# Proposed Radiation Safety Regulations:Submission form

## Making a submission

This form is designed to assist submitters responding to the discussion points in *Proposed Radiation Safety Regulations: A consultation document* May 2016. The template is not intended to limit or constrain submissions. Submitters may wish to raise other matters or address the questions in this document in other ways. Also, submitters using this document do not have to provide responses to all questions.

All written submissions that fall within the scope of this consultation and are received before the closing date will be considered. The closing date for submissions is **5 pm, Wednesday** **22 June 2016**.

The preferred method of receiving submissions is by email, at:

Radiation\_Safety\_Consultation@moh.govt.nz

Alternatively, submissions can be mailed to:

Radiation Safety Consultation

Ministry of Health

PO Box 5013

Wellington 6140

## Submitter details

It is helpful when assessing submissions if submitters provide information about themselves. However, providing this information is not required for a submission to be considered, and you can choose to withhold this information if you wish.

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| This submission was completed by: *(name)* |       |
| Address: *(street/box number)* |       |
|  *(town/city and postcode)* |       |
| Email: |       |
| Organisation (if applicable): |       |
| Position (if applicable): |       |

Are you making this submission *(tick one box only)*:

[ ]  as an individual?

[ ]  on behalf of a group or organisation?

### Report

The Ministry of Health may publish a summary report on the submissions once the Government has made its decisions about the Regulations. No information identifying a person or an organisation will be released in this report.

### Official Information Act 1982

The Official Information Act 1982 (the OIA) applies to any submission you make and to any personal information you provide. The OIA provides that information held (by the Ministry of Health) must be made available unless there is good reason to withhold it. Accordingly, if the Ministry of Health does receive a request under the OIA for your information, we will discuss that with you, where practicable, before responding to the request.

## Consultation questions

### Application forms – discussion point 1(a)

1. Do you think it would add value if application requirements were prescribed in Regulations?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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2. If application requirements were prescribed in Regulations, would you prefer minimum requirements (requiring the Director of Radiation Safety to set additional requirements for specific situations) or should the full requirements be prescribed?

[ ]  Minimum

[ ]  Full

Please provide reasons and comments below.

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3. Do you have any further comments, suggestions or alternative options?

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### Users and activities where a use licence is not required – discussion point 1(b)

4. Do you think the proposed basis for exemptions is likely to maintain radiation safety and security?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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5. Do you think there are any other areas of radiation practices that are likely to be able to meet the criteria for an exemption?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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6. Do you have any further comments, suggestions or alternative options?

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### Maximum periods for authorisations – discussion point 1(c)

7. Do you think the proposed maximum period of three years for source and use licences is justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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8. Do you think the proposed maximum period of one year for consents is justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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9. Do you have any further comments, suggestions or alternative options?

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### Radiation safety plans – discussion point 1(d)

10. Do you think additional requirements for radiation safety plans are best placed in individual codes of practice or in Regulations?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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11. Do you have any further comments, suggestions or alternative options?

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### Expected costs under the Act – discussion point 2(c)

12. Do you think the statement of costs is actual and reasonable?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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13. If you think the statement of costs is not actual or reasonable, can you identify other information or another method for establishing costs?

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14. Do you think it is reasonable to recover the full costs in fees?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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15. If you think it is unreasonable to recover the full costs in fees, can you please identify who should meet the remaining costs.

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16. Do you have any further comments, suggestions or alternative options?

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### Distribution of fees across authorisation types –discussion point 2(d)

17. Do you think the preferred distribution of fees across source licences, use licences and consents is justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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18. If you think the preferred distribution of fees is not justified, please suggest an alternative. Please also provide a justification for your option.

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19. Do you have any further comments, suggestions or alternative options?

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### Proposed source licence fees and ‘compliance verification entities’ – discussion point 2(e)

20. Do you think the preferred option of varying fees on the basis of compliance verification frequency (see Table 5) is justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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21. Do you think the preferred option of applying fees to ‘compliance verification entities’ is justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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22. If you think the preferred options are unjustified, please outline an alternative option for assigning source licence fees. Please provide a justification for your method.

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23. Do you have any further comments, suggestions or alternative options?

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### Proposed use licence fees – discussion point 2(f)

24. Do you think the preferred use licence fee is justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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25. If you think the preferred option is unjustified, please outline an alternative option for assigning use licence fees. Please provide a justification for your method.

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26. Do you have any further comments, suggestions or alternative options?

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### Proposed consent fees – discussion point 2(g)

27. Do you think the preferred consent fees are justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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28. If you think the preferred option is unjustified, please outline an alternative option for assigning consent fees. Please provide a justification for your method.

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29. Do you have any further comments, suggestions or alternative options?

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### Historical fees take and the ‘memorandum account’ –discussion point 2(h)

30. Do you think applying a partial exemption to full source licence fees is a fair way of returning historically over-recovered licence fees under the radiation protection framework?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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31. Can you identify potential future authorisation holders under the new Act that have not incurred historical licence fees under the current radiation protection framework?

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32. Do you have an alternative method for addressing the historical over-recovery of costs by partially exempting future fees?

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33. Do you have any further comments, suggestions or alternative options?

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### Radiation sources temporarily entering New Zealand by ship or aircraft – discussion point 3(a)

34. Do you think exemptions from the requirements to obtain an authorisation and to register radiation sources in the situations specified in discussion point 3(a) of the consultation document are justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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35. Do you think there are situations that are not specified in discussion point 3(a) of the consultation document where radiation sources temporarily entering New Zealand by ship or craft should be exempted from the requirements to obtain an authorisation and registration?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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36. Do you have any further comments, suggestions or alternative options?

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### Low-exposure and low-probability scenarios –discussion point 3(b)

37. Do you think the preferred exemptions outlined in Table 9 of the consultation document are justified?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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38. Do you think there are other situations where the requirements to obtain an authorisation and to register the radiation source should be exempted because the radiation use presents a particularly low risk of exposure?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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39. Do you agree that the best way to deal with static elimination devices and liquid scintilla counters is by using section 17(2) of the Act (source licence conditions) instead of section 91(1)(a)(iii) (exemptions)?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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40. Do you have any further comments, suggestions or alternative options?

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### Regulation is unlikely to be worthwhile – discussion point 3(c)

41. Do you agree that it is appropriate to deal with the radiation sources mentioned in discussion point 3(c) as ‘passive or limited’ use situations under section 17(2) of the Act?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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42. Do you think there are any radiation sources that exceed the threshold levels set by the Act but nevertheless should be exempted from the requirements to obtain an authorisation and to be registered because these regulatory interventions would not result in a worthwhile safety or security benefit? If you can identify such radiation sources, please indicate if you think dealing with them under section 17(2) or section 91(1)(a)(iv) is more appropriate.

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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43. Do you have any further comments, suggestions or alternative options?

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### Prohibitions – discussion point 3(d)

44. Do you think there are any radiation sources that should be subject to a general prohibition or restriction?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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45. Do you think there are situations where a general prohibition or restriction on a radiation source would be more effective in achieving safety or security benefits than applying case-by-case restrictions using other provisions in the Act, such as: issuing compliance orders, seizing material, and varying, suspending or cancelling licences or consents?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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46. Do you have any further comments, suggestions or alternative options?

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### Operations of the armed forces – discussion point 3(e)

47. Do you think Regulations are required to enable the armed forces to fully meet their operational duties?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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48. Do you have any further comments, suggestions or alternative options?

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### Incidents and emergencies – discussion point 4

49. Do you think setting detailed provisions for dealing with incidents and emergencies for each specific area of radiation practice in codes of practice is the best approach to achieving the required responses to incidents and emergencies?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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50. If you think it is appropriate to have provisions for dealing with incidents and emergencies in Regulations, please identify what information should be in Regulations and what information should be in codes of practice.

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51. Do you have any further comments, suggestions or alternative options?

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### Labelling, signage and other controls – discussion point 5

52. Do you think setting detailed provisions for labelling, signage or other controls for each specific area of radiation practice in codes of practice is the best approach to achieving the desired outcomes?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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53. If you think it is appropriate to have provisions for labelling, signage or other controls in Regulations, please identify what information should be in Regulations and what information should be in codes of practice.

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54. Do you have any further comments, suggestions or alternative options?

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### Registration of controlled radiation sources –discussion point 6(a)

55. Do you think registration requirements should be specified in Regulations rather than being published on a website by the Director of Radiation Safety?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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56. Do you have any further comments, suggestions or alternative options?

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### Unsealed radioactive material requiring registration – discussion point 6(b)

57. Do you think there is any unsealed radioactive material that requires registration?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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58. Do you have any further comments, suggestions or alternative options?

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### Nuclear material – discussion point 7

59. Do you think any additional material should be included in the definition of nuclear material under the Act, despite the International Atomic Energy Agency’s (IAEA’s) current position?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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60. Do you have any further comments, suggestions or alternative options?

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### Record keeping – discussion point 8(a)

61. Do you agree that any record keeping requirements in addition to those specified in section 35 of the Act should be specified in codes of practice for each area of radiation practice?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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62. If you think any additional requirements for record keeping should be specified in Regulations rather than in codes of practice?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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63. Do you have any further comments, suggestions or alternative options?

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### Warrants of appointment – discussion point 8(b)

64. Do you think there are any matters that should be included in warrants of appointment for enforcement officers in addition to those listed under discussion point 8(b) and those set out in section 36 of the Act?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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65. Do you have any further comments, suggestions or alternative options?

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### Compliance orders – discussion point 8(c)

66. Do you think there is information in addition to that already required by section 45(1) of the Act that should be included in a compliance order?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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67. Do you agree that serving radiation safety compliance orders in accordance with court rules, primarily in Part 6 – *Service* (6.1-6.32) of the District Court Rules 2014, is sufficient?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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68. Do you have any further comments, suggestions or alternative options?

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### Forms – discussion point 8(d)

69. Do you think there is further information to be included in any forms required by the Act that could be prescribed in Regulations?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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70. Do you have any further comments, suggestions or alternative options?

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### Radiation Safety Advisory Council – discussion point 9

71. Do you think there are any additional Radiation Safety Advisory Council procedures that should be set out in Regulations in time for the Act to come into force on 7 March 2017?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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72. Do you have any further comments, suggestions or alternative options?

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### Other matters to give full effect to the Act or its administration – discussion point 10

73. Do you think there are other matters that should be included in the Regulations that cannot easily be included in other Regulations discussed in this consultation?

[ ]  Yes

[ ]  No

Please provide reasons and comments below.

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74. Do you have any further comments, suggestions or alternative options?

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