

1987

THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

HOUSE OF REPRESENTATIVES

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

EXPLANATORY MEMORANDUM

(Circulated by authority of the
Minister Representing the Minister
for Resources and Energy,
the Hon Barry O. Jones, MP)

AUSTRALIAN NUCLEAR SCIENCE AND TECHNOLOGY
ORGANISATION BILL 1987

EXPLANATORY MEMORANDUM - CORRIGENDA

Due to revision of clause numbers with the printing of the Bill for the House of Representatives, the clause numbers referred to in the Explanatory Memorandum should be corrected as follows:

| | | |
|------------|---------|-----------|
| Clause 21A | becomes | clause 22 |
| " 22 | " | " 23 |
| " 23 | " | " 24 |
| " 24 | " | " 25 |
| " 24A | " | " 26 |
| " 25 | " | " 27 |
| " 26 | " | " 28 |
| " 27 | " | " 29 |
| " 28 | " | " 30 |
| " 29 | " | " 31 |
| " 30 | " | " 32 |
| " 31 | " | " 33 |
| " 32 | " | " 34 |
| " 33 | " | " 35 |
| " 34 | " | " 36 |

(cross references should be to clauses 32, 33 and 34)

| | | |
|-----------|---------|-----------|
| Clause 35 | becomes | clause 37 |
| " 36 | " | " 38 |
| " 37 | " | " 39 |

(cross reference should be to clause 28(1))

| | | |
|-----------|---------|-----------|
| Clause 38 | becomes | clause 40 |
| " 39 | " | " 41 |
| " 40 | " | " 42 |

(cross references in para (5) should be to 26(1), para (6) should refer to clause 31, para (8) should refer to clause 40, and para (9) should refer to clause 46)

| | | |
|------------|---------|-----------|
| Clause 40A | becomes | clause 43 |
|------------|---------|-----------|

(cross references should be to clauses 33 and 34)

| | | |
|-----------|---------|-----------|
| Clause 41 | becomes | clause 44 |
| " 42 | " | " 45 |
| " 43 | " | " 46 |
| " 44 | " | " 47 |

OUTLINE

As the long title indicates, this Bill is for an Act to enact certain transitional provisions in consequence of the enactment of the Australian Nuclear Science and Technology Organisation Act 1985.

The legislation will provide for the continuation of the body corporate from its present form as the Australian Atomic Energy Commission (AAEC), to the new body corporate, the Australian Nuclear Science and Technology Organisation (ANSTO).

This will ensure that property, liabilities, finances, staff etc of the existing AAEC are transferred to ANSTO. Commission Members will however cease to hold office from the commencement of the ANSTO Act.

FINANCIAL IMPACT

As this Act deals with the transitional arrangements relating to the abolition of the Australian Atomic Energy Commission and creation of the Australian Nuclear Science and Technology Organisation, there is not expected to be any significant additional cost resulting from its enactment.

NOTES ON CLAUSES

Clause 1

Short title

This clause provides for the short title of the legislation.

Clause 2

Commencement

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 3

Interpretation

This clause provides that expressions in this legislation will have the same meaning as those expressions in the Australian Nuclear Science and Technology Organisation Act 1985, unless a contrary intention appears.

Clause 4

Application

This clause provides that this Act will apply providing nothing to the contrary is contained in the Australian Nuclear Science and Technology Organisation Act 1985.

Clause 5Members of the Commission cease to hold office

This clause abolishes the offices of Chairman, Deputy Chairman and Members of the Australian Atomic Energy Commission, but provides for the continuation of the corporate identity of the Australian Atomic Energy Commission as the Australian Nuclear Science and Technology Organisation, to be created in section 4 of the Australian Nuclear Science and Technology Organisation Act 1985.

Clause 6References to Commission in instruments etc

This clause provides for any references to the Australian Atomic Energy Commission in Commonwealth or Territory legislation other than the Atomic Energy Act 1953 or in any contracts, awards or instruments to which the Commission was a party, henceforth to be interpreted as a reference to the Australian Nuclear Science and Technology Organisation.

Clause 7Property, powers, liabilities etc

This clause provides for the transfer of any property, powers, rights, liabilities or obligations of the Australian Atomic Energy Commission to the Australian Nuclear Science and Technology Organisation.

Clause 8Saving of proceedings

Sub-clause 8(1) provides for the transfer of any legal or other proceedings instituted either by or against the Australian Atomic Energy Commission to the Australian Nuclear Science and Technology Organisation.

Sub-clause 8(2) provides that any investigation, either in progress or proposed, by the Commonwealth Ombudsman under the Ombudsman Act 1976 in relation to any action taken by the Australian Atomic Energy Commission, may be continued or commenced as if the action had been taken by the Australian Nuclear Science and Technology Organisation.

Clause 9Judicial notice

This clause provides that judicial notice shall be taken of all documents sealed by the Australian Atomic Energy Commission up to the date of commencement of this Act.

Clause 10Officers and employees

Sub-clause 10(1) provides for continuity of employment of officers and employees of the Australian Atomic Energy Commission by specifying that persons employed or engaged under sub-section 21(1) of the Atomic Energy Act 1953 prior to the commencement of this Act, including officers on probation, will be treated as if they were engaged under the provisions of section 23 of the Australian Nuclear Science and Technology Organisation Act 1985.

Sub-clause 10(2) provides that sub-clause 10(1) will not apply to an officer or employee of the Australian Atomic Energy Commission whose employment was terminated immediately before the date of commencement of this Act.

Sub-clause 10(3) provides that the Board shall be deemed to have made a determination that the terms and conditions of service and employment of officers and employees of the Australian Nuclear Science and Technology Organisation, are the same as the terms and conditions which applied immediately before the commencement day.

Clause 11

Application of money

This clause authorises the Australian Nuclear Science and Technology Organisation to apply funds in payment of expenses, charges, obligations or liabilities, including liabilities carried over from the Australian Atomic Energy Commission.

Clause 12

Estimates

This clause provides for the estimates for the Australian Atomic Energy Commission approved by the Minister for the financial year during which this Act comes into operation to carry over to the Australian Nuclear Science and Technology Organisation, and any expenditure made in accordance with those estimates by the Commission shall be deemed, for the purposes of application of the estimates, to have been made by the Organisation.

Clause 13

Bank accounts

This clause provides for the carryover of bank accounts maintained by the Australian Atomic Energy Commission to the Australian Nuclear Science and Technology Organisation.

Clause 14

Audit

This clause provides for the accounts and records of the financial transactions of the Australian Atomic Energy Commission, for the part of the financial year before the date of commencement of this Act, to be included as part of the accounts and records of financial transactions of the Australian Nuclear Science and Technology Organisation for that financial year.

Clause 15

Annual report and financial statements

Sub-clause (1) will require the Board of the Australian Nuclear Science and Technology Organisation to have prepared a report and financial statement of the operations of the Australian Atomic Energy Commission, as required by section 31 of the Atomic Energy Act 1953, for the financial year preceding the creation of the Organisation, if such a report and statement had not already been furnished.

Sub-clause (2) provides that if the commencement day for the Australian Nuclear Science and Technology Organisation is a day other than 1 July, then the report and financial statement in relation to the operations of the Organisation, as required by section 63M of the Audit Act 1901, for the year ending June 30 next following the commencing day, should include the operations of the Australian Atomic Energy Commission for the part of the financial year preceding the commencing day.

Sub-clause (3) provides that a report by the Australian Nuclear Science and Technology Organisation that relates to operations of the Australian Atomic Energy Commission should include any matters which would have been required under section 31 of the Atomic Energy Act 1953, if it were still in force.

