

AUSTRALIAN UNIVERSITIES  
COMMISSION.

No. 30 of 1959.

An Act to establish an Australian Universities  
Commission.

[Assented to 7th May, 1959.]

**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:—

**Short title.**

1. This Act may be cited as the *Australian Universities  
Commission Act 1959*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
- “ financial assistance ”, in relation to a university established by the Commonwealth, includes assistance by way of the expenditure of moneys by the Commonwealth for the purposes of the university;
- “ member ” means a member of the Commission, and includes an acting member of the Commission;
- “ the Chairman ” means the Chairman of the Commission, and includes an Acting Chairman of the Commission;
- “ the Commission ” means the Australian Universities Commission established by this Act;
- “ university ” means a university within Australia, and includes an institution or proposed institution specified in a direction that is for the time being in force under the next succeeding section.
4. The Minister may, by instrument under his hand, direct that this Act shall apply in relation to an institution or proposed institution in Australia specified in the instrument, being an institution or proposed institution for the provision of higher education (including a residential college connected with a university). Certain institutions to be treated as universities.
- 5.—(1.) There shall be a Commission by the name of the Australian Universities Commission. Establishment of Commission.
- (2.) The Commission shall consist of a Chairman and such other members, not being less than two in number nor more than four in number, as are appointed from time to time.
- (3.) The members of the Commission shall be appointed by the Governor-General.
- (4.) The Chairman shall be appointed for a term not exceeding seven years and each other member shall be appointed for a term not exceeding three years.
- (5.) A member is eligible for re-appointment.
- (6.) The performance of the functions of the Commission is not affected by reason only of there being a vacancy in the office of a member.
- 6.—(1.) In the event of the inability of a member (whether on account of illness or otherwise) to attend meetings of the Commission, the Minister may appoint a person to be an acting member during that inability, and the person so appointed has all the powers and functions of a member. Acting members.
- (2.) In the event of the inability of the Chairman (whether on account of illness or otherwise) to attend meetings of the Commission, the Minister may appoint a member to be the Acting Chairman of the Commission during that inability.

(3.) The appointment of a person as an acting member or as Acting Chairman may be terminated at any time by the Minister.

**Remuneration.**

7.—(1.) A member other than an acting member shall be paid such remuneration and allowances as the Governor-General determines.

(2.) An acting member shall be paid such remuneration and allowances as the Minister determines.

**Leave of absence.**

8. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines.

**Dismissal of members.**

9. The Governor-General may terminate the appointment of a member for inability, inefficiency or misbehaviour.

**Resignation of members.**

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

**Vacation of office.**

11. If a member—

(a) being the Chairman, engages in paid employment outside the duties of his office without the approval of the Minister;

(b) 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; or

(c) is absent, except on leave granted by the Minister, from three consecutive meetings of the Commission,

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.

**Meetings.**

12.—(1.) The Commission shall hold such meetings as are necessary for the performance of its functions.

(2.) The Minister or the Chairman may at any time convene a meeting of the Commission.

(3.) The Chairman shall preside at all meetings of the Commission at which he is present.

(4.) In the event of the absence of the Chairman from a meeting of the Commission, the members present shall appoint one of their number to preside at that meeting.

(5.) At a meeting of the Commission, a quorum is constituted—

(a) if the Commission consists of three or four members—by not less than two members; or

(b) if the Commission consists of five members—by not less than three members.

(6.) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the members present.

(7.) The member presiding at a meeting of the Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

13.—(1.) Subject to the next succeeding sub-section, the functions of the Commission are to furnish information and advice to the Minister on matters in connexion with the grant by the Commonwealth of financial assistance to universities established by the Commonwealth and of financial assistance to the States in relation to universities, including information and advice relevant to—

Functions of Commission.

(a) the necessity for financial assistance and the conditions upon which any financial assistance should be granted; and

(b) the amount and allocation of financial assistance.

(2.) The functions of the Commission do not include the furnishing of advice on matters on which the Commonwealth Office of Education is empowered to advise the Minister administering the *Education Act* 1945–1959.

14.—(1.) The Commission shall perform its functions with a view to promoting the balanced development of universities so that their resources can be used to the greatest possible advantage of Australia.

Performance of functions of Commission.

(2.) For the purpose of the performance of its functions, the Commission shall consult with universities and with the States upon the matters on which it is empowered to furnish information and advice.

15.—(1.) The Commission shall, at such times and in respect of such periods as the Minister directs, furnish to the Minister reports containing recommendations with respect to the financial assistance that should be granted to or in relation to universities in respect of those periods and the conditions upon which the financial assistance should be granted.

Periodical reports.

(2.) The Minister shall, as soon as practicable, cause each report under the last preceding sub-section to be laid before each House of the Parliament.

16. In addition to the reports referred to in the last preceding section, the Commission shall furnish to the Minister such reports as the Minister requires and may furnish such other reports as the Commission thinks fit.

Other reports.

17.—(1.) The Minister may, at the request of the Commission, appoint a Committee to assist the Commission in relation to a matter specified in the request.

Committees.

(2.) A Committee appointed under this section shall consist of such persons, whether members of the Commission or not, as the Minister thinks fit.

(3.) A member of a Committee shall hold office on such terms and conditions, and shall be paid such remuneration and allowances (if any), as the Minister determines.

(4.) A Committee shall make such inquiries, and furnish to the Commission such reports, in connexion with the matter in relation to which it has been appointed as the Commission directs.

Officer of  
Commonwealth  
becoming  
Chairman.

18. If a person appointed as the Chairman was, immediately before his appointment, an officer of the Public Service of the Commonwealth—

- (a) he retains his existing and accruing rights;
  - (b) for the purpose of determining those rights, his service as Chairman shall be taken into account as if it were service in the Public Service of the Commonwealth; and
  - (c) the *Officers' Rights Declaration Act* 1928–1953 applies as if this Act and this section had been specified in the Schedule to that Act.
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