

EXPLANATORY STATEMENT

Issued by the authority of the Minister for Industry, Innovation and Science

Science and Industry Research Act 1949

Science and Industry Research Regulations 2017

Purpose and Operation

Section 56 of the *Science and Industry Research Act 1949* (SIR Act) provides for a Consultative Council (the Council) to be established to represent the management of the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and an organisation of officers. Section 56 provides that regulations may be made which prescribes the manner in which the Council is constituted and the way in which it is to carry out its functions and any other matter relevant to the operations of the Council.

As set out in the SIR Act, the functions of the Council are to consider, and to report to the CSIRO Board on, any matter affecting, or of general interest to, the officers of the Organisation, including any such matter that is referred to the Council by the Board.

The *Science and Industry Research Regulations 2017* (the New Regulations) provide for the continued certainty regarding the operation of the Council, an important part of the overall CSIRO consultation framework between management and an organisation of officers.

The New Regulations replace, in a largely unaltered manner, the *Science and Industry Research (Consultative Council) Regulations* which were scheduled to sunset on 1 October 2017. The New Regulations are intended to operate in the same manner as the old regulations, but have been updated to comply with current drafting practices, as well as update cross-references and organisational names (for the purposes of the organisation of officers appointed to the Council).

The New Regulations also repeal the *Science and Industry Research (Gifts, Trusts and Contracts) Regulations 2000*, which were redundant and no longer applied.

Consultation

Consultation was undertaken with CSIRO to ensure the New Regulations remained fit for purpose and were still required. As the New Regulations relate solely to matters relevant to CSIRO, broader consultation was unnecessary.

Details of the *Science and Industry Research Regulations 2017*

Part 1 – Preliminary

Section 1 – Name of Instrument

This section provides for the Regulations, when enacted, to be cited as the *Science and Industry Research Regulations 2017*.

Section 2 – Commencement

This section provides that the Regulations commence on 1 October 2017.

Section 3 – Authority

This section sets out the provision of the *Science and Industry Research Act 1949* under which the Regulations are made.

Section 4 – Schedules

This section is a machinery clause that enables the Schedule to repeal the *Science and Industry Research (Consultative Council) Regulations* and the *Science and Industry Research (Gifts, Trusts and Contracts) Regulations 2000*. Both regulations were obsolete, the former as it was scheduled to sunset on 1 October 2017, and will be replaced by the Regulations, and the latter due to the relevant provisions in the *Science and Industry Research Act 1949* providing authority for the regulations no longer existing.

Section 5 – Definitions

This section provides for definitions of terms used in the Regulations.

Part 2 – Membership of the Consultative Council

Section 6 – Purpose of this Part

This section confirms that Part 2 of the Regulations is for the purpose of satisfying the requirements of subsection 56(3) of the *Science and Industry Research Act 1949* which relate to the manner in which the Council is to be constituted, the manner in which the Council is to carry out its functions and any other matter relevant to the operations of the Council.

Section 7 – Membership of Consultative Council

This section specifies how the Consultative Council membership is constituted.

Subsection 7(1)

This subsection specifies how members and the Chairperson of the Consultative Council are appointed by the CSIRO Board. It also specifies the numbers of nominations for these appointments.

Subsection 7(2)

This subsection specifies how many representatives may be appointed to the Consultative Council by the CSIRO Staff Association.

Subsection 7(3)

This subsection specifies how appointments are made to the Consultative Council by registered organisations other than the CSIRO Staff Association.

Subsection 7(4)

This subsection specifies the total number of appointees to the Consultative Council that can be made under subsections 7(2) and 7(3) collectively.

Subsection 7(5)

This subsection specifies action that the Consultative Council must take to terminate member appointments made by it under subsection 7(3), to ensure that the total number of appointees is met as specified under subsection 7(4).

Subsection 7(6)

This subsection specifies when the Consultative Council is taken to be constituted for the purposes of the Council making an appointment under subsection 7(3).

Section 8 – Deputy Chairperson

This section specifies that the Consultative Council must elect one of the members appointed under subsection 7(2) to be the Deputy Chairperson.

Section 9 – Acting appointments

This section specifies the process and eligibility requirements for the Board, an organisation of officers, or the Consultative Council itself, to make an acting appointment to the Consultative Council.

Part 3 – Functions of the Consultative Council

Section 10 – Purpose of this Part

This section confirms that Part 3 of the Regulations is for the purpose of satisfying the requirements of subsection 56(3) of the *Science and Industry Research Act 1949* which relate to the manner in which the Council is to be constituted, the manner in which the Council is to carry out its functions and any other matter relevant to the operations of the Council.

Section 11 – Meetings

This section specifies the requirements for Consultative Council meetings, including when they can be held, when they must be held, what constitutes a quorum, who presides, how decisions are to be reached, how meetings are regulated and invitations for advice or information.

Section 12 – Inquiries

This section specifies that the Consultative Council can as a whole, by sub-committees or by individual members (appointed for the purpose), conduct inquiries that appear necessary to the Consultative Council for the full and proper consideration of any matter before it.

Section 13 – Minority Reports

This section specifies what is required if a Consultative Council vote is not unanimous in relation to a resolution for a report by the Consultative Council to the CSIRO Board.

Part 4 – Savings provision

Section 14 – Consultative Council appointments

This section provides that member appointments to the Consultative Council made under the *Science and Industry Research (Consultative Council) Regulations* continue in force under the *Science and Industry Research Regulations 2017*.

Schedule 1 – Repeals

Item 1

Repeals the *Science and Industry Research (Consultative Council) Regulations*.

Item 2

Repeals the *Science and Industry Research (Gifts, Trusts and Contracts) Regulations 2000*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

Science and Industry Research Regulations 2017

The *Science and Industry Research Regulations 2017* are compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

Remaking the sunsetting *Science and Industry Research (Consultative Council) Regulations* by way of the *Science and Industry Research Regulations 2017* provides for continued certainty regarding the operation of the Consultative Council, an important part of the overall CSIRO consultation framework.

Human rights implications

The *Science and Industry Research Regulations 2017* do not engage any of the applicable rights or freedoms.

Conclusion

The *Science and Industry Research Regulations 2017* are compatible with human rights as they do not raise any human rights issues.

The Hon Arthur Sinodinos AO
Minister for Industry, Innovation and Science