

# MINERALS AND ENERGY RESEARCH AMENDMENT BILL 2005

## EXPLANATORY MEMORANDUM

### General Outline

The Amendment Bill contains changes to the *Minerals and Energy Research Act 1987* to improve the effectiveness of the Minerals and Energy Research Institute of Western Australia (MERIWA).

The amendments implement the recommendations May 2002 Review of MERIWA. This Review was carried out in response to the recommendations of the Machinery of Government Taskforce as well as the requirement to review the Minerals and Energy Research Act after each five years of operation.

### Clause 1 – Short Title

The short title for the amending legislation is the *Minerals and Energy Research Amendment Act 2005*.

### Clause 2 – Commencement

This clause provides that the amendments will come into operation on the day on which the Act receives Royal Assent.

### Clause 3 – The Act amended

The amendments in this Act are to the Minerals and Energy Research Act 1987.

### Clause 4 – Section 5 amended

Section 5 details the Function of the Institute and is strengthened by the insertion of

Paragraph (k) to assist in developing the capacity of Western Australian Institutions to undertake minerals and energy research.

Paragraph (l) to ensure the Minister is provided with advice in relation to minerals and energy research.

### Clause 5 – Section 6 amended

Section 6 details the Powers of the Institute and is made more relevant and flexible by the revision of

Paragraph (d) by the use of the term “*intellectual property*” to replace the use of “patents” and “registration of industrial design” and extend it flexibility by the insertion of

Paragraph (e) to permit the acceptance of gifts that can be appropriately used to enhance the function of the Institute.

#### **Clause 6 – Section 11 amended**

Section 11 covers the Constitution of the Board and this amendment raises the number of Board Members from 4 to 5 as recommended in the May 2002 Review.

#### **Clause 7 – Section 12 amended**

Section 12 covers the Appointment and tenure of Directors and is amended to specify the background and experience of appointees and the tenure of their appointment.

Paragraph (2a) is inserted to instruct the Minister to make the nominations so that at least one director is appointed with recent or current experience in the petroleum industry, one in the minerals industry and one in the research sector.

Paragraph (3a) is inserted to limit the consecutive tenure of directors to 10 years.

#### **Clause 8 – Section 14 amended**

Section 14 covers the appointment of an Acting Board Chairman and is simplified by allowing the Minister to appoint the Acting Chairman from existing Board Members and to terminate that appointment at any time.

#### **Clause 9 – Section 16 amended**

Section 16 covers remuneration and allowances for Board members and is amended to reflect the changes in Section 14

#### **Clause 10 – Section 17 amended**

Section 17 covers meetings and proceedings of the Board and the amendments reflects the changes in Sections 14 and 16 and recognises the place of modern telecommunications technology in meeting procedure when a director is unable to attend in person.

#### **Clause 11 – Section 20 amended**

Section 20 determines the representative make-up of the Minerals Research Advisory Committee and is amended to ensure members are appropriately associated with the areas of expertise they represent.

Paragraph (1)(i) is amended to limit the number of other persons appointed by the Minister to 8.

Section 20(8) is repealed and replaced with criteria for the Minister to remove or replace members where they are deemed to be no longer representing the interests for which they were appointed.

Section 20(9) is inserted to define the use of “member” within the section.

**Clause 12 – Section 24 amended**

Section 24(1) is amended by deleting “or Acting Board Chairman”

**Clause 13 – Section 32 amended**

Section 32 is amended by defining the authority and expenditure limits when the Institute engages professional or technical assistance.

**Clause 14 – Section 40 amended**

Section 40 is amended to ensure the Minerals and Energy Research Act continues to be reviewed every 5 years after the Minerals and Energy Research Amendment Act 2005 comes into operation.