

1992

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

INDUSTRY, TECHNOLOGY AND COMMERCE  
LEGISLATION AMENDMENT BILL 1992

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment and New Clauses to be moved on behalf of  
the Government

(Circulated by the Authority of the  
Minister for Industry, Technology and Commerce,  
Senator the Hon. John N Button)



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AMENDMENTS TO THE INDUSTRY, TECHNOLOGY AND COMMERCE  
LEGISLATION AMENDMENT BILL 1992

**OUTLINE**

1. The amendment to the Australian Institute of Marine Science Act 1972 (the Act) reflects the Government's intention that Commonwealth Government research organisations become more responsive to the needs of end-users of research and also enhance these organisations' ability to generate external funds.
2. Section 9 of the Act defines the functions of AIMS as activities relating to marine science. The amendment widens the functions of the Institute to include activities relating to marine technology and marine research and development. The amendment also expands section 10 to empower the Institute to enter arrangements allowing the commercialisation of the activities outlined in the amended Section 9.

**FINANCIAL IMPACT STATEMENT**

3. The Australian Institute of Marine Science will, as a result of this amendment, have an enhanced ability to generate external income from the commercial exploitation and development of its research in marine science and technology. It is not possible at this stage to quantify that income. There are no additional costs to Government associated with the amendment.

## NOTES ON CLAUSES

PART 1A - AMENDMENTS OF THE AUSTRALIAN INSTITUTE OF  
MARINE SCIENCE ACT 1972Clause 2A - Principal Act

4. Formal.

Clause 2B - Interpretation

5. Inserts a new sub-section 5(2) into the Principal Act which defines how to determine whether a company is a subsidiary of the Australian Institute of Marine Science ('the Institute'). The amendment is consequential to the amendments made by Clause 2D which will allow the Institute to form and participate in the formation of companies.

Clause 2C - Functions of the Institute

6. Repeals section 9 of the Principal Act, which sets out the functions of the Institute, and inserts a new section 9. The new section expands the Institute's functions to encompass the field of marine technology and marine research and development. It will also enable the Institute to:

- . provide and sell goods and services in connection with matters related to its research and development activities; and
- . make available on a commercial basis the knowledge, expertise, equipment and facilities of the Institute.

Clause 2D - Powers of the Institute

Amends section 10 of the Principal Act, which sets out the powers of the Institute, to enable the Institute to undertake commercial activities including the formation of companies, purchase of shares, and participation in partnerships, trusts, incorporated joint ventures and other arrangements for sharing profits.

Clause 2E - Limitation on formation of companies

Inserts a new section 10AA into the Principal Act which limits the Institutes power to form companies. Prior permission must be obtained from the Minister, who is required to table a statement before each House of Parliament setting out the reasons for the subscription or purchase.

