

Industrial Research and Development Grants Act 1973

No. 201 of 1973

AN ACT

To amend the *Industrial Research and Development Grants Act 1967-1972*.

[Assented to 18 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Industrial Research and Development Grants Act 1973*. Short title
and citation.

(2) The *Industrial Research and Development Grants Act 1967-1972** is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Industrial Research and Development Grants Act 1967-1973*.

2. (1) This Act shall come into operation on the day on which it receives the Royal Assent. Commence-
ment and
application.

(2) The amendments of the Principal Act made by this Act apply in relation to the grant year that commenced on 1 July 1972, and in relation to succeeding grant years.

3. Section 3 of the Principal Act is repealed. Parts.

4. Section 5 of the Principal Act is amended by omitting the definitions of “professional or technical research and development work” in subsection (1) and substituting the following definition:— Interpreta-
tion.

“‘professional or technical research and development work’ means—

(a) work by way of industrial research and development performed by a full-time employee of the company concerned—

(i) who has a professional qualification; or

* Act No. 51, 1967, as amended by No. 59, 1972.

- (ii) who is, under section 6A, an approved employee of the company for the purposes of this definition; or
- (b) work by way of direct assistance in a technical capacity to the performance of work referred to in paragraph (a);”.

5. After section 6 of the Principal Act the following section is inserted in Part I:—

Approved
employees.

“ 6A. (1) Where the Australian Industrial Research and Development Grants Advisory Committee is satisfied that an employee of a company who does not have a professional qualification has skills, ability and experience that fit him to carry out work by way of industrial research and development for the company, the Committee may recommend to the Minister that the employee be approved as an approved employee of the company for the purpose of the definition of ‘ professional or technical research and development work ’ in sub-section (1) of section 5, and the Minister may then approve the employee as such an approved employee.

“ (2) If the Australian Industrial Research and Development Grants Advisory Committee recommends to the Minister that the approval of an employee of a company as an approved employee of the company for the purpose of the definition of ‘ professional or technical research and development work ’ in sub-section (1) of section 5 be revoked, the Minister may revoke the approval of the employee as such an approved employee.

“ (3) An approval of an employee of a company under sub-section (1) may be expressed to have taken effect from a specified day, being 1 July 1972 or a subsequent day, and, if it is so expressed, the employee shall be deemed to have become an approved employee of the company for the purpose of the definition of ‘ professional or technical research and development work ’ in sub-section (1) of section 5 on the day so specified.

“ (4) A revocation of an approval of an employee of a company does not apply in relation to a grant year before the grant year next commencing after the revocation of the approval.”.

Advisory
Committee.

6. Section 21 of the Principal Act is amended by inserting after sub-section (3) the following sub-section:—

“ (3A) The Board may refer to the Committee, for report to the Minister, the question whether a specified employee of an eligible company should be approved under section 6A, and shall do so upon receipt of a request in writing from the company.”.

Selective
grants.

7. Section 27 of the Principal Act is amended—

(a) by inserting in sub-section (3), after the word “ subject ”, the words “ to sub-section (3A) and ”;

(b) by inserting after sub-section (3) the following sub-sections:—

“ (3A) Unless the Minister otherwise directs under sub-section (3B)—

- (a) the amount authorized to be paid under sub-section (2) in respect of a grant year to a company; or
- (b) the sum of the amounts authorized to be so paid to two or more companies that are, for the purpose of this section, to be taken to be related to each other,

shall not exceed \$200,000 or such amount as is prescribed in respect of that grant year.

“(3B) Where the Minister is satisfied that it would be in the national interest for a grant or grants exceeding the amount applicable under sub-section (3A) to be made under this section to a company, or to any of two or more companies that are, for the purpose of this section, to be taken to be related to each other, in relation to expenditure on industrial research and development during a grant year, the Minister may, by notice in writing delivered to the Chairman and expressed to be given under this sub-section, direct that sub-section (3A) is not to apply to the company, or to any of those companies, as the case requires, in respect of that grant year.

“(3C) For the purposes of sub-sections (3A) and (3B)—

- (a) where a company is a subsidiary of another company, the first-mentioned company and that other company shall, for the purpose of this section, be taken to be related to each other;
- (b) where two or more companies are each subsidiaries of another company, those companies and that other company shall, for the purpose of this section, be taken to be related to each other; and
- (c) ‘company’ does not include an unincorporated body or association of persons.

“(3D) For the purposes of sub-section (3C), a company shall be deemed to be a subsidiary of another company if—

- (a) that other company holds all the issued share capital of the first-mentioned company; or
- (b) the first-mentioned company is a subsidiary of a company that is that other company’s subsidiary.

“(3E) In determining whether one company is a subsidiary of another company for the purpose of sub-section (3D)—

- (a) paragraph 5 (9) (b) does not apply; and
- (b) any share held—
 - (i) by a person as a nominee of that other company; or
 - (ii) by, or by a nominee for, a subsidiary of that other company,

- shall be treated as held by that other company.”; and
- (c) by omitting from sub-section (4) the words “the operation of this section” and substituting the words “the operation of sub-sections (2) and (3)”.

Formal
amendments.

8. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 8

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting the words “of this Act”, “of this section” and “of this definition” (wherever occurring):—

Sections 5 (1) (definitions of “contract expenditure”, “increased work expenditure”, “prescribed class of expenditure” and “salary expenditure”) and (12), 13 (1) (c), 15, 20 (3) (b), 23 (3A) and (4), 25 (3), 25B, 26 (2) and (4), 27 (2) and (3), 32 (3) and 33 (1).

2. The Principal Act is further amended as set out in the following table:—

Provision	Amendment
Section 5 (1)	(a) From the definition of “grant year” omit “the first day of July, One thousand nine hundred and sixty-seven”, substitute “1 July 1967” (b) From paragraph (b) of the definition of “professional qualification” omit “of this Act”. (c) From the definition of “year” omit “the first day of July”, substitute “1 July”.
Section 5 (11)	Omit “section 25 of this Act”, substitute “section 25”.
Section 38 (1)	Omit “thirtieth day of June”, substitute “30 June”.
Section 38 (2) (a)	Omit “section 27 of this Act”, substitute “section 27”.