

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 7 August 1952

Words struck out by Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black.

Hon. Mr. Algie

SCIENTIFIC AND INDUSTRIAL RESEARCH

ANALYSIS

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A BILL INTITULED

AN ACT to consolidate and amend certain enactments relating to scientific and industrial research. **Title.**

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

1. This Act may be cited as the Scientific and Industrial Research Act 1952, and shall come into force
10 on the *first* day of *January, nineteen hundred and fifty-three*. **Short Title and commencement.**

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

15 “Council” means the Council of Scientific and Industrial Research constituted by this Act: 1926, No. 28, s. 2
1945, No. 6, s. 2

- “ Department ” means the Department of Scientific and Industrial Research established under this Act:
- “ Minister ” means the Minister of the Crown for the time being charged by the Governor-General with the administration of this Act: 5
- “ 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: 10
- “ Physical quantity ” means any physical quantity whatsoever, and includes length, volume, weight, mass, time, heat, light, and electricity: 15
- “ 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: 20
- “ Standard measure ”, in relation to any standard of measurement, means a physical representation or means of representation of that standard of measurement.

Establishment
of
Department
of
Scientific and
Industrial
Research.
1926, No. 26,
s. 3

3. There is hereby established a Department of State 25
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. 30

Appointment
of
officers.
Ibid., s. 4

4. There shall from time to time be appointed a
Permanent Secretary of the Department (who shall be
the administrative head thereof) and such other officers
as may be deemed necessary. 35

Functions of
Department.
Ibid., s. 5
1945, No. 6,
s. 4

5. (1) The Department shall be charged with the
maintenance and administration of such scientific services
and laboratories as may be transferred to it, or as may
be hereafter created or established and placed under
its charge. 40

(2) It shall also be the duty of the Department to advise the Government on all questions of policy relating to scientific matters that may be referred to it.

(3) The Department shall also be charged with the following functions, namely:—

5 (a) To maintain all principal standard measures for the time being in the custody of the Minister:

10 (b) To compare principal standard measures with corresponding standard measures outside New Zealand by such methods and at such intervals as may from time to time be prescribed by any Act or regulations or (subject to any such Act or regulations or so far as they do not extend) as may be directed or approved by

15 (c) To compare with principal standard measures, and to certify, such copies thereof and such secondary standard measures or denominations derived therefrom as may from time to time be required.

20 6. (1) The Minister shall from time to time procure or provide such principal standard measures and such copies thereof as may be required for any New Zealand standards of measurement.

25 (2) The Minister shall have the custody of the principal standard measure for every New Zealand standard of measurement, whether procured before or after the passing of this Act.

30 7. 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.

35 8. (1) There is hereby established an Advisory Council to be called the Council of Scientific and Industrial Research. The Council shall consist of a Chairman and not more than eight other members, who shall be appointed by the Governor-General for a term not exceeding four years, save that any such member may

Minister to procure and have custody of principal standard measures. 1945, No. 6, s. 3

Power to acquire land. 1936, No. 58, s. 70

See Reprint of Statutes, Vol. VII, p. 622

Council of Scientific and Industrial Research. 1926, No. 26, s. 6 1931, No. 42, s. 2 1936, No. 53, s. 69

be reappointed, or may at any time be removed from office by the Governor-General, or may resign his office by writing addressed to the Minister.

(2) Not more than two members of the Council may be officers employed in the service of the Government, who may be appointed as members of the Council by virtue of their office. Notwithstanding anything to the contrary in the foregoing provisions of this section as to tenure of office, any person to whom this subsection applies may be appointed to hold office for so long as he continues to hold the office by virtue whereof he was appointed.

(3) If any member of the Council is absent from New Zealand, or for other sufficient reason is not able to act in his capacity as a member, the Minister may appoint a suitable person in his stead to hold office as a temporary member of the Council for such term, not exceeding the unexpired period of the term of office of the member so unable to act, as the Minister directs.

(4) All the provisions of this Act shall apply to every such temporary member in all respects as if he were a duly appointed member of the Council, but while any such temporary member remains in office no allowance or travelling expenses under section *twelve* hereof shall be payable to the member in whose stead the temporary member was appointed.

Meetings of
Council.
1926, No. 28,
s. 7

9. (1) Meetings of the Council shall be held at such times and places as the Council, with the approval of the Minister, may from time to time appoint:

Provided that meetings shall be held at intervals not exceeding three months in any case.

(2) At all meetings four members of the Council shall constitute a quorum.

(3) The Permanent Secretary of the Department shall by virtue of his office be entitled to attend and speak at all meetings of the Council, but shall not be entitled to vote thereat.

(4) Save as provided herein the Council shall determine its own procedure.

10. (1) It shall be the duty of the Council—
- (a) To consider and report to the Minister upon the scientific aspects of all proposals made to the Department for the encouragement and organization of scientific and industrial research:
- (b) To submit annually to the Minister a programme of the work, with estimates of the cost thereof, for each of the scientific institutions and services under the control of the Department:
- (c) To make recommendations as to the expenditure of money by the Department in grants for purposes of scientific research:
- (d) To advise the Government on the scientific aspects of any proposals made by any other Department of State and referred to the Council for its consideration and recommendations.
- (2) Subject to the approval of the Minister, the Council may appoint such committees as it deems necessary to investigate and report on the work of any of the scientific laboratories, services, and institutions administered by the Department. Any such committee may consist wholly or partly of persons not being members of the Council.
11. (1) There shall be a committee (to be called the Industrial Division of the Research Council), appointed by the Council acting under the authority of section *ten* hereof, to investigate matters relating particularly to research in industry; and another such committee (to be known as the Agricultural Division of the Research Council), appointed in the same manner, to investigate matters relating particularly to research in agriculture. The functions of any such committee shall not be limited by anything in subsection *two* of the said section.
- (2) Notwithstanding anything to the contrary in section *three* of the *Board of Trade Amendment Act 1923* (limiting the membership of the Advisory Board thereunder to five members), the Industrial Division of the Research Council shall, while no Advisory Board is constituted under that section, be deemed to be the Advisory Board under that section.

Functions and duty of Council. 1926, No. 28, s. 8

Industrial and Agricultural Divisions of Research Council. 1931, No. 42, s. 3

See Reprint of Statutes, Vol. VIII, p. 640

Fees, salary, allowances, and expenses of Council and committees.
1926, No. 28, s. 9
1951, No. 79, s. 10(1) and 2nd Sched.

Discoveries by officers.
1926, No. 28, s. 10

Agreements for special investigations.
Ibid., s. 11

National Research Scholarships, Fellowships, and other awards.
Ibid., s. 12
1949, No. 51, s. 52

12. There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Council or of any committee appointed by the Council remuneration by way of fees, salary, or allowances and travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 5

13. (1) All discoveries, inventions, and improvements in processes, apparatus, and machines made by officers of the Department, or by persons in receipt of any grant made by the Department for purposes of scientific research and arising out of such research, shall be vested in the Crown as its sole property, and shall be made available for use on such conditions, including the payment of fees, royalties, or other moneys, as the Minister from time to time determines. 10 15

(2) There may be paid to any officer of the Department or other person as aforesaid, in respect of any such discovery, invention, or improvement, such amount by way of bonus or grant as may be appropriated by Parliament for the purpose. 20

14. The Department may charge such fees and may agree to such conditions as it thinks fit for special investigations carried out at the request of any authority, institution, association, firm, or person. 25

15. (1) The Governor-General may from time to time, by Order in Council, make regulations for the establishment and award, emoluments, and tenure of scholarships to be called National Research Scholarships, fellowships to be called National Research Fellowships, and other awards to be called by such names as may be prescribed. 30

(2) Such scholarships, fellowships, or other awards as aforesaid shall be awarded to graduates of the University of New Zealand or other qualified persons for the purpose of enabling them to carry out independent research in any branch of science. 35

(3) A due proportion of such scholarships, fellowships, or other awards as aforesaid shall be awarded for the purpose of encouraging research in connection with matters relating to the industries of New Zealand. 40

(4) All moneys payable in respect of scholarships, fellowships, or other awards under this section shall be paid out of moneys to be appropriated by Parliament for the purpose, and, subject to such appropriation as aforesaid, the Minister of Finance shall pay the amounts from time to time payable to or on account of the holders of National Research Scholarships, National Research Fellowships, or other awards, as the case may be.

10 **16.** (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may be required for the purposes of this Act.

Regulations.
1926, No. 28,
s. 13
1945, No. 6,
s. 5

(2) Without limiting the power conferred on the Governor-General by the *last preceding* subsection to make all such regulations as may be required for the purposes of this Act, it is hereby declared that regulations, not inconsistent with any Act, may be made under this section for all or any of the following purposes:—

20 (a) Prescribing methods of comparison and certification of copies of principal standard measures and of standard measures derived from principal standard measures:

25 (b) Prescribing the nature, form, and derivation of New Zealand standards of measurement, not under any other Act or which there is power to prescribe under any other Act.

30 **17.** Whereas one of the functions of the Department of Scientific and Industrial Research established under this Act is the conduct of scientific investigations in relation to the primary and secondary industries of New Zealand: And whereas towards the fulfilment of this function it was provisionally agreed between the Council of Scientific and Industrial Research and representatives of persons engaged in the growing and milling of wheat in New Zealand, and related industries, that scientific investigations should be carried out by the Department in relation to the growing of wheat in New Zealand and its manufacture into flour and bread: And whereas the conduct of such investigations necessitates the establishment by the Department of laboratories and the employment of scientists, and it was agreed that contributions towards the expense of carrying out such special

Scheme for contributions by persons engaged in growing of wheat, &c.
1927, No. 74,
s. 27
1929, No. 29,
s. 31
1933, No. 33,
s. 10
1948, No. 35,
s. 33

work should be made by persons having a proprietary interest in the industries primarily concerned: And whereas, to enable the Council to enter into an effective agreement with the persons concerned, and to enable a scheme to be formulated to give effect to such agreement, it was desired to extend the powers of the Governor-General in Council to make regulations for the purposes of this Act: Be it therefore enacted as follows:—

(1) The power conferred on the Governor-General in Council by section *sixteen* hereof to make regulations for the purpose of giving effect to this Act is hereby extended to include power to make regulations, subject to the provisions of this section, to impose on persons of the classes hereinafter specified an obligation to pay into the **[Consolidated Fund] Public Account** such levies as may from time to time be prescribed, to be applied towards the cost of establishing laboratories and carrying out scientific researches in connection with the matters hereinbefore referred to. 5

All moneys paid into the Consolidated Fund pursuant to this section shall be credited to a Deposit Account, and shall, from time to time as required, be applied as a credit in aid of the vote of the Department of Scientific and Industrial Research. 20

(2) Levies may be imposed under this section to be payable by— 25

- (a) The producers of any wheat grown in New Zealand, and sold or delivered to a flourmiller, or to a grain merchant as herein defined;
- (b) Persons carrying on business as flourmillers; 30
and
- (c) The purchasers or other persons taking delivery of flour or wheatmeal from a flourmill.

(3) The amount of all levies payable as aforesaid shall be apportioned in accordance with regulations among the classes of contributories referred to in the *last preceding* subsection, and shall be computed as follows:— 35

- (a) In respect of the levy payable by any producer of wheat, it shall be computed by reference to the quantity of wheat sold or delivered by him to any grain merchant or flourmiller: 40

- (b) In respect of the levy payable by a flourmiller, it shall be computed by reference to the quantity of flour or wheatmeal delivered by the flourmiller from his flourmill:
- 5 (c) In respect of the levy payable by a purchaser or other person taking delivery of flour or wheatmeal from a flourmill, it shall be computed by reference to the quantity of that flour or wheatmeal.
- 10 (4) The amount of the levies imposed under this section shall not exceed,—
- (a) In the case of a producer of wheat, twopence halfpenny for every fifty bushels of wheat delivered by him to a flourmiller or grain merchant:
- 15 (b) In the case of a flourmiller, twopence halfpenny for every ton of flour or wheatmeal delivered from the flourmill:
- (c) In the case of a person taking delivery of flour or wheatmeal from a flourmill, twopence halfpenny for every ton of that flour or wheatmeal.
- 20 (5) All levies payable pursuant to regulations under this section shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown. Unless
- 25 otherwise provided in any such regulations, the amount of any levy payable in respect of any wheat may be recoverable in the first place from the grain merchant or flourmiller to whom that wheat has been delivered by the producer, and the amount of any levy payable by a
- 30 person taking delivery of any flour or wheatmeal from a flourmill may be recoverable in the first place from the flourmiller. On payment by a grain merchant or flourmiller of the amount of any levy on behalf of any other person that grain merchant or flourmiller shall be
- 35 entitled to recover the amount of that levy from the person on whose behalf the levy was so paid, as a debt due to him, and may deduct the said amount from any moneys at any time owing by him to any such person.
- (6) No regulations imposing levies in accordance
- 40 with this section shall be made unless the Governor-General in Council is satisfied that the imposition of such levies is in accordance with the terms of an

arrangement made at a meeting convened by the Council of Scientific and Industrial Research of representatives of persons engaged in the growing or marketing of wheat, the milling of wheat into flour, and the manufacture of flour into bread.

5

(7) For the purposes of this section a person whose business or part of whose business is the buying and selling of wheat shall be deemed to be a grain merchant if the amount of wheat purchased by him in any year exceeds two thousand bushels.

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(8) This section shall continue in force until the thirty-first day of December, nineteen hundred and fifty-three, and shall then expire.

18. (1) The enactments specified in the Schedule to this Act are hereby repealed.

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(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

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Repeals and
savings.

See Reprint
of Statutes,
Vol VIII,
p. 568

SCHEDULE

Schedule.

ENACTMENTS REPEALED

Section 18

- 1926, No. 28—
The Scientific and Industrial Research Act 1926. (Reprint of Statutes, Vol. VIII, p. 174.)
- 1927, No. 74—
The Finance Act 1927 (No. 2): Part III. (Reprint of Statutes, Vol. VIII, p. 177.)
- 1929, No. 29—
The Finance Act 1929: Section 31. (Reprint of Statutes, Vol. VIII, p. 179.)
- 1931, No. 42—
The Scientific and Industrial Research Amendment Act 1931. (Reprint of Statutes, Vol. VIII, p. 180.)
- 1936, No. 58—
The Statutes Amendment Act 1936: Sections 69 and 70.
- 1945, No. 6—
The Scientific and Industrial Research Amendment Act 1945: Sections 2 to 5.
- 1948, No. 35—
The Finance Act 1948: Section 33.
- 1949, No. 51—
The Statutes Amendment Act 1949: Section 52.
- 1951, No. 79—
The Fees and Travelling Allowances Act 1951: So much of the Second Schedule as relates to the Scientific and Industrial Research Act 1926.