



Science and Industry Research Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 18 September 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Arthur Sinodinos AO
Minister for Industry, Innovation and Science

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Part 1—Preliminary

1 Name

This instrument is the *Science and Industry Research Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2017.	1 October 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Science and Industry Research Act 1949*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Board;
- (b) officer;
- (c) Organisation.

In this instrument:

Act means the *Science and Industry Research Act 1949*.

Consultative Council means the Consultative Council established by section 56 of the Act.

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registered organisation means an organisation registered, or an association recognised, under the *Fair Work (Registered Organisations) Act 2009*.

Part 2—Membership of the Consultative Council

6 Purpose of this Part

This Part is made for the purposes of subsection 56(3) of the Act.

7 Membership of Consultative Council

- (1) The Board must appoint:
 - (a) up to 7 persons nominated by the Board to be members of the Consultative Council; and
 - (b) one other person nominated by the Board to be the Chairperson of the Council.

Note: The Consultative Council is comprised of the Board's nominees and representatives of organisations of officers (see subsection 56(1) of the Act).

- (2) The CSIRO Staff Association may appoint up to 5 representatives of its organisation to be members of the Consultative Council.
- (3) The Consultative Council may appoint a person, nominated by a registered organisation (other than the CSIRO Staff Association) whose members include officers, to be a member of the Council.
- (4) The total number of members appointed under subsections (2) and (3) must not exceed 8.
- (5) If at any time there are more than 8 members who were appointed under subsections (2) and (3), the Council must, as soon as practicable, terminate the appointment of however many of the members appointed by it under subsection (3) as is necessary to reduce to 8 the total number of members appointed under subsections (2) and (3).
- (6) For the purposes of making an appointment under subsection (3), the Council is taken to be constituted when the Chairperson and other persons mentioned in subsections (1) and (2) are appointed.

8 Deputy Chairperson

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

9 Acting appointments

Appointments by the Board

- (1) The Board may, by written instrument, appoint a person to act as a member of the Consultative Council:
 - (a) during a vacancy in the office of a member of the Council (other than the Chairperson), whether or not an appointment has previously been made to the office; or

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- (b) during any period, or during all periods, when any such member:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Appointments by organisations of officers

- (2) An organisation of officers specified in an item in the table in subsection 7(2) may, by written instrument, appoint a person to act as a member of the Consultative Council:
 - (a) during a vacancy in the office of a member representing the organisation on the Council, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when any such member:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.

Appointments by the Consultative Council

- (3) The Consultative Council may, by written instrument, appoint a person to act as a member of the Council:
 - (a) during a vacancy in the office of a member of the Council appointed under subsection 7(3), whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when any such member:
 - (i) is absent from duty or from Australia; or
 - (ii) is, for any reason, unable to perform the duties of the office.
- (4) If subsection (3) applies, a person is not eligible for appointment to act as that member unless the person is recommended by the registered organisations who are entitled to make a nomination under subsection 7(3).

Note 1: For rules that apply to acting appointments, see sections 33AB and 33A of the *Acts Interpretation Act 1901*.

Note 2: The performance of the Consultative Council's functions or the exercise of its powers is not affected merely because of a vacancy in its membership (see subsection 33(2B) of the *Acts Interpretation Act 1901*).

Part 3—Functions of the Consultative Council

10 Purpose of this Part

This Part is made for the purposes of subsection 56(3) of the Act.

11 Meetings

- (1) The Consultative Council must hold such meetings as are necessary for the performance of its functions, but must meet at least once in each financial year.
- (2) The Chairperson of the Council may, at any time, convene a meeting of the Council.
- (3) The Chairperson must convene a meeting if:
 - (a) the Council passes a resolution that a meeting be convened; or
 - (b) the Board directs the Chairperson to do so.
- (4) At a meeting of the Council a quorum is constituted by the Chairperson (or in the Chairperson's absence, the Deputy Chairperson) and 9 other members:
 - (a) 4 of whom must be persons appointed under paragraph 7(1)(a) (the Board's nominees); and
 - (b) 5 of whom must be persons appointed under:
 - (i) subsection 7(2) (representatives of the officers' organisation); or
 - (ii) subsection 7(3) (nominee of registered organisations).
- (5) The Chairperson must preside at all meetings of the Council at which the Chairperson is present.
- (6) The Deputy Chairperson must preside at a meeting of the Council if no other person entitled to preside at the meeting is present.
- (7) All questions arising at a meeting of the Council must be decided by a majority of the votes of the members present and voting.
- (8) The Council may regulate the conduct of proceedings at its meetings as it thinks fit.
- (9) The Council may invite a person to attend a meeting of the Council for the purpose of advising or informing the Council on any matter.

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

12 Inquiries

The Consultative Council may, as a whole or by means of sub-committees or individual members of the Council appointed by it for the purpose, conduct such inquiries as appear to the Council to be necessary for the full and proper consideration of any matter before it.

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13 Minority reports

If:

- (a) the voting on a resolution of the Consultative Council is not unanimous;
and
- (b) the resolution is in relation to a report to be made by the Council to the Board;

the report to the Board must be accompanied by a statement in summary form of the views of the members who were present at the meeting but did not vote in favour of the resolution.

Part 4—Savings provision

14 Consultative Council appointments

A person who, just before the commencement of this Part, is a member mentioned in a provision mentioned in column 1 of an item of the following table is treated, from that commencement, as being a member mentioned in the provision mentioned in column 2 of that item.

Consultative Council appointments		
Item	Provision of the Science and Industry Research (Consultative Council) Regulations, as in force just before the commencement of this Part	Provision of the <i>Science and Industry Research Regulations 2017</i>, as in force at the commencement of this Part
1	Paragraph 3(1)(a)	Paragraph 7(1)(b)
2	Paragraph 3(1)(b)	Paragraph 7(1)(a)
3	Paragraph 3(1)(c), (d), (e), (f) or (g)	Subsection 7(2)
4	Paragraph 3(1)(h)	Subsection 7(3)

Schedule 1—Repeals

Science and Industry Research (Consultative Council) Regulations

1 The whole of the regulations

Repeal the regulations.

Science and Industry Research (Gifts, Trusts and Contracts) Regulations 2000

2 The whole of the regulations

Repeal the regulations.