

Queensland



# QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945

Reprinted as in force on 7 March 2002  
(includes amendments up to Act No. 78 of 2001)

Warning—see last endnote for uncommenced amendments

Reprint No. 2C

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# Information about this reprint

This Act is reprinted as at 7 March 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated into reprint**
- **editorial changes made in earlier reprints.**

# Queensland



## QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945

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# QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945

[as amended by all amendments that commenced on or before 7 March 2002]

## **An Act to provide for the establishment and maintenance of an Institute of Medical Research, and for other purposes**

### **Preamble**

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

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 Queensland 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.

### **1 Short title and construction**

(1) This Act may be cited as the *Queensland Institute of Medical Research Act 1945*, and shall be read and construed with the *Health Act 1937* which Act 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 Act 1937*.

## **Commencement of Act**

(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.

## **2 Interpretation**

In this Act—

“**chief health officer**” means the chief health officer under the *Health Act 1937*.

“**Council**” means the Council of the Queensland Institute of Medical Research constituted under this Act.

“**Director**” means the Director of the Queensland Institute of Medical Research or other person for the time being performing the functions of the Director, but does not include any person appointed under section 11A with the designation of Associate Director.

“**Institute**” means the Queensland Institute of Medical Research constituted under this Act.

“**National Health and Medical Research Council**” means the National Health and Medical Research Council of the Commonwealth, established by an order on 17 September 1936 and reconstituted by an order on 14 November 1986, as constituted from time to time.

“**official member**” see section 5.

“**Trust**” means the Queensland Institute of Medical Research Trust established and incorporated under this Act.

## **3 Establishment of The Queensland Institute of Medical Research**

(1) There shall be established The Queensland Institute of Medical Research (the “**Institute**”).

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

(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 Administration of Act**

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

#### **5 Membership of Council**

(1) The Council consists of the following members appointed by the Governor in Council—

- (a) the chief health officer (an “**official member**”);
- (b) the chairperson of the Trust (also an “**official member**”);
- (c) 2 nominees of the National Health and Medical Research Council;
- (d) 1 nominee of the senate of the University of Queensland;
- (e) 1 nominee of the governing bodies of Griffith University, Queensland University of Technology and any other tertiary institutions prescribed under a regulation for this paragraph;
- (f) 1 nominee of the Queensland branch of the Australian Medical Association;
- (g) 1 nominee of the Royal Australasian College of Physicians;
- (h) 1 nominee of the Royal Australasian College of Surgeons;
- (i) 1 nominee of the controlling body of the Mater Misericordiae Hospitals;
- (j) 2 nominees of designated district health councils for districts in which are situated hospitals where medical practitioners are educated and trained;
- (k) 1 lawyer;

- (1) 2 persons who have knowledge of, or experience in, financial management, business or public administration, or other matters relevant to the Council's functions.
- (2) A nominee mentioned in subsection (1)(i) or (j) must—
  - (a) have knowledge or experience in biomedical research, health research, health service management or clinical practice; and
  - (b) be working at hospitals where medical practitioners are educated and trained.
- (3) In this section—

**“designated district health council”** means a district health council designated by the Minister.

**“district”** means a district within the meaning of the *Health Services Act 1991*.

**“district health council”** means a council within the meaning of the *Health Services Act 1991*.

## **5A Nominee Council members**

(1) This section applies if an entity or body is to nominate a person for a position on the Council mentioned in section 5(1)(c) to (j).

(2) The Minister must give the entity or body written notice stating a reasonable time within which it must nominate a person for the position.

(3) The Minister may in the notice ask the entity or body to nominate more than the required number of persons for the position.

(4) The Minister is to choose the person for the position from the nominations received under a request under subsection (3) and the person chosen is taken to be the nominee for the position.

(5) If a request is not made under subsection (3) and the Minister receives more than the required number of nominations for the position, the Minister is to choose the nominee for the position from the nominations.

(6) If the entity or body does not nominate a person for the position within the time stated in the notice, the Minister may nominate a person for the position and the nomination is taken to have been made by the entity or body.



**5B Council members' term of appointment**

A member of the Council, other than an official member, is to be appointed for a term of 3 years.

**5C Chairperson and deputy chairperson**

(1) The Governor in Council is to appoint a member of the Council to be chairperson, and another member to be deputy chairperson, of the Council.

(2) A vacancy occurs in the office of chairperson or deputy chairperson if the person holding the office resigns the office or ceases to be a member of the Council.

(3) However, a person resigning the office of chairperson or deputy chairperson may continue to be a member of the Council.

**6 When seat of member to become vacant**

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

- (a) dies;
- (b) resigns;
- (c) absents himself or herself without permission of the Council for more than 4 consecutive meetings of the Council;
- (d) is an uncertificated or undischarged bankrupt;
- (f) is removed from office by the Governor in Council for misbehaviour or incapacity;
- (g) ceases to hold any office or qualification which the member is required to hold as a member of the Council;
- (h) becomes an officer or employee of the Council.

**6A Nominee Council member vacancy**

(1) Before the Governor in Council appoints a person to fill a vacancy caused by the office of a member becoming vacant before the vacating member's term is completed, any applicable nomination process for appointment to the Council must be followed.

(2) A person appointed to fill a casual vacancy on the Council holds office for the balance of the vacating member's term.

## **7 Quorum of Council**

(1) Any 8 members of the Council shall form a quorum for the transaction of the business of the Council.

### **Appointment of chairperson in case of absence of chairperson and deputy chairperson**

(2) In the case of the illness or absence of both the chairperson and the deputy chairperson the members of the Council present at any meeting shall appoint one of its members to act as chairperson.

(3) Any person acting as chairperson shall while the person so acts have all the powers, authorities, and responsibilities and shall perform all the duties of the chairperson.

## **8 Meetings of Council**

(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.

(2A) However, the chairperson 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 chairperson shall preside at every meeting of the Council at which the chairperson is present.

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

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

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

(8) Members of the Council shall be entitled to such fees and allowances as are approved by the Governor in Council save that a member of the Council who is an officer of the public service shall not receive fees or allowances for attendance at a meeting of the Council during the officer's ordinary hours of duty.

(9) The Council may select persons to form an advisory committee or advisory committees to advise the Council on any matter within the scope of the Council's functions that is referred to the committee or a particular committee by the Council.

(10) A person may be a member of such a committee whether or not the person is a member of the Council.

(11) Members of a committee formed pursuant to subsection (9) shall be entitled to such fees and allowances as are approved by the Governor in Council save that a member of the committee who is an officer of the public service shall not receive fees and allowances for attendance at a meeting of the committee during the officer's ordinary hours of duty.

## **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 not less than 5 nor more than 10 members appointed by the Governor in Council by notification published in the Gazette.

(2) The Governor in Council is to appoint a member of the Trust to be chairperson of the Trust.

(3) A vacancy occurs in the office of chairperson if the person holding the office resigns the office or ceases to be a member of the Trust.

(4) However, a person resigning the office of chairperson may continue to be a member 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 3 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 the member's predecessor.

(4) In the absence of the chairperson 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 chairperson.

(4A) The member so appointed or elected, while so acting, shall have all the powers of and be deemed to be chairperson.

(5) If for any reason any member of the Trust, other than the chairperson, is unable to carry out the member's 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 the member—

- (a) dies;

- (b) resigns;
- (c) absents himself or herself without permission of the Trust for more than 4 consecutive meetings of the Trust;
- (d) is made bankrupt or otherwise takes advantage of the laws relating to bankruptcy;
- (f) is removed from office by the Governor in Council for misbehaviour or incapacity;
- (h) becomes an officer or employee of the Council.

### **8E Quorum**

The quorum for the transaction of business of the Trust shall, when the number of persons appointed as members of the Trust at the material time—

- (a) is an odd number—consist of a majority of the number of those members for the time being holding office as members;
- (b) is an even number—consist of  $\frac{1}{2}$  the number of those members for the time being holding office as members.

### **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.

(2A) However, the chairperson 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 chairperson shall preside at every meeting of the Trust at which the chairperson is present.

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

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

**8G Entitlements to members of Trust**

Members of the Trust shall be entitled to such fees and allowances as are approved by the Governor in Council save that a member of the Trust who is an officer of the public service shall not receive fees or allowances for attendance at a meeting of the Trust during the officer's ordinary hours of duty.

**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 paragraph (a) for and on behalf of the Council;
- (c) to repay 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.

**8HA Trust is statutory body**

(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the Trust is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Trust's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 15(4A) of this Act.

**8I Accounts**

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

**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**

(1) 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.

(2) 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 repayment in accordance with this Act of moneys from the fund to the Council;
- (c) payment of member's allowances.

### **8O Trust deemed to be sanctioned under Collections Act 1966**

The functions of the Trust shall for the purposes of part 3 of the *Collections Act 1966* 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 an official member) or the Trust the member's successor has not been duly appointed the member shall hold office as a member of the Council or, as the case may be, Trust until the member's successor takes up office as such.

## **9 Council may carry out agreements**

(1) The Council is empowered to enter into and carry out agreements or arrangements within the purposes of this Act with the chief executive on behalf of the State, the University of Queensland, the governing body of the Mater Misericordiae Hospital 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.

(1A) All such agreements and arrangements shall be subject to the approval of the Minister.

(2) Notwithstanding the provisions of section 18—

- (a) the Council has and always has had the power to include in any such agreement or arrangement a provision or provisions prescribing the manner in which the property in any discovery, invention or improvement in processes, apparatus and machines made by officers and employees of the respective parties to the agreement or arrangement shall be vested;
- (b) where in respect of such an agreement or arrangement, whether made before or after the commencement of the *Queensland Institute of Medical Research Act and Another Act Amendment Act 1988*, such a provision—
  - (i) is included in the agreement or arrangement—it shall take effect according to its terms;
  - (ii) is not included in the agreement or arrangement—any such discovery, invention or improvement is deemed to be vested jointly in the parties to the agreement or arrangement and shall be made available under such conditions and upon 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 parties.



## **10 Director and Deputy Director of Institute**

(1) There shall be a Director and a Deputy Director of the 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 7 years as from the commencement of the Director's 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 employees 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 the Director's 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 Employees of Institute**

(1) The Council shall appoint a person to be the secretary of the Institute who shall have such duties as are prescribed or, so far as they are not prescribed, as the Council determines.

(2) The term of appointment of the secretary shall, subject to the terms and conditions of an agreement entered into in a particular case, be at the pleasure of the Council.

(3) The secretary shall be paid such salary and allowances and shall be employed on such terms and conditions as the Council from time to time determines.

(4) The Council may appoint and employ such other persons as it deems necessary to carry out the functions of the Institute.

(4A) Persons employed pursuant to subsection (4) shall be paid such remuneration as from time to time is fixed by any applicable award or determination of any industrial court or tribunal or, in so far as there is no such award or determination, by the Council.

(5) Officers of the public service may be seconded to perform duties on behalf of the Institute.

(6) In addition to the employees appointed pursuant to this section the Council may appoint honorary research workers to carry out the functions of the Institute.

(6A) Any such worker during the term of the worker's appointment may be designated in such style as the Council thinks fit having regard to the qualifications and experience of individual workers.

(7) While any honorary research worker or other appropriate prescribed person is actively engaged in the work of the Institute and while doing anything incidental to the work, the worker is taken to be employed by the Council.

(7A) The Council may enter into a contract of insurance with WorkCover Queensland or another insurer for insurance for honorary research workers or other appropriate prescribed persons.

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

(9) Any such distinction shall be conferred and held subject to any provisions that may be adopted by the Council by way of resolution.

### **11A Appointment of personnel for joint research projects**

(1) The Council may with the approval of the Governor in Council appoint 1 or more persons with appropriate qualifications to take part in joint research projects, in connection with the work of the Institute, involving the Institute and other institutions involved in research in any branch or branches of medical science.

(2) Any such appointment shall be made for such period and subject to such terms and conditions as are approved by the Governor in Council.

(3) A person appointed under subsection (1) (by whatever designation called) shall not be taken by reason only of that appointment—

- (a) to hold any office on the Council or the Trust; or
- (b) to have any power to bind the Council or the Trust.

### **11B Superannuation schemes**

The council may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

## **12 Power of Council to secure assistance from Government departments**

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.

### **12A Council is statutory body**

(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the Council is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Council's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*, including, for example, section 9 of this Act.

## **13 Funds and financial provisions**

(1) For the purposes of the *Financial Administration and Audit Act 1977* the Council shall be a statutory body and not a department, and the provisions of that Act apply to and in respect of the financial administration of the Council and the Trust to the extent provided by that Act.

(2) There shall be established and kept, for the purposes of this Act a General Fund.

(3) 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 General Fund out of the Consolidated Fund an amount appropriated by Parliament from time to time for the purpose.

(5) All fees and revenue earned by the Council and all other money received by the Council from any source for the purposes of the Institute shall be paid into the General Fund

(6) The General 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 that the Council is by this Act empowered or required to do or perform.

### **13A Budget**

(1) Before 31 August in each year or such later date as the Minister may on the application of the Council permit, the Council shall frame and adopt a budget for the receipts and disbursements of the Council for each year, in the form and manner prescribed, in respect of the General Fund maintained by the Council.

(2) If at the end of any year for which a budget is framed there is a surplus or deficit remaining that surplus or deficit shall be carried forward and taken into account in framing the budget for the next following year.

(3) Every such budget shall be subject to the approval of the Minister and until so approved shall be of no force or effect save that any disbursement of the Council necessarily made in any year prior to the adoption of the budget framed for that year is hereby authorised and shall be shown as a disbursement in the budget framed for that year.

(4) At the close of each year all authorisations of expenditure and votes of expenditure for that year shall lapse.

(4A) A vote so lapsing may be re-voted.

(5) If the Council makes a disbursement in any year from any of its funds that has not been provided for in the approved budget relating to that fund for that year, then, except where the disbursement has been made in emergent or extraordinary circumstances, the members of the Council who knowingly voted for such expenditure shall be jointly and severally liable to repay to the Council the amount of the disbursement and such amount may be recovered by action in a court of competent jurisdiction as a debt due and owing by all and each of such members to the Council.

(6) Until its first budget is framed by the Council and is approved by the Minister, the Council may continue to receive and disburse moneys as provided for by the budget of the Council last framed by the Council before the commencement of this Act and that budget shall continue to be of force and effect and shall be deemed to be for the period aforesaid the duly approved budget of the Council under this Act.

(7) Such budget may be varied, if required, by the Minister on the recommendation of the Council.

## **14 Gifts, devises and bequests**

(1) Any gift, devise or bequest of real or personal property may be made by any person to the Council for the benefit or purposes of the Institute, and the Council may accept any such gift, devise or bequest and carry out and perform any trusts relating to the same.

(1A) However, that any such gift, devise or bequest made to the Council for a particular purpose or particular purposes of the Institute or subject to any trusts shall not be accepted by the Council without the prior approval of the Minister.

(3) The acceptance by the Council, or the acceptance by the Council with the prior approval of the Minister, as the case may be, of any such gift, devise or bequest shall be a complete discharge to the person paying, conveying or transferring the same and such last mentioned person shall not be obliged or concerned to see to the application thereof.

## **15 Requirements in respect of property given, devised or bequeathed**

(2) Separate records and accounts may, and, where so directed by a donor, settlor or testator, shall be kept in respect of all property the subject of any gift, devise or bequest mentioned in section 14 or derived therefrom.

(3) All property given, devised or bequeathed to the Council and accepted by it in accordance with the provisions of section 14—

- (a) shall be applied by the Council in and for the particular purpose or purposes directed by the donor, settlor or testator, and, in the absence of such direction, in and for such purpose or purposes as shall be determined by the Minister;
- (b) shall be known as and applied under such name or title as the donor, settlor or testator shall have directed or, in the absence of such direction, may be known and applied under such name or title as the Council may determine.

(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.

(4A) 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 accordance with the *Statutory Bodies Financial Arrangements Act 1982* or in either or both of the following ways as the Minister upon the advice of the Treasurer shall determine—

- (b) in real property or upon mortgage of real property situated 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.

(5) Where moneys have been invested by the Trust in accordance with the directions of a donor, settlor or testator the Trust may, subject to determination by the Minister upon the advice of the Treasurer, vary and transpose such investments for or into others similarly so directed, and where moneys have been invested by the Trust in accordance with the determination of the Minister upon the advice of the Treasurer, the Trust may vary and transpose such investments for or into others similarly so determined in the first instance or from time to time.

(6) The provisions of this section shall apply to all gifts, devises and bequests of property made to the Council prior to the commencement of the *Queensland Institute of Medical Research Act Amendment Act 1980* to the extent that such provisions may reasonably be applied as well as to all gifts, devises and bequests made after such commencement.

## **16 Power of Governor in Council to grant use of premises to Institute**

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

### **Grant of use of land and premises of State instrumentality or statutory authority to Institute**

(2) The Governor in Council or any statutory authority (including a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982*) may, subject to such terms and conditions as the Governor in Council 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.

## **17 Entities to cooperate in medical science research**

The Council, the chief executive and the Faculty of Medicine within the University of Queensland shall cooperate for the purposes of research in medical science by them or any of them and in particular as respects the carrying out of investigations and procedures and the taking or doing of steps, matters or things required to be carried out, taken or done by any of them in respect of any such research, and, in the case of the chief executive, in affording officers of the Institute engaged in any such research access to patients and materials in any public sector hospital, within the meaning of the *Health Services Act 1991*, as necessary or convenient for the purposes of such research.

## **18 Discoveries and inventions**

Subject to section 9, 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.

## **19 Bonuses to discoverers**

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.

## **21 Governor in Council may make regulations**

(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.

(1A) Without limiting the generality of subsection (1), 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.

**Regulations may fix penalty**

(2) The regulations may fix a penalty not exceeding in any case \$20 for any breach thereof, to be recovered summarily.



## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 March 2002. Future amendments of the Queensland Institute of Medical Research Act 1945 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

| Key    | Explanation                    | Key    | Explanation                             |
|--------|--------------------------------|--------|---|
| AIA    | = Acts Interpretation Act 1954 | prev   | = previous                              |
| amd    | = amended                      | (prev) | = previously                            |
| amdt   | = amendment                    | proc   | = proclamation                          |
| ch     | = chapter                      | prov   | = provision                             |
| def    | = definition                   | pt     | = part                                  |
| div    | = division                     | pubd   | = published                             |
| exp    | = expires/expired              | R[X]   | = Reprint No.[X]                        |
| gaz    | = gazette                      | RA     | = Reprints Act 1992                     |
| hdg    | = heading                      | reloc  | = relocated                             |
| ins    | = inserted                     | renum  | = renumbered                            |
| lap    | = lapsed                       | rep    | = repealed                              |
| notfd  | = notified                     | s      | = section                               |
| o in c | = order in council             | sch    | = schedule                              |
| om     | = omitted                      | sdiv   | = subdivision                           |
| orig   | = original                     | SIA    | = Statutory Instruments Act 1992        |
| p      | = page                         | SIR    | = Statutory Instruments Regulation 1992 |
| para   | = paragraph                    | SL     | = subordinate legislation               |
| prec   | = preceding                    | sub    | = substituted                           |
| pres   | = present                      | unnum  | = unnumbered                            |

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included   | Reprint date     |
|-------------|-----------------------|------------------|
| 1           | to Act No. 24 of 1991 | 12 July 1994     |
| 1A          | to Act No. 36 of 1995 | 9 October 1996   |
| 1B          | to Act No. 75 of 1996 | 14 April 1997    |
| 2           | to Act No. 17 of 1997 | 1 August 1997    |
| 2A          | to Act No. 81 of 1997 | 10 February 1998 |
| 2B          | to Act No. 78 of 2001 | 28 February 2002 |

## 5 Tables in earlier reprints

### TABLES IN EARLIER REPRINTS

| Name of table                     | Reprint No. |
|-----------------------------------|-------------|
| Changed citations and remade laws | 1           |
| Changed names and titles          | 1           |
| Corrected minor errors            | 1           |
| Obsolete and redundant provisions | 1           |
| Renumbered provisions             | 1           |

## 6 List of legislation

### **Queensland Institute of Medical Research Act 1945 9 Geo 6 No. 21**

date of assent 1 November 1945

commenced 19 January 1946 (proc pubd gaz 19 January 1946 s 132)

amending legislation—

### **Queensland Institute of Medical Research Act Amendment Act 1963 No. 8**

date of assent 4 November 1963

commenced on date of assent

### **Queensland Institute of Medical Research Act Amendment Act 1969 No. 29**

date of assent 19 December 1969

commenced on date of assent

### **Queensland Institute of Medical Research Act Amendment Act 1975 No. 14**

date of assent 15 May 1975

commenced on date of assent

**Queensland Institute of Medical Research Act Amendment Act 1980 No. 8**

date of assent 10 April 1980

commenced 21 June 1980 (proc pubd gaz 21 June 1980 p 1499)

**Queensland Institute of Medical Research Act Amendment Act 1981 No. 36**

date of assent 20 May 1981

commenced on date of assent

**Nursing Studies Act and Other Acts Amendment Act 1984 No. 74 pts 1, 14**

date of assent 18 October 1984

commenced on date of assent

**Queensland Institute of Medical Research Act and Another Act Amendment Act 1988 No. 17 pts 1–2**

date of assent 7 April 1988

commenced on date of assent

**Health Services Act 1991 No. 24 pt 11**

date of assent 5 June 1991

commenced 1 July 1991 (proc pubd gaz 22 June 1991 p 974)

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 s 3 sch 2**

date of assent 1 December 1994

commenced on date of assent

**Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 ss 1–2, 9 sch 2**

date of assent 16 June 1995

commenced on date of assent

**Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch**

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

**Health Legislation Amendment Act (No. 2) 1996 No. 61 pts 1, 3–4 sch**

date of assent 9 December 1996

ss 1–2 commenced on date of assent

pt 4 s 15 sch amdts 1, 5–10 commenced 20 December 1996 (1996 SL No. 402)

pts 3, 4 s 15 sch amdts 2–4, 11 commenced 7 April 1997 (1996 SL No. 402)

**WorkCover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2**

date of assent 12 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 1997 (1996 SL No. 442)

**Miscellaneous Acts (Non-bank Financial Institutions) Amendment Act 1997 No. 17 ss 1–2, 74 sch**

date of assent 15 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1997 (1997 SL No. 163)

**Statute Law (Miscellaneous Provisions) Act 1997 No. 81 ss 1–3, sch**

date of assent 5 December 1997

commenced on date of assent

**Mental Health Act 2000 No. 16 ss 1–2, 590 sch 1 pt 2**

date of assent 8 June 2000

ss 1–2, 590 commenced on date of assent (see s 2(1))

remaining provisions commenced 28 February 2002 (2002 SL No. 27) (provisions were to commence 8 June 2002 (automatic commencement under AIA s 15DA(2) (2001 SL No. 46 s 2)))

**Duties Act 2001 No. 71 ss 1–2(1), 551 sch 1**

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 10)

**Health Legislation Amendment Act 2001 No. 78 pts 1, 19**

date of assent 15 November 2001

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2)

## 7 List of annotations

**Preamble**

amd 1963 No. 8 s 2; 1988 No. 17 s 4; R1 (see RA s 39)

**Short title and construction**s 1 sub 2001 No. 78 s 199**Interpretation**prov hdg sub 2001 No. 78 s 200(1)s 2 def “**chief health officer**” ins 1996 No. 61 s 15 schdef “**Council**” amd 1996 No. 61 s 15 schdef “**Director**” amd 1988 No. 17 s 5(b); 2001 No. 78 s 200(2)def “**Minister**” sub 1988 No. 17 s 5(a), (c)

om R1 (see RA s 39)

def “**National Health and Medical Research Council**” ins 1988 No. 17 s 5(c)amd 2001 No. 78 s 200(3)def “**official member**” ins 1996 No. 61 s 15 schdef “**Prescribed**” om 1980 No. 8 s 3def “**Regulations**” om 1980 No. 8 s 3def “**This Act**” om 1980 No. 8 s 3def “**Trust**” ins 1980 No. 8 s 3**Establishment of The Queensland Institute of Medical Research**

s 3 amd 1988 No. 17 s 6

**Membership of Council**

s 5 amd 1963 No. 8 s 3; 1988 No 17 s 7; 1991 No. 24 s 11.2

sub 1996 No. 61 s 12; 2001 No. 78 s 201**Nominee Council members**

s 5A ins 1996 No. 61 s 12

amd 2001 No. 78 s 202

**Council members' term of appointment**

s 5B ins 1996 No. 61 s 12

**Chairperson and deputy chairperson**

s 5C ins 1996 No. 61 s 12

**When seat of member to become vacant**

s 6 amd 1988 No. 17 s 8

**Nominee Council member vacancy**

s 6A ins 1996 No. 61 s 13

**Quorum of Council**prov hdg amd 2001 No. 78 s 203(1)s 7 amd 1963 No. 8 s 4; 1997 No. 81 s 3 sch; 2001 No. 78 s 203(2)–(3)**Meetings of Council**s 8 amd 1963 No. 8 s 5; 1988 No. 17 s 9; 2001 No. 78 s 204**Constitution of Trust**

s 8A ins 1980 No. 8 s 4

**Membership of Trust**s 8B ins 1980 No. 8 s 4  
amd 1988 No. 17 s 10; 1996 No. 61 s 14**Term of office of members of Trust**s 8C ins 1980 No. 8 s 4  
amd 2001 No. 78 s 205**When seat of member to become vacant**s 8D ins 1980 No. 8 s 4  
amd 1996 No. 61 s 15 sch; 2000 No. 16 s 590 sch 1 pt 2**Quorum**s 8E ins 1980 No. 8 s 4  
sub 1988 No. 17 s 11**Meetings of Trust**s 8F ins 1980 No. 8 s 4  
amd 2001 No. 78 s 206**Entitlements to members of Trust**s 8G ins 1980 No. 8 s 4  
sub 1984 No. 74 s 30**Functions of Trust**

s 8H ins 1980 No. 8 s 4

**Trust is statutory body**

s 8HA ins 1996 No. 54 s 9 sch

**Accounts**

s 8I ins 1980 No. 8 s 4

**Annual financial statements**

**s 8J** ins 1980 No. 8 s 4  
om 1988 No. 17 s 12

**Audit of accounts**

**s 8K** ins 1980 No. 8 s 4  
om 1988 No. 17 s 13

**Trust may use premises of Council**

**s 8L** ins 1980 No. 8 s 4

**Council's employees to serve Trust**

**s 8M** ins 1980 No. 8 s 4

**Trust Fund**

**s 8N** ins 1980 No. 8 s 4

**Trust deemed to be sanctioned under Collections Act 1966**

**s 8O** ins 1980 No. 8 s 4

**Term of office to continue**

**s 8P** ins 1980 No. 8 s 4  
amd 1996 No. 61 s 15 sch

**Validity of proceedings**

**s 8Q** ins 1980 No. 8 s 4  
om R1 (see RA s 39)

**Council may carry out agreements**

**s 9** amd 1988 No. 17 s 14; 1991 No. 24 s 11.3; 1996 No. 61 s 15 sch

**Director and Deputy Director of Institute**

**s 10** amd 1963 No. 8 s 6

**Employees of Institute**

**s 11** sub 1963 No. 8 s 7  
amd 1969 No. 29 s 2; 1980 No. 8 s 5  
sub 1988 No. 17 s 15  
amd 1996 No. 75 s 535 sch 2

**Appointment of personnel for joint research projects**

**s 11A** ins 1988 No. 17 s 17  
amd 2001 No. 78 s 207

**Superannuation schemes**

**s 11B** ins 1988 No. 17 s 17  
sub 1995 No. 36 s 9 sch 2

**Power of Council to secure assistance from Government departments**

**s 12** sub 2001 No. 78 s 208

**Council is statutory body**

**s 12A** ins 1996 No. 54 s 9 sch

**Funds and financial provisions**

**s 13** sub 1988 No. 17 s 18  
 amd R1 (see RA s 37); 1994 No. 87 s 3 sch 2; 1997 No. 17 s 74 sch (amdt ineffective)

**Budget**

**s 13A** ins 1988 No. 17 s 18  
amd 2001 No. 78 s 209

**Gifts, devises and bequests**

**s 14** sub 1975 No. 14 s 2  
 amd 2001 No. 71 s 551 sch 1; 2001 No. 78 s 210

**Requirements in respect of property given, devised or bequeathed**

**prov hdg** amd 1988 No. 17 s 19(a)  
**s 15** sub 1975 No. 14 s 3  
 amd 1980 No. 8 s 6; 1981 No. 36 s 2; 1988 No. 17 s 19(b); 1996 No. 54 s 9 sch; 2001 No. 78 s 211

**Power of Governor in Council to grant use of premises to Institute**

**s 16** amd 1996 No. 54 s 9 sch

**Entities to cooperate in medical science research**

**prov hdg** amd 1991 No. 24 s 11.4(a)  
 sub 1996 No. 61 s 15 sch  
**s 17** sub 1963 No. 8 s 8  
 amd 1991 No. 24 s 11.4(b)–(d); 1996 No. 61 s 15 sch  
 om 2001 No. 78 s 212

**Discoveries and inventions**

**s 18** amd 1988 No. 17 s 20

**Annual report**

**s 20** sub 1980 No. 8 s 7  
 om 1988 No. 17 s 21

**Governor in Council may make regulations**

**s 21** amd 1988 No. 17 s 22; R1 (see RA s 37); 2001 No. 78 s 213

**Transitional provision for Health Legislation Amendment Act 2001**

**s 22** ins 1996 No. 61 s 15 sch  
 exp 7 April 1997 (see s 22(2))  
ins 2001 No. 78 s 214

## **8 Provisions that have not commenced and are not incorporated into reprint**

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

**Health Legislation Amendment Act 2001 No. 78 pt 19 reads as follows—**

### **PART 19—AMENDMENT OF QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945**

#### **198 Act amended in pt 19**

This part amends the *Queensland Institute of Medical Research Act 1945*.

#### **199 Replacement of s 1 (Short title and construction)**

Section 1—

*omit, insert—*

##### **‘1 Short title**

‘This Act may be cited as the *Queensland Institute of Medical Research Act 1945*.’.

#### **200 Amendment of s 2 (Interpretation)**

(1) Section 2, heading—

*omit, insert—*

##### **‘2 Definitions’.**

(2) Section 2, definition “Director”, from ‘, but’ to ‘Associate Director’—

*omit.*

(3) Section 2, definition “National Health and Medical Research Council”, from ‘of the Commonwealth’—

*omit, insert—*



‘established under the *National Health and Medical Research Council Act 1992* (Cwlth).’.

## **201 Replacement of s 5 (Membership of Council)**

Section 5—

*omit, insert—*

### **‘5 Membership of Council**

‘The Council consists of the following members appointed by the Governor in Council—

- (a) the chief health officer (an “**official member**”);
- (b) the chairperson of the Trust (also an “**official member**”);
- (c) 2 nominees of the National Health and Medical Research Council, at least 1 of whom has expertise in health research;
- (d) 1 nominee of the senate of The University of Queensland;
- (e) 1 person with expertise in health research;
- (f) 1 medical practitioner with expertise in health research;
- (g) 1 person with expertise in health ethics;
- (h) 1 lawyer;
- (i) 2 persons with expertise in financial management, business or public administration.’.

## **202 Amendment of s 5A (Nominee Council members)**

(1) Section 5A(1)—

*omit, insert—*

‘(1) This section applies if an entity is to nominate a person for membership of the Council under section 5(c) or (d).’.

(2) Section 5A(2), (3) and (6), ‘or body’—

*omit.*

**203 Amendment of 7 (Quorum of Council)**

(1) Section 7, heading, after ‘**Council**’—

*insert—*

**‘and member acting as chairperson’.**

(2) Section 7(1)—

*omit, insert—*

‘(1) A quorum for the Council is the number equal to one-half of the number of its members for the time being holding office or, if one-half is not a whole number, the next highest whole number.’.

(3) Section 7, heading before subsection (2)—

*omit.*

**204 Amendment of s 8 (Meetings of Council)**

(1) Section 8(1)—

*omit.*

(2) Section 8(2), ‘thereafter’—

*omit.*

(3) Section 8(6), ‘regulation,’—

*omit.*

**205 Amendment of s 8C (Term of office of members of Trust)**

(1) Section 8C(1)—

*omit.*

(2) Section 8C(2), ‘subsequent’—

*omit.*

(3) Section 8C(4), from ‘the Minister’ to ‘appointment’—

*omit.*

**206 Amendment of s 8F (Meetings of Trust)**

(1) Section 8F(1)—

*omit.*

(2) Section 8F(2), ‘thereafter’—

*omit.*

**207 Amendment of s 11A (Appointment of personnel for joint research projects)**

(1) Section 11A(1), ‘with the approval of the Governor in Council’—

*omit.*

(2) Section 11A(2)—

*omit, insert—*

‘(2) The Council may decide the period and terms of the appointment.’.

**208 Replacement of s 12 (Power of Council to secure assistance from Government departments)**

Section 12—

*omit, insert—*

**‘12 Council may obtain assistance from departments**

‘The Council may make arrangements with the chief executive of a department to use the services of officers of, and other persons employed in, the department.’.

**209 Amendment of s 13A (Budget)**

Section 13A(4) to (7)—

*omit.*

**210 Amendment of s 14 (Gifts, devises and bequests)**

(1) Section 14(1A)—

*omit.*

(2) Section 14(3), from ‘, or the’ to ‘may be,’—  
*omit.*

**211 Amendment of s 15 (Requirements in respect of property given, devised or bequeathed)**

Section 15(3)(a), ‘Minister’—  
*omit, insert—*  
‘Council’.

**212 Omission of s 17 (Entities to cooperate in medical science research)**

Section 17—  
*omit.*

**213 Amendment of s 21 (Governor in Council may make regulations)**

(1) Section 21(1)—  
*omit, insert—*

‘(1) The Governor in Council may make regulations under this Act.’.

(2) Section 21(1A)(e)—  
*omit.*

(3) Section 21, heading before subsection (2)—  
*omit.*

(4) Section 21(2), ‘\$20’—  
*omit, insert—*  
‘5 penalty units’.

**214 Insertion of new s 22**

After section 21—  
*insert—*

**‘22 Transitional provision for Health Legislation Amendment Act 2001**

‘The members of the Council holding office immediately before the commencement of this section cease to hold office on the commencement.’.