

INDUSTRIAL RESEARCH AND DEVELOPMENT INCENTIVES ACT 1976

No. 85 of 1976

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INDUSTRIAL RESEARCH AND DEVELOPMENT INCENTIVES ACT 1976

No. 85 of 1976

An Act to make provision for and in relation to Industrial Research and Development, including the payment by the Commonwealth of Incentive Grants.

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

PART I—PRELIMINARY

- | | |
|----------------------|---|
| Short title. | 1. This Act may be cited as the <i>Industrial Research and Development Incentives Act 1976</i> . ¹ |
| Commence-
ment. | 2. This Act shall come into operation on 1 July 1976. |
| Object of
Act. | 3. The object of this Act is to promote the development and improve the efficiency of Australian industry by encouraging industrial research and development in Australia in matters relating to science and technology. |
| Interpret-
ation. | 4. (1) In this Act, unless the contrary intention appears—
“acting Chairman” means an acting Chairman of the Board appointed under section 15;
“acting member” means an acting member of the Board appointed under section 15, and includes an acting Chairman;
“Advisory Committee” means the Australian Industrial Research and Development Incentives Advisory Committee established by this Act;
“approved professional institute” means a body that, at the relevant time, is a recognized professional institute for the purposes of this Act by virtue of a declaration under paragraph 6 (1) (b);
“approved research organization” means a research organization that, at the relevant time, is an approved research organization for the purposes of this Act by virtue of a declaration under paragraph 6 (1) (a);
“Australia”—
(a) in relation to mining operations—includes such areas of the seabed adjacent to Australia as are prescribed; and
(b) in relation to the manufacture of goods—includes such areas of the sea adjacent to Australia as are prescribed; |

“Board” means the Australian Industrial Research and Development Incentives Board established by this Act;

“Chairman” means the Chairman of the Board, but does not include an acting Chairman;

“commencement grant” means a grant of financial assistance under Division 1 of Part III;

“company” means a body or association of persons, whether corporate or unincorporate;

“concentration”, in relation to a metal, means the separation of the metal from its ore by any process;

“corporate membership”, in relation to an approved professional institute, means membership of the institute that entitles the member concerned to full voting and other rights under the rules or other document governing the activities of the institute;

“eligible company” means a company—

(a) which is incorporated under the law of a State or of an internal Territory or, in the case of an unincorporated body or association of persons, is prescribed by the regulations for the purposes of this paragraph; and

(b) which carries on, or proposes to carry on, the manufacture of goods or mining operations in Australia;

“eligible contract expenditure”, in relation to a company in respect of a grant year, means so much of any amount paid or payable by the company to a research organization for the carrying out by the research organization for the company of industrial research and development at a time in that year when the organization is an approved research organization as the Board is satisfied is a reasonable charge by the research organization for or in respect of—

(a) the salaries or wages of full-time employees of the research organization in respect of periods during which they were directly engaged in that industrial research and development;

(b) the use by the research organization of plant or equipment used in carrying out that industrial research and development; and

(c) technical information relating to that industrial research and development;

“eligible expenditure”, in relation to a company in respect of a grant year in respect of which the company has eligible salary expenditure, means an amount equal to the sum of that eligible salary expenditure and the following expenditure of the company in respect of the year:—

(a) eligible plant expenditure;

(b) eligible expenditure on technical information;

- (c) eligible prototype expenditure; and
- (d) eligible contract expenditure;

“eligible expenditure on technical information”, in relation to a company in respect of a grant year, means any amount paid or payable by the company for obtaining technical information in that year, being technical information that the Board is satisfied was or is required by the company for the purposes of industrial research and development carried out, or to be carried out, by the company;

“eligible plant expenditure”, in relation to a company in respect of a grant year (in this definition referred to as the “relevant grant year”), means—

- (a) one-third of expenditure incurred by the company—
 - (i) in the case of the grant year commencing on 1 July 1976—in that year;
 - (ii) in the case of the grant year commencing on 1 July 1977—in that year and the grant year commencing on 1 July 1976; and
 - (iii) in the case of the grant year commencing on 1 July 1978 or any subsequent grant year—in that year and the 2 grant years immediately preceding that year,

being expenditure of the company in purchasing or constructing, and installing, research and development plant, less any consideration which has been or will be received by the company in respect of the disposal, loss or destruction of that plant except to the extent that that consideration has been taken into account for the purposes of this definition in the application of this Act to the company in respect of a grant year earlier than the relevant grant year; or

- (b) so much of any amount paid or payable by the company for the hire in the relevant grant year of research and development plant as, in the opinion of the Board, is a reasonable charge to the company for that hire;

“eligible prototype expenditure”, in relation to a company in respect of a grant year, means expenditure incurred by the company in that year (other than expenditure that is eligible salary expenditure, eligible plant expenditure, eligible expenditure on technical information or eligible contract expenditure of the company in respect of that year) in making, or having made, in the course of the carrying out by the company of industrial research and development, a prototype, less any consideration which has been or will be received by the company in respect of the disposal, loss or destruction of the prototype except to the extent

that that consideration has been taken into account for the purposes of this definition in the application of this Act to the company in respect of a previous grant year;

“eligible salary expenditure”, in relation to a company in respect of a grant year, means expenditure incurred by the company in that grant year in respect of—

- (a) the salaries or wages of full-time employees who, throughout their employment by the company in that year, were, during their ordinary hours of duty, engaged primarily and principally in professional or technical research and development work and not engaged to any substantial extent in any other duties; and
- (b) so much of the salary or wages of any other full-time employees as was paid in respect of the whole or any part of a continuous period of not less than 4 weeks during which the employees were, during their ordinary hours of duty, engaged primarily and principally in professional or technical research and development work and not engaged to any substantial extent in any other duties,

less so much of any amount that, in the opinion of the Board, has been or will be received by the company for the performance by the company of industrial research and development for another person in that year as is reasonably attributable to the professional or technical research and development work involved in the performance of that industrial research and development, being professional or technical research and development work engaged in by employees referred to in paragraph (a), or engaged in by employees referred to in paragraph (b) during a period referred to in that paragraph;

“grant” means a commencement grant or a project grant;

“grant year” means the year that commences on 1 July 1976 or any of the 4 next succeeding years;

“industrial research and development”, in relation to a company, means systematic experimentation or analysis in a field of science or technology carried on by the company, or procured by it to be carried out, in Australia with the object of—

- (a) acquiring knowledge that may be of use for the purpose of devising or developing new or substantially improved material products or new or substantially improved processes for or in connexion with the production or use of material products (including processes for disposing of, or rendering harmless, waste products or emissions resulting from the production or use of material products); or
- (b) applying knowledge for the purpose referred to in paragraph (a);

“member” means the Chairman or other member of the Board, but does not include an acting member;

“metal” includes a compound of a metal;

“minerals” includes petroleum;

“mining operations” includes operations for the recovery of naturally occurring petroleum;

“new”, in relation to material products, means not previously produced by the company concerned or by another company that, by virtue of section 5, is deemed to be related to that company, and, in relation to processes, means not previously used by the company concerned or by another company that is so deemed to be related to that company;

“petroleum” includes natural gas;

“previous Act” means the *Industrial Research and Development Grants Act* 1967 or that Act as amended and in force from time to time;

“professional qualification” means—

- (a) the holding, in a branch of science or technology, of a degree, diploma or similar qualification that was granted by a university or by a college or other institution of tertiary or technical education and is approved by the Board for the purposes of this Act; or
- (b) corporate membership of an approved professional institute or the holding of educational qualifications that are sufficient for admission to corporate membership of such an institute;

“professional or technical research and development work”, in relation to a company, means—

- (a) work by way of industrial research and development performed by a full-time employee of the company who—
 - (i) has a professional qualification; or
 - (ii) if the company is not an approved research organization—is, by virtue of an approval under section 7, an approved employee of the company for the purposes of this definition; or
- (b) work by way of direct assistance in a technical capacity to the performance of work referred to in paragraph (a);

“project grant” means a grant of financial assistance under an agreement entered into under Division 2 of Part III;

“prototype” includes model;

“research and development plant”, in relation to a company, means plant or equipment used, or for use, by or on behalf of the company solely for the purpose of industrial research and development carried out, or proposed to be carried out, by or on behalf of the company;

“research organization” means a person who, or a body or organization which, enters into contracts to perform industrial research and development otherwise than as an employee;

“salary or wages” does not include salary or wages of an employee in respect of a period when the employee was absent from his employment on long-service leave;

“technical information” means technical or scientific information in books, journals or other publications, or in some other form, and includes technical or scientific information provided by an information service;

“year” means a period of 12 months commencing on 1 July.

(2) A reference in this Act to expenditure incurred by a company in a year shall be read as a reference to an amount that has become payable by the company in the year, whether or not it is paid in that year.

(3) Without either extending or restricting, by implication, the scope of the definition of “industrial research and development” in subsection (1), it is declared that the following do not constitute industrial research and development for the purposes of this Act:—

- (a) methods engineering;
- (b) operational research;
- (c) routine quality control;
- (d) routine materials testing;
- (e) exploration or prospecting for minerals;
- (f) design work that—
 - (i) arises from a need to meet the special requirements of a customer; or
 - (ii) is primarily directed to style as distinct from the functional characteristics of a product; and
- (g) such other operations as are prescribed, whether generally or in relation to a particular class of material products or processes.

(4) Regulations made for the purposes of paragraph (3) (g) do not apply in relation to a grant year earlier than the grant year next commencing after the notification of the regulations in the *Gazette*.

(5) A reference in this Act to industrial research and development, in relation to an eligible company, shall be read as a reference to such, and only to such, industrial research and development as is—

- (a) performed by or for the company directly in relation to—
 - (i) the manufacture, or proposed manufacture, in Australia of goods by the company or by another company that, by virtue of section 5, is deemed to be related to the company;
 - (ii) the manufacture, or proposed manufacture, in Australia of goods by another person, being goods that are directly related to the sale or manufacture of goods manufactured, or proposed to be manufactured, in Australia by the company or by another company that, by virtue of section 5, is deemed to be related to the company; or
 - (iii) mining operations, or proposed mining operations, in Australia of the company or of another company that, by virtue of section 5, is deemed to be related to the company; or
- (b) performed by the company, acting as a research organization, directly in relation to the manufacture, or proposed manufacture, in Australia of goods by another person, or to mining operations, or proposed mining operations, in Australia of another person.

(6) Where, at any time, a company commences to use research and development plant or a prototype for a purpose other than industrial research and development, the company shall, for the purposes of the definitions of “eligible plant expenditure” and “eligible prototype expenditure” in sub-section (1), be deemed to have disposed of the plant or prototype at that time.

(7) A reference in the definitions referred to in sub-section (6) to consideration which has been or will be received in respect of the disposal, loss or destruction of plant or a prototype shall be read as a reference to—

- (a) in the case of the sale of the plant or prototype—such amount as, in the opinion of the Board, is the sale price less the expenses of the sale;
- (b) in the case of the loss or destruction of the plant or prototype—such amount as, in the opinion of the Board, is the amount or value which has been or will be received under a policy of insurance or otherwise in respect of the loss or destruction;
- (c) in the case of the sale of the plant or prototype with other assets where no separate value is allocated to the plant or prototype—such part of the sale price as is determined by the Board less such part of the expenses of the sale as is determined by the Board; and

- (d) in the case of the disposal of the plant or prototype otherwise than by sale or in a case where the plant or prototype is deemed to have been disposed of—the amount determined by the Board to be the value (if any) of the plant or prototype at the time of the disposal.

(8) Without limiting the generality of the references in this Act to the manufacture of goods, those references shall be deemed to include a reference to the refining of petroleum and to the concentration of a metal or the treatment or processing of a metal after its concentration, or, in the case of a metal not requiring concentration, the application to the metal of a treatment or process which, if the metal had required concentration, would not have been applied until after the concentration.

(9) A company shall be deemed for the purposes of this Act to have carried on the manufacture of goods in a year if, under a contract entered into between the company and another person, that other person manufactured goods for the company in that year.

(10) Where 2 periods of employment of an employee were separated by a period during which the employee was absent from his employment with the consent of his employer, the Board may, in its discretion, for the purpose of the definition of “eligible salary expenditure” in sub-section (1), treat those 2 periods of employment as having been continuous.

5. (1) For the purposes of this Act—

Related
companies.

- (a) where a company is a subsidiary of another company, the first-mentioned company and that other company shall be deemed to be related to each other; and
- (b) where 2 or more companies are each subsidiaries of another company, those companies and that other company shall be deemed to be related to each other.

(2) For the purposes of sub-section (1), where a company has shareholding interests in the shares in another company exceeding in amount one-half of the total of the amounts paid on all shares in the other company, that other company shall be deemed to be the subsidiary of the first-mentioned company.

(3) For the purposes of this section—

- (a) a company has a shareholding interest in the shares in another company if the first-mentioned company is beneficially entitled to, or is beneficially entitled to an interest in, any shares in the other company, whether or not the whole or any part of the legal ownership of the shares is vested in the first-mentioned company; and
- (b) the amount of the shareholding interest is an amount equal to the value of the shares, or of the first-mentioned company's

interest in the shares, as the case requires, on the basis that the value of the shares is equal to the amount paid on the shares.

(4) For the purposes of this section, where a company (in this sub-section referred to as the “first company”) has shareholding interests in the shares in a company (in this sub-section referred to as the “second company”) that has shareholding interests in the shares in another company (in this sub-section referred to as the “third company”), the first company shall be deemed to have shareholding interests in the shares in the third company (in addition to any other shareholding interests) of an amount that bears to the amount of the shareholding interests of the second company in the shares in the third company the same proportion as the amount of the shareholding interests of the first company in the shares in the second company bears to the total of the amounts paid on all shares in the second company.

(5) In ascertaining for the purposes of the application of sub-section (4) the extent and amount of the shareholding interests of a company in the shares in another company, there shall be taken into account any shareholding interest which that first-mentioned company is to be deemed to have in the shares in that other company by any other application or applications of that sub-section or this sub-section.

(6) A reference in this section to shares in a company shall be read as a reference to shares in, or stock forming part of, the capital of a company and a reference in this section to an amount paid on shares in a company shall be read as including a reference to an amount treated by the company as having been so paid.

(7) In this section—

“company” does not include an unincorporated body or association of persons;

“share”, in relation to a company, means a share of a kind carrying voting rights on all questions at general meetings of the company.

Approval of
research
organiz-
ations and
professional
institutes.

6. (1) The Board may, by notice published in the *Gazette*—

- (a) declare that a specified research organization is, or shall be deemed to have been at or from any time, an approved research organization for the purposes of this Act;
- (b) declare that a specified body in Australia is, or shall be deemed to have been at or from any time, a recognized professional institute for the purposes of this Act; and
- (c) revoke a declaration made under paragraph (a) or (b) with effect from the date of publication of the notice of revocation in the *Gazette*.

(2) A declaration made under paragraph 6 (a) or (b) of the previous Act before the commencement of this Act, being a declaration

which has not been revoked under paragraph 6 (c) of that Act before the commencement of this Act, shall, on the commencement of this Act, be deemed, for the purposes of this Act, to be a declaration made by the Board under paragraph (1) (a) or (b) of this section, as the case requires.

7. (1) If the Advisory Committee is satisfied that an employee of a company (not being a research organization) who does not have a professional qualification has skills, ability and experience that fit him to carry out work by way of industrial research and development for the company, the Committee may recommend to the Board that the employee be approved as an approved employee of the company for the purpose of the definition of “professional or technical research and development work” in sub-section 4 (1), and the Board may then approve the employee as such an approved employee.

Approved employees.

(2) If the Advisory Committee recommends to the Board that the approval of an employee of a company as an approved employee of the company for the purpose of the definition of “professional or technical research and development work” in sub-section 4 (1) be revoked, the Board may revoke the approval of the employee as such an approved employee.

(3) A revocation of an approval of an employee of a company does not apply in relation to a grant year before the grant year next commencing after the revocation of the approval.

(4) An approval of an employee of a company (not being a research organization) given under sub-section 6A (1) of the previous Act before the commencement of this Act, being an approval which has not been revoked under sub-section 6A (2) of that Act before the commencement of this Act, shall, on the commencement of this Act, be deemed, for the purposes of this Act, to be an approval given by the Board under sub-section (1) of this section.

PART II—ADMINISTRATION

8. There is established by this Act a Board by the name of the Australian Industrial Research and Development Incentives Board.

Establishment of Board.

9. (1) The Board shall consist of—

Membership of Board.

(a) a Chairman; and

(b) such number of other members, not being less than 2 nor more than 4, as is from time to time determined by the Governor-General by notice published in the *Gazette*.

(2) The Chairman and other members shall be appointed by the Governor-General.

(3) The Chairman shall be appointed as a full-time member and the other members shall be appointed as part-time members.

(4) In making appointments of persons as members of the Board, the Governor-General shall ensure that, so far as is practicable, a person is not appointed unless he is qualified for appointment by virtue of his knowledge of, or experience in, industry (including mining) or commerce, or research in a field of science or technology.

(5) A member shall be appointed for such period, not exceeding 5 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(6) A member shall hold 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.

(7) A person who has attained the age of 65 years shall not be appointed or re-appointed as Chairman, and a person shall not be appointed or re-appointed as Chairman for a period that extends beyond the date on which he will attain the age of 65 years.

(8) The performance of the functions, or the exercise of the powers, of the Board is not affected by reason of there being a vacancy or vacancies in the membership of the Board.

(9) The appointment of a member is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his appointment.

Chairman.

10. (1) The Chairman shall not engage in paid employment outside the duties of his office except with the approval of the Minister.

(2) It is the duty of the Chairman, or an acting Chairman, to ensure the efficient and orderly conduct of the business of the Board, and for that purpose the Chairman or an acting Chairman—

- (a) shall make, or cause to be made, such inquiries into applications under Part III or into any other matter relevant to the operation of this Act as he thinks necessary;
- (b) may make, or cause to be made, to the Board such reports in relation to applications under Part III as he thinks fit; and
- (c) may determine the form of the records to be kept by the Board.

Remuneration and allowances.

11. (1) The Chairman and the part-time members of the Board shall be paid such remuneration as is determined by the Remunerations Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, they shall be paid such remuneration as is prescribed.

(2) The Chairman and the part-time members of the Board shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1975.

12. The Minister may grant leave of absence to a member upon such terms and conditions as to remuneration or otherwise as the Minister determines. Leave of absence.

13. A member 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.

14. (1) The Governor-General may terminate the appointment of a member for misbehaviour or physical or mental incapacity. Termination of appointments.

(2) If a member—

(a) 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;

(b) without reasonable excuse, fails to comply with his obligations under sub-section (4);

(c) being the Chairman—

(i) except with the approval of the Minister, continues for more than 14 days after the date of his appointment to be a director of a company or becomes, after his appointment, a director of a company;

(ii) except with the approval of the Minister, engages in paid employment outside the duties of his office; or

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

(d) being a part-time member—is absent, except on leave of absence granted by the Minister, from 3 consecutive meetings of the Board,

the Governor-General shall, by notice published in the *Gazette*, declare that the office of the member is vacant, and thereupon the office shall be deemed to be vacant.

(3) The Minister shall not give an approval for the purposes of subparagraph (2) (c) (i) or (ii) unless he is satisfied that the holding of the directorship or the engaging in the employment, as the case may be, will not interfere with the proper performance of the duties of the Chairman under this Act.

(4) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board, otherwise than as a member of, and in common with other members of, an incorporated company which consists of more than 25 persons and of

which he is not a director, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(5) A disclosure by a member under sub-section (4) shall be recorded in the minutes of the meeting of the Board and the member shall not be present during any deliberation of the Board in respect of the matter.

(6) A reference in sub-section (4) or (5) to a member shall be read as including a reference to an acting member.

Acting
appoint-
ments.

15. (1) Where there is a vacancy in the office of the Chairman, or the Chairman is, or is expected to be, absent from duty or from Australia, the Minister may appoint a part-time member or another person to be acting Chairman of the Board until the filling of the vacancy or during the absence, as the case may be.

(2) Where there is a vacancy in the office of a part-time member, or a part-time member is, or is expected to be, unable (whether on account of illness or otherwise) to attend meetings of the Board, the Minister may appoint a person to be an acting member of the Board, in the place of the member, until the filling of the vacancy or during the inability, as the case may be.

(3) For the purposes of sub-section (2), there shall be deemed to be a vacancy in the office of a part-time member at any time when that member is acting Chairman.

(4) An acting Chairman, or an acting part-time member, appointed as such by reason of the office of the Chairman or of a part-time member being vacant shall not continue in office as acting Chairman or as an acting part-time member after the expiration of 12 months after the occurrence of the vacancy.

(5) The Minister 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.

(6) An acting Chairman, or acting part-time member, may resign his office by writing signed by him and delivered to the Minister, but the resignation does not have effect until it is accepted by the Minister.

(7) The validity of an act or thing done by, or a decision of, the Board shall not be called in question in any proceedings on a ground arising from the fact that the occasion for the appointment of a person purporting to be appointed under this section had not arisen or that an appointment under this section had ceased to have effect.

(8) The appointment of a person under this section is not invalidated, and shall not be called in question, by reason of a deficiency or irregularity in, or in connexion with, his appointment.

16. (1) The Board shall hold such meetings as are necessary for the performance of its functions (including its functions under the previous Act). Meetings of Board.

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

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

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

(5) At a meeting of the Board, 3 members constitute a quorum.

(6) Questions arising at a meeting of the Board shall be determined by a majority of the members present and voting and—

- (a) if the Chairman is present—he has a deliberative vote and, in the case of an equality of votes, he has a casting vote; or
- (b) if the Chairman is not present and a question arising at the meeting cannot be determined by a majority of the votes of the members present and voting—the question shall be deferred to a meeting at which the Chairman is present.

(7) In this section—

- (a) a reference to the Chairman shall, if there is an acting Chairman, be read as a reference to the acting Chairman; and
- (b) a reference to a member shall be read as including a reference to an acting member.

17. (1) The Board may, by resolution, either generally or as otherwise provided by the resolution, delegate to the Chairman, or to a member of the staff assisting the Board, any of its powers under this Act or under the previous Act, other than this power of delegation. Delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act or the previous Act, as the case may be, be deemed to have been exercised by the Board.

(3) A delegation of a power under this section—

- (a) may be revoked by resolution of the Board (whether or not constituted by the persons constituting the Board at the time the power was delegated);
- (b) does not prevent the exercise of the power by the Board; and
- (c) continues in force notwithstanding a change in the membership of the Board.

(4) Section 34A of the *Acts Interpretation Act* 1901-1973 applies in relation to a delegation under this section as if the Board were a person.

(5) A certificate signed by the Chairman stating any matter with respect to a delegation of a power under this section is *prima facie* evidence of that matter.

(6) A document purporting to be a certificate mentioned in sub-section (5) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

(7) In this section, a reference to the Chairman shall, if there is an acting Chairman, be read as a reference to the acting Chairman.

Officers' Rights Declaration Act.

18. Where a person appointed as Chairman was, immediately before his appointment, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act* 1928-1975 applied—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) that Act applies as if this Act and this section had been specified in the Schedule to that Act.

Policies and practices of Board.

19. (1) The Minister may, from time to time, by notice in writing delivered to the Chairman or acting Chairman and expressed to be given under this section, give directions to the Board with respect to the policies and practices to be followed by the Board in the performance of its functions, and the exercise of its powers, under this Act (including, without limiting the generality of the foregoing, the policies and practices to be followed by the Board with respect to the entering into by the Board of agreements under section 30 and the provisions to be included in such agreements), and the Board shall comply with any such direction that is in force.

(2) The Minister shall forthwith cause to be published in the *Gazette* particulars of any direction given under sub-section (1) and of any revocation of any such direction.

(3) A direction of the Minister under this section shall not operate so as to affect prejudicially an application for a commencement grant in respect of a grant year that commenced before the date of publication in the *Gazette* of particulars of the direction.

(4) Nothing in this section authorizes the Minister to give a direction to the Board in relation to a particular company.

(5) A decision of the Board is not invalidated, and shall not be called in question, on the ground that the Board has limited the exercise of its discretion in a particular case by reference to any general policy or practice adopted or announced by the Board.

20. The staff necessary to assist the Board shall be persons appointed Staff.
or employed under the *Public Service Act* 1922-1975.

21. (1) There is established by this Act a committee by the name of Advisory
the Australian Industrial Research and Development Incentives Advis- Committee.
ory Committee.

(2) The Advisory Committee shall consist of not more than 8 mem-
bers who shall be appointed by the Minister and shall hold office during
the pleasure of the Minister.

(3) A member of the Advisory Committee may resign his office by
writing signed by him and delivered to the Minister, but the resignation
does not have effect until it is accepted by the Minister.

(4) The Board may, if it thinks fit, and shall, if required by the Min-
ister, refer to the Advisory Committee for advice a matter relating to an
application by a company under Part III or otherwise relating to the op-
eration of this Act.

(5) The Board may refer to the Advisory Committee, for report to
the Board, the question whether a specified employee of an eligible com-
pany should be approved under section 7, and the Board shall do so
upon receipt of a request in writing from the company.

(6) A member of the Advisory Committee shall be paid such re-
muneration 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.

(7) A member of the Advisory Committee shall be paid such allow-
ances as are prescribed.

(8) Sub-sections (6) and (7) have effect subject to the *Remuneration
Tribunals Act* 1973-1975.

22. (1) This section applies to every person who is or has been a Secrecy.
member or acting member of the Board, a member of the Advisory
Committee or a member of the staff assisting the Board.

(2) Subject to this section, a person to whom this section applies
shall not, either directly or indirectly, except for the purposes of this Act
or of the previous Act—

- (a) make a record of, or divulge or communicate to any person, any
information concerning industrial research and development
undertaken by or for a company or otherwise concerning the
affairs of a company acquired by him by reason of his office
under this Act or by reason of his being a member of the staff as-
sisting the Board; or

- (b) produce to any person an application or other document furnished by a company for the purpose of obtaining a grant, whether under this Act or under the previous Act.

Penalty: \$2,000 or imprisonment for 6 months.

(3) Sub-section (2) does not apply to the disclosure of information, or the production of a document, to the Minister, or to the Secretary to the Department that deals with matters arising under this Act or an officer of that Department designated by the Secretary to that Department.

(4) Sub-section (2) does not prevent the Board from making public at any time—

- (a) the names of companies to which the Board has authorized the payment of commencement grants and the respective amounts of those grants;
- (b) the names of companies with which the Board has entered agreements under Division 2 of Part III and the respective amounts of the project grants provided for under those agreements; and
- (c) the names of companies to which the Board has authorized the payment of grants under the previous Act and the respective amounts of those grants.

(5) A person to whom this section applies shall not be required to divulge or communicate to a court information of a kind referred to in paragraph (2) (a), or to produce in a court an application or other document of a kind referred to in paragraph (2) (b), except when it is necessary to do so for the purposes of this Act or the previous Act, or for the purposes of a prosecution under or arising out of this Act or the previous Act.

(6) Where, for the purposes of this Act, a person to whom this section applies divulges or communicates to another person information of a kind referred to in paragraph (2) (a), or produces to another person an application or other document of a kind referred to in paragraph (2) (b), that other person, if he is not a person to whom this section applies, shall be deemed, in relation to that information or document, to be such a person.

(7) In this section—

“court” includes any tribunal, authority or person having power to require the production of documents or the answering of questions;

“produce” includes permit access to, and “production” has a corresponding meaning.

PART III—GRANTS

Division 1—Commencement Grants

23. (1) Grants of financial assistance to eligible companies in respect of expenditure on industrial research and development shall be made as authorized by the Board in accordance with sub-section (2). Commencement grants.

(2) Where—

- (a) an eligible company applies for a grant under this Division in respect of eligible expenditure of the company in respect of a grant year;
- (b) the Board is satisfied that the company is carrying on, or will carry on in that grant year or within a reasonable period after the end of that grant year, the manufacture of goods or mining operations in Australia; and
- (c) the Board is satisfied as to all other matters relevant to the eligibility of the company for the grant,

the Board shall, subject to this Act and to any relevant directions of the Minister under section 19, authorize payment to the company of a grant of financial assistance of an amount equal to—

- (d) in the case of the grant year commencing on 1 July 1976—whichever is the lesser of an amount equal to 25 per centum of the eligible expenditure of the company in respect of the grant year or \$15,000; or
- (e) in the case of any other grant year—whichever is the lesser of the following amounts:—
 - (i) an amount equal to such percentage of the eligible expenditure of the company in respect of the grant year as is prescribed in relation to that grant year, being a percentage that does not exceed 50 per centum;
 - (ii) such amount as is prescribed in relation to that grant year, being an amount that does not exceed \$25,000.

(3) Regulations made for the purposes of sub-paragraph (2) (e) (i) or (ii) in relation to a grant year shall not be made after the expiration of 3 months after the commencement of that grant year.

24. (1) In this section, “previous grant”, in relation to a company in respect of a grant year, means— Aggregate of grants to a company not to exceed \$125,000.

- (a) a grant of financial assistance to which the company has become, or, in the opinion of the Board, will become, entitled under the previous Act; or
- (b) a commencement grant to which the company has become, or, in the opinion of the Board, will become, entitled under this Act in respect of a grant year earlier than that first-mentioned grant year.

(2) Where—

- (a) an eligible company applies for a commencement grant in respect of a grant year; and
- (b) the aggregate of previous grants to the eligible company and companies that, by virtue of section 5, are deemed to be related to that company at any time during that grant year is not less than \$125,000,

the eligible company is not entitled to a commencement grant in respect of that grant year.

(3) Where—

- (a) an eligible company applies for a commencement grant in respect of a grant year;
- (b) the aggregate of previous grants to the company and companies that, by virtue of section 5, are deemed to be related to that company at any time during that grant year is less than \$125,000; and
- (c) the sum of the aggregate of those previous grants and of any commencement grants to which the eligible company and those related companies would, but for this sub-section, be entitled in respect of that grant year is an amount that exceeds \$125,000,

then—

- (d) if there are no companies that, by virtue of section 5, are deemed to be related to the eligible company at any time during that grant year—the commencement grant to which the eligible company would, but for this sub-section, be entitled in respect of that grant year shall be reduced by the amount of the excess; and
- (e) if there are companies that, by virtue of section 5, are deemed to be related to the eligible company at any time during that grant year and which, but for this sub-section, would be entitled to commencement grants in respect of that grant year—the commencement grant to which the eligible company and each of those related companies would, but for this sub-section, be entitled in respect of that grant year shall be reduced by such respective amounts as the Board determines, being amounts the sum of which is equal to that excess.

Limitation of number of years in respect of which grants payable to a company.

25. (1) In this section, “grant year” means a year that is a grant year for the purposes of the previous Act or a grant year for the purposes of this Act, as the case requires.

(2) Where—

- (a) an eligible company applies for a commencement grant in respect of a grant year and, if that grant year is a year other than

the year commencing on 1 July 1976, the company has not applied for a commencement grant in respect of a previous grant year; and

- (b) the eligible company, or a company that, by virtue of section 5, is deemed to be related to the eligible company at any time during that first-mentioned grant year, has become or, in the opinion of the Board, will become, entitled to a grant of financial assistance under the previous Act in respect of each of 5 or more grant years,

the eligible company is not entitled to a commencement grant in respect of that first-mentioned grant year or any subsequent grant year.

(3) Where—

- (a) an eligible company applies for a commencement grant in respect of a grant year and, if that grant year is a year other than the year commencing on 1 July 1976, the company has not applied for a commencement grant in respect of a previous grant year; and
- (b) the eligible company, or a company that, by virtue of section 5, is deemed to be related to the eligible company at any time during that first-mentioned grant year, has become or, in the opinion of the Board, will become entitled to a grant of financial assistance under the previous Act in respect of 1 grant year, or in respect of each of 2, 3 or 4 grant years (in this sub-section referred to as the “previous grant year” or “previous grant years”, as the case may be),

the eligible company is not entitled to a commencement grant in respect of any grant year subsequent to—

- (c) where there is 1 previous grant year—the 3 grant years immediately following the first-mentioned grant year;
- (d) where the number of previous grant years is 2—the 2 grant years immediately following the first-mentioned grant year;
- (e) where the number of previous grant years is 3—the grant year immediately following the first-mentioned grant year; and
- (f) where the number of previous grant years is 4—the first-mentioned grant year.

26. (1) In this section, “relevant expenditure”, in relation to a company, means—

- (a) expenditure that is salary expenditure, contract expenditure (other than expenditure of the kind referred to in paragraph (a) of the definition of “contract expenditure” in sub-section 5 (1) of the previous Act), net plant expenditure or net prescribed expenditure of the company for the purposes of the previous Act in respect of a year that is a grant year for the purposes of the previous Act; and

Grants not payable to a company where aggregate research and development expenditure in preceding 8 years exceeds \$250,000.

- (b) expenditure that is eligible expenditure of the company for the purposes of this Act in respect of a year that is a grant year for the purposes of this Act.

(2) Where—

- (a) an eligible company applies for a commencement grant in respect of a grant year and, if that grant year is a year other than the year commencing on 1 July 1976, the company has not applied for a commencement grant in respect of a previous grant year; and
- (b) the aggregate of the relevant expenditure of the eligible company, and of companies that, by virtue of section 5, are deemed to be related, at any time during the first-mentioned grant year, to that company, in respect of all or any of the years included in the period of 8 years immediately preceding the commencement of the first-mentioned grant year exceeds \$250,000,

the eligible company is not entitled to a commencement grant in respect of that first-mentioned grant year or any subsequent grant year.

Company to undertake to exploit results of research and development.

27. A company is not eligible for a commencement grant in respect of a grant year unless the company has given an undertaking in writing to the Board that the company will exploit, on normal commercial terms, and otherwise in a manner that will be for the benefit of the Australian economy, the results of the industrial research and development in relation to which the eligible expenditure of the company in respect of that grant year was incurred.

Adjustment of grant by reason of Commonwealth financial assistance.

28. Where an eligible company has received (otherwise than under this Division) financial assistance from the Commonwealth, or out of moneys provided by the Commonwealth, and it appears to the Board that that financial assistance has aided the company to perform industrial research and development in a grant year, the Board may reduce the amount of any commencement grant to the company in respect of that grant year to such extent as it thinks appropriate by reason of that financial assistance.

Abuse of Act.

29. Where the Board is of the opinion that—

- (a) an act or thing (including the making of an agreement, arrangement or payment, the incorporation of a company or the allocation of expenditure as between different years) has been done with a view to the obtaining of, or to affecting the amount of, a commencement grant; and
- (b) the act or thing is of such a nature that, having regard to the object of this Act, it constitutes an attempt to abuse this Act,

the Board may, for the purposes of this Division, disregard any expenditure in or in relation to the doing of that act or thing or make such adjustment to the amount of the eligible expenditure of the company as it thinks necessary to prevent the abuse.

*Division 2—Project Grants***30. Where—**

- (a) a project for industrial research and development is being carried out, or is proposed to be carried out, by an eligible company, other than a project that is to be commenced after 1 July 1981; and
- (b) the company applies to the Board for a grant under this Division in respect of the project,

Agreements
with respect
to projects.

the Board may, subject to this Act and to any relevant directions of the Minister under section 19, enter into an agreement, on behalf of the Commonwealth, with the company for and in relation to the making of a grant of financial assistance under this Division to the company in respect of proposed expenditure by the company in respect of the project.

31. (1) The Minister shall, as soon as practicable after 1 July 1976, by notice in writing to the Chairman, specify the amount of moneys allocated for grants under this Division in respect of the grant year commencing on that date.

Total
amount
allocated for
expenditure
under this
Division in
respect of a
year.

(2) The Minister may, during the grant year commencing on 1 July 1976 or during any subsequent grant year, by notice in writing to the Chairman, specify an amount of moneys as an additional amount allocated for grants under this Division in respect of the year in which the notice is given.

(3) For the purposes of sub-section (4)—

- (a) the total amount allocated for grants under this Division in respect of the year commencing on 1 July 1976 is the amount specified by the Minister in the notice under sub-section (1) together with any amount specified by the Minister in a notice under sub-section (2) as an additional amount allocated for grants under this Division in respect of that year; and
- (b) the total amount allocated for grants under this Division in respect of a year (in this paragraph referred to as the “relevant year”), whether a grant year or not, subsequent to the year commencing on 1 July 1976 is an amount equal to 80 per centum of the amount that, for the purposes of sub-section (4), is the total amount allocated for grants under this Division in respect of the year immediately preceding the relevant year together with, if the relevant year is a grant year, any amount specified by the Minister in a notice under sub-section (2) as an additional amount allocated for grants under this Division in respect of the relevant year.

(4) In entering into agreements under section 30, the Board shall ensure that—

- (a) no project grant is payable before 1 July 1977;

- (b) project grants payable during the year commencing on 1 July 1977 do not exceed, in the aggregate, the sum of the total amount allocated for grants under this Division in respect of the year commencing on 1 July 1976 and the total amount allocated for grants under this Division in respect of the year commencing on 1 July 1977; and
- (c) project grants payable during any subsequent year do not exceed, in the aggregate, the total amount allocated for grants under this Division in respect of that subsequent year.

Restrictions
applicable to
project grant
agreements.

32. (1) There shall be specified in a project grant agreement—

- (a) the year or years in which any project grant is, or project grants are, to be payable under the agreement; and
- (b) the amount of the project grant, or the aggregate of the amounts of the project grants, payable under the agreement in that year or in each of those years.

(2) Where a project grant agreement provides for the payment of project grants in each of 2 or more years, the number of those years shall not exceed 5 or such greater number as the Minister approves in relation to that agreement.

(3) A project grant agreement shall not provide for the payment of a project grant in respect of expenditure in a year subsequent to the year commencing on 1 July 1983.

(4) The provisions of a project grant agreement shall be such that, unless the Minister otherwise approves in relation to the agreement—

- (a) the amount of the project grant, or the aggregate of the project grants, payable under the agreement shall not exceed an amount equal to 25 per centum of the total amount that, in the opinion of the Board, will be the expenditure by the company in respect of the project to which the agreement relates after the agreement is entered into; and
- (b) where the agreement provides for the payment of project grants in 2 or more years—
 - (i) the amount of the project grant, or of the aggregate of the project grants, payable in the first of those years shall not exceed an amount equal to 50 per centum of the amount that, in the opinion of the Board, will be the expenditure in respect of which that grant is, or those grants are, payable;
 - (ii) the amount of the project grant, or of the aggregate of the project grants, payable in a year that is the second, third or fourth of those years is less than an amount equal to such percentage of the amount that, in the opinion of the Board, will be the expenditure in respect of which

that grant is, or those grants are, payable as is the maximum percentage applicable to that year in accordance with sub-section (5);

- (iii) the amount of the project grant, or of the aggregate of the project grants, payable in the fifth of those years is less than an amount equal to such percentage of the amount that, in the opinion of the Board, will be the expenditure in respect of which that grant is, or those grants are, payable as is the lesser of 10 per centum or the maximum percentage applicable to that year in accordance with sub-section (5); and
- (iv) the amount of the project grant, or of the aggregate of the project grants, payable in any year subsequent to the fifth of those years is less than an amount equal to such a percentage of the amount that, in the opinion of the Board, will be the expenditure in respect of which that grant is, or those grants are, payable as is the maximum percentage applicable to that subsequent year in accordance with sub-section (5).

(5) For the purposes of paragraph (4) (b), the maximum percentage that is applicable to a year in which a project grant is, or project grants are, payable under a project grant agreement is such percentage as is ascertained by expressing the amount of the project grant, or of the aggregate of the project grants, payable under the agreement in the year (in this sub-section referred to as the “preceding year”) in which, under the agreement, a project grant is, or project grants are, payable and which is the last such year preceding the first-mentioned year as a percentage of the amount that, in the opinion of the Board, will be the expenditure in respect of which the last-mentioned grant is, or grants are, payable in the preceding year.

(6) In entering into a project grant agreement, the Board shall ensure that the sum of the project grants payable in a year to a company, or to 2 or more companies that are, by virtue of section 5, deemed to be related to each other at any time during that year, does not exceed \$250,000 or such greater amount as the Minister approves in relation to that company, or those companies, in respect of that year.

(7) Without prejudice to the duty of the Board to comply with the provisions of this Act and to observe the limits of its powers under this Act, a project grant agreement is not invalidated by reason of a provision of this Act not having been complied with by the Board in relation to the agreement or by reason of its not being within those limits.

(8) In this section, “project grant agreement” means an agreement entered into by the Board with a company under section 30.

Repayment
of grant on
breach of
agreement.

33. Nothing in this Division shall be taken as preventing the inclusion in an agreement with a company under section 30 of provision for the repayment by the company to the Commonwealth, on breach by the company of the agreement or in any other circumstances specified in the agreement, of the whole or a part of a grant made to the company under the agreement.

Division 3—Miscellaneous

Applications.

34. (1) The Board shall not authorize a grant to a company under Division 1, or enter into an agreement with a company under Division 2, unless the company desiring to obtain a grant has made application in writing to the Board.

(2) Subject to the regulations, an application shall be in accordance with a form approved by the Board.

(3) An application shall be deemed not to have been made until it has been received by the Board or has been received on behalf of the Board by a member of the staff assisting the Board or by a person appointed by the Board to receive applications.

(4) The Board may refuse to consider an application unless the applicant furnishes such further information, or makes available to the Board such books or records, as the Board specifies, being information, books or records that the Board requires for the performance of its functions under this Act, including the preparation of a report of the Board under section 40.

Advances in
respect of
grants.

35. (1) The Board may, in its discretion, authorize the payment to a company of an advance in respect of a grant that may become payable to the company.

(2) Where an advance has been made to a company in pursuance of sub-section (1) in respect of a grant, the company is liable, if the grant does not become payable or the amount of the grant is less than the advance, to repay to the Commonwealth, upon demand being made by the Treasurer, the amount of the advance or so much of the advance as exceeds the amount of the grant, as the case may be.

(3) An amount repayable under sub-section (2) is recoverable by the Commonwealth from the company in a court of competent jurisdiction as a debt due to the Commonwealth.

PART IV—MISCELLANEOUS

Moneys to
be
appropriated.

36. Payments of grants, and of advances in respect of grants, shall be made out of moneys appropriated by the Parliament for the purposes of this Act.

37. (1) A person shall not, in or in connexion with an application for a grant, knowingly make to the Board, or to a person having duties or functions under this Act, a statement, whether oral or in writing, or present to the Board or to such a person a book, record or document, that is false or misleading. Offences.

Penalty: \$2,000 or imprisonment for 6 months.

(2) For the purposes of the application of sub-section (1) in relation to a company, but without prejudice to the liability of any person other than the company—

- (a)** a statement made, or a book or document presented, by a person acting on behalf of the company shall be deemed to be made or presented by the company; and
- (b)** the knowledge of any person employed by, or concerned in the management of, the company shall be deemed to be knowledge of the company.

(3) An offence against this section shall not be prosecuted without the written consent of the Minister or a person authorized in writing by the Minister to consent to prosecutions for such offences.

38. (1) Where an amount of grant to a company has been paid in consequence of the making of a statement, or the presentation of a book, record or document, by or on behalf of the company that was, whether or not to the knowledge of the company or the person making the statement or presenting the book, record or document, false or misleading, an amount equal to the amount so paid is recoverable by the Commonwealth from the company in a court of competent jurisdiction as a debt due to the Commonwealth. Recovery of over-payments to a person.

(2) For the purposes of sub-section (1), a certificate under the hand of the Chairman or acting Chairman that an amount of grant has been paid in consequence of the making of a statement, or the presentation of a book, record or document, is *prima facie* evidence of the matters stated in the certificate.

39. (1) Where the Minister is satisfied that it is in the public interest that the Commonwealth should undertake a project of industrial research in a field of science or technology, he may authorize the Board to make arrangements, on behalf of the Commonwealth, for the carrying out of that project. Arrangements by Board for carrying out industrial research on behalf of Commonwealth.

(2) Any arrangements made by the Board by virtue of sub-section (1) shall be made in accordance with the directions of the Minister.

40. (1) The Board shall, as soon as practicable after each 30 June, furnish to the Minister a report on the operation of this Act, with particular reference to its operation during the year that ended on that date. Annual report.

(2) Reports under this section—

(a) may include information or comments concerning the effect of this Act;

(b) shall include statements of—

(i) the names of companies to which the Board has authorized the payment of commencement grants during the relevant year and the respective amounts of those commencement grants; and

(ii) the names of the companies with which the Board has entered into agreements under Division 2 of Part III during the relevant year and the respective amounts of the project grants provided for under those agreements; and

(c) shall include such information concerning the classes of manufacturing or mining in relation to which the Board has authorized the payment of commencement grants during the relevant year, and in relation to which the Board has entered into agreements under Division 2 of Part III during the relevant year, as the Board is satisfied can be included in those reports without disclosing matters relating to the operations or affairs of particular companies the disclosure of which would be likely to prejudice the business interests of those companies.

(3) The Minister shall cause a copy of each report under this section to be laid before each House of the Parliament within 15 sitting days of that House after receipt of the report by the Minister.

Review of
certain
decisions of
Board.

41. (1) In this section—

“decision” has the same meaning as in the *Administrative Appeals Tribunal Act 1975*;

“decision of the Board” means a decision of the Board under this Act in connexion with an application for a commencement grant.

(2) A company which is affected by a decision of the Board and which is dissatisfied with the decision may, by notice in writing given to the Board within a period of 30 days after the date on which the decision first comes to the notice of the company, or within such further period as the Board allows, request the Board to reconsider the decision.

(3) There shall be set out in the request the ground on which the request is made.

(4) Upon receipt of the request, the Board shall reconsider the decision and may either confirm the decision or vary the decision in such manner as it thinks fit.

(5) The Board shall, by notice in writing to the company which made the request, inform the company of the result of its reconsideration of the decision.

(6) Applications may be made to the Administrative Appeals Tribunal for review of decisions of the Board that have been confirmed or varied under sub-section (4).

42. 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, and, in particular— Regulations.

- (a) for prescribing matters relating to the making of applications for grants; and
- (b) requiring an application for a grant, or a document, book or record furnished for the purposes of this Act, to be verified by statutory declaration.

PART V—AMENDMENTS OF INDUSTRIAL RESEARCH AND DEVELOPMENT GRANTS ACT 1967-1973

43. (1) The *Industrial Research and Development Grants Act* 1967-1973² is in this Part referred to as the Principal Act. Citation.

(2) The Principal Act, as amended by this Part, may be cited as the *Industrial Research and Development Grants Act 1967-1976*.

44. Section 5 of the Principal Act is amended—

- (a) by inserting before the definition of “Australia” in sub-section (1) the following definition:— Interpretation.

“ ‘acting Chairman of the new Board’ means an acting Chairman of the new Board appointed under section 15 of the *Industrial Research and Development Incentives Act 1976*; ”;

- (b) by omitting from paragraph (b) of the definition of “eligible company” in sub-section (1) the word “grant” (second occurring);
- (c) by omitting from the definition of “grant year” in sub-section (1) the word “nine” and substituting the figure “8”;
- (d) by omitting from sub-section (1) the definition of “member”;
- (e) by omitting from the definition of “the Board” in sub-section (1) the words “established by this Act” and substituting the words “established by the *Industrial Research and Development Grants Act 1967*”;
- (f) by omitting from sub-section (1) the definition of “the Chairman” and substituting the following definitions:—

“ ‘the new Advisory Committee’ means the Australian Industrial Research and Development Incentives Advisory Committee established by the *Industrial Research and Development Incentives Act 1976*;

‘the new Board’ means the Australian Industrial Research and Development Incentives Board established by the *Industrial Research and Development Incentives Act* 1976;”; and

(g) by inserting after sub-section (1) the following sub-section:—

“(1A) On and after 1 July 1976 any reference in this Act to the Board or the Chairman shall, unless the context otherwise requires, be read as including a reference to the new Board or the Chairman of the new Board (including an acting Chairman of the new Board), respectively.”.

Approved employees.

45. Section 6A of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(5) On and after 1 July 1976 any reference in this section to the Australian Industrial Research and Development Grants Advisory Committee shall be read as including a reference to the new Advisory Committee.”.

Repeal of sections 7 to 14 (inclusive).

46. Sections 7 to 14 (inclusive) of the Principal Act are repealed.

Repeal of section 16.

47. Section 16 of the Principal Act is repealed.

Duties of Chairman.

48. Section 17 of the Principal Act is amended—

- (a) by inserting after the word “Board” (first occurring) the words “under this Act”;
- (b) by inserting after paragraph (a) the word “and”;
- (c) by omitting from paragraph (b) the word “and”; and
- (d) by omitting paragraph (c).

Repeal of sections 18 and 19.

49. Sections 18 and 19 of the Principal Act are repealed.

Policies and practices of Board.

50. (1) Section 20 of the Principal Act is amended by inserting in sub-section (1), after the words “to be followed by the Board”, the words “in the performance of its functions, and the exercise of its powers, under this Act”.

(2) Directions in force under section 20 of the Principal Act immediately before the commencement of this Act shall, upon the commencement of this Act, have effect as if they were directions given under the Principal Act as amended by sub-section (1).

Advisory Committee.

51. Section 21 of the Principal Act is amended—

- (a) by omitting sub-sections (1) and (2);
- (b) by inserting in sub-sections (3) and (3A), before the word “Committee”, the words “new Advisory”; and

(c) by omitting sub-section (4).

52. Section 22 of the Principal Act is repealed.

Repeal of
section 22.

53. Section 23 of the Principal Act is amended—

Secrecy.

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

“(1) This section applies to every person who has been a member of the Australian Industrial Research and Development Grants Board established by the *Industrial Research and Development Grants Act* 1967 (including the Chairman and an acting member of that Board) or a member of the Australian Industrial Research and Development Grants Advisory Committee established by that Act.”;

(b) by omitting from sub-section (3) the words “Department of Trade and Industry” and substituting the words “Department that deals with matters arising under this Act”; and

(c) by omitting sub-section (3A).

54. Section 38 of the Principal Act is amended by inserting after sub-section (2) the following sub-section:—

“(2A) The person who, immediately before 1 July 1976, was the Chairman of the Board shall on, or as soon as practicable after, that date, furnish to the new Board such information as is necessary to enable the new Board to comply with this section.”.

NOTES

1. Act No. 85, 1976; assented to 15 June 1976.

2. Act No. 51, 1967, as amended by No. 59, 1972; No. 201, 1973; and No. 216, 1973 (as amended by No. 20, 1974).