



Australian Naval Nuclear Power Safety (Transitional Provisions) Act 2024

No. 92, 2024

**An Act to deal with transitional matters relating to
the enactment of the *Australian Naval Nuclear
Power Safety Act 2024*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

Contents

1	Short title.....	1
2	Commencement	2
3	Schedules	2
	Schedule 1—Transitional provisions	3



Australian Naval Nuclear Power Safety (Transitional Provisions) Act 2024

No. 92, 2024

**An Act to deal with transitional matters relating to
the enactment of the *Australian Naval Nuclear
Power Safety Act 2024*, and for related purposes**

[Assented to 24 October 2024]

The Parliament of Australia enacts:

1 Short title

This Act is the *Australian Naval Nuclear Power Safety
(Transitional Provisions) Act 2024*.

No. 92, 2024 *Australian Naval Nuclear Power Safety (Transitional Provisions) Act* 1
2024

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	At the same time as the <i>Australian Naval Nuclear Power Safety Act 2024</i> commences. However, the provisions do not commence at all if that Act does not commence.	

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Transitional provisions

1 Definitions

In this Schedule:

ANNPS Act means the *Australian Naval Nuclear Power Safety Act 2024*.

ARPANS Act means the *Australian Radiation Protection and Nuclear Safety Act 1998*.

commencement means the commencement of this Act.

regulated activity has the same meaning as in section 9 of the ANNPS Act.

2 Transitioning certain facility licences under the ARPANS Act to licences under the ANNPS Act

- (1) This item applies if:
- (a) a facility licence is issued to a person (the **licence holder**) under section 32 of the ARPANS Act; and
 - (b) the licence is in force immediately before commencement; and
 - (c) the licence authorises a person to conduct an activity referred to in subsection 30(1) of the ARPANS Act but does not authorise an activity referred to in paragraph 32(1A)(b) of that Act; and
 - (d) at commencement, the activity is a facility activity (within the meaning of section 11 of the ANNPS Act).
- (2) On and after commencement the licence:
- (a) has effect as if it were an Australian naval nuclear power safety licence issued to the licence holder under subsection 31(1) of the ANNPS Act; and
 - (b) is subject to the following conditions:
 - (i) the conditions referred to in paragraphs 32(1)(a) and (b) of the ANNPS Act;
 - (ii) any conditions specified in relation to the licence by the Regulator on or after commencement under subsection 34(2) of the ANNPS Act;

(iii) any conditions prescribed by the regulations.

Note: Paragraph (a) means that on and after commencement the licence is taken to be an Australian naval nuclear power safety licence and can be dealt with as such. On and after commencement, it is no longer a licence under the ARPANS Act and section 35 of that Act (about licence conditions) no longer applies to the licence.

3 Transitioning certain facility licences and source licences under the ARPANS Act to licences under the ANNPS Act

- (1) This item applies if:
- (a) a licence is issued to a person (the *licence holder*) under section 32 or 33 of the ARPANS Act; and
 - (b) the licence is in force immediately before commencement; and
 - (c) the licence authorises a person:
 - (i) to conduct an activity referred to in subsection 30(1) of the ARPANS Act and an activity referred to in paragraph 32(1A)(b) of that Act; or
 - (ii) to conduct an activity referred to in subsection 31(1) of the ARPANS Act; and
 - (d) at commencement, the activity is a regulated activity.
- (2) On and after commencement the licence continues in force (and may be dealt with) under the ARPANS Act but only to the extent that the licence relates to an activity that is not a regulated activity.
- (3) On and after commencement the licence, only to the extent that it relates to a regulated activity:
- (a) has effect as if it were an Australian naval nuclear power safety licence issued to the licence holder under subsection 31(1) of the ANNPS Act; and
 - (b) is subject to the following conditions:
 - (i) the conditions referred to in paragraphs 32(1)(a) and (b) of the ANNPS Act;
 - (ii) any conditions specified in relation to the licence by the Regulator on or after commencement under subsection 34(2) of the ANNPS Act;
 - (iii) any conditions prescribed by the regulations.

Note: Paragraph (a) means that on and after commencement the licence, to the extent it relates to a regulated activity, is taken to be an Australian naval nuclear power safety licence and can be dealt with as such. On and after commencement, it is no longer a licence under the ARPANS Act to the extent the licence relates to the regulated activity, and section 35 of that Act (about licence conditions) no longer applies to the licence to that extent.

4 Regulations

- (1) The Governor-General may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed by the regulations; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may prescribe matters of a transitional nature (including prescribing any saving or application provisions) relating to:
 - (a) the enactment of the ANNPS Act; or
 - (b) transitioning the regulation of matters relating to regulated activities from the ARPANS Act to the ANNPS Act.
- (3) Items 2 and 3 do not limit the regulations that may be made for the purposes of this item.

*[Minister's second reading speech made in—
House of Representatives on 16 November 2023
Senate on 16 September 2024]*

(137/23)
