

Terms of Reference for the Review

The legislation to be reviewed is as follows:

The Commonwealth

Australian Radiation Protection and Nuclear Safety Act 1998
Australian Radiation Protection and Nuclear Safety (Licence Charges) Act 1998
Australian Radiation Protection and Nuclear Safety Regulations 1999

Australian Capital Territory

Radiation Act 1983

New South Wales

Radiation Control Act 1990
Radiation Control Regulation 1993

The Northern Territory

Radiation (Safety Control) Act 1978
Radiation (Safety Control) Regulations 1980

South Australia

Radiation Protection and Control Act 1982
Ionizing Radiation Regulations 2000
Radiation Protection and Control (Transport of Radioactive Substances) Regulations 1991

Tasmania

Radiation Control Act 1977
Radiation Control Regulations 1994

Victoria

Health Act 1958 (Part V, Division 2AA)
Health (Radiation Safety) Regulations 1994

Western Australia

Radiation Safety Act 1975-1999
Radiation Safety (General) Regulations 1983-2000
Radiation Safety (Transport of Radioactive Substances) Regulations 1980-1999
Radiation Safety (Qualifications) Regulations 1980-2000

Other legislation, which is relevant to the use of radioactive substances and equipment (such as that regulating occupational health and safety, environment protection, mining and transport) may be considered to determine its impact, if any, and to assist in recommending improvements to radiation protection legislation.

This review excludes any Act or regulation or provisions in any Act or regulation on uranium mining or milling.

The review team is to take into account the following:

- legislation which restricts competition should be retained only if the benefits to the community as a whole outweigh the costs, and if the objectives of the legislation can only be achieved by restricting competition;
- in assessing the matters in (a), regard should be had, where relevant, to effects on public health and safety, occupational health and safety, the environment, the competitiveness of business including small business, consumer interests, economic and regional development, efficient resource allocation and international obligations;
- the need to promote consistency between regulatory regimes and efficient regulatory administration, through improved coordination to eliminate unnecessary duplication;
- the suitability and impact of any standards and codes of practice referenced in the legislation, and justification for their retention if they continue to be referenced; and
- the need to reduce compliance costs and paper work burden on small businesses.

Attachment 1 – Terms of Reference and Contact Details

In making assessments in relation to the matters in (a) to (e) above, the review team is to have regard to:

- the relevant Sections of the Competition Principles Agreement;
- the National Competition Council’s Guidelines for NCP Legislation Reviews published by the Centre for International Economics; and
- COAG’s Principles and Guidelines for National Standard Setting and Regulatory Action by Ministerial Councils and Standard-Setting Bodies.

The review team should also make use of material contained in guidelines published by governments on regulatory impact statements and on conducting NCP legislation reviews and is to have particular regard to the following public health and radiation protection issues.

- The effects of related legislation affecting radiation protection;
- Whether regulatory differences within and between levels of government add to the costs of Australian businesses;
- Whether current arrangements to partially recover the costs of regulatory oversight could be improved;
- Whether there are ways to reduce regulatory compliance costs, possibly including streamlining radiation control requirements; and
- Whether current arrangements for regulating various occupational groups are appropriate.

The following matters, where relevant, are to be taken into account when assessing the costs, benefits, merits or appropriateness of a particular policy or course of action or in determining the most effective means of achieving a policy objective:¹

- Government legislation and policies relating to ecologically sustainable development.
- Social welfare and equity considerations.
- Government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity.
- Economic and regional development, including employment and investment growth.
- The interests of consumers generally or a class of customers.
- The competitiveness of Australian businesses.
- The efficient allocation of resources.

The Final Report of the Review should:²

- Identify the nature and magnitude of the social, environmental or other economic problems that the legislation seeks to address;
- Clarify the objectives of the legislation;
- Identify the nature and extent of the restrictive effects on competition;
- Consider alternatives including non-legislative approaches;
- Identify the different groups likely to be affected by the legislative restrictions and alternatives;
- Assess and balance the costs, benefits and overall effects of the legislative restrictions and alternatives identified; and
- List the individuals and groups consulted and outline their views or state reasons if consultation was considered inappropriate.

¹ Competition Principles Agreement, clause 1(3).

² Competition Principles Agreement, clause 5(9).

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