

# **Candidate Information on the Terms and Conditions of Appointment to the Radiation Protection Advisory Council**

## **Radiation Protection Act 1965**

### **Introduction**

This document provides information for prospective candidates for membership of the Radiation Protection Advisory Council. It sets out the:

- role and functions of the Council;
- composition of the Council;
- terms and conditions of appointment; and
- duties and responsibilities of a member.

### **The Role of the Radiation Protection Advisory Council**

The use of ionizing radiations through the use of x-rays or radioactive material can involve considerable risk if not properly managed and legislative controls on its use have been established by the Radiation Protection Act 1965 and associated Regulations.

The Radiation Protection Advisory Council is a statutory body established by the Act and has a membership of 7 persons, of whom 5 are appointed by the Minister of Health and two, the Director-General of Health and the Director, National Radiation Laboratory are ex-officio members. The functions of the Council are to provide advice and recommendations to the Minister and to the Director-General on matters covered by the Act and any associated regulations or on any other matter referred to it by the Minister.

Individuals appointed to the Radiation Protection Advisory Council will all have considerable expert knowledge and expertise in an aspect of the safe use of ionizing radiations. The Act also provides for one or two members to have expertise in the use of non-ionizing radiations although such a background is less common. Members' knowledge of radiation protection and their experience as members of such authorities will range from first-time appointees with little or no experience outside their own discipline to members with extensive knowledge and experience. The Council draws considerable benefits from having a diverse membership with a range of skills, attributes, and experience.

## **Functions of the Council**

The Radiation Protection Advisory Council is an independent statutory body established under section 5 of the Radiation Protection Act 1965.

The functions of the Council, set out under section 10 of the Radiation Protection Act 1965, are to advise and make recommendations to:

- The Director-General in respect of applications for licences under the Radiation Protection Act 1965 which are referred to it by the Director-General for its advice and recommendations;
- The Minister in respect of the exercise of any powers vested in the Minister by the Radiation Protection Act 1965;
- The Minister in respect of any regulations made or proposed to be made under the Radiation Protection Act 1965;
- The Minister in respect of any other matter to which the Radiation Protection Act 1965 relates or which is referred to the Council by the Minister.

## **Composition of the Council**

There are 7 members on the Council. The composition of the Radiation Protection Advisory Council is set out under section 5(2) of the Radiation Protection Act 1965 and consists of:

- The Director-General;
- The Director of the National Radiation Laboratory of the Ministry of Health;
- Two persons, each of whom shall be either a radiologist or a radiotherapist;
- A medical practitioner;
- Two persons who by reason of academic or technical training have relevant knowledge of, or experience in, the use of ionising or non-ionising radiation, and of whom at least 1 is a qualified physicist.

## **Appointment as a Member of the Council**

In making yourself available to be considered for appointment, please ensure that:

- there is no conflict of interest which would preclude your appointment; and
- you are available to serve for a term of office of up to 3 years.

As a member of the Council, you will be expected to follow the terms and conditions set out below.

## **Terms and Conditions of Appointment**

The members of the Council, other than ex-officio members, are appointed by the Minister of Health for a term of up to 3 years. Such members may be reappointed but may not hold office for more than 6 consecutive years. Any member who retires after holding office for 6 consecutive years is eligible for reappointment after he or she has ceased to hold office for one year.

When a member's term of office expires, the member may continue in office until he or she is reappointed or his or her successor comes into office unless the member has completed six consecutive years service, in which case his or her membership ceases immediately upon completion of the second term. Members may decide not to continue in office at any time, in which case they should advise the Minister of Health of that decision in writing.

The Radiation Protection Act states that members of the Council, other than ex-officio members, may at any time be removed from office by the Minister of Health for:

- disability;
- bankruptcy;
- neglect of duty; or
- misconduct;

proved to the satisfaction of the Minister of Health.

If a member, other than an ex-officio member, is unable to attend a meeting of the Council, that member may appoint a person, who is eligible for appointment under the section under which they were appointed, to attend the meeting in their place.

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

This section sets out the Minister of Health's expectations regarding the duties and responsibilities of a person appointed as a member of the Radiation Protection Advisory Council. This is intended to aid members of the Council 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 challenges.

As an independent statutory body, the Radiation Protection Advisory Council has an obligation to conduct its activities in an open and ethical manner. The Council has a duty to operate effectively in a manner consistent with its functions as set out in section 10 of the Radiation Protection Act 1965.

## **General**

1. 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 views of other organisations with which they are involved.
2. Council members have a commitment to work for the greater good of the Council. They are accountable to the Minister of Health (and through the Minister to the public of New Zealand). The functions of the Council are stated in section 10 of the Radiation Protection Act 1965, and the Council operates within these parameters.
3. There is an expectation that Council members will make every effort to attend all Council meetings and devote sufficient time to become familiar with the affairs of the Council and the wider environment within which it operates.
4. Council members may be required to serve on advisory and technical committees appointed by the Council, or working groups.
5. If Council members become ineligible for appointment to the Council under their terms of appointment, as set out in section 5 of the Radiation Protection Act 1965, they must immediately notify, in writing, the Secretary of the Council.

## **Legislation and Conflicts of Interest**

6. It is important that Council members have a common understanding of their role as a member in order that decisions can be reached within the spirit of the governing legislation, namely, for the purpose of protecting the public interest through the regulation of nursing.
7. Council members will be expected, over time, to become familiar with, and operate according to, the:
  - Radiation Protection Act 1965
    - Radiation Protection (Appeals) Regulations 1974
    - Radiation Protection Regulations 1982

In addition, the Radiation Protection Advisory Council is expected to be familiar with, and operate according to, the:

- Principles of natural justice and administrative law
- Health and Disability Commissioner Act 1994
  - Health and Disability Services Consumers' Code of Rights
- Health and Disability Services Act 1993
- Privacy Act 1993
  - Health Information Privacy Code 1994

- Treaty of Waitangi

(The Council is expected to comply with the intent of the Official Information Act 1982.)

8. Council members should perform their functions in good faith, honestly and impartially and avoid situations that might compromise their integrity or otherwise lead to conflicts of interest. Proper observation of these principles will protect them and will enable public confidence to be maintained.
9. When Council members believe they have a conflict of interest on a subject which will prevent them from reaching an impartial decision or undertaking an activity consistent with the Council's functions, then they must declare a conflict of interest and withdraw themselves from the discussion and/or activity.

### **Confidentiality**

10. Meetings, including agenda material and minutes, of the Council are confidential. Council members must ensure that the confidentiality of Council business is maintained.
11. Members are free to express their own views within the context of Council meetings, or the general business of the Council.
12. Council members must publicly support a course of action decided by the Council, or if unable to do that, should not publicly comment on decisions.
13. At no time shall Council members individually divulge details of Council matters or decisions of the Council to persons who are not Council members. Disclosure of Council business to anyone outside the Council must be the decision of the Council, or between meetings, at the discretion of the Chairperson of the Council, or in the case of committees, the Chairperson of the Committee (if they have the delegated authority of the Council).
14. Council members must ensure that Council documents are kept secure to ensure the confidentiality of Council work is maintained. Release of Council correspondence or papers can only be made with the approval of the Council.

### **Chairperson and Deputy Chairperson**

At its first meeting held after 1 January each year, the Council appoints one of its members to be the Chairperson of the Council. Any such member may from time to time be reappointed as Chairperson of the Council.

The Chairperson presides at all meetings of the Council at which he or she is present. If at any meeting of the Council the Chairperson for the time being is not present, or there is no Chairperson of the Council, the members present appoint a

member to preside at that meeting. The person so appointed has and may exercise all the powers and functions of the Chairman for the purposes of that meeting.

## **Meetings of the Council**

The Council meets formally on average 2-3 times per year. In addition, members may be required to participate on sub-committees established to address specific issues.

At any meeting of the Council 4 members form a quorum. Every question before any meeting of the Council is determined by a majority of the votes of the members present at the meeting. The Chairperson has a deliberative vote, and, in the case of an equality of votes, also has a casting vote.

## **Fees and Allowances**

Members of the Council, or of any advisory or technical committee appointed by the Council are paid fees for attendance at meetings in accordance with the Fees and Travelling Allowances Act 1951. Currently, the Chairperson is paid \$280 (less tax) per day and members are paid \$210 (less tax) per day. Members may be paid fees for preparation time at the discretion of the Council. Actual and reasonable travel and accommodation expenses are reimbursed.

More detailed information can be obtained from the Secretary of the Council.

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