

AUSTRALIAN BUREAU OF STATISTICS ACT 1975

No. 60 of 1975

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AUSTRALIAN BUREAU OF STATISTICS ACT 1975

No. 60 of 1975

An Act to establish an Australian Bureau of Statistics and for related Purposes.

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 *Australian Bureau of Statistics Act 1975*.¹
- Commence-
ment. 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Definitions. 3. In this Act, unless the contrary intention appears—
“Bureau” means the Australian Bureau of Statistics established by sub-section 5 (1);
“Chairman” means the Chairman of the Council holding office under sub-section 19 (2);
“Council” means the Australian Statistics Advisory Council established by section 17;
“member” means a member of the Council;
“Statistician” means the Australian Statistician referred to in sub-section 5 (2).
- Australian
Statistician
to have
functions,
&c., of
Common-
wealth
Statistician.
4. (1) After the commencement of this Act, the Governor-General is not empowered to appoint a Commonwealth Statistician in pursuance of section 4 of the *Census and Statistics Act 1905-1973*, and, upon the commencement of this Act, any appointment under that section ceases to have effect.
- (2) After the commencement of this Act—
(a) the Australian Statistician shall—
(i) have the functions, powers and duties expressed by the *Census and Statistics Act 1905-1973*, by any other Act, or by any regulations or other instrument made under any Act, to be conferred or imposed on the Commonwealth Statistician; and

- (ii) have the functions and powers expressed by a law of a Territory, or by any regulations or other instrument made under such a law, to be conferred on the Commonwealth Statistician; and
- (b) a reference in the *Census and Statistics Act 1905-1973*, in any other Act, in any law of a Territory, or in an instrument under any Act or law of a Territory, to the Commonwealth Statistician shall have effect as if the office of Australian Statistician were a continuation of the office of the Commonwealth Statistician.

PART II—AUSTRALIAN BUREAU OF STATISTICS AND AUSTRALIAN STATISTICIAN

5. (1) There is hereby established a Bureau to be known as the Australian Bureau of Statistics. Establishment of Bureau and office of Statistician.

(2) There shall be an Australian Statistician.

(3) The Bureau shall consist of the Statistician and the staff referred to in sub-section 16 (1).

(4) The Statistician shall control the operations of the Bureau and shall have such other functions, powers and duties as are conferred or imposed upon him by or under any Act and such other functions and powers as are conferred upon him by or under any law of a Territory.

6. (1) The functions of the Bureau are as follows:—

- (a) to constitute the central statistical authority for the Australian Government and, by arrangements with the Governments of the States, provide statistical services for those Governments;
- (b) to collect, compile, analyse and disseminate statistics and related information;
- (c) to ensure co-ordination of the operations of official bodies in the collection, compilation and dissemination of statistics and related information, with particular regard to—
 - (i) the avoidance of duplication in the collection by official bodies of information for statistical purposes;
 - (ii) the attainment of compatibility between, and the integration of, statistics compiled by official bodies; and
 - (iii) the maximum possible utilization, for statistical purposes, of information, and means of collection of information, available to official bodies;
- (d) to formulate, and ensure compliance with, standards for the carrying out by official bodies of operations for statistical purposes;
- (e) to provide advice and assistance to official bodies in relation to statistics; and

Functions of Bureau.

- (f) to provide liaison between Australia, on the one hand, and other countries and international organizations, on the other hand, in relation to statistical matters.

(2) For the purpose of the performance of its functions and for the purpose of co-ordinating statistical activities and securing the observance of statistical standards, the Bureau may collaborate with bodies, being Departments and authorities of the States, the Administrations and authorities of the external Territories and local governing bodies, in the collection, compilation, analysis and dissemination of statistics, including statistics obtained from the records of those bodies.

(3) Subject to sub-section (4), each new proposal for the collection of information for statistical purposes by the Bureau shall be laid before both Houses of the Parliament before its implementation, unless the proposal is for the collection of information on a voluntary basis.

(4) Where, in relation to a proposal to which sub-section (3) is applicable, being a proposal for the collection of information relating to businesses, the Minister considers it necessary to commence implementation of the proposal at a time when it is not practicable to comply with sub-section (3) he may authorize the implementation of the proposal without compliance with that sub-section but in such a case particulars of the nature of the information to which the authorization relates shall be laid before each House of the Parliament within 5 sitting days of that House after the giving of the authorization.

- (5) For the purposes of this section—
 - (a) a reference to statistical purposes shall be read as including purposes in connexion with the collection, compilation, analysis and dissemination of statistics; and
 - (b) a reference to an official body shall be read as a reference to—
 - (i) a Department of the Australian Public Service;
 - (ii) the holder of an office established for a public purpose by or under an Act or a law of an internal Territory; or
 - (iii) a body corporate, or other body, established for a public purpose by or under an Act or a law of an internal Territory other than such a body corporate, or other body, that is declared by the regulations not to be an official body for the purposes of this Act.

Appointment
and tenure of
office of
Statistician.

7. (1) The Statistician shall be appointed by the Governor-General and, subject to this Act, holds office for such period, not exceeding 7 years, as is specified in the instrument of his appointment but is eligible for re-appointment.

(2) A person who has attained the age of 65 years shall not be appointed or re-appointed as the Statistician and a person shall not be

appointed or re-appointed as the Statistician for a period that extends beyond the date on which he will attain the age of 65 years.

(3) The Statistician holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

8. The Statistician shall not engage in paid employment outside the duties of his office except with the approval of the Minister.

Statistician not to undertake any other work.

9. (1) The Statistician 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) The Statistician shall be paid such allowances as are prescribed.

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

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

Leave of absence.

11. The Statistician may resign his office by writing signed by him and delivered to the Governor-General, but the resignation does not have effect until it is accepted by the Governor-General.

Resignation.

12. (1) The Governor-General may remove the Statistician from office on an address praying for his removal on the ground of misbehaviour or incapacity being presented to the Governor-General by each House of the Parliament in the same session of the Parliament.

Removal from office.

(2) The Governor-General may suspend the Statistician from office on the ground of misbehaviour or incapacity.

(3) Where the Governor-General suspends the Statistician from office, the Minister shall cause a statement of the ground of the suspension to be laid before each House of the Parliament within 7 sitting days of that House after the suspension.

(4) Where such a statement has been laid before a House of the Parliament, that House may, within 15 sitting days of that House after the day on which the statement has been laid before it, by resolution, declare that the Statistician should be removed from office and, if each House so passes such a resolution, the Governor-General shall remove the Statistician from office.

(5) If, at the expiration of 15 sitting days of a House of the Parliament after the day on which the statement has been laid before that

House, that House has not passed such a resolution, the suspension terminates.

(6) The suspension of the Statistician from office under this section does not affect any entitlement of the Statistician to be paid remuneration and allowances.

(7) If the Statistician 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, the Governor-General shall remove him from office.

(8) The Governor-General may, with the consent of the Statistician, retire him from office on the ground of incapacity.

(9) The Statistician shall not be removed or suspended from office except as provided by this section.

Rights of public servant appointed as Statistician.

13. If a person appointed as the Statistician 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 as the Statistician shall be taken into account as if it were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act 1928-1973* applies as if this Act and this section had been specified in the Schedule to that Act.

Application of Superannuation Act.

14. (1) For the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act 1922-1974*, the Statistician 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) If the Statistician is removed from office under sub-section 12 (1) on the ground of incapacity or under sub-section 12 (4) following his suspension on that ground, or is retired from office under sub-section 12 (8), the removal from office or the retirement shall be deemed for the purposes of the *Superannuation Act 1922-1974* to be retirement on the ground of invalidity.

Acting appointments.

15. (1) The Governor-General may appoint a person to act in the office of Statistician during any period, or during all periods, when the person holding the office is absent from duty or from Australia or is, for any reason, unable to perform the duties of his office or during a vacancy in that office, but a person so appointed to act during a vacancy shall not continue so to act for more than 12 months.

- (2) The Governor-General may—
 - (a) determine the terms and conditions of appointment of a person appointed under this section; and

(b) at any time terminate such an appointment.

(3) Where a person is acting in the office of Statistician in pursuance of an appointment under this section otherwise than during a vacancy in that office and the office becomes vacant while that person is so acting, that person may continue to act in the office until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

(4) Sections 10 and 11 apply in relation to a person appointed under this section in like manner as they apply in relation to the Statistician.

(5) While a person is acting in the office of Statistician in pursuance of an appointment under this section, he has all the powers and functions of the Statistician under this Act or any other law.

(6) The validity of anything done by a person appointed under this section 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.

16. (1) Subject to sub-section (2), the staff required for the purposes of the Bureau shall be persons appointed or employed under, or whose services are made available in accordance with arrangements made under, the *Public Service Act 1922-1974*. Staff.

(2) Nothing in sub-section (1) prevents the engaging, in accordance with regulations in force under the *Census and Statistics Act 1905-1973*, of persons, not being persons referred to in that sub-section, to assist in the carrying out of the functions of the Statistician.

(3) The terms and conditions of employment of persons engaged as mentioned in sub-section (2) (including persons employed at the commencement of this Act) shall be such as are, with the approval of the Public Service Board, determined by the Statistician.

(4) The Statistician 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 referred to in sub-section (1) as if that branch were a separate Department of the Australian Public Service.

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

PART III—AUSTRALIAN STATISTICS ADVISORY COUNCIL

17. There is hereby established a Council to be known as the Australian Statistics Advisory Council. Establishment
of Council.

- Functions of Council.** **18.** (1) The functions of the Council are to advise the Minister and the Statistician in relation to —
- (a) the improvement, extension and co-ordination of statistical services provided for public purposes in Australia;
 - (b) annual and longer term priorities and programs of work that should be adopted in relation to major aspects of the provision of those statistical services; and
 - (c) any other matters relating generally to those statistical services.
- (2) Either the Minister or the Statistician, or both of them, may refer matters of the kind referred to in sub-section (1) to the Council for the purpose of seeking the advice of the Council in relation to those matters.
- Membership of Council.** **19.** (1) The Council shall consist of—
- (a) a Chairman;
 - (b) the Statistician; and
 - (c) such other members, being not less than 10 and not more than 22 in number, as the Minister determines.
- (2) The Chairman and the members referred to in paragraph (1) (c) shall be appointed by the Minister as part-time members, and shall hold office, subject to this Act—
- (a) in the case of the Chairman—for a period of 5 years; and
 - (b) in the case of each other member—for such period, not exceeding 3 years, as is specified in his instrument of appointment, but are eligible for re-appointment.
- (3) If the Premier of a State nominates a person for appointment to the Council, the Minister shall appoint that person as one of the members referred to in paragraph (1) (c) unless the Council already includes a member appointed on the nomination of the Premier of that State.
- Resignation and removal of members.** **20.** (1) A member may resign his office by writing signed by him delivered to the Minister.
- (2) The Minister may remove a member from office for misbehaviour of physical or mental incapacity.
- Remuneration of members.** **21.** (1) A member of the Council 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.
- (2) A member of the Council shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.

22. (1) The Council shall hold such meetings as are necessary for the performance of its functions, and shall meet at least once in every year. Meetings.

(2) The meetings of the Council may be convened by the Chairman or by the Minister.

(3) At a meeting of the Council, a quorum is constituted by one-third of the members for the time being holding office.

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

(5) If the Chairman is not present at a meeting of the Council, the members present shall elect one of their number to preside at the meeting.

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

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

(8) In this section, "year" means a period of 12 months commencing on 1 January.

PART IV—MISCELLANEOUS

23. Nothing in this Act authorizes the provision of superannuation benefits otherwise than under the *Superannuation Act 1922-1974* for a person appointed under, or engaged on terms and conditions determined in accordance with, this Act. Operation of Superannuation Act not affected.

24. (1) The Statistician shall, as soon as practicable after 30 June in each year, prepare and submit to the Minister, for presentation to the Parliament, a report on the operations of the Bureau during the period of 12 months that ended on that date. Annual reports.

(2) The Council shall, as soon as practicable after 30 June in each year, prepare and submit to the Minister, for presentation to the Parliament, a report relating to matters connected with the operation of this Act.

(3) The Minister shall cause each of the reports referred to in subsections (1) and (2) to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

(4) The first reports under this section shall be submitted as soon as practicable after 30 June 1976, and shall relate to the period that commenced at the commencement of this Act and ended on that date.

Regulations. **25.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTE

1. Act No. 60, 1975; assented to 19 June 1975.