

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

---

*(As read a first time)*

**AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY  
ORGANISATION (TRANSITIONAL PROVISIONS) BILL 1985**

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1985

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*(Presented pursuant to leave granted and read 1<sup>o</sup>, 6 November 1985)*

(THE MINISTER FOR RESOURCES AND ENERGY, SENATOR EVANS)

## A BILL

FOR

**An Act to enact certain transitional provisions in  
consequence of the enactment of the *Australian Nuclear  
Science and Technology Organisation Act 1985***

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

### Short title

5 1. This Act may be cited as the *Australian Nuclear Science and Technology Organisation (Transitional Provisions) Act 1985*.

### Commencement

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

### Interpretation

10 3. Expressions used in this Act have, unless the contrary intention appears, the same meaning as those expressions have in the *Australian Nuclear Science and Technology Organisation Act 1985*.

**Application**

4 This Act has effect notwithstanding anything contained in the *Australian Nuclear Science and Technology Organisation Act 1985*.

**Members of Commission cease to hold office**

5. On the commencing day, the Chairman, the Deputy Chairman and the other members of the Australian Atomic Energy Commission who held office immediately before that day cease to hold office, but the corporate identity of the body corporate referred to in sub-section 4 (1) of the *Australian Nuclear Science and Technology Organisation Act 1985* is preserved.

**References to Commission in instruments, &c.**

6. A reference to the Australian Atomic Energy Commission in any law of the Commonwealth, in any law of a Territory, or in any contract, award or other instrument to which the Australian Atomic Energy Commission was a party, shall, except in relation to matters that occurred before the commencing day, be construed as a reference to the Australian Nuclear Science and Technology Organisation.

**Property, powers, liabilities, &c.**

7. The alteration of the name and constitution of the Australian Atomic Energy Commission resulting from section 4 of the *Australian Nuclear Science and Technology Organisation Act 1985* does not affect any property, powers, rights, liabilities or obligations of the body corporate continued in existence by that section.

**Saving of proceedings**

8. (1) The alteration of the name and constitution of the Australian Atomic Energy Commission resulting from section 4 of the *Australian Nuclear Science and Technology Organisation Act 1985* does not render defective any legal or other proceedings instituted or to be instituted by or against the body corporate continued in existence by that section, and any legal or other proceedings that might have been continued or commenced by or against the body corporate by the name of the Australian Atomic Energy Commission may be continued or commenced by or against the body corporate by the name of the Australian Nuclear Science and Technology Organisation.

(2) The alteration of the name and constitution of the Australian Atomic Energy Commission resulting from section 4 of the *Australian Nuclear Science and Technology Organisation Act 1985* does not render defective any investigation being or proposed to be undertaken by the Commonwealth Ombudsman under the *Ombudsman Act 1976* into any action taken before the commencing day by the body corporate continued in existence by that section, and any investigation that might have been continued or commenced into any action taken by the body corporate by the name of the Australian Atomic

Energy Commission may be continued or commenced as if the action had been taken by the body corporate by the name of the Australian Nuclear Science and Technology Organisation.

**Judicial notice**

5       **9.** All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Australian Atomic Energy Commission appearing on a document that was executed before the commencing day and shall presume that the document was duly sealed.

**Officers and employees**

10       **10. (1)** Any person who was an officer (including an officer on probation) or an employee of the Australian Atomic Energy Commission immediately before the commencing day by virtue of his or her having been appointed or engaged under sub-section 21 (1) of the *Atomic Energy Act 1953* continues, subject to the *Australian Nuclear Science and Technology Organisation Act 1985*, as an officer or employee, as the case may be, of the Organisation as if the person had been appointed or engaged under section 23 of the last-mentioned Act.

15       **(2)** Sub-section (1) does not apply in relation to a person whose employment as an officer or employee of the Australian Atomic Energy Commission would, if the *Australian Nuclear Science and Technology Organisation Act 1985* and this Act had not been enacted, have terminated immediately before the commencing day.

20       **(3)** The Executive shall, upon the commencing day, be deemed to have determined under sub-section 23 (3) of the *Australian Nuclear Science and Technology Organisation Act 1985* with the approval of the Public Service Board terms and conditions of service or employment of officers and employees of the Organisation to whom sub-section (1) of this section applies that are the same as the terms and conditions of service or employment of those officers and employees immediately before the commencing day.

30       **Application of money**

**11.** Notwithstanding section 25 of the *Australian Nuclear Science and Technology Organisation Act 1985*, the money of the Organisation may be applied—

35       (a) in payment or discharge of any expenses, charges, obligations or liabilities that were incurred or undertaken before the commencing day by the Australian Atomic Energy Commission in or in connection with the performance of its functions or the exercise of its powers and were not paid or discharged before that day; and

40       (b) in payment of any remuneration or allowances the liability for which arose under Part II of the *Atomic Energy Act 1953* but which had not been paid before the commencing day.

**Estimates**

12. Where estimates of receipts and expenses were prepared by the Australian Atomic Energy Commission under sub-section 30A (1) of the *Atomic Energy Act 1953* in relation to a period after the commencement of the *Australian Nuclear Science and Technology Organisation Act 1985*, or in relation to a period that included a period after that commencement— 5

- (a) those estimates shall be deemed to be estimates of receipts and expenditure prepared by the Executive under sub-section 26 (1) of the *Australian Nuclear Science and Technology Organisation Act 1985*; and 10
- (b) if those estimates, in so far as they were estimates of expenses, related to a period that included a period before the commencement of the *Australian Nuclear Science and Technology Organisation Act 1985*—any expenditure in accordance with those estimates by the Australian Atomic Energy Commission shall, for the purposes of the application of those estimates in relation to the Organisation, be deemed to have been incurred by the Organisation. 15

**Bank accounts**

13. The bank accounts maintained by the Australian Atomic Energy Commission immediately before the commencing day continue in existence as bank accounts of the Organisation as if they had been opened by the Organisation under section 63J of the *Audit Act 1901* as that section applies to the Organisation by virtue of section 27 of the *Australian Nuclear Science and Technology Organisation Act 1985*. 20

**Audit**

14. Section 63L of the *Audit Act 1901* as that section applies to the Organisation by virtue of section 27 of the *Australian Nuclear Science and Technology Organisation Act 1985* extends to accounts and records of financial transactions of the Australian Atomic Energy Commission that took place before the commencing day as if they were accounts and records of financial transactions of the Organisation. 25 30

**Annual report and financial statements**

15. (1) If the Australian Atomic Energy Commission had not, before the commencing day, furnished a report and financial statement in relation to the operations of the Commission during the year that ended on 30 June last preceding that day, the Executive shall cause to be prepared a report and financial statement on the operations of the Commission during that year in accordance with section 31 of the *Atomic Energy Act 1953* and, notwithstanding the repeal of that section effected by this Act, that section continues in force for the purpose of the preparation of that report and financial statement as if— 35 40

- (a) the reference to the Australian Atomic Energy Commission in sub-section 31 (1) were a reference to the Executive;

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- (b) the reference in sub-section 31 (1) to operations continued to be a reference to the operations of the Australian Atomic Energy Commission;
- (c) the reference to the Australian Atomic Energy Commission first occurring in sub-section 31 (2) were a reference to the Executive; and
- 10 (d) the reference in sub-section 31 (3) to the report and financial statements of the Australian Atomic Energy Commission were a reference to the report and financial statements prepared by the Executive in relation to the operations of the Australian Atomic Energy Commission.

15 (2) If the commencing day is a day other than 1 July, the report and financial statement in relation to the operations of the Organisation during the year ending on 30 June next following the commencing day that is required to be prepared by section 63M of the *Audit Act 1901* (as that section applies to the Organisation by virtue of section 27 of the *Australian Nuclear Science and Technology Organisation Act 1985*) shall extend to the operations of the Australian Atomic Energy Commission during the part of that year that preceded the commencing day.

20 (3) A report by the Organisation that relates to operations of the Australian Atomic Energy Commission shall include any matters that would have been required to be included in a report relating to those operations prepared under section 31 of the *Atomic Energy Act 1953* if the *Australian Nuclear Science and Technology Organisation Act 1985* and this Act had not been enacted.

