

NORTHERN TERRITORY OF AUSTRALIA  
MENZIES SCHOOL OF HEALTH RESEARCH AMENDMENT ACT 2003

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Act No. 46 of 2003

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 46 of 2003

## AN ACT

to amend the *Menzies School of Health Research Act*

[Assented to 29 August 2003]

[Second reading 13 August 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

**1. Short title**

This Act may be cited as the *Menzies School of Health Research Amendment Act 2003*.

**2. Commencement**

This Act comes into operation on 1 January 2004.

**3. Principal Act**

The *Menzies School of Health Research Act* is in this Act referred to as the Principal Act.

**4. Definitions**

Section 3 of the Principal Act is amended –

- (a) by omitting "of Governors" from the definition of "Board";
- (b) by inserting after the definition of "Board" the following:

" 'Board member' means a person holding office as a member of the Board under section 11;"

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- (c) by omitting the definitions of "Chairman" and "Deputy Chairman" and substituting the following:

"'Chairperson' means the Chairperson of the Board and includes the Deputy Chairperson while he or she is acting as the Chairperson;

'Charles Darwin University' means the university of that name established by the *Charles Darwin University Act*;

'Deputy Chairperson' means the Deputy Chairperson of the Board;";

- (d) by omitting the definitions of "financial year" and "Governor";
- (e) by omitting "Governor" from the definition of "member" and substituting "Board member";
- (f) by omitting "Trust" from the definition of "Menzies Foundation"; and
- (g) by omitting the definitions of "Northern Territory University", "The University of Sydney" and "Treasurer".

**5. Functions of school**

Section 5 of the Principal Act is amended by omitting from paragraph (e) "in co-operation with the Northern Territory University or" and substituting "within Charles Darwin University as a research school of that University or in co-operation with".

**6. Powers of school**

Section 6 of the Principal Act is amended by omitting from subsection (2)(e) "The University of Sydney, the Northern Territory University or".

**7. Members**

Section 7 of the Principal Act is amended –

- (a) by omitting from subsection (1) "Governors" and substituting "Board members"; and
- (b) by omitting from subsection (4) "Governor" and substituting "Board member".

**8. Repeal**

Section 9 of the Principal Act is repealed.

**9. Repeal and substitution**

Section 11 of the Principal Act is repealed and the following substituted:

**"11. Composition of Board**

"(1) Subject to this section, the Board consists of –

- (a) the Director;
- (b) the Vice-Chancellor of Charles Darwin University;
- (c) the person holding the office in Charles Darwin University of Deputy Vice-Chancellor (Research); and
- (d) 10 persons appointed by the Administrator.

"(2) Of the persons appointed under subsection (1)(d) –

- (a) one is to be appointed on the nomination of the Minister responsible for the administration of this Act;
- (b) one is to be appointed on the nomination of the Minister responsible for the administration of the *Charles Darwin University Act*;
- (c) one is to be appointed on the nomination of the Menzies Foundation;
- (d) 5 are to be appointed on the nomination of the Council of Charles Darwin University; and
- (e) 2 are to be appointed on the nomination of the Board.

"(3) Of the persons nominated under subsection (2)(d) –

- (a) one is to be a person from an Australian university (with which Charles Darwin University has a formal relationship) who has experience in teaching or research in health;
- (b) one is to be a person who is a Fellow of the Australian Academy of Science with expertise in public health research;
- (c) one is to be a person who is an Aboriginal or Torres Strait Islander with experience in the health sector; and
- (d) 2 are to be persons who have skills and perspectives (including financial and commercial expertise) that the Council of Charles Darwin University considers would be valuable to the Board.

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"(4) A person nominated under subsection (2)(e) is to have skills and perspectives that the Board considers would be valuable to it.

"(5) A Board member appointed on the nomination of the Menzies Foundation holds office for as long only as the Foundation continues to make an annual grant of funds to the School and no person can be appointed or hold office as a Board member on the nomination of the Foundation unless an agreement with the Board for the payment of an annual grant is in force."

**10. Period of office**

Section 12 of the Principal Act is amended by adding at the end the following:

"(3) Subject to this Act, a person appointed a Board member under section 11(1)(d) may be re-appointed when his or her term expires."

**11. Repeal and substitution**

Section 13 of the Principal Act is repealed and the following substituted:

**"13. Chairperson**

"(1) The Board must elect a Board member appointed under section 11(1)(d) to be the Chairperson of the Board.

"(2) The Board may elect a Board member appointed under section 11(1)(d) to be the Deputy Chairperson of the Board."

**12. Academic Standing Committee**

Section 19 of the Principal Act is amended by omitting from subsection (1) "Governor" and "The University of Sydney" and substituting "Board member" and "Charles Darwin University" respectively.

**13. Finance Committee**

Section 20 of the Principal Act is amended –

(a) by omitting subsection (1) and substituting the following:

"(1) The Board must establish a Finance Committee."; and

(b) by omitting from subsection (2) "shall be responsible for the general supervision of the financial affairs of the School and".

**14. Annual report to be submitted to annual general meeting**

Section 22 of the Principal Act is amended by adding at the end "and to the Council of Charles Darwin University".

**15. Repeal**

Section 24 of the Principal Act is repealed.

**16. Proper accounts to be kept**

Section 26 of the Principal Act is amended –

- (a) by omitting "The Board" and substituting "(1) The Board"; and
- (b) by adding at the end the following:

"(2) The Board must provide the Council of Charles Darwin University with quarterly accounts of the operations of the School."

**17. Gifts etc. and trust funds**

Section 27 of the Principal Act is amended –

- (a) by omitting "In exercising" and substituting "(1) In exercising";
- (b) by omitting "and the Board may create and administer such trust fund or funds in connection therewith, or for any other purpose, as it thinks fit"; and
- (c) by adding at the end the following:

"(2) The Board may create and administer trust funds or other funds –

- (a) in connection with real or personal property held by it in accordance with subsection (1); or
- (b) for any other purpose,

as it thinks fit.

"(3) If money is received by the School in accordance with subsection (1), it must be paid into a fund established by the Board under subsection (2) for that purpose.

"(4) If –

- (a) a fund referred to in subsection (3) is wound up; or
- (b) the School ceases to be endorsed as a deductible gift recipient under the *Income Tax Assessment Act 1997* of the Commonwealth,

the Board must transfer the balance of the fund (after paying the fund's liabilities, if any) to a fund, authority or institution that is endorsed as a deductible gift recipient under the *Income Tax Assessment Act 1997* of the Commonwealth."

**18. Investment**

Section 28 of the Principal Act is amended by omitting subsection (6) and substituting the following:

"(6) Moneys of the School (whether forming part of a common fund or not), including moneys held on trust or subject to a condition, may be invested by the Board in an investment that the Treasurer is permitted to invest in under section 29 of the *Financial Management Act*."

**19. Financial accommodation**

Section 30 of the Principal Act is amended –

- (a) by omitting from subsection (1) "prior approval of the Treasurer" and substituting "prior approval of the Council of Charles Darwin University and the Treasurer";
- (b) by inserting after subsection (1)(a) the following:

"(aa) from Charles Darwin University"; and
- (c) by omitting from subsections (1)(c) and (2) "approval of the Treasurer" (all references) and substituting "approval of the Council of Charles Darwin University and the Treasurer".

**20. Budget and business plan**

Section 31 of the Principal Act is amended –

- (a) by omitting from paragraph (a) "in each financial year, adopt for the next following financial year a budget" and substituting "within 3 months of the commencement of each financial year – adopt a budget for the financial year";
- (b) by omitting from paragraph (a) "approved budget; and" and substituting "approved budget;"; and
- (c) by inserting after paragraph (a) the following:

"(aa) within 3 months of the commencement of each financial year – approve a business plan for the financial year; and".



**21. Repeal and substitution**

Section 32 of the Principal Act is repealed and the following substituted:

**"32. Financial report**

"(1) The Director must, within 3 months after the end of a financial year –

- (a) prepare a report of the operations of the School during the financial year; and
- (b) forward the report to the Auditor-General.

"(2) The Auditor-General must –

- (a) audit the report forwarded under subsection (1)(b); and
- (b) forward the report and the report of the audit to the Minister and the Council of Charles Darwin University.

"(3) The report of the Auditor-General under subsection (2) must accompany the report that he or she prepares under section 39(6) of the *Charles Darwin University Act*".

**22. Further amendments**

The Principal Act is amended as set out in the Schedule.

**23. Transitional – members of Board**

(1) A person who is a nominated Governor of the Board immediately before the commencement of this Act appointed under section 11(1)(d) of the Principal Act as then in force continues in office as a Board member –

- (a) for 3 months from that commencement; or
- (b) until the Board members nominated under section 11(2) of the Principal Act as inserted by this Act (other than section 11(2)(e)) are appointed under section 11(1)(d),

whichever occurs first.

(2) The Board members nominated under section 11(2)(e) of the Principal Act as inserted by this Act may only be appointed under section 11(1)(d) on the nomination of the Board following the appointment of the members nominated under section 11(2)(a), (b), (c) and (d).

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**SCHEDULE**

Section 22

Provision	Amendment	
	omit	substitute
Section 12(1)	Governor	Board member
Section 12(2)	nominated Governor holds	Board member appointed under section 11(1)(d) holds
	Governor nominated Governor	Board member Board member
Section 14	nominated Governor	Board member appointed under section 11(1)(d)
	Governor	Board member
Section 15	nominated Governor vacates his office as Governor that Governor	Board member appointed under section 11(1)(d) vacates office that Board member
Section 16(1), (2), (4), (6) and (7)	Governor (all references)	Board member
Section 17(1) and (2)	Chairman	Chairperson
Section 17(2) and (3)	Governors (all references)	Board members
Section 18(1) and (2)	Chairman (all references)	Chairperson
Section 18(2)	chairman	chairperson
	Governors	Board members
Section 21(2)	Governor	Board member
Section 33(4)	Governors	Board members
Section 38	Governor (all references)	Board member

Section 42(1)(e)

Chairman  
(all references)  
,Treasurer

Chairperson

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ALTERATIONS TO SECTION HEADINGS

On the day on which the *Menzies School of Health Research Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the headings to sections 14 and 38 of the *Menzies School of Health Research Act* are altered by omitting "**Governor**" and "**Governors**" and substituting "**Board member**" and "**Board members**" respectively.

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