

NORTHERN TERRITORY OF AUSTRALIA

STREHLOW RESEARCH CENTRE ACT

As in force at 27 October 2004

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 27 October 2004

STREHLOW RESEARCH CENTRE ACT

An Act to establish a research centre in Alice Springs to honour the memory of the late Professor T.G.H. Strehlow and to be a repository for material relating to Aboriginal people, their culture and traditions accumulated by him in his lifetime; to provide for an annual scholarship in recognition of the esteem in which the people of the Northern Territory hold the late Professor Strehlow and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Strehlow Research Centre Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Definitions

In this Act, unless the contrary intention appears:

agreement means the agreement comprising the documents listed in the Schedule.

Board means the Strehlow Centre Board established by section 4.

Centre includes the premises acquired or constructed in accordance with the agreement for the purposes of housing the Collection.

Chairman means the Chairman of the Board and includes the Deputy Chairman whilst acting as Chairman.

Collection means the items listed in the inventories referred to in section 19.

member means a member of the Board.

Part II Strehlow Centre Board

4 Establishment of Board

- (1) There is hereby established a board by the name of the Strehlow Centre Board.
- (2) The Board:
 - (a) is a body corporate with perpetual succession;
 - (b) shall have a common seal; and
 - (c) is capable, in its corporate name, of:
 - (i) acquiring, holding and disposing of real (including leasehold) and personal property; and
 - (ii) suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall assume that it was duly affixed.

6 Functions of Board

The functions of the Board are:

- (a) to conduct the Centre in accordance with the agreements;
- (b) to assemble and preserve the Collection;
- (c) to provide access to the Collection for public display, scholarship, education and other purposes not inconsistent with the agreement, subject to the conditions and limitations referred to in the agreement, including the need to keep some material secret as the Board thinks appropriate for the proper respect for cultural traditions;
- (d) to secure the Collection and keep it intact as provided in the agreement;
- (e) to promote the understanding and promotion of Aboriginal lore and tradition;
- (f) to foster research based on the Collection and scholarship generally into the traditions and culture of Aboriginal people;
- (g) to grant research scholarships; and

- (h) to acquire and hold Aboriginal heritage items not being part of the Collection and to acquire and hold other material which compliments the Collection or the purposes of the Centre.

7 Powers of Board

- (1) Subject to this Act, the Board has power to do all things that are necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions and the exercise of its powers.
- (2) Without limiting the generality of subsection (1), the Board may, for the purpose of carrying out its functions or exercising its powers, including a power conferred on it elsewhere in this Act:
 - (a) enter into contracts;
 - (b) purchase, take on lease or otherwise acquire and sell, grant leases of or otherwise dispose of, real or personal property;
 - (c) erect buildings;
 - (d) occupy, use and control any land or building owned or held under lease and made available for the purposes of the Centre;
 - (e) subject to the agreement, act in association with any organization, society or other body having similar functions or objectives in relation to Aboriginal studies as those of the Board;
 - (f) subject to the agreement, obtain or raise money from any source by means of grants, subsidies, subscriptions, gifts, bequests, public appeals, sale of rights or other means;
 - (g) subject to section 5, borrow money;
 - (h) impose fees and other charges for services provided by the Board;
 - (j) create, develop, apply for, obtain and hold intellectual property and rights and enter into agreements or arrangements for the commercial exploitation of any such property and rights on such terms as to royalties, lump sum payments or otherwise as it thinks fit; and
 - (k) acquire property by way of gift inter vivos, bequest or devise and agree to any condition, not inconsistent with the functions of the Board, attaching to any such gift, bequest or devise and act as trustee.

8 Functions and powers subject to agreement

In the performance of its functions and the exercise of its powers the Board is:

- (a) bound by the agreement, except to the extent that the agreement is inconsistent with this Act; and
- (b) subject to the control and directions of the Minister, except where it makes or is required to make a recommendation to the Minister.

9 Composition of Board

- (1) Subject to section 25, the Board shall consist of Kathleen Stuart Strehlow or her nominee, while Kathleen Stuart Strehlow lives, and 6 other members appointed by the Minister, of whom:
 - (a) one shall be nominated by the Council of the Charles Darwin University continued in existence by the *Charles Darwin University Act*;
 - (b) one shall be nominated by the Commonwealth Minister primarily responsible for matters relating to Aboriginals;
 - (c) one shall be appointed to represent the interests of Aboriginals; and
 - (d) one shall be the Director or other employee nominated by the Museums and Art Galleries Board established by section 5 of the *Museums and Art Galleries Act*.
- (2) Subject to sections 11 and 12, a member of the Board holds office at the pleasure of the person or body by whom the person is nominated as a member or, in the case of the member who is not a nominated member, at the pleasure of the Minister.

10 Chairman, &c.

- (1) The person who is from time to time nominated as a member by the Council of the Northern Territory University shall be the Chairman of the Board.
- (2) At the first meeting of the Board after the expiration of 3 months after the commencement of this Act and at the first meeting of the Board in each financial year thereafter, the members shall elect one of their number to be the Deputy Chairman of the Board and another to be the Treasurer.

- (3) The Deputy Chairman and Treasurer hold office in their respective capacities until:
- (a) the election of the Deputy Chairman and Treasurer at the first meeting of the Board held during the next financial year after the year in which they were elected;
 - (b) they are removed under subsection (4) from their respective offices;
 - (c) they resign their respective offices by writing signed by them and delivered to the Chairman; or
 - (d) they cease to be members.
- (4) The Board may, at any time, remove from office the Deputy Chairman or Treasurer.

11 Resignation of member

A member may resign office as a member by writing signed by him or her and delivered to the Minister.

12 Vacation of office

A member vacates office as a member:

- (a) if he or she becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (b) if he or she is convicted in the Territory of an offence punishable by imprisonment for 12 months or more, or is convicted elsewhere than in the Territory of an offence which if committed in the Territory would be an offence so punishable;
- (c) if the Minister receives a report from the Chief Health Officer, based on advice from 2 medical practitioners, that as a result of the member's mental illness, as defined in the *Mental Health and Related Services Act*, he or she has become incapable of performing his or her duties as a member and is unlikely to be able to perform them in the future;
- (d) if he or she is absent for reasons other than illness or other unavoidable cause from 2 consecutive ordinary meetings of the Board of which reasonable notice has been given to him or her personally or by post and is not, before the expiration of 6 weeks after the last of those meetings, excused by the Board for being absent from those meetings;

- (e) if he or she resigns his or her office;
- (f) if he or she knowingly contravenes or fails to comply with section 13; or
- (g) on receipt by the Secretary of the Board of a notice signed by the person or on behalf of the body who nominated the person as a member stating that he or she is no longer so nominated and that another person named in the notice is nominated in the person's stead.

13 Disclosure of interest

- (1) A member who has a direct or indirect pecuniary interest in:
 - (a) a matter being considered or about to be considered at a meeting of the Board; or
 - (b) a thing being done or about to be done by the Board,

otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 members and of which he or she is not a director shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of the interest at a meeting of the Board.
- (2) A disclosure by a member at a meeting of the Board that he or she:
 - (a) is a member, or is in the employment, of a specified company or other body;
 - (b) is a partner, or is in the employment, of a specified person; or
 - (c) has some other specified interest relating to a specified company or other body or a specified person,

shall be deemed to be a sufficient disclosure of the nature of the interest in any matter or thing relating to that company or other body, or to that person, which may arise after the date of the disclosure.
- (3) The Board shall cause particulars of all disclosures made under this section to be recorded in a book kept for the purpose and that book shall be open at all reasonable times to inspection by any person on payment of such fee, if any, as is determined from time to time by the Board.

- (4) After a member has, or shall be deemed to have, disclosed the nature of an interest in a matter or thing pursuant to this section, he or she shall not, unless the Board (in the absence of that member) otherwise determines:
 - (a) be present during any deliberation of the Board, or take part in a decision of the Board, in relation to that matter; or
 - (b) perform a function under this Act in relation to that thing.
- (5) A contravention of or non-compliance with this section does not invalidate a decision of the Board or the exercise of a power or performance of a function under this Act.
- (6) Nothing in this section applies to or in relation to an interest of Kathleen Stuart Strehlow in a matter or thing which arises by reason only of her being a party to or having an interest in the agreement.

14 Meetings of Board

- (1) The Chairman shall call such meetings of the Board as are necessary for the exercise of its powers and the performance of its functions but so that not less than one meeting is called to be held in each quarter in a financial year.
- (2) The Chairman shall call a meeting of the Board if requested to do so by not less than 4 members.
- (3) At a meeting of the Board:
 - (a) 4 members constitute a quorum;
 - (b) questions arising shall be determined by a majority of the votes of the members present and voting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his or her deliberative vote; and
 - (c) subject to this Act and the agreement, the Board shall determine the procedure to be followed at or in connection with the meeting.

15 Presiding at meetings

- (1) Subject to subsection (2), the Chairman or, in his or her absence, the Deputy Chairman, shall preside at all meetings of the Board at which he or she is present.

- (2) In the absence of the Chairman and Deputy Chairman, the members present at a meeting of the Board shall elect a member to preside at the meeting and that member may exercise the powers and shall perform the functions of the Chairman for that meeting.

Part III Appointments, &c.

16 Appointment of Research Director, &c.

- (1) The Board shall appoint a Research Director on the terms and conditions set out in the agreement.

17 Consultants may be engaged

The Board may engage consultants at the Centre and make such arrangements to be provided with advice relating to its functions as it thinks fit.

Part IV Miscellaneous

18 Construction of Centre

The Minister shall use his or her best endeavours to ensure that a suitable building is acquired or constructed in Alice Springs in accordance with the agreement as soon as practicable after the commencement of this Act to house, secure and, where appropriate, display the Collection.

19 Agreement and inventories

- (1) The agreement consists of the documents listed in the Schedule.
- (2) The inventories consist of the inventories contained in the agreement.
- (3) The agreement and the inventories shall be kept in secure custody by the Board at the Centre or, until the Centre is acquired or constructed and occupied for the purposes of this Act and the agreement, in such secure custody as the Board thinks fit.

20 Trading, &c., corporations

The Board may establish by incorporation in the Territory or elsewhere, or participate in the establishment of, such trading, research or other corporations as it thinks fit for the purpose of developing, promoting or assisting, or in connection with the functions of, the Centre.

21 Delegation

- (1) Subject to the approval of the Minister, the Board may, by instrument in writing, delegate to a person any of its powers and functions under this Act, other than this power of delegation.
- (2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Board.
- (3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Board.

22 Terms of contract and execution of documents

- (1) A deed, instrument, contract or agreement relating to any property or matter which, if made or executed by an individual, would by law be required to be in writing under seal may be made on behalf of the Board in writing under the common seal of the Board.
- (2) An instrument, contract or agreement relating to any property or matter which, if made by or between individuals would be required to be in writing signed by the parties to be charged therewith, may be made on behalf of the Board in writing by a person acting under the authority of the Board.
- (3) A contract relating to any property or matter which, if made between individuals, would by law be valid although made by parol only (and not reduced to writing) may be made on behalf of the Board by a person acting under the authority of the Board.
- (4) A contract entered into or an instrument, contract or agreement signed in relation to any property or obligation of the Board shall be deemed to have been entered into or signed with the authority of the Board if it is entered into or signed in accordance with a resolution of the Board for the time being in force.

23 Protection of members

No action or proceeding, civil or criminal, shall be commenced or lie against a member for or in respect of an act or thing done or omitted to be done in good faith:

- (a) by the member in his or her capacity as a member; or
- (b) the Board,

in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

24 Validity of proceedings

No proceedings of the Board and no act done by a delegate of the Board shall be invalidated by reason only of:

- (a) a defect in the nomination or appointment of, or of a disqualification of, a member;
- (b) a defect in the convening or conduct of a meeting of the Board;
- (c) there being a vacancy in the membership of the Board;
- (d) the fact that a person purporting to be a member by virtue of an office or qualification held or possessed by him or her did not hold that office or have that qualification;
- (e) the fact that a person purporting to be a member was not such a member; or
- (f) a contravention of or noncompliance with section 13 by a member.

25 Transitional

The persons who, immediately before the commencement of this Act, constituted the Strehlow Centre Steering Committee as approved by the Minister shall, on that commencement and until the expiration of 3 months after that commencement, but subject to this Act (other than sections 9 and 10), constitute the Board and the Chairman of that Steering Committee shall be the Chairman of the Board during that period.

Schedule

sections 3 and 19

AGREEMENT

1. Letter dated 11 August 1986 from the Crown Solicitor, Department of Law, Darwin to Sydney G. Maidment, Solicitor, 133 Rundle Street, Kent Town, South Australia (Crown Solicitor's reference JO'R:ns 86/6/4) and referred to in the Deed described in item 4 of this Schedule as "JBOR1".
2. Agreement made 20 February 1987 between the Northern Territory of Australia, Kathleen Stuart Strehlow and the Strehlow Foundation Incorporated, together with its accompanying schedules and attachments.
3. Letter dated 23 February 1987 from Sydney G. Maidment, Solicitor, to the Deputy Crown Counsel for the Northern Territory (Solicitor's reference PAE:0338) and referred to in the Deed described in item 4 of this Schedule as "SM1".
4. Deed made on 11 September 1987 between the Northern Territory of Australia of the first part, Kathleen Stuart Strehlow of the second part and The Strehlow Research Foundation Incorporated, a body incorporated under the Associations Incorporation of South Australia of the third part.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2**LIST OF LEGISLATION*****Strehlow Research Centre Act 1988 (Act No. 63, 1988)***

Assent date	15 December 1988
Commenced	30 December 1988 (<i>Gaz S79</i> , 30 December 1988)

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date	30 June 1993
Commenced	1 July 1993 (s 2, s 2 <i>Public Sector Employment and Management Act 1993</i> (Act No. 11, 1993) and <i>Gaz S53</i> , 29 June 1993)

Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)

Assent date	21 March 1995
Commenced	1 April 1995 (s 2, s 2 <i>Financial Management Act 1995</i> (Act No. 4, 1995) and <i>Gaz S13</i> , 31 March 1995)

Mental Health and Related Services (Consequential Amendments) Act 1999 (Act No. 11, 1999)

Assent date	21 March 1995
Commenced	1 February 2000 (s 2, s 2 <i>Mental Health and Related Service Act 1998</i> (Act No. 63, 1998) and <i>Gaz G3</i> , 26 January 2000, p 2)

Statute Law Revision Act (No. 2) 2004 (Act No. 54, 2004)

Assent date	15 September 2004
Commenced	27 October 2004 (<i>Gaz G43</i> , 27 October 2004, p 3)

3

LIST OF AMENDMENTS

s 5	rep No. 5, 1995, s 19
s 9	amd No. 54, 2004, s 7
s 12	amd No. 11, 1999, s 4
s 16	amd No. 28, 1993, s 3