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AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY BILL 1998

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY (LICENCE CHARGES) BILL 1998

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY (CONSEQUENTIAL AMENDMENTS) BILL 1998

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 1998

STATES GRANTS (GENERAL PURPOSES) AMENDMENT BILL 1998 HIGHER EDUCATION FUNDING AMENDMENT BILL 1998

First Reading

Bills received from the House of Representatives.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women)—I indicate to the Senate that those bills which have just been announced are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the three of the bills listed separately on the *Notice Paper*.

I move: That these bills may proceed without formalities, may be taken together and be now read a first time.

Question resolved in the affirmative. Bills read a first time.

Second Reading

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (5.12 p.m.)—I table a revised explanatory memorandum relating to the Higher Education Funding Amendment Bill 1998 and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in *Hansard*.

Leave granted.

The speeches read as follows—

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY BILL 1998

This bill is a critical piece of legislation which introduces, for the first time in Australia, a comprehensive regulatory framework for all Commonwealth radiation and nuclear activities.

The ARPANS Bill closes a current gap in regulation where State and Territory Government activities, and private undertakings are regulated by State and Territory radiation laws, but Commonwealth agencies have operated without corresponding Commonwealth oversight and regulation.

The bill applies to all Commonwealth entities and their employees and to non-Commonwealth entities when they are contracted by the Commonwealth to undertake radiation or nuclear activities. This includes all Commonwealth Departments such as the Department of Defence and the Department of Industry, Science and Resources and bodies corporate such as the Australian Nuclear Science and Technology Organisation.

Under the provisions of the bill, no Commonwealth entity can deal with radioactive materials or radiation apparatus, or any aspect of a nuclear facility, unless licensed to do so in accordance with this legislation. This means that Commonwealth activities ranging from using an x-ray machine, to the safe and appropriate construction and operation of the proposed replacement nuclear research reactor at Lucas Heights are prohibited unless a license has been issued in accordance with this bill.

The bill provides for exemptions to the general prohibition, including allowing for exemptions for certain defence and security activities in the national interest. Criteria for other exemptions, on the basis of very low risk will be set out in regulations under the legislation.

The legislation will be administered by an independent statutory office holder the CEO of the Australian Radiation Protection and Nuclear Safety Agency. The functions of the CEO will include: .regulating, in accordance with the legislation, Commonwealth radiation and nuclear activities. This will include monitoring and enforcing compliance with the legislation;

.working with the States and Territories to develop uniform regulatory controls throughout Australia; .informing and advising the Government and the public on radiation protection and nuclear safety; and .undertaking research and providing services of a high standard to ensure radiation protection and nuclear safety.

The functions and resources of the currently existing Nuclear Safety Bureau and the Australian Radiation Laboratory will be combined to form ARPANSA and to assist the CEO in his/her functions. ARPANSA will continue, and appropriately expand, the excellent policy development and research currently undertaken by the Nuclear Safety Bureau and the Australian Radiation Laboratory.

It is important that the CEO has access to expert advice and input from a range of sources, including the community. The bill therefore provides for the establishment of the Radiation Health and Safety Advisory Council. Members of this Council will be appointed by the Minister and the Council will include representatives from the community and States and Territories as well as others with appropriate experience. Each member will be appointed on the basis of their standing and their expertise in fields relevant to radiation protection and nuclear safety.

The CEO and the Council will oversee the work of two Standing Committees established in the bill: the Radiation Health Committee and the Nuclear Safety Committee. The Standing Committees will also comprise experts in the field and include community and public interest representatives.

The value of comprehensive Commonwealth legislation and a national regulatory body such as this, has been recognised in many fora. This legislation was a key recommendation of the Senate Select Committee on the Dangers of Radioactive Waste report, 'No Time to Waste', which was produced with the close involvement of all political parties. This bill incorporates many of the Committees recommendations and delivers on the Government's commitment to close the regulatory gap identified by that Committee, whereby Commonwealth agencies have operated without comprehensive Commonwealth oversight and regulation.

Regulation of Commonwealth activities is also strongly supported by all State and Territory Governments and the bill has been crafted following consultation with States and Territories. The bill is substantially the same as the bill passed by the previous House of Representatives. Provisions have been included clarifying that powers exercised under the act must be exercised in accordance with international agreements and defining the membership of the Standing Committees.

I believe that this bill will result in a centre of excellence for regulation, advice, research and services supporting nuclear safety and radiation protection of employees, the public and the environment. I commend the bill to you.

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY (LICENCE CHARGES) BILL 1998

This bill is an adjunct to the Australian Radiation Protection and Nuclear Safety (ARPANS) Bill 1998.

The Australian Radiation Protection and Nuclear Safety (Licence Charges) Bill 1998 provides a capacity for annual charges to be made for licences issued under the Australian Radiation Protection and Nuclear Safety Bill 1998.

This is in line with the Government's decision that Commonwealth entities regulated under the ARPANS Bill should bear the costs of such regulation, ensuring that there will be no additional burden on the Commonwealth or the public purse.

To give effect to this Government decision, Commonwealth entities such as the Australian Nuclear Science and Technology Organisation will be charged licence application fees and annual licence charges. The former is dealt with in the main bill. However, as annual charges are treated as taxes, and the Constitution requires that taxes must be dealt with separately in purpose specific legislation, this separate bill has been prepared.

AUSTRALIAN RADIATION PROTECTION AND NUCLEAR SAFETY (CONSEQUENTIAL AMENDMENTS) BILL 1998

This bill is an adjunct to the Australian Radiation Protection and Nuclear Safety (ARPANS) Bill 1998.

This bill serves four key purposes.

First, the bill details changes that are necessary to the Australian Nuclear Science and Technology Organisation Act 1987 (the ANSTO Act) as a result of the introduction of the ARPANS Bill. This includes repealing those parts of the ANSTO Act that established the Nuclear Safety Bureau and the Safety Review Committee as these bodies are superseded by the role of the CEO of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and by the supporting Council and Committees.

Secondly, this bill makes transitional arrangements for the transfer of the assets and liabilities of the Nuclear Safety Bureau to the Commonwealth, and confers on the CEO of ARPANSA the powers of the Director of the Nuclear Safety Bureau in relation to the Australian Nuclear Science and Technology Organisation. This will ensure that at no stage are the operations and functions of the Australian Nuclear Science and Technology Organisation unregulated.

Thirdly the bill provides for transitional arrangements to cover the operation of controlled facilities and the handling of radiation sources while applications for licences to cover these facilities and activities are being made under the ARPANS Bill.

Finally, the bill repeals the Environment Protection (Nuclear Codes) Act 1978. That act provides for the development and endorsement of Codes of Practice which will now be undertaken under the auspices of ARPANSA.

The consequential amendments set out in this bill will ensure the appropriate and seamless operation of two Commonwealth acts—the Australian Nuclear Science and Technology Organisation Act 1987 and the Australian Radiation Protection and Nuclear Safety Act 1998.