The Parliament of the Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Bill 1998

No. , 1998

(Health and Aged Care)

A Bill for an Act to deal with consequential matters arising from the enactment of the Australian Radiation Protection and Nuclear Safety Act 1998, and for other purposes
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\[
i\quad \text{Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Bill 1998 No.____, 1998}
\]
A Bill for an Act to deal with consequential matters arising from the enactment of the *Australian Radiation Protection and Nuclear Safety Act 1998*, and for other purposes

The Parliament of Australia enacts:

1. **Short title**

   This Act may be cited as the *Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998*. 
2 Commencement

(1) Subject to this section, this Act commences on the same day as the

(2) Item 5 of Schedule 1 to this Act commences on a day to be fixed
by Proclamation.

3 Schedule(s)

Subject to section 2, each Act that is specified in a Schedule to this
Act is amended or repealed as set out in the applicable items in the
Schedule concerned, and any other item in a Schedule to this Act
has effect according to its terms.
Schedule 1—Amendments, repeal and transitional provisions

Part 1—Amendments and repeal

Australian Nuclear Science and Technology Organisation Act 1987

1 Part VI
Repeal the Part.

2 Section 31
Omit “$1,000,000”, substitute “$5,000,000”.

3 Part VIIA
Repeal the Part.

4 Paragraph 42(1)(b)
Omit “, 37D, 37N, 37T”.

Environment Protection (Nuclear Codes) Act 1978

5 The whole of the Act
Repeal the Act.
Part 2—Transitional provisions

6 Transfer of assets and liabilities of the Nuclear Safety Bureau

(1) At the commencement time:
   (a) the assets and liabilities of the Nuclear Safety Bureau are transferred to the Commonwealth; and
   (b) the Commonwealth becomes the Nuclear Safety Bureau’s successor in law in relation to an asset or liability transferred under paragraph (a); and

(2) Any instrument or document relating to a transferred asset or liability continues to have effect after the commencement time as if a reference in the instrument or document to the Nuclear Safety Bureau were a reference to the Commonwealth.

(3) In this item:

   asset means:
   (a) any legal or equitable estate or interest in real or personal property, including a contingent or prospective one; or
   (b) any right, privilege or immunity, including a contingent or prospective one.

   commencement time means the time at which section 1 of this Act commenced.

   liability means a liability, duty or obligation, including a contingent or prospective one.

7 Powers of the CEO during the transition period

(1) Despite the repeal of Part VIIA of the Australian Nuclear Science and Technology Organisation Act 1987 by this Act, the CEO is to be treated, throughout the ANSTO transition period, as having all the powers and functions conferred by that Part on the Director of the Nuclear Safety Bureau in relation to ANSTO.
(2) In this item:

ANSTO means the Organisation within the meaning of subsection 3(1) of the Australian Nuclear Science and Technology Organisation Act 1987.

ANSTO transition period means the period:
(a) beginning on the day on which the Australian Radiation Protection and Nuclear Safety Act 1998 commenced; and
(b) ending on the day on which ANSTO is granted or refused any licence under section 31 or 32 of the Australian Radiation Protection and Nuclear Safety Act 1998.

CEO has the same meaning as in the Australian Radiation Protection and Nuclear Safety Act 1998.

8 Prohibitions not to apply to certain activities and persons

(1) If a person lodges an application during the transition period under section 31 or 32 of the Australian Radiation Protection and Nuclear Safety Act 1998 for a licence to authorise specified activities by specified persons, then the prohibitions contained in sections 29 and 30 of that Act do not apply to those persons in respect of those activities until:
(a) the application is granted; or
(b) the application is refused.

(2) In this item:

transition period means the period of 6 months beginning on the day on which the Australian Radiation Protection and Nuclear Safety Act 1998 commenced.