

serial 21

THIS BILL PROVIDES FOR THE REPEAL AND RE-ENACTMENT OF THE STREHLOW RESEARCH CENTRE ACT.

THE BILL PROVIDES FOR THE MINISTER TO HAVE THE FUNCTIONS OF OPERATING THE STREHLOW RESEARCH CENTRE, AND MANAGING AND ACQUIRING THE CULTURAL COLLECTIONS HELD BY IT.

IT PROVIDES FOR THE ESTABLISHMENT OF THE STREHLOW RESEARCH CENTRE BOARD WHOSE MAIN FUNCTIONS WILL BE TO ADVISE THE MINISTER ON THE ACTIVITIES OF THE STREHLOW RESEARCH CENTRE, TO HOLD THE CULTURAL ASSETS OF THE STREHLOW RESEARCH CENTRE ON BEHALF OF THE NORTHERN TERRITORY AND TO HOLD POWER OVER THE DE-ACCESSIONING OF THOSE ASSETS.

- CLAUSE 1            SHORT TITLE  
The act may be cited as the Strehlow Research Centre Act 2005.
- CLAUSE 2            COMMENCEMENT  
The Act will commence on the date fixed by the Administrator by notice in the *Gazette*.
- CLAUSE 3            OBJECTS  
The object of this Act is to establish the Strehlow Research Centre and The Strehlow Research Centre Board, to ensure the Strehlow Research Centre and its cultural collections are appropriately maintained and developed and to allow for the repatriation of objects in the Strehlow Research Centre back to Traditional Owners.
- CLAUSE 4            DEFINITIONS  
Defines “Board” as the Strehlow Research Centre Board established by Section 11, the “agreement” as documents listed in the Schedule. Define specific terms used in the Act – defines “collections” as meaning objects of cultural, historical and anthropological significance owned by the Territory; “object” as including artefacts, notes, diaries, records, films, publications and sound recordings
- CLAUSE 5            ESTABLISHMENT  
Provides for the establishment of the Strehlow Research Centre.

- CLAUSE 6           PURPOSES  
Provides that the Strehlow Research Centre is established for the purpose of maintaining the cultural collections held by the Strehlow Research Centre, to hold objects of cultural, anthropological and historical significance on behalf of their Traditional custodians, to promote the appreciation of culture and learning, to conduct research and assist others in conducting research and to preserve and commemorate the work of TGH Strehlow.
- CLAUSE 7           POWERS OF MINISTER  
Provides that the Minister has the power to do all things necessary for the purpose of the centre, except that the Minister cannot dispose of objects from the collections without the consent of at least six of the seven members of the Board (section 7(3)).
- CLAUSE 8           DELEGATION  
Provides for the Minister to delegate any of his or her functions under the act.
- CLAUSE 9           ESTABLISHMENT  
Provides for the establishment of the Strehlow Research Centre Board.
- CLAUSE 10.       FUNCTIONS  
Provides for the Board to provide advice to the Minister with respect to the activities of the Strehlow Research Centre and the acquisition and disposal of items from its collections. The Board is able to consider requests from Traditional Owners for the repatriation of objects from the collections. This is in keeping with the intention for the Board to hold the Strehlow Research Centre's cultural assets, but not for the Board to be responsible for the management and operation of the Strehlow Research Centre.
- CLAUSE 11.       POWERS  
Provides for the Board to have the power to authorise the disposal of items from the collections, and to authorise third party access to the Strehlow Research Centre's cultural collections. In exercising its powers the Board must take into consideration the agreements under which the Strehlow Collection was acquired (Schedule), the objects of the Act (Clause 3) and the purposes of the Strehlow Research Centre (Clause 6).
- CLAUSE 12       DIRECTION OF MINISTER  
Determines that the Board must comply with requests from the Minister for advice. However, the Board is not subject to the direction of the Minister with respect to the contents of the advice that it provides. Furthermore, the Board is not subject to the direction of the Minister when it exercises its powers of disposing of items from the collection (Section 11(1)(a)) and

authorising third party access to the collections (Section 11(1)(b)).

CLAUSE 13 DELEGATION

Provides that the Board may delegate its power to authorise access to the collection under Section 11(1)(b).

CLAUSE 14 MEMBERSHIP

Provides for the Board to consist of seven persons, one of whom is Kathleen Stuart Strehlow or her nominee while she lives. One of the remaining six members must be nominated by the Council of Charles Darwin University, one by the Commonwealth Minister for Indigenous Affairs and one by the Minister administering the *Museums and Art Galleries Act*. One must be appointed to represent the interests of Aboriginal people. Section 14 provides that with the exception of Kathleen Strehlow Members hold office for a period not exceeding 3 years, are eligible for reappointment at the end of this time and may resign from the Board in writing at any time.

CLAUSE 15 TERMINATION OF APPOINTMENT

With the exception of Kathleen Stuart Strehlow or her nominee, the Minister may terminate a Board Member's appointment at any time. Again with the exception of Kathleen Strehlow, the Minister must terminate a Board Member's appointment if they are found guilty of an offence punishable by imprisonment for 12 months or longer.

CLAUSE 16. DISCLOSURE OF INTEREST

It is a requirement of this Act that a member who has a direct or indirect interest in a matter being considered or about to be considered by the Board must declare the nature of that interest to the Board. This may include, but is not necessarily limited to, a pecuniary interest. The member must not, whilst having that interest take part in any deliberations or decision making by the Board on that matter or form part of the quorum of the Board in respect to deliberations over that matter, without the consent of the other Board members.

CLAUSE 17 CHAIRPERSON AND DEPUTY CHAIRPERSON

Provides for one Board member to be Chairperson and another Board Member to be deputy Chairperson. The mechanism for filling a vacancy in either position is election by Board members.

CLAUSE 18 VACATION OF OFFICE

The positions of Chairperson and Deputy Chairperson become vacant immediately before the first Board meeting of each financial year. These positions also become vacant when the member in question ceases to be a member of the Board, is removed from office by the Board, or resigns the office of Chairperson or Deputy Chairperson.

- CLAUSE 19      FREQUENCY OF MEETINGS  
Provides for the Strehlow Research Centre Board to meet at least twice each financial year. Additional meetings may be called for by both the Chairperson and four or more members acting together. The chairperson must call a meeting if requested to do so by any four members
- CLAUSE 20      MEETING PROCEDURES  
At a meeting of the Board four members constitute a quorum. With the exception of decisions on the disposal of objects from the collection matters are decided by a simple majority of votes, with the person presiding at the meeting holding a casting vote in addition to a deliberative vote if required. Section 20(3) provides that the Board may only approve the disposal of an object from the collections if each member has been given at least 3 months prior notice of the proposal to dispose of the object and at least six members vote in favour of the approval at the meeting.
- CLAUSE 21      PRESIDING MEMBER  
The Chairperson, or in his absence the Deputy Chairperson, must preside at all meetings of the Board at which he is present. If both the Chairperson and Deputy Chairperson are absent from a meeting, members present must elect a member to preside.
- CLAUSE 22      CHIEF EXECUTIVE OFFICER MAY ATTEND MEETING  
Provides for the Chief Executive Officer, if not a member, or his or her delegate, to attend a meeting of the Board to provide information and advice.
- CLAUSE 23      PROTECTION OF MEMBERS  
Provides that no criminal or civil procedures lie against a member or the research director in respect of anything done or omitted to be done in good faith by the member in the performance or exercise of a function or power under the Act.
- CLAUSE 24      REPEAL  
Provides for the repeal of the *Strehlow Research Centre Act*.
- CLAUSE 25      DEFINITIONS  
Defines the “former Board” as the Strehlow Centre Board established by Section 4 of the *Strehlow Research Centre Act 1988*, and “commencement date” as the date on which the Act comes into operation.
- CLAUSE 26      PROPERTY ETC OF FORMER BOARD  
All property, rights and liabilities of the former Board vest in the Territory on and from the commencement date.

CLAUSE 27

ARRANGEMENTS UNDER THE REPEALED ACT

All contracts and agreements entered into by the former Board and in force immediately before the commencement of the new Act are taken to have been entered into by the Territory.

CLAUSE 28

MEMBERSHIP OF BOARD

Section 28(1) provides for the retention of current Board members until six months after the commencement date or until the person ceases to be a member, whichever is sooner. Section 28(2) provides for the retention of the Chairperson until six months after the commencement date or until the Chairperson ceases to be a member, whichever is sooner.