ARPANSA

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY ACT 1998

GUIDE TO THE AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY LICENCING FRAMEWORK

Edition 1

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Chapter 1

INTRODUCTION

1.1 Purpose of the Guide

The purpose of this guide is to provide information to Commonwealth entities who may require a licence under the *Australian Radiation Protection and Nuclear Safety (ARPANS) Act 1998* [the Act] to enable them to deal with (ie possess, have control of, use, operate or dispose of) radiation sources.

1	This guide is not definitive and applicants are advised to consult the *Australian Radiation Protection and Nuclear Safety Act 1998* and accompanying Regulations when submitting applications. Both the Act and Regulations are available from the Internet at http//scaleplus.law.gov.au or alternatively from *Government Information shops* in each capital city. Information is also available from the ARPANSA website at http://www.arpansa.gov.au

1.2 Background

The object of the *ARPANS Act* is to protect the health and safety of people and to protect the environment from the harmful effects of radiation. The Act provides a framework for the regulation of radiation sources and nuclear and other facilities controlled or operated by Commonwealth agencies.

The Act is administered and enforced by a statutory office holder, the Chief Executive Officer (CEO) of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), as part of the Commonwealth Department of Health and Aged Care (the Department). For convenience in this guide reference is usually made to ARPANSA.

In addition to regulating facilities and sources of radiation owned or operated by Australian Commonwealth departments and bodies, ARPANSA will:

- promote uniformity of radiation protection and nuclear safety policy and practices across the Commonwealth, States and Territories;
- provide advice on radiation protection, nuclear safety and related issues;
- undertake research in relation to radiation protection, nuclear safety and medical exposures to radiation; and

- provide services in relation to radiation protection, nuclear safety and medical exposures to radiation.

Regulatory principles

The *ARPANS Act* and Regulations and these guidelines have been drafted in accordance with a number of underlying regulatory principles:

- to ensure that licence holders bear the prime responsibility for the safety of activities covered by a licence;
- to provide a system of regulation based on risk;
- to be administratively efficient and flexible;
- to ensure accountability of the CEO of ARPANSA and licence holders;
- to ensure that Commonwealth entities are subject to a comparable level of regulation as that applying to non Commonwealth entities under current State/Territory laws;
- to be consistent with the guidelines for the development of uniform requirements for radiation protection and control, agreed by the States and Territories; and
- to reflect internationally agreed standards and international best practice.

1	**Overview of Relevant Documents** • **The Australian Radiation Protection and Nuclear Safety Act 1998 and the Australian Radiation Protection and Nuclear Safety Regulations 1999** *Available from ARPANSA Website - www.arpansa.gov.au Or Government Information shops in each capital city.* • **Guide to the Australian Radiation Protection and Nuclear Safety Licensing Framework** *Provides general information about the operation of the legislation* *Available from ARPANSA* • **The Australian Radiation Protection and Nuclear Safety Act, Source Licence Application Pack** *Available from ARPANSA* • **The Australian Radiation Protection and Nuclear Safety Act, Facility Licence Application Pack** *Available from ARPANSA*

Chapter 2

APPLICATION OF THE ARPANS ACT

2.1 Who does the Act apply to?

The *ARPANS Act 1998* applies to "**controlled persons**" who undertake activities in relation to nuclear installations or prescribed radiation facilities and dealings with controlled material or controlled apparatus.

In Section 13, the Act defines "controlled persons" as:

- a Commonwealth entity;

  This term is further defined in the legislation and includes:

  - Commonwealth Departments (eg Department of Defence, Department of Foreign Affairs and Trade);
  - bodies corporate established for a public purpose by or under an Act (eg CSIRO, Australian Nuclear Science and Technology Organisation);
  - a company in which a controlling interest is held by the Commonwealth (eg Telstra); and
  - an employee of a person or body covered by any of the above.

- a Commonwealth contractor;

  This term is further defined in Section 11 of the Act to mean a person that is undertaking work for or on behalf of a controlled person

- an employee of a Commonwealth contractor; and

- a person in a prescribed Commonwealth place.

In summary, Commonwealth agencies which are currently involved in activities covered by the ARPANS legislation will be required to submit applications for licence. Non-Commonwealth agencies are regulated by applicable State or Territory radiation protection and environment legislation. Contact details for State/Territory regulators are included in Chapter 8.

2.2 What does the Act apply to?

The *ARPANS Act 1998* applies to controlled persons who undertake any of the following activities:

- **'Conducts' in relation to nuclear installations or prescribed radiation facilities.**

  "Nuclear installations" and "prescribed radiation facilities" are defined in section 13 of the ARPANS Act.

  In summary, ***nuclear installation*** includes a nuclear reactor for research or production of nuclear materials for industrial or medical use, a plant for preparing or storing fuel for use in a nuclear reactor, a nuclear waste storage or disposal facility with an activity that is greater than the activity level prescribed by the ARPANS regulations or a facility for production of radioisotopes with an activity that is greater than the activity level prescribed by the ARPANS regulations.

  A ***prescribed radiation facility*** is a facility that is prescribed in Regulation 6. Prescribed facilities include: certain plants or sites that because of the level of hazard require a high level of scrutiny, certain particle accelerators and certain irradiators used in industry and research to deliver very high doses of ionizing radiation to material. For more detail please refer to the Regulations.

  Conducts, in relation to nuclear facilities and prescribed radiation facilities, are not explicitly defined in the legislation but refer to the activities that may be authorised under a facility licence. Conducts include: preparing a site for a controlled facility; constructing a controlled facility; having possession or control of a controlled facility; operating a controlled facility; and de-commissioning, disposing or abandoning a controlled facility

- **'Dealings' with controlled material or controlled apparatus.**

  "Controlled materials" and "controlled apparatus" are defined in section 13 of the Act.

  Controlled material means any natural or artificial material, whether in solid or liquid form, or in the form of a gas or vapour, which emits ionizing radiation spontaneously.

  Controlled apparatus means apparatus that
  - produces, or could produce, ionizing radiation when energised,
  - apparatus that produces ionizing radiation because it contains radioactive material and
  - apparatus producing harmful non-ionizing radiation (NIR) when energised and prescribed by the Regulations (that is, apparatus that produces NIR that could expose people to amounts in excess of certain exposure limits).

  To ***deal with*** is also defined in the legislation in relation to controlled apparatus or controlled material as any of the following: possess, or have control of, the apparatus or material; use or operate the apparatus or use the material; dispose of the apparatus or material.

2.3 Types of Licences

There are two types of licence described in the ARPANS Act:

- a **source licence** which is required by Commonwealth entities ("controlled persons") who deal with controlled material or controlled apparatus; and

- a **facility licence** which is required by Commonwealth entities ("controlled persons") who are engaged in certain conducts in relation to a nuclear installation or a prescribed radiation facility.

Unless an exemption applies (please refer to section 2.5 of this Guide), either a **Source Licence** or a **Facility Licence** must be obtained by the controlled person. Licence holders and all persons covered by a licence must comply with the conditions of licence.

[redacted]	A controlled person must not deal with a controlled material or controlled apparatus unless: (a) the dealing is authorised by a source licence; or (b) the dealing is prescribed by the regulations as an exempt dealing *(Section 31(1) of the ARPANS Act)* A controlled person must not do any of the following: a) prepare a site for a controlled facility; b) construct a controlled facility; c) have possession or control of a controlled facility; d) operate a controlled facility; e) de-commission, dispose of or abandon a controlled facility; unless: f) the person is authorised to do so by a facility licence; or g) the person is exempted in relation to the conduct concerned by Regulations *(Section 30(1) of the ARPANS Act)*

2.4 What doesn't the Act apply to?

The Act does not apply to:

- people that are not "controlled" persons;

  For example, the Act does not apply to any private individuals or companies or to any State/Territory or local governments or agencies. People who are not "controlled" do not require a source licence or a facility licence under the

ARPANS Act. They may however continue to require a licence under State or Territory legislation.

- facilities, materials or apparatus that are not "controlled" within the definition of the legislation;

  In addition to all of the things that do not fall within the definition of "controlled facility", "controlled apparatus", or "controlled material", the Regulations under the ARPANS Act also describe certain things that may appear to fall within the definitions but are explicitly outside the ambit of the legislation.

2.5 Exemptions

The Act also provides that while some things may be "controlled', a licence is not required in respect of them because they are exempt from licensing. Examples of some of the exemptions under the legislation include:

- Certain low level sources;

  Schedule 2 of the Regulations indicates activity levels of sources below which the materials are not controlled materials for the purposes of the Act and are therefore exempt from the requirements of the Act. These activity levels are based on the *IAEA Basic Safety Standards.* Please refer to the Regulations for the complete list of materials and activity levels.

- Certain facilities

  Regulation 37 provides that the CEO may declare in writing that conduct of a licensee relating to a controlled facility is not, or will not be, an unacceptable potential hazard to the health and safety of people, or to the environment. The CEO then publishes in the Gazette firstly a notice of intent to declare the conduct exempt followed by the declaration itself and from the time that the declaration is gazetted the person is exempt from requiring a licence in respect of the conduct for which a declaration was issued.

  As an example, this declaration could be used to exempt controlled persons from the requirement for the siting of a controlled facility, where the CEO is satisfied that no unacceptable hazards would arise outside the facility from any other conducts at the facility.

  Controlled persons who believe that it may be appropriate for them to be exempt under this provision should discuss the matter with ARPANSA staff.

Chapter 3

HOW AN APPLICATION IS DECIDED

3.1 General

Once an application has been submitted[1] the application will be examined to ensure that all the basic necessary information has been included (including correct signature, application fee etc). The Applicant will receive a letter of acknowledgment. However, if all the basic information is not included, the application and application fee will be returned with a covering letter describing the omission.

Complete applications will be forwarded to staff within ARPANSA for assessment. Where matters require clarification the technical assessment officer will contact the Applicant directly. The technical assessment officer may also consider that an inspection is necessary and may contact the Applicant to arrange for such an inspection.

3.2 Matters that the CEO will take into account when assessing an application

The ARPANS Act 1998 requires the CEO to take the following matters into account when assessing licence applications:

a) Whether the application includes the information asked for by the CEO.

b) Whether the information establishes that the controlled apparatus, material or the conduct can be dealt with without undue risk to the health and safety of people, and the environment.

c) Whether the Applicant has shown that there is a net benefit from dealing with the controlled apparatus, controlled material or controlled facility.

d) Whether the Applicant has shown that the magnitude of individual doses, the number of people exposed and the likelihood that potential exposures will actually occur is as low as reasonably achievable (ALARA), having regard to economic and social factors;

e) Whether the Applicant has shown a capacity for complying with these Regulations and the licence conditions that would be imposed under Section 35 of the Act.

[1] Please refer to the Source Licence Application Pack and the facility Licence Application Pack for more detail regarding how to apply for a licence.

f) Whether the application has been signed by the applicant.

3.3 The application of conditions to the licence

In relation to licence conditions, the legislation provides that licences are subject to the following conditions:

(a) conditions set out in the legislation;

The ARPANS Act includes one statutory condition, which applies to all licences. It requires persons in possession or control of a controlled facility, apparatus or material to allow the CEO or an authorised person to inspect the facility, apparatus or source at reasonable times. This is to allow for inspections by ARPANSA to verify compliance with the legislative requirements.

(b) conditions prescribed in the Regulations (Regulations 43-55);

In summary, the conditions listed in the Regulations require:

- holders of licences to prevent breaches of conditions and to investigate and rectify breaches of conditions, and to inform the CEO of any breach;
- holders of licences to, as far as reasonably practicable, prevent accidents and should an accident occur, to control and minimise the consequences of an accident, with the CEO to be notified within 24 hours and receive a written report within 14 days;
- compliance with *Recommendations for limiting exposure to ionizing radiation*;
- as a minimum, compliance with National dose limits, the transport code and waste disposal codes;
- compliance with the plan for managing safety and technical requirements described in the licence application;
- review and updating of the plan for managing safety and technical requirements in the application at least annually, with the results of the reviews to be provided to the CEO;
- prior approval of the CEO before any relevant changes which could increase exposures or the likelihood of exposure;
- the CEO to be notified at least once every 3 months of any relevant changes that are unlikely to increase exposure or the likelihood of exposure (where 'relevant change' means a change to the details in the application for the licence, or a modification to a source or facility mentioned in the licence);
- the holder of a licence obtain the prior approval of the CEO before disposing of a controlled facility, controlled apparatus or controlled material;
- the holder of a licence notify the CEO within 7 days, if a transfer of a controlled apparatus or controlled material has occurred. This requirement is subject to other arrangements being made in the licence;
- the holder of a licence obtain the prior approval of the CEO before transferring a controlled facility;

- prior approval of the CEO before nuclear fuel is loaded into a controlled facility as part of the construction of the controlled facility; and
- prior approval of the CEO to construct an item that is important to safety (that has been identified in a safety analysis report) in relation to the construction of a controlled facility.

(c) conditions imposed by the CEO at the time of issuing the licence; and

Additional conditions imposed by the CEO will be appropriate to the degree of hazard posed by the dealing or controlled facility, and will be based on the information provided with the application for licence.

Conditions attached to facility licences will require, as appropriate to the authorised conduct and type of facility, that the licence holder implement approved arrangements, such as those for ongoing review and upgrading.

In the case of source licences, the conditions attached to the licence will require, as appropriate to the authorised dealing, that the licence holder satisfy requirements for the possession, use or disposal of controlled apparatus and materials, such as those for ensuring the controlled apparatus or materials is used only for the purposes listed on the licence.

(d) any conditions imposed by the CEO as the result of an amendment to a licence.

The CEO may write to the licence holder at any time to amend a licence and to impose additional licence conditions or to remove or vary licence conditions that were previously imposed.

3.4 Issuing a Licence

While the licence will be issued in the name of a Commonwealth Department or Agency, the Applicant will be the 'licence holder' for the purposes of the legislation.

Each application for licence will result in a single licence, which will authorise specific dealings for the controlled materials or apparatus listed on separate schedules. All applicable licence conditions will be attached to the licence.

Licences will consist of a general section including:

- the licence number;
- the name of the Commonwealth entity licensed;
- the name and business address of the applicant;
- an authorisation to perform dealings with the controlled apparatus or controlled material (or certain 'conducts' in relation to a facility licence) as shown on schedules attached to the licence;
- the signature of the CEO or delegated person; and
- the date of issue of the licence.

Schedules attached to licences will describe:

- The details of controlled materials and controlled apparatus provided with the application for each radiation type;
- The dealing authorised for each of the controlled material or apparatus;
- The approved purpose of dealings with each controlled material or controlled apparatus;
- Conditions of licence;
- Persons authorised to perform authorised dealings.

Chapter 4

APPEAL PROCEDURES

4.1 Rights of Review in relation to a licence decision

A) Review by the Minister

The ARPANS legislation describes the rights of review available to applicants and licence holders following decisions of the CEO:

- to refuse to grant a licence;
- to impose conditions on a licence;
- to suspend a licence;
- to cancel a licence;
- to amend a licence; and
- not to approve the surrender of a licence.

Decision to refuse to grant a licence

The legislation provides that an "eligible person in relation to a licence discussion" may request that the Minister reconsider the licence decision. An eligible person in relation to a decision to refuse to grant a licence means the person who applied for the licence.

Should an Applicant wish to appeal the decision of the CEO to refuse to grant a licence, the Applicant may make a written request to the Minister to review the decision. The request must be in writing and be given to the Minister within 90 days of the making of the licence decision.

Once a request for review has been lodged the Minister must reconsider the licence decision and confirm vary or set aside the licence decision.

The Minister is taken to have confirmed the licence decision if the Minister does not give written notice of the Minister's decision under that subsection within 60 days of the request.

Any other licence decision (eg to impose conditions on a licence, to suspend a licence, to cancel a licence, to amend a licence, not to approve the surrender of a licence)

The legislation provides that the licence holder may request that the Minister reconsider the licence decision.

Should a licence holder wish to appeal the decision of the CEO (to impose conditions on a licence; suspend, cancel or amend a licence; or refuse to approve

the surrender of a licence), the licence holder may make a written request to the Minister to review the decision. The request must be in writing and be given to the Minister within 90 days of the making of the licence decision.

Once a request for review has been lodged the Minister must reconsider the licence decision and confirm vary or set aside the licence decision.

The Minister is taken to have confirmed the licence decision if the Minister does not give written notice of the Minister's decision under that subsection within 60 days of the request.

B) Administrative Appeals Tribunal (AAT)

Applications may be made to the AAT for review of a decision of the Minister to confirm vary or set aside the licence decision.

	For more information regarding the appeal procedures please refer to section 40 of the *ARPANS Act.*

4.2 Review of decisions to give directions

A) Review by the Minister

A controlled person to whom a direction is given under section 41 (ie written direction requiring the controlled person to take such steps in relation to the thing as the CEO considers appropriate) may request that the Minister reconsider the decision to give the direction. For example, if a person is not complying with the licence conditions and directions are necessary to protect the health and safety of people or avoid damage to the environment and the CEO issues such directions, then the licence holder can seek review of the decision to issue directions.

The request must be in writing and given to the Minister within 90 days of the giving of the direction. The minister must reconsider the decision and confirm, vary or set aside the decision.

The Minister is taken to have confirmed the licence decision if the Minister does not give written notice of the Minister's decision under that subsection within 60 days of the request

B) Administrative Appeals Tribunal

Applications may be made to the AAT for review of a decision of the Minister to confirm vary or set aside the licence decision.

Chapter 5

ON-GOING LICENSING REQUIREMENTS

5.1 Further approvals from the CEO

This section describes the circumstances in which further approval is required from the CEO either as required by legislation or as a condition of licence.

Approvals for changes

Licences will be issued on the basis of the information provided in the applications for licence. Regulation 51 of the ARPANS regulations requires that where a change in the details in an application or a modification to a facility or source could increase exposures, prior approval for that change or modification must be obtained from the CEO. Increases in the likelihood of potential exposures, due to decreased safety, would be included in this requirement. It will be the responsibility of the licence holder to assess the likely impact of proposed changes, and ensure that any required approvals are obtained before making the change.

Some changes or modifications will require that the licence, authorisations made on a licence or conditions of licence are changed. The process for amendments to licence is described in Section 5.3 below.

Disposal of sources

Regulation 53 describes requirements for the prior approval of the CEO for disposal of sources. In general, the arrangements for the ultimate disposal of sources will form part of the arrangements submitted with an application for source licence. The conditions of licence will require compliance with the approved arrangements for disposal.

In the case of discharge of controlled materials to the environment, a discharge authorisation will be issued which describes the amounts of authorised discharges and the requirements for reporting of discharges and assessments of doses arising from the discharges.

The disposal of sealed sources and controlled apparatus will generally be approved on a case-by-case basis. The requirements for disposal apply when no further use of the source is intended. In most cases, sealed sources should be disposed of by transfer to the original supplier. Where this disposal route is not available, the source will be required to be disposed of at an approved waste store or repository. New authorisations to possess sealed sources will be issued only after the Applicant has specified an approved disposal path for the source.

Disposal of controlled apparatus will be approved where the apparatus can be rendered inoperable and in a state where it would not be practicable to bring it back to an operable state.

Approvals related to controlled facilities

Authorisations for conducts at controlled facilities may be subject to conditions, which require prior approval of the CEO before certain actions can be undertaken. Two of these, related to the construction of safety related items at a controlled facility, or the loading of nuclear fuel during the construction of a nuclear installation, are specified in Regulations 54 and 55. Other conditions of licence may be issued to provide additional regulatory control at significant points in the life of a facility. These will be specific to individual facilities.

Regulation 53 describes requirements for the prior approval of the CEO for disposal or transfer of facilities. Unlike sources, all transfers of facilities must be made with the prior approval of the CEO. The transfer of a facility is essentially an amendment to the licence relating to changes to the licence holder, operating organisation, safety arrangements, etc. An application for amendment of licence, as described below, would be required.

The disposal of a facility would require approval of the CEO following the completion of any necessary decommissioning activities.

Further Approvals as Conditions of Licence

The assessment of applications for licence may identify the need for further regulatory controls after the issuing of the licence. Where it is necessary to impose controls in place of or in addition to those described above, they will be required by conditions of licence. Such conditions may require that the approval of the CEO be obtained prior to undertaking activities that may effect the safety of the source or facility.

5.2 Ongoing Reporting Requirements

This section describes the types of information that must be reported to the CEO as required either by the legislation or as a condition of licence.

Reporting of Incidents and Accidents

Regulations 45 and 46 provide general requirements for the reporting of breaches of licence conditions and accidents involving sources and facilities. In the case of controlled facilities, more detailed requirements for the reporting of incidents and accidents, including the categorisation for incidents and accidents should be included in the arrangements submitted with the application for licence.

Reviews of Arrangements

Regulation 50 requires that licence holders, at least once a year, review and update the safety management plans and technical requirements for sources and facilities. The results of these reviews must be reported to the CEO. The extent of the reviews of arrangements and the reports to the CEO should be commensurate with the hazard posed by the source or facility.

Reporting of Changes

Where the licence holder considers that a change to the approved arrangements or a modification to a source or facility would not increase exposures, the change may be made without prior approval. Regulation 52 requires that, unless the CEO agrees to other arrangements, these changes must be reported every three months. Compliance with any alternative reporting arrangements approved by the CEO will be specified as a condition of licence.

Reporting of Transfers of Sources

Regulation 53 makes general requirements for the reporting of transfers of sources. These requirements are intended to mainly apply to infrequent sales, hires, loans, gifts, donations or other transfers. The CEO may impose variations on these reporting requirements as conditions of licence.

Alternative reporting arrangements would be imposed where regular sales of sources are authorised by a source licence. The reporting period may be extended to ensure efficiency for the operating organisation and ARPANSA. The reporting period and information required will be commensurate with the hazard posed by the transfer of the sources and the need for information to ensure the continued safety of the transferred sources. Compliance with any alternative reporting arrangements approved by the CEO will be specified as a condition of licence.

5.3 Amendments to Licence

Amendments to licences will be necessary where: the licence holder wishes to change minor administrative details such as address, contact details etc; or the licence holder wishes to make a change to the sources, facilities or conducts licensed or changes to the locations of sources or facilities described in the licence.

For change to administrative details, a simple written notification to the CEO will be sufficient. For other amendments, an application for amendment of licence will be required to be submitted and approved prior to any changes being made.

Applications for amendment of ***facility licence*** should provide a level of detail commensurate with the hazard posed by the facility. The approved technical requirements for the facility will include a classification system for modifications which will describe the process by which changes to arrangements or modifications

to facilities will be progressed. This will ensure that the level of regulatory review is appropriate to the safety implications of the proposed modification.

Applications for amendment of ***source licence*** should be made on the same type of forms as new applications for licence, with only the information relevant to the amendment to be provided. The assessment of such an application would follow similar processes to those for the assessment of new applications. If the application is approved, the licence will be amended accordingly, and the Applicant will be advised that the proposed change has been approved.

Chapter 6

MONITORING AND COMPLIANCE

The licence holder will be responsible for ensuring that all authorised conducts or dealings are undertaken in compliance with the requirements of the legislation. Compliance will however be monitored by both the licence holder and ARPANSA through a system of internal audits and reviews by the operating organisation and inspections by ARPANSA.

6.1 Internal audits and review by the licence holder

The operating organisation's plans for managing safety and radiation protection will include requirements for internal audits and reviews to ensure the compliance of devices and equipment, premises and operations with national standards, codes and recommendations and the organisation's safety procedures and requirements.

The audits and reviews may be performed by staff of the operating organisation, or other persons with the appropriate qualifications and training who may be accredited by the CEO for the purposes of providing services related to the internal audit and review process. Internal audits and reviews should be conducted in conjunction with the annual reviews of the safety management plan and technical requirements, as required by a condition of licence (Regulation 50).

6.2 Inspections by ARPANSA

The inspectors appointed under the ARPANS legislation will fulfil a dual role. They will be responsible for undertaking:

- regular audits and or inspections to monitor the licence holders compliance with legislation; and
- inspections in relation to alleged breaches or other incidents.

Regular audits and/or inspections to monitor compliance

The regularity of inspections will depend to a large extent on the level of hazard associated with the particular activity or dealing.

Facilities: At facilities, separate inspections will cover various aspects of operations, such as radiation protection, waste management, modifications and maintenance, emergency response and so on. Several of these inspections may occur every year at every facility. An inspection program for each facility detailing the timing and subjects covered by each inspection will be provided to the licence holder.

Controlled Apparatus and Materials:

> Inspections of dealings with controlled apparatus and materials will generally cover all aspects of operation. The frequency of inspection will depend on the degree of hazard represented by the dealing.

The timing of routine inspections will be planned with the operating organisation, so as to cause the minimum impact on operations.

To ensure consistency of high standards in the conduct of audits and/or inspections by ARPANSA:

- procedures will be developed which describe general arrangements for organising and reporting the audits and inspections;
- specific checklists and criteria for particular facilities, apparatus and materials will be developed; and
- all persons who conduct inspections will be trained in the inspection standards and procedures of ARPANSA.

Performance indicators which may alert the inspector to a degradation of safety which is likely to result in a non-compliance or accident, will also be developed.

Inspections in relation to alleged breaches or other incidents

ARPANSA inspectors will also investigate incidents, accidents and suspected breaches of legislation, as the need arises. The purpose of these inspections will be to ascertain whether enforcement action is necessary and to ensure that acceptable standards of safety are maintained.

Chapter 7

ENFORCEMENT ACTION

Enforcement actions by the CEO may include:

- giving directions to improve operations or rectify non-compliance;

  If the CEO believes that a controlled person is not complying with the Act or Regulations, or if actions are necessary to protect the health and safety of people or to avoid damage to the environment, the CEO may give written directions to a controlled person to take steps to ensure compliance or protect people or the environment.

- imposing restrictions on operation;

- suspending operations; and

- pursuing injunctions or prosecutions through the legal system.

  The CEO may apply to the Federal Court of Australia to grant an injunction restraining a conduct which is or would be an offence under the Act or Regulations, or to perform actions necessary to avoid an offence.

Enforcement actions will be designed to encourage compliance and prompt reporting of non-compliance by taking account of whether a licence holder has detected a non-compliance, undertaken actions to ensure compliance, and reported these to the CEO promptly. Actions may be escalated where detection, rectification and reporting have been inadvertently or intentionally delayed by the licence holder.

Guidelines will be developed to advise on circumstances in which each type of action should be considered, and the requirements on ARPANSA staff and controlled persons in each case, to ensure consistency of actions and to advise licence holders.

Chapter 8

CONTACTS AND FURTHER INFORMATION

1

ARPANSA
Australian Radiation Protection and Nuclear Safety Agency

Melbourne Office

Lower Plenty Road
Yallambie
VIC 3085

Ph 03 94332211
Fax 03 9434 4153

Website: www.arpansa.gov.au

Sydney Office

Level 3
14-16 Central Road
MIRANDA NSW

PO Box 655
MIRANDA NSW 2228

Ph: 02 9524 1164
Fax: 02 9540 1808

Other relevant contacts

Organisation	Address	Phone / Fax / Email
Australian Communications Authority	PO Box 78 BELCONNEN ACT 2616	Ph 02 6256 5555 Fax 02 6256 5353 Website www.aca.gov.au
Standards Australia	PO Box 1055 STRATHFIELD NSW 2135	Ph 1300 65 4646 Fax 1300 65 4949 Email sales@standards.com.au Website www.standards.com.au
COMCARE	GPO Box 9905 CANBERRA ACT 2601	Ph 02 6275 0000 Fax 02 6257 5634 Email Website www.comcare.gov.au
AUSInfo Provides government publications including through Governments Information Shops in each capital city	.	Ph 02 6 Fax 02 6 Email Website www.ausinfo.gov.au
ScalePLUS	Download Commonwealth and State Legislation free of charge.	Website http//scaleplus.law.gov.au
IAEA International Atomic Energy Agency		Website www.iaea.or.at/worldatom

CONTACT DETAILS FOR STATE/TERRITORY REGULATORS

Organisation	Address	Phone/ Fax/ Email
Australian Capital Territory Department of Health and Community Care Health Protection Service Radiation Safety Section	GPO Box 825 CANBERRA ACT 2601	Ph 02 6207 6946 Fax 02 6207 6966 *Email* David_smoker@bigpond.com *Website* http://www.health.act.gov.au/cont.html
New South Wales Environment Protection Authority	PO Box 136 REGENTS PARK NSW 2143	Ph 02 9795 5015 Fax 02 9649 4470 *Website* http://www.epa.nsw.gov.au/aboutepa.htm
Queensland Queensland Health Radiation Health Branch	450 Gregory Terrace FORTITUDE VALLEY QLD 4006	Ph 07 3406 8006 Fax 07 3406 8030 *Email: critchleys@health.qld.gov.au* *Website* http://www.health.qld.gov.au/
Tasmania Department of Health and Human Services Health Physics Branch	GPO Box 125B HOBART TAS 7001	Ph 03 6233 6421 Fax 03 6233 2178 *Email* barbara.shields@dchs.tas.gov.au *Website* http://www.dchs.tas.gov.au/home.html
Victoria Department of Human Services Radiation Safety Unit	GPO Box 4057 MELBOURNE VIC 3001	Ph 03 9637 4167 Fax 03 9637 4508 *Website* http://ww.dhs.vic.gov.au/phd/hprot/rfu/index.htm
South Australia South Australian Department of Human Services	2nd Floor Hines House 61 Hindmarsh Square ADELAIDE SA 5000	Ph 08 8226 6521 Fax 08 8226 6255 *Email* jill.fitch@health.sa.gov.au
Western Australia Health Department of WA Radiation Health Section	Locked Bag 2006 NEDLANDS WA 6009	Ph 08 9346 2260 Fax 08 9381 1423 *Email* radiation.health@health.wa.gov.au *Website*http://www.health.wa.gov.au/contact.html