

2016-2017

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

**AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION
AMENDMENT BILL 2017**

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Industry, Innovation and Science, Senator the
Honourable Arthur Sinodinos AO)

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY ORGANISATION AMENDMENT BILL 2017

OUTLINE

The purpose of the Bill is to amend the *Australian Nuclear Science and Technology Organisation Act 1987* (ANSTO Act) to provide greater flexibility to the Australian Nuclear Science and Technology Organisation (ANSTO) in its activities, including the use of its property, facilities and resources for science, technology, innovation and training purposes. This includes enabling the establishment of an Innovation Precinct at ANSTO's Lucas Heights campus, and the potential establishment of similar precincts in association with other ANSTO campuses. More broadly, the Bill will facilitate enhanced collaboration between industry, universities, researchers and ANSTO across all its sites.

Nationally and globally, nuclear science and technology is a major basis for innovation across a range of industries. The Bill aligns with the priorities of the Government's National Science Statement 2017 (www.science.gov.au/SCIENCEGOV/NationalScienceStatement/index.html) and the National Innovation and Science Agenda (www.innovation.gov.au/page/agenda) for driving Australian innovation through greater synergies between government, universities, researchers and industry. The proposed ANSTO Innovation Precinct will co-locate and crowd-in scientific partners, knowledge-intensive businesses, high-tech industry, and university graduates around Australia's centre of nuclear capabilities and expertise.

Plans for an Innovation Precinct include three major components – a Graduate Institute, an Innovation Incubator and a Technology Park. These three components will enable ANSTO to act as a conduit between research, industry and universities. The Innovation Precinct will support the achievement of science, innovation and technology excellence, and foster research and industry linkages, technology development, commercialisation, entrepreneurship and science, technology, engineering, mathematics and medicine (STEMM) education. The Bill supports the establishment of the ANSTO Innovation Precinct and enhanced collaboration.

ANSTO has been working in partnership with local industry groups, universities and all levels of government in developing an ANSTO Innovation Precinct. These stakeholders have been supportive of the proposal and have been working with ANSTO to achieve the successful development of the Innovation Precinct.

The Department of Industry, Innovation and Science, the Australian Government Solicitor, the Office of Best Practice Regulation, the Office of Parliamentary Counsel and the Department of Finance have been consulted regarding the drafting of the Bill.

FINANCIAL IMPACT STATEMENT

The Bill will not have any direct financial impact on the Budget.

However, it will allow ANSTO to leverage its facilities to generate additional capability and increase opportunities for ANSTO to generate commercial revenues from its land, facilities and research.

STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

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This Bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Bill

The Bill makes minor amendments to the *Australian Nuclear Science and Technology Organisation Act 1987* to provide greater flexibility to the Australian Nuclear Science and Technology Organisation in its science, education and innovation activities, including the use of its property, facilities and resources for science, technology, and innovation purposes.

Human rights implications

This Bill does not engage any of the applicable rights or freedoms.

Conclusion

This Bill is compatible with human rights as it does not raise any human rights issues.

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NOTES ON CLAUSES

Clause 1—Short Title

This clause provides for the Bill, when enacted, to be cited as the *Australian Nuclear Science and Technology Organisation Amendment Act 2017*.

Section 2—Commencement

This clause provides that the Bill commences on the day after it receives the Royal Assent.

Clause 3—Schedules

Clause 3 is a machinery clause that enables the Schedule to amend the Act. The Bill contains one Schedule.

Schedule 1—Amendments

Australian Nuclear Science and Technology Organisation Act 1987

Item 1—Section 3

Item 1 inserts a new definition of *scientific research, innovation and training*. The definition includes activities in the fields of natural or applied science, activities that involve innovation or high levels of technical risk and education and training, whether or not those activities are related to nuclear science and nuclear technology. The inclusion of this definition, when read with subsection 5(4A), supports the Australian Nuclear Science and Technology Organisation (ANSTO) in its science, technology, innovation and training activities, including its ability to make available to others its facilities, resources and property for the purposes of innovation.

Item 2—Paragraph 5(1)(ea)

Item 2 replaces the words “on a commercial basis” with “whether or not on a commercial basis” in paragraph 5(1)(ea). This will allow ANSTO to undertake the functions in paragraph 5(1)(ea) without limiting it to being on a commercial basis. By encompassing non-commercial activities, the Bill provides the flexibility for the potential construction of post-graduate accommodation and facilities, for example, which may not necessarily be undertaken on a commercial basis, but would help support research, innovation and training outcomes.

Item 3 – At the end of paragraph 5(1)(ea)

Item 3 inserts a note at the end of paragraph 5(1)(ea) to cross-reference the new subsection 5(4A) and existing subsection 6(3).

Item 4—After subsection 5(4)

Item 4 inserts new subsection 5(4A) to enhance ANSTO's function in paragraph 5(1)(ea), which provides for ANSTO to make available to other people its knowledge, expertise, equipment, facilities, resources and property. The inclusion of subsection 5(4A) supports ANSTO in making available its knowledge, expertise, equipment, facilities, resources and property for use by innovative businesses or high-end manufacturers and for training and education purposes (for example), whether or not those activities have a connection with nuclear science or nuclear technology. The Bill supports the national priority of bringing business, universities and researchers together to drive Australian innovation.

Item 5 – Subsection 5(5)

Item 5 repeals subsection 5(5). This section is being repealed as the substance will now be included in an expanded new section 6A, outlined below.

Item 6 – After section 6

Item 6 inserts a new section 6A which replaces subsection 5(5). Subsection 5(5) was drafted on the basis of Constitutional law as it was understood in 1987. Section 6A updates and expands the constitutional references in the *ANSTO Act* to better reflect ANSTO's current and proposed activities. Section 6A sets out the constitutional basis on which ANSTO can perform its functions by listing the constitutional heads of power that limit ANSTO's functions.