



Anglo-Australian Telescope Agreement Act 1970

Act No. 57 of 1970 as amended

[Note: This Act was repealed by Act No. 12 of 2010 on 1 July 2010

For transitional provisions *see* Act No. 12 of 2010, Schedule 2]

This compilation was prepared on 3 March 2010
taking into account amendments up to Act No. 8 of 2010

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General's Department, Canberra

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An Act relating to an Agreement between the United Kingdom and the Commonwealth with respect to the Establishment and Operation in Australia of an Optical Telescope, and for other purposes

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Anglo-Australian Telescope Agreement Act 1970*.

2 Commencement [see Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

4 Definitions

In this Act, unless the contrary intention appears:

Agreement means:

- (a) the Principal Agreement; and
- (b) the Supplementary Agreement between the Government of the Commonwealth of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Anglo-Australian Optical Telescope, at Siding Spring, New South Wales, Australia, done at Canberra on 3 November 2005.

Note 1: The Agreement will terminate with effect from 1 July 2010: see the Supplementary Agreement.

Note 2: In 2006, the text of the Supplementary Agreement was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Australian member means a member, or a temporary member, of the Board appointed by the Governor-General in accordance with section 7 of this Act.

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member means a member of the Board, and includes a temporary member.

Principal Agreement means:

- (a) the Agreement between the Government of the Commonwealth of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland to provide for the Establishment and Operation of a Large Optical Telescope, done at Canberra on 25 September 1969; or
- (b) if that Agreement is amended—that Agreement as so amended.

Note: The text of the Agreement is set out in Australian Treaty Series 1971 No. 2. In 2006, the text of an Agreement in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

the Board means the Anglo-Australian Telescope Board.

the telescope has the same meaning as in the Agreement.

Part II—Establishment and functions of the Telescope Board

6 Establishment of Board

- (1) For the purposes of this Act and of the Agreement, there shall be an Anglo-Australian Telescope Board.
- (2) The Board is a body corporate, with perpetual succession and a common seal.

6A *Commonwealth Authorities and Companies Act 1997* does not apply to Board

The Board is not a Commonwealth authority for the purposes of the *Commonwealth Authorities and Companies Act 1997*.

7 Constitution of Board

- (1) The Board shall be constituted as provided in the Agreement, and meetings of the Board shall be conducted in accordance with the Agreement.
- (2) The rights and powers of the Government of the Commonwealth under the Agreement to appoint members and temporary members of the Board shall be exercised by the Governor-General.
- (3) Subject to the next succeeding subsection, an Australian member shall be paid by the Commonwealth such remuneration, and holds office on such other terms and conditions, as the Governor-General determines.
- (4) The Minister may grant leave of absence to an Australian member on such terms and conditions, including terms and conditions as to remuneration, as the Minister determines.

8 Functions, capacities and powers of Board

The Board has the functions specified in Article 8 of the Principal Agreement, and the capacities and powers specified in paragraph (1) of Article 6 of the Principal Agreement, and shall perform those functions, and exercise those capacities and powers, in accordance with the Agreement.

8A Additional functions and powers

- (1) The Board has such additional functions as are conferred on it by the regulations.
- (2) The Board has power to do all things necessary or convenient to be done in connection with the performance of its additional functions and, in particular, to do such things as it is empowered under the regulations to do.

9 Resignation of Australian members

An Australian member may resign his office by writing under his hand addressed to the Governor-General.

10 Removal of members

- (1) The Governor-General may remove an Australian member from office for misbehaviour or physical or mental incapacity.
- (2) If an Australian member:
 - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
 - (b) is absent, except on leave granted by the Minister, from three consecutive meetings of the Board; or
 - (c) fails to comply with paragraph (4) of Article 7 of the Principal Agreement;the Governor-General shall, by notice published in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

Part III—Finance

11 Moneys payable to Board

- (1) There are payable to the Board such moneys as are appropriated by the Parliament for the purposes of the Board.
- (2) The Minister for Finance may give directions, not inconsistent with the Agreement, as to the amounts in which, and the times at which, moneys referred to in the last preceding subsection are to be paid to the Board.

12 Accounts with ADIs

- (1) The Board may open and maintain an account or accounts, in Australia or elsewhere, with an ADI or ADIs and shall maintain at all times at least one such account.
- (2) The Board shall pay all moneys of the Board, including moneys received under the last preceding section, into an account referred to in this section.
- (3) In this section:
ADI (authorised deposit-taking institution) means:
 - (a) an ADI within the meaning of the *Banking Act 1959*; or
 - (b) the Reserve Bank of Australia; or
 - (c) any other bank approved in writing for the purposes of this definition by the Treasurer.

13 Application of moneys

- (1) The moneys of the Board shall be applied only in payment or discharge of expenses, obligations and liabilities of the Board.
- (2) The Board may not expend moneys of the Board in the performance of its functions under section 8 otherwise than in accordance with estimates of expenditure prepared by the Board and approved in accordance with the Agreement.

14 Audit

- (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Board and records relating to assets of, or in the custody of, the Board, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing.
- (2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in the last preceding subsection.
- (3) The Auditor-General shall, at least once in each year, furnish to the Minister a report on the results of the inspection and audit carried out under subsection (1) of this section.
- (4) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of moneys by the Board or to the acquisition, receipt, custody or disposal of assets by the Board.
- (5) The Auditor-General or an officer authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.
- (6) The Auditor-General or an officer authorized by him may require a member or employee of the Board to furnish him with such information in the possession of the member or employee or to which the member or employee has access as the Auditor-General or the authorized officer considers necessary for the purposes of the functions of the Auditor-General under this Act, and the member or employee shall comply with the requirement.

15 Exemption from taxation

The Board is not subject to taxation under any law of the Commonwealth or of a State or Territory.

Part IV—Miscellaneous

16 Commonwealth Employees' Rehabilitation and Compensation Act to apply

- (1) The *Commonwealth Employees' Rehabilitation and Compensation Act 1988* applies to an Australian member as if he were an employee within the meaning of that Act, and for that purpose an Australian member shall be deemed to have entered into a contract of service with the Commonwealth for the performance of his duties as a member.
- (2) The *Commonwealth Employees' Rehabilitation and Compensation Act 1988* applies to employees of the Board as if they were employees within the meaning of that Act and as if references in that Act to the Commission or a relevant authority were references to the Board.

18 Evidence of appointment of United Kingdom member

In proceedings in any Court, a certificate under the hand of the Minister certifying that a person specified in the certificate is, or was at a specified date, a member or temporary member of the Board duly appointed by the Government of the United Kingdom, or certifying as to any matter concerning the duration of such an appointment or the terms and conditions applicable to such an appointment, is evidence of the matter so certified.

19 Reports

- (1) The financial statements to be furnished by the Board in accordance with Article 8 of the Principal Agreement shall be in such form as the parties to the Agreement approve, and the Minister shall cause a copy of the financial statements so furnished in respect of any financial year to be submitted to the Auditor-General, who shall report to the Minister:
 - (a) whether the statements are based on proper accounts and records;

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- (b) whether the statements are in agreement with the accounts and records;
 - (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Board during the year have been in accordance with this Act and the Agreement; and
 - (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.
- (2) The Minister shall cause a copy of each report on the operations of the Board furnished in accordance with Article 8 of the Principal Agreement and of the financial statements furnished with the report, together with the report of the Auditor-General on those financial statements, to be laid before each House of the Parliament with fifteen sitting days of that House after receipt by the Minister of the report of the Auditor-General.
- (3) The approval of the Government of the Commonwealth to the form of the financial statements to be furnished by the Board shall be given by the Minister for Finance.

20 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

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

Table of Acts

Notes to the *Anglo-Australian Telescope Agreement Act 1970***Note 1**

The *Anglo-Australian Telescope Agreement Act 1970* as shown in this compilation comprises Act No. 57, 1970 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 29 June 1998 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Anglo-Australian Telescope Agreement Act 1970</i>	57, 1970	1 Sept 1970	22 Feb 1971 (<i>see Gazette</i> 1971, p. 1358)	
<i>Anglo-Australian Telescope Agreement Act 1971</i>	51, 1971	25 May 1971	1 Sept 1971 (<i>see s. 2 and Gazette</i> 1971, p. 5496)	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Administrative Changes (Consequential Provisions) Act 1978</i>	36, 1978	12 June 1978	12 June 1978	S. 8
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (a)	—
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	18 Dec 1987	Ss. 2(2)-(33) and 5
<i>Commonwealth Employees' Rehabilitation and Compensation Act 1988</i>	75, 1988	24 June 1988	Ss. 1 and 2: Royal Assent Ss. 4(1), 68-97, 99 and 100: 1 July 1988 (<i>see Gazette</i> 1988, No. S196) Remainder: 1 Dec 1988 (<i>see Gazette</i> 1988, No. S196)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 158, 159): 1 Jan 1998 (<i>see Gazette</i> 1997, GN49) (b)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Financial Sector Reform (Consequential Amendments) Act 1998</i>	48, 1998	29 June 1998	Schedule 1 (items 5, 6): 1 July 1998 (c)	S. 4(1) [see Table A]
<i>Anglo-Australian Telescope Agreement Amendment Act 2006</i>	1, 2006	1 Mar 2006	Schedule 1: 27 June 2006 Remainder: Royal Assent	—
<i>Statute Law Revision Act 2010</i>	8, 2010	1 Mar 2010	Schedule 5 (items 2, 3): Royal Assent	—

Act Notes

- (a) The *Anglo-Australian Telescope Agreement Act 1970* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (b) The *Anglo-Australian Telescope Agreement Act 1970* was amended by Schedule 2 (items 158 and 159) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (c) The *Anglo-Australian Telescope Agreement Act 1970* was amended by Schedule 1 (items 5 and 6) only of the *Financial Sector Reform (Consequential Amendments) Act 1998*, subsection 2(2) of which provides as follows:
- (2) Subject to subsections (3) to (14), Schedules 1, 2 and 3 commence on the commencement of the *Australian Prudential Regulation Authority Act 1998*.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 141, 1987
Part I	
S. 3.....	rep. No. 216, 1973
S. 4.....	am. No. 1, 2006; No. 8, 2010
S. 5.....	rep. No. 1, 2006
Part II	
S. 6A	ad. No. 152, 1997
S. 8.....	am. No. 1, 2006
S. 8A	ad. No. 141, 1987
S. 10.....	am. No. 1, 2006
Part III	
S. 11.....	am. No. 36, 1978
Heading to s. 12.....	rs. No. 48, 1998
S. 12.....	am. No. 48, 1998
S. 13.....	am. No. 141, 1987
S. 15.....	am. No. 216, 1973
Part IV	
S. 16.....	am. No. 51, 1971; No. 75, 1988
S. 17.....	am. No. 216, 1973 rep. No. 65, 1985
S. 19.....	am. No. 36, 1978; No. 1, 2006
S. 20.....	ad. No. 141, 1987
The Schedule.....	am. No. 152, 1997 rep. No. 1, 2006

Table A

Table A

Application, saving or transitional provisions

Financial Sector Reform (Consequential Amendments) Act 1998
(No. 48, 1998)

4 Transitional provisions

Treatment of approvals of banks under the Anglo-Australian Telescope Agreement Act 1970

- (1) An approval of a bank that is in force immediately before the commencement of item 5 of Schedule 1 for the purposes of subsection 12(3) of the *Anglo-Australian Telescope Agreement Act 1970* as then in force is to be taken, after that commencement, to be an approval of the bank for the purposes of the definition of **ADI** in subsection 12(3) of that Act as in force immediately after that commencement.