Document 1

From: s 22
To: s 22
Cc: Helpdesk-OBPR; s 22
Subject: FW: OBPR ID 20207: Preliminary Assessment - ARPANSA - RPS3 [SEC=UNCLASSIFIED]
Date: Wednesday, 23 December 2015 12:23:04 PM
Attachments: COAG_Preliminary_Assessment_Form - RPS3 Schedule 5.docx

UNCLASSIFIED

Hi s 22

Extension to the scope of Schedule 5 of the Radiation Protection Standard 'Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz', ARPANSA, 2002. (RPS3). (OBPR ref 20207)

Thank you for your email of 16 December 2015 including the preliminary assessment for the above proposal.

Based on the information provided, we agree that the proposal appears to have less than minor regulatory impact on business, individuals or community organisations. Consequently a COAG Regulation Impact Statement (RIS) is not required.

Please quote the OBPR reference number of 20207 in any future correspondence. If you have any further queries please contact me.

Kind Regards

s 22 | Director
RIA Team 1
Office of Best Practice Regulation | Department of the Prime Minister and Cabinet
s 22
www.dpmc.gov.au | ris.dpmc.gov.au

From: s 22
Sent: Wednesday, 16 December 2015 3:19 PM
To: Helpdesk-OBPR
Cc: s 22
Subject: Preliminary Assessment - ARPANSA - RPS3 [SEC=UNCLASSIFIED]

Dear OBPR,

The Australian Radiation Protection and Nuclear Safety Agency is proposing to amend Schedule 5 of the *Radiation Protection Standard 'Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz'*, ARPANSA, 2002. (RPS3) (Available at http://www.arpansa.gov.au/Publications/Codes/rps3.cfm)

Our preliminary assessment (see attached) is that there is no regulatory impact on businesses or

individuals. Do you agree? If so, please provide an OBPR ID number. Thanks.

Regards,

s 22
Senior Officer, Regulatory Policy

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Australian Government
Department of the Prime Minister and Cabinet
Office of Best Practice Regulation

Council of Australian Governments' Regulation Impact Statement Preliminary Assessment: Is a RIS required?

An agency is required to contact the Office of Best Practice Regulation (OBPR) to seek advice on whether a regulation impact statement (RIS) is required for decisions made by Council of Australian Governments' (COAG) Councils and national standard-setting bodies (NSSBs). This form will help you identify the key features of your regulatory proposal, which, in turn, will allow us to quickly assess whether a RIS is required.

Attachment A provides more information on filling in this form. If you have any questions about completing this form, please contact the OBPR on (helpdesk-OBPR@pmc.gov.au) or call s 22

Overview

Name of COAG Council / NSSB

Radiation Health Committee (RHC)

Name of proposal

Extension to the scope of Schedule 5 of the *Radiation Protection Standard 'Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz'*, ARPANSA, 2002. (RPS3).

Description of the problem

RPS 3 sets limits for human exposure to radiofrequency (RF) fields in the frequency range 3 kHz to 300 GHz. RF fields may be produced from various sources, including mobile telephone handsets and base stations as well as radio and television transmitters, other wireless devices (e.g., Wi-Fi) and industrial sources.

The Australian Communications and Media Authority's (ACMA) *Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2014* requires mobile or portable transmitting equipment to comply with the exposure limits in RPS3.

RPS3 requires suppliers to demonstrate compliance by conducting an assessment (direct measurements or calculations) unless Schedule 5 of RPS3 applies. Schedule 5 specifies particular parameters for mobile or portable transmitting equipment. If those parameters are satisfied, that will be sufficient to indicate that the limits in RPS3 would be complied without the need for further assessment by the supplier. There are also provisions to exempt certain classes of equipment. However, the provisions of Schedule 5 apply only to equipment that

emits RF fields at frequencies between 100 kHz and 2,500 MHz (2.5 GHz).

This frequency range needs to be updated as there are devices currently being rolled out that are outside the scope of Schedule 5. For example, Wi-Fi operating at 5,000 MHz. As Schedule 5 does not apply to devices operating at frequencies above 2,500MHz, the suppliers of this equipment have to demonstrate compliance of their equipment with RPS3 by conducting an assessment . The ACMA has informed ARPANSA that this places a significant regulatory burden on suppliers of such equipment.

Outline the policy objectives

Extend the scope of Schedule 5 by increasing the frequency range and the associated provisions.

Outline of the options available

Option 1(preferred): Publish an addendum to RPS3 that extends the scope of Schedule 5.

This proposal involves extending the application of Schedule 5 to frequencies up to 6 GHz. This would cover devices that are currently available but would not include devices that may, in future, operate above 6 GHz. Currently there is insufficient published research to justify extending the frequency range for exemption from testing beyond 6 GHz.

Option 2: Full revision of RPS3.

More substantive changes to Schedule 5 (such as extension of the frequency range beyond 6 GHz) will be considered during a future revision of RPS3. Although there are plans to revise RPS3 that process is likely to take considerable time.

Other elements of your proposal (including consultation undertaken or proposed)

The ACMA requested that ARPANSA amends Schedule 5 by increasing the frequency range. The ACMA supports the proposed Option 1 in the short term and Option 2 at a later time.

In developing the amendment to Schedule 5, ARPANSA will consult the joint Standards Australia/Standards New Zealand TE-007 Committee, which developed the Australian and New Zealand RF measurement standard (AS/NZS 2772.2:2011). This Committee includes members from various stakeholders, including members of the telecommunications industry.

Likely impact on businesses or individuals

Is your proposal likely to have any regulatory impacts? If so, please specify.

There will be no regulatory impact. In fact the regulatory burden will be reduced as the proposal will provide more exemptions from direct testing for suppliers of low-powered mobile or portable transmitting equipment that operate at frequencies up to 6 GHz.

Is your proposal likely to affect compliance costs? If so, how?

The proposal will reduce compliance costs for suppliers of low-powered mobile or portable transmitting equipment.

Timing

Key dates and timeline:

Amendments are intended for RHC approval at its March 2016 meeting.

Contact Information

Please enter your contact information below.

Name:

s 22 or

s 22

Email:

s 22

s 22

Phone:

s 22

s 22

Date:

16 December 2015

Please forward the completed form (helpdesk-OBPR@pmc.gov.au) or call s 22 to discuss your proposal with an OB

Attachment A

RISs are required for all decisions made by COAG Councils and NSSBs that would encourage or force businesses or individuals to pursue their interests in ways they would not otherwise have done. It is the COAG Council's / NSSB's responsibility to contact the OBPR to seek advice on whether a RIS is required for a regulatory proposal. Preliminary assessments based on the information provided by COAG Councils / NSSBs in this form are conducted by the OBPR to determine whether a RIS is required.

You are strongly encouraged to contact the OBPR to discuss your preliminary assessment and for advice and support. Contacting the OBPR early in the policy development process will help COAG Councils / NSSBs:

- progress the proposal through decision-making forums in a timely manner; and
- ensure full compliance with the COAG best practice regulation requirements.

Once the OBPR officer has the information identified in this form, he or she is able to make an assessment of whether the proposed regulation is likely to have an impact on businesses or individuals (and will require a RIS); or whether the impact is likely to be of a minor or machinery nature (and will not require a RIS).

The OBPR officer will base his or her assessment largely on the information you provide so the more quickly you can provide accurate information, the faster you will receive the Office's assessment. The OBPR aims to provide this assessment within five working days of receiving all the necessary information.

Overview

Description of the Problem

Include a description of the problem that is being addressed. Some of the points to consider when describing the problem include:

- Be careful not to confuse the problem with the 'symptom' of a problem. Identify the underlying cause of the problem rather than just a result of the problem itself. Is the problem the consequence or the cause?
- How significant is the problem? What is its magnitude? In the case of risk, what is the likelihood of the adverse event occurring? What evidence do you have to support this initial assessment?
- What is the nature of the problem – what is the loss, harm or other adverse consequences that are being experienced, and by whom?
- How is the problem currently regulated by the Australian Government, state, territory or local government regulations, or by governments overseas? Are there deficiencies in the existing regulatory system?
- Is there a case for government intervention or is the problem of purely private interest? Why does current regulation not properly address the identified problem?
- If the problem relates to existing legislation or regulation, it should be made clear whether the problem is in relation to its design (and) or its implementation.
- What are consequences of not taking any action?

- Could relying on the market in conjunction with the general application of existing laws and regulations solve the problem? If not, why not?
- Will the problem self-correct within a reasonable timeframe?

Outline of the policy objectives

In this step of the Preliminary Assessment you should clearly identify what objectives, outcomes, goals or targets are sought in relation to the identified problem. A common error is to confuse the desired final outcome of a proposal with the outputs, or means of obtaining it.

The aim is not to pre-justify a preferred solution, but to specify the objective broadly enough so that all relevant alternative solutions can be considered.

Outline of the options

This step should outline a range of viable options including, as appropriate, non-regulatory, self-regulatory and co-regulatory options to achieve the policy objectives.

Other elements

Any additional information that is relevant to the proposal should be included here. For example, have there been recent proposals of a related nature, or is the proposal a new regulation; or an amendment to an existing regulation.

Include also whether any consultation has already been undertaken, and what consultation is proposed.

Likely impact on businesses or individuals

A RIS is required for all proposals that are expected to have an impact – whether positive or negative – on businesses or individuals, unless these impacts are of a minor or machinery nature. Impacts can be thought of as either regulatory or compliance impacts.

Regulatory impacts

Regulatory impacts may include:

- Changes to the number or type of products that businesses can offer, such as:
    - Banning products or industry practices
    - Changing the way in which products can be offered.
- Impacts on consumer demand for certain products, such as:
    - Increasing prices brought about by the regulation's requirements
    - Changing the information available to consumers.
- Impacts on the ability or incentives of businesses to compete in the market, such as:
    - Creating either a self-regulatory or co-regulatory regime
    - Changing the requirements for a licence, permit or other authorisation
    - Influencing the price or quantity of goods which are sold
    - Setting standards for product/service quality
    - Changing the price or type of inputs available to businesses.

Compliance costs

Compliance costs are those costs that businesses face as a result of dealing with the government. Compliance costs include:

- Requiring the collection and reporting of certain information
- Keeping abreast of certain requirements and re-training staff
- Changing operating procedures or purchasing patterns
- Cooperating with audits or inspections
- Engaging lawyers, accountants or other advisors.

The OBPR assesses whether the proposal requires a RIS or whether it is minor or machinery in nature and does not require one.

- 'Minor' changes refer to those changes that do not substantially alter the existing regulatory arrangements for businesses or individuals, such as where there would be a very small initial one-off cost to business and no ongoing costs. Examples of minor changes include allowing entities to lodge applications electronically, and clarification of registration requirements or definitions.
- 'Machinery' changes refer to consequential changes in regulation that are required as a result of a substantive regulatory decision, and for which there is limited discretion available to the decision maker. Changes which are machinery in nature do not necessarily have a small impact. Examples of machinery changes include administrative changes such as name changes, updating thresholds, and changes to levy rates in line with movements in CPI.

Timing

Key dates, as well as an indicative timeline, should both be clearly outlined. This information will assist the OBPR in providing advice in a timely manner and to help you prepare adequate RISs at the correct stages in the policy process.

More information on the COAG RIS process

More information on the COAG RIS process can be found in the Council of Australian Governments (COAG) endorsed Best Practice Regulation: A Guide for Ministerial Councils and National Standard Setting Bodies (http://www.dpmc.gov.au/best-practice-regulation-guide-ministerial-councils-and-national-standard-setting-bodies).