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**THE PARLIAMENT OF THE COMMONWEALTH OF  
AUSTRALIA**

**SENATE**

**AUSTRALIAN SPACE COUNCIL BILL 1993**

**EXPLANATORY MEMORANDUM**

**(Circulated by authority of the  
Minister for Industry, Technology and Regional Development,  
the Hon Alan Griffiths MP)**



## **AUSTRALIAN SPACE COUNCIL BILL 1993**

### **OUTLINE**

In 1992, the Government accepted generally the recommendations of an Expert Panel that reviewed the National Space Program. The Expert Panel's Report, "An Integrated National Space Program" was tabled by the former Minister for Industry, Technology and Commerce, the Hon John Button, and copies were circulated to all Members and Senators.

One of the organisational recommendations was to replace the existing Australian Space Board with an Australian Space Council embodied in legislation. This Bill gives effect to that recommendation. The function of the Council will be to advise the Minister responsible for space activities on policy concerning Australia's role in space.

The Council will prepare a rolling five year strategic plan that includes objectives, strategies, costs and benefits of the Integrated National Space Program.

### **FINANCIAL IMPACT STATEMENT**

Establishment of the Australian Space Council will involve on-going annual running costs of \$2.680M to cover administrative expenses, salaries and annual property operating expenses. The National Space Program is set at \$6.064M. This level of funding is consistent with previous years' operations.

## NOTES ON CLAUSES

### **PART 1 - PRELIMINARY**

#### **Clause 1 - Short Title**

1. This clause provides that the Act may be cited as the *Australian Space Council Act 1993*

#### **Clause 2 - Commencement**

2. Provides for the Act to commence on 1 July 1994.

#### **Clause 3 - Object of Act**

3. Establishes the Objects of the Act.

#### **Clause 4 - Interpretation**

4. Inserts various definitions.

### **PART 2 - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AUSTRALIAN SPACE COUNCIL**

#### **Clause 5 - Establishment**

5. Establishes the Australian Space Council.

#### **Clause 6 - Functions**

6. Provides that the Council is to inquire into and report on space-related matters referred to it by the Minister and to develop and recommend a National Space Program (NSP). The NSP is to be coordinated after consultation with interested parties and is to be kept under review and outcomes are to be reported.
7. The Council must comply with any directions given by the Minister under section 8.
8. The Council may perform its functions in or out of Australia.

**Clause 7 - Powers**

9. The Council may do whatever is required to perform its functions.

**Clause 8 - Directions by Minister to the Council**

10. After consulting with the Council, the Minister may give directions on the Council's policies and practices to be followed by the Council in performing its functions. The Council must comply with the direction. The Council must report on the direction in its Annual Report unless the Minister authorises that such a report would be prejudicial to Australia's national interest.

**PART 3 - STRATEGIC PLANS****Clause 9 - First strategic plan**

11. The Council is to give the Minister its first five year strategic plan as soon as practicable after the Act commences.

**Clause 10 - Subsequent strategic plans**

12. The Council is to give to the Minister by 1 May of each subsequent year a five year strategic plan beginning on 1 July of that year.

**Clause 11 - Contents of strategic plans**

13. The strategic plans are to provide a statement of the Council's objectives and outline strategies to meet those objectives. The plan must include estimates of the costs and a statement of the benefits of implementing the strategies.

**Clause 12 - Minister may request variation of strategic plan**

14. The Council must comply with any variation to the strategic plan the Minister may request.

## **PART 4 - CONSTITUTION, MEETINGS AND COMMITTEES**

### **Division 1 - Constitution of Council**

#### **Clause 13 - Constitution of Council**

15. This provides for an independent Chairperson and Deputy Chairperson, up to two officers of the Department of State of the Commonwealth of the Minister, up to six other members from other Departments or authorities that have a significant interest in space activities and up to seven other members.
16. In appointing the members of the Council, the Minister is to ensure, as far as practicable, that the non-Government members are a majority.

#### **Clause 14 - Qualifications for certain members**

17. In appointing the seven non-Government members, the Minister is to be satisfied that they have experience or expertise in research or an industry that is relevant to the Council's functions.

### **Division 2 - Administrative provisions**

#### **Clause 15 - Terms of office**

18. The Chairperson and Deputy Chairperson can be appointed for up to five years; other members for up to three years. All of the above are eligible for re-appointment. Government members are appointed during the Minister's pleasure.

#### **Clause 16 - Remuneration and travel allowance**

19. Non-Government members are to be paid such remuneration as is determined by the Remuneration Tribunal.

#### **Clause 17 - Leave to be absent from a meeting or meetings**

20. The Minister may grant leave of absence from a meeting or meetings of the Council to the Chairperson. The Chairperson can grant leave of absence to any other member.

### **Clause 18 - Acting Appointments**

21. The Deputy Chairperson is to act for the Chairperson when he is absent or otherwise unable to act. The Minister can appoint a person to act for a member taking into account that people appointed to act for non-Government members are to have expertise or experience in a relevant field.
22. A defect in the arrangements for an acting appointment does not make the appointment ineffective.

### **Clause 19 - Disclosure of interests**

23. A member with a direct or indirect pecuniary interest in a matter being considered by the Council must, as soon as possible, disclose the nature of the interest. This disclosure must be recorded in the minutes of the meeting and the member must leave the meeting unless the Council or the Minister determine otherwise.

### **Clause 20 - Resignation - non-government member**

24. A non-government member may resign by giving notice in writing to the Minister.

### **Clause 21 - Termination of appointment - non-government members**

25. The Minister may terminate the appointment of a non-government member for misbehaviour or physical or mental incapacity. The Minister must terminate a non-government member's appointment if he or she becomes bankrupt, takes the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with creditors, or is absent for three meetings of Council without leave or does not disclose pecuniary interests without reasonable excuse as required under clause 19.

### **Clause 22 - Other terms and conditions - non-government members**

26. A non-government member is appointed on such terms and conditions (if any) in relation to matters not provided for by this Act as the Minister determines in writing.

### **Division 3 - Council meetings and committees**

#### **Clause 23 - Meetings**

27. The Council may hold as many meetings as appropriate but must meet at least three times each year and the Chairperson must convene a meeting if requested by the Minister.

#### **Clause 24 - Procedure at meetings**

28. The Chairperson will preside at meetings of the Council. In the Chairperson's absence the Deputy Chairperson will preside. If both are absent then the Council will appoint one of the members to preside.
29. A majority of the appointed members constitutes a quorum.
30. Questions are decided by the majority of members present and voting; the Chairperson has a deliberative and, if necessary, a casting vote.
31. The Council must keep minutes of its meetings but otherwise may regulate proceedings as it thinks fit.

#### **Clause 25 - Committees**

32. The Council may establish such committees as it considers appropriate to perform its functions. The committee may comprise only members of the Council or a mixture of members and other people. All committees must be chaired by a member of the Council.
33. The Council may direct a committee in the way it is to function and its manner of proceeding.
34. A person who is a member of a committee but not a member of the Council is to be paid travel allowance to attend meetings as is prescribed.

#### **Clause 26 - Disclosure of interests by members of committees**

35. Members of committees are subject to the same disclosure provisions as members of Council.



**PART 5 - MISCELLANEOUS****Clause 27 - Staff**

36. Staff to assist the Council will be persons appointed under the Public Service Act 1922. In effect, these will be officers of the Department of State of the Minister.

**Clause 28 - Delegation by Council**

37. The Council may delegate its powers to one of its members, a committee or a member of the staff. The exercise of delegated powers are subject to direction by the Council. A delegation by the Council remains in force despite a change of Council membership and may be revoked by resolution of the Council even though the membership has changed. A Chairperson's certificate is evidence of the delegation of power.

**Clause 29 - Annual report**

42. The Council must give the Minister a report on its operations as soon as practicable after the end of each financial year. The Minister must table the report in each House of Parliament within fifteen sitting days after receipt.

**Clause 30 - Regulations**

43. The Governor-General may make regulations 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.













