

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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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