

Defence Legislation Amendment (Naval Nuclear Propulsion) Act 2023

No. 48, 2023

An Act to amend legislation to clarify certain activities relating to conventionally‑armed, nuclear‑powered submarines

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Defence Legislation Amendment (Naval Nuclear Propulsion) Act 2023

No. 48, 2023

An Act to amend legislation to clarify certain activities relating to conventionally‑armed, nuclear‑powered submarines

[*Assented to 3 July 2023*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Defence Legislation Amendment (Naval Nuclear Propulsion) Act 2023*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act. | The day after this Act receives the Royal Assent. | 4 July 2023 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Australian Radiation Protection and Nuclear Safety Act 1998

1 After subsection 10(1)

Insert:

(1A) Paragraph (1)(b) does not apply to a naval nuclear propulsion plant related to use in a conventionally‑armed, nuclear‑powered submarine.

2 Subsection 10(2)

Omit “mentioned in subsection (1)”, substitute “to which subsection (1) applies”.

Environment Protection and Biodiversity Conservation Act 1999

3 Section 37J

Before “The Minister”, insert “(1)”.

4 At the end of section 37J

Add:

(2) Paragraph (1)(b) does not apply to a naval nuclear propulsion plant related to use in a conventionally‑armed, nuclear‑powered submarine.

5 Section 140A

Before “The Minister”, insert “(1)”.

6 At the end of section 140A

Add:

(2) Paragraph (1)(b) does not apply to a naval nuclear propulsion plant related to use in a conventionally‑armed, nuclear‑powered submarine.

7 Section 146M

Before “The Minister”, insert “(1)”.

8 At the end of section 146M

Add:

(2) Paragraph (1)(b) does not apply to a naval nuclear propulsion plant related to use in a conventionally‑armed, nuclear‑powered submarine.

9 After subsection 305(2)

Insert:

(2A) Subparagraph (2)(d)(ii) does not apply to a naval nuclear propulsion plant related to use in a conventionally‑armed, nuclear‑powered submarine.

[*Minister’s second reading speech made in—*

*House of Representatives on 10 May 2023*

*Senate on 13 June 2023*]

(50/23)