

## Scientific and Industrial Research Act 1974

Commenced: 1 Apr 1974; 13 Dec 1979, Scientific and Industrial Research Amendment Act 1979; 11 Jun 1985, Scientific and Industrial Research Amendment Act 1985; 30 Mar 1987, Scientific and Industrial Research Amendment Act 1987

### REPRINTED ACT [WITH AMENDMENTS INCORPORATED] SCIENTIFIC AND INDUSTRIAL RESEARCH REPRINTED AS ON 1 AUGUST 1989

NOTE: Except where otherwise indicated, all references to the State Sector Act 1988 in square brackets were substituted for references to the State Services Act 1962 by s. 90 (a) of the State Sector Act 1988.

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THE SCIENTIFIC AND INDUSTRIAL RESEARCH ACT 1974  
1974, No. 6

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

[1 April 1974

1. Short Title and commencement---(1) This Act may be cited as the Scientific and Industrial Research Act 1974.

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

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

. . . . .

``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:

[``Intellectual property" includes all property rights constituted by the Patents Act 1953, the Designs Act 1953, the Trade Marks Act 1953, and the Plant Varieties Act 1973, and includes any trade secret; but does not include any property rights constituted by the Copyright Act 1962:]

``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:

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

``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:

``Research" means scientific and industrial research; and includes scientific and technological development, and services:

``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:

``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.

Cf. 1952, No. 12, s. 2

``Breeder": A definition of this term was repealed by s. 41 (4) of the Plant Variety Rights Act 1987. See s. 1 (2) of that Act and S.R. 1988/111.

``Intellectual property": The definition of this term was inserted by s. 2 of the Scientific and Industrial Research Amendment Act 1985.

``Plant variety": The Plant Varieties Act 1973 has been repealed and replaced by the Plant Variety Rights Act 1987. See now the definition of the term ``variety" in s. 2 of the latter Act.

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

4. Appointment of officers---(1) There shall from time to time be appointed under [the State Sector Act 1988] a Director-General of the Department (who shall be the administrative head thereof) and such other officers as may be necessary.

(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

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:

(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:

(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:

(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:

(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:

(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:

(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:

(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

As to the salaries of certain officers of Research Associations assisted under para. (f), see s. 12 (1) (a) (ii) of the Higher Salaries Commission Act 1977, and also ss. 30-32 of that Act.

[5A. Remuneration of chief executive of research association---The remuneration payable to the chief executive of any research association set up with the encouragement and assistance of the Minister pursuant to section 5 (f) of this Act shall be determined from time to time by the State Services Commission.]

This section was inserted by s. 87 of the State Sector Act 1988.

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:

(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:

(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:

(e) Acquire and maintain any land which may be necessary or convenient in connection with any of the functions of the Department:

(f) Exercise all such other powers as are necessary for the effective performance of the functions of the Department.

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 Sector Act 1988] 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 Sector Act 1988] 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.

(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.

(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.

(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.

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.

(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.

(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 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 of [the Public Works Act 1981] as for a public work.

Cf. 1952, No. 12, s. 7

The Public Works Act 1981, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Works Act 1928.

[12. Inventions, etc., by employees---(1) Notwithstanding anything in any other enactment, any intellectual property devised or developed by an officer or employee of the Department shall belong to the Crown (which, for this purpose, shall be deemed to be the assignee of the officer or employee in respect of that intellectual property) if---

(a) It was devised or developed in the course of the duties of the officer or employee, being duties from which intellectual property might reasonably be expected to result; or

(b) It was devised or developed wholly or principally by or through the use of resources provided by the Crown---

but any other intellectual property devised or developed by an officer or employee shall, as between him and the Department, belong to the officer or employee.

(2) There may be paid to an officer or employee of the Department in respect of any such intellectual property declared to belong to the Crown such amount by way of bonus or grant as may be appropriate for the purpose.

[[ (3) All intellectual property belonging to the Crown under this section may be made available for use (whether by way of assignment or licence or otherwise) on such conditions (including the payment of royalties or other money) as the Minister may from time to time agree.

(4) Without limiting the provisions of subsection (3) of this section, where intellectual property belonging to the Crown under this section was devised or developed wholly or partly through the use of resources other than public money [(as defined in section 2 (1) of the Public Finance Act 1989) or public assets], the Minister may assign that intellectual property or any interest in it to the person or persons who provided those resources upon such terms and conditions as may be agreed.]] ]

This section was substituted for the original s. 12 by s. 3 of the Scientific and Industrial Research Amendment Act 1985.

Subss. (3) and (4) were substituted for the former subss. (3) and (4) by s. 2 of the Scientific and Industrial Research Amendment Act 1987.

In subs. (4) the words in single square brackets were substituted for the former words by s. 86 of the Public Finance Act 1989.

13. Fees for special investigations---(1) 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.

(2) Every such fee shall be paid into [the Crown Bank 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.

In subs. (2) the reference to the Crown Bank Account was substituted for a reference to the Consolidated Account (as substituted for a reference to the Consolidated Revenue Account by s. 114 (6) of the Public Finance Act 1977) by s.83 (7) of the Public Finance Act 1989.

[13A. Restrictions on use of name of Department in certain cases---(1) Except with the consent in writing of the Director-General, no person shall manufacture, sell, offer for sale, or distribute any goods under or using any name, title, or description which contains the name of the Department, the name of any of its divisions, or any abbreviation (including the word ``DSIR") by which the Department or division may be generally known.

(2) Except with the consent in writing of the Director-General, no person shall publish or cause or permit to be published any advertisement which relates to any goods and which---

(a) Refers to the goods by any name, title, or description which contains the name of the Department, the name of any of its divisions, or any abbreviation (including the word ``DSIR") by which the Department or division may be generally known:

(b) Is calculated or likely to cause any other person to believe that the goods were developed, tested, or approved by or in the Department or by or in any research establishment administered by it.

(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$400 who contravenes the provisions of this section.]

This section was inserted by s. 2 (1) of the Scientific and Industrial Research Amendment Act 1979. As to the letters ``DSIR", see s. 23 of the Flags, Emblems, and Names Protection Act 1981.

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:

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.

(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.

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

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:

(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:

(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 any such verifying authority:

(d) Authorising any such verifying authority to delegate all or any of the powers of that authority:

(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 body or by any other person or authority of any powers for the time being conferred by any other Act.

17. Repealed by s. 43 (6) of the Weights and Measures Act 1987.

18. Repeals---The enactments specified in the Schedule to this Act are hereby repealed.

## SCHEDULE

### Section 18

#### ENACTMENTS AMENDED

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.

. . . . .

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).

A reference to the National Research Advisory Council Act 1963 was repealed by s. 18 (2) (d) of the Finance Act 1988.