

SCIENCE AND INDUSTRY RESEARCH.

No. 13 of 1949.

An Act relating to the Commonwealth Scientific and Industrial Research Organization.

[Assented to 25th March, 1949.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

PART I.—PRELIMINARY.

- Short title.** 1. This Act may be cited as the *Science and Industry Research Act 1949*.
- Commencement.** 2. This Act shall come into operation on a date to be fixed by Proclamation.
- Parts.** 3. This Act is divided into Parts, as follows:—
Part I.—Preliminary.
Part II.—The Commonwealth Scientific and Industrial Research Organization.
Part III.—The Executive of the Organization.
Part IV.—The Advisory Council and State Committees.
Part V.—Staff.
Part VI.—Finance.
Part VII.—Miscellaneous.
- Repeal.** 4. The Acts specified in the First Schedule to this Act are repealed.

* Act No. 27, 1948.

5.—(1.) Notwithstanding the repeal effected by the last preceding section—

- (a) all the right, title and interest of the Council existing immediately prior to the commencement of this Act in and to all property owned by the Council shall, by force of this Act, be transferred to and vested in the Organization; and
- (b) all rights, obligations and liabilities of the Council existing immediately prior to the commencement of this Act shall, by force of this Act, be vested in or imposed on the Organization and, in any contract, agreement or other instrument to which the Council was a party, any reference to the Council shall be read as a reference to the Organization.

(2.) All officers and employees of the Council holding office or employed immediately prior to the commencement of this Act shall, subject to the next succeeding sub-section, continue to hold office or to be employed as if they had been appointed or employed, as the case may be, by the Organization under this Act.

(3.) A person who, immediately prior to the commencement of this Act, was an officer or a temporary or casual employee of the Council shall not be continued in employment under this Act unless, when required by the Executive so to do, he makes and subscribes an oath or affirmation of allegiance in accordance with the form in the Second Schedule to this Act.

(4.) An officer of the Council who retained all his existing and accruing rights under section fourteen A of the *Science and Industry Research Act 1920-1945* shall continue to retain those rights.

(5.) An officer of the Council who, immediately prior to the commencement of this Act, was, by virtue of sub-section (4.) of section fourteen A of the *Science and Industry Research Act 1920-1945*, deemed to be an employee within the meaning of section four of the *Superannuation Act 1922-1948* shall not cease to be so deemed by reason of the repeal effected by the last preceding section.

(6.) Any reference in any other Act to the Council shall be read as a reference to the Organization.

6.—(1.) Section six of the *Science and Industry Endowment Act 1926* is repealed and the following section inserted in its stead:—

“6. The members for the time being of the Executive of the Commonwealth Scientific and Industrial Research Organization holding office under the *Science and Industry Research Act 1949* shall be the trustees of the Fund.”

Trustees of the
Science and
Industry
Endowment
Fund.

(2.) The *Science and Industry Endowment Act 1926*, as amended by this section, may be cited as the *Science and Industry Endowment Act 1926-1949*.

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

- “employee” means an employee of the Organization;
- “officer” means an officer of the Organization;

Definitions.

"State Committee" means a State Committee appointed under this Act;

"the Advisory Council" means the Advisory Council of the Organization;

"the Council" means the Commonwealth Council for Scientific and Industrial Research constituted under the *Science and Industry Research Act 1920-1945*;

"the Executive" means the Executive of the Organization;

"the Organization" means the Commonwealth Scientific and Industrial Research Organization established under this Act.

PART II.—THE COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANIZATION.

Commonwealth
Scientific and
Industrial
Research
Organization.

8.—(1.) There shall be a Commonwealth Scientific and Industrial Research Organization.

(2.) The Organization shall consist of the members of the Executive, and of the officers, of the Organization and shall be a body corporate with perpetual succession and a common seal.

(3.) The Organization may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

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

(5.) The Organization shall have power to acquire, by purchase, gift, grant, bequest or devise, any property for the purposes of this Act and to agree to any conditions of purchase, gift, grant, bequest or devise.

(6.) The exercise of any power of the Organization under the last preceding sub-section shall be subject to the regulations and to the approval of the Minister.

Powers and
functions of the
Organization.

9.—(1.) The powers and functions of the Organization shall, subject to the regulations and to the approval of the Minister, be—

(a) the initiation and carrying out of scientific researches and investigations in connexion with, or for the promotion of, primary or secondary industries in the Commonwealth or in any Territory of the Commonwealth or in connexion with any other matter referred to the Organization by the Minister;

(b) the training of scientific research workers and the establishment and awarding of scientific research studentships and fellowships;

(c) the making of grants in aid of pure scientific research;

(d) the recognition or establishment of associations of persons engaged in any industry for the purpose of carrying out industrial scientific research and the co-operation with, and the making of grants to, such organizations when recognized or established;

- (e) the testing and standardization of scientific apparatus and instruments and the carrying out of scientific investigations connected with the standardization of apparatus, machinery, materials and instruments used in industry;
- (f) the collection and dissemination of information relating to scientific and technical matters; and
- (g) the publication of scientific and technical reports, periodicals and papers.

(2.) It shall be the duty of the Organization to exercise its powers and functions under the last preceding sub-section in relation to any matter referred to it by the Minister.

(3.) The Organization shall act as a means of liaison between the Commonwealth and other countries in matters of scientific research.

10. The Organization shall, as far as possible, co-operate with other organizations and authorities in the co-ordination of scientific research, with a view to—

Co-operation
with other
organisations.

- (a) the prevention of unnecessary overlapping; and
- (b) the most effective use of available facilities and staffs.

PART III.—THE EXECUTIVE OF THE ORGANIZATION.

11.—(1.) There shall be an Executive of the Organization, which shall consist of a Chairman and four other members.

Executive
of Organisation.

(2.) The Executive shall be the governing body of the Organization.

(3.) The members of the Executive shall be appointed by the Governor-General and shall hold office for such term (not exceeding seven years) as the Governor-General specifies but shall be eligible for re-appointment.

(4.) At least three members of the Executive shall be persons possessing scientific qualifications.

(5.) The Chairman, and two other members of the Executive specified by the Governor-General, shall devote the whole of their time to the duties of their office.

(6.) The exercise of any power or function by the Executive shall not be affected by any vacancy in the membership of the Executive.

(7.) The Governor-General may at any time remove a member of the Executive from his office for proved misbehaviour or incapacity.

(8.) The Chairman and other members of the Executive shall be paid such remuneration (if any) and expenses as the Governor-General determines.

12. The Executive may make recommendations to the Minister with respect to—

Recommendations
by
Executive.

- (a) the policy and work of the Organization;
- (b) the funds required for carrying out the work of the Organization; and
- (c) the allocation of funds made available for carrying out that work.

13.—(1.) Subject to the next succeeding sub-section, meetings of the Executive shall be held at such times and places as the Executive from time to time determines.

Meetings of the
Executive.

(2.) The Chairman of the Executive may, and shall if so directed by the Minister, at any time call a meeting of the Executive.

(3.) At any meeting of the Executive three members shall form a quorum.

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

(5.) In the event of the absence of the Chairman of the Executive from any meeting of the Executive, the members present shall elect one of their number to preside at that meeting.

(6.) All questions arising at any meeting of the Executive shall be decided by a majority of votes.

(7.) In the event of an equality of votes the question shall be decided by the person presiding at the meeting, whose decision shall, in that case, be deemed to be the decision of the Executive.

Delegation.

14.—(1.) The Executive may, either generally or in relation to any particular matter, by writing under its seal, delegate to a member of the Executive or to an officer any of its powers or functions under this Act (except this power of delegation) so that the delegated powers and functions may be exercised by the delegate in accordance with the instrument of delegation.

(2.) Every delegation under this section shall be revocable at will and no delegation shall prevent the exercise of any power or function by the Executive.

(3.) The Executive shall, if so required by the Minister, revoke any delegation under this section.

PART IV.—THE ADVISORY COUNCIL AND STATE COMMITTEES.

Advisory Council.

15.—(1.) There shall be an Advisory Council of the Organization, which shall consist of—

- (a) the members of the Executive;
- (b) the Chairman of each State Committee appointed under this Part; and
- (c) such other members as the Advisory Council, with the consent of the Minister on the recommendation of the Executive, co-opts by reason of their scientific knowledge.

(2.) A member of the Advisory Council co-opted in pursuance of paragraph (c) of the last preceding sub-section shall hold office for the period specified at the time of his co-option.

(3.) The functions of the Advisory Council shall be—

- (a) to advise the Executive on the general work of the Organization;
- (b) to advise the Executive on any particular matter of investigation or research;
- (c) to advise the Executive with respect to any other matter which the Executive refers to the Council for advice; and
- (d) to make recommendations to the Executive with respect to the allocation of funds made available for carrying out the work of the Organization.

16.—(1.) The Advisory Council shall meet at least twice in each year on such days and at such places as the Executive determines and shall also meet on such other days and at such places as the Executive determines.

Meetings of
Advisory
Council.

(2.) At any meeting of the Advisory Council six members shall constitute a quorum.

17.—(1.) The Minister may appoint a member of the Advisory Council to be the Chairman of the Advisory Council.

Chairman of
Advisory
Council.

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

(3.) In the event of the absence of the Chairman from any meeting of the Advisory Council, the members present shall elect one of their number to preside at that meeting.

18. The members of the Advisory Council shall be paid such remuneration (if any) and expenses as the Governor-General determines.

Remuneration.

19.—(1.) The Governor-General may appoint a State Committee in each State consisting of a Chairman and such number of other members as is prescribed.

State
Committees.

(2.) The period of appointment, and the terms and conditions of appointment, of the Chairman and other members of a State Committee shall be as prescribed.

20. The function of each State Committee shall be to advise the Executive or the Advisory Council with respect to—

Functions of
State
Committees.

- (a) the general work of the Organization;
- (b) any particular matter of investigation or research; and
- (c) any matter which the Executive or the Advisory Council refers to the State Committee for advice.

PART V.—STAFF.

21.—(1.) Subject to this Part, the Executive may appoint such officers of the Organization as it thinks necessary for the purposes of this Act.

Appointment
of officers.

(2.) The selection of persons for appointment as officers under this section shall be made in accordance with such requirements as the Public Service Board determines.

(3.) A person shall not be appointed as an officer under this section unless—

- (a) he is a British subject;
- (b) the Executive is satisfied, upon medical examination, as to his health and physical fitness; and
- (c) he makes and subscribes an oath or affirmation of allegiance in accordance with the form in the Second Schedule to this Act.

(4.) The Executive may, with the approval of the Minister, appoint a person who is not a British subject and has not made and subscribed the oath or affirmation of allegiance.

(5.) The appointment, transfer or promotion of a person to a position the salary, or the maximum salary, of which exceeds One thousand five hundred pounds, or such higher amount as is prescribed, per annum, shall be subject to the approval of the Minister.

(6.) For the purposes of the last preceding sub-section, the salary of a position shall not be deemed to be affected by variations made in accordance with variations in the cost of living and shall not include any allowance.

Terms and conditions of appointment of officers.

22.—(1.) Officers shall not be subject to the *Commonwealth Public Service Act* 1922-1948 but shall hold office on such terms and conditions as are, subject to the approval of the Public Service Board, determined by the Executive.

(2.) Where an officer appointed under this Part was, immediately prior to his appointment, an officer of the Public Service of the Commonwealth, his service as an officer of the Organization shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and the *Officers' Rights Declaration Act* 1928-1940 shall apply as if this Act and the last preceding section had been specified in the Schedule to that Act.

Temporary and casual employees.

23.—(1.) Subject to this Part, the Executive may employ such temporary or casual employees of the Organization as the Executive thinks necessary for the purposes of this Act.

(2.) The selection of persons for engagement as employees under this section shall be made in accordance with such requirements as the Public Service Board determines.

(3.) A person shall not be employed under this section unless, when required by the Executive so to do, he makes and subscribes an oath or affirmation of allegiance in accordance with the form in the Second Schedule to this Act.

(4.) The terms and conditions of employment of employees shall be such as are, subject to the approval of the Public Service Board, determined by the Executive.

Maximum number of officers and employees of certain designations.

24. The maximum number of officers and employees of each designation whose duties are primarily of an administrative or clerical nature shall be subject to the approval of the Public Service Board.

PART VI.—FINANCE.

Trust Account.

25.—(1.) For the purposes of this Act there shall be a Trust Account to be known as the Science and Industry Trust Account.

(2.) The Trust Account established by this section shall be a Trust Account within the meaning of section sixty-two A of the *Audit Act* 1901-1948.

(3.) No money shall be expended from the Trust Account established by this section except in accordance with particulars of expenditure set out in an Appropriation Act.

26.—(1.) The accounts of the Organization shall be subject to inspection and audit, at least once yearly, by the Auditor-General for the Commonwealth. Audit.

(2.) The Auditor-General shall report to the Minister the result of each inspection and audit.

PART VII.—MISCELLANEOUS.

27. All discoveries, inventions and improvements in processes, apparatus and machines made by officers and employees in the course of their official duties shall be the property of the Organization and may be made available under such conditions and on payment of such fees or royalties or otherwise as the Executive, with the approval of the Minister, determines. Discoveries, &c., by officers and employees.

28. The Organization may pay to officers and employees, or to persons working on behalf of the Organization, such bonuses as the Executive, with the approval of the Minister, determines in respect of useful discoveries or inventions made by those officers, employees or persons. Bonuses for discoveries by officers and employees.

29. The Organization may charge such fees and may agree to such conditions as it thinks fit for investigations carried out by the Organization at the request of any person. Fees and agreements for investigations.

30.—(1.) The Executive shall, once in each year, prepare and furnish to the Minister a report containing a summary of the work done, the researches and investigations made, and the proceedings taken, by the Organization during the preceding year. Annual report.

(2.) The report shall be laid before each House of the Parliament within fifteen sitting days of that House after its receipt by the Minister.

31. A member of the Executive, a member of the Advisory Council, a member of a State Committee, an officer or an employee shall not, except in the course of his duty as such a member, officer or employee or with the approval of the Executive, disclose any information concerning the work of the Organization or the contents of any document in the possession of the Organization. Official secrecy.

Penalty : Imprisonment for two years.

32. Any exercise of a power or function by the Organization which exclusively affects the Territory of Papua, the Territory of New Guinea and Norfolk Island, or any of those Territories, shall be subject to the approval of the Minister and, before giving any such approval, the Minister shall consult with the Minister of State for External Territories. Exercise of powers and functions affecting Territories.

Regulations.

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

THE SCHEDULES.

Section 4.

FIRST SCHEDULE.

ACTS REPEALED.

Institute of Science and Industry Act 1920
Science and Industry Research Act 1926
Science and Industry Research Act 1937
Science and Industry Research Act 1939
Science and Industry Research Act 1945

SECOND SCHEDULE.

Sections 6, 21 and 23.

OATH AND AFFIRMATION OF ALLEGIANCE.

I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty King George the Sixth, His heirs and successors according to law. So help me God!
Or,

I, A.B., do solemnly and sincerely promise and declare that (etc., as above, omitting the words "So help me God").
