



**Australian Radiation Protection and  
Nuclear Safety (Consequential  
Amendments) Act 1998**

**No. 135, 1998**



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**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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# **Australian Radiation Protection and Nuclear Safety (Consequential Amendments) Act 1998**

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**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**

[Assented to 24 December 1998]

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*.

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## **2 Commencement**

- (1) Subject to this section, this Act commences on the same day as the *Australian Radiation Protection and Nuclear Safety Act 1998*.
- (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Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 32 or 33 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 32 or 33 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 30 and 31 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.

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[*Minister's second reading speech made in—  
House of Representatives on 11 November 1998  
Senate on 23 November 1998*]

(166/98)

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