Review of Radiation Safety Regulations 2016

Submission form

Making a submission

This form is designed to help submitters respond to the consultation questions listed in *Review of Radiation Safety Regulations 2016: A consultation document* published in March 2022. The form is not intended to constrain submissions. Submitters may wish to raise other matters or address the questions in this form in other ways. Also, submitters using this form do not have to respond to all the questions listed on the following pages.

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 **12 pm, Friday 29 April 2022**.

The preferred method of receiving submissions is by using our online consultation tool, **Citizen Space**. We can also receive submissions by email, to:

RadiationSafetyFees&Regs@health.govt.nz

Alternatively, submissions can be mailed to:

Radiation Safety Regulations 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.

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 such a summary 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 receives a request under the OIA for your information, it is possible that the Ministry of Health will release that information as requested.

Consultation questions

Consultation document section 1.4: Memorandum account

1. Do you think the preferred option of recovering the negative memorandum account balance from source licence holders only over a period of eight years is justifiable and equitable?

   ☐ Yes

   ☐ No

   Please provide further information here if you wish.

2. If you think the preferred option of recovering the memorandum account deficit from source licence holders only over a period of eight years is **not** justifiable or equitable, please outline your reasons.

3. Do you think the alternative option of recovering the negative memorandum account balance from all authorisation holders is a better option? Please outline your reasons here.

4. Do you think the negative memorandum account balance should be recovered over a longer or shorter period?

   ☐ Yes

   ☐ No

   If yes, please state whether it should be longer or shorter and outline your reasons here.

5. Do you have an alternative method for addressing the negative memorandum account balance?

6. Do you have any further comments, suggestions or options for us to consider?

Consultation document section 1.6: Cost recovery model

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

- ☐ Yes
- ☐ No

Please provide further information here if you wish.

8. If you think it is unreasonable to recover the full costs stated in fees, please provide your reasons here. Please also identify what costs should **not** be recovered and who should meet the unrecovered costs.

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

Consultation document section 1.7: Distribution of fees

10. Do you think it is reasonable to distribute fees across the authorisation types based on where the costs are generated?

- ☐ Yes
- ☐ No

Please provide further information here if you wish.

11. If you think it is unreasonable to distribute fees across the authorisation types based on where the costs are generated, please provide your reasons here. Please also identify how the fees could be better distributed and provide your reasons.

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

Consultation document section 2.1: Different fees for licence renewals

13. Do you agree that it is justifiable to charge differential application fees because of the difference in effort required to process applications?

- ☐ Yes
- ☐ No

Please provide further information here if you wish.

14. If you do not agree that differential fees are justifiable, please provide your reasoning here.

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

Consultation document section 2.2: Refunds

16. Do you think the preferred option to retain the portions of application fee set out in this section is justifiable?

☐ Yes

☐ No

Please provide further information here if you wish.

17. If you think the preferred option to retain the portions of application fee set out in this section is **not** justified, please outline your reasons here.

18. Do you think the alternative option to retain a nominal percent of 15 percent of the application fee when applications are declined is justified?

☐ Yes

☐ No

Please provide further information here if you wish.

19. If you think the alternative option to retain a nominal percent of 15 percent of the application fee when applications are declined is **not** justified, please outline your reasons here.

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

Consultation document section 2.3: Determining the source licence fee payable (compliance monitoring categories)

21. Do you agree that the preferred options set out in Table 11 of the consultation document are justifiable?

- ☐ Yes
- ☐ No

Please provide further information here if you wish.

22. If you do not agree that the preferred options set out in Table 11 of the consultation document are justifiable, please identify your reasons and/or provide an alternative option here.

23. Do you have any further suggestions on grading the compliance monitoring categories so that they better reflect the radiation safety risk that needs to be managed?

24. Do you have any further suggestions on ways to make the Regulations clearer for applicants to determine the fees they must pay?

Consultation document section 2.4: Determining the source licence fee payable (inspection periods)

25. Do you agree with the preferred option to remove column 2 of schedule 2 of the Regulations ('Inspection period (years)') and replace the references with the fees payable (with suitable consequential amendments to ensure that the function of regulations 15 and 16 remain intact and unaltered)?

- ☐ Yes
- ☐ No

Please provide further information here if you wish.

26. If you do not agree with the preferred option to remove column 2 of schedule 2 of the Regulations ('Inspection period (years)') and replace the references with the fees payable (with suitable consequential amendments to ensure that the function of regulations 15 and 16 remain intact and unaltered), please identify your reasons and/or provide an alternative option here.

27. Do you agree with the alternative option to amend the term 'inspection period' to 'compliance verification period' in regulation 16 and schedule 2 of the Regulations?

28. If you do not agree with the alternative option to amend the term 'inspection period' to 'compliance verification period' in regulation 16 and schedule 2 of the Regulations, please identify your reasons and/or provide an alternative option here.

29. Do you prefer the status quo option of no change? If so, please explain your reasons here.

30. Do you have any further suggestions on making the Regulations clearer for applicants to determine the fees they must pay?

Consultation document section 3.1: Proposed new source licence fees

31. Do you think the preferred option of retaining the existing graded approach to source licence fees based on the assessed cost components set out in Tables 14 and 15 of the Consultation Document is justified?

☐ Yes

☐ No

Please provide further information here if you wish.

32. If you think the preferred option of retaining the existing graded approach to source licence fees based on the assessed cost components set out in Tables 14 and 15 of the Consultation Document is **not** justifiable, please outline an alternative option for assigning source licence fees and provide reasons for your option here.

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

Consultation document section 3.2: Proposed new use licence fees

34. Do you think the preferred option of setting use licence fees based on the assessed cost components, as set out in Table 16 of the consultation document, is justifiable?

☐ Yes

☐ No

Please provide further information here if you wish.

35. If you think the preferred option of setting use licence fees based on the assessed cost components, as set out in Table 16 of the consultation document, is **not** justifiable, please outline an alternative option for assigning use licence fees and provide reasons for your option here.

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

Consultation document section 3.3: Proposed new consent fees

37. Do you think the preferred option of setting consent fees based on the assessed cost components set out in Table 17 of the consultation document is justifiable?

☐ Yes

☐ No

Please provide further information here if you wish.

38. If you think the preferred option of setting consent fees based on the assessed cost components set out in Table 17 of the consultation document is **not** justifiable, please outline an alternative option for assigning use licence fees and provide reasons for your option here.

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

Consultation document section 4.1: Exemption for dealing with irradiating apparatuses used for X-ray fluorescence and X-ray diffraction likely to result in very low effective doses

40. Do you think that the preferred option of requiring registration and record keeping for people who deal with irradiating apparatuses used for X-ray fluorescence and X-ray diffraction that, in reasonably foreseeable circumstances,

is likely to result in an effective does of less than 10 microsieverts per year is proportionate to the additional radiation safety that will be achieved?

☐ Yes

☐ No

Please provide further information here if you wish.

41. If you think the preferred option is disproportionate, please provide comment to support your view here.

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

Consultation document section 4.2: Proposed changes to Veterinarian exemption and Medical Imaging Technologists exemption under Schedule 3

43. Do you agree with the preferred option to tighten the scope of activities that veterinarians can perform without the need to obtain a use licence?

☐ Yes

☐ No

Please provide further information here if you wish.

44. If you do not agree with the preferred option to tighten the scope of activities that veterinarians can perform without the need to obtain a use licence, please outline your reasons and/or suggest an alternative approach here.

45. Do you agree with the preferred option to broaden the scope of activities that medical imaging technologists can perform without the need to obtain a use licence?

- ☐ Yes
- ☐ No

Please provide further information here if you wish.

46. If you do not agree with the preferred option to broaden the scope of activities that medical imaging technologists can perform without the need to obtain a use licence, please outline your reasons and/or suggest an alternative approach here.

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

Consultation document section 5: Other matters that can be dealt with under the Regulations

48. Do you think there are any other matters that should be included in or removed from the Regulations? Please provide justification for your view.

☐ Yes

☐ No

Please provide further information here if you wish.