



Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018

I, the Honourable Paul de Jersey AC, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 December 2018

Paul de Jersey AC
Administrator of the Government of the Commonwealth of Australia

By His Excellency's Command

Bridget McKenzie
Minister for Regional Services, Sport, Local Government and Decentralisation

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Part 1—Preliminary

1 Name

This instrument is the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Regulations 2018*.

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.	8 December 2018

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

- (1) In this instrument:

Act means the *Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998*.

ARPANS Act means the *Australian Radiation Protection and Nuclear Safety Act 1998*.

ARPANS Regulations means the *Australian Radiation Protection and Nuclear Safety Regulations 2018*.

Part 1 Preliminary

Section 5

- (2) An expression used in this instrument that is defined in the ARPANS Act or the ARPANS Regulations has the same meaning in this instrument as it has in that Act or those regulations.

Part 2—Annual charge for facility licences

Division 1—Introduction

6 Charge for a financial year for a facility licence

For the purposes of subsection 4(2) of the Act, this Part prescribes the amount of the charge for a financial year for a facility licence.

Note 1: Division 5 prescribes the total charge for a financial year for all facility licences held in certain names, and has effect despite Divisions 2, 3 and 4.

Note 2: Division 7 of Part 5 of the ARPANS Regulations provides for the time for payment of the annual charge, pro-rating and refunds.

Section 7

Division 2—Facility licences for nuclear installations**7 Facility licences for nuclear installations**

The amount of the charge for a financial year for a facility licence authorising an act relating to a controlled facility described in an item of the following table is the amount set out in the item.

Annual charges for facility licences for nuclear installations		
	Act authorised by licence	Amount (\$)
1	Preparing a site for a nuclear reactor designed: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) to have maximum thermal power less than 1 megawatt	26,375
2	Constructing a nuclear reactor designed: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) to have maximum thermal power less than 1 megawatt	65,944
3	Possessing or controlling a nuclear reactor: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power less than 1 megawatt	26,375
4	Operating a nuclear reactor: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power less than 1 megawatt	131,892
5	Decommissioning, disposing of or abandoning a nuclear reactor that: (a) was used for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) had maximum thermal power less than 1 megawatt	65,944
6	Preparing a site for a nuclear reactor designed: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) to have maximum thermal power at least 1 megawatt	52,756
7	Constructing a nuclear reactor designed: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) to have maximum thermal power at least 1 megawatt	131,892
8	Possessing or controlling a nuclear reactor: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power at least 1 megawatt	131,892
9	Operating a nuclear reactor: (a) for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) with maximum thermal power at least 1 megawatt	1,015,569

Annual charges for facility licences for nuclear installations		
Act authorised by licence		Amount (\$)
10	Decommissioning, disposing of or abandoning a nuclear reactor that: (a) was used for research or production of radioactive materials for industrial or medical use (including critical and subcritical assemblies); and (b) had maximum thermal power at least 1 megawatt	263,784
11	Preparing a site for a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9	13,187
12	Constructing a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9	26,375
13	Possessing or controlling a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9	13,187
14	Operating a plant for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 9	65,944
15	Decommissioning, disposing of or abandoning a plant that was used for preparing or storing fuel for use in a nuclear reactor described in any of items 1 to 10	26,375
16	Preparing a site for: (a) a radioactive waste storage facility designed to contain controlled materials with an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or (b) a radioactive waste disposal facility designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations	13,187
17	Constructing: (a) a radioactive waste storage facility designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or (b) a radioactive waste disposal facility designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations	26,375
18	Possessing or controlling: (a) a radioactive waste storage facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or (b) a radioactive waste disposal facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations	13,187
19	Operating: (a) a radioactive waste storage facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 10 of the ARPANS Regulations; or (b) a radioactive waste disposal facility containing controlled materials that has an activity greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations	65,944
20	Decommissioning, disposing of or abandoning: (a) a radioactive waste storage facility that contained controlled materials and had an activity greater than the applicable activity level prescribed by	26,375

Part 2 Annual charge for facility licences

Division 2 Facility licences for nuclear installations

Section 7

Annual charges for facility licences for nuclear installations	
Act authorised by licence	Amount (\$)
section 10 of the ARPANS Regulations; or (b) a radioactive waste disposal facility that contained controlled materials and had an activity that was greater than the applicable activity level prescribed by section 11 of the ARPANS Regulations	
21 Preparing a site for a facility to produce radioisotopes that is designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations	26,375
22 Constructing a facility to produce radioisotopes that is designed to contain controlled materials and have an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations	65,944
23 Possessing or controlling a facility producing radioisotopes and containing controlled materials that has an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations	26,375
24 Operating a facility producing radioisotopes and containing controlled materials that has an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations	105,512
25 Decommissioning, disposing of or abandoning a facility that formerly produced radioisotopes and contained controlled materials and had an activity greater than the applicable activity level prescribed by section 12 of the ARPANS Regulations	65,944

Division 3—Facility licences for prescribed radiation facilities

8 Facility licences for prescribed radiation facilities

- (1) The charge for a financial year for a facility licence authorising:
- (a) an act mentioned in paragraph 30(1)(a), (b), (c), (d) or (e) of the ARPANS Act relating to a prescribed radiation facility described in an item of the table in subsection (2); or
 - (b) an act described in an item of the table in subsection (3);
- is the amount set out in that item. However, the charge is the amount set out in the item of the table in subsection (3) if the act to be authorised by the licence is described in both paragraphs (a) and (b) of this subsection.

Charge for prescribed radiation facilities (except ones formerly used for weapons tests or radioactive ores)

- (2) For the purposes of paragraph (1)(a), the table is as follows:

Annual charges for prescribed radiation facilities not formerly used for weapons tests or radioactive ores	
Kind of prescribed radiation facility	Amount (\$)
1 Particle accelerator that: (a) has, or is capable of having, a beam energy greater than 1 MeV; or (b) can produce neutrons	13,563
2 Irradiator containing more than 10^{15} Bq of a controlled material	13,563
3 Irradiator: (a) containing more than 10^{13} Bq of a controlled material; and (b) either: (i) not including shielding as an integral part of its construction; or (ii) including as an integral part of its construction shielding that does not prevent a person from being exposed to the source or does not shield a source during the operation of the irradiator	13,563
4 Facility for the production, processing, use, storage, management or disposal of: (a) unsealed sources for which the result of the activity value division steps is greater than 10^6 ; or (b) sealed sources for which the result of the activity value division steps is greater than 10^9	27,130

Note: For the *activity value division steps*, see section 4 of the ARPANS Regulations (and subsection 5(2) of this instrument).

Charge for prescribed radiation facilities formerly used for weapons tests or radioactive ores

- (3) For the purposes of paragraph (1)(b), the table is as follows:

Part 2 Annual charge for facility licences

Division 3 Facility licences for prescribed radiation facilities

Section 8

Annual charges for prescribed radiation facilities formerly used for weapons tests or radioactive ores

	Act authorised by licence	Amount (\$)
1	Decommissioning a prescribed radiation facility formerly used as a nuclear or atomic weapon test site	45,217
2	Disposing of or abandoning a prescribed radiation facility formerly used as a nuclear or atomic weapon test site	30,144
3	Decommissioning a prescribed radiation facility formerly used for mining, processing, using, storing, managing or disposing of radioactive ores	45,217
4	Disposing of or abandoning a prescribed radiation facility formerly used for mining, processing, using, storing, managing or disposing of radioactive ores	30,144

Fee for application for one licence to authorise 2 or more acts

- (4) Despite subsection (1), the charge for a financial year for a facility licence authorising 2 or more acts described in paragraph (1)(a) or (b) is the sum of the amounts of the charge under that subsection for separate licences for each of those acts.

Division 4—Facility licences for prescribed legacy sites

9 Facility licences for prescribed legacy sites

The amount of the charge for a financial year for a facility licence authorising an act relating to a controlled facility described in an item of the following table is the amount set out in the item.

Annual charges for facility licences for prescribed legacy sites	
Act authorised by licence	Amount (\$)
1 Possessing or controlling a prescribed legacy site	14,573
2 Remediating a prescribed legacy site	220,155
3 Abandoning a prescribed legacy site	29,352

Section 10

Division 5—Facility licences of certain holders

10 Annual charge for all facility licences held in certain names

- (1) The amount of the charge for a financial year for all facility licences held in a name described in an item of the following table is the amount set out in that item.

Total annual charge for facility licences held in certain names		
	Name	Amount (\$)
1	Australian Nuclear Science and Technology Organisation	2,375,798
2	Department of Defence	289,177

- (2) This Division has effect despite Divisions 2, 3 and 4.

Part 3—Annual charge for source licences

11 Introduction

For the purposes of subsection 5(2) of the Act, this Part prescribes the amount of the charge for a financial year for a source licence authorising persons to deal with one or more controlled apparatus or controlled materials in Group 1, Group 2 or Group 3.

- Note 1: For **Group 1**, **Group 2** and **Group 3**, see section 4 of the ARPANS Regulations (and subsection 5(2) of this instrument).
- Note 2: Section 13 prescribes the total charge for a financial year for all source licences held in certain names, and has effect despite section 12.
- Note 3: Division 7 of Part 5 of the ARPANS Regulations makes provision in relation to the time for payment of the annual charge, pro-rating and refunds.

12 Annual charge for source licence

The charge for a financial year for a source licence for controlled apparatus or controlled materials is the total of each amount worked out using the following table for the number of those apparatus or materials that are in a Group specified in an item of the table and are within 5 kilometres of one another.

Annual charges for source licences				
Column 1	Column 2	Column 3	Column 4	
Group of controlled apparatus or controlled material	Amount for less than 4 apparatus or materials in the Group within 5 km of one another (\$)	Amount for 4 to 10 apparatus or materials in the Group within 5 km of one another (\$)	Amount for 11 or more apparatus or materials in the Group within 5 km of one another (\$)	
1 Group 1	1,238	3,216	6,192	
2 Group 2	4,954	9,907	18,622	
3 Group 3	14,862	29,720	54,489	

- Note: For **Group 1**, **Group 2** and **Group 3**, see section 4 of the ARPANS Regulations (and subsection 5(2) of this instrument).
- Example 1: For a source licence for a single controlled apparatus or controlled material in Group 1, the amount of the annual charge is the amount in column 2 of item 1 of the table.
- Example 2: For a source licence for 12 controlled apparatus or controlled materials, 3 of which are in Group 1 and are within 5 kilometres of one another, and the remaining 9 of which are in Group 2 and are within 5 kilometres of one another, the amount of the annual charge is the total of:
- the amount in column 2 of item 1 of the table; and
 - the amount in column 3 of item 2 of the table.
- Example 3: For a source licence for 16 controlled apparatus or controlled materials, all of which are in Group 3, 5 of which are within 5 kilometres of one another and 11 of which are within 5 kilometres of one another (but more than 5 kilometres from any of the first group of 5), the amount of the charge is the total of:
- the amount in column 3 of item 3 of the table; and
 - the amount in column 4 of item 3 of the table.

Part 3 Annual charge for source licences

Section 13

13 Annual charge for all source licences held in certain names

- (1) The amount of the charge for a financial year for all source licences held in a name described in an item of the following table is the amount set out in that item.

Total annual charge for source licences held in certain names

	Name	Amount (\$)
1	Australian Nuclear Science and Technology Organisation	167,222
2	Commonwealth Scientific and Industrial Research Organisation	310,610
3	Department of Defence	399,601

- (2) This section has effect despite section 12.

Schedule 1—Repeals

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

1 The whole of the instrument

Repeal the instrument.