



Australian Government

Australian Radiation Protection and Nuclear Safety Agency

Compliance & Enforcement Strategy v2

REGULATORY SERVICES

REG-MAN-270

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Purpose

ARPANSA is a Commonwealth Government agency within the Health portfolio with responsibility for implementing the *Australian Radiation Protection and Nuclear Safety Act 1998* (the Act).

The aim of ARPANSA's regulatory activities is to ensure that controlled persons and licence holders comply with the Act, the Australian Radiation Protection and Nuclear Safety Regulations (the Regulations) and licence conditions imposed under the Act and the Regulations and provide reasonable assurance to the Government and the public that people and the environment are being protected from the harmful effects of radiation.

This document supports those objectives and sets out ARPANSA's broad approach to compliance and enforcement in order to ensure that the response to any non-compliance appropriately reflects its significance.

Scope

ARPANSA carries out its functions in accordance with statutory requirements and this document cannot override those requirements. Nothing in this document should be taken to bind ARPANSA or the Government to any particular course of action.

Responsibilities

The Regulatory Services Branch (RSB) will implement the strategy described herein. Head RSB will monitor its implementation and advise the CEO accordingly.

Strategy Statement

ARPANSA will implement measures, consistent with its [Statement of Regulatory Intent](#) to ensure compliance with the Act, the Regulations and licence conditions.

ARPANSA will promote and monitor compliance by:

- a) Providing guidance to assist controlled persons understand the requirements of the Act and Regulations, the licence and licence conditions.
- b) Implementing a risk-based inspection program in accordance with ARPANSA's [Inspection Manual](#).
- c) Producing timely, clear and accurate records of compliance monitoring activities for each licence holder.
- d) Publishing inspection reports and relevant compliance information on its website.

- e) Undertaking frequent monitoring¹ of licensed activities, in the form of communications and site visits, as distinct from inspection activities.
- f) Conducting regular stakeholder consultation activities, such as, licence holder forums and performance surveys.
- g) Responding appropriately to licence holder feedback.
- h) Sharing information with other Commonwealth regulators, for example, Comcare and Australian Safeguards and Non-Proliferation Office (ASNO).
- i) Undertaking regular reviews of the effectiveness of compliance activities.

Graded Approach

ARPANSA will take a graded approach to non-compliance that is proportionate to risk. The following diagram represents the proportionate use of these tools and the ability to escalate the regulatory action if an initial response does not achieve a return to compliance.

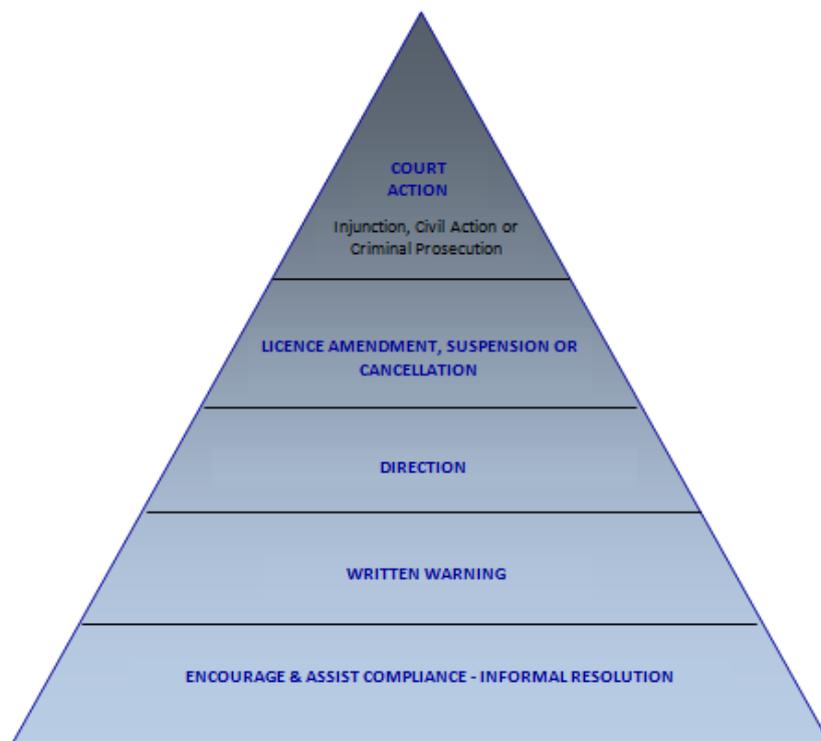


Figure 1 Graded response to non-compliance

¹ During such monitoring, authorised ARPANSA staff will periodically check in and out with appropriate management. In general, any observations will be provided verbally to management upon departure from site. No written report will be produced, except in very unusual circumstances such as a major event or significant non-compliance.

Effective monitoring obviates the need for ‘unannounced’ inspections by providing ARPANSA with sufficient assurance that facility operations are being kept within the safe envelope. Although a reactive inspection may be warranted on occasion, such an inspection will be planned and the licence holder informed in advance.

The level of regulatory response will be based on the significance of the non-compliance taking into account the following criteria:

- Actual or potential safety consequences
- Nature of discovery
- Impact on the regulatory process
- Cooperation and disclosure
- Level of intent
- Compliance history
- Mitigating circumstances
- Corrective actions
- Impact on the community and/or the environment
- Whether the licence holder took reasonably practicable steps to prevent the non-compliance.

Note: These criteria are further explained in the [Regulatory Guide: Graded Response to Non-compliance](#).

ARPANSA will take into account stakeholder feedback and update its strategies, procedures and guidance where appropriate.

ARPANSA will provide timely reports to the Minister and the Parliament on compliance and enforcement activities.

ARPANSA will review this strategy every two years.

Administrative Matters

Under sections 59 and 60 of the Act, details of any breach of licence conditions of which the CEO is aware must be included in ARPANSA's quarterly and annual reports to the Minister.

In fulfilling this requirement, ARPANSA will apply a graded approach to the reporting of breaches, similar to the graded response to non-compliance, where the amount of detail reported is dependent on the severity of the breach. This approach is further explained in the [Regulatory Guide: Graded Response to Non-compliance](#).