



New South Wales

Radiation Control Amendment (Fees) Regulation 2018

under the

Radiation Control Act 1990

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Radiation Control Act 1990*.

GABRIELLE UPTON, MP
Minister for the Environment

Explanatory note

The object of this Regulation is to amend the *Radiation Control Regulation 2013*:

- (a) to increase the fees payable in connection with the administration of the *Radiation Control Act 1990*, and
- (b) to provide for a mechanism for the automatic adjustment for inflation of those fees in future.

The fee increases effected by this Regulation are generally in line with movements in the Public Sector Wage Price Index (rounded to the nearest dollar).

This Regulation is made under the *Radiation Control Act 1990*, including sections 9, 18 and 40 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Radiation Control Amendment (Fees) Regulation 2018*.

2 Commencement

This Regulation commences on 1 July 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Radiation Control Regulation 2013

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see Part 2 of Schedule 4.

[2] Clause 14 Fees

Omit clause 14 (1). Insert instead:

(1) The fees for the purposes of the Act are set out in Schedule 4.

[3] Clause 14 (4)

Omit the definitions of *2013–2014*, *2014–2015*, *2015–2016*, *2016–2017* and *2017–2018*.

[4] Schedule 4 Fees

Omit the Schedule. Insert instead:

Schedule 4 Fees

(Clause 14 (1))

Part 1 Fees payable

Item	Type of fee	Fee (in fee units)
1	Application fee for a new licence or accreditation	1.13 for a simple application 3.39 for an application referred by the Authority to the Council for advice
2	Radiation management licence in the case of a licence that only authorises the selling of regulated material	1.85 for a licence the duration of which is 1 year 5.56 for a licence the duration of which is 3 years
3	Radiation management licence in any other case	1.32 per year plus: 0.16 per unit of regulated material (where the material is Group A regulated material) 0.33 per unit of regulated material (where the material is Group B regulated material) 0.65 per unit of regulated material (where the material is Group C regulated material) 14.19 per unit of regulated material (where the regulated material is Group D regulated material)

Item	Type of fee	Fee (in fee units)
4	Radiation user licence	<p>0.68 for a licence the duration of which is 1 year (where the licence relates to the use of Group 1 regulated material)</p> <p>2.03 for a licence the duration of which is 3 years (where the licence relates to the use of Group 1 regulated material)</p> <p>0.83 for a licence the duration of which is 1 year (where the licence relates to the use of Group 2 regulated material)</p> <p>2.49 for a licence the duration of which is 3 years (where the licence relates to the use of Group 2 regulated material)</p> <p>1.28 for a licence the duration of which is 1 year (where the licence relates to the use of Group 3 regulated material)</p> <p>3.84 for a licence the duration of which is 3 years (where the licence relates to the use of Group 3 regulated material)</p>
5	Accreditation under section 8 of the Act	3.39
6	Variation of licence under section 10 of the Act on application of the holder of the licence	<p>1.13 for simple variation</p> <p>3.39 for a variation referred by the Authority to the Council for advice</p>
7	Variation of accreditation under section 10 of the Act on application of the holder of the accreditation	<p>1.13 for simple variation</p> <p>3.39 for a variation referred by the Authority to the Council for advice</p>
8	Renewal of radiation management licence that only authorises the selling of regulated material	<p>1.85 for a renewed licence the duration of which is 1 year</p> <p>5.56 for a renewed licence the duration of which is 3 years</p>
9	Renewal of radiation management licence in any other case	<p>1.32 plus:</p> <p>0.16 per unit of regulated material (where the material is Group A regulated material)</p> <p>0.33 per unit of regulated material (where the material is Group B regulated material)</p> <p>0.65 per unit of regulated material (where the material is Group C regulated material)</p> <p>14.19 per unit of regulated material (where the material is Group D regulated material)</p>

Item	Type of fee	Fee (in fee units)
10	Renewal of radiation user licence	0.68 for a licence the duration of which is 1 year (where the licence relates to the use of Group 1 regulated material) 2.03 for a licence the duration of which is 3 years (where the licence relates to the use of Group 1 regulated material) 0.83 for a licence the duration of which is 1 year (where the licence relates to the use of Group 2 regulated material) 2.49 for a licence the duration of which is 3 years (where the licence relates to the use of Group 2 regulated material) 1.28 for a licence the duration of which is 1 year (where the licence relates to the use of Group 3 regulated material) 3.84 for a licence the duration of which is 3 years (where the licence relates to the use of Group 3 regulated material)
11	Renewal of accreditation	3.39 for a renewed accreditation the duration of which is 1 year
12	Notice to avoid or remedy contraventions or exposure under section 18 (1) of the Act	3.39
13	Approval of personal monitoring devices required by clause 29	9.62
14	Approval of area monitoring devices required by clause 31	9.62

Part 2 Adjustment of fees for inflation

1 Definitions

In this Part:

financial year means a period of 12 months commencing on 1 July.

Public Sector Wage Price Index number means the Wage Price Index (Public Sector) for New South Wales published by the Australian Bureau of Statistics in the latest published series of that index.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a ***fee unit*** is:

- (a) in the financial year 2018–19—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

A is the Public Sector Wage Price Index number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the Public Sector Wage Price Index number for the March quarter of 2018.

- (2) The amount of a fee unit is to be rounded up to the nearest cent.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded up to the nearest dollar.

4 Notice of indexed fees

- (1) As soon as practicable after the Public Sector Wage Price Index number for the March quarter is first published by the Australian Statistician, the Authority is required to:
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on the Authority's website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Part.
- (2) This Part operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.
- (3) In this clause:

Australian Statistician means the Australian Statistician referred to in section 5 (2) of the *Australian Bureau of Statistics Act 1975* of the Commonwealth.