

Western Australia

**Minerals and Energy Research Amendment
Act 2008**

As at 13 Jun 2008

No. 23 of 2008

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Western Australia

Minerals and Energy Research Amendment Act 2008

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Western Australia

Minerals and Energy Research Amendment Act 2008

No. 23 of 2008

An Act to amend the *Minerals and Energy Research Act 1987*.

[Assented to 13 June 2008]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

This is the *Minerals and Energy Research Amendment Act 2008*.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. The Act amended

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

[* *Reprinted as at 4 May 2001.*

For subsequent amendments see Western Australian Legislation Information Tables for 2004, Table 1, p. 290.]

4. Section 5 amended

Section 5 is amended as follows:

- (a) in paragraph (e) by deleting “referred to in paragraph (d)”;
- (b) after paragraph (i) by deleting “and”;
- (c) after paragraph (j) by deleting the full stop and inserting the following —

“

;

- (k) assisting in the development of the capacity in Western Australia to undertake minerals and energy research; and
- (l) providing the Minister with advice in relation to minerals and energy research.

”.

5. Section 6 amended

Section 6(2) is amended as follows:

- (a) after paragraph (c) by deleting “and”;
- (b) by deleting paragraph (d) and inserting instead —
“
 - (d) to apply for, or to join in the making of an application for, intellectual property rights; and
 - (e) to accept any gift or other payment if it is absolute or subject to conditions that the Institute would be able to satisfy.”.

6. Section 11 amended

Section 11 is amended by deleting “4” and inserting instead —

“ 5 ”.

7. Section 12 amended

(1) After section 12(2) the following subsection is inserted —

- “
- (2a) The Minister is to make the nominations so that the Board has —
 - (a) at least one director who has recent or current experience in the petroleum industry;
 - (b) at least one director who has recent or current experience in the minerals industry; and
 - (c) at least one director who has recent or current experience in the research sector.
- ”.

s. 8

(2) After section 12(3) the following subsection is inserted —

“

(3a) A person appointed to the office of director after February 2002 cannot hold office for more than 10 consecutive years.

”.

8. Section 14 amended

(1) Section 14(1) is amended by deleting “an officer of the Department” and inserting instead —

“ a director of the Board ”.

(2) Section 14(2) and (3) are repealed and the following subsection is inserted instead —

“

(2) The Minister may at any time terminate an appointment under subsection (1).

”.

9. Section 16 amended

Section 16 is amended as follows:

(a) after paragraph (a) by inserting —

“ and ”;

(b) by deleting paragraph (b) and “and” after it;

(c) in paragraph (c) by deleting “or an Acting Board Chairman”.

10. Section 17 amended

- (1) Section 17(2) is repealed and the following subsection is inserted instead —

“

- (2) The Board Chairman may at any time convene a meeting of the Board, giving at least 2 days notice of the meeting.

”.

- (2) Section 17(3)(b) is amended by deleting “or, if the Board Chairman is absent from duty or from the State or is, for any reason, unable to perform the duties of his office, the Acting Board Chairman”.

- (3) After section 17(3) the following subsection is inserted —

“

- (3a) A member of the Board may attend a meeting of the Board by telephone, audio-visual link-up or any other form of instantaneous communication provided that all Board members attending the meeting are simultaneously in contact with each other, and the member is to be taken to be present at the meeting.

”.

- (4) Section 17(4) is amended by deleting “or, if the Acting Board Chairman is acting in the office the Board Chairman, the Acting Board Chairman” and inserting instead —

“ , or Acting Board Chairman (when relevant), ”.

11. Section 20 amended

- (1) Section 20(1)(i) is amended by deleting “such number of other persons (if any) as the Minister considers appropriate” and inserting instead —

“

the number of other persons (if any) that the Minister considers appropriate (to a maximum of 8)

”.

s. 12

- (2) Section 20(8) is repealed and the following subsections are inserted instead —

“

- (8) The Minister may remove a member appointed under subsection (1)(a), (b), (c), (d), (e), (f) or (g) from office if —

- (a) the member —

- (i) ceases to be a member or employee of the body, university or authority concerned;
- (ii) ceases to be engaged by the body, university or authority concerned to represent its interests;
- (iii) in the case of a member appointed under subsection (1)(a), (b) or (c) — ceases to work in the industry that the body concerned represents; or
- (iv) otherwise ceases to have a sufficient connection with the body, university or authority concerned to appropriately represent its interests;

and

- (b) the body, university or authority agrees to the person being removed from office.

- (9) In this section —

“member” means member of the Minerals Research Advisory Committee.

”.

12. Section 24 amended

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

13. Section 32 amended

- (1) Section 32 is amended by inserting before “The Institute” the subsection designation “(1)”.
- (2) At the end of section 32 the following subsections are inserted —

“

- (2) The Minister may authorise the Institute to enter into contracts described in subsection (1) of a value less than \$20 000 (or a higher amount set out in the regulations) without the approval of the Minister under subsection (1).
- (3) An authorisation under subsection (2) is to be in writing and may —
 - (a) apply to all contracts or a specified class of contracts; and
 - (b) be subject to conditions.

”.

14. Section 40 amended

Section 40(1) is amended by deleting “the expiry of 5 years from its commencement” and inserting instead —

“

the Minerals and Energy Research Amendment Act 2008 comes into operation and every 5 years after that

”.

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