



Code of Practice for the Safe Transport of Radioactive Material

ORS C6

2024

FOR PUBLIC CONSULTATION

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This consultation

This document sets out the revised Code of Practice for the Safe Transport of Radioactive Material: ORS C6: (revised C6). The Director for Radiation Safety (the Director) proposes to issue a further revised C6, with amendments and revocations, under **section 86** of the Radiation Safety Act 2016 (the Act). **Section 89(1)** of the Act allows the Director to amend or revoke a code of practice (code).

This revised C6 has been drafted after being reviewed under **section 90(a)** of the Act, which requires the Director to review a code of practice every five years.

Section 89(2) of the Act requires the Director to consult with any person who the Director reasonably considers is likely to be affected by a proposed amendment or revocation of a code. This consultation is under section 89(2) of the Act.

A submission form is included at the end of this document to help with this consultation process. The form is also available **online**. The form is intended as a guide only. You are welcome to submit any information that you consider to be relevant.

Your views matter

The current **Code of Practice for the Safe Transport of Radioactive Material: ORS C6** (current C6) came into force on 19 April 2019. Current C6 and any amendments made are **secondary legislation** under **sections 86(6)** and **89(4)** of the Act.

Current C6 applies to any person who 'deals with' a radiation source. The term 'deal with' is defined in **section 5** of the Act as: 'to manufacture, possess, control, manage, use, transport, store, export, import, sell, supply, or dispose of a radiation source; or to carry out any other activity or practice involving the radiation source'.

Those affected by the revised C6 include all regulated parties and other people and organisations with a professional interest in the transport of radioactive material.

The Ministry of Health – Manatū Hauora (the Ministry) will review all feedback received as part of this consultation and use it to inform amendments and revocations to the revised C6.

Summary of the proposed principal amendments in the revised C6

The Director's view is that the revised C6 is better aligned with the Act and the **Legislation Act 2109**. The proposed changes do not significantly change the technical requirements on regulated parties.

The revised C6 has deletions, new clauses, replaced terms, changes to interpretations and rewordings. **Table 1** lists the principal proposed changes in the revised C6 and the main reasons for each change.

Table 1. Proposed amendments and revocations in the revised C6 and the main reasons for the changes

Section or clause	Principal amendments and deletions	Main reasons
Purpose and commencement	The phrase 'technical requirements necessary for a person who deals with' has replaced 'the operational information necessary'.	Improved alignment with the Act.
	Reference to 'sections 9 to 12' of the Act has replaced the reference to 'section 12'.	Improved alignment with the Act. Sections 9 to 11 of the Act apply to a person who 'deals with' a radiation source. Transport is an aspect of 'deal with'.
	Reference to road, rail, sea and air and to what activities or practices are included in current C6 have been deleted.	Unnecessary as the interpretation of 'transport' that has been added.
	A reference to the Act's interpretation of 'transport' has been added.	Improved alignment with the Act. Clearer statement of requirements.
Scope	References to 'deal with' including a carrier, consignee and consignor have been added.	Improved alignment with the Act. Determined by the Director following section 5 of the Act. This section includes an interpretation of 'deal with' that includes 'to carry out any other activity or practice involving the radiation source'.
	References to the incorporation of material by reference of applicable New Zealand requirements and the International Atomic Energy Agency (IAEA) transport regulations have been added. These two terms are included in the list of interpretations.	The interpretation of 'by reference' is given in section 64 of the Legislation Act 2019. Refer to note 1 .
	A paragraph has been added stating that the fundamental requirements listed in the Act apply to every person who deals with a radiation source.	To avoid doubt.
Contact	This section has been deleted.	This information is most reliably accessed through the Ministry's website.

Section or clause	Principal amendments and deletions	Main reasons
Roles and responsibilities	The phrase 'roles and responsibilities' has replaced 'key roles'.	Clearer statement of requirements.
	References to 'organisation' or 'government' have been removed.	Improved alignment with the Act.
	The term 'person' has been added to the interpretation.	The interpretation of 'person', is given in section 13 of the Legislation Act 2019. Section 6 of the Act binds the Crown.
	The Ministry is identified in the revised C6 to be the competent authority in relation to the IAEA transport regulations and has replaced the Office of Radiation Safety (ORS).	Improved alignment with the Act. This recognises that the ORS is not a legally constituted authority in New Zealand and that the Ministry is the regulatory body.
Interpretation	The term 'consignment' has been added.	Clearer statement of requirements.
	The term 'transport' has been added.	Clearer statement of requirements.
	The terms 'LSA-I material', 'SCO-I', 'SCO-III' and 'UN number' have been deleted.	The revised C6 does not use these terms.
Clauses 1, 2 and 3	The term 'requirements' has replaced the term 'obligations'.	Improved alignment with the Act. Clearer statement of requirements.
	References to paragraphs of the IAEA transport regulations have been deleted. A requirement to comply with applicable New Zealand requirements has been added.	Clearer statement of requirements. Refer to note 2 .
Clause 2	Clauses 2(b) to (c) have been deleted.	Clearer statement of requirements. Refer to note 2 .

Note 1

The revised C6 is the only currently issued code of practice that incorporates material by reference. This is under **section 64** of the Legislation Act 2019. This is because transport involves the movement of radioactive material across national boundaries and the International Atomic Energy Agency's (IAEA) transport regulations represent an international consensus on how such movement must be conducted.

The revised C6 incorporates the IAEA transport regulations in full, except for where New Zealand specific requirements apply. For instance, for the display of warning notices under the Land Transport Rule: Dangerous Goods 2005, rule 45001/1.

Note 2

References to paragraphs and the reproduction of requirements of material incorporated by reference have been deleted in the revised C6. This is to improve clarity. The Director intends to provide guidance on the Ministry's website to support the correct application of these requirements.

Under **section 66(2)(a)** of the Legislation Act 2019, future amendments to documents incorporated by reference in the revised C6 will require the code to be re-issued.

How to provide feedback

All written submissions that fall within the scope of this consultation and are received before the closing date for the consultation will be considered. The closing date and time for submissions is 11.00pm on Wednesday 10 April 2024.

The preferred and most convenient method of providing submissions is by using the **Ministry's online consultation tool, Citizen Space.**

The Director can also receive submissions by email, to **ors.codes@health.govt.nz**

Alternatively, submissions can be mailed to:
Office of Radiation Safety C6
Ministry of Health
PO Box 5013
Wellington 6140.

What happens after the consultation?

The Ministry will analyse and respond to feedback. After analysing in-scope submissions, the Ministry will consider further drafting improvements of the revised C6.

Start of revised C6

Introduction

Purpose and commencement

This ORS C6: Code of Practice for the Safe Transport of Radioactive Material (this code) is issued by the Director for Radiation Safety (the Director) under **section 86** of the Radiation Safety Act 2016 (the Act). This code provides technical requirements necessary for a person who deals with a radiation source to comply with the fundamental requirements in sections 9 to 12 of the Act. The requirements in this code do not limit the general nature of the fundamental requirements.

This code comes into force on <date to be added when code is issued>.

Scope

This code applies to all people who are dealing with a radioactive source for the purpose of transporting the radioactive source. The term 'transport' has the meaning given to it **section 5** of the Act.

Under section 5 of the Act, the Director has determined that a carrier, consignee and consigner of radioactive material are dealing with a radiation source.

The security of radioactive material is not part of this code.

This code requires compliance with applicable New Zealand specific requirements and the International Atomic Energy Agency (IAEA) transport regulations. These have been incorporated by reference into this code under **section 64** of the Legislation Act 2019. Under the IAEA transport regulations, the following are excluded from the scope of this code.

- Radioactive material that is an integral part of the means of transport
- Radioactive material implanted or incorporated into a person or live animal for diagnosis or treatment
- Transport for medical treatment of a person who has been subject to an intake of radioactive material or to contamination
- Radioactive material in consumer products that have received regulatory approval following their sale to the end user
- Natural material and ores containing naturally occurring radionuclides, which may have been processed, provided the activity concentration of the material does not exceed values set out in the IAEA transport regulations
- Non-radioactive solid objects with radioactive substances present on any surface in quantities that do not exceed the levels defined in the IAEA transport regulations.

This code does not absolve the carrier, consignee and consigner from having to comply with the fundamental requirements in sections 9 to 12 of the Act, which apply to every person who deals with a radiation source.

Compliance with the code does not imply compliance in related areas, such as occupational safety, hazards in the workplace, resource management and transport of substances that are hazardous materials for reasons other than being radioactive.

Roles and responsibilities

The following individuals and bodies have roles and responsibilities in relation to this code.

Carrier: any person dealing with radioactive material undertaking the carriage of radioactive material by any means of transport. The term includes both carriers for hire or reward and carriers on their own account.

Consignee: any person dealing with radioactive material as a consequence of being entitled to take delivery of a **consignment**.

Consignor: any person dealing with radioactive material to prepare a **consignment** for transport.

Competent authority in connection with the IAEA transport regulations: the Ministry of Health – Manatū Hauora (the Ministry).

Interpretation

Interpreted terms are identified in **bold**.

Applicable New Zealand requirements: the **Land Transport Rule: Dangerous Goods 2005: Rule 45001/1**, issued by Ministry of Transport – Te Manatū Waka; **Maritime Rules Part 24A: Carriage of Cargoes – Dangerous Goods**, 2014, issued by Maritime New Zealand – Nō te rere moana Aotearoa; **Civil Aviation Rules, Part 92, CAA Consolidation, Carriage of Dangerous Goods**, 2006. issued by the Civil Aviation Authority of New Zealand – Te Mana Rererangi Tūmatanui o Aotearoa.

Consignment: any package or packages, or load of radioactive material, presented by a **consignor** for transport.

IAEA: International Atomic Energy Agency.

IAEA transport regulations: International Atomic Energy Agency, Regulations for the safe transport of radioactive material, IAEA Safety Standards Series No. SSR-6 (Rev.1), IAEA, Vienna 2018. **Regulations for the Safe Transport of Radioactive Material | IAEA**

Person: includes a corporation sole, a body corporate and an unincorporated body (as defined in **section 13** of the Legislation Act 2019), unless the context otherwise requires.

Transport: has the meaning given in **section 5** of the Act, that is:

- a) means the deliberate physical movement of a radiation source (other than that forming part of the means of propulsion) from one place to another; and
- b) includes the temporary storage of the radiation source in transit, as well as carriage; but
- c) does not include the movement of the radiation source from one place to another within a specified site.

Responsibilities

Carrier

The carrier must comply with the requirements of applicable New Zealand requirements and in all other respects the IAEA transport regulations that apply to the carrier.

Consignee

The consignee must comply with the requirements of applicable New Zealand requirements and in all other respects the IAEA transport regulations that apply to the consignee.

Consignor

The consignor must comply with the requirements of applicable New Zealand requirements and in all other respects the IAEA transport regulations that apply to the consignor.

Submission form for revised C6 2024

Your details

This submission was completed by: *(name)* _____

Address: *(street/box number)* _____
(town/city and postcode) _____

Email: _____

Organisation (if applicable): _____

Position (if applicable): _____

Additional information

I am, or I represent an organisation that is, based in:

- New Zealand
- Australia
- Other (please specify): _____

I am or I represent:

- A transport carrier
- A dangerous goods advisor
- A qualified expert other than a dangerous goods advisor
- A supplier of radioactive material
- An organisation involved with nuclear medicine
- Other (please specify): _____

Privacy statement

The Ministry of Health – Manatū Hauora (the Ministry) may publish submissions on the Ministry's website. If you are submitting as an individual, the Ministry will remove your personal details and any identifiable information.

If you do not want your submission published on the Ministry's website, please tick this box:

- Do not publish this submission.

Your submission will be subject to requests made under the **Official Information Act 1982**. If you want your personal details removed from your submission, please tick this box:

- Remove my personal details from responses to Official Information Act 1982 requests.

Please return this form:

By email to: ors.codes@health.govt.nz

By post to: Office of Radiation Safety C6

Ministry of Health

PO Box 5013

Wellington 6140

Consultation questions

The Director for Radiation Safety (the Director) is specifically seeking feedback and comments on the following questions.

1. Is there particular information that should be included in guidance issued by the Director for the revised C6?
- Yes
- No

Details of the particular information:

2. Are there any other changes you would like to suggest to the revised C6 or comments that you would like to make?
- Yes
- No

Comments: