

ROAD SAFETY AND STANDARDS AUTHORITY ACT 1975

No. 30 of 1975

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ROAD SAFETY AND STANDARDS AUTHORITY ACT 1975

No. 30 of 1975

An Act to establish a Road Safety and Standards Authority.

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

PART I—PRELIMINARY

- Short title. 1. This Act may be cited as the *Road Safety and Standards Authority Act 1975*.¹
- Interpretation. 2. (1) In this Act, unless the contrary intention appears—
“Authority” means the Authority established by this Act;
“Chairman” means the Chairman of the Authority;
“member” means a member of the Authority;
“road vehicle” means—
 (a) a vehicle or self-propelled machine of a kind that travels on roads, not being a vehicle or machine that runs on rails; and
 (b) a trailer, caravan or other vehicle or thing that travels on wheels and is designed for attachment to other road vehicles,
and includes a road vehicle imported into Australia.
(2) A reference in this Act to road vehicles shall be read as including a reference to parts of, and accessories for, road vehicles.

PART II—ESTABLISHMENT, OBJECTS, FUNCTIONS AND POWERS OF ROAD SAFETY AND STANDARDS AUTHORITY

- Road Safety and Standards Authority. 3. There is established by this Act an Authority by the name of the Road Safety and Standards Authority.
- Objects and functions of Authority. 4. (1) The objects for which the Authority is established are—
 (a) the promotion of road safety;
 (b) the promotion of the means for the control and reduction of noise, fumes and other emissions from road vehicles; and

- (c) the protection of the interests of persons who buy or otherwise acquire road vehicles in the design, construction, durability, performance, maintenance and repair of their vehicles,

so far as those matters relate to matters with respect to which the Parliament has power to make laws and, in particular, so far as those matters relate to trade and commerce among the States, purposes in connexion with a Territory or the use of road vehicles by Australia or by an authority of Australia.

(2) The functions of the Authority are to further the objects for which it is established by—

- (a) investigating and reporting to the Minister on matters relating to road safety and road vehicles;
- (b) undertaking, or arranging for, research in relation to road safety and road vehicles;
- (c) fostering the co-ordination of activities in Australia relating to road safety;
- (d) advising the Minister in respect of the grant of financial assistance by the Parliament to the States in connexion with road safety;
- (e) formulating standards for highways and other roads and proposals in relation to traffic management, traffic laws, road signs and other matters and things relating to road safety;
- (f) preparing reports for relevant Departments and authorities of Australia on the road safety aspects of transport and urban development programs that are or are to be, directly or indirectly, financed to a significant degree by Australia;
- (g) collecting and disseminating, or arranging for the collection and dissemination of, statistics and other information relating to road safety;
- (h) formulating standards for road vehicles; and
- (i) testing, or arranging for the testing of, road vehicles for compliance with standards and certifying, or arranging for the certification of, compliance of road vehicles with those standards, including certification by means of marks affixed to road vehicles.

(3) In the performance of its functions, the Authority shall, where it considers it appropriate to do so, consult with the relevant authorities of Australia, the States and Territories, local governing bodies and other interested bodies.

(4) The Minister may request the Authority to undertake a particular matter, or participate in a particular activity, within the functions of the Authority and the Authority shall comply with the request.

Powers of Authority.

5. The Authority may 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 Authority may—

- (a) conduct an inquiry, including a public inquiry, into any matter being investigated by the Authority;
- (b) engage, or make other arrangements with, another body to carry out research or planning for, or supply information or make submissions to, the Authority;
- (c) enter into contracts;
- (d) acquire, hold and dispose of real or personal property;
- (e) erect buildings;
- (f) hire equipment; and
- (g) charge reasonable fees for services rendered, things done, or certifications granted, by, or on behalf of, the Authority.

Functions of Authority conferred by State Acts and Ordinances of Territories.

6. (1) It is the intention of the Parliament that, subject to sub-section (2), the Authority may have and perform, in addition to functions and powers under this Act, functions and powers conferred on it specifically by a State Act or an Ordinance of a Territory, being functions and powers relating to a matter specified in paragraph 4 (1) (a), (b) or (c).

(2) The regulations may provide that sub-section (1) does not extend to all or any of the functions and powers expressed to be conferred on the Authority by a State Act.

PART III—CONSTITUTION AND MEETINGS OF THE AUTHORITY

Nature of Authority.

7. (1) The Authority—

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal; and
- (c) may sue or be sued in its corporate name.

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

Membership of Authority.

8. (1) The Authority shall consist of—

- (a) a Chairman; and
- (b) 2 other members.

(2) The members shall be appointed by the Governor-General, the Chairman being appointed as a full-time member and the other members being appointed as part-time members.

(3) The performance of the functions or the exercise of the powers of the Authority is not affected by reason of there being a vacancy or vacancies in the membership of the Authority.

9. (1) Subject to sub-section (2), the Chairman and each of the other members shall be appointed for such period, not exceeding 5 years, as is specified in the instrument of appointment. Period of appointment.

(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as a member and a person shall not be appointed or re-appointed as a member for a period that extends beyond the date on which he will attain the age of 65 years.

10. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed. Remuneration and allowances.

(2) A member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.

11. The Minister may grant leave of absence to the Chairman on such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence.

12. A member may resign his office by writing signed by him and delivered to the Governor-General. Resignation of members.

13. (1) The Minister may appoint a person, including a member, to act as Chairman— Acting Chairman and members.

(a) during a vacancy in the office of Chairman, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Chairman is absent from duty or from Australia or, for any other reason, is unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) Where a person is acting as Chairman in accordance with paragraph (1) (b) and the office of Chairman becomes vacant while that person is so acting, that person may continue so to act until the Minister otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(3) The Minister may appoint a person to act as a member (otherwise than as Chairman)—

(a) during a vacancy in an office of member, whether or not an appointment has previously been made to the office; or

- (b) during any period, or during all periods, when a member is acting as Chairman, is absent from duty or from Australia or, for any other reason, is unable to perform the duties of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

- (4) The Minister may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person appointed to act as the Chairman or as a member; and
- (b) at any time terminate such an appointment.

(5) The appointment of a person to act as Chairman or as a member ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Minister.

(6) While the appointment of a person to act as Chairman or as a member remains in force, he has, and may exercise, all the powers and shall perform all the functions of the Chairman or a member, as the case may be.

(7) The validity of anything done by a person acting as the Chairman or as a member shall not be called in question on the ground that the occasion for his appointment had not arisen or that the appointment had ceased to have effect.

Determin-
ation of
appointment
of members.

14. (1) The Governor-General may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

- (2) If a member—

- (a) being the Chairman, engages in paid employment outside the duties of his office without the approval of the Minister;
- (b) being the Chairman, is absent from duty, except on leave granted by the Minister, for 14 consecutive days or for 28 days in any 12 months;
- (c) is absent, except on leave granted by the Minister or otherwise with the permission of the Minister, from 3 consecutive meetings of the Authority;
- (d) becomes bankrupt or 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

- (e) fails to comply with his obligations under section 15,

the Governor-General shall terminate the appointment of the member.

15. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons and of which he is not a director 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 Authority. Disclosure of interest by member.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Authority and the member—

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

(3) This section applies to and in relation to a person appointed under section 13 to act as Chairman or as another member in like manner as it applies to and in relation to a member.

16. (1) The Chairman shall convene such meetings as he considers necessary for the performance of the functions of the Authority. Meetings of Authority.

(2) The Chairman shall, on receipt of a request in writing signed by the other members convene a meeting of the Authority.

(3) At a meeting of the Authority 2 members constitute a quorum.

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

(5) If the Chairman is not present at a meeting of the Authority, the members present shall choose one of the 2 to preside at the meeting.

(6) Subject to sub-section (8), questions arising at a meeting of the Authority shall be determined by a majority of the votes of the members present and voting.

(7) Subject to sub-section (8), the Chairman or the member presiding at a meeting of the Authority has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) Where only 2 members are present at a meeting of the Authority and they differ on a question arising at the meeting, that question shall be deferred until the next meeting at which more than 2 members are present.

(9) In relation to a time when a person is acting as Chairman or as a member, references in this section to the Chairman or a member, as the case may be, shall be read as including reference to that person.

Officers'
Rights
Declaration
Act.

17. Where the Chairman was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act* 1928-1973 applied—

- (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 Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

Super-
annuation.

18. (1) For the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act* 1922-1974, the Chairman shall be deemed to be required, by the terms of his appointment, to give the whole of his time to the duties of his office.

(2) For the purposes of the *Superannuation Act* 1922-1974, the termination under sub-section 14 (1) of this Act of the appointment of the Chairman by reason of physical or mental incapacity shall be deemed to be retirement on the grounds of invalidity.

(3) Nothing in this Act authorizes the provision of superannuation benefits otherwise than under the *Superannuation Act* 1922-1974 for a person appointed or employed under this Act.

PART IV—STAFF

Staff of
Authority.

19. (1) The staff of the Authority shall be persons appointed or employed under the *Public Service Act* 1922-1974.

(2) Nothing in sub-section (1) prevents the engaging by the Authority, with the consent of the Minister and on terms and conditions approved by the Public Service Board, of persons, not being persons referred to in that sub-section, to provide services for the Authority.

(3) For the purposes of this section, the Chairman has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act* 1922-1974 so far as those powers relate to the branch of the Australian Public Service comprising the staff of the Authority as if that branch were a separate Department of the Australian Public Service.

(4) For the purposes of sub-sections 25 (5) and (6) of the *Public Service Act* 1922-1974, the Chairman shall be deemed to be a Permanent Head.

PART V—FINANCE

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

Moneys payable to Authority.

(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Authority.

21. (1) The Authority 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 Authority shall pay all moneys received by it into an account referred to in this section.

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

22. The moneys of the Authority shall be applied only—

Application of moneys.

(a) in payment or discharge of the costs, expenses and other obligations of the Authority; and

(b) in payment of remuneration, expenses, fees and allowances payable to any person under this Act.

23. (1) The Authority shall prepare estimates, in such form as the Minister directs, of its receipts and expenditure for each financial year and, if the Minister so directs, for any other period specified by the Minister and the Authority shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

Estimates of receipts and expenditure.

(2) The moneys of the Authority shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.

24. The Authority shall not, without the approval of the Minister—

Power to purchase and dispose of assets.

(a) enter into a contract involving the payment or receipt of an amount exceeding \$50,000 or, if a higher amount is prescribed, that higher amount; or

(b) enter into a lease of land for a period exceeding 10 years.

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

Proper accounts to be kept.

Audit. **26.** (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Authority and the records relating to assets of, or in the custody of, the Authority, and shall forthwith draw the attention of the Minister to any irregularity disclosed 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 may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each financial year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) 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 Authority relating directly or indirectly to the receipt or payment of moneys, or to the acquisition, receipt, custody or disposal of assets, by the Authority.

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

(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirements.

(7) A person who contravenes sub-section (6) is guilty of an offence and is punishable, upon conviction, by a fine not exceeding \$200.

**Exemption
from
taxation.**

27. (1) Subject to sub-section (2), the Authority is not subject to taxation under the laws of Australia or of a State or Territory.

(2) Regulations may provide that sub-section (1) does not apply in relation to a specified law, or specified laws, of Australia.

PART VI—MISCELLANEOUS

Reports. **28.** The Authority shall furnish to the Minister such reports as the Minister requires.

29. (1) The Authority shall, as soon as practicable after each 30 June, prepare and furnish to the Minister, for presentation to the Parliament, 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.

(2) Before furnishing the financial statements to the Minister, the Authority 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;
- (c) whether the receipt and expenditure of moneys, and the acquisition and disposal of assets, by the Authority 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.

30. (1) The Minister may appoint a Committee to assist the Authority in relation to a matter. Committees.

(2) A Committee appointed under this section shall consist of such persons (who may include a member or members) as the Minister thinks fit.

(3) A Committee shall make such investigations, and furnish to the Authority such reports, in connexion with the matter in relation to which it has been appointed, as the Minister directs.

(4) A member of a Committee, other than the Chairman of the Authority, shall be paid such remuneration, if any, as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration, if any, as is prescribed.

(5) A member of a Committee shall be paid such allowances, if any, as are prescribed.

(6) Sub-sections (4) and (5) have effect subject to the *Remuneration Tribunals Act 1973-1974*.

31. A person appearing as a witness at an inquiry conducted by the Authority may, with the approval of the Authority, be paid such allowances for expenses in respect of the attendance at the inquiry as are prescribed. Allowances for expenses at inquiry.

Regulations. **32.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, prescribing penalties not exceeding a fine of \$200 or imprisonment for a period not exceeding 6 months, or both, for offences against the regulations.

NOTE

1. Act No. 30, 1975; assented to 1 May 1975. Date of commencement 29 May 1975.