

Radiation Protection (Fees) Determination 2007 (No 1)

Disallowable instrument DI2007–224

made under the

Radiation Protection Act 2006, s 120 (Determination of Fees)

EXPLANATORY STATEMENT

The *Radiation Protection Act 2006* (the Act) came into effect on 1 July 2007, replacing the *Radiation Act 1983*. The Act establishes a system to regulate the use of ionising radiation in the Territory and makes provision for the future regulation of non-ionising radiation. With the repeal of the *Radiation Act 1983*, new fees are required to be made. The determination is to take effect the day after its notification on the Legislation Register.

The Act requires people who deal with or own a regulated radiation source to be licensed or registered. If a person deals with a regulated radiation source, they are required to be licensed. “Deal” is defined in section 11 of the Act, and includes manufacture, possess, supply or use. It is an offence to deal with a regulated radiation source without a licence (see section 59). The owner of a regulated radiation source is required to register the source. It is an offence to own an unregistered regulated radiation source (see section 60).

Schedule 1 of the determination establishes two fees. The first is for a licence to deal with a regulated radiation source under section 17 of the Act. The second is for registration of a regulated radiation source under section 26.

Under column 4 of Schedule 1 both fees are set at \$174.90. However, it is important to note that column 5 of the table in Schedule 1 indicates the amount of the prescribed fee that is non-refundable. For both the licence fee under section 17 of the Act and the registration fee under section 26 the non-refundable component of the \$174.90 fee is \$50.

Accordingly, if a person applies for a licence under section 17 of the Act they are required to pay a \$174.90 fee. However, should their application be unsuccessful the applicant is entitled to a refund of the fee paid, minus the \$50 non-refundable component. The resulting refunded amount is therefore \$124.90.

The determination reflects that the fee contains a non-refundable component in order to cover the processing and administrative costs associated with the application. As such, these costs are incurred by the regulator irrespective of whether the licence or registration is granted or refused.

Although the Act permits licences and registrations to be issued for up to three years, a policy decision has been made requiring licences and registrations to be renewed annually. Accordingly, the fee prescribed is for a licence or registration for one year.