

ACTS  
PASSED BY  
THE PARLIAMENT  
OF THE  
COMMONWEALTH OF AUSTRALIA  
DURING THE YEAR  
1958.

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ATOMIC ENERGY.

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No. 1 of 1958.

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

[Assented to 1st April, 1958.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

- 1.—(1) This Act may be cited as the *Atomic Energy Act 1958*. Short title  
and citation.
- (2) The *Atomic Energy Act 1953*\* is in this Act referred to as the Principal Act.
- (3) The Principal Act, as amended by this Act, may be cited as the *Atomic Energy Act 1953–1958*.
2. This Act shall come into operation on the day on which it receives the Royal Assent. Commence-  
ment.
- 3.—(1) Section nine of the Principal Act is amended— Constitution  
of the  
Commission.
  - (a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“ (1.) The Commission shall consist of a Chairman, a Deputy Chairman, an Executive Member and not more than two other members.” ; and

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\* Act No. 31, 1953.

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) The Executive Member of the Commission shall, in accordance with the decisions and subject to the directions of the Commission, administer the affairs of the Commission.”

(2.) The persons holding office as Chairman, Deputy Chairman and member of the Australian Atomic Energy Commission immediately before the commencement of this Act continue, subject to the Principal Act as amended by this Act, to hold office as Chairman, Deputy Chairman and member (other than Executive Member), respectively, of that Commission for the remainder of the period for which they were appointed.

4. Section thirteen of the Principal Act is repealed and the following sections are inserted in its stead:—

Resignation  
of members.

“12A. A member may resign his office by writing under his hand addressed to the Governor-General, but the resignation is not effective unless and until it has been accepted by the Governor-General.

Vacation of  
office.

“13.—(1.) If—

(a) the Executive Member of the Commission or a member of the Commission who is appointed as a full-time member engages in paid employment outside the duties of his office without the approval of the Minister;

(b) a member of the Commission 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;

(c) a member of the Commission is absent, except on leave granted by the Minister, from all meetings of the Commission held during a period of three months; or

(d) a member of the Commission fails to comply with his obligations under the next succeeding sub-section,

the Governor-General shall, by notice in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

“(2.) A member of the Commission who is directly or indirectly interested in a contract made or proposed to be made by the Commission, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

“(3.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Commission, and the member of the Commission—

- (a) shall not take part after the disclosure in any deliberation or decision of the Commission with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Commission for any such deliberation or decision.”.

5. Section fifteen of the Principal Act is amended by omitting sub-section (5.) and inserting in its stead the following sub-section:—

*Meetings of the Commission.*

“(5.) At a meeting of the Commission, a majority of the members of the Commission for the time being holding office constitutes a quorum.”.

6. Section twenty-one of the Principal Act is amended by omitting from sub-section (5.) the words “One thousand seven hundred and fifty pounds” and inserting in their stead the words “Two thousand five hundred pounds”.

*Appointment of officers.*

7. Sections twenty-five, twenty-six and twenty-seven of the Principal Act are repealed and the following sections inserted in their stead:—

“25.—(1.) The Commission shall open and maintain an account or accounts with the Commonwealth Bank of Australia and may open and maintain an account or accounts with such other bank or banks as the Treasurer approves.

*Bank accounts.*

“(2.) The Commission shall pay all moneys received by it into an account referred to in this section.

“26.—(1.) Subject to this section, the moneys of the Commission shall be applied only—

*Application of moneys by the Commission.*

- (a) in payment or discharge of the expenses, charges and obligations incurred or undertaken by the Commission in the performance of its functions under this Act;
- (b) in payment of the remuneration and allowances of members of the Commission, deputies of members of the Commission, and members of Advisory Committees; and
- (c) in making any other payments which the Commission is authorized or required to make under this Act.

“(2.) No moneys shall be expended by the Commission otherwise than in accordance with estimates of expenditure approved by the Treasurer.

“(3.) Moneys of the Commission not immediately required for the purposes of the Commission may be invested on fixed deposit with the Commonwealth Bank of Australia or with any other bank approved by the Treasurer, or in securities of the Commonwealth.

**Borrowing.**

“27.—(1.) The Commission may, with the consent of the Treasurer, borrow moneys for temporary purposes on overdraft from the Commonwealth Bank of Australia, or from such other bank as the Treasurer approves.

“(2.) The Treasurer may, out of moneys appropriated by the Parliament for the purposes of this Act, make advances to the Commission of such amounts, and on such terms, as he thinks fit.

“(3.) The Treasurer may permit the borrowing of moneys by the Commission, whether for a temporary purpose or not, otherwise than in accordance with the preceding provisions of this section.

“(4.) The Commission shall not borrow moneys otherwise than in accordance with this section.”.

8. Sections thirty and thirty-one of the Principal Act are repealed and the following sections inserted in their stead :—

**Proper  
accounts  
to be kept.**

“30. The Commission shall keep proper accounts and records in accordance with generally accepted accounting principles 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 the Commission and the incurring of liabilities of the Commission.

**Audit.**

“30A.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Commission, and shall forthwith draw the Minister’s attention to any irregularity disclosed by the inspection and audit which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

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

“(3.) 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 of the Commission.

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

“(5.) The Auditor-General or a person authorized by him may require a member, officer or employee of the Commission to furnish him with such information in the possession of the member, officer or employee or to which the member, officer or employee has access as the Auditor-General or authorized person considers necessary for the purposes of an inspection or audit under this section, and the member, officer or employee shall comply with the requirement.

“31.—(1.) The Commission shall, as soon as practicable after each thirtieth day of June, prepare and furnish to the Minister a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

Annual  
report of the  
Commission.

“(2.) Before furnishing the financial statements to the Minister, the Commission shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records ;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Commission ;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Act ; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“(3.) The Minister shall lay the report and financial statements of the Commission, together with the report of the Auditor-General, before each House of the Parliament within fifteen sitting days of that House after their receipt by the Minister.”.

9. Section thirty-eight of the Principal Act is amended by omitting from sub-section (4.) the words “ an order in force under this section ” and inserting in their stead the words “ regulations made by virtue of this section ”.

Control of  
prescribed  
substances.