2016‑2017

The Parliament of the

Commonwealth of Australia

THE SENATE

Presented and read a first time

Australian Nuclear Science and Technology Organisation Amendment Bill 2017

No. , 2017

(Industry, Innovation and Science)

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

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

The Parliament of Australia enacts:

1 Short title

This Act is the *Australian Nuclear Science and Technology Organisation Amendment Act 2017*.

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. |  |

Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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 Nuclear Science and Technology Organisation Act 1987

1 Section 3

Insert:

***scientific research, innovation and training*** includes the following, whether or not related to nuclear science and nuclear technology:

(a) any activities in the fields of natural or applied science (including engineering and technology) for the extension or application of knowledge;

(b) anyactivities that involve innovation or high levels of technical risk for the purposes of creating new or improved materials, products, devices or processes;

(c) the education and training of persons in matters related to activities mentioned in paragraph (a) or (b).

2 Paragraph 5(1)(ea)

Omit “on a commercial basis”, substitute “whether or not on a commercial basis”.

3 At the end of paragraph 5(1)(ea)

Add:

Note: See also subsection (4A) of this section and subsection 6(3).

4 After subsection 5(4)

Insert:

(4A) Without limiting paragraph (1)(ea), the Organisation may perform its function under that paragraph for the purposes of scientific research, innovation and training.

5 Subsection 5(5)

Repeal the subsection.

6 After section 6

Insert:

6A Constitutional limits

(1) The Organisation may perform its functions only:

(a) for purposes relating to activities that are peculiarly adapted to the government of a nation and cannot otherwise be carried on for the benefit of the nation; or

(b) for purposes relating to trade and commerce:

(i) between Australia and places outside Australia; or

(ii) among the States; or

(iii) within a Territory, between a State and a Territory or between 2 Territories; or

(c) for purposes relating to postal, telegraphic, telephonic or other like services; or

(d) for purposes relating to the security or defence of Australia; or

(e) for purposes relating to astronomical and meteorological observations; or

(f) for purposes relating to statistics; or

(g) for purposes relating to weights and measures; or

(h) for purposes relating to copyrights, patents of inventions and designs, and trade marks; or

(i) for purposes relating to the provision of medical and dental services; or

(j) for purposes related to external affairs, including:

(i) giving effect to any international agreement to which Australia is a party; and

(ii) addressing matters of international concern; and

(iii) by way of the performance of its functions in a place outside Australia; or

(k) for purposes relating to the relations of the Commonwealth with the islands of the Pacific; or

(l) in, or for purposes relating to, a Territory; or

(m) in, or for purposes relating to, a Commonwealth place (within the meaning of the *Commonwealth Places (Application of Laws) Act 1970*); or

(n) for purposes relating to matters incidental to the execution of any of the legislative powers of the Parliament or the executive power of the Commonwealth.

(2) A term used in subsection (1) and the Constitution has the same meaning in that subsection as it has in the Constitution.