



Australian Nuclear Science and Technology Organisation Amendment Act 2006

No. 145, 2006

***An Act to amend the *Australian Nuclear Science
and Technology Organisation Act 1987*, and for
related purposes***

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

Contents

1	Short title.....	1
2	Commencement.....	2
3	Schedule(s).....	2

Schedule 1—Australian Nuclear Science and Technology Organisation Act 1987		3
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Australian Nuclear Science and Technology Organisation Amendment Act 2006

No. 145, 2006

**An Act to amend the *Australian Nuclear Science
and Technology Organisation Act 1987*, and for
related purposes**

[Assented to 6 December 2006]

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Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

*[Minister's second reading speech made in—
House of Representatives on 30 March 2006
Senate on 11 September 2006]*

(19/06)