Australian Nuclear Science and Technology Organisation Amendment Bill 2006

No. , 2006

(Education, Science and Training)

A Bill for an Act to amend the Australian Nuclear Science and Technology Organisation Act 1987, and for related purposes
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Schedule 1—Australian Nuclear Science and Technology Organisation Act 1987

3
A Bill for an Act to amend the *Australian Nuclear Science and Technology Organisation Act 1987*, and for related purposes

The Parliament of Australia enacts:

1 **Short title**

This Act may be cited as the *Australian Nuclear Science and Technology Organisation Amendment Act 2006*.

2 **Commencement**

This Act commences on the day on which it receives the Royal Assent.
3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Australian Nuclear Science and Technology Organisation Act 1987

1 Subsection 3(1)
Insert:

**ANSTO spent nuclear fuel** means spent nuclear fuel that has been irradiated in, and permanently removed from, a nuclear reactor operated by the Organisation.

2 Subsection 3(1)
Insert:

**Commonwealth contractor** means:
(a) a person who is a party to a contract with the Commonwealth or a Commonwealth entity; or
(b) a person who is a subcontractor for a contract with the Commonwealth or a Commonwealth entity.

3 Subsection 3(1)
Insert:

**Commonwealth entity** means:
(a) a body corporate established for a public purpose by or under an Act; or
(b) a company in which a controlling interest is held by any one of the following persons, or any 2 or more of the following persons together:
   (i) the Commonwealth;
   (ii) a body covered by paragraph (a).

4 Subsection 3(1)
Insert:

**law enforcement agency** means:
(a) the Australian Federal Police; or
(b) a police force of a State or Territory; or
(c) the Australian Customs Service; or
(d) any other authority or person responsible for the enforcement
of the laws of the Commonwealth, a State or a Territory.

5 Subsection 3(1)

Insert:

spent nuclear fuel means material that:

(a) is or was capable of producing energy by a self-sustaining
chain process of nuclear fission; and

(b) has been irradiated in, and permanently removed from, a
nuclear reactor (which is a structure containing material to
which paragraph (a) applies in such an arrangement that a
self-sustaining chain process of nuclear fission can occur in
the structure without an additional source of neutrons).

6 Subsection 3(1)

Insert:

subcontractor, for a contract, means a person who is a party to:

(a) a contract with a Commonwealth contractor (within the
meaning of paragraph (a) of the definition of Commonwealth
contractor); or

(b) a contract with another subcontractor (under a previous
application of this definition).

7 After paragraph 5(1)(ba)

Insert:

(bb) to condition, manage and store radioactive materials and
radioactive waste generated, possessed or controlled by the
Commonwealth or a Commonwealth entity; and

(bc) to condition, manage and store radioactive materials and
radioactive waste at the request of:

(i) a law enforcement agency; or

(ii) a Commonwealth, State or Territory agency responsible
for the management of emergencies or disasters;
including, but not limited to, radioactive materials or
radioactive waste involved in, or arising out of, a radiological
incident or a radiological emergency; and

(bd) to condition, manage and store radioactive waste that has
been, or is to be, sent to Australia under contractual
arrangements relating to the conditioning or reprocessing of ANSTO spent nuclear fuel; and

8 After subsection 5(1B)

Insert:

(1C) Without limiting paragraph 5(1)(bb):

(a) radioactive materials and radioactive waste generated by a Commonwealth contractor under a contract between the Commonwealth contractor and the Commonwealth or a Commonwealth entity are taken to be generated by the Commonwealth or the Commonwealth entity, as the case requires; and

(b) radioactive materials and radioactive waste possessed or controlled by a Commonwealth contractor under a contract between the Commonwealth contractor and the Commonwealth or a Commonwealth entity are taken to be possessed or controlled by the Commonwealth or the Commonwealth entity, as the case requires.

9 At the end of paragraphs 5(5)(a), (b), (c) and (d)

Add “and”.

10 At the end of subsection 5(5)

Add:

; and (g) for purposes related to the defence of the Commonwealth.