

# Terms of Reference for the Radiation Safety Advisory Council

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## 1. Introduction

1.1 These terms of reference should be read in conjunction with the Radiation Safety Act 2016 (the Act) which establishes the Radiation Safety Advisory Council (the Council). The terms of reference set out the:

- role and functions of the Council
- composition of the Council
- work requirements
- reporting requirements
- terms and conditions of appointment
- duties and responsibilities of Council members.

1.2 All references to the Ministry in these terms of reference refer to the Ministry of Health.

## 2. Background

2.1 Most of the duties and functions under the Radiation Safety Act 2016 rest with the Director for Radiation Safety (the Director). The Minister of Health has a small number of powers and the Director-General of Health must employ the Director.

2.2 The Director is employed in the Ministry of Health's Office of Radiation Safety which implements and administers the Act. The Ministry of Health contracts for external science advice and compliance/auditing services to support the role of the Director and the Office of Radiation Safety. The Office of Radiation Safety will provide the secretariat support for the Council.

2.3 The Council provides the Director, the Minister of Health, and the Director-General of Health an independent source of advice and review on matters such as good practice in radiation regulation, emerging radiation science and technologies, and New Zealand's obligations under international protocols and as a member of the International Atomic Energy Agency.

## 3. Role and Functions of the Council

3.1 The functions of the Council are outlined in section 81 of the Act.

## 4. Composition of the Council

4.1 The Council will have no more than seven (7) members.

4.2 The members of the Council are appointed by the Minister under section 80(3) of the Act.

4.3 The composition of the Council is outlined in section 80 of the Act.

4.4 A chairperson and, if required, a deputy chairperson, are appointed by the Council under clause 3 of Schedule 4 of the Act.

4.5 Members' terms of office are outlined under clause 1 of Schedule 4 of the Act.

- 4.6 Knowledge of and experience in physics, human health risks and environmental risks associated with ionising radiation use, and the management of those risks, would be highly desirable to meet the membership requirements specified in the Act. This knowledge and experience would assist the Council to address a stated purpose of the Act to provide protection from harmful effects of ionising radiation (section 3(a)).
- 4.7 Some legal, regulatory, and/or government knowledge and expertise is desirable. This expertise would be valuable for the Council in addressing a stated purpose of the Act to ensure New Zealand meets its international obligations on radiation safety and security (section 3(b)) and the Minister's responsibilities under the Act.
- 4.8 Representation of radiation source owners and users would also be appropriate. Owners and users include members of a number of health professions, veterinary practitioners, scientific researchers, and industries. There is also a radiation support services 'industry' that enables owners and users to meet the radiation safety requirements by providing maintenance, testing, calibration, and other ancillary services and advice.
- 4.9 The requirement for at least one lay person will also be used to address other desirable perspectives for the Council's membership, such as patients, Māori or ethics.
- 4.10 In making themselves available for appointment, members should ensure that:
- there is no conflict of interest which would preclude their appointment; and
  - they are available to serve for the full term of their appointment.

## **5. Work Requirements**

- 5.1 Appoint chairperson(s) under clause 3(1) of Schedule 4 of the Act.
- 5.2 Establish any procedures that may be required under section 83(1) of the Act.
- 5.3 Prepare advice or recommendations on any matters under sections 81(a) and (b) of the Act.
- 5.4 Provide any advice requested under section 81(c) of the Act, in the form requested, and within a reasonable time of receiving the request.
- 5.5 Prepare an annual report under section 85 of the Act.

## **6. Reporting Requirements**

- 6.1 Produce annual report under section 85(1) of the Act in a form that is suitable for presentation by the Minister to the House of Representatives under section 85(2) of the Act.

## **7. Establishment, Review Process and End Date**

- 7.1 The Council is established under section 80 of the Act.
- 7.2 Parliament will review the annual report of the Council as a consequence of section 85(2) of the Act.

- 7.3 The Council has no stated end date.
- 7.4 The Minister may provide a view of the Council's performance at any time and in any form.
- 7.5 The Ministry will review the Council's terms of reference, fees and secretariat arrangements every three years in alignment with the term of appointment.

## **8. Meetings**

- 8.1 The Council will meet at least three times per year, being;
- within two (2) months of the beginning of the year, and again
  - within six (6) months of the beginning of the year, and again
  - within two (2) months of submitting of its annual report for publication.
- 8.2 The Ministry of Health secretariat supporting the Council will arrange meetings, record and distribute meeting minutes, and arrange publication and submission of the annual report.
- 8.3 The times and places of meetings are to be determined under clause 4(1) of Schedule 4 of the Act.
- 8.4 Quorum requirements for meetings are outlined under clause 4(2) of Schedule 4 of the Act.
- 8.5 Decision procedures for meetings are outlined under clauses 4(3) and 4(4) of Schedule 4 of the Act.
- 8.6 The Secretariat supporting the Council will maintain an interests register, listing members' interests relevant to the Council's business. Declaration and discussion of conflicts of interest should be a standing item on each meeting's agenda, and actions arising out of this item will be recorded in the minutes.

## **9. Duties and Responsibilities of a Member**

- 9.1 This section sets out the expectations regarding the duties and responsibilities of a person appointed as a member of the Council. This is intended to aid members by providing them with a common set of principles for appropriate conduct and behaviour and serves to protect the Council and its members from being exposed to legal challenge.
- 9.2 Members are accountable to the Minister under section 80(3) of the Act.
- 9.3 Council members attend meetings and undertake Council activities as independent persons responsible to the Council as a whole and are not representatives of professional organisations or communities. This issue is particularly important when Council members may, at times, be required to be party to decisions which conflict with the commercial interests or views of other organisations with which they are involved.
- 9.4 There is an expectation that members will attend all meetings and devote sufficient time to become familiar with the affairs of the Council and the wider environment within which it operates.

9.5 Council members may be required to serve on advisory or technical committees established under section 82 of the Act.

## **10. Removal from Council**

10.1 A member of the Council may be removed under clause 2(1) of Schedule 4 of the Act.

10.2 The process for resignation from the Council is outlined in clause 2(2) of Schedule 4 of the Act.

10.3 A member of the Council ceases to be a member when they become ineligible for appointment under clause 1(2)(a) of Schedule 4 of the Act as outlined under clause 2(3) of Schedule 4 of the Act.

## **11. Conflicts of Interest**

11.1 Members should perform their functions in good faith, honestly, impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will enable public confidence in the work of the Council to be maintained.

11.2 When members believe they have a conflict of interest on a subject which may prevent them from reaching an impartial decision or undertaking an activity consistent with the Council's functions, then they must declare the conflict of interest and absent themselves from the discussion and/or activity. This must be done at the earliest possible opportunity, in the regular agenda item around conflicts of interest, and at the point the relevant item of business comes up in the meeting.

## **12. Liability**

12.1 Members are not liable for any act or omission done or omitted in their capacity as a member, if they acted in good faith, and with reasonable care, in pursuance of the functions of the Council.

## **13. Confidentiality**

13.1 Meetings, including agenda material and minutes, are confidential. Members must ensure that the confidentiality of Council business is maintained.

13.2 Members are free to, and are expected to, express their own views within the context of meetings, or the general business of the Council. Members must publicly support a course of action decided by the Council, or if unable to do that, must not publicly comment on decisions.

13.3 At no time shall members divulge details of Council matters or decisions to people who are not members, or Ministry employees. Disclosure of Council business to anyone outside the Ministry must be the decision of the Ministry.

13.4 Council members must ensure that documents are kept securely to ensure that confidentiality is maintained. Release of correspondence or papers can only be made with the approval of the Ministry. At the end of a member's term, all Council information must be returned to the Ministry.

## 14. Media

- 14.1 Council members will ensure that all media enquiries are referred to the Council Chair.
- 14.2 The Council Chair will discuss all media enquiries with the Ministry before an agreed media response is made.
- 14.3 The Ministry of Health will apply its established media policy.

## 15. Remuneration and expenses

- 15.1 Members of the Council are paid fees for attendance at meetings, in accordance with the revised Cabinet Office Circular CO (19) 1 (17 June 2019): *Fees framework for members appointed to bodies in which the Crown has an interest* (the Fees Framework).
- 15.2 The fees are \$330 per day for the Chair and \$250 per day for other Council Members. Part days will be paid at the day rate.
- 15.3 Actual and reasonable meeting preparation time will be paid pro rata based on the daily rate to a maximum of one day per meeting.
- 15.4 Members who are employees of the State Service, as defined by the State Sector Act 1988, are not entitled to be paid fees for Council business if this is conducted during regular paid work time (ie, members cannot be paid twice by the Crown for the same hours).
- 15.5 Members are entitled to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out their duties. The expectation is that the standards of travel, accommodation, meals and other expenses are modest and appropriate to reflect public sector norms.
- 15.6 Members of any advisory or technical committee the Council appoints under section 82(1) of the Act shall receive the same remuneration as Council members.
- 15.7 The Chair of the Council will agree budgets with the Secretariat before any advisory or technical committee is appointed under section 82(1) of the Act.

Clare Perry  
**Deputy Director-General**  
**Regulatory Services**  
**Te Pou Whakariterite Ratonga**

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