

**SCIENCE AND TECHNOLOGY COUNCIL
ACT, 1979, No. 125**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 125, 1979.

An Act to constitute the New South Wales Science and Technology Council and to define its functions. [Assented to, 1st November, 1979.]

Science and Technology Council.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Science and Technology Council Act, 1979". Short
title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Arrange-
ment.

PART I.—PRELIMINARY—ss. 1–4.

PART II.—CONSTITUTION OF THE COUNCIL—ss. 5–7.

PART III.—FUNCTIONS OF THE COUNCIL—ss. 8, 9.

PART IV.—GENERAL—ss. 10–12.

SCHEDULE 1.—PROVISIONS WITH RESPECT TO THE CONSTITUTION AND MEMBERSHIP OF THE COUNCIL.

SCHEDULE 2.—PROVISIONS WITH RESPECT TO MEETINGS OF THE COUNCIL.

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Interpreta-
tion.

4. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Chairman” means the Chairman of the Council;

“Council” means the New South Wales Science and Technology Council constituted by section 5;

“Deputy Chairman” means the Deputy Chairman of the Council;

“Executive Member” means the person appointed under section 6 as the Executive Member;

“functions” includes responsibilities, powers, authorities and duties;

“member” means a member of the Council;

“public authority” means any public or local authority constituted by or under an Act other than this Act.

PART II.

CONSTITUTION OF THE COUNCIL.

Constitution
of the
New South
Wales
Science
and
Technology
Council.

5. (1) There is hereby constituted a corporation under the corporate name of the “New South Wales Science and Technology Council”.

(2) The Council shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown.

(3) The Council shall, in the exercise and performance of its functions (except in relation to the contents of a report or recommendation made by it to the Minister), be subject to the control and direction of the Minister.

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6. (1) The Council shall consist of 10 members appointed by the Governor.

Provisions relating to constitution and procedure of the Council.

(2) Of the members one shall be an officer of the Public Service and appointed as Executive Member.

(3) One member shall, by the instrument of his appointment as a member or by a subsequent instrument, be appointed by the Governor as Chairman of the Council, another as Deputy Chairman of the Council.

(4) Schedule 1 has effect.

(5) Schedule 2 has effect.

7. The Council may, with the approval of the Minister, establish such committees of members, of members and other persons or of other persons as it thinks fit for the purpose of assisting it to exercise and perform its functions.

Committees.

PART III.

FUNCTIONS OF THE COUNCIL.

8. (1) The Council may, and when requested by the Minister to do so, shall—

Functions of the Council.

(a) make reports or recommendations to the Minister in relation to—

(i) the role of science and technology in the policies of the Government of New South Wales;

(ii) manpower requirements in, and the training of people for, scientific and technological activities in New South Wales;

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- (iii) the adequacy of, priorities among and co-ordination of scientific and technological activities in New South Wales;
 - (iv) the consequences (including social and economic consequences) in New South Wales of developments in science and technology;
 - (v) the ways of stimulating desirable technological change;
 - (vi) the applicability of developments in science and technology to the services of the Government of New South Wales;
 - (vii) the ways of making the public aware of developments in science and technology and of the consequences (including social and economic consequences) of those developments; and
 - (viii) any other matter relating to science and technology;
- (b) liaise or co-operate with any person, body or organisation investigating any matter relating to science and technology; and
- (c) give such advice as may be requested by any person, body or organisation investigating any matter relating to science and technology for the Government of New South Wales.

(2) In the exercise and performance of its functions under subsection (1) the Council shall—

- (a) have regard to community needs and resources; and
- (b) promote developments in science and technology that increase productivity and employment opportunities.

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(3) If a member does not support a report or recommendation to be made to the Minister by the Council pursuant to subsection (1) (a), the report or recommendation shall, if the member so requires, be accompanied by a minority report or recommendation supported by the member.

9. The Council may, in relation to the exercise or performance of any of its functions, require any public authority or Department of the Government to furnish the Council with a copy of any report or information which is in the possession of the public authority or Department and which the public authority or Department is entitled to make available to the Council.

Council's
power to
require
informa-
tion, etc.,
from
public
authorities
and
Depart-
ments.

PART IV.

GENERAL.

10. The expenses of the Council in exercising and performing its functions under this Act shall be paid out of money provided by Parliament.

Cost of
administra-
tion of
Act.

11. (1) The Council shall, by 30th September in each year, prepare and forward to the Minister a report of its work and activities in the 12 months to 30th June preceding that date.

Annual
report.

(2) The Minister shall lay the report, or cause it to be laid, before each House of Parliament as soon as practicable after the receipt by him of the report.

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Regulations.

12. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter which, by this Act, is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Sec. 6 (4).**SCHEDULE 1.**

PROVISIONS WITH RESPECT TO THE CONSTITUTION AND MEMBERSHIP OF THE COUNCIL.

Terms of office of members, Chairman and Deputy Chairman.**1. (1) Subject to this Act—**

- (a) a member shall hold office for such term, not exceeding 3 years, as is specified in the instrument of his appointment and is eligible for re-appointment from time to time; and
- (b) each of the Chairman and Deputy Chairman shall hold office for such term, not exceeding 3 years, as may be specified in the instrument of his appointment as Chairman or Deputy Chairman, as the case may be, and is eligible for re-appointment from time to time.

(2) The Chairman or Deputy Chairman shall cease to hold office as such if he ceases to be a member.

Provisions relating to members.

2. (1) Where, by or under any Act, provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any remuneration payable to members under clause 3.

(2) The office of member shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

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SCHEDULE 1—*continued.*

PROVISIONS WITH RESPECT TO THE CONSTITUTION AND MEMBERSHIP OF THE COUNCIL—*continued.*

3. Each member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of him. **Remuneration of members.**

4. The provisions of the Public Service Act, 1979, shall not apply to or in respect of the appointment of a member and a member shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office. **Public Service Act, 1979, not to apply.**

5. (1) A member shall be deemed to have vacated his office— **Vacation of office.**
- (a) if he dies;
 - (b) if he resigns his office by writing under his hand addressed to the Governor;
 - (c) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his remuneration, allowances or estate for their benefit;
 - (d) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (e) if he is absent from 3 consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post, unless on leave granted by the Minister or unless, before the expiration of 6 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings;
 - (f) if he is convicted in New South Wales of a crime or an offence punishable by imprisonment for 12 months or longer, or if he is convicted elsewhere than in New South Wales of a crime or an offence which, if committed in New South Wales, would be a crime or an offence so punishable;
 - (g) if he is removed from office by the Governor under subclause (2) of this clause; or
 - (h) if, being the Executive Member, he ceases to be an officer of the Public Service.

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SCHEDULE 1—*continued.*PROVISIONS WITH RESPECT TO THE CONSTITUTION AND MEMBERSHIP OF THE COUNCIL—*continued.*

(2) The Governor may, for any cause which appears to him to be sufficient, remove a member from office.

Filling of casual vacancies.

6. On the occurrence of a vacancy in the office of a member otherwise than by the expiration of the term for which he was appointed, the Governor may—

- (a) where the member was the Executive Member—appoint a person who is an officer of the Public Service; or
- (b) where the member was not the Executive Member—appoint a person,

to the vacant office for the residue of the term of office of the person's predecessor.

Protection from liability.

7. No matter or thing done, and no contract entered into, by the Council and no matter or thing done by a member or by any other person acting under the direction of the Council shall, if the matter or thing was done, or the contract was entered into, in good faith for the purposes of executing this Act, subject a member or person so acting personally to any action, liability, claim or demand.

Sec. 6 (5).

SCHEDULE 2.

PROVISIONS WITH RESPECT TO MEETINGS OF THE COUNCIL.

Frequency of meetings.

1. The Council shall hold duly convened meetings at intervals not longer than 2 months.

Convening of meetings of the Council.

2. Meetings of the Council may be convened by the Chairman or by any 2 members.

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SCHEDULE 2—*continued.*

PROVISIONS WITH RESPECT TO MEETINGS OF THE COUNCIL—*continued.*

3. (1) The number of members which shall constitute a quorum at any meeting of the Council shall be 6.

(2) Any duly convened meeting of the Council at which a quorum is present shall be competent to transact any business of the Council and shall have and may exercise and perform all of the functions of the Council.

4. (1) The Chairman or, in the absence of the Chairman, the Deputy Chairman or, in the absence of the Chairman and the Deputy Chairman, a member elected by the members present at the meeting, shall preside at a meeting of the Council.

(2) The member presiding at a meeting of the Council has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

5. Subject to clause 4 (2), a decision of a majority of the members present and voting at a duly convened meeting of the Council at which a quorum is present shall be a decision of the Council.

6. The Council shall cause full and accurate minutes to be kept of its proceedings at meetings, and shall submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

7. The procedure for the calling of, and for the conduct of business at, meetings of the Council shall, subject to any procedure that is specified in this Schedule, be as determined by the Council.

