

COMMONWEALTH BUREAU OF ROADS.

No. 65 of 1964.

An act to Establish a Commonwealth Bureau of Roads.

[Assented to 30th September, 1964.]

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

PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *Commonwealth Bureau of Roads Act 1964*.

Commencement.

2. This Act shall come into operation on a date to be fixed by Proclamation.

Parts.

3. This Act is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1–4).

Part II.—Establishment of the Commonwealth Bureau of Roads (Sections 5–13).

Part III.—Functions of the Commonwealth Bureau of Roads (Sections 14–17).

Part IV.—Staff (Sections 18–19).

Part V.—Finance (Sections 20–25).

Part VI.—Miscellaneous (Sections 26–27).

Definitions.

4. In this Act, unless the contrary intention appears—

“acting member” means a person, not being a member, appointed to act as Chairman, or as a member, of the Bureau under section nine of this Act;

“member” means a member of the Bureau, and includes the Chairman;

“the Auditor-General” means the Auditor-General for the Commonwealth;

“the Bureau” means the Commonwealth Bureau of Roads constituted under this Act;

“the Chairman” means the Chairman of the Bureau.

PART II.—ESTABLISHMENT OF THE COMMONWEALTH BUREAU OF ROADS.

5.—(1.) For the purposes of this Act, there is hereby established a bureau by the name of the Commonwealth Bureau of Roads. Establishment of Bureau.

(2.) The Bureau—

(a) is a body corporate, with perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Bureau affixed to a document and shall presume that it was duly affixed.

6.—(1.) The Bureau shall consist of a Chairman and two other members. Constitution of Bureau.

(2.) The members shall be appointed by the Governor-General.

(3.) Subject to this Act, a member holds office for such period, not exceeding seven years, as is fixed by the Governor-General at the time of his appointment, but is eligible for re-appointment.

(4.) A person who has attained the age of sixty-five years shall not be appointed as Chairman, and a person shall not be appointed as Chairman for a period that extends beyond the date on which he will attain the age of sixty-five years.

(5.) The performance of a function by the Bureau is not affected by reason only of there being a vacancy in the membership of the Bureau.

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

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

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. Leave of absence.

9.—(1.) Where the Minister grants leave of absence under the last preceding section to the Chairman or the office of Chairman is vacant, the Minister may appoint a member or another person to act as Chairman during the absence or vacancy, and, subject to sub-section (3.) of this section, a person so appointed has, during the absence or vacancy, all the powers and functions of the Chairman. Acting members.

(2.) Where the Minister grants leave of absence under the last preceding section to a member other than the Chairman or the office of such a member is vacant, the Minister may appoint a person to act as a member during the absence or vacancy, and, subject to the next succeeding sub-section, a person so appointed has, during the absence or vacancy, all the powers and functions of a member other than the Chairman.

(3.) The appointment of a person under this section may be terminated at any time by the Minister.

Resignation.

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

Termination of office.

11.—(1.) The Governor-General may remove a member from office for misbehaviour or incapacity.

(2.) If a member—

(a) 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 any moneys payable to him under this Act for their benefit;

(b) being the Chairman—

(i) engages in paid employment outside the duties of his office without the approval of the Minister; or

(ii) absents himself from duty, except with leave granted by the Minister, for a period of fourteen consecutive days or for twenty-eight days in any period of twelve months;

(c) not being the Chairman, is absent, except with leave granted by the Minister, from three consecutive meetings of the Bureau; or

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

the Governor-General shall remove him from office.

(3.) A member or acting member who is directly or indirectly interested in a contract made or proposed to be made by the Bureau, 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 Bureau.

(4.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the meeting at which the disclosure is made, and the member or acting member—

(a) shall not take part after the disclosure in any deliberation or decision of the Bureau with respect to the contract; and

(b) shall be disregarded for the purpose of constituting a quorum of the Bureau for any such deliberation or decision.

(5.) If an interest referred to in sub-section (3.) of this section is patent, that sub-section does not apply, but paragraphs (a) and (b) of the last preceding sub-section apply as if there had been a disclosure in accordance with sub-section (3.) of this section.

12.—(1.) Meetings of the Bureau shall be held at such times and places as the Chairman determines. Meetings of Bureau.

(2.) The Chairman shall, on receipt of a written request signed by the other two members of the Bureau, convene a meeting of the Bureau.

(3.) Subject to sub-section (5.) of this section, at a meeting of the Bureau, the Chairman and one other member constitute a quorum.

(4.) Subject to the next succeeding sub-section, the Chairman shall preside at all meetings of the Bureau.

(5.) Where the Chairman is, at a meeting of the Bureau, prevented by paragraph (a) of sub-section (4.) of the last preceding section from taking part in any deliberation or decision of the Bureau with respect to a contract, then, during the deliberation and the making of the decision—

(a) the two members other than the Chairman constitute a quorum; and

(b) one of those two members, who shall be appointed by those members, shall preside.

(6.) A question arising at a meeting of the Bureau shall be determined by a majority of votes of the members present and voting.

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

(8.) The Bureau shall keep a record of its proceedings.

(9.) In this section—

“member” includes an acting member;

“the Chairman” includes a person appointed to act as Chairman under section nine of this Act.

13. The Chairman shall, in accordance with the decisions and subject to the directions of the Bureau, administer the affairs of the Bureau. Chairman to administer affairs of Bureau.

PART III.—FUNCTIONS OF THE COMMONWEALTH BUREAU OF ROADS.

Functions of Bureau.

14. The functions of the Bureau are—

- (a) to investigate, and from time to time to report to the Minister on, matters relating to roads or road transport for the purpose of assisting the Government of the Commonwealth in the consideration by the Government of the grant of financial assistance by the Parliament to the States in connexion with roads or road transport; and
- (b) to investigate, and report to the Minister on, any matter referred to the Bureau under the next succeeding section.

Investigation by Bureau of matters referred by Minister.

15.—(1.) The Minister may, for or in connexion with any purpose of the Commonwealth, refer any matter relating to roads or road transport to the Bureau for investigation and report.

(2.) Where the Minister refers a matter to the Bureau under the last preceding sub-section, the Bureau shall, as soon as is practicable, investigate the matter and furnish to the Minister a report in respect of the investigation.

(3.) In this section, “purpose of the Commonwealth” means any purpose in respect of which the Parliament has power to make laws, and includes—

- (a) any purpose in relation to the grant of financial assistance by the Parliament to the States; and
- (b) any purpose in relation to a Territory of the Commonwealth.

Powers of Bureau.

16. The Bureau has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions and, in particular, without limiting the generality of the foregoing, the Bureau may engage persons, or arrange for persons, to advise and inform the Bureau on any matter being investigated by the Bureau.

Affairs of Bureau not to be made public.

17. Except with the approval of the Minister, the Bureau, or a member (including an acting member) of the Bureau, shall not make public—

- (a) any information obtained by the Bureau in the course of carrying out any investigation;
- (b) the results of any investigation carried out by the Bureau; or
- (c) the whole or any part of the contents of a report furnished by the Bureau to the Minister.

PART IV.—STAFF.

18.—(1.) Subject to the next succeeding sub-section, the Bureau may appoint such officers and engage such employees as it thinks necessary for the purposes of this Act.

Officers and employees.

(2.) The Minister may, from time to time, determine the maximum number of officers who may be appointed under the last preceding sub-section and the maximum number of employees who may be engaged under the last preceding sub-section, and the Bureau shall not appoint officers in excess of the number applicable in respect of officers and shall not engage employees in excess of the number applicable in respect of employees.

19. The terms and conditions of service of persons appointed or engaged under the last preceding section are such as are, with the approval of the Public Service Board, determined by the Bureau.

Terms and conditions of employment.

PART V.—FINANCE.

20.—(1.) There are payable to the Bureau such moneys as are appropriated by the Parliament for the purposes of the Bureau.

Moneys payable to Bureau.

(2.) Moneys payable to the Bureau under this section shall be paid in such amounts and at such times as the Treasurer determines.

21.—(1.) The Bureau 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.

Bank accounts.

(2.) The Bureau shall pay all moneys of the Bureau into an account referred to in this section.

(3.) In this section, “approved bank” means the Reserve Bank of Australia or another bank approved by the Treasurer.

22. The moneys of the Bureau may be applied by the Bureau—

Application of moneys.

(a) in payment or discharge of the costs and expenses of the Bureau under this Act; and

(b) in payment of any remuneration or allowances payable to any person under this Act,

but not otherwise.

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

Proper accounts to be kept.

Audit.

24.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Bureau and shall forthwith draw the Minister's attention to any irregularity revealed by the inspection and audit that, 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 an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Bureau relating directly or indirectly to the receipt or payment of moneys by the Bureau or to the acquisition, receipt, custody or disposal of assets of the Bureau.

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

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

Exemption from taxation.

25. The Bureau is not subject to taxation under any law of the Commonwealth or of a State or Territory of the Commonwealth.

PART VI.—MISCELLANEOUS.**Officer of Commonwealth becoming Chairman or officer of Bureau.**

26. Where the Chairman of the Bureau, or an officer of the Bureau, 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 under this Act shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928–1959* applies as if this Act and this section had been specified in the Schedule to that Act.

Commonwealth Employees' Compensation Act.

27. The *Commonwealth Employees' Compensation Act 1930–1962* applies to members, and acting members, of the Bureau, and to officers and employees of the Bureau, as if they were employees within the meaning of that Act and as if references in that Act to the Commonwealth were references to the Bureau.