

COMMONWEALTH BUREAU OF ROADS (REPEAL) ACT 1977

No. 27 of 1977

An Act to repeal the *Commonwealth Bureau of Roads Act* 1964, and for related purposes.

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

- Short title. 1. This Act may be cited as the *Commonwealth Bureau of Roads (Repeal) Act* 1977.¹
- Commence- 2. This Act shall come into operation on a date to be fixed by
ment. Proclamation.
- Repeal. 3. The *Commonwealth Bureau of Roads Act* 1964 is repealed.
- Definitions. 4. In this Act, unless the contrary intention appears—
“Bureau” means the Commonwealth Bureau of Roads constituted under the repealed Act;
“commencing day” means the day fixed under section 2;
“member of the Bureau” includes the Chairman, an acting Chairman, or an acting member, of the Bureau;
“repealed Act” means the *Commonwealth Bureau of Roads Act* 1964 or that Act as subsequently amended and in force at any time before the commencing day.
- Transfer of 5. On the commencing day—
assets,
liabilities,
&c. (a) any rights, property or assets that immediately before that day were vested in the Bureau are, by force of this section, vested in the Commonwealth; and
(b) the Commonwealth becomes, by force of this section, liable to pay and discharge any debts, liabilities or obligations of the Bureau that existed immediately before that day.
- Officers’ 6. Where, at the expiration of the day immediately preceding the
Rights
Declaration commencing day, the *Officers’ Rights Declaration Act* 1928 applied in
Act. relation to a person who was at that time an officer or employee of the Bureau, that Act continues, by force of this section, to apply in relation to that person as if the repealed Act had not been repealed but that person had resigned on that first-mentioned day from his service or employment under the Bureau.

7. Amounts not exceeding in the aggregate the sum of—

Appropriation.

- (a) any moneys of the Bureau that vest in the Commonwealth by force of paragraph 5 (a); and
- (b) any moneys appropriated by an Act before the commencing day for expenditure under the repealed Act in the year ending on 30 June 1977 that have not been paid to the Bureau before the commencing day,

are payable out of the Consolidated Revenue Fund for the purposes of expenditure in the year ending on 30 June 1977 by the Department of Transport—

- (c) in the payment and discharge of debts, liabilities and obligations in respect of which the Commonwealth becomes liable by virtue of paragraph 5 (b);
- (d) in the making of payments required to be made under the engagements, arrangements and contracts referred to in section 8; and
- (e) in the discharge of costs, expenses and other obligations incurred in the performance by the Department of Transport of functions that could have been performed by the Bureau if this Act had not been enacted,

and the Consolidated Revenue Fund is appropriated accordingly.

8. An engagement, arrangement or contract entered into by or on behalf of the Bureau as a party and in force immediately before the commencing day continues in force notwithstanding the repeal of the repealed Act but that engagement, arrangement or contract has effect, on and after the commencing day, as if—

Engagements, arrangements and contracts.

- (a) the Commonwealth were substituted for the Bureau as a party to the engagement, arrangement or contract; and
- (b) any reference in the engagement, arrangement or contract to the Bureau were (except in relation to matters that occurred before that day) a reference to the Commonwealth.

9. An instrument or document that the Secretary to the Department of Transport or an officer of that Department authorized by him for the purpose certifies to have been made, executed or given by reason of, or for a purpose connected with or arising out of, the operation of this Act is not liable to stamp duty or other tax under a law of the Commonwealth or of a State or Territory.

Exemption from taxation.

10. Where, immediately before the commencing day, proceedings to which the Bureau was a party were pending in any court, the Commonwealth is, by force of this section, substituted for the Bureau as a party to the proceedings.

Pending proceedings.

Disposal of documents in possession of members, &c.

11. Where a document was, immediately before the commencing day, in the possession of a member of the Bureau, or an officer or employee of the Bureau, by reason of his office or employment under or for the purposes of the repealed Act (including a document drawn up by, or under the instructions of, the member, officer or employee), the Minister or a person authorized by the Minister for the purpose may, by writing signed by him, give directions as to the disposal of the document.

Section 24 of repealed Act to continue in force.

12. Notwithstanding section 3, section 24 of the repealed Act continues in force on and after the commencing day and the reference in sub-section (5) of that section as so continued in force to a member, or acting member, of the Bureau or to an officer or employee of the Bureau shall be read as a reference to a person who was a member of the Bureau or an officer or employee of the Bureau or to an officer of the Australian Public Service.

NOTE

1. Act No. 27, 1977; assented to 16 May 1977.