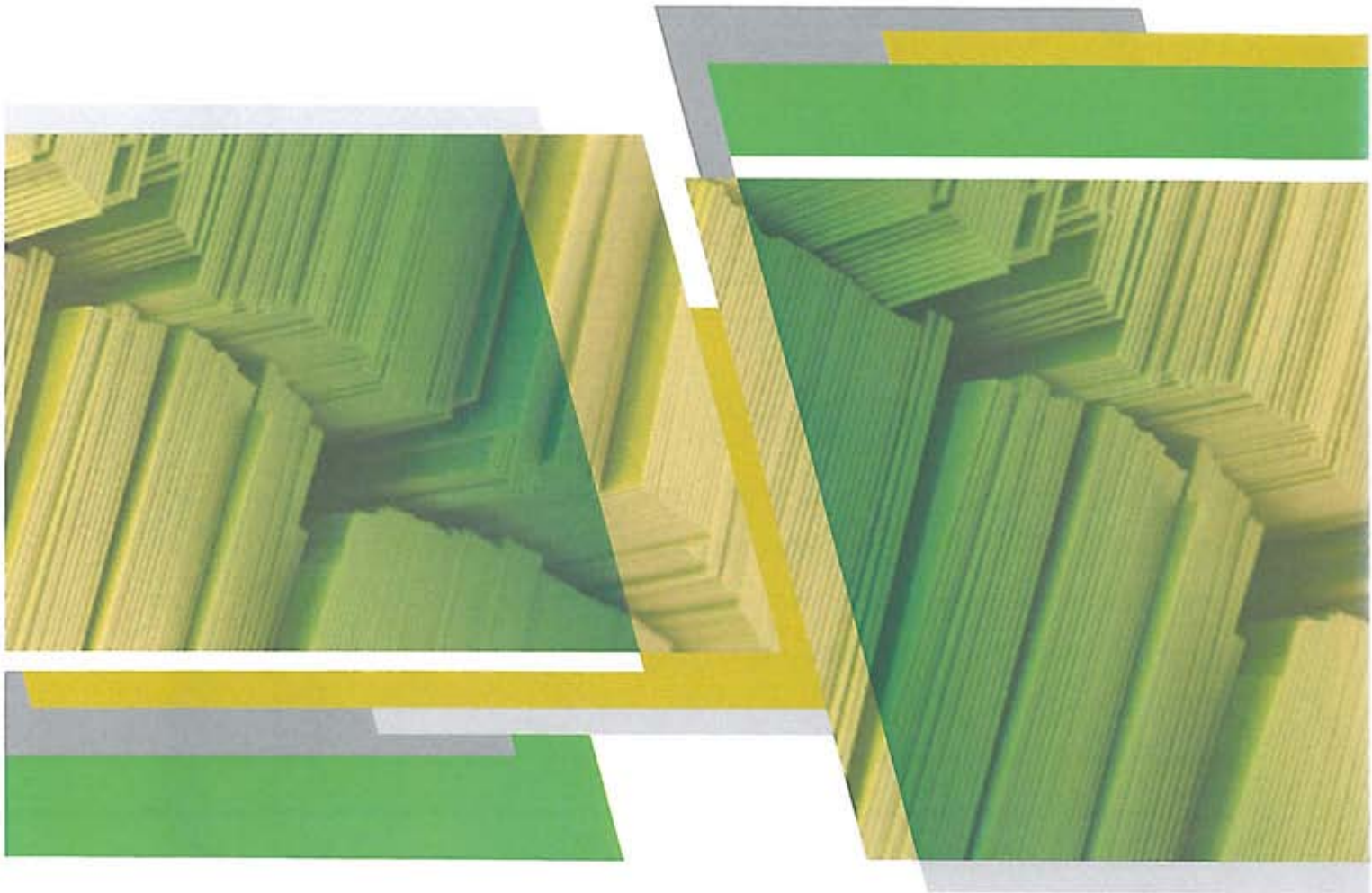




Australian Government



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.

An electronic version of this preliminary assessment form is available at www.obpr.gov.au.

(Insert name of department/agency) **ARPANSA**
 (Insert name of proposal) **RECOMMENDATIONS FOR THE CLASSIFICATION OF RADIOACTIVE WASTE**
 (Insert a short description of proposal)

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="radio"/> Yes	<input checked="" type="radio"/> No
Will businesses incur extra costs in <u>keeping abreast of regulatory requirements</u> ?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Are costs incurred in <u>seeking permission</u> to conduct an activity?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will businesses need to <u>purchase materials, equipment or external services</u> ?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will businesses need to <u>keep records</u> ?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will businesses incur costs when <u>cooperating with audits or inspections</u> ?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will businesses incur costs when <u>producing documents</u> ?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Will businesses incur <u>costs from other changes to their procedures or practices</u> ?	<input checked="" type="radio"/> Yes	<input type="radio"/> 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="radio"/> Yes	<input checked="" type="radio"/> 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

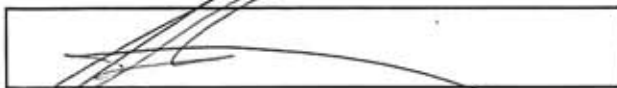
You should provide an explanation for why you have assessed business compliance costs as low or nil and why you have assessed other impacts on business and individuals or the economy as low or nil.

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:

KEITH DESSENT

Date:

24/6/09

Best Practice Regulation Preliminary Assessment

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

Background

ARPANSA, via the Radiation Health Committee (RHC), is proposing to publish *Recommendations for the Classification of Radioactive Waste* as part of its Radiation Protection Series. An RHC working group has prepared a draft document based on an International Atomic Energy Agency (IAEA) document, DS390, which has been finalised and which the IAEA expects to publish shortly. Several changes have been made to the IAEA document that make it more relevant to the Australian situation but essentially, the draft Recommendations and DS390 are comparable.

The IAEA expects all Member States, of which Australia is one, to adopt its guidance documents in order to bring about a uniform international approach to radiation protection.

In terms of Australia's Radiation Protection Series:

Recommendations provide guidance on fundamental principles for radiation protection. They are written in an explanatory and non-regulatory style and describe the basic concepts and objectives of best international practice. Where there are related Radiation Protection Standards and Codes of Practice, they are based on the fundamental principles in the Recommendations.

On the other hand:

Safety Guides provide practice-specific guidance on achieving the requirements set out in Radiation Protection Standards and Codes of Practice. They are also non-regulatory in style, but may recommend good practices. Guidance is expressed in 'should' statements, indicating that the measures recommended, or equivalent alternatives, are normally necessary in order to comply with the requirements of the Radiation Protection Standards and Codes of Practice.

The working group agreed that the redrafted version of DS390 was better suited to that of Recommendations rather than a Safety Guide.

As all documents in the Radiation Protection Series are intended to be adopted into the *National Directory for Radiation Protection*, which is in turn incorporated into the regulatory requirements of ARPANSA and each of the States and Territories, it is possible that there could be costs involved to users of the document. For this reason, a preliminary assessment of the draft Recommendations has been carried out with a view to determining potential costs to stakeholders.

As Recommendations, by definition, are not regulatory in style, little or no cost is expected to be experienced by industry other than that resulting from familiarisation with the proposed classifications and possibly a change to the way they currently classify their radioactive waste. It should be noted that the draft Recommendations do not contain any mandatory requirements.

The Preliminary Assessment

Section 1 – Business Compliance Costs

There are no reporting or record keeping requirements in the Recommendations. Therefore, there will be no cost burden as a result of the Recommendations in this area on those stakeholders who will be producing radioactive waste. Future documents such as a proposed Operational Management of Radioactive Waste publication might, however require reporting or record keeping requirements but these would be fully costed if and when those documents are produced and if they include any such requirements.

As with all new documents, stakeholders will need to familiarise themselves with the Recommendations. Although this does involve a cost in terms of the time needed to do this, it is expected that this will be small. It is assumed that those industries that are already producing waste would have a “classification scheme” in place. The proposed Recommendations provide uniform guidance on how classification should be done so that all of Australia’s radioactive waste would be classified in the same way. Additionally, the waste would also be classified in the same way as the rest of the world once DS390 is formally adopted by each IAEA Member State.

As the document is not regulatory, it is not expected that audits or inspections would take place. Regulatory authorities might however, follow up classification procedures with a stakeholder but that would be expected to be more advisory in its scope.

The Recommendations should stand alone and therefore businesses should not need to produce any further documents. It is envisaged that all that is needed is included in the Recommendations document although some site specific guidance might need to be prepared by a given stakeholder.

While the Recommendations might necessitate some changes to the existing procedures or practices of stakeholders, this is expected to be only minor. As previously noted, stakeholders should already be classifying waste and the Recommendations will simply provide a uniform approach to the way that they are already doing this.

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

There should be no effect on the number or range of businesses within the industry. As the Recommendations only provide a scheme of waste classification, existing stakeholders will remain and there should be no impediment to new stakeholders coming into the industry.

There should be no change to the ability of businesses to compete and, if anything, a uniform approach to classifying waste should put businesses on an equal footing as well as providing a better idea of their status in terms of radioactive waste disposal.

A uniform approach to the classification of radioactive waste should not negatively alter a business’ incentive to compete and could, in all likelihood, have a positive outcome as the appropriate classification of the waste being produced could lead to more cost-effective waste disposal options.

Given that there will be little change to the way most stakeholders classify their radioactive waste, there should be minimal or no increase in costs and therefore no cost passed on to the consumer. Conversely, consumers could have a greater degree of confidence in the way waste is treated resulting from a uniform approach to classification of radioactive waste across Australia and throughout the world.

As the Recommendations are based on the IAEA document DS390, which will eventually be adopted by all IAEA Member States in some form or other, the rest of the world will have confidence that radioactive waste produced in Australia is being appropriately classified. This should remove the possibility of trade impediments where waste classification might be seen as an issue by another country. For this reason, other impacts of introducing the Recommendations should be either low or non-existent. In fact, it is possible that the introduction of the Recommendations could be advantageous due to the increased confidence arising from Australia introducing an internationally uniform method of classifying its radioactive waste.