



POSITION STATEMENT

Regulatory Expectations for users of radiation sources seeking to obtain authorisations in more than one jurisdiction

Purpose

This document is for users of radiation sources seeking to obtain authorisations (licences or registrations) in more than one jurisdiction. It sets out what applicants can expect from the radiation regulators. Ultimately it endeavours to further the objectives of nationally uniform radiation protection outcomes, and to minimise unnecessary regulatory burden.

This document seeks to minimise regulatory burden only in so far as it relates to unnecessary requirements or delays due to authorisations being sought from multiple jurisdictions. It does not seek to address regulatory burden from the system of regulating radiation.

Background

Authorisations are required for the possession and use of radiation sources unless exemptions are granted. Australia is a federated system with nine State, Territory and Commonwealth governments. Each government is responsible for regulating radiation sources in its own jurisdiction. Authorisations (and associated fees) are generally required in each jurisdiction in which a source is possessed or used.

All jurisdictions have committed to a system of uniform national regulation of radiation protection, and this is documented in the National Directory for Radiation Protection (NDRP) published by ARPANSA. However, radiation protection is administered through separate Acts and Regulations of (sovereign) jurisdictions and achieving uniform outcomes can be a challenge.

This document does not seek to make any policy changes, and is based on existing agreements and processes.

Expectations

A person or organisation seeking to obtain authorisations (licences, registrations) in multiple jurisdictions can expect the following, if they provide evidence of the first authorisation:

- The documents and information submitted for the first authorisation (e.g. application information and associated radiation management plans) should be acceptable for all subsequent applications in other jurisdictions. The only exception should be for specific local information (e.g. local contact numbers).
- Documents should be acceptable in the same format, and if additional local information is required then it should be sufficient to simply append the additional details.
- There should be minimal delays in obtaining subsequent authorisations as the initial assessment has already been undertaken by the first jurisdiction. The material provided should be

comprehensive therefore enabling the subsequent jurisdiction to make an informed and swift decision.

- The conditions placed on authorisations should be substantially the same for all jurisdictions. The only exception should be for specific local circumstances. Specific local circumstances might for example include a different risk profile because of the location, but conditions should not be different due to differences in legislation or interpretation of standards.
- The competencies and qualifications required of the responsible person and persons working under the authorisation should be the same for all jurisdictions.

Dispute resolution

If a person or organisation, or indeed one of the jurisdictions, believes that the above expectations were not met, then the following system of resolution should be used:

- In the first instance, they should approach the jurisdiction and seek direct resolution.
- If resolution cannot be achieved then the person or organisation should forward a complaint to the Chair of the Radiation Health Committee (RHC). The complaint should include sufficient detail such that the Committee can understand the detailed nature of the issue and why direct resolution was not possible.
- If the issue relates to lack of clarity in national policy, codes, standards or guidance, or to differences in the legislation of two or more jurisdictions, then the RHC will address the issue.
- If the issue relates to different application or interpretation of radiation protection standards then the Committee will refer the matter to the Chief Executive of the relevant government agency and/or to the radiation council in the jurisdiction/s concerned.
- A complainant can expect to be kept informed of the progress of the complaint though should note the limits of the process as set out below.

Notes for applicants and users

Responsibility for administering legislation rests with each jurisdiction, and responsibility for compliance rests with the user. While regulators seek to meet the above uniformity expectations, the primary obligation of applicants and users is to comply with the legislation of the jurisdiction in which they operate.

The RHC undertakes to consider issues and disputes for the purpose of improving national systems. The Committee meets infrequently (the time between meetings can be three or four months), and may circulate issues out of session for consideration. The Chair of the RHC will keep the complainant up to date with progress.

One means of unifying multiple authorisations would of course be to have a central system of authorisation. However, this would require Australia wide legislative change. As such, it can be considered in policy reviews, but is not relevant to the current regulatory expectations set out here.

Radiation users are encouraged to use national representative and peak bodies in cases where many users are impacted by cross-jurisdictional issues.

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