

1998

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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1 **A Bill for an Act to deal with consequential matters**
2 **arising from the enactment of the *Australian***
3 ***Radiation Protection and Nuclear Safety Act 1998,***
4 **and for other purposes**

5 The Parliament of Australia enacts:

6 **1 Short title**

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

1 **2 Commencement**

2 (1) Subject to this section, this Act commences on the same day as the
3 *Australian Radiation Protection and Nuclear Safety Act 1998* .

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

6 **3 Schedule(s)**

7 Subject to section 2, each Act that is specified in a Schedule to this
8 Act is amended or repealed as set out in the applicable items in the
9 Schedule concerned, and any other item in a Schedule to this Act
10 has effect according to its terms.

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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.

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2 **Part 2—Transitional provisions**

3 **6 Transfer of assets and liabilities of the Nuclear Safety**
4 **Bureau**

- 5 (1) At the commencement time:
6 (a) the assets and liabilities of the Nuclear Safety Bureau are
7 transferred to the Commonwealth; and
8 (b) the Commonwealth becomes the Nuclear Safety Bureau's
9 successor in law in relation to an asset or liability transferred
10 under paragraph (a); and

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

- 15 (3) In this item:

16 **asset** means:

- 17 (a) any legal or equitable estate or interest in real or personal
18 property, including a contingent or prospective one; or
19 (b) any right, privilege or immunity, including a contingent or
20 prospective one.

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

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

25 **7 Powers of the CEO during the transition period**

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

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

5 *ANSTO transition period* means the period:

6 (a) beginning on the day on which the *Australian Radiation*
7 *Protection and Nuclear Safety Act 1998* commenced; and

8 (b) ending on the day on which ANSTO is granted or refused
9 any licence under section 31 or 32 of the *Australian*
10 *Radiation Protection and Nuclear Safety Act 1998*.

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

13 **8 Prohibitions not to apply to certain activities and persons**

14 (1) If a person lodges an application during the transition period under
15 section 31 or 32 of the *Australian Radiation Protection and Nuclear*
16 *Safety Act 1998* for a licence to authorise specified activities by
17 specified persons, then the prohibitions contained in sections 29 and 30
18 of that Act do not apply to those persons in respect of those activities
19 until:

20 (a) the application is granted; or

21 (b) the application is refused.

22 (2) In this item:

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