



ANNO VICESIMO NONO

ELIZABETHAE SECUNDAE REGINAE

No. 8 of 1980

An Act to amend the Queensland Institute of Medical
Research Act 1945–1975 in certain particulars

[ASSENTED TO 10TH APRIL, 1980]

BE IT ENACTED by the Queen'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. Short title and citation. (1) This Act may be cited as the *Queensland Institute of Medical Research Act Amendment Act 1980*.

(2) The *Queensland Institute of Medical Research Act 1945–1975* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Queensland Institute of Medical Research Act 1945–1980*.

2. Commencement. This Act shall come into operation on a date to be fixed by Proclamation.

3. Amendment of s. 2. Section 2 of the Principal Act is amended by omitting the terms “Prescribed”, “Regulations”, and “This Act” and substituting the following term:—

““Trust”—The Queensland Institute of Medical Research Trust established and incorporated under this Act.”.

4. New ss. 8A–8Q. The Principal Act is amended by inserting after section 8 the following sections:—

“8A. Constitution of Trust. (1) There is hereby established a body under the name and style, Queensland Institute of Medical Research Trust.

(2) The Queensland Institute of Medical Research Trust is a body corporate and shall have perpetual succession and a common seal and, subject to this Act, shall be capable of—

- (a) suing and being sued;
- (b) compounding or proving in any court of competent jurisdiction all debts and sums of money due to it;
- (c) acquiring, holding, and alienating (by exchange, sale, demise or otherwise) property or an interest therein;
- (d) doing and suffering all such other acts and things as bodies corporate may, in law, do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the official seal of the Trust and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

8B. Membership of Trust. (1) The Trust shall consist of five members, one of whom shall be the person referred to in subparagraph (ii) of section 5 (1) (who shall be chairman), appointed by the Governor in Council by notification published in the Gazette.

(2) The Trust shall be taken to be duly constituted upon the publication in the Gazette of notification of the first appointment of all the members of the Trust.

8C. Term of office of members of Trust. (1) Subject to this Act, the first appointed members of the Trust shall hold office from the date of their appointment until the expiration of the term of office of those persons who at that date hold office as members of the Council.

(2) Subject to this Act, subsequent members of the Trust shall be appointed for a term of three years.

(3) A member appointed to fill a casual vacancy shall, subject to this Act, hold office only for the balance of the term of his predecessor.

(4) In the absence of the chairman from a meeting of the Trust the Minister may appoint one of the other members or, failing such an appointment, the members present at the meeting may elect from their number one member to act as chairman.

The member so appointed or elected, while so acting, shall have all the powers of and be deemed to be chairman.

(5) If for any reason any member of the Trust, other than the chairman, 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.

8D. When seat of member to become vacant. The seat of any member of the Trust shall become vacant if he—

- (a) dies;
- (b) resigns;
- (c) absents himself without permission of the Trust for more than four consecutive meetings of the Trust;
- (d) is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;
- (e) becomes a patient within the meaning of the *Mental Health Act 1974-1978*;
- (f) is removed from his office by the Governor in Council for misbehaviour or incapacity;
- (g) being the person referred to in subparagraph (ii) of section 5 (1) ceases to hold the office of member of the Council;
- (h) becomes an officer or employee of the Council.

8E. Quorum. Any three members of the Trust shall form a quorum for the transaction of the business of the Trust.

8F. Meetings of Trust. (1) The first meeting of the Trust shall be convened by the Minister.

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

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

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

(4) The chairman shall preside at every meeting of the Trust 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 resolution, minute or report which has been passed or adopted by the Trust.

8G. Allowances. (1) Subject to subsection (2), each member of the Trust shall be paid such allowances, if any, as are from time to time prescribed.

(2) An allowance shall not be paid by the Trust to a member who is an officer of the Public Service of Queensland for attendance at any meeting of the Trust held during ordinary office working hours of that officer.

8H. Functions of Trust. The functions of the Trust are—

- (a) to raise moneys for and on behalf of the Council;
- (b) to invest moneys paid to it pursuant to section 15 (4) and moneys raised pursuant to subparagraph (a) for and on behalf of the Council;
- (c) to re-pay any moneys paid to it pursuant to section 15 (4) when requested so to do by the Council;
- (d) to pay to the Council, at such times as are agreed between it and the Council or in the absence of such agreement as are determined by the Minister, income received from investments made for and on behalf of the Council.

8I. Accounts. The Trust shall cause proper accounts to be established and properly kept in accordance with this Act.

8J. Annual financial statements. (1) The secretary to the Trust shall cause to be prepared and laid before the Trust before 31 August in each year annual statements of account and other financial and relevant information as is prescribed by the regulations, in the manner and form prescribed.

(2) Every statement of account referred to in subsection (1) shall be signed as correct by the chairman and secretary of the Trust and sealed with the seal of the Trust.

(3) Forthwith upon completion of the statements specified in subsection (1) the Trust shall lay the same and the accounts of the Trust (accompanied by proper vouchers in support thereof and all books, papers, writings and records of the Trust relating thereto) before the auditor appointed under this Act to examine the accounts of the Trust.

(4) Until the annual financial statements have been audited pursuant to section 8K and laid before the Legislative Assembly pursuant to section 20 no such statement shall be sold or made available to any

person other than the Auditor-General or a person acting in aid of him, the Minister or a person acting in aid of him, or a member or officer of the Trust.

(5) When the annual financial statements have been audited and laid before the Legislative Assembly as specified in subsection (3) the Trust shall cause to be published in a newspaper circulating generally throughout the State a notice to the effect that such statements are open to inspection at the institute and that a copy thereof may be purchased by payment to the Trust of an amount specified, which may be fixed from time to time by resolution of the Trust.

8K. Audit of accounts. (1) The accounts of the Trust shall be audited by the Auditor-General or by an authorized officer within the meaning of the *Financial Administration and Audit Act 1977-1978* directed by the Auditor-General, each of whom shall have, with respect to such audit and accounts all the powers and authorities conferred on him by that Act as if the Trust were a department of the Government of the State.

The fee payable by the Trust in respect of the audit shall be fixed by the Auditor-General.

(2) The Auditor-General shall certify whether the statements of account prepared on behalf of the Trust—

- (a) are, where applicable, prepared in the form required by this Act;
- (b) are in agreement with the accounts; and
- (c) in his opinion fairly set out the financial transactions for the period to which they relate and show a true and fair view of the state of affairs at the close of that period on a basis consistent with that applied in respect of the financial year last preceding.

(3) The Auditor-General shall, at least once in each year, report to the Minister the results of each audit carried out pursuant to this section and shall, if he thinks fit, include with the report recommendations to the Minister or the chairman of the Trust with respect to the financial statements and the manner of operating and maintaining the accounts in question.

A copy of such report and recommendations (if any) shall be furnished to the chairman of the Trust.

The Minister or, as the case may be, the chairman of the Trust shall give due consideration to the report and the recommendations (if any) of the Auditor-General made pursuant to this subsection.

(4) The Auditor-General shall include in his annual report to Parliament such matters with respect to the financial transactions of the Trust as he thinks fit:

Provided that if in the opinion of the Auditor-General the circumstances so warrant he may make an additional or special report to Parliament at any time.

(5) The report of the Auditor-General together with the accounts certified as aforesaid by him shall be submitted to the members of the Trust at the first ordinary meeting held after the report becomes available to the chairman of the Trust.

8L. Trust may use premises of Council. The Trust is entitled to use free of charge the premises, office furniture and equipment of the Council to such extent and at such times as are agreed between it and the Council for the purpose of carrying out its functions or in the absence of such agreement as are determined by the Minister.

8M. Council's employees to serve Trust. The Council shall require and permit its employees to perform such services for the Trust as are sought by the Trust and are directed towards the proper carrying out of the Trust's functions.

The secretary to the Council shall be the secretary to the Trust.

8N. Trust Fund. (1) The Trust shall establish and maintain (in accordance with this Act) a Trust Fund.

(2) The Trust shall pay or cause to be paid into the Trust Fund—

- (a) all moneys payable to it by the Council;
- (b) all moneys paid to it by way of income from investments made for and on behalf of the Council;
- (c) any other moneys received by it from any other source whatever.

(3) Moneys from time to time forming the Trust Fund shall be applied to—

- (a) expenditure necessarily incurred by the Trust in the discharge of its functions;
- (b) payment or the re-payment in accordance with this Act of moneys from the fund to the Council;
- (c) payment of members' allowances.

8O. Trust deemed to be sanctioned under Collections Act 1966-1977. The functions of the Trust shall for the purposes of Part III of the *Collections Act 1966-1977* and without other authority than this section be deemed to be sanctioned under that Act, but otherwise the provisions of that Act shall apply to the Trust and its functions according to their tenor.

8P. Term of office to continue. If at the expiration of the term of office of a member of the Council (other than the member *ex officio*) or the Trust his successor has not been duly appointed he shall hold office as a member of the Council or, as the case may be, Trust until his successor takes up office as such.

8Q. Validity of proceedings. No act or proceeding of the Council or Trust shall be invalidated or prejudiced by reason only of the fact that at the time such act was done or proceeding taken or commenced there was a vacancy in the office of any member of the Council or, as the case may be, Trust.”

5. Amendment of s. 11. Section 11 of the Principal Act is amended by—

- (a) in subsection 5 (b),
 - (i) omitting the words “ *Public Service Superannuation Act 1958-1968* ” where firstly occurring and substituting the words “ *Public*

Service Superannuation Act 1958-1978 or the State Service Superannuation Act 1972-1978”;

(ii) omitting the words “*Public Service Superannuation Act 1958-1968*” where secondly occurring and substituting the words “*Public Service Superannuation Act 1958-1978* or, as the case may be, the *State Service Superannuation Act 1972-1978*”;

(b) in subsection (6), omitting the words “*Public Service Superannuation Act 1958-1968*” and substituting the words “*Public Service Superannuation Act 1958-1978* or the *State Service Superannuation Act 1972-1978*”;

(c) in subsection (7), omitting the words “or the *Public Service Superannuation Act 1958-1968*” and substituting the words “, the *Public Service Superannuation Act 1958-1978* or the *State Service Superannuation Act 1972-1978*”;

(d) adding at the end of the section the following subsections:—

“(10) Additionally to the officers appointed under subsection (1) and employees pursuant to subsection (9) the Council may appoint honorary research workers to carry out the functions of the Institute.

Any such worker during the term of his appointment may be designated in such style as the Council thinks fit having regard to the qualifications and experience of individual workers.

(11) While any honorary research worker or other appropriate prescribed person is actively engaged in the work of the institute and while doing anything incidental thereto, he shall be deemed to be a worker within the meaning of the *Workers' Compensation Act 1916-1978* employed by the Council.

(12) The Council may in respect of an appropriate person confer a distinction on such person.

Any such distinction shall be conferred and held subject to any provisions which may be adopted by the Council by way of resolution.”.

6. Amendment of s. 15. Section 15 of the Principal Act is amended by—

(a) omitting subsection (4) and substituting the following subsection:—

“(4) Moneys accepted by the Council under section 14 or derived from any property so accepted by it shall, pending the application by the Council in and for the purpose or purposes directed or determined as aforesaid of those moneys and during any period during which such moneys are required to be invested under the trust relating to the same, be paid by the Council to the Trust.

The Trust may invest such moneys in investments directed by the donor, settlor or testator and, in the absence of such direction or failing such investment, in such one or more of the following ways as the Minister upon the advice of the Treasurer shall determine:—

(a) in or upon the public stocks, funds, debentures or securities of the Government of Queensland;

- (b) in real property or upon mortgage of real property situated in Queensland;
- (c) in or upon the securities, stocks or shares of any public, municipal or local body or authority in Queensland;
- (d) in or upon the securities, stocks or shares of any company incorporated or registered pursuant to any law of the Commonwealth or any State or Territory of the Commonwealth;
- (e) in or upon any investments for the time being and from time to time authorized by law for the investment of trust moneys.”;
- (b) in subsection (5), omitting the word “Council” wherever occurring and substituting the word “Trust” in each case;
- (c) in subsection (6), omitting the expression “1975” and substituting the expression “1980”.

7. Repeal of and new s. 20. The Principal Act is amended by repealing section 20 and substituting the following section:—

“**20. Annual report.** (1) As early as convenient after the end of each financial year the Council and the Trust shall each furnish to the Minister a report on its operations during the year last preceding.

The reports shall include such statements and other financial and relevant information as may be prescribed, and in the case of the Trust, shall be accompanied by the certificate of the Auditor-General prescribed by section 8k.

(2) The Minister shall lay the reports before the Legislative Assembly—

- (a) within 14 sitting days of his receipt of the report, if the Assembly is then sitting; or
- (b) if the Assembly is not then sitting, within 14 sitting days after the commencement of its sittings next following his receipt of the report.”.