



Cabinet Social Wellbeing Committee

Minute of Decision

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Approval to Amend the Radiation Safety Regulations 2016

Portfolio Health

On 16 November 2022, the Cabinet Social Wellbeing Committee (SWC):

- 1 **noted** that in February 2022, SWC approved the release of a public consultation document about a proposal to amend the Radiation Safety Regulations 2016 (the Regulations) [SWC-22-MIN-0001];
- 2 **noted** that the public consultation concluded in April 2022 and 20 submissions were received that have helped to inform the proposals in the paper under SWC-22-SUB-0207;
- 3 **agreed** that fees be set to fully recover the direct and indirect costs of verifying compliance by authorisation holders with the radiation safety requirements in accordance with section 92(2)(b) of the Radiation Safety Act 2016 (the Act);
- 4 **agreed** to adopt the proposals set out in Appendix 1 of the paper under SWC-22-SUB-0207 that will:
 - 4.1 set new source licence application fees giving effect to paragraph 3 above;
 - 4.2 recover the negative memorandum account balance of \$1.6 million over eight years through source licence fees in accordance with section 92(2)(a) of the Act;
 - 4.3 establish, in accordance with section 92(2)(a) of the Act, different source licence fees for new applications considered under section 19 and renewal applications considered under section 28 of the Act;
 - 4.4 move some practices into different compliance monitoring categories in Schedule 2 of the Regulations so that the inspections they receive will be proportionate to the risk that needs to be managed;
 - 4.5 amend the refund provisions in regulation 19(3) for source licences granted where no inspection period applies;

- 5 **agreed** to adopt the proposals set out in Appendix 2 of the paper under SWC-22-SUB-0207 that will:
- 5.1 set new use licence application fees to give effect to paragraph 3 above;
 - 5.2 establish, in accordance with section 92(2)(a) of the Act, different use licence fees for new applications considered under section 22 or renewal applications considered under section 28 of the Act;
 - 5.3 set new consent application fees to give effect to paragraph 3 above;
- 6 **agreed** to adopt the proposals set out in Appendix 3 of the paper under SWC-22-SUB-0207 that will:
- 6.1 establish new refund provisions for source licences;
 - 6.2 replace or amend the operation of the term ‘inspection period’ used in the Regulations;
 - 6.3 require X-ray fluorescence and X-ray diffraction apparatus subject to regulation 13 to be registered and compliance monitoring records to be kept;
 - 6.4 add an exemption from authorisation requirements for a class of Micro-CT apparatus so that qualifying apparatuses only need to be registered and compliance monitoring records to be kept;
 - 6.5 amend the veterinary practice authorisation in Schedule 3 of the Regulations to accurately describe the scope of activities that are authorised;
- 7 **authorised** the Minister of Health (the Minister) to make minor and technical adjustments to the above decisions as may be needed to give full effect to the intent of those decisions;
- 8 **invited** the Minister to issue drafting instructions to the Parliamentary Counsel Office for an Order in Council to give effect to the decisions under SWC-22-MIN-0207;
- 9 **invited** the Minister to submit the Order in Council to the Cabinet Legislation Committee in December 2022.

Rachel Clarke
Committee Secretary

Present:

Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Jan Tinetti
Hon Kiri Allan
Hon Priyance Radhakrishnan
Hon Aupito William Sio
Hon Meka Whaitiri

Officials present from:

Office of the Prime Minister
Office of the Chair
Officials Committee for SWC