

1985

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented pursuant to leave granted and read 1^o, 6 November 1985)

(THE MINISTER FOR RESOURCES AND ENERGY, SENATOR EVANS)

A BILL

FOR

An Act to amend the *Atomic Energy Act 1953*

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

5 **1.** (1) This Act may be cited as the *Atomic Energy Amendment Act 1985*.

(2) The *Atomic Energy Act 1953*¹ is in this Act referred to as the Principal Act.

Commencement

10 **2.** This Act shall come into operation on the day on which the *Australian Nuclear Science and Technology Organisation Act 1985* comes into operation.

Repeal

3. Section 4 of the Principal Act is repealed.

Interpretation

4 Section 5 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the definition of “Advisory Committee”;
- (b) by inserting in that sub-section, after the definition of “Australia” the following definition:
 - “ ‘Commission’ means the Australian Atomic Energy Commission that was constituted under this Act before the enactment of the *Australian Nuclear Science and Technology Organisation Act 1985*;”;
- (c) by omitting from that sub-section the definitions of “Commonwealth officer”, “constable”, “contractor”, “restricted information”, “securities” and “the Commission”; and
- (d) by omitting sub-sections (2), (3), (5) and (6).

5. Sections 6 and 7 of the Principal Act are repealed and the following sections are substituted: 15

Act to bind Crown

“6. This Act binds the Crown in right of the Commonwealth, of each of the States and of the Northern Territory but nothing in this Act renders the Crown liable to be prosecuted for an offence. 20

Extension to external Territories

“7. This Act extends to every external Territory.”.

Repeal of Part II

6 Part II of the Principal Act is repealed.

Heading

7 The heading to Part III of the Principal Act is repealed. 25

8 Section 34 of the Principal Act is repealed and the following section is substituted:

Exercise of powers

- “34. The powers conferred by this Act may be exercised only— 30
 - (a) for purposes related to trade or commerce with other countries;
 - (b) for purposes related to trade or commerce among the States, between a State and a Territory or between 2 Territories;
 - (c) in relation to substances situated in or recovered from, or things done or proposed to be done in or in connection with, the Ranger Project Area; 35
 - (d) in relation to substances situated in or recovered from, or things done or proposed to be done in or in connection with, a Territory; or

- (e) for other purposes of the Commonwealth not being purposes related to the defence of the Commonwealth.”.

Heading

9. Before section 35 of the Principal Act the following heading is inserted:

**“PART II—TITLE TO AND INFORMATION CONCERNING
PRESCRIBED SUBSTANCES”.**

Notification of discovery of prescribed substance

10. Section 36 of the Principal Act is amended by inserting after sub-section (1) the following sub-section:

“(1A) A person who, without reasonable excuse, fails to comply with sub-section (1) is guilty of an offence punishable on conviction by a fine not exceeding—

- (a) in the case of a natural person—\$2,000; or
(b) in the case of a body corporate—\$10,000.”.

Power to obtain information

11. Section 37 of the Principal Act is amended by adding at the end the following sub-section:

“(2) A person who refuses or fails, without reasonable excuse, to comply with a notice served on the person under sub-section (1) is guilty of an offence punishable on conviction by a fine not exceeding—

- (a) in the case of a natural person—\$2,000; or
(b) in the case of a body corporate—\$10,000.”.

Repeal

12. Sections 38, 39 and 40 of the Principal Act are repealed.

Heading

13. Before section 41 of the Principal Act the following heading is inserted:

“PART III—THE RANGER PROJECT”.

Authority to mine prescribed substances on behalf of, or in association with, the Commonwealth

14. Section 41 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Subject to sub-section (2B), where” and substituting “Where”;
(b) by inserting “in the Ranger Project Area” after “land” (first occurring) in sub-section (1); and
(c) by omitting sub-section (2B).

15. After section 41C of the Principal Act the following section is inserted:

Offences

“41D. (1) A person shall not refuse or fail to comply with a condition or restriction subject to which an authority has (whether before or after the commencement of this section) been conferred on the person under this Part. 5

Penalty:

- (a) in the case of a natural person—\$2,000; or
- (b) in the case of a body corporate—\$10,000. 10

“(2) Except with the consent of the person in possession of the land or pursuant to a right or power conferred by law, a person shall not enter or be upon land of which another person is in possession under this Part.

Penalty for a contravention of this sub-section: \$1,000.”

Compensation 15

16. Section 42 of the Principal Act is amended—

- (a) by inserting in paragraph (a) “Part II or” before “this Part”; and
- (b) by omitting from paragraph (b) “39, 40 or”.

Repeal

17. Section 43 of the Principal Act is repealed. 20

Repeal of Part IV

18. Part IV of the Principal Act is repealed.

Repeal

19. Sections 60, 62, 63 and 64 of the Principal Act are repealed.

20. Section 65 of the Principal Act is repealed and the following section is substituted: 25

Regulations

“65. The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or 30
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.”

Schedule

21. The Schedule to the Principal Act is repealed.

NOTE

1. No. 31, 1953, as amended. For previous amendments, see No. 1, 1958; No. 93, 1966; Nos. 131 and 216, 1973; No. 91, 1976; Nos. 31, 36 and 182, 1978; Nos. 44 and 155, 1979; Nos. 9, 70 and 119, 1980; No. 61, 1981; No. 63, 1984; and No. 65, 1985.