



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 No. 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: Keith Dessent

Date: 14/12/2009

## Best Practice Regulation Preliminary Assessment National Directory for Radiation Protection – Amendment 5

### Background

ARPANSA, via its Radiation Health Committee (RHC), is proposing to publish an amendment to the *National Directory for Radiation Protection*, Radiation Protection Series 6 (NDRP). The proposed Amendment 5 contains only ‘machinery’ alterations to the NDRP and should not impose a significant burden on stakeholders, even though there is ministerial agreement of the Commonwealth and all States and Territories that provisions of the NDRP, once approved, be adopted into the relevant regulatory frameworks of each jurisdiction.

The proposed alterations to the NDRP in amendment 5 are:

- “in regard to ionizing radiation,” is added to paragraph 2.2(a) to clarify that the radiation protection principles therein do not apply to non-ionizing radiation protection;
- Schedule 11 is amended to include the *Code of practice for radiation protection in veterinary medicine (2009)* (RPS17) and the *Code of Practice for radiation protection in the application of ionizing radiation by chiropractors (2009)* (RPS 19); and
- Schedule 13 is amended to correct several typographical and editorial matters.

However, a preliminary assessment of amendment 5 has been carried out with a view to determining potential costs to stakeholders.

The amendments outlined above are essentially editorial or have been subject to a cost-benefit analysis – in the case of the addition of RPS17. Therefore, the only real burden on stakeholders will be familiarisation with the changes resulting from the amendment.

### The Preliminary Assessment

#### Section 1 – Business Compliance Costs

The only reporting or record keeping requirements in the amendment are contained in the amendment to Schedule 13; record keeping requirements in RPS17 and RPS19 have already been costed as part of the preparation of those Codes of Practice.

As the requirement for reporting a particular category of radiation incident to the Australian Radiation Incident Register (ARIR) would be changed from “2-3 Gy skin dose” to “6 Gy skin dose” however, the cost would most likely be the same or reduced as fewer of these incidents would need to be reported by stakeholders. In addition, this category of incident already has a very low probability of occurrence. This change in the incident reporting threshold makes the ARIR consistent with international severe incident reporting databases and is therefore not seen to be a detriment to the data in the ARIR.

As with all regulatory amendments, stakeholders need to familiarise themselves with the requirements therein. Although this does involve a cost in terms of the time needed to do this, it is expected that this will be small due to the editorial nature of the proposed amendment.

It is not expected that audits or inspections would take place as a result of the proposed amendment.

Stakeholders might need to alter their existing safety documentation, particularly the incident reporting requirements outlined above, but as these are a relaxation of the requirements, the cost would be expected to be small and one-off.

While the amendment might necessitate some changes to existing procedures, especially to the incident reporting requirements, this is expected to only be minor. Only RPS17 and RPS 19 have mandatory requirements, which will be imposed on the veterinary and chiropractic industries, but these were fully costed during the preparation of those documents. Stakeholders who will be impacted on by incorporating the amendment will benefit from a uniform approach to the way that they are regulated. This will be particularly evident for those who use non-ionizing radiation (NIR) sources, who will now have a clearer understanding that ionizing radiation protection principles do not apply to NIR and those who are in the position of reporting a radiation incident to the ARIR.

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

There should be no effect on the number or range of businesses potentially affected by the amendment. The clarification of the radiation protection principles to exclude non-ionizing radiation could actually improve the ability for stakeholder to compete, particularly where the previous wording caused confusion.

There should be no change to the ability of stakeholders to compete and, if anything, changing the incident reporting requirements might make those industries more cost-efficient in their operation.

Due to the nature of the changes, there should be minimal or no increase in costs and therefore no cost passed on to the consumer. Further, a stakeholder dealing with non-ionizing radiation will not be constrained by the radiation protection principles that were originally intended to only cover ionizing radiation and there should be no increase in cost to those stakeholders.