

9 GEO. VI. No. 21, 1945. *Queensland Institute of Medical Research Act.*

HEALTH.

An Act to Provide for the Establishment and Maintenance of an Institute of Medical Research, and for other purposes.

9 GEO. VI.
NO. 21.
THE
QUEENSLAND
INSTITUTE OF
MEDICAL
RESEARCH
ACT OF 1945.

[ASSENTED TO 1ST NOVEMBER, 1945.]

WHEREAS it is considered that a system of research in medical science, particularly in relation to diseases peculiar to Queensland, is an essential factor in and towards the betterment of the health and the general wellbeing of the people of this State : Preamble.

AND WHEREAS for the purpose of providing for a system of such medical research on a sound basis it is desirable that an institute, called "The Institute of Medical Research," should be established and maintained:

AND WHEREAS it is desirable that statutory approval should be given to the establishment and maintenance of this Institute, and that the necessary provisions, hereinafter set forth, should be enacted for such purpose—

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. (1.) This Act may be cited as "*The Queensland Institute of Medical Research Act of 1945*," and shall be read and construed with *"*The Health Acts, 1937 to 1945*," which Acts shall, *mutatis mutandis*, apply and extend with respect to this Act, and to the intent that the provisions of this Act shall be and be deemed to form part of "*The Health Acts, 1937 to 1945*." Short title and construction.

(2.) †This Act shall, except where otherwise provided, come into operation on a date to be proclaimed by the Governor in Council by Proclamation in the *Gazette*. Such date shall hereinafter be referred to as the commencement of this Act. Commencement of Act.

* 1 G. 6 No. 31 and amending Acts, v. 3, p. 891 *et seq.*

† Proclaimed in force on and from 19th January, 1946, by Proclamation of 17th January, 1946 (*Gazette*, 19th January, 1946, p. 132).

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Inter-
pre-
ta-
tion.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings respectively assigned to them, that is to say:—

Minister.

“ Minister ”—The Secretary for Health and Home Affairs or other Minister of the Crown for the time being administering this Act ;

Council.

“ Council ”—The Council of The Queensland Institute of Medical Research constituted under this Act : the term also where necessary includes the chairman and any members of the Council ;

Director.

“ Director ”—The Director of The Queensland Institute of Medical Research or other person for the time being performing the functions of the Director ;

Institute.

“ Institute ”—The Queensland Institute of Medical Research constituted under this Act ;

Prescribed.

“ Prescribed ”—Prescribed by this Act ;

Regulations.

“ Regulations ”—Regulations made under the authority of this Act ;

This Act.

“ This Act ”—This Act and any regulations made thereunder.

Establish-
ment of The
Queensland
Institute of
Medical
Research.

3. (1.) There shall be established The Queensland Institute of Medical Research, herein referred to as “ the Institute.”

(2.) (i.) The Institute is established for the purpose of research into any branch or branches of medical science.

(ii.) Without in anywise limiting the generality and scope of paragraph (i.) of this subsection, research may be had and made into all or any of the following matters, namely:—

(a) Queensland fevers, including “ Q ” fever, scrub typhus, leptospirosis ;

(b) Lead poisoning, problems of diagnosis and after effects, and particularly as affecting the health and wellbeing of the children of the State ;

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- (c) Virus diseases, presence of pathogenic viruses, particularly in relation to children ;
- (d) The effect on health of industrial processes and industrial diseases generally ;
- (e) The incidence of disease in relation to social and nutritional status ;
- (f) The incidence of disease in relation to geographical districts and climatic influences in Queensland ;

(g) Certain tropical diseases in North Queensland. And, moreover, the Institute shall have power to formulate an active programme of clinical research.

(3.) The Institute shall be under the control and management of the Council.

(4.) The name of the Council shall be "The Council of The Queensland Institute of Medical Research."

(5.) The Council shall be a body corporate under the name and style of "The Council of The Queensland Institute of Medical Research," and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, and disposing of property.

(6.) All courts, judges, justices, and persons acting judicially shall take judicial notice of the seal of the Council affixed to any document or notice and shall presume that it was duly affixed.

4. The administration of this Act shall be subject to the Minister. Administration of Act.

5 (1.) For the purposes of this Act there is hereby constituted The Council of The Queensland Institute of Medical Research (hereinafter referred to as "the Council"), which Council shall and, notwithstanding anything to the contrary contained in this Act, be and be deemed to be so constituted from the date of the first appointment of the members thereof and shall consist of seven members as follows, viz. :— Constitution of Council of The Queensland Institute of Medical Research.

- (i.) The Director-General of Health and Medical Services (or person for the time being acting as the Director-General), who shall be *ex officio* a member of the Council and shall be chairman thereof ; Members.

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- (ii.) One member nominated by the Minister to represent the Government, who shall be appointed by the Governor in Council ;
- (iii.) One member nominated by the Minister to represent the Department of Health and Home Affairs, who shall be appointed by the Governor in Council ;
- (iv.) One member nominated by the Senate of the University of Queensland having regard to the advice of the Faculty of Medicine, who shall be appointed by the Governor in Council ;
- (v.) One member nominated by the Brisbane and South Coast Hospitals Board, who shall be appointed by the Governor in Council ;
- (vi.) One member nominated by the controlling body of the Mater Misericordiæ Hospitals, who shall be appointed by the Governor in Council ;
- (vii.) One member nominated by the Queensland Branch of the British Medical Association, who shall be appointed by the Governor in Council.

Deputy
chairman.

(2.) The Governor in Council shall from time to time appoint a member of the Council to be deputy chairman thereof.

Term of
office of
member.

(3.) Subject to the other provisions of this Act, every member of the Council other than the chairman shall hold office for three years and be eligible for reappointment :

Provided that a member appointed to fill a casual vacancy shall hold office only for the balance of the term of his predecessor.

Absence of
chairman,
&c.

(4.) If for any reason the chairman is unable to carry out his duties, the deputy chairman shall act as chairman during the period of such inability ; and if for any reason any other member of the Council is unable to carry out his duties, the Governor in Council may appoint some other person to act as a member during the period of such inability. Where the member unable to act was appointed after nomination, a similar nomination shall be required for the appointment of a member to act in his place.

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(5.) If any of the nominating bodies mentioned in subsection one of this section, after being requested by the Minister to make any nomination necessary under the subsection one aforesaid, fail to do so within two months after receiving the request, the Governor in Council may appoint a person to the seat in respect of which the nomination is requested without any nomination.

Power of Governor in Council on failure of body to nominate.

(6.) The Council may be constituted on the passing of this Act.

Council may be constituted on passing of this Act.

6. The seat of any member of the Council shall become vacant if he—

When seat of member to become vacant.

(a) Dies ;

(b) Resigns ;

(c) Absents himself without permission of the Council for more than four consecutive meetings of the Council ;

(d) Is an uncertificated or undischarged bankrupt ;

(e) Becomes a mentally sick person within the meaning of “*The Mental Hygiene Act of 1938*” ;

(f) Is removed from his office by the Governor in Council for misbehaviour or incapacity ;

(g) Ceases to hold any office or qualification which he is required to hold as a member of the Council ;

(h) Becomes an officer or employee of the Council.

7. (1.) Any four members of the Council shall form a quorum for the transaction of the business of the Council.

Quorum of Council.

(2.) In the case of the illness or absence of both the chairman and the deputy chairman the members of the Council present at any meeting shall appoint one of its members to act as chairman. Any person acting as chairman shall while he so acts have all the powers, authorities, and responsibilities and shall perform all the duties of the chairman.

Appointment of chairman in case of absence of chairman and deputy chairman.

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Meetings of
Council.

8. (1.) The first meeting of the Council shall be convened by the Minister.

(2.) Meetings thereafter of the Council shall be held at the times and places as determined by the Council :

Provided that the chairman shall have power to convene special meetings of the Council.

(3.) The business of the Council shall be conducted in such manner as the Council determines.

(4.) The chairman shall preside at every meeting of the Council at which he is present.

(5.) Upon every question the chairman shall have a vote and if the members are equally divided he shall have a second or casting vote.

(6.) The chairman shall give effect to any regulation, resolution, minute, or report which has been passed or adopted by the Council.

(7.) The deputy chairman may act in the office of chairman during such time as the chairman is prevented by absence, illness, or otherwise from performing the duties of the office of chairman, or during such time as a vacancy exists in the office of chairman.

(8.) The chairman, subject to the Council, shall be responsible for the control and management of the lay staff of the Institute.

Council may
carry out
agreements.

9. The Council is empowered to enter into and carry out agreements or arrangements within the purposes of this Act with the University of Queensland, the Brisbane and South Coast Hospitals Board and any other Hospitals Board constituted under **"The Hospitals Acts, 1936 to 1944,"* and the governing body of the Mater Misericordiæ Hospitals and any other hospital, the National Health and Medical Research Council of the Commonwealth Government, and such other bodies as the Council shall by resolution from time to time determine.

All such agreements and arrangements shall be subject to the approval of the Minister.

* 1 G. 6 No. 4 and amending Acts, v. 3, p. 1050 *et seq.*

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10. (1.) There shall be a Director and a Deputy Director of the Institute. Director and Deputy Director of Institute.

(2.) Every Director and every Deputy Director shall be appointed by the Governor in Council, having regard to the advice of the Council, and on such remuneration, terms, and conditions as are approved by the Governor in Council, having regard to the like advice.

(3.) Subject to good conduct and efficient service, the Director shall be entitled to hold office for seven years as from the commencement of his appointment, but may be reappointed by the Governor in Council.

(4.) The Director, subject to the direction of the Council, shall be responsible for the control and management of the research staff of the Institute.

(5.) Subject to the general direction of the Council, the Director shall be responsible for the research work carried out by the Institute.

(6.) If for any reason the Director is, in the opinion of the Council, unable to carry out his duties as Director, the Deputy Director shall carry out the duties, and have all the powers and authorities of the Director, during the period of such inability.

11. (1.) An officer of the Department of Health and Home Affairs appointed by the Governor in Council shall act also as secretary of the Institute, and the Governor in Council, having regard to the advice of the Council, may appoint such other officers as are required to carry out the work of the Institute. Staff of Institute.

(2.) Such officers shall be appointed on such salary and for such period and on such terms and conditions as are approved by the Governor in Council.

(3.) The Governor in Council may appoint any employees of the Institute other than the officers herein above referred to; and, subject to the provisions of **“ The Industrial Conciliation and Arbitration Acts, 1932 to 1945,”* or, as the case may be, the †*Commonwealth Conciliation and Arbitration Act 1904-1934*, or any award

* 23 G. 5 No. 36 and amending Acts, v. 4, p. 1020 *et seq.*

† No. 13 of 1904 of the Commonwealth and amending Acts.

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or agreement thereunder, such employees shall be paid such remuneration as the Governor in Council shall approve.

(4.) Any officer or employee appointed under the provisions of this Act shall be subject to the provisions of **“ The Public Service Acts, 1922 to 1924,”* and †*“ The Public Service Superannuation Acts, 1912 to 1937 ”* :

Provided that any such officer or employee concerned may apply to the Governor in Council to be exempted from the provisions of the said Acts or either of them.

The Governor in Council shall consider such application and make such order exempting such officer or employee from both or either of such Acts, or may exempt such officer or employee from part only of such Acts or either of such Acts, or may refuse to make any such order.

(5.) An officer or employee of the Public Service of Queensland who becomes an officer or employee under this Act shall retain all his existing and accruing rights under **“ The Public Service Acts, 1922 to 1924,”* and also under †*“ The Public Service Superannuation Acts, 1912 to 1937.”*

Power of Council to secure assistance from Government departments.

12. The Council may with the approval of the Governor in Council and on the recommendation of the Minister of the particular department concerned make use of the services of any officers employed in any department of the Public Service on any terms approved by the Governor in Council.

Trust Fund and financial provisions.

13. (1.) For the purpose of this Act there shall be a Trust Fund kept at the Treasury and known as *“ The Queensland Institute of Medical Research Trust Fund ”* (hereinafter referred to as *“ the Fund ”*).

(2.) For the purpose of defraying the charges and expenses connected with the carrying on, management, and control of the Institute there shall be paid into the Fund out of Consolidated Revenue an amount appropriated by Parliament from time to time for the purpose.

* 13 G. 5 No. 31 and amending Acts, v. 7, p. 1139.

† 3 G. 5 No. 28 and amending Acts, v. 7, p. 1110.

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(3.) There shall also be paid into the Fund all fees and revenue earned by the Council and all other money received by the Council from any source for purposes of the Institute.

(4.) The Fund shall be applied by the Council in and for the purposes of this Act and in and towards the payment of all expenses necessarily incurred in carrying this Act into execution and in doing and performing any acts, matters, and things which the Council is by this Act empowered or required to do or perform.

14. Any gifts or bequests may be made to the Council by any person of any property to or for the benefit or purposes of the Institute, and such gifts or bequests shall be free from stamp duty, gift duty, and succession and probate duty. Gifts and bequests.

The acceptance by the Council of any such property shall be a complete discharge to the person conveying or transferring the same.

15. All the provisions of sections twenty-one to twenty-five, both inclusive, of **The Hospitals Acts, 1936 to 1944*," so far as the same can be applied, shall be applicable in respect of the finance of the Institute. Application of financial provisions of the Hospitals Acts to Institute.

16. (1.) The Governor in Council may, subject to such terms and conditions as he thinks proper, grant the Council the right to use and occupy for the purposes of the Institute any land and buildings of the Crown. Power of Governor in Council to grant use of premises to Institute.

(2.) The Governor in Council or any statutory authority (including any local body within the meaning of †*The Local Bodies Loans Guarantee Acts, 1923 to 1936* ") may, subject to such terms and conditions as he or it thinks proper, grant the Council the right to use for the purposes of the Institute any land, plant, or equipment or any other matter or thing under the control of any State instrumentality or statutory authority respectively. Grant of use of land and premises of State instrumentality or statutory authority to Institute.

17. (1.) The central establishment of the Institute shall be established in association with the Pathological Department of the Brisbane Hospital in buildings to be erected by the Brisbane and South Coast Hospitals Board at the said Brisbane Hospital. Locus of central establishment of Institute.

* 1 G. 6 No. 4 and amending Acts, v. 3, p. 1050 *et seq.*

† 14 G. 5 No. 8 and amending Acts, v. 5, p. 1073 *et seq.*

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Co-operation
of Council,
Hospitals
Boards, and
Faculty of
Medicine of
University of
Queensland.

(2.) The Council, the Brisbane and South Coast Hospitals Board and all other Hospital Boards constituted under **"The Hospitals Acts, 1936 to 1944,"* and the Faculty of Medicine within the University of Queensland shall co-operate in arrangements to carry out any procedures required from time to time, or any procedures required by any of the said bodies in the investigation of problems of medical research and in arrangements to do such acts, matters, and things so as to further the objects and purposes of this Act; and without limiting the generality of these provisions the Director and the research staff of the Institute shall have such status in the Brisbane Hospital or any such other hospital herein referred to as is considered necessary to afford them access to patients for the purpose of prosecuting research.

Discoveries
and
inventions.

18. All discoveries, inventions, and improvements in processes, apparatus, and machines made by officers and employees shall be vested in the Council as its sole property and shall be made available under such conditions and payment of such fees or royalties or otherwise as the Governor in Council determines, or as may be prescribed, having regard to the advice of the Council.

Bonuses to
discoverers.

19. The Council may pay to successful discoverers or inventors working as officers and employees or under the auspices of the Council such bonuses as the Governor in Council determines.

Report of
Council.

20. The Council shall, as early as convenient after the end of each financial year, furnish the Minister with a report on the work of the Institute during that year, and the Minister shall cause the report to be laid before Parliament.

Governor in
Council may
make
regulations.

21. (1.) The Governor in Council, on the recommendation of the Council, may from time to time make such regulations providing for all or any purposes whether generally or to meet particular cases as may be convenient for the administration of this Act or as may be necessary or expedient to carry out the objects and purposes of this Act.

* 1 G. 6 No. 4 and amending Acts, v. 3, p. 1050 *et seq.*

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Without limiting the generality of the foregoing provisions, such regulations may provide for all or any of the following matters :—

- (a) Matters necessary or convenient for the proper management of the Institute and for facilitating its work ;
- (b) Prescribing fees to be charged by the Council for work done ;
- (c) Protecting the Institute and the plant and equipment therein against damage, defilement, or loss ;
- (d) Publication or reporting of information relating to any matter investigated in the Institute ;
- (e) Matters required or permitted to be prescribed.

(2.) The regulations may fix a penalty not exceeding in any case ten pounds for any breach thereof, to be recovered summarily. Regulations may fix penalty.

(3.) Regulations may be made on the passing of this Act. Regulations may be made on passing of Act.

(4.) All regulations made under this Act shall be published in the *Gazette* and shall upon such publication be judicially noticed. Regulations to be published in Gazette.

(5.) All such regulations shall be laid before Parliament within fourteen days if then sitting, and, if not then sitting, within fourteen days after the commencement of the next ensuing session. Regulations to be laid before Parliament.

If Parliament, within the next fourteen sitting days after any such regulation has been so laid before it, resolves that such regulation ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such regulation or to the making of any new regulation.

For the purpose of this section the term "sitting days" shall mean days on which the House actually sits for the despatch of business.