

SCIENTIFIC AND INDUSTRIAL RESEARCH BILL

EXPLANATORY NOTE

THIS Bill consolidates and amends the Scientific and Industrial Research Act 1952.

Clause 1 relates to the Short Title and commencement of the Bill. It is to come into force on 1 April 1974.

Clause 2 defines terms used in the Bill.

Clause 3 provides that there shall be a Department of State to be called the Department of Scientific and Industrial Research.

Clause 4 provides for the appointment under the State Services Act 1962 of the Director-General and other officers of the Department.

Clause 5 sets out in detail the functions of the Department. The existing provisions have been substantially revised so as to indicate all the functions of the Department in their proper perspective.

Clause 6 confers on the Minister the powers necessary for the effective exercise of the functions of the Department.

Clause 7 authorises the Minister to delegate to the Director-General all or any of his powers under the Bill or any other enactment, but not including the Minister's power to delegate.

Clause 8 authorises the Director-General to delegate to such officer or officers or employee or employees of the Department as he thinks fit all or any of the powers exercisable by him under the Bill or any other enactment, including powers delegated to him under the Bill.

Clause 9 provides for the appointment of advisory or technical committees for the purpose of the Bill.

Clause 10 provides that the Minister shall provide for the use throughout New Zealand of uniform units of measurement of physical quantities and for the establishment and maintenance of standards of measurement of physical quantities.

Clause 11 provides that any land required for the purposes of the Department may be taken under the provisions of the Public Works Act 1928 as for a public work.

Clause 12 provides that the Crown shall be deemed to be the inventor within the meaning of the Patents Act 1953 of all inventions made by any employee of the Department, and the breeder within the meaning of the Plant Varieties Bill of all new plant varieties that are bred or discovered by any employee of the Department. All patents and grants of plant selectors' rights for any such inventions and new plant varieties are to be granted to the New Zealand Government Property Corporation, or to such other appropriate body as the Minister in writing may direct. All such inventions and new plant varieties are to be made available for use on such conditions including the payment of royalties or other money, as the Minister, after consultation with the Minister of Finance, may from time to time determine. There may be paid to an officer or employee of the Department in respect of any such invention, or of the breeding or discovery of any such new plant variety, such amount by way of bonus or grant as may be appropriate for the purpose.

Clause 13 provides that the Director-General, or any officer or employee of the Department authorised by him in that behalf, may charge such fees and agree to such conditions as he thinks fit for special investigations carried out by the Department at the request of any authority, institution, association, company, or other person.

Clause 14 authorises the making of regulations providing for the establishment and award, and for the emoluments and tenure, of scholarships, fellowships, and other awards. These may be awarded to graduates of any University in New Zealand or other suitably qualified persons for the purpose of enabling them to carry out investigations in any branch of science. Bonds may be required in respect of awards under this clause requiring payment to the Crown of the sum specified therein if any default is made in the performance of any condition of the bond.

Clause 15 authorises the making of regulations prescribing the nature, form, and derivation of New Zealand standards of measurement and matters related thereto. General power is given to make regulations for giving full effect to the provisions of the Bill and for the due administration thereof.

Clause 16 provides that nothing in the Bill shall affect the exercise by any other Minister of the Crown or Government Department or by any local authority or public body or by any other person or authority of any powers for the time being conferred by any other Act.

Clause 17 amends sections 5 and 14 of the Weights and Measures Act 1925 so as to make it clear that standards of measurement may be effectively prescribed under *clause 15* of the Bill notwithstanding the provisions of those sections.

Clause 18 provides for consequential repeals.

Hon. Mr Moyle

SCIENTIFIC AND INDUSTRIAL RESEARCH

ANALYSIS

Title	
1. Short Title and commencement	10. Minister to provide for uniform units of measurement and standards of measurement
2. Interpretation	11. Power to acquire land
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5. Functions of Department	14. Scholarships, fellowships, and other awards
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A BILL INTITULED

An Act to consolidate and amend certain enactments relating to the Department of Scientific and Industrial Research, and to make provision for the promotion and organisation of scientific research, development, and services associated with the economic development, social welfare, and other national interests, of New Zealand

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Scientific and Industrial Research Act 1973.

(2) This Act shall come into force on the 1st day of April 1974.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Breeder”, in relation to a plant variety, means a breeder of the plant variety within the meaning of the Plant Varieties Act 1973:

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“Department” means the Department of Scientific and Industrial Research established under this Act:

“Director-General” means the Director-General of the Department appointed pursuant to section 4 of this Act:

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“Invention” means an invention within the meaning of the Patents Act 1953:

“Minister” means the Minister of Science:

“New Zealand standard of measurement”, in relation to any physical quantity, means such standard of measurement of that quantity as may for the time being be prescribed by any Act, Proclamation, or regulations as the standard of measurement of that quantity for New Zealand:

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“Physical quantity” means any physical quantity whatsoever, and includes units of length, volume, mass, time, heat, light, and electricity:

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“Plant variety” means a plant variety within the meaning of the Plant Varieties Act 1973:

“Principal standard measure”, in relation to any New Zealand standard of measurement, means the principal standard measure in New Zealand for that standard of measurement:

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“Research” means scientific and industrial research; and includes scientific and technological development, and services:

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“Research association” means any body corporate set up for the purpose of research by any industry or industries acting in collaboration with the Minister:

“Standard measure”, in relation to any standard of measurement, means a physical representation or means of representation of that standard of measurement:

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“Verifying authority”, in relation to the verification or reverification of any standard of measurement, means a person who is a verifying authority in respect of that standard of measurement by virtue of an appointment made by, or by authority of, the Minister.

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3. Department of Scientific and Industrial Research—

There shall be a Department of State to be called the Department of Scientific and Industrial Research, which shall be the same Department as that existing under the same name at the commencement of this Act, and which, under the control of the Minister, shall have the administration of this Act and such other functions as may from time to time be lawfully conferred upon it.

Cf. 1952, No. 12, s. 3

10 4. Appointment of officers—(1) There shall from to time be appointed under the State Services Act 1962 a Director-General of the Department (who shall be the administrative head thereof) and such other officers as may be necessary.

15 (2) Every reference in any Act, regulation, or other enactment to the Permanent Secretary, or the Secretary of, the Department of Scientific and Industrial Research, shall, unless the context otherwise requires, be read as a reference to the Director-General of that Department.

Cf. 1952, No. 12, s. 4; 1963, No. 24, s. 4

20 5. Functions of Department—The Department shall be charged with the following functions, namely:

- (a) To initiate, plan, and implement research calculated to promote the national interest of New Zealand:
- (b) To advise the Minister on scientific matters:
- 25** (c) To undertake research and to provide advisory services for Government Departments, authorities, institutions, associations, companies, and other persons:
- (d) To collect and disseminate scientific and technological information, including the publication of scientific reports and journals:
- 30** (e) To maintain, or cause to be maintained, such New Zealand standards of measurement as the Minister may require in order to provide means by which measurements of physical quantities may be made in terms of the units of measurement of those quantities:
- 35** (f) To encourage and assist the formation and operation of research associations:
- (g) To make grants, out of money appropriated for the purposes by Parliament, to organisations or persons for the purposes of research:
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- (h) Under the direction of the Minister and with the concurrence of the Minister of Island Affairs, to provide technical assistance in island territories in the Pacific in relation to which the Minister of Island Affairs is the responsible Minister: 5
- (i) Under the direction of the Minister and with the concurrence of the Minister of Foreign Affairs, to provide technical assistance in other overseas places:
- (j) To maintain liaison with other research organisations in New Zealand or overseas: 10
- (k) To award studentships, fellowships, and other grants and assistance for the purpose of encouraging and providing education and training relevant to the functions of the Department:
- (l) To receive and use donations for the purpose of research: 15
- (m) Generally, to plan, organise, provide, and maintain under the direction of the Minister all things necessary for the furtherance of research.

Cf. 1952, No. 12, s. 5 20

6. Powers of the Minister—The Minister may from time to time—

- (a) Enter into any contract or agreement for the carrying out of any of the purposes of this Act or the exercise of any of the functions of the Department: 25
- (b) With the concurrence of the Minister of Island Affairs, authorise the provision of technical assistance in island territories in the Pacific in relation to which the Minister of Island Affairs is the responsible Minister: 30
- (c) With the concurrence of the Minister of Foreign Affairs, authorise the provision of technical assistance in other overseas places:
- (d) Award studentships and fellowships, and authorise other grants and assistance to encourage and provide education and training relevant to the functions of the Department: 35
- (e) Exercise all such other powers as are necessary for the effective performance of the functions of the Department. 40

7. Delegation of Minister's powers—(1) The Minister may from time to time, by writing under his hand, either generally or particularly, delegate to the Director-General all or any of his powers under this Act or any other enactment but not including the power to delegate under this section.

(2) Subject to any general or special directions given or conditions attached by the Minister, the Director-General may exercise any powers delegated to him as aforesaid in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Unless and until any such delegation is revoked, it shall continue in force according to its tenor. In the event of the Minister by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding office as Minister and, in the event of the Director-General to whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made to the person for the time being holding office as Director-General or, if there is no Director-General in office or if the Director-General is absent from duty, to the person for the time being directed under the State Services Act 1962 to act in the place of the Director-General.

(4) Where the Director-General purports to act pursuant to any delegation under this section, he shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(5) Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

8. Delegation of powers by Director-General—(1) The Director-General may from time to time, either generally or particularly, delegate to such officer or officers or employee or employees of the Department as he thinks fit all or any of the powers exercisable by him under this Act or any other enactment, including any powers delegated to him under this Act, but not including this present power of delegation:

Provided that the Director-General shall not delegate any power delegated to him by the Minister without the written consent of the Minister, or any power delegated to him under the State Services Act 1962 without the written consent of the State Services Commission.

(2) Subject to any general or special directions given or conditions attached by the Director-General, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly and not by delegation. 5

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary. 10

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director-General. 15

(6) Any delegation under this section shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person for the time being holding office as or acting in the place of the Director-General. 20

9. Advisory and technical committees—(1) For the purposes of this Act the Minister may from time to time appoint such advisory or technical committees as he thinks fit. 25

(2) Every such committee shall have such functions in relation to this Act as the Minister may from time to time determine.

(3) There may be paid to the members of any such committee, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the committee were a statutory Board within the meaning of that Act. 30 35

(4) Subject to the provisions of this Act and of any regulations made under this Act, every such committee may regulate its own procedure.

Cf. 1952, No. 12, s. 5A; 1963, No. 24, s. 3

10. **Minister to provide for uniform units of measurement and standards of measurement**—The Minister shall provide for the use throughout New Zealand of uniform units of measurement of physical quantities, and for the establishment
5 and maintenance of standards of measurement of physical quantities.

Cf. 1952, No. 12, s. 6

11. **Power to acquire land**—Any land required for the purposes of the Department may be taken under the provisions
10 of the Public Works Act 1928 as for a public work.

Cf. 1952, No. 12, s. 7

12. **Inventions etc. by employees**—(1) The Crown shall be deemed to be the inventor of all inventions made by any employee of the Department.

15 (2) The Crown shall be deemed to be the breeder of all new plant varieties that are bred or discovered by any employee of the Department.

(3) All patents and grants of plant selector's rights for any such inventions and new plant varieties shall be granted to
20 the New Zealand Government Property Corporation, or to such other appropriate body or person as the Minister in writing may direct.

(4) All such inventions and new plant varieties shall be made available for use on such conditions including the pay-
25 ment of royalties or other money, as the Minister, after consultation with the Minister of Finance, may from time to time determine.

(5) There may be paid to an officer or employee of the Department in respect of any such invention, or of the
30 breeding or discovery of any such new plant variety, such amount by way of bonus or grant as may be appropriate for the purpose.

Cf. 1952, No. 12, s. 13

13. **Fees for special investigations**—(1) The Director-
35 General, or any officer or employee of the Department authorised by him in that behalf, may charge such fees and agree to such conditions as he thinks fit for special investigations carried out by the Department at the request of any authority, institution, association, company, or other person.

(2) Every such fee shall be paid into the Consolidated Revenue Account or such other account as may be authorised by the Minister of Finance.

(3) Every such fee shall be recoverable as a debt due to the Crown.

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14. Scholarships, fellowships, and other awards—(1) The Governor-General may from time to time, by Order in Council, make regulations providing for the establishment and award, and for the emoluments and tenure, of scholarships, fellowships, and other awards, to be called by such names as may be so prescribed.

(2) All such scholarships, fellowships, and other awards shall be awarded to graduates of any University in New Zealand or other suitably qualified persons for the purpose of enabling them to carry out investigations in any branch of science.

(3) All money payable in respect of any such scholarship, fellowship, or other award shall be paid out of money appropriated by Parliament for the purpose.

(4) Any person who is awarded a scholarship, fellowship, or other award under regulations made for the purposes of this section may be required as a condition of the award to sign a bond in a form to be determined by the Director-General requiring him to pay to the Crown the sum therein specified if he makes default in the performance of any condition of the bond:

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Provided that, where it is a condition of the bond that the person to whom the scholarship, fellowship, or award was granted shall at the expiry thereof remain in any employment for any period, the sum specified in the bond shall be reduced during the currency of the bond by an amount equivalent to the proportion that the service rendered in that employment bears to the full period of that service required for the discharge of the bond.

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(5) The Director-General may require that such a bond shall also be signed by a parent or guardian, or by some other person approved by the Director-General, as surety; and the parent or guardian or other person who signs such a bond shall be jointly and severally liable thereunder.

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(6) Every such bond shall be enforceable against the persons who sign it, notwithstanding anything in any enactment or rule of law.

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Cf. 1952, No. 12, s. 15

15. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- 5 (a) Prescribing methods of comparison and certification of copies of principal standard measures and of standard measures derived from principal standard measures:
- (b) Prescribing the nature, form, and derivation of New Zealand standards of measurement:
- 10 (c) Providing for the appointment of a verifying authority in relation to the verification or reverification of any standard or standards of measurement (including the comparison of principal standard measures with corresponding standard measures outside New Zealand), and defining the functions and powers of
- 15 any such verifying authority:
- (d) Authorising any such verifying authority to delegate all or any of the powers of that authority:
- 20 (e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

16. Other powers not affected—Nothing in this Act shall affect the exercise by any other Minister of the Crown or Government Department or by any local authority or public
25 body or by any other person or authority of any powers for the time being conferred by any other Act.

17. Consequential amendments to the Weights and Measures Act 1925—(1) Section 5 of the Weights and Measures Act 1925 is hereby amended by adding the following
30 subsection:

“(3) Nothing in this section shall restrict section 15 of the Scientific and Industrial Research Act 1973.”

(2) Section 14 of the Weights and Measures Act 1925 (as amended by section 6 (1) of the Weights and Measures
35 Amendment Act 1933) is hereby further amended by inserting in subsection (1), after the words “metric system”, the words “or a unit of measurement for which a standard is for the time being prescribed under section 15 of the Scientific and Industrial Research Act 1973”.

40 **18. Repeals**—The enactments specified in the Schedule to this Act are hereby repealed.

Section 18

SCHEDULE

ENACTMENTS REPEALED

- 1945, No. 6—The Scientific and Industrial Research Amendment Act 1945.
- 1952, No. 12—The Scientific and Industrial Research Act 1952. (1957 Reprint, Vol. 13, p. 699.)
- 1958, No. 92—The Scientific and Industrial Research Amendment Act 1958.
- 1963, No. 24—The Scientific and Industrial Research Amendment Act 1963.
- 1963, No. 25—The National Research Advisory Council Act 1963: Section 13 (1), (2).
- 1972, No. 102—The Scientific and Industrial Research Amendment Act 1972.
- 1972, No. 115—The Weights and Measures Amendment Act 1972: Sections 2 (3) and 3 (2).