A Bill for an Act to amend the *Australian Nuclear Science and Technology Organisation Act 1987*, and for related purposes
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Schedule 1—Australian Nuclear Science and Technology
Organisation Act 1987

i Australian Nuclear Science and Technology Organisation Amendment Bill 2006 No. ,
2006
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 may be cited as the *Australian Nuclear Science and Technology Organisation Amendment Act 2006*.

2 **Commencement**

This Act commences on the day on which it receives the Royal Assent.
3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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—Australian Nuclear Science and Technology Organisation Act 1987

1 Subsection 3(1)

Insert:

**ANSTO spent nuclear fuel** means spent nuclear fuel that has been irradiated in, and permanently removed from, a nuclear reactor operated by the Organisation.

2 Subsection 3(1)

Insert:

**Commonwealth contractor** means:

(a) a person who is a party to a contract with the Commonwealth or a Commonwealth entity; or

(b) a person who is a subcontractor for a contract with the Commonwealth or a Commonwealth entity.

3 Subsection 3(1)

Insert:

**Commonwealth entity** means:

(a) a body corporate established for a public purpose by or under an Act; or

(b) a company in which a controlling interest is held by any one of the following persons, or any 2 or more of the following persons together:

(i) the Commonwealth;

(ii) a body covered by paragraph (a).

4 Subsection 3(1)

Insert:

**law enforcement agency** means:

(a) the Australian Federal Police; or

(b) a police force of a State or Territory; or

(c) the Australian Customs Service; or
(d) any other authority or person responsible for the enforcement of the laws of the Commonwealth, a State or a Territory.

5 Subsection 3(1)

Insert:

spent nuclear fuel means material that:
(a) is or was capable of producing energy by a self-sustaining chain process of nuclear fission; and
(b) has been irradiated in, and permanently removed from, a nuclear reactor (which is a structure containing material to which paragraph (a) applies in such an arrangement that a self-sustaining chain process of nuclear fission can occur in the structure without an additional source of neutrons).

6 Subsection 3(1)

Insert:

subcontractor, for a contract, means a person who is a party to:
(a) a contract with a Commonwealth contractor (within the meaning of paragraph (a) of the definition of Commonwealth contractor); or
(b) a contract with another subcontractor (under a previous application of this definition).

7 After paragraph 5(1)(ba)

Insert:

(bb) to condition, manage and store radioactive materials and radioactive waste generated, possessed or controlled by the Commonwealth or a Commonwealth entity; and
(bc) to condition, manage and store radioactive waste at the request of:
   (i) a law enforcement agency; or
   (ii) a Commonwealth, State or Territory agency responsible for the management of emergencies or disasters; including, but not limited to, radioactive materials or radioactive waste involved in, or arising out of, a radiological incident or a radiological emergency; and
(bd) to condition, manage and store radioactive waste that has been, or is to be, sent to Australia under contractual
arrangements relating to the conditioning or reprocessing of
ANSTO spent nuclear fuel; and

8 After subsection 5(1B)

Insert:

(1C) Without limiting paragraph 5(1)(bb):

(a) radioactive materials and radioactive waste generated by a
    Commonwealth contractor under a contract between the
    Commonwealth contractor and the Commonwealth or a
    Commonwealth entity are taken to be generated by the
    Commonwealth or the Commonwealth entity, as the case
    requires; and

(b) radioactive materials and radioactive waste possessed or
    controlled by a Commonwealth contractor under a contract
    between the Commonwealth contractor and the
    Commonwealth or a Commonwealth entity are taken to be
    possessed or controlled by the Commonwealth or the
    Commonwealth entity, as the case requires.

9 At the end of paragraphs 5(5)(a), (b), (c) and (d)

Add “and”.

10 At the end of subsection 5(5)

Add:

; and (g) for purposes related to the defence of the Commonwealth.