THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

GOVERNANCE REVIEW IMPLEMENTATION (SCIENCE RESEARCH AGENCIES)
BILL 2007

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education, Science and Training, the Honourable Julie Bishop MP)
GOVERNANCE REVIEW IMPLEMENTATION (SCIENCE RESEARCH AGENCIES) BILL 2007

OUTLINE

The Governance Review Implementation (Science Research Agencies) Bill 2007 (the Bill) seeks to improve the corporate governance of three statutory authorities in the Education, Science and Training portfolio - the Australian Institute of Marine Science (AIMS), the Australian Nuclear Science and Technology Organisation (ANSTO) and the Commonwealth Scientific and Industrial Research Organisation (CSIRO). The Bill is part of a broader exercise within the Australian Government to improve transparency and consistency in relation to governance arrangements for statutory authorities and office holders in response to the Government’s endorsement of the recommendations of the Review of the Corporate Governance of Statutory Authorities and Office Holders (the Uhrig Review).

Amendments to the governance arrangements of AIMS

The Bill will amend Part IV of the Australian Institute of Marine Science Act 1972 (the AIMS Act) to enable the Council to appoint and remove the Chief Executive Officer (CEO), who is currently appointed by the Governor-General. Consequential amendments to Part IV of the AIMS Act are proposed to ensure that other relevant provisions are consistent with this arrangement. In particular, provisions relating to termination of appointment of the CEO, appointment of an acting CEO and requiring the CEO to make a declaration of interests to the Council are proposed in this context.

Consistent with the recommendations of the Uhrig Review regarding the powers of a governing body, the legislative requirement for Ministerial approval of contracts for expenditure above a prescribed value (currently $1 million) is to be removed by repealing section 42 of the AIMS Act. This will be replaced by a requirement, set out in the Minister’s Statement of Expectations, that the Minister is notified in advance of AIMS entering into significant contracts. This is consistent with the provisions in section 15 of the Commonwealth Authorities and Companies Act 1997 (CAC Act). Similar amendments are also made for ANSTO and CSIRO.

Amendments to the governance arrangements of ANSTO

Currently Section 9 of the Australian Nuclear Science and Technology Organisation Act 1987 (the ANSTO Act) provides for a Board consisting of the Executive Director and “not fewer than 2 nor more than 6 other members”. The ANSTO Act will be amended to reflect Uhrig Review recommendations for best practice regarding governance by a board by specifying that the Board will consist of 6-9 members including the Executive Director.

Consistent with the amendments to be made to the governance of AIMS and CSIRO, the legislative requirement for Ministerial approval of contracts above a prescribed value (currently $5 million) will be removed by repealing section 31 of the ANSTO Act. This will be replaced by a requirement, set out in the Minister’s Statement of Expectations, that the Minister is notified in advance of ANSTO entering into significant contracts. This is consistent with the provisions in section 15 of the CAC Act.
For consistency with commercial practice, the title of the chief executive of ANSTO will be changed to “Chief Executive Officer” rather than the current “Executive Director”, wherever occurring in the ANSTO Act.

Amendments to the governance arrangements of CSIRO
Section 10B of the Science and Industry Research Act 1949 (the SIR Act), will be amended to enable the Board to appoint and remove the Chief Executive (currently the Chief Executive is appointed by the Governor-General). Consequential amendments to Part IIA of the SIR Act are proposed to ensure that other relevant provisions are consistent with this arrangement. For example, provisions relating to: termination of appointment of the Chief Executive; appointment of an acting Chief Executive; the Chief Executive making a declaration of interests to the Board, not the Minister; and the Chief Executive seeking the Board’s approval for leave of absence, rather than that of the Minister.

In recognition of the increased responsibilities and workload of the Chairperson of CSIRO, a position of Deputy Chairperson has been created. This is consistent with the arrangements for the Board of ANSTO, which already has a position of Deputy Chairperson. The SIR Act will be amended to make explicit that the Board may delegate any or all of its powers.

Consistent with the amendments to be made to the governance of AIMS and ANSTO, the legislative requirement for Ministerial approval of contracts above a prescribed value (currently $5 million) will be removed by repealing section 50 of the SIR Act. This will be replaced by a requirement, set out in the Minister’s Statement of Expectations, that the Minister is notified in advance of CSIRO entering into significant contracts. This is consistent with the provisions in section 15 of the CAC Act.

The SIR Act will be amended to require the Chief Executive to seek the approval of the Board, rather than the Minister, for the payment of bonuses or intellectual property rewards to CSIRO staff. Section 9A of the SIR Act will be amended to remove the need for Ministerial approval for CSIRO to accept gifts. This amendment is consistent with existing arrangements for ANSTO and AIMS.

FINANCIAL IMPACT

There is no financial impact.
NOTES ON CLAUSES

Part 1—Preliminary

Clause 1 - Short title
Provides for the Act to be cited as the Governance Review Implementation (Science Research Agencies) Act 2007.

Clause 2 - Commencement
Subclause 2(1) provides a three column table setting out commencement information for various provisions in the Act. Each provision of the Act specified in column 1 of the table commences (or is taken to have commenced) in accordance with column 2 of the table, and any other statement in column 2 has effect according to its terms.

The table provides for sections 1 to 3 (and anything else in the Act not covered elsewhere in the Table) to commence on Royal Assent, and for Schedules 1, 2 and 3 to commence on a day (or days) fixed by proclamation. Any unproclaimed provision/s will commence six months after Royal assent.

Subclause 2(2) provides that column 3 of the table contains additional information which may be added to or edited in any published version of the Act, but that information in this column is not part of the Act.

Clause 3 - Schedule(s)
Provides that each Act that is specified in a Schedule is amended or repealed as set out in the applicable items in the Schedule and that any other item in a Schedule has effect according to its terms.
Schedule 1—Australian Institute of Marine Science Act 1972

Item 1 Paragraph 20A(a)

Amends paragraph 20A(a) to broaden the range of Council decisions that the Chief Executive Officer of the Institute may not participate in. This is to reflect the fact that, as a result of the amendments to be made by this Schedule, the Council will not only be able to grant leave of absence to the Chief Executive Officer, but will also be empowered to make a wide range of other decisions in relation to the Chief Executive Officer.

Item 2 Section 21

Amends section 21 to have the effect of providing that the Chief Executive Officer of the Institute be appointed by the Council directly, rather than by the Governor-General on the recommendation of the Council.

Item 3 Subsection 22(1)

Makes a technical correction to section 22 to reflect the fact that the section is no longer divided into subsections.

Items 4 and 5 Subsection 22(1)

Amend section 22 (subsection 22(1) before the amendment made by item 3), dealing with the tenure of office of the Chief Executive Officer of the Institute, to reduce the maximum period of appointment of the Chief Executive Officer from 7 to 5 years and to reflect the amendments made by item 2.

Item 6 Subsection 25(2)

Amends subsection 25(2) to have the effect of providing that the Council rather than the Minister shall determine the terms and conditions (as to remuneration or otherwise), where the Council grants leave of absence (other than recreation leave) to the Chief Executive Officer.

Item 7 Section 26

Amends section 26 to have the effect of providing that the Chief Executive Officer may resign from office in writing signed by him/her and delivered to the Council, rather than to the Governor-General.
**Item 8  Sections 27 and 28**

Repeals sections 27 and 28 and substitutes a new section 27 setting out the processes for terminating the appointment of the Chief Executive Officer.

Proposed subsection 27(1) provides that the Council may terminate the appointment of the Chief Executive Officer for misbehaviour or physical or mental incapacity.

Proposed subsection 27(2) provides that the Council may terminate the appointment of the Chief Executive Officer if the Chief Executive Officer:

- becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit; or
- is absent, except on leave of absence granted by the Council, from 3 consecutive meetings of the Council; or
- is absent from duty, except on leave of absence granted by the Council, for 14 consecutive days or for 28 days in any 12 months; or
- fails, without reasonable excuse, to comply with his or her obligations under section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*.

Proposed subsection 27(2) also provides that the Council may terminate the appointment of the Chief Executive Officer if the Council is satisfied that the performance of the Chief Executive Officer has been unsatisfactory for a significant period. While the Council will need to have a basis for any view it may have that the Chief Executive Officer’s performance is unsatisfactory, it is intended that the Council is to have a broad discretion as to the factors to be taken into account in assessing performance and the relative importance of those factors. As a guide, a “significant period” might be regarded as a period of at least 3 months for the purposes of this section.

**Item 9  Section 29**

Section 29 provides that the Chief Executive Officer is not to undertake any other work without approval. **Item 9** amends section 29 to have the effect of providing that the Council rather than the Minister has the power to give the necessary approval in accordance with the section.

**Item 10  Subsections 30(1), (3), (4) and (5)**

Section 30 provides rules for the appointment of an acting Chief Executive Officer. **Item 10** amends subsections 30(1), (3), (4) and (5) to have the effect of providing that the Council rather than the Minister has the power to appoint an acting Chief Executive Officer in accordance with the section.

**Item 11  Section 42**

Section 42 provides for a limit on the value of contracts the Institute of Marine Science may enter. **Item 11** repeals section 42 to remove any limits.
**Item 12 Application of amendments—Chief Executive Officer**

This is an application provision specifying how the amendments in this Schedule apply to the Chief Executive Officer.

Proposed subitem 12(1) provides that the amendments and repeals made by this Schedule apply to a person appointed as Chief Executive Officer after commencement of this Schedule.

Proposed subitem 12(2) provides that the instrument of appointment of the current Chief Executive Officer continues in effect after commencement, despite the amendments and repeals made by this Schedule.

Proposed subitem 12(3) provides that, subject to subitem 12(4), the old Act continues to apply (in relation to the current Chief Executive Officer) as if the amendments and repeals made by this Schedule had not happened.

Proposed subitem 12(4) provides that subsection 25(2) of the *Australian Institute of Marine Science Act 1972* (as amended by this Schedule) has effect after commencement in relation to the current Chief Executive Officer.

Proposed subitem 12(5) provides that in item 12(5):

- **commencement** means the commencement of item 12.
- **current Chief Executive Officer** means the person who, immediately before commencement, held the office of Chief Executive Officer of the Australian Institute of Marine Science under section 21 of the old Act.
- **old Act** means the *Australian Institute of Marine Science Act 1972*, as in force immediately before commencement.
Schedule 2—Australian Nuclear Science and Technology Organisation Act 1987

Items 1 to 4 Subsection 3(1) (definitions)
Amends subsection 3(1) to amend the definitions of appointed member and member of the staff of the Organisation, to insert new definition of Chief Executive Officer and to repeal the definition of Executive Director to reflect amendments made by this Schedule.

Item 5 Subsection 9(1)
Repeals subsection 9(1) and inserts a new subsection which has the effect of providing that the Board shall be composed of the Chief Executive Officer and at least 5 (but not more than 8) other members.

Item 6 Subsections 9(2), (7), (10), (11) and (12)
Section 9 deals with the composition of the Board. Item 6 amends subsections 9(2), (7), (10), (11) and (12) to reflect the change of title of the Executive Director of the Organisation to Chief Executive Officer made by item 10.

Item 7 Subsection 9(12)
Amends subsection 9(12) to reflect the amendment made by item 5, providing for the minimum number of Board members to be increased to 5 members (other than the Chief Executive Officer).

Item 8 After section 16
Inserts a new section 16A which has the effect of providing that the Chief Executive Officer must not take part in any deliberation or decision of the Board with respect to him or her and that the Chief Executive Officer is to be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

Item 9 Part IV (heading)
Repeals and replaces the heading to Part IV (sections 18-23) of the Act to reflect the change of title of the Executive Director of the Organisation to Chief Executive Officer, made by item 10.
**Item 10  Subsection 18(1)**

Alters the title of the Executive Director of the Organisation to that of Chief Executive Officer for consistency with commercial practice.

The heading to section 18 is replaced by the heading “Chief Executive Officer”.

**Items 11 to 15, 17, 18 , 20, , 23 and 26  Paragraph 18(3)(a), sections 19, 20, 21, 21A, 21B, 21C, 22, 23, 24, and 45**

Amend paragraph 18(3)(a) and sections 19, 20, 21, 21A, 21B, 21C, 22, 23, 24, and 45 to reflect the change of title of the Executive Director of the Organisation to Chief Executive Officer, made by item 10.

**Item 16  Subsection 21A(2)**

Section 21A deals with leave of absence for the Chief Executive Officer. **Item 16** amends subsection 21A(2) to have the effect of providing that the Board may grant the Chief Executive Officer leave of absence (other than recreation leave) on such terms and conditions as to remuneration or otherwise as the Board determines. This implements one of the recommendations of the Uhrig Review.

**Item 19  Section 21C**

Section 21C deals with the termination of the appointment of the Chief Executive Officer. **Item 19** inserts a new subsection 21C(3), which provides that the Board may terminate the appointment of the Chief Executive Officer if the Board is satisfied that the performance of the Chief Executive Officer has been unsatisfactory for a significant period. While the Board will need to have a basis for any view it may have that the Chief Executive Officer’s performance is unsatisfactory, it is intended that the Board is to have a broad discretion as to the factors to be taken into account in assessing performance and the relative importance of those factors. As a guide, a “significant period” might be regarded as a period of at least 3 months for the purposes of this section.

**Item 21  Section 22**

Amends section 22 to have the effect of providing that written notice of all direct or indirect pecuniary interests that the Chief Executive Officer has or acquires in any business must be given to the Board rather than the Minister.

**Item 24  Section 31**

Section 31 provides for a limit on the value of contracts the Organisation may enter without the approval of the Minister. **Item 23** repeals section 31 to remove any limits.
Item 25  Paragraph 42(1)(b)

Section 42 provides for delegations by the Minister while paragraph 42(1)(b) sets out certain powers under the Act which the Minister may not delegate. Item 24 amends paragraph 42(1)(b) to remove reference to the Minister’s powers under subsections 26(1), (2), (9), (11), (15) and (16) and sections 28 and 31. These provisions have been, or are about to be, repealed. Section 31 is to be repealed by item 22 while sections 26 and 28 were repealed by Act Nos. 135 of 1998 and 152 of 1997 respectively.
Schedule 3—Science and Industry Research Act 1949

Items 1 and 2  Section 7

Inserts a new definition of Deputy Chairperson and amends the definition of member in section 7 to reflect the amendment made by item 23 providing for a new position of Deputy Chairperson of the Board.

Item 3  Subsections 8(2), (3) and (4)

Repeals subsections 8(2), (3) and (4) and inserts new subsections dealing with the establishment of the Commonwealth Scientific and Industrial Research Organisation (the Organisation) to reflect contemporary practice for incorporation of an organisation that is subject to the Commonwealth Authorities and Companies Act 1997.

Proposed subsection 8(2) has the effect of providing that the Organisation is a body corporate with perpetual succession, must have a seal, may acquire, hold and dispose of real and personal property and may sue and be sued.

Proposed subsection 8(3) has the effect of providing that all courts, judges and persons acting judicially must take judicial notice of the imprint of the Organisation’s seal appearing on a document and must presume that the document was duly sealed.

Proposed subsection 8(4) has the effect of providing that the seal of the Organisation must be kept in such custody as the Board directs and must not be used except as authorised by the Board.

Items 4 to 6  Paragraphs 9AA(1)(b), (c) and (d)

Section 9AA sets out the powers of the Organisation and subsection 9AA(1) provides that the Organisation has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may do any of the things set out in paragraphs 9AA(1)(a) to (j).

Item 4 repeals paragraph 9AA(1)(b) and replaces it with a new paragraph which has the effect of providing that the Organisation may form, or participate in the formation of, a partnership or company.

Item 5 amends paragraph 9AA(1)(c) to have the effect of providing that the Organisation may make available to a person, on such conditions and on payment of such fees or royalties, or otherwise, as the Chief Executive determines, a discovery, invention or improvement that is the property of the Organisation. This is to clarify rather than alter the meaning of the paragraph.

Item 6 amends paragraph 9AA(1)(d) to have the effect of providing that the Organisation may pay bonuses as determined by the Chief Executive with the approval of the Board, rather than with the approval of the Minister, as at present.
**Items 7 and 8 Subsections 9A(1) and (1A)**

Section 9A deals with the acceptance of gifts and other benefits by the Organisation and provides for the Organisation to act as trustee in respect of such gifts or benefits. **Item 7** amends subsection 9A(1) to have the effect of providing that the Organisation may, in or in connection with the performance of its functions and the exercise of its powers:

- accept money or other property given, devised, bequeathed, assigned or otherwise made available to the Organisation (whether on trust or otherwise); and
- agree to any conditions subject to which money or other property is given, devised, bequeathed, assigned or otherwise made available to the Organisation; and
- act as trustee of money or other property vested in the Organisation upon trust.

**Item 8** repeals subsections 9A(1A) which is no longer required as a consequence of the amendment made by item 7 (which removed the need for the approval of the Minister for the acceptance of gifts and other benefits by the Organisation).

**Item 9 Subsection 10B(1)**

Section 10B deals with the appointment of the Chief Executive of the Organisation and related matters. **Item 9** amends subsection 10B(1) to have the effect of providing that the Chief Executive shall be appointed by the Board, rather than by the Governor-General (on the recommendation of the Minister in consultation with the Board). This amendment is in accordance with the governance principles and templates established in the Uhrig Review.

**Item 10 Subsection 10B(2)**

Repeals subsection 10B(2) and inserts a new subsection which has the effect of providing that the Board must consult with the Minister before appointing a person as Chief Executive, to reflect the amendment made by item 9 of this Schedule.

**Item 11 Subsection 10B(4)**

Amends subsection 10B(4) to have the effect of providing that the Chief Executive holds office on such terms and conditions (if any) in respect of matters not provided for by the Act, as are determined by the Board, rather than by the Minister.

**Item 12 Subsection 10C(2)**

Section 10C deals with leave of absence for the Chief Executive. **Item 12** amends subsection 10C(2) to have the effect of providing that the Board may grant the Chief Executive leave of absence (other than recreation leave) on such terms and conditions as to remuneration or otherwise as the Board determines. This implements one of the recommendations of the Uhrig Review.
Item 13  Section 10D

Amends section 10D to have the effect of providing that the Chief Executive may resign his/her office by writing to the Board, rather than to the Governor-General.

Item 14  Subsection 10E(1)

Amends subsection 10E(1) to have the effect of providing that the Board may terminate the appointment of the Chief Executive for misbehaviour or physical or mental incapacity, rather than the Governor-General.

Items 15 to 17  Paragraphs 10E(2)(d) and (e) and subsection 10E(2)

Paragraphs 10E(2)(a) to (e) list a number of grounds on which the Governor-General may terminate the appointment of the Chief Executive. Items 15, 16 and 17 amend paragraphs 10E(2)(d) and (e) and subsection 10E(2) to have the effect of providing that the Board (rather than the Governor-General) may terminate the appointment of the Chief Executive on the grounds listed in subsection 10E(2).

Item 18  At the end of section 10E

Adds a new subsection 10E(3) which provides that the Board may terminate the appointment of the Chief Executive if the Board is satisfied that the performance of the Chief Executive has been unsatisfactory for a significant period. While the Board will need to have a basis for any view it may have that the Chief Executive's performance is unsatisfactory, it is intended that the Board is to have a broad discretion as to the factors to be taken into account in assessing performance and the relative importance of those factors. As a guide, a “significant period” might be regarded as a period of at least 3 months for the purposes of this section.

Item 18 also adds a new subsection 10E(4) which provides that the Board must consult with the Minister before terminating the appointment of the Chief Executive.

Item 19  Section 10F

Section 10F deals with disclosure of the interests of the Chief Executive. Item 19 amends Section 10F to have the effect of providing that the Chief Executive shall give written notice to the Board (rather than the Minister) of all direct or indirect pecuniary interests that the Chief Executive has or may have in any business or in any body corporate carrying on a business.

Item 20  Subsections 10G(1), (4), (6) and (7)

Section 10G deals with the appointment of an Acting Chief Executive. Item 20 amends subsections 10G(1), (4), (6) and (7) to vest the power to make such an appointment and related powers in the Board rather than the Minister. This implements a recommendation of the Uhrig Review.
Item 21 Section 12

A technical amendment necessitated by the amendment made by item 22.

Item 22 At the end of section 12

Section 12 sets out the functions of the Board. Item 22 inserts a new subsection 12(2) which has the effect of clarifying that the Board has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

Item 23 Subsection 14A(4)

Section 14A provides for the constitution of the Board. Item 23 amends subsection 14A(4) to provide for a new position of Deputy Chairperson of the Board. Subsection 14A(4) as amended will have the effect of providing that the Governor-General shall appoint one of the part-time members to be the Chairperson of the Board and another of the part-time members to be the Deputy Chairperson of the Board.

Items 24 to 30 Subsection 14A(5), paragraphs 14A(5)(a), (b), (c) and (d) and subsection 14A(7)

Amend subsection 14A(5), paragraphs 14A(5)(a), (b), (c) and (d) and the note to subsection 14A(7) as a consequence of the amendment made by item 23 in providing for a new position of Deputy Chairperson of the Board.

Item 31 Subsection 15(5)

Section 15 deals with meetings of the Board. Item 31 repeals subsection 15(5) and inserts a new subsection which provides that, if the Chairperson is not present at a meeting of the Board, the Deputy Chairperson must preside at the meeting or, if the Deputy Chairperson is not present at the meeting, the members present must elect one of their number to preside at the meeting. This reflects the amendment made by item 23 providing for a new position of Deputy Chairperson of the Board.

Item 32 After section 15

Inserts a new section 15A which has the effect of providing that the Chief Executive must not take part in any deliberation or decision of the Board with respect to him or her and is to be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.
**Items 33, 34 and 35 Subsections 17(1) and (2) and 19(4)**

Amend subsections 17(1) and (2) [dealing with remuneration and allowances of the Chairperson] and subsection 19(4) [dealing with remuneration of other part-time members] to make provision for the new position of Deputy Chairperson of the Board created by the amendment made by item 23.

**Item 36 At the end of Part III**

Inserts a new section 22A to provide for the delegation of the Board’s powers.

Proposed subsection 22A(1) has the effect of providing that the Board may (by resolution) delegate to an eligible person (or to a committee of eligible persons) all or any of the Board’s powers under the Act or the regulations.

Proposed subsection 22A(2) has the effect of providing that a delegate is, in the exercise of a power so delegated, subject to the directions of the Board.

Proposed subsection 22A(3) has the effect of providing that, if the Board delegates a power to a committee of eligible persons, the Board must appoint one of the members of the committee to be the Chairperson of the committee and may determine the procedure to be followed in relation to meetings of the committee, including matters with respect to the following:

- the convening of meetings of the committee;
- the number of members of the committee who are to constitute a quorum;
- the selection of a member of the committee to preside at meetings of the committee at which the Chairperson of the committee is not present;
- the manner in which questions arising at a meeting of the committee are to be decided.

Proposed subsection 22A(4) provides a definition of *eligible person* for the purposes of section 22A. An eligible person is defined as a member of the Board (other than the Chief Executive) or an officer of the Organisation who is concerned in (or takes part in) the management of the Organisation, but does not include a person who is a member of the Consultative Council established under section 56 of the Act.

**Item 37 Section 50**

Section 50 provides for a limit on the value of contracts the Organisation may enter without the approval of the Minister. **Item 37** repeals section 50 to remove any limits.
Item 38 Application of amendments—Chief Executive

This is an application provision specifying how the amendments in this Schedule apply to the Chief Executive.

Proposed subitem 38(1) provides that the amendments and repeals made by this Schedule apply to a person appointed as Chief Executive after the commencement of this Schedule.

Proposed subitem 38(2) provides that the instrument of appointment of the current Chief Executive continues in effect after commencement, despite the amendments and repeals made by this Schedule.

Proposed subitem 38(3) provides that, subject to subitem (4), the old Act continues to apply (in relation to the current Chief Executive) as if the amendments and repeals made by this Schedule had not happened.

Proposed subitem 38(4) provides that subsection 10C(2) of the *Science and Industry Research Act 1949* (as amended by this Schedule) has effect after commencement in relation to the current Chief Executive.

Proposed subitem 38(5) provides that in subitem 38(5):

- *commencement* means the commencement of item 38 of this Schedule.
- *current Chief Executive* means the person who, immediately before commencement, held the office of Chief Executive of the Organisation under section 10A of the old Act.