

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

(As read a first time)

**SCIENCE AND INDUSTRY RESEARCH LEGISLATION
AMENDMENT BILL 1986**

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AMENDMENTS OF THE SCIENCE AND INDUSTRY RESEARCH ACT 1949 RELATING
TO THE NAME OF THE ORGANISATION

1985-86

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

Presented and read a first time, 17 September 1986

(Minister for Science)

A BILL

FOR

An Act to amend the *Science and Industry Research Act 1949* and the *Science and Industry Endowment Act 1926*, and for related purposes

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

PART I—PRELIMINARY

Short title

- 5 **1.** This Act may be cited as the *Science and Industry Research Legislation Amendment Act 1986*.

Commencement

- 2.** This Act shall come into operation on a day to be fixed by Proclamation.

**PART II—AMENDMENTS OF THE SCIENCE AND INDUSTRY
RESEARCH ACT 1949**

Principal Act

3. The *Science and Industry Research Act 1949*¹ is in this Part referred to as the Principal Act. 5

Repeal of sections 4, 5 and 6

4. (1) Sections 4, 5 and 6 of the Principal Act are repealed.

(2) Notwithstanding the repeal of section 5 of the Principal Act made by sub-section (1) of this section, section 5 of the Principal Act continues to apply, after the commencement of this Act, in relation to— 10

(a) contracts, agreements or other instruments to which the Council was a party; and

(b) officers and employees of the Council,
as if that repeal had not been made.

(3) This section does not affect the operation of section 8 of the *Acts Interpretation Act 1901*. 15

5. Section 7 of the Principal Act is repealed and the following section is substituted:

Interpretation

“7. In this Act, unless the contrary intention appears— 20

‘advisory committee’ means an advisory committee established under sub-section 24 (1);

‘annual operational plan’ means an annual operational plan formulated under sub-section 35 (1);

‘appoint’ includes re-appoint; 25

‘Board’ means the Board of the Organisation;

‘Chairperson’ means the Chairperson of the Board;

‘Chief Executive’ means the Chief Executive of the Organisation;

‘member’ means a member of the Board and includes the Chairperson and the Chief Executive; 30

‘officer’ means an officer of the Organisation;

‘Organisation’ means the Commonwealth Scientific and Industrial Research Organisation established under this Act;

‘part-time member’ means a member of the Board other than the Chief Executive; 35

'science' includes technology;

'strategic plan' means a strategic plan formulated under sub-section 34 (1).".

Commonwealth Scientific and Industrial Research Organisation

5 6. Section 8 of the Principal Act is amended by omitting from sub-section (2) "Executive" and substituting "Board".

Functions of the Organisation

7. Section 9 of the Principal Act is amended—

(a) by inserting after paragraph (b) the following paragraphs:

10 “(ba) to encourage or facilitate the application or utilisation of the results of any other scientific research;

(bb) to carry out services, and make available facilities, in relation to science;”;

15 (b) by omitting from sub-paragraph (g) (iii) "Executive thinks fit" and substituting "Chief Executive determines"; and

(c) by adding at the end the following sub-section:

“(2) The Organisation shall—

(a) treat the functions referred to in paragraphs (1) (a) and (b) as its primary functions; and

20 (b) treat the other functions referred to in sub-section (1) as its secondary functions.”.

Powers of the Organisation

8. (1) Section 9AA of the Principal Act is amended—

(a) by omitting from paragraph (b) all the words after "company";

25 (b) by omitting from paragraphs (c) and (d) "Executive" and substituting "Chief Executive";

(c) by omitting from paragraph (e) "Executive thinks fit" and substituting "Chief Executive determines";

30 (d) by inserting in paragraph (e) ", or facilities made available," after "carried out"; and

(e) by adding at the end the following sub-sections:

“(2) The Organisation shall not, without the written approval of the Minister, hold a controlling interest in a company.

“(3) An approval under sub-section (2)—

35 (a) may be of general application or may relate to a particular company or proposed company; and

(b) may be given subject to conditions or restrictions set out in the instrument of approval.

40 “(4) Where the Organisation commences to hold a controlling interest in a company, the Minister shall—

- (a) cause to be prepared a statement setting out particulars of, and the reasons for, the holding of that controlling interest; and
- (b) cause a copy of the statement to be laid before each House of the Parliament within 15 sitting days of that House after—
 - (i) the Organisation commenced to hold that controlling interest; or
 - (ii) if the Minister is of the opinion that the disclosure of the holding of the controlling interest would affect adversely the commercial interests of the Organisation, the Minister ceases to be of that opinion.

“(5) Nothing is invalid on the ground that the Organisation has failed to comply with sub-section (2).

“(6) Where the Organisation holds a controlling interest in a company, the Organisation shall ensure that the company does not do any act or thing that, if done by the Organisation, would not be within the functions of the Organisation.”.

(2) Sub-section 9AA (2) of the Principal Act as amended by this Act does not apply to a controlling interest that commenced to be held before the commencement of this section.

Institutes to be established

9. Section 9AB of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Executive” and substituting “Board”;
- (b) by omitting from sub-section (3) “Executive” and substituting “Chief Executive”; and
- (c) by omitting from sub-section (3) “it thinks fit” and substituting “the Chief Executive determines”.

10. After section 10 of the Principal Act the following Part is inserted:

“PART IIA—THE CHIEF EXECUTIVE OF THE ORGANISATION

Chief Executive of the Organisation

“10A. (1) There shall be a Chief Executive of the Organisation.

“(2) The affairs of the Organisation shall, subject to sub-section (3), be conducted by the Chief Executive.

“(3) The Chief Executive shall, in conducting any of the affairs of the Organisation and in exercising any powers conferred on the Chief Executive by this Act or the regulations or by the *Science and Industry Endowment Act 1926*, act in accordance with any policies determined, and any directions given, by the Board.

“(4) All acts and things done in the name of, or on behalf of, the Organisation by or with the authority of the Chief Executive shall be deemed to have been done by the Organisation.

Appointment of Chief Executive, &c.

5 “10B. (1) The Chief Executive shall be appointed by the Governor-General and, subject to this Act, holds office on a full-time basis for such period, not exceeding 5 years, as is specified in the instrument of appointment.

“(2) The Minister shall, before an appointment is made to the office of Chief Executive, consult with the Board in relation to the appointment.

10 “(3) A person who has attained the age of 65 years shall not be appointed as the Chief Executive and a person shall not be appointed as the Chief Executive for a period that extends beyond the day on which the person will attain the age of 65 years.

15 “(4) The Chief Executive 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.

Leave of absence

20 “10C. The Minister may grant leave of absence to the Chief Executive on such terms and conditions as to remuneration or otherwise as the Minister determines.

Resignation

“10D. The Chief Executive may resign the office of Chief Executive by writing signed by the Chief Executive and delivered to the Governor-General.

25 **Termination of appointment**

“10E. (1) The Governor-General may terminate the appointment of the Chief Executive for misbehaviour or physical or mental incapacity.

“(2) If the Chief Executive—

30 (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

(b) fails, without reasonable excuse, to comply with section 10F or 23;

35 (c) is absent from duty, except on leave granted by the Minister, for 14 consecutive days or for 28 days in any period of 12 months;

(d) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Board; or

(e) engages in paid employment outside the duties of the office of Chief Executive without the consent of the Minister,

40 the Governor-General may terminate the appointment of the Chief Executive.

Disclosure of interests

“10F. The Chief Executive shall give written notice to the Minister of all direct or indirect pecuniary interests that the Chief Executive has or may have in any business or in any body corporate carrying on a business.

Acting Chief Executive

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“10G. (1) The Minister may appoint a person to act in the office of Chief Executive—

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

(b) during any period, or during all periods, when the person holding that office is absent from duty or from Australia or is, for any other reason, unable to perform the functions of that office.

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“(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

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“(3) A person appointed under sub-section (1) to act during a vacancy shall not continue so to act for more than 12 months.

“(4) Where a person is acting in the office of Chief Executive in accordance with paragraph (1) (b) and the office becomes vacant while the person is so acting, then, subject to sub-section (2), the 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 occurs ends, whichever first happens.

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“(5) While a person is acting in the office of Chief Executive, the person has and may exercise all the powers, and shall perform all the functions, of Chief Executive under this Act or the regulations or under the *Science and Industry Endowment Act 1926*.

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“(6) The Minister may—

(a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting in the office of Chief Executive; and

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(b) terminate such an appointment at any time.

“(7) A person appointed under sub-section (1) may resign the appointment by writing signed by the person and delivered to the Minister.

“(8) Nothing done by or in relation to a person purporting to act under sub-section (1) is invalid on the ground that—

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(a) the occasion for the person's appointment had not arisen;

(b) there was a defect or irregularity in connection with the person's appointment;

(c) the person's appointment had ceased to have effect; or

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(d) the occasion for the person to act had not arisen or had ceased.

Remuneration of Chief Executive

5 “10H. (1) The Chief Executive shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration is in operation, the Chief Executive shall be paid such remuneration as is prescribed.

“(2) The Chief Executive shall be paid such allowances as are prescribed.

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

10 **Delegation**

“10J. (1) The Chief Executive may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Chief Executive, delegate to a person, or to a committee of persons, all or any of the Chief Executive’s powers under this Act or the regulations, other than this power of delegation.

15 “(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act and the regulations, be deemed to have been exercised by the Chief Executive.

20 “(3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Chief Executive.

“(4) Where the Chief Executive delegates a power to a committee of persons, the Chief Executive—

(a) shall appoint one of the members of the committee to be the Chairperson of the committee; and

25 (b) may determine the procedure to be followed in relation to meetings of the committee, including matters with respect to—

(i) the convening of meetings of the committee;

(ii) the number of members of the committee who are to constitute a quorum;

30 (iii) the selection of a member of the committee to preside at meetings of the committee at which the Chairperson of the committee is not present; and

(iv) the manner in which questions arising at a meeting of the committee are to be decided.

35 “(5) A delegation under this section does not prevent the exercise of a power by the Chief Executive.”

Heading to Part III

11. The heading to Part III of the Principal Act is amended by omitting “EXECUTIVE” and substituting “BOARD”.

12. Sections 11, 12, 13 and 14 of the Principal Act are repealed and the following sections are substituted:

Establishment of Board

“11. There is established a Board of the Organisation.

Functions of Board

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“12. The functions of the Board are—

- (a) to ensure the proper and efficient performance of the functions of the Organisation;
- (b) to determine the policy of the Organisation with respect to any matter;
- (c) to give directions to the Chief Executive under sub-section 10A (3); and
- (d) such other functions as are conferred on it by this Act.

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Directions and guidelines given by Minister

“13. (1) The Minister may give to the Board, in writing, directions and guidelines with respect to the performance of the functions, or the exercise of the powers, of the Board or of the Organisation, and the Board shall ensure that any directions or guidelines so given are complied with.

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“(2) The power of the Minister to give a direction or guideline to the Board under sub-section (1) in relation to an act or thing may be exercised notwithstanding that the doing of the act or thing (whether by the Board or the Chief Executive) is subject to the approval of the Minister or of another person.

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“(3) Nothing in section 14 limits the generality of sub-section (1) of this section.

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Board to have regard to Government policy

“14. In the performance of its functions and in the exercise of its powers, the Board shall have regard to any relevant policies of the Commonwealth Government notified, in writing, to the Board by the Minister.

Constitution of Board

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“14A. (1) The Board shall consist of—

- (a) the Chief Executive; and
- (b) not fewer than 7 and not more than 9 other members.

“(2) The members of the Board other than the Chief Executive hold office on a part-time basis.

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“(3) The part-time members shall be appointed by the Governor-General.

“(4) The Governor-General shall appoint one of the part-time members to be the Chairperson of the Board.

“(5) A part-time member appointed as Chairperson—

- (a) subject to paragraph (c), holds office as Chairperson until the end of his or her term of office as a part-time member;
- (b) may resign the office of Chairperson by writing signed by the part-time member and delivered to the Governor-General;
- (c) ceases to be Chairperson if he or she ceases to be a part-time member; and
- (d) ceases to be a part-time member if he or she resigns the office of Chairperson.

“(6) The Chairperson may be referred to as the Chairman or Chairwoman, as the case requires.

“(7) The performance of a function, or the exercise of a power, by the Board is not affected by reason only of—

- (a) the number of part-time members falling below 7 for a period of not more than 6 months; or
- (b) there being a vacancy in the office of Chairperson or in the office of Chief Executive.”.

Meetings

13. Section 15 of the Principal Act is amended—

- (a) by omitting from sub-sections (1) and (2) “Executive” and substituting “Board”;
- (b) by omitting from sub-sections (2), (4), (5) and (7) “Chairman” and substituting “Chairperson”;
- (c) by omitting sub-section (3) and substituting the following sub-section:

“(3) At a meeting, a quorum is constituted—

- (a) where the Board consists of 9 or 10 members—by 5 members;
or
- (b) in any other case—by 4 members.”; and

(d) by omitting from sub-section (4) “he” and substituting “he or she”.

14. Section 16, the heading to Part IV and sections 17 and 18 of the Principal Act are repealed and the following sections are substituted:

Terms and conditions of appointment, &c., of part-time members

“16. (1) Subject to this Act, a part-time member holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment.

“(2) A part-time member 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.

Remuneration of Chairperson

“17. (1) The Chairperson shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration is in operation, the Chairperson shall be paid such remuneration as is prescribed. 5

“(2) The Chairperson shall be paid such allowances as are prescribed.

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

Remuneration of other part-time members

15. Section 19 of the Principal Act is amended— 10

(a) by omitting from sub-sections (1) and (2) “member” and substituting “part-time member”;

(b) by omitting from sub-section (1) “he” and substituting “the member”; and

(c) by adding at the end the following sub-section: 15

“(4) A reference in this section to a part-time member does not include a reference to the Chairperson.”.

16. Sections 20 and 21 of the Principal Act are repealed and the following section is substituted:

Resignation of part-time members 20

“20. A part-time member may resign the office of member by writing signed by the member and delivered to the Governor-General.”.

Termination of appointment

17. Section 22 of the Principal Act is amended—

(a) by omitting from sub-section (1) “member” and substituting “part-time member”; and 25

(b) by omitting sub-sections (2) and (3) and substituting the following sub-section:

“(2) If a part-time member—

(a) becomes bankrupt, applies to take the benefit of any law for relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit; 30

(b) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Board; or 35

(c) fails, without reasonable excuse, to comply with section 23, the Governor-General may terminate the appointment of the member.”.

18. Section 23 and Part V of the Principal Act are repealed and the following section and Part are substituted: 40

Disclosure of interests of members of the Board

5 “23. (1) A member of the Board who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as practicable after the relevant facts have come to the knowledge of the member, disclose the nature of the member’s interest at a meeting of the Board.

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Board and the member shall not, unless the Minister or the Board otherwise determines—

- 10 (a) be present during any deliberation of the Board with respect to that matter; or
(b) take part in any decision of the Board with respect to the matter.

15 “(3) For the purpose of the making of a determination by the Board under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

- (a) be present during any deliberation of the Board for the purpose of making the determination; or
(b) take part in the making by the Board of the determination.

20 **“PART IV—ADVISORY COMMITTEES**

Advisory committees

“24. (1) The Board may establish advisory committees, consisting of such persons as the Board appoints, to give advice to the Board on particular matters or classes of matters relating to the functions of the Organisation.

25 “(2) The Board shall appoint one of the members of each advisory committee to be the Chairperson of that committee.

“(3) The Board may determine—

- (a) the manner in which an advisory committee is to perform its functions; and
30 (b) the procedure to be followed in relation to meetings of an advisory committee, including matters with respect to—
(i) the convening of meetings of the advisory committee;
(ii) the number of members of the advisory committee who are to constitute a quorum;
35 (iii) the selection of a member of the advisory committee to preside at meetings of the advisory committee at which the Chairperson of the advisory committee is not present; and
(iv) the manner in which questions arising at a meeting of the advisory committee are to be decided.

“(4) If the Board decides that the members of an advisory committee should be remunerated, those members shall be paid by the Organisation such remuneration as is determined by the Remuneration Tribunal.

“(5) Members of an advisory committee shall be paid by the Organisation such allowances as are prescribed by the regulations. 5

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

Staff

19. Section 32 of the Principal Act is amended—

(a) by omitting from sub-sections (1) and (2) “Executive” and substituting “Chief Executive”; and 10

(b) by omitting from sub-section (1) “it thinks” and substituting “the Chief Executive determines are”.

20. Part VII of the Principal Act is repealed and the following Part is substituted: 15

“PART VII—STRATEGIC PLANS AND ANNUAL OPERATIONAL PLANS

Planning periods

“33. (1) In this Part, ‘planning period’ means a period not exceeding 5 years that the Board declares to be a planning period for the purposes of this Part. 20

“(2) The Board shall cause a copy of each declaration made under sub-section (1) to be given to the Minister.

“(3) Where—

(a) the Board declares a period (in this sub-section referred to as the ‘first period’) to be a planning period for the purposes of this Part; and 25

(b) the Board subsequently declares a period (in this sub-section referred to as the ‘second period’) commencing during the first period and ending after the end of the first period to be a planning period for the purposes of this Part, 30

the following plans cease to have effect on the commencement of the second period:

(c) the strategic plan relating to the first period;

(d) an annual operational plan relating to the strategic plan referred to in paragraph (c). 35

Strategic plans

“34. (1) The Board shall—

(a) before the commencement of each planning period, formulate a strategic plan, for the planning period concerned, setting out—

(i) the broad objectives of the Organisation in performing its functions during the planning period; and

(ii) a broad outline of the policies and strategies to be pursued by the Organisation to achieve those objectives; and

(b) from time to time, review and revise the strategic plan.

“(2) A strategic plan, or a revision of a strategic plan, shall be submitted to the Minister as soon as practicable after it is formulated and before it comes into effect.

Annual operational plans

“35. (1) The Chief Executive shall—

(a) before the commencement of each financial year that is included in a planning period, formulate an annual operational plan, for the financial year concerned, setting out the details of—

(i) the strategies the Organisation proposes to pursue;

(ii) the activities the Organisation proposes to carry out; and

(iii) the resources the Organisation proposes to allocate to each such activity,

during the financial year in giving effect to the strategic plan that relates, or the intended strategic plan that will relate, to the financial year; and

(b) from time to time, review and revise the annual operational plan.

“(2) An annual operational plan, or a revision of an annual operational plan—

(a) shall be submitted to the Board as soon as practicable after it is formulated; and

(b) has no effect until approved by the Board.

“(3) Where a part only of a financial year is included in a particular planning period, sub-section (1) applies to that part of the year as if a reference in that sub-section to a financial year were a reference to that part of the year.

Compliance with plans

“36. (1) Subject to sub-section 49 (2), when a strategic plan or an annual operational plan is in effect, the Organisation shall not perform its functions otherwise than in accordance with that plan.

“(2) Nothing done by the Organisation is invalid on the ground that the Organisation has failed to comply with sub-section (1).”.

Repeal of section 47

21. Section 47 of the Principal Act is repealed.

Estimates

22. Section 49 of the Principal Act is amended by omitting from sub-section (1) "Executive" (wherever occurring) and substituting "Chief Executive". 5

Contracts

23. Section 50 of the Principal Act is amended by omitting "\$100,000" and substituting "\$250,000".

24. Sections 51 and 52 of the Principal Act are repealed and the following section is substituted: 10

Application of Division 3 of Part XI of Audit Act

"51. (1) The Organisation is a public authority to which Division 3 of Part XI of the *Audit Act 1901* applies.

"(2) The Organisation shall, in each report prepared under section 63M of the *Audit Act 1901* in respect of a financial year, set out— 15

- (a) a statement of the policies of the Organisation in relation to the carrying out of the scientific research of the Organisation that were current at the beginning of the year;
- (b) a description of any developments in those policies that occurred during the year; 20
- (c) any determinations made by the Minister under sub-paragraph 9 (1) (a) (iv) during the year;
- (d) any directions or guidelines given by the Minister under sub-section 13 (1) during the year; and 25
- (e) any policies notified by the Minister under section 14 during the year."

Inventions, &c., by officers

25. Section 54 of the Principal Act is amended—

- (a) by omitting from sub-section (1) "his" and substituting "the officer's"; 30
- (b) by omitting from sub-section (2) "Executive" and substituting "Chief Executive";
- (c) by omitting from sub-section (2) "him" and substituting "the officer"; and
- (d) by omitting from sub-section (2) "his" (wherever occurring) and substituting "the officer's". 35

Consultative Council

26. Section 56 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

5 “(1) There is established a Consultative Council comprising—

(a) persons nominated by the Board to represent the management of the Organisation; and

(b) representatives of organisations of officers.”; and

10 (b) by omitting from sub-section (2) “Executive” (wherever occurring) and substituting “Board”.

Repeal of section 57

27. Section 57 of the Principal Act is repealed.

Repeal of Schedule 1

28. Schedule 1 to the Principal Act is repealed.

15 Amendments relating to the name of the Organisation

29. The Principal Act is amended as set out in the Schedule.

Transitional

20 30. (1) An act or thing done before the commencement of this section by the Executive under sub-paragraph 9 (g) (iii), paragraph 9AA (c), (d) or (e), sub-section 9AB (3), section 16, 32 or 47, sub-section 49 (1), section 51, sub-section 54 (2) or section 57 of the Principal Act has effect, after the commencement of this section, as if it had been done by the Chief Executive under the corresponding provision of the Principal Act as amended by this Act or under the corresponding provision of Division 3 of Part XI of the
25 *Audit Act 1901*, as the case requires.

(2) An act or thing done before the commencement of this section by the Executive under sub-section 9AB (1) of the Principal Act has effect, after the commencement of this section, as if it had been done by the Board under sub-section 9AB (1) of the Principal Act as amended by this Act.

30 (3) An act or thing done before the commencement of this section by the Chairman under sub-section 24 (2) or section 31 of the Principal Act has effect, after the commencement of this section, as if it had been done by the Chief Executive under the corresponding provision of the Principal Act as amended by this Act.

35 (4) A report prepared by the Organisation under section 63M of the *Audit Act 1901* in respect of a financial year that commenced before the commencement of this section shall set out—

(a) any determinations made by the Minister under paragraph 9 (a) (iv) of the Principal Act;

- (b) any directions given by the Minister under section 13 of the Principal Act;
- (c) any advice furnished by the Advisory Council under section 34 of the Principal Act; and
- (d) any comments given by the Executive on advice furnished to it by the Advisory Council, 5

during that year.

PART III—AMENDMENTS OF THE SCIENCE AND INDUSTRY ENDOWMENT ACT 1926

Principal Act 10

31. The *Science and Industry Endowment Act 1926*² is in this Part referred to as the Principal Act.

Control of Fund

32. Section 5 of the Principal Act is amended by omitting “trustees” and substituting “trustee”. 15

33. Section 6 of the Principal Act is repealed and the following section is substituted:

Trustee of Science and Industry Endowment Fund

“6. The Chief Executive of the Commonwealth Scientific and Industrial Research Organisation shall be the trustee of the Fund.” 20

Investment of Fund

34. Section 7 of the Principal Act is amended by omitting “trustees” and substituting “trustee”.

Application of Fund

35. Section 8 of the Principal Act is amended by omitting from subsection (2) “trustees determine” and substituting “trustee determines”. 25

Application of gifts or bequests

36. Section 9 of the Principal Act is amended by omitting “trustees” and substituting “trustee”.

Transitional 30

37. An act or thing done before the commencement of this section by the trustees of the Fund under section 5, 7, 8 or 9 of the Principal Act has effect, after the commencement of this section, as if it had been done by the trustee of the Fund under the corresponding provision of the Principal Act as amended by this Act. 35

SCHEDULE

Section 29

**AMENDMENTS OF THE SCIENCE AND INDUSTRY RESEARCH ACT 1949
RELATING TO THE NAME OF THE ORGANISATION**

1. The following provisions of the Principal Act are amended by omitting "Organization" (wherever occurring) and substituting "Organisation":

Title, sections 8 and 9, paragraphs 9AA (a), (c), (d) and (e), sections 9AB, 9A, 10, 32, 46, 48, 49, 50, 53, 54 and 56.

2. The headings to Parts II and III of the Principal Act are amended by omitting "ORGANIZATION" and substituting "ORGANISATION".

NOTES

1. No. 13, 1949, as amended. For previous amendments, see No. 78, 1959; No. 93, 1966; Nos. 7 and 52, 1968; No. 216, 1973; No. 91, 1976; Nos. 36 and 143, 1978; No. 80, 1982; and No. 65, 1985.
2. No. 21, 1926, as amended. For previous amendments, see No. 13, 1949; No. 36, 1978; and No. 72, 1984.

NOTE ABOUT SECTION HEADINGS

On the commencement of the *Science and Industry Research Legislation Amendment Act 1986*, the headings to sections 9A and 46 of the *Science and Industry Research Act 1949* are altered by omitting "Organization" and substituting "Organisation".





