



Australian Government



BEST PRACTICE REGULATION PRELIMINARY ASSESSMENT

Best Practice Regulation – Preliminary Assessment

This preliminary assessment form will help you assess whether a regulatory proposal will have a potential impact on business and individuals or the economy, and whether further analysis may be required. This form will guide you through the compliance cost impacts and other impacts of your proposal. You should consult the *Best Practice Regulation Handbook* for more information about the requirements for developing regulatory proposals. All regulatory and quasi-regulatory proposals are subject to these requirements, which are mandated by the Australian Government.

While self-assessment is an option at this stage of the policy development process, you are strongly encouraged to contact the Office of Best Practice Regulation (OBPR) to confirm your preliminary assessment and for advice and support. If you incorrectly assess the impact of your proposal, it may not be allowed to proceed to the decision maker. Contacting the OBPR early in the policy development process will help departments and agencies progress the proposal through decision-making forums, such as Cabinet, in a timely manner; ensure full compliance with the Government's requirements; and avoid the need for post-implementation reviews within one to two years. Note that the preliminary assessment should be informed by consultation with stakeholders.

ARPANSA

National Directory for Radiation Protection, Amendment 2, 2008, Exclusions and Exemptions

To amend the National Directory for Radiation Protection to clarify exclusion and exemption provisions and to add to the list of specific exemptions listed in Schedule 5.

Section 1: Business compliance costs

The following checklist will help you identify if the proposal has the potential to increase compliance costs.

Will businesses incur extra costs when they are required to <u>report certain events</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will businesses incur extra costs in <u>keeping abreast of regulatory requirements</u> ?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are costs incurred in <u>seeking permission</u> to conduct an activity?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will businesses need to <u>purchase materials, equipment or external services</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will businesses need to <u>keep records</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will businesses incur costs when <u>cooperating with audits or inspections</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will businesses incur costs when <u>producing documents</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Will businesses incur <u>costs from other changes to their procedures or practices</u> ?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there any <u>other compliance costs</u> , including indirect costs or impacts on intermediaries such as accountants, lawyers, banks or financial advisers?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

- ◆ If you have answered 'no' to each of these questions, there would appear to be no compliance costs to business.
You will need to include an explanation of the reason for this assessment at the end of this form.
You can now proceed to section 2.
- ◆ If you have answered 'yes' to any of these questions, you will need to determine if business compliance costs are low.
In general, compliance costs to business would be low when only a few businesses are affected and the costs are negligible or trivial.

For example:

- changes to regulation that are machinery in nature, involving technical changes which will not have an appreciable impact on business and are consistent with existing policy (such as indexation); or
- there would be a very small initial one-off cost to business and no ongoing costs.

Proposals that have a broad impact (that is, affect a large number of businesses), or involve a cost per business that is not negligible (in relation to the size of businesses involved), would not be considered to generate low compliance cost impacts. In these cases, departments and agencies should contact the OBPR, which will determine the level of regulatory impact analysis required.

Will this proposal have low compliance costs on business? Yes No

- ◆ If you answered 'yes' to this question, you will need to include an explanation of the reason for this assessment at the end of this form. You can now proceed to section 2. If you are unsure, contact the OBPR.
- ◆ If you answered 'no' to this question or are uncertain, please contact the OBPR for advice on the appropriate level of analysis and further information.

Section 2: Other impacts on business and individuals or the economy

You should also identify any other potential impacts on business and individuals or the economy that require or encourage businesses to alter their behaviour.

Regulation has an impact on business and individuals or the economy if it imposes a cost or confers a benefit. This includes proposals that restrict or promote competition. These impacts may be positive or negative, financial or non-financial, direct or indirect, or market or non-market impacts.

The following checklist will help you assess whether a proposal has a potential impact on business and individuals or the economy.

Will the proposal:

Potentially affect the number and range of businesses in an industry? Yes No

For example:

- change the ability of businesses to provide a good or service;
- change the requirements for a licence, permit or authorisation process as a condition of operation;
- affect the ability of some types of firms to participate in public procurement;
- significantly alter costs of entry to or exit from an industry; or
- change geographic barriers for businesses.

Potentially change the ability of businesses to compete? Yes No

For example:

- control or substantially influence the price at which a good or service is sold;
- alter the ability of businesses to advertise or market their products;
- ban certain types of products or business practices;
- set significantly different standards for product/service quality; or
- significantly alter the competitiveness of some industry sectors.

Potentially alter a business's incentives to compete?

Yes No

For example:

- create a self-regulatory or co-regulatory regime;
- impact on the mobility of customers between businesses;
- require/encourage the publishing of data on company outputs/price, sales/cost; or
- exempt an activity from general competition law.

Potentially impact on consumers?

Yes No

For example:

- alter the choices available to consumers;
- affect the quality of consumer products or services;
- create or remove restrictions on access to a product;
- promote or restrict information dissemination to consumers; or
- add to or reduce the complexity of consumer products or services.

Potentially have any other impacts on business and individuals or the economy?

Yes No

For example:

- mandate payments from one party to another (excluding taxes);
- have environmental or social impacts (including distribution of resources);
- create or amend government cost recovery arrangements;
- impact on Australia's international capital flows or trade;
- impact on mobility of labour;
- impact on resource allocation, saving or investment;
- transfer risk between business, individuals and government; or
- impose any other financial costs.

- ◆ If you have answered 'no' to each of these questions, you will need to include an explanation of the reason for this assessment at the end of this form.
- ◆ If you have answered 'yes' to any of these questions, you will need to determine if other impacts are low. In general, impacts would be low when only a few businesses are affected and the impacts are negligible or trivial.

Will this proposal have low other impacts on business and individuals or the economy?

Yes No

- ◆ If you answered 'yes' to this question, you will need to include an explanation of the reason for this assessment at the end of this form. You can now proceed to section 3. If you are unsure, contact the OBPR.
- ◆ If you answered 'no' to this question or are uncertain, please contact the OBPR for advice on the appropriate level of analysis and further information.

Section 3: Rationale for your assessment of low or no impact

You should provide an explanation for why you have assessed business compliance costs as low or nil and why you have assessed other impacts on business and individuals or the economy as low or nil.

See Attachment 1.

Section 4: Next steps

If you are uncertain about the impact of a proposal, you should forward a copy of this preliminary assessment, along with a clear outline of the proposal and its possible impacts, to the OBPR, which will determine the level of analysis required.

You should keep this form and any supporting documents, including a clear outline of the proposal to which it relates and its impacts, on file and send a copy to the Best Practice Regulation Coordinator in your department or agency.

Signature 

(Note that this preliminary assessment should be signed by the person who has responsibility for the proposal on behalf of the department or agency)

Name:

Date:

Attachment 1 to Preliminary Assessment – National Directory for Radiation Protection, Amendment 2, 2008 – Exclusions and Exemptions

Amendment 2 proposes that NDRP Section 3 be amended to provide clarification on exemption provisions, particularly those related to exemption of naturally-occurring radionuclides and to exemption of bulk quantities of material. An exemption protocol that was circulated for comment at the ARPANSA sponsored National Conference on Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing (April 2005) and made available at <http://www.arpansa.gov.au/pubs/rps/protocol.pdf> forms the basis of the changes, and the changes have been included in the form of footnotes to Section 3 of the NDRP.

Given that the footnotes are explanatory and for clarification of existing requirements, there is no additional impact, except for a possible small one-off cost in familiarisation with these provisions.

Section 3.2 of the NDRP provides for exemptions from licensing, registration, approvals or other authorisation provisions in legislation.

The general criteria for granting an exemption is stated in section 3.2.1 of the NDRP, and is based on internationally accepted principles. The exemption levels for activity and activity concentration for particular radionuclides as provided for in section 3.2.2 (and Schedule 4) of the NDRP are also based on internationally accepted principles.

3.2.2(b) has been changed to correct a typing error by replacing "or" with "and". This change has the effect that less material will need to be assessed for exemption under this clause, and hence there is no significant impact.

There are no changes to the exemption levels specified in Schedule 4 of the NDRP.

A new clause 3.2.7 has been added to provide that specific exemptions can be granted for radioactive sources listed in Schedule 5, in addition to the exemptions for apparatus already in place in Schedule 5 arising from clause 3.2.6.

Schedule 5 of the NDRP is proposed to be amended to provide additional specific exemptions for low activity low risk radioactive sources. The specific exemptions to Schedule 5 proposed in Amendment 2 were based on exemptions currently in place in similar form in all jurisdictions, and hence will not have significant impact on users or regulators, other than a small one-off cost in familiarisation. This cost is expected to be small as the proposals are similar to exemption provisions already in place in regulation in all jurisdictions.