

Atomic Energy Amendment Act 1979

No. 44 of 1979

An Act to amend the *Atomic Energy Act* 1953.

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

1. (1) This Act may be cited as the *Atomic Energy Amendment Act* 1979.¹ Short title,
&c.

(2) The *Atomic Energy Act* 1953² is in this Act referred to as the Principal Act.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment

3. Section 15 of the Principal Act is amended—

(a) by inserting in sub-section (4) “of the Commission” after “Deputy Chairman”; and Meetings of
the
Commission

(b) by inserting after sub-section (4) the following sub-section:

“(4A) In the event of the absence of both the Chairman of the Commission and the Deputy Chairman of the Commission from a meeting of the Commission, the members present shall elect one of their number to preside at that meeting.”.

4. Section 18 of the Principal Act is amended—

(a) by inserting after paragraph (c) of sub-section (2) the following paragraph: Powers of
Commission

“(ca) to accept gifts, devises and bequests made to the Commission, whether on trust or otherwise, and to act as trustee of moneys or other property vested in the Commission upon trust;”; and

(b) by adding at the end thereof the following sub-section:

“(3) Notwithstanding anything contained in this Act, any money or property held by the Commission upon trust shall be dealt with in accordance with the powers and duties of the Commission as trustee.”.

5. Division 3 of Part II of the Principal Act is repealed and the following Division substituted:

“Division 3—The Staff of the Commission

Officers and
employees

“21. (1) The Commission may appoint such officers or engage such employees as it thinks necessary for the purposes of this Act.

“(2) The terms and conditions of service or employment (in respect of matters not provided for by this Act) of persons so appointed or engaged are such as are, subject to the approval of the Public Service Board, determined by the Commission.

“(3) The Commission may arrange with the Permanent Head of any Department of the Australian Public Service, or with a body established by an Act, for the services of officers or employees of the Department or of the body to be made available to the Commission.

“(4) In sub-section (2), ‘terms and conditions’ include conditions with respect to the duration of service or employment or with respect to dismissal from service or employment.

Rights of
Public
Servants
appointed
under this
Act

“22. Where an officer appointed under this Division was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the *Officers’ Rights Declaration Act 1928* applied—

- (a) he retains his existing and accruing rights; and
- (b) for the purpose of determining those rights, his service as an officer appointed under this Part shall be taken into account as if it were service in the Australian Public Service.”

6. Sections 25 to 30A (inclusive) of the Principal Act are repealed and the following sections substituted:

Interpret-
ation

“25. In this Division, ‘approved bank’ means the Reserve Bank of Australia or another bank approved by the Treasurer.

Moneys
payable to
Com-
mission

“26. (1) There are payable to the Commission such moneys as are appropriated by the Parliament for the purposes of this Act.

“(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Commission.

Bank
accounts

“27. (1) The Commission may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

“(2) The Commission shall pay all moneys of the Commission, including moneys borrowed by the Commission, into an account referred to in this section.

“28. (1) The moneys of the Commission may be applied by the Commission only—

Application
of moneys by
the
Commission

- (a) in payment or discharge of the costs, expenses and other obligations of the Commission; and
- (b) in payment of remuneration and allowances payable to any person appointed or employed under this Act.

“(2) Moneys of the Commission not immediately required for the purposes of the Commission may be invested—

- (a) on deposit with an approved bank;
- (b) in securities of the Commonwealth; or
- (c) in any other manner approved by the Treasurer.

“29. The Minister for Finance may, on behalf of the Commonwealth, out of moneys appropriated by the Parliament for the purpose, lend moneys to the Commission at such rates of interest and on such other terms and conditions as he determines.

Borrowing
from
Common-
wealth

“30. (1) The Commission may, from time to time, borrow moneys (otherwise than from the Commonwealth) in such amounts, and on such terms and conditions, as the Treasurer approves.

Borrowing—
other than
from
Common-
wealth

“(2) Approvals for the purposes of sub-section (1) may be given in respect of particular borrowings or in respect of borrowings included within specific classes of borrowings.

“(3) The Commission may give security over the whole or any part of its assets for the repayment of amounts borrowed under this section and the payment of interest on amounts so borrowed.

“(4) Without limiting the generality of sub-sections (1) and (3), a borrowing by the Commission under sub-section (1) may be by the issue of securities of such kinds as are prescribed.

“(5) The Treasurer may, on behalf of the Commonwealth, guarantee the repayment by the Commission of amounts borrowed under this section and the payment of interest on amounts so borrowed.

“(6) Where the Commission borrows moneys under this section by the issue of prescribed securities, the repayment by the Commission of the amounts borrowed and the payment of interest on those amounts is, by force of this sub-section, guaranteed by the Commonwealth.

“(7) The Commission shall not borrow moneys except in accordance with section 29 or this section.

“30A. (1) The Commission shall prepare estimates, in such form as the Minister directs, of its receipts and expenses for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Commission shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

Estimates

“(2) The moneys of the Commission shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.

Certain
contracts to
be approved
by Minister

“30B. The Commission shall not, except with the approval of the Minister, enter into a contract involving the payment or receipt by the Commission of an amount exceeding \$200,000.

Proper
accounts to
be kept

“30C. The Commission shall cause to be kept proper accounts and records of the transactions and affairs of the Commission and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Commission and over the incurring of liabilities by the Commission.

Audit

“30D. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission and records relating to assets of, or in the custody of, the Commission 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, in his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Commission relating directly or indirectly to the receipt or payment of moneys by the Commission or to the acquisition, receipt, custody or disposal of assets by the Commission.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

“(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.”.

7. Section 31 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “furnish” and substituting “submit”;
- (b) by omitting from sub-section (2) “furnishing” and substituting “submitting”;
- (c) by inserting in paragraph (2)(a) “, in his opinion,” after “whether”;
- (d) by omitting from paragraph (2)(b) “and show fairly the financial operations”;
- (e) by inserting in paragraph (2)(c) “, in his opinion,” after “whether”; and
- (f) by omitting sub-section (3) and substituting the following sub-section:

“(3) The Minister shall cause a copy of the report and financial statements of the Commission, together with a copy of the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.”.

Annual
report of
Commission

8. Section 32 of the Principal Act is repealed and the following section substituted:

“32. (1) The Commission is not subject to taxation under any law of the Commonwealth or of a State or Territory.

Exemption
from
taxation

“(2) Stamp duty or any similar tax is not payable under a law of the Commonwealth or of a State or Territory in respect of—

- (a) a security issued by the Commission;
- (b) the issue, redemption, transfer, sale or purchase of such a security, not including a transaction entered into without consideration or for an inadequate consideration; or
- (c) any document executed by or on behalf of the Commission, or any transaction, in relation to the borrowing of moneys by the Commission.”.

9. (1) A person who, on the day immediately preceding the date of commencement of this Act, was an officer or employee of the Atomic Energy Commission (not being a person who ceased to be such an officer or employee on that day by reason of his retirement, resignation or dismissal) shall, by virtue of this sub-section, be deemed to have been, on that date, appointed an officer, or engaged as an employee, of the Commission, as the case may be, under section 21 of the Principal Act as amended by this Act.

Trans-
itional—
Staff of
Commission

(2) Terms and conditions of employment determined by the Commission under sub-section 22 (1) or section 23 of the Principal Act and having effect on the day immediately preceding the date of commencement of this Act shall, by virtue of this sub-section, be deemed to be terms and conditions of service or employment determined under sub-section 21 (2) of the Principal Act as amended by this Act, but those terms and conditions may be varied under sub-section 21 (2) of the Principal Act as so amended.

Formal
amendments

10. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 10

Provision	Amendment
Sub-section 5 (1) (definition of "restricted information")	Omit "the next succeeding sub-section", substitute "sub-section (2)".
Sub-section 9 (1)	Omit "three", substitute "3".
Sub-section 9 (3)	Omit "seven", substitute "7".
Paragraph 13 (1) (d)	Omit "the next succeeding sub-section", substitute "sub-section (2)".
Sub-section 13 (3)	Omit "the last preceding sub-section", substitute "sub-section (2)".
Sub-section 18 (2)	Omit "the last preceding sub-section", substitute "sub-section (1)".
Sub-section 31 (1)	Omit "thirtieth day of June", substitute "30 June".
Paragraph 35 (2) (b)	Omit "11th September, 1946", substitute "11 September 1946".
Sub-section 35 (4)	Omit "10th September, 1946", substitute "10 September 1946".
Sub-section 36 (2)	Omit "The last preceding sub-section", substitute "Sub-section (1)".
Paragraph 41 (1) (d)	Omit "the last preceding paragraph", substitute "paragraph (c)".
Section 43	(a) Omit "One thousand dollars", substitute "\$1,000". (b) Omit "six", substitute "6".
Section 44	Omit "twenty", substitute "20".
Section 45	Omit "twenty", substitute "20".
Section 46	Omit "twenty", substitute "20".
Section 48	Omit "seven" (wherever occurring), substitute "7".
Section 49	Omit "seven", substitute "7".
Sub-section 50 (2)	Omit "the last preceding sub-section", substitute "sub-section (1)".
Section 53	Omit "seven", substitute "7".
Sub-section 55 (2)	Omit "the last preceding sub-section", substitute "sub-section (1)".
Sub-section 56 (2)	Omit "the last preceding sub-section", substitute "sub-section (1)".
Section 56 (4)	Omit "two", substitute "2".
Section 57	Omit "seven", substitute "7".
Sub-section 62 (2)	Omit "five", substitute "5".
Paragraph 64 (2) (a)	(a) Omit "Two hundred dollars", substitute "\$200". (b) Omit "six", substitute "6".
Section 65	(a) Omit "six", substitute "6". (b) Omit "Four hundred dollars", substitute "\$400".

NOTES

1. Act No. 44, 1979; assented to 14 June 1979.
2. Act No. 31, 1953, as amended. For previous amendments *see* Act No. 1, 1958; No. 93, 1966; No. 131, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 91, 1976; and Nos. 31, 36 and 182, 1978.