending order of risk to people and the environment.

Statement of Compatibility with Human Rights

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

Australian Radiation Protection and Nuclear Safety Legislation (Fees and Charges) Amendment Regulation 2013 (No. 1)

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 1999* (the Regulations) and the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2000* (the Licence Charges Regulations). The amendment increases the licence application fees prescribed in Schedule 3A, Schedule 3B and Schedule 3C to the Regulations and the annual licence charges prescribed in Schedule 1, Schedule 2 and Schedule 3 to the Licence Charges Regulations and corrects a typographical error in the heading of Schedule 2, Part 2 of the Licence Charges Regulations. The increase, by 3.3 per cent, is to index the licence application fees and annual licence charges in line with the Australian Bureau of Statistics' Wage Price Index (excluding bonuses) as at 30 September 2012. The increase will take effect on 1 July 2013.

These amendments do not make any substantive change to the Regulations or the Licence Charges Regulations.

Human rights implications

This legislative instrument does not engage any of the applicable rights or freedoms.

Conclusion

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

Shayne Neumann
Parliamentary Secretary for Health and Ageing