THE
QUEENSLAND INSTITUTE OF MEDICAL RESEARCH
ACTS 1945 to 1963

Queensland Institute of Medical Research Act of 1945, 9 Geo. 6 No. 21
Amended by
Queensland Institute of Medical Research Act Amendment Act of 1963,
No. 8

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

[Assented to 1 November 1945]

Preamble. 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:

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—

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:—

Preamble as amended by Act of 1963, No. 8, s. 2.

1. (1) Short title and construction. 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."

(2) Commencement of Act. This Act shall, except where other­
wise 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.

Act referred to:
Health Acts, 1937 to 1962, p. 763, ante.

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

"Minister"—The Secretary for Health and Home Affairs or
other Minister of the Crown for the time being administering
this Act;
“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”—The Director of The Queensland Institute of Medical Research or other person for the time being performing the functions of the Director;

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

“Prescribed”—Prescribed by this Act;

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

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

3. Establishment of The Queensland Institute of Medical Research.

(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;

(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.

As to the constitution of the Council, see s. 5.
For agreements which the Council may carry out, see s. 9.
The Council may secure assistance from Government departments, s. 12.
As to gifts and bequests to the Council, see s. 14.
For the appointment of a Director and Deputy Director of the Institute, see s. 10.
For the appointment of staff to the Institute, see s. 11.

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

5. (1) Constitution of Council of The Queensland Institute of Medical Research. Members. 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 ten members as follows, viz:—

(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;
(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 North Brisbane Hospitals Board, who shall be appointed by the Governor in Council;
(vi) One member nominated by the controlling body of the Mater Misericordiae Hospitals, who shall be appointed by the Governor in Council;
(vii) One member nominated by the Queensland Branch of the Australian Medical Association, who shall be appointed by the Governor in Council;
(viii) One member nominated by the South Brisbane Hospitals Board who shall be appointed by the Governor in Council;
(ix) One member nominated by The Royal Australasian College of Physicians who shall be appointed by the Governor in Council;
(x) One member nominated by the Royal Australasian College of Surgeons who shall be appointed by the Governor in Council.

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

(4) **Absence of chairman, etc.** 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.

(5) **Power of Governor in Council on failure of body to nominate.** 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.

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

As amended by Act of 1963, No. 8, s. 3.

As to vacation of the seat of a member, see s. 6.

As to meetings of the Council, see ss. 7, 8.

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

(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.

Act referred to:

Mental Hygiene Act of 1938, see now the Mental Health Acts, 1962 to 1964, title MENTAL HEALTH.

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

(2) **Appointment of chairman in case of absence of chairman and deputy chairman.** 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.

As amended by Act of 1963, No. 8, s. 4.
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:
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) (Repealed.)
As amended by Act of 1963, No. 8, s. 5.
The Chairman of the Council is the Director-General, s. 5 (1) (i).
The Deputy Chairman is appointed by the Governor in Council, s. 5 (2).

9. Council may carry out agreements. 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 Misericordiae 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.

Act referred to:
Hospitals Acts, 1936 to 1964, title HOSPITALS.
See also s. 17.

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 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 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. Staff of Institute. (1) The Governor in Council may appoint a secretary to the Institute and such other professional, technical and clerical officers as he deems necessary for the effectual administration of this Act.

An officer of the Department of Health and Home Affairs may be appointed to hold (and may hold), in addition to the position he holds in that Department, the office of secretary to the Institute.

Appointees as aforesaid shall be appointed and hold their respective offices under, subject to, and in accordance with “The Public Service Acts, 1922 to 1960,”

(2) Additionally to the officers appointed under subsection (1) of this section, the Council may, with the approval of the Minister, from time to time employ such and so many employees as it deems necessary for the purposes of carrying out the functions of the Institute.

Employees pursuant to this subsection 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 with the approval of the Public Service Commissioner.

Substituted by Act of 1963, No. 8, s. 7.

Act referred to:
Public Service Acts, 1922 to 1965, title PUBLIC SERVICE.

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.

13. Trust Fund and financial provisions. (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.

(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. Gifts and bequests. 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.

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

15. Application of financial provisions of the Hospitals Acts to Institute

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.

Act referred to:
Hospitals Acts, 1936 to 1964, title HOSPITALS.

16. (1) Power of Governor in Council to grant use of premises to Institute. 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.

(2) Grant of use of land and premises of State instrumentality or statutory authority to Institute. 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.

Act referred to:
Local Bodies' Loans Guarantee Acts, 1923 to 1957, title LOCAL BODIES' LOANS GUARANTEE.

17. Co-operation of Council, Hospitals Boards and Faculty of Medicine.
The Council, all Hospitals Boards constituted under "The Hospitals Acts, 1936 to 1962," and the Faculty of Medicine within the University of Queensland shall co-operate 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 any such Hospitals Board, in affording officers of the Institute engaged in any such research access to patients and materials in any hospital of such Board as necessary or convenient for the purposes of such research.

Substituted by Act of 1963, No. 8, s. 8.
Act referred to:
Hospitals Acts, 1936 to 1964, title HOSPITALS.
See also s. 9.
18. Discoveries and inventions. 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.

20. Report of Council. 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.

21. (1) Governor in Council may make regulations. 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.

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

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

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

(5) Regulations to be laid before Parliament. 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.

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.

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