

3.4 Ensure effective and proportionate regulation and enforcement activities

ARPANSA is responsible for licensing Commonwealth entities using radiation and for ongoing compliance monitoring of these entities with the requirements of the *Australian Radiation Protection and Nuclear Safety Act 1998* and the Australian Radiation Protection and Nuclear Safety Regulations 1999, and with any licence condition that may be imposed by the CEO of ARPANSA. ARPANSA regulates a broad range of applications from baggage X-ray units to the OPAL research reactor and other nuclear installations at Lucas Heights Science and Technology Centre in New South Wales. We also regulate the use of non-ionising radiation such as high powered lasers and powerful sources of ultraviolet radiation. Licensee details, and a listing of the breaches of licence conditions of which the CEO is aware, are at Appendix 7.

We have adopted a risk-informed approach and strive to minimise regulatory burden and to promote the licence holders' internal systems and procedures for managing regulatory compliance, as well as to work efficiently and collaboratively to deliver best practice regulation and reduce to the extent achievable any risk to people and the environment.

ARPANSA is committed to the effective and independent regulation of radiation sources, radiation facilities and nuclear installations. In 2014-15, ARPANSA reviewed its regulatory framework to remove redundant provisions and clarify provisions to minimise regulatory burden. We reviewed our regulatory delivery model to reflect a more proportionate, risk-informed approach to regulation. We will continue to regulate the use of radiation by Australian Government entities through: licensing, inspecting, monitoring, enforcing compliance, enhancing awareness of good radiation practices and nuclear safety, and controlling the transport of radioactive materials. ARPANSA will, in collaboration with state and territory regulators, continue to further develop the national regulatory framework including the *National Directory for Radiation Protection*, building on international best practice to ensure effective regulation and enforcement activities.

Integrated Regulatory Review Service Mission

An IAEA Integrated Regulatory Review Service (IRRS) mission is a regulatory benchmarking exercise

involving peer review by overseas experts. ARPANSA underwent an in-depth review of the Regulatory Services Branch in 2007, and then again in 2011 with a follow-up IRRS mission in which modules on medical exposure and patient protection were introduced.

From these two missions 16 recommendations and suggestions for improvement remained 'open'. However, with the implementation of the *Regulatory Delivery Model* in January 2015, staff were able to verify and document the completion of the IRRS recommendations and suggestions. All actions are now closed. The next IRRS mission to Australia is expected as early as 2018.

Regulator Performance Framework

In keeping with the Government's goal of reducing unnecessary regulation, a *Regulator Performance Framework* has been introduced that requires regulatory agencies to develop output or activity-based evidence metrics for each of six key performance indicators (KPIs) and use these to self-assess their performance. The Framework applies to ARPANSA as it is a regulator of Commonwealth entities that may site, design, construct, possess, use, or operate nuclear or radiation facilities or sources.

The aim of the Framework is to measure and report on the performance of regulators. It is based on six outcome-based KPIs, namely:

- **KPI 1** Regulators do not unnecessarily impede the efficient operation of Regulated entities
- **KPI 2** Communication with regulated entities is clear, targeted, and effective
- **KPI 3** Actions undertaken by regulators are proportionate to the regulatory risk being managed
- **KPI 4** Compliance and monitoring approaches are streamlined and coordinated
- **KPI 5** Regulators are open and transparent in their dealings with regulated entities
- **KPI 6** Regulators actively contribute to the continuous improvement of regulatory frameworks.

ARPANSA has developed twelve evidence metrics to self-assess its performance against the six KPIs over a twelve month period from 1 July 2015. ARPANSA's

twelve performance indicator evidence metrics are available at: www.arpansa.gov.au/Regulation/goodregulatorypractice/metrics.cfm.

Our regulatory approach

In support of protecting people and the environment from the harmful effects of radiation we use strategies that encourage licence holders to engage in our regulatory approach:

- We focus the primary responsibility for safety with the person or organisation responsible for facilities and activities that give rise to radiation risks.
- We promote effective communication with licensees and other stakeholders, and take our decisions in a transparent, robust, unbiased and consistent fashion.
- We work with licensees and other stakeholders for collaborative fostering of good safety and security cultures.

- We use a risk-informed approach to licensing, inspections and compliance monitoring.
- We take appropriate action against those who do not comply with their obligations.

Engagement with our licence holders

ARPANSA held two Licence Holder Forums in Sydney and Melbourne in June. The forums attracted approximately 100 attendees. Two key note speakers made presentations: Dr Stephen Koukoulas, on the economics of efficient and effective regulation, and Mr Donald Hoffman, CEO of Excel Services Corporation in the USA, on recent developments in nuclear regulation. Both presentations were well received. A copy of all presentations from the forums can be found on the ARPANSA website at: www.arpansa.gov.au/Regulation/forums.

Performance against deliverables

Quantitative Deliverable

Quantitative Indicators	2013-14 Revised Budget	2014-15 Budget Target	2015-16 Forward Year 1
Number of inspections and site visits of licensed Commonwealth radiation sources, facilities and nuclear installations	35 ¹	35 ¹	35
RESULT	42	70	
Number of safety incidents ² involving Commonwealth users of radiation	<10	<10	<10
RESULT	3	4	
The percentage of inspections at which full compliance is observed	N/A	>90%	>90%
RESULT	N/A	96	
Number of holistic safety regulatory interventions which licence holders cooperate with	N/A	10	10
RESULT	N/A	4 ³	

1. Target has been revised compared to previous years to reflect the need to differently utilise staff to deal with major licence applications and to adopt a revised approach to utilise a smaller number of larger inspections to improve efficiency and outcome.
2. Safety incidents are radiation incidents as reported to the Australian Radiation Incident Register.
3. Performance against this KPI was below the target for 2014-15 as a consequence of changes to the delivery of regulatory services, in particular inspections. ARPANSA's holistic safety approach is being increasingly incorporated into its mainstream inspection program and delivered by the general inspection team with support from a specialist group. Holistic safety attributes have been included in three sets of cross cutting performance objectives and criteria which are assessed during inspections. ARPANSA retains the capability to undertake specific augmented inspections for holistic safety and other interventions where necessary.