Science and Industry Research Act 1949

Act No. 13 of 1949 as amended

This compilation was prepared on 28 March 2012
taking into account amendments up to Act No. 89 of 2011

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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### Notes
An Act relating to the Commonwealth Scientific and Industrial Research Organisation

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the Science and Industry Research Act 1949.

2 Commencement [see Note 1]

This Act shall come into operation on a date to be fixed by Proclamation.

7 Interpretation

In this Act, unless the contrary intention appears:

advisory committee means an advisory committee established under subsection 24(1).

annual operational plan means an annual operational plan formulated under subsection 35(1).

appoint includes re-appoint.

Board means the Board of the Organisation.

Chairperson means the Chairperson of the Board.

Chief Executive means the Chief Executive of the Organisation.

Deputy Chairperson means the Deputy Chairperson of the Board.

Finance Minister means the Minister administering the Financial Management and Accountability Act 1997.

member means a member of the Board and includes the Chairperson, the Deputy Chairperson and the Chief Executive.

officer means an officer of the Organisation.
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Organisation means the Commonwealth Scientific and Industrial Research Organisation established under this Act.

part-time member means a member of the Board other than the Chief Executive.

science includes technology.

strategic plan means a strategic plan formulated under subsection 34(1).
Part II—The Commonwealth Scientific and Industrial Research Organisation

8 Commonwealth Scientific and Industrial Research Organisation

(1) There shall be a Commonwealth Scientific and Industrial Research Organisation.

(2) The Organisation:
   (a) is a body corporate with perpetual succession; and
   (b) must have a seal; and
   (c) may acquire, hold and dispose of real and personal property; and
   (d) may sue and be sued.

Note: The Commonwealth Authorities and Companies Act 1997 applies to the Organisation. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment and conduct of officers.

(3) All courts, judges and persons acting judicially must:
   (a) take judicial notice of the imprint of the Organisation’s seal appearing on a document; and
   (b) presume that the document was duly sealed.

(4) The seal of the Organisation must be kept in such custody as the Board directs and must not be used except as authorised by the Board.

9 Functions of the Organisation

(1) The functions of the Organisation are:
   (a) to carry out scientific research for any of the following purposes:
      (i) assisting Australian industry;
      (ii) furthering the interests of the Australian community;
      (iii) contributing to the achievement of Australian national objectives or the performance of the national and international responsibilities of the Commonwealth;
      (iv) any other purpose determined by the Minister;
Part II  The Commonwealth Scientific and Industrial Research Organisation

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(b) to encourage or facilitate the application or utilization of the results of such research;

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

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

(c) to act as a means of liaison between Australia and other countries in matters connected with scientific research;

(d) to train, and to assist in the training of, research workers in the field of science and to co-operate with tertiary-education institutions in relation to education in that field;

(e) to establish and award fellowships and studentships for research, and to make grants in aid of research, for a purpose referred to in paragraph (a);

(f) to recognize associations of persons engaged in industry for the purpose of carrying out industrial scientific research and to co-operate with, and make grants to, such associations;

(h) to collect, interpret and disseminate information relating to scientific and technical matters; and

(j) to publish scientific and technical reports, periodicals and papers.

(2) The Organisation shall:

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

(b) treat the other functions referred to in subsection (1) as its secondary functions.

9AA  Powers of the Organisation

(1) The Organisation has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may:

(a) arrange for scientific research or other work to be undertaken, on behalf of the Organisation, by any person or body;

(b) form, or participate in the formation of, a partnership or company;

(c) make available to a person, on such conditions and on payment of such fees or royalties, or otherwise, as the Chief
Executive determines, a discovery, invention or improvement that is the property of the Organisation;  
(d) pay to officers, or to persons undertaking work on behalf of the Organisation, such bonuses as the Chief Executive, with the approval of the Board, determines in respect of discoveries or inventions made by them; and  
(e) charge such fees, and agree to such conditions, as the Chief Executive determines for research and other services carried out, or facilities made available, by the Organisation at the request of any person.

9A Organisation may accept gifts etc. and act as trustee

(1) The Organisation may, in or in connection with the performance of its functions and the exercise of its powers:
(a) accept money or other property given, devised, bequeathed, assigned or otherwise made available to the Organisation (whether on trust or otherwise); and  
(b) agree to any conditions subject to which money or other property is given, devised, bequeathed, assigned or otherwise made available to the Organisation; and  
(c) act as trustee of money or other property vested in the Organisation upon trust.

(2) Notwithstanding anything contained in this Act, where the Organisation has agreed to any conditions subject to which moneys have, or other property has, been given, devised, bequeathed, assigned or otherwise made available to the Organisation or the Organisation holds any moneys or other property upon trust, the moneys or other property shall be dealt with by the Organisation in accordance with those conditions or in accordance with the powers and duties of the Organisation as trustee, as the case may be.

10 Co-operation with other organizations

The Organisation shall, as far as possible, co-operate with other organizations and authorities in the co-ordination of scientific research, with a view to:
(a) the prevention of unnecessary overlapping; and  
(b) the most effective use of available facilities and staffs.
Part IIA—The Chief Executive of the Organisation

10A Chief Executive of the Organisation

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

(2) The affairs of the Organisation shall, subject to subsection (3), be conducted by the Chief Executive.

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

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

10B Appointment of Chief Executive etc.

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

(2) The Board must consult with the Minister before appointing a person as Chief Executive.

(4) The Chief Executive holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Board.

10C Leave of absence

(1) The Chief Executive has such recreation leave entitlements as are determined by the Remuneration Tribunal.

(2) The Board may grant the Chief Executive leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Board determines.

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10D Resignation

The Chief Executive may resign the office of Chief Executive by writing signed by the Chief Executive and delivered to the Board.

10E Termination of appointment

(1) The Board may terminate the appointment of the Chief Executive for misbehaviour or physical or mental incapacity.

(2) If the Chief Executive:
   (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
   (b) fails, without reasonable excuse, to comply with section 10F of this Act or section 27F or 27J of the Commonwealth Authorities and Companies Act 1997;
   (c) is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any period of 12 months;
   (d) is absent, except on leave granted by the Board, from 3 consecutive meetings of the Board; or
   (e) engages in paid employment outside the duties of the office of Chief Executive without the consent of the Board;

the Board may terminate the appointment of the Chief Executive.

(3) The Board may terminate the appointment of the Chief Executive if the Board is satisfied that the performance of the Chief Executive has been unsatisfactory for a significant period.

(4) The Board must consult with the Minister before terminating the appointment of the Chief Executive.

10F Disclosure of interests

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

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10G Acting Chief Executive

The Board may appoint a person to act in the office of Chief Executive:

(a) during a vacancy in that office, whether or not an appointment has previously been made to that office; or
(b) during any period, or during all periods, when the person holding that office is absent from duty or from Australia or is, for any other reason, unable to perform the functions of that office.

Note: For rules that apply to acting appointments, see section 33A of the Acts Interpretation Act 1901.

10H Remuneration of Chief Executive

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

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

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

10J Delegation

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

(2) The Chief Executive shall not delegate a power under subsection (1) except with the approval of the Board.

(3) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act and the regulations, be deemed to have been exercised by the Chief Executive.
(4) A delegate is, in the exercise of a power so delegated, subject to the directions of the Chief Executive.

(5) Where the Chief Executive delegates a power to a committee of persons, the Chief Executive:
   (a) shall appoint one of the members of the committee to be the Chairperson of the committee; and
   (b) may determine the procedure to be followed in relation to meetings of the committee, including matters with respect to:
       (i) the convening of meetings of the committee;
       (ii) the number of members of the committee who are to constitute a quorum;
       (iii) the selection of a member of the committee to preside at meetings of the committee at which the Chairperson of the committee is not present; and
       (iv) the manner in which questions arising at a meeting of the committee are to be decided.

(6) A delegation under this section does not prevent the exercise of a power by the Chief Executive.

(7) In this section, *eligible person* means:
   (a) an officer; or
   (b) a director or employee of a company where:
       (i) the company and the Organisation are partners in a partnership; or
       (ii) the Organisation holds a controlling interest in the company.
Part III—The Board of the Organisation

11 Establishment of Board

There is established a Board of the Organisation.

12 Functions of Board

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

(2) The Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

13 Directions and guidelines given by Minister

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

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

(3) Nothing in section 14 limits the generality of subsection (1) of this section.

14A Constitution of Board

(1) The Board shall consist of:
The Board of the Organisation

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

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

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

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

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

(7) The performance of a function, or the exercise of a power, by the Board is not affected by reason only of:
(a) the number of part-time members falling below 7 for a period of not more than 6 months; or
(b) there being a vacancy in the office of Chairperson, of Deputy Chairperson or of Chief Executive.

Note: For the manner in which the Chairperson and the Deputy Chairperson may be referred to, see section 18B of the Acts Interpretation Act 1901.

15 Meetings

(1) The Board shall hold such meetings as are necessary for the performance of its functions.

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

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Part III The Board of the Organisation

Section 15A

(3) At a meeting, a quorum is constituted:
   (a) where the Board consists of 9 or 10 members—by 5 members; or
   (b) in any other case—by 4 members.

(4) The Chairperson shall preside at all meetings at which he or she is present.

(5) If the Chairperson is not present at a meeting of the Board:
   (a) the Deputy Chairperson must preside at the meeting; or
   (b) if the Deputy Chairperson is not present at the meeting—the members present must elect one of their number to preside at the meeting.

(6) A question arising at a meeting shall be decided by a majority of the votes of members present and voting.

(7) At a meeting, the Chairperson or other member presiding has a deliberative vote and, in the event of votes being equal, also has a casting vote.

15A Chief Executive not to take part in certain deliberations of Board

The Chief Executive:
   (a) must not take part in any deliberation or decision of the Board with respect to him or her; and
   (b) is to be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

16 Terms and conditions of appointment etc. of part-time members

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

(2) A part-time member holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.
17 Remuneration of Chairperson and the Deputy Chairperson

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

(2) The Chairperson and the Deputy Chairperson shall be paid such allowances as are prescribed.

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

19 Remuneration of other part-time members

(1) A part-time member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, the member shall be paid such remuneration as is prescribed.

(2) A part-time member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

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

20 Resignation of part-time members

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

22 Termination of appointment

(1) The Governor-General may terminate the appointment of a part-time member by reason of misbehaviour or physical or mental incapacity.

(2) If a part-time member:
   (a) becomes bankrupt, applies to take the benefit of any law for relief of bankrupt or insolvent debtors, compounds with his
Part III  The Board of the Organisation

Section 22A

or her creditors or makes an assignment of his or her remuneration for their benefit;
(b) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Board; or
(c) fails, without reasonable excuse, to comply with section 27F or 27J of the Commonwealth Authorities and Companies Act 1997;
the Governor-General may terminate the appointment of the member.

22A Delegation by Board

(1) The Board may, by resolution, delegate to an eligible person, or to a committee of eligible persons, all or any of the Board’s powers under this Act or the regulations.

(2) A delegate is, in the exercise of a power so delegated, subject to the directions of the Board.

(3) If the Board delegates a power to a committee of eligible persons, the Board:
   (a) must appoint one of the members of the committee to be the Chairperson of the committee; and
   (b) may determine the procedure to be followed in relation to meetings of the committee, including matters with respect to the following:
      (i) the convening of meetings of the committee;
      (ii) the number of members of the committee who are to constitute a quorum;
      (iii) the selection of a member of the committee to preside at meetings of the committee at which the Chairperson of the committee is not present;
      (iv) the manner in which questions arising at a meeting of the committee are to be decided.

(4) In this section:

eligible person means:
   (a) a member of the Board, other than the Chief Executive; or
   (b) an officer of the Organisation who is concerned in, or takes part in, the management of the Organisation;

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but does not include a person who is a member of the Consultative Council established under section 56.
Part IV — Advisory committees

24 Advisory committees

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

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

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

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

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

(6) Subsections (4) and (5) have effect subject to the Remuneration Tribunal Act 1973.
Part VI—Staff

32 Staff

(1) The Chief Executive may appoint such persons to be officers of the Organisation as the Chief Executive determines are necessary for the purposes of this Act.

(2) The terms and conditions of service (other than in respect of matters provided for by this Act) of officers appointed under this section are such as are determined by the Chief Executive.
Part VII—Strategic plans and annual operational plans

33 Planning periods

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

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

(3) Where:
   
   (a) the Board declares a period (in this subsection referred to as the *first period*) to be a planning period for the purposes of this Part; and
   
   (b) the Board subsequently declares a period (in this subsection referred to as the *second period*) commencing during the first period and ending after the end of the first period to be a planning period for the purposes of this Part;

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

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

34 Strategic plans

(1) The Board shall:

   (a) before the commencement of each planning period, formulate a strategic plan, for the planning period concerned, setting out:
      
      (i) the broad objectives of the Organisation in performing its functions during the planning period; and
      
      (ii) a broad outline of the policies and strategies to be pursued by the Organisation to achieve those objectives; and
   
   (b) from time to time, review and revise the strategic plan.
(2) A strategic plan, or a revision of a strategic plan, shall be submitted to the Minister as soon as practicable after it is formulated and before it comes into effect.

### 35 Annual operational plans

(1) The Chief Executive shall:
   (a) before the commencement of each financial year that is included in a planning period, formulate an annual operational plan, for the financial year concerned, setting out the details of:
      (i) the strategies the Organisation proposes to pursue;
      (ii) the activities the Organisation proposes to carry out; and
      (iii) the resources the Organisation proposes to allocate to each such activity;
   during the financial year in giving effect to the strategic plan that relates, or the intended strategic plan that will relate, to the financial year; and
   (b) from time to time, review and revise the annual operational plan.

(2) An annual operational plan, or a revision of an annual operational plan:
   (a) shall be submitted to the Board as soon as practicable after it is formulated; and
   (b) has no effect until approved by the Board.

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

### 36 Compliance with plans

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

(2) Nothing done by the Organisation is invalid on the ground that the Organisation has failed to comply with subsection (1).
Part VIII—Finance

46 Moneys payable to Organisation

(1) There are payable to the Organisation such moneys as are appropriated by the Parliament for the purposes of this Act.

(2) The Finance Minister may give directions as to the amounts in which, and the times at which, moneys referred to in subsection (1) are to be paid to the Organisation.

48 Application of moneys

(1) The moneys of the Organisation shall be applied only:
   (a) in payment or discharge of the costs, expenses and other obligations of the Organisation; and
   (b) in payment of remuneration and allowances payable to any person under this Act.

(2) Subsection (1) does not prevent investment of surplus money of the Organisation under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

51 Extra matters to be included in annual report

In each report on the Organisation under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must set out:
   (a) a statement of the policies of the Organisation in relation to the carrying out of the scientific research of the Organisation that were current at the beginning of the year; and
   (b) a description of any developments in those policies that occurred during the year; and
   (c) any determinations made by the Minister under subparagraph 9(1)(a)(iv) during the year; and
   (d) any directions or guidelines given by the Minister under subsection 13(1) during the year.
53 Liability to taxation

The Organisation is not subject to taxation under any law of the Commonwealth or of a State or Territory.
Part IX—Miscellaneous

54 Inventions etc. by officers

(1) A discovery, invention or improvement of or in any process, apparatus or machine made by an officer of the Organisation in the course of the officer’s official duties is the property of the Organisation.

(2) An officer of the Organisation shall not, except with the consent in writing of the Chief Executive, make application for a patent for an invention that is made by the officer in the course of the officer’s official duties or that relates to any matter or work connected with the officer’s official duties.

56 Consultative Council

(1) There is established a Consultative Council comprising:
   (a) persons nominated by the Board to represent the management of the Organisation; and
   (b) representatives of organisations of officers.

(2) The functions of the Council are to consider, and to report to the 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.

(3) The regulations shall prescribe 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.

58 Regulations

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.
Notes to the Science and Industry Research Act 1949

Note 1

The Science and Industry Research Act 1949 as shown in this compilation comprises Act No. 13, 1949 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information see Table A.

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**Science and Industry Research Act 1949**

25
Notes to the Science and Industry Research Act 1949

Act Notes

(a) By virtue of subsection 2(7) of the Administrative Changes (Consequential Provisions) Act 1976 the amendment made by that Act to the Science and Industry Research Act 1949 is deemed to have come into operation on 22 December 1975.

(b) The Science and Industry Research Act 1949 was amended by Part LXVI (sections 248–252) only of the Statute Law (Miscellaneous Amendments) Act (No. 2) 1982, subsection 2(16) of which provides as follows:

(16) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

(c) The Science and Industry Research Act 1949 was amended by section 3 only of the Statute Law (Miscellaneous Provisions) Act (No. 1) 1985, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(d) The Science and Industry Research Act 1949 was amended by Schedule 4 (items 131–134) only of the Statute Law Revision Act 1996, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(e) The Science and Industry Research Act 1949 was amended by Schedule 1 (item 24) only of the Industry, Science and Tourism Legislation Amendment Act 1997, subsection 2(3) of which provides as follows:


(f) The Science and Industry Research Act 1949 was amended by Schedule 2 (items 1178–1192) only of the Audit (Transitional and Miscellaneous) Amendment Act 1997, subsection 2(2) of which provides as follows:

(2) Schedules 1, 2 and 4 commence on the same day as the Financial Management and Accountability Act 1997.

(g) The Science and Industry Research Act 1949 was amended by Schedule 1 (item 807) only of the Public Employment (Consequential and Transitional) Amendment Act 1999, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, commencing time means the time when the Public Service Act 1999 commences.

(2) Subject to this section, this Act commences at the commencing time.

(h) The Science and Industry Research Act 1949 was amended by Schedule 10 (items 116 and 117) only of the Corporate Law Economic Reform Program Act 1999, subsection 2(2)(c) of which provides as follows:

(2) The following provisions commence on a day or days to be fixed by Proclamation:

(c) the items in Schedules 10, 11 and 12.

26 Science and Industry Research Act 1949
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### Table A

**Application, saving or transitional provisions**

*Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001*  
(No. 159, 2001)

**Schedule 1**

97 **Application of amendments**  
The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.

---

*Governance Review Implementation (Science Research Agencies) Act 2007*  
(No. 84, 2007)

**Schedule 3**

38 **Application of amendments—Chief Executive**

(1) The amendments and repeals made by this Schedule apply to a person appointed after commencement as Chief Executive.

(2) The instrument of appointment of the current Chief Executive continues in effect after commencement, despite the amendments and repeals made by this Schedule.

(3) Subject to subitem (4), the old Act continues to apply, in relation to the current Chief Executive, as if the amendments and repeals made by this Schedule had not happened.

(4) Subsection 10C(2) of the *Science and Industry Research Act 1949*, as amended by this Schedule, has effect after commencement in relation to the current Chief Executive.

(5) In this item:

*commencement* means the commencement of this item.
Table A

*current Chief Executive* means the person who, immediately before commencement, held the office of Chief Executive of the Organisation under section 10A of the old Act.

*old Act* means the *Science and Industry Research Act 1949*, as in force immediately before commencement.

Acts Interpretation Amendment Act 2011 (No. 46, 2011)

Schedule 3

10 **Saving—appointments**

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

11 **Transitional regulations**

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.

Financial Framework Legislation Amendment Act (No. 1) 2011 (No. 89, 2011)

Schedule 6

5 **Application of amendment made by item 4**

The amendment made by item 4 of this Schedule applies in respect of a report under section 9 of the *Commonwealth Authorities and Companies Act 1997* for a financial year starting on or after 1 July 2011.