

Questions Posted in Meeting - 5th Review Meeting (4 - 14 April 2011)

No.	Posted By	Article	Ref. in National Report	Question / Comment	Answer
1	United Kingdom	Article 8.1	Page 13	<p>The report does not appear to discuss the provision of adequately trained staff, knowledge management or succession planning within the Regulatory Body. Could Australia please describe how the Regulatory Body manages these important issues to ensure that adequate levels of staff with the necessary expertise are and will continue to be available?</p>	<p>As a country with a small nuclear program, Australia has significant challenges in relation to training and succession planning. Knowledge management is also a key issue given the ageing of the nuclear workforce throughout the world. ARPANSA is actively engaged in a program of professional development and training of the next generation of nuclear safety regulators through international recruitment and development of staff through post graduate training in nuclear science, as there is not a specialist nuclear engineering qualification available in Australia at undergraduate or post graduate level.</p>
2	United Kingdom	Article 14.1	Page 29	<p>The Regulatory Assessment Principles were last published in 2001. Could Australia give details of any plans for revision of these to update them to reflect the latest IAEA and other international standards?</p>	<p>The Regulatory Assessment Principles have been amended since 2001. The date has been left unchanged as there has not been a wholesale revision. Key areas where additional guidance is currently being finalised are decommissioning, ageing management, periodic safety review, human factors and safety culture.</p>

3	Slovenia	Article 7.1	p.10	In the ARPANSA's organisational scheme one could not find a »inspection branch«. Could you explain if it exist and what does it mean that »..ARPANSA can appoint inspectors...«. Does that mean that the employee may be appointed as inspector on the case by case basis and ARPANSA does not have permanent inspectors?	ARPANSA's inspectors are located within the Regulatory and Policy Branch of ARPANSA. Regulatory staff are appointed as inspectors by the CEO of ARPANSA under section 62 of the ARPANS Act. Once appointed, an inspector may exercise all of the inspection powers set out in the ARPANS Act. Inspectors are appointed for defined periods and are required under the ARPANSA Quality Management System to have and maintain certain competencies, including investigation techniques, evidence gathering and report writing as well as relevant technical competence. In addition inspection staff is also responsible for review and assessment of application for new licence and requests for modifications to existing licences.
---	----------	-------------	------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4	Norway	Article 7.1	9	<p>The Commonwealth of Australia consists of 6 states and 2 territories with to some extent varying views on radiation safety and varying policies for utilisation of radioactive materials. How can international commitments undertaken by the federal government be effectively enforced if the states/territories show reluctance to implement such commitments?</p>	<p>Whilst the Federal Government under the Australian constitution has the power to enter into binding international commitments, there are other co-operative arrangements that allow the states and territories to participate in and respond to the international commitments entered on behalf of Australia by the Federal Government. In relation to radiation safety this is undertaken having regard to the agreement of all Australian governments (Federal, State and Territory) through mechanisms such as the Council of Australian Governments (COAG) or agreements at Ministerial level such as the Australian Health Ministers' Council. In other words there is an agreement at the Ministerial level that the State and Territories will collaborate and cooperate with Federal agencies to achieve national uniformity in important areas like radiation safety. There is currently a comprehensive program that is being implemented co-operatively through Australia's National Directory for Radiation Protection (http://www.arpansa.gov.au/Publications/Codes/rps6.cfm), which is facilitated by ARPANSA and is part of the CEO's statutory function to promote uniformity of radiation protection throughout Australia. A full scope Mission of the IAEA IRRS noted national uniformity of radiation protection as a Good Practice in its report to the Australian government in 2007.</p>
---	--------	-------------	---	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

5	Norway	Article 7.1	9	<p>Under the ANSTO Act, the ANSTO is exempted from state legislation relating to three specified areas. Could Australia elaborate on this? Does this imply that the ANSTO would not have been able to operate without federal legislation overriding state legislation?</p>	<p>ANSTO's predecessor, the Australian Atomic Energy Commission (AAEC) was created by the Commonwealth Government in 1953 under the Atomic Energy Act. The AAEC constructed and operated the MOATA and HIFAR reactors and carried on nuclear related research for many years without any issues of legislated authority being raised. NSW legislation prohibiting a range of nuclear related activities contained (and still contains) a specific exemption for the facilities located at Lucas Heights. It appears to have been generally assumed that the NSW government did not have any jurisdiction over activities on the AAEC site.</p> <p>However in the early 1990s, soon after the entry of the ANSTO Act 1987 into law, a local authority brought legal proceedings in a NSW court concerning an aspect of waste management at the ANSTO site. The court decided that it did have jurisdiction to decide the action and issued an order in that case. The Commonwealth government, whilst accepting the specific order in question, was concerned that the judgement created uncertainty as to the future regulation of ANSTO's operations. Section 7A was inserted into the ANSTO Act by an amendment in order to remove that uncertainty. The ARPANS Act 1998 commenced operation in 1999 and created the independent safety regulator which inter alia regulates the activities of ANSTO.</p>
---	--------	-------------	---	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

6	Norway	Article 8.1	13	<p>Could Australia elaborate on any action plans or milestones for the promotion of national uniformity of radiation protection and nuclear safety policies conducted by the CEO of ARPANSA?</p>	<p>Australia is currently reviewing its radiation protection and nuclear safety series with a view to implementing the new IAEA Basic Safety Standards, once endorsed by the CSS and adopted by the IAEA Board of Governors. In addition it is reviewing the hierarchy of documents produced under the Radiation Protection Series as part of the National Directory of Radiation Protection, to ensure alignment with international best practice. It has also established a regular series of workshops with all of the Australian jurisdictions to benchmark and promote best practice regulation in radiation protection. Australia will have an international peer review of its progress and the success of the promotion of national uniformity when its follow up mission through the IAEA IRRS is undertaken in November 2011.</p>
7	Norway	Article 8.2	16	<p>What are the criteria for nomination to the Radiation Health and Safety Advisory Council?</p>	<p>The ARPANS Act requires that a person who is nominated for appointment to the Radiation Health and Safety Advisory Council must have expertise relevant to radiation protection and nuclear safety. In addition there must be at least two radiation regulators, a person to represent the interests of the public and up to eight other members. There are no formal criteria as to how this is assessed. The current Council has members with professional backgrounds in oncology, epidemiology, health physics, public health, occupational health, environmental protection and climate science.</p>

8	Singapore	Article 8.1	Para. 8.6, Pg 13	<p>Article 8 illustrates the structure and organisation of ARPANSA and its subsidiary Regulatory and Policy Branch.</p> <p>Please elaborate on how Research Reactor (OPAL) is being regulated under the existing regulatory framework and provide the detailed number of staff dedicated to Research Reactor (OPAL) oversight.</p>	<p>The OPAL reactor is regulated by a facility licence authorising its operation subject to licence conditions. The facility is regulated by a group of inspectors under the oversight of the Head of Regulation. All regulatory decision in relation to the OPAL reactor are made by the CEO of ARPANSA. OPAL is regulated having regard to international best practice in nuclear safety regulation and Safety Standards of the IAEA as well as active benchmarking with counterpart regulatory bodies including through engagement in the OECD Nuclear Energy Agency Committees related to Nuclear Regulation (CNRA) and Nuclear Safety (CNSI).</p> <p>The number of staff dedicated to oversight of the OPAL research reactor is four.</p>
---	-----------	-------------	---------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------