



## Radiation Health and Safety Advisory Council ('Council')

### Meeting Minutes

- Date:** 11 October 2018
- Time:** 9.00 am – 16.30 pm
- Location:** 38-40 Urunga Parade, Miranda NSW (Sydney)
- Chair:** Mr Keith Baldry (for this meeting only)
- Members:** Dr Carl-Magnus Larsson, Mr Frank Harris, Dr Hugh Heggie, Dr Stephen Newbery, and Ms Melissa Holzberger (via teleconference from Brisbane, departed part-way through item 3.1).
- Apologies:** Nil.
- Secretariat:** Mr James Wheaton, Mr Ben Paritsky
- Invitees:** Dr Roger Allison (Queensland Department of Health); Mr Matt Whitting (Department of Environment); Mr Stuart Parr (Nuclear Safety Committee, via teleconference from Perth); Mr Jim Scott, Dr Samir Sarkar, and via videoconference from Melbourne: Dr Gillian Hirth, Dr Ivan Williams, Mr Ryan Hemsley, Ms Tone Doyle, Ms Shailla van Raad, Dr Rick Tinker (ARPANSA).
- Observers:** Ms Gemma Larkins, Ms Julie Murray, and via videoconference from Melbourne: Mr Nathan Wahl, Ms Julia Carpenter, and Dr Fiona Charalambous (ARPANSA).

#### 1. Standing items

##### Item 1.1 Meeting open, appoint temporary Chair, and review action list

Mr Keith Baldry was unanimously appointed as the temporary Chair of Council for this meeting. It was noted that one Council member (Ms Melissa Holzberger) was participating via teleconference. The Chair opened the meeting and the Secretariat provided a review of the outstanding actions.

**Action: A letter of thanks from Council to former member Mr Simon Critchley was approved for signing.**

**Action: Secretariat to update the action list with additional details to include the depth of issues (that is, a further level of description on each item and an indication of the extent of discussion at Council).**

##### Item 1.2 Updates from the Radiation Health Committee (RHC) and Nuclear Safety Committee (NSC)

The CEO of ARPANSA noted recent work at the RHC on initiatives to improve the national uniformity of radiation regulation. He also thanked Council members for reviewing the *Code for Disposal Facilities for Solid Radioactive Waste*, Radiation Protection Series C-3 (2018) which will soon be published on ARPANSA's website.

Separately, ARPANSA now has in-principle agreement from all jurisdictions to make the Australian National Radiation Dose Register (ANRDR) the central record keeping agency as described in the *Code for radiation protection in planned exposure situations (RPS C-1)*, meaning the ANRDR is now well on its way to become a true national dose register. Western Australia have requested legal counsel to confirm how they can adopt the ANRDR as their official dose record repository. Members agreed that the confidence of the public is a key factor, and having all jurisdictions participate in the ANRDR helps to meet community expectations around preservation of records of occupational radiation exposures.

The CEO noted that the RHC has taken steps to re-establish a national register to track radioactive sources across jurisdictions and overseas, as part of compliance with relevant international instruments, noting that all jurisdictions maintain such registers already.

The CEO noted that the NSC will meet in on 2 November 2018 to discuss ARPANSA's annual Regulator Performance Framework (RPF) report on the efficiency of regulatory operations and measures to cut red tape, with the NSC being the external evaluator for the RPF report. It was noted that given the focus of the RPF, it is possible to perform very well against the RPF key performance indicators; however, other measures of regulatory efficacy are needed to provide a full picture. E.g. the independent expert review report into safety practices at ANSTO contains lessons for ANSTO as well as the regulator ARPANSA in this regard. It was noted that this report will be made available to the Council shortly.

**Action: Independent expert report into safety practices at ANSTO to be circulated to Council.**

### **Item 1.3 CEO update on the activities of ARPANSA**

The CEO of ARPANSA updated Council on preparations for the forthcoming Integrated Regulatory Review Services (IRRS) mission to Australia at the start of November 2018. It was noted that this would be the International Atomic Energy Agency's (IAEA) largest multi-jurisdictional IRRS mission ever undertaken, which will, among other things, examine the relationships between jurisdictions within a federal system of government. ARPANSA's Minister is expected to attend the opening of the IRRS Mission. ARPANSA sent an advance IRRS Summary Report to the IAEA in preparation for the IRRS Mission, building on a 'self-assessment' against IAEA general safety requirements.

**Action: Circulate the advance IRRS Summary Report to Council.**

The CEO also noted outcomes from the special session on ultraviolet (UV) radiation protection at the previous Council meeting, such as CEO-to-CEO meetings with other Commonwealth agencies including Cancer Australia and Safe Work Australia to explore social media campaigns and unified messaging. It was noted that the UV session had also resulted in direct discussions between the Bureau of Meteorology and Professor Adele Green, to initiate a campaign on year-round UV health effects. Members re-iterated that UV radiation exposure results in significant health effects and more will definitely need to be done, especially for the next generation and in order to keep up with the pace of technological change in sun protection.

### **Item 1.4 International engagement update**

The tabled international travel report summaries were discussed, noting ARPANSA's attendance (including Deputy CEO) at the IAEA General Conference in September 2018. It was noted that a number of bilateral agreements were signed or re-signed at the event: an agreement with the United States Nuclear Regulatory Commission for mutual cooperation; an agreement with the Dutch regulator, Authority for Nuclear Safety

and Radiation Protection (ANSV), centred on cooperation on the regulation of research reactors; and an agreement with Thailand's Office of Atoms for Peace.

Also noted was the CEO of ARPANSA's unopposed nomination to Vice-President of the Convention on Nuclear Safety that was expected to be confirmed in the next few days, and separately, an IAEA workshop being held concurrently in South Australia on safety in uranium production with various South American, African and Asian countries in attendance. Such high-profile appointments and events were noted as being positive for Australia and its nuclear safety and radiation protection regulators.

#### **Item 1.4.1 Upcoming international meetings or events**

A summary of upcoming international meetings and events was tabled without further discussion.

#### **Item 1.5 ARPANSA public enquiries and media dashboards**

An update on public and media enquiries to ARPANSA was tabled and discussed. It was noted that there has been a noticeable increase in enquiries in relation to 5G technology, due to the installation of 'small cells' as part of some telecommunications companies' infrastructure rollout ahead of any deployment of 5G technology. It also was noted that a steady increase in enquiries about power-lines appears to be connected to insurance clauses related to new property purchases. ARPANSA is investigating this issue.

## **2. Deep Dives**

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#### **Item 2.1 NORM radiation protection working group**

Council considered a number of scenarios that demonstrated various regulatory considerations in relation to naturally occurring radioactive material (NORM). It was noted that a number of NORM issues appear to arise as part of 'end-of-lifecycle' activities for various types of mining, treatment and processing projects.

Council discussed whether there were ways that ARPANSA could assist with regulatory direction or guidance for NORM-related issues. It was suggested that industries need to build a code of conduct at the same time as the regulator, and that the primary role of the regulator may be to build awareness and consider advice on the use of a 'graded approach' to regulating NORM-related activities. A particular challenge noted was trying to raise awareness within industries not normally associated with radiation, such as coal-washing or water treatment plants. The use of fact sheets was discussed as being of limited use, because the target audience for raising awareness may not be the general public.

It was noted that the IAEA is arranging a conference in 2020 which will include a topic on how to take into account radiological considerations in a multi-hazard environment. It was also noted that the IAEA's General Safety Requirement (GSR) Part 3 (the Basic Safety Standards) contains an expectation that government maintains knowledge of industry activities. It was agreed that the RHC would be a useful starting point for further discussion of this issue, to gain initial 'visibility' of the issue across RHC's jurisdictional regulatory members. It was also suggested that the radiation regulators network (RRN) could consider this issue.

**Action: Request input from RHC, to consider which industries and sectors and points of regulatory contact may be relevant for NORM activities.**

**Action: NORM working group to continue to consider the scenarios presented and other possible ways forward, such as the possible components of a strategy to improve NORM awareness.**

**Action: NORM working group to specifically discuss what else needs to be considered with regard to a ‘graded approach’ to regulation of NORM activities.**

**Action: Request assistance of RHC, along with any further considerations identified by the working group, to develop guidance or a statement on a graded approach to regulating NORM activities.**

## **Item 2.2 EPBC Act approval processes**

The interactions between the regulatory approval processes, of ARPANSA and the Commonwealth Department of Environment and Energy (DOEE), were discussed particularly in relation to ‘nuclear actions’ as defined under the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). The overlap of such regulatory processes is anticipated to be highlighted in particular by any licence applications to ARPANSA or DOEE for the Department of Industry Innovation and Science’s (DIIS) proposed NRWMF.

Council was given a detailed presentation of the DOEE processes that may apply to the proposed DIIS facility, particularly in relation to environmental impact statements. ARPANSA’s past role of providing advice to DOEE on *nuclear actions* was noted along with a potential conflict of interest, should such advice form part of any future licence application to ARPANSA, as could possibly be the case for a proposed NRWMF. It was noted that transport of material to such a Commonwealth facility would be subject to ARPANSA regulation.

It was further noted that DOEE would seek advice from other sources where ARPANSA cannot provide advice due to a conflict of interest. The relevant Minister responsible for any final DOEE approval may be advised to consult ARPANSA, wherever issues overlap with ARPANSA’s own regulatory approval process.

**Action: ARPANSA to continue to consult with the Department of Environment and Energy on interactions between their separate regulatory review and assessment processes for the DIIS’ proposed NRWMF.**

A short discussion occurred on how a ‘graded approach’ to regulation would apply in DOEE considerations of EPBC Act *nuclear actions* in relation to NORM. It was suggested that the current EPBC Act review provided a timely opportunity for input to DOEE on this issue. It was noted that in the past, the EPBC Act has been able to recognise the process of another regulator, or other approval decisions, to satisfy requirements for environmental impact statements. This may form part of a Net Environmental Balance analysis.

**Action: ARPANSA to consider a submission to the EPBC Act review in relation to NORM.**

## **3. Briefs for Council**

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### **Item 3.1 Update on ANSTO events**

Council was given an update on the status of regulatory oversight for recent safety-related events at ANSTO Health’s facility in Lucas Heights, New South Wales. A copy of the CEO of ARPANSA’s direction to ANSTO issued under the *Australian Radiation Protection and Nuclear Safety Act 1998* (the ARPANS Act) was tabled.

It was noted that an outcome of one of the requirements of that direction, the report from an independent expert review into the safety practices of ANSTO, would soon be published by ANSTO and subsequently ARPANSA. There was a brief discussion around the report’s recommendations directly in relation to the regulator. It was noted that ARPANSA is embarking on a longer-term self-assessment of its role as the regulator, to identify learning opportunities.

Council also discussed the challenges of regulatory oversight of the overall organisational governance of regulated entities, given that management and/or quality systems as well as organisational arrangements can impact multiple regulatory obligations for a single entity. Council noted it is very thankful that the report is being released quickly and that ARPANSA has been transparent in this process.

#### 4. New items to consider

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##### Item 4.1 Members' suggestions

One suggestion was made for Council or the NSC to consider compliance and enforcement approaches broadly, in light of the independent expert review of ANSTO's activities.

##### Item 4.2 Items in collaboration with the NSC and RHC

A member of the NSC with relevant expertise will be invited to participate in the NORM working group's deliberations.

**Action: Invite NSC member to participate in NORM working group.**

##### Item 4.3 Items flagged for next meeting

Council requested that it be provided with a further update on the ANSTO incident, in relation to the direction and independent expert review report. Council also requested that it be provided with a summary of the outcomes in the report from the IAEA IRRS Mission to Australia.

**Action: ARPANSA to update Council on the ANSTO independent expert review report.**

**Action: ARPANSA to update Council on the findings from the IAEA IRRS Mission to Australia.**

##### Item 4.4 Future topics ARPANSA may bring to Council

The CEO of ARPANSA provided a summary of topics that ARPANSA may bring to Council to consider.

#### 5. Other business

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##### Item 5.1 Review action items from this meeting

The action items from this meeting were reviewed.

##### Item 5.2 Review schedule items for next meeting

Items for the next meeting were taken as read at agenda item 4.3.

##### Item 5.3 Upcoming meetings – locations and dates

The dates of meetings for 2019 are to be determined out-of-session.

**Action: Secretariat to circulate proposed dates to members.**