Best Practice Regulation – Is a RIS required?

The Office of Best Practice Regulation (OBPR) assesses all regulatory proposals to determine whether a regulation impact statement (RIS) is required. This form will help you identify the key features of your regulatory proposal, which, in turn, will allow us to quickly assess whether an RIS is required.

Overview

Name of department/agency	ARPANSA
Name of proposal	Amendment No. 7 to the National Directory for Radiation Protection (NDRP)

Please provide a brief outline of the key elements of the proposal. This could include the following information:

- The problem that the regulation is attempting to solve, and the government's objective
- Any preliminary options that are being considered, and
- Information on whether it's a proposal for a new regulation, to amend an existing regulation or to replace sunsetting regulation.

What are the key elements of your proposal?

ARPANSA, via the Radiation Health Committee (RHC), is proposing to publish an amendment to the NDRP to:

(a) Amend section 4.2 to insert an exemption from authorisation (clause 4.2.2) to dispose of radioactive material subject to the requirements of Schedule 14.

(b) Insert Schedule 14 containing the requirements for disposal of radioactive material by the user.

(c) Insert Annex 4 that contains information and explanatory material relating to the derivation of the exemption values contained in Schedule 14.

(d) Amend footnote 12 to clarify that exemption limits listed in Schedule 4 do not apply to discharge of radioactive material

(e) Amend several clauses within the NDRP to reflect the addition of clause 4.2.2 (e.g. remove '(in preparation)' from clause 3.2.7 and footnote 20).

Likely impact on the business and not-for-profit sectors

A RIS is required for all proposals that are expected to have an impact – whether positive or negative – on businesses or not-for-profit organisations, unless these costs are of a minor or machinery nature. Business impacts can be thought of as either regulatory or compliance impacts.

Regulatory impacts may include:

- Changes to the number or type of products that businesses can offer, such as:
  - Banning products or industry practices
  - Changing the way in which products can be offered.

- Impacts on consumer demand for certain products, such as:
  - Increasing prices brought about by the regulation's requirements
  - Changing the information available to consumers.

- Impacts on the ability or incentives of businesses to compete in the market, such as:
  - Creating either a self-regulatory or co-regulatory regime
  - Changing the requirements for a licence, permit or other authorisation
  - Influencing the price or quantity of goods which are sold
  - Setting standards for product/service quality
  - Changing the price or type of inputs available to businesses.

Is your proposal likely to have any regulatory impacts? If so, please specify.

The differences between the proposed amendment and its predecessor, the National Health and Medical Research Council's *Code of Practice for the Disposal of Radioactive Wastes by the User (1985)* (RHS 13), have been assessed. RHS 13 required the approval of the statutory authority [sic] before disposing of any (radioactive) waste via landfill, to the sewer or to atmosphere. The proposed amendment to the NDRP permits discharge of radioactive material to any of these endpoints without any authorisation from the relevant regulatory authority provided that the activity and activity concentrations are below the levels specified in the proposed Table S14.1.

For discharge of radioactive material at activities or activity concentrations above the levels specified in Table S14.1, the user will be required to seek approval of the relevant regulatory authority before the discharge and hence there would be no change to the requirements of RHS 13.

It is important to note that the levels specified in Table S14.1 are *not* discharge limits. They are simply levels below which no authorisation or other regulatory approval is required. The relevant regulatory authority may permit disposal of activities or activity concentrations above the values given in Schedule 14 but such an approval would be based on a case-by-case assessment. This is no different from that already required in RHS 13, although RHS 13 provided no values below which regulatory authority authorisation or approval was not required.

It is therefore considered that the proposed clause and Schedule will in some cases reduce the burden to the user in relation to disposal of radioactive material. In other cases, there will be no change.

As Annex 4 is for information purposes only and contains no requirements, it will not impose any burden on persons disposing of radioactive material.

Compliance costs are those costs that businesses face as a result of dealing with the government. Compliance costs include:

- Requiring the collection and reporting of certain information
- Keeping abreast of certain requirements and re-training staff
- Changing operating procedures or purchasing patterns
- Cooperating with audits or inspections, and
- Engaging lawyers, accountants or other advisors.

Is your proposal likely to affect compliance costs? If so, how?

As the discharge values given in Table S14.1 are numbers below which no authorisation from the relevant regulatory authority is required, it is not expected that there would be any significant cost to businesses. In fact, as already noted, compliance costs should be reduced as no further authorisation or approval need be sought or obtained by the user to discharge radioactive material below the levels given.

For activities or activity concentrations of radioisotopes above those levels however, all requirements for authorisations or approvals from the relevant regulatory authority would be as previously stipulated in RHS 13.

Timing

Key dates, as well as an indicative timeline, should both be clearly outlined in the box below. This information will assist us in providing advice in a timely manner and to help you prepare an adequate RIS at the correct stage in the policy process.

Key dates and timeline:

April-May 2014: Public comment stage
June 2014: Document amended as a result of public comment, where required
July 2014*: Approval of RHC to publish
4th quarter 2014: Forward amendments to AHMAC and SCoH for endorsement

* It is acknowledged that this step might occur out-of-session

Contact Information

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Please forward the completed form to the OBPR (helpdesk@obpr.gov.au) or call 6215 1955 to discuss your proposal with an OBPR officer.