

1985

THE PARLIAMENT OF THE COMMONWEALTH

OF AUSTRALIA

SENATE

ATOMIC ENERGY AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister for Resources and Energy,
Senator the Hon Gareth Evans, Q.C.)

OUTLINE

This is a Bill for an Act to amend the Atomic Energy Act 1953.

This legislation will repeal almost all of the existing Atomic Energy Act 1953, including the provisions establishing the Australian Atomic Energy Commission and the outmoded and offensive security provisions. A new statutory authority, the Australian Nuclear Science and Technology Organisation, will be created under separate legislation, to be introduced concurrently with this Bill, to replace the Commission.

The only parts of the Atomic Energy Act 1953 which will remain will be the sections covering:

- the authorisation of the Ranger Project and Commonwealth title to uranium in the Northern Territory, and
- the requirement for reporting of discoveries of "prescribed substances" and information on production of "prescribed substances".

Some minor consequential amendments to the remaining sections of the Act, such as redefinition of the "Commission", are also included.

FINANCIAL IMPACT

As this Bill only deals with amendments to the Atomic Energy Act 1953 to abolish the Australian Atomic Energy Commission, which will be replaced by the Australian Nuclear Science and Technology Organisation under separate legislation, and to repeal outmoded security provisions, no significant additional costs are expected to result from its enactment.

NOTES ON CLAUSESClause 1Short title, etc

This clause provides for the short title of the legislation and defines the Atomic Energy Act 1953 as the Principal Act.

Clause 2Commencement

This clause provides that the provisions of this legislation will come into operation on the same day as the Australian Nuclear Science and Technology Organisation Act 1985.

Clause 3Repeal

This clause repeals section 4 of the Atomic Energy Act 1953, which provided for repeal of the Atomic Energy (Control of Materials) Act 1946 and the Atomic Energy (Control of Materials) Act 1952 and saving of certain measures taken under those Acts.

Clause 4Interpretation

This clause amends definitions in section 5 of the Atomic Energy Act 1953.

Clause 5

Sections 6 and 7 of the Atomic Energy Act 1953 are replaced by new provisions binding the Crown and extending the legislation to external Territories in line with current practice.

Clause 6Repeal of Part II

The clause repeals Part II of the Atomic Energy Act 1953, which related to the creation, functions and operations of the Australian Atomic Energy Commission.

Clause 7Heading

The heading of Part III of the Atomic Energy Act 1953, "Control of Materials", is repealed.

Clause 8

This clause substitutes a new section for section 34 of the Atomic Energy Act 1953 relating to exercise of powers. The new section 34 will specifically preclude exercise of powers under the legislation in relation to defence purposes.

Clause 9Heading

A new heading is to be inserted before section 35 of the Atomic Energy Act 1953 as follows: "PART II - TITLE TO AND INFORMATION CONCERNING PRESCRIBED SUBSTANCES".

Clause 10Notification of discovery of prescribed substances

This clause inserts a new sub-section into section 36 of the Atomic Energy Act 1953 to provide penalties for failure to disclose discovery of a prescribed substance consisting of fines of up to \$10,000 for corporations or \$2,000 for individuals.

Clause 11Power to obtain information

This clause inserts a provision for penalties in section 37 of the Atomic Energy Act 1953 for failure to comply with a notice served under this section. These penalties are the same as specified in clause 10.

Clause 12Repeal

Sections 38, 39 and 40 of the Atomic Energy Act 1953, which relate to control of prescribed substances, power to enter on land and delivery or possession of prescribed substances, are repealed.

Clause 13Heading

This clause inserts a new heading before section 41 of the Atomic Energy Act 1953 as follows: "PART III - THE RANGER PROJECT".

Clause 14

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

Section 41 of the Atomic Energy Act 1953 is amended to limit this authority to the Ranger Project Area.

Claus 15Offences

This clause provides for insertion of a new section, 41D which provides penalties for offences in relation to authorities issued under the new Part III of the Atomic Energy Act 1953.

The penalties for failure to comply with a condition or restriction on an authority issued under this Part will be fines of up to \$10,000 for corporations and \$2,000 for individuals. The penalty for trespass on land possessed under an authority issued under this Part will be a fine of up to \$1,000.

Clause 16Compensation

This clause makes consequential amendments resulting from the repeal of Part II and sections 39 and 40 of the Atomic Energy Act 1953.

Clause 17Repeal

Section 43 of the Atomic Energy Act 1953, which provided for penalties under the old Part III of the Act, is repealed.

Clause 18Repeal of Part IV

This clause repeals Part IV of the Atomic Energy Act 1953 relating to security provisions.

Clause 19Repeal

This clause repeals sections 60, 62, 63 and 64 of the Atomic Energy Act 1953 relating to application of the Approved Defence Projects Protection Act 1947, conduct of hearings, and prosecution and punishment of offences.

Clause 20

This clause replaces section 65 of the Atomic Energy Act 1953, in relation to the making of regulations, with a new section which, unlike the Atomic Energy Act 1953, does not provide for penalties for failure to comply with regulations.

Clause 21Schedule

The schedule to the Atomic Energy Act 1953, which prescribed the oath or affirmation of secrecy, is repealed.





