

# AUSTRALIAN INSTITUTE OF ABORIGINAL STUDIES.

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No. 56 of 1964.

An Act relating to the Australian Institute of  
Aboriginal Studies.

[Assented to 2nd June, 1964.]

**B**E it enacted by the Queen's Most Excellent Majesty, the  
Senate, and the House of Representatives of the  
Commonwealth of Australia, as follows:—

## PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as the *Australian Institute of  
Aboriginal Studies Act 1964*.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. This Act is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1–4).

Part II.—Establishment of the Institute (Sections 5–10).

Part III.—Management of the Institute (Sections 11–22).

Part IV.—Finance (Sections 23–29).

Part V.—Miscellaneous (Sections 30–31).

4. In this Act, unless the contrary intention appears— Definitions.

“aboriginal studies” means anthropological research and study in relation to the aboriginal people of Australia (including research and study in respect of culture and languages);

“member” means a member of the Council;

“the Council” means the Council of the Institute of Aboriginal Studies;

“the Institute” means the Australian Institute of Aboriginal Studies established by this Act;

“the Rules” means the rules of the Institute made in pursuance of section thirty-one of this Act.

#### PART II.—ESTABLISHMENT OF THE INSTITUTE.

5.—(1.) A body corporate is hereby established in the Australian Capital Territory under the name “Australian Institute of Aboriginal Studies”. Establishment of Institute.

(2.) The Institute—

(a) has perpetual succession;

(b) shall have a common seal;

(c) may acquire, hold and dispose of real and personal property; and

(d) may sue and be sued in its corporate name.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Institute affixed to a document and shall presume that it was duly affixed.

6.—(1.) The functions of the Institute are— Functions of Institute.

(a) to promote aboriginal studies;

(b) to publish, or assist in the publication of, the results of aboriginal studies;

(c) to encourage and assist co-operation amongst universities, museums and other institutions concerned with aboriginal studies; and

(d) to assist universities, museums and other institutions in training research workers in fields relevant to aboriginal studies.

(2.) The Institute shall carry out its function of promoting aboriginal studies primarily by giving financial and other assistance to the carrying on of aboriginal studies under the auspices of universities, museums or other institutions, but the Institute may, subject to this Act and to such extent as appears to the Council to be necessary in order to complement the aboriginal studies so carried on, contribute to the furtherance of aboriginal studies by employing or engaging persons for the purpose of carrying on, or by directly assisting persons carrying on, those studies.

(3.) The Institute shall endeavour to ensure that materials presently available for the purposes of aboriginal studies are used for those studies before they cease to be available.

Membership of  
Institute.

7.—(1.) The Minister may, within one month after the commencement of this Act, appoint not more than one hundred persons to be the foundation members of the Institute.

(2.) The Council may, from time to time, appoint persons to be members of the Institute, but so that the number of persons who are members at any time by virtue of appointment under this sub-section shall not exceed twenty.

(3.) If a person who is not already a member of the Institute becomes a member of the Council, he also becomes a member of the Institute, but such a person does not continue to be a member of the Institute by virtue of this sub-section after he ceases to be a member of the Council.

(4.) The members of the Institute may, in accordance with the Rules, elect other persons to be members of the Institute, but so that the number of persons who are members of the Institute at any time by virtue of this sub-section, together with the number of persons at that time retaining membership by virtue of appointment as foundation members, shall not exceed one hundred or such greater number as the Governor-General from time to time determines.

(5.) A person may resign his membership of the Institute by writing under his hand addressed to the Chairman.

(6.) The Rules may provide for the termination of the membership of members of the Institute (other than members of the Council).

Powers of the  
Institute.

8.—(1.) The Institute has power to do all things that are necessary or convenient to be done for or in connexion with the performance of its functions.

(2.) Without limiting the generality of the last preceding sub-section, the powers of the Institute referred to in that sub-section include power—

(a) to purchase or take on hire or exchange, or to accept on deposit or loan, material relevant to the functions of the Institute, and also furnishings, equipment and goods needed for the purposes of the Institute;

- (b) to dispose of, lend or hire out material or goods the property of the Institute;
- (c) to purchase or take on lease land or buildings and to erect buildings necessary for the purposes of the Institute;
- (d) to dispose of, or grant leases of, land or buildings vested in the Institute;
- (e) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available for the purposes of the Institute;
- (f) to accept gifts, devises, bequests and assignments made to the Institute (whether on trust or otherwise); and
- (g) to act as trustee of moneys or other property vested in the Institute upon trust, or to act on behalf of the Commonwealth or an authority of the Commonwealth in the administration of a trust relating to property or matters relevant to aboriginal studies.

(3.) Notwithstanding anything contained in this Act, any moneys or other property held by the Institute upon trust shall be dealt with in accordance with the powers and duties of the Institute as trustee.

9. The Minister may, at the request of the Council, make arrangements with the appropriate authority for the transfer to the Institute of the ownership, use or custody of any material, equipment or goods belonging to the Commonwealth.

Transfer of material to Institute.

10. The Governor-General may make available, for the purposes of the Institute, any land or building owned or held under lease by the Commonwealth.

Land and buildings.

### PART III.—MANAGEMENT OF THE INSTITUTE.

11.—(1.) The affairs of the Institute shall be conducted by a Council, to be known as the Council of the Australian Institute of Aboriginal Studies.

The Council.

(2.) The Council shall commence to function when the Minister has declared by notice published in the *Gazette* that the first members of the Council have been duly appointed and elected.

(3.) At any time before the Council has commenced to function, the Minister may establish an Interim Council consisting of such persons as he appoints, and may appoint a Chairman of the Interim Council.

(4.) Unless sooner dissolved by the Minister, the Interim Council shall remain in existence until the date on which the Council commences to function.

(5.) The Interim Council shall do such things as it considers necessary in connexion with the establishment of the Institute and the commencement of the performance of the functions of the Institute and for that purpose shall have all the powers and functions of the Council (including the power to make rules).

(6.) The Minister may give such directions as he thinks necessary in relation to the Interim Council.

**Membership  
of the Council.**

**12.—(1.)** The Council shall consist of twenty-two persons, namely:—

- (a) the Principal of the Institute;
- (b) two members of the Senate appointed by the Senate;
- (c) two members of the House of Representatives appointed by that House;
- (d) six persons appointed by the Governor-General; and
- (e) eleven members of the Institute elected by the members of the Institute in accordance with the Rules.

(2.) A member of the Council appointed by a House of the Parliament holds office, subject to this Act, for a period determined in accordance with a resolution passed by that House at the time of his appointment.

(3.) A member of the Council appointed by the Governor-General holds office, subject to this Act, for such period, not exceeding three years, as is fixed by the Governor-General at the time of his appointment.

(4.) A member of the Council elected by the members of the Institute holds office, subject to this Act, for a period determined in accordance with the Rules.

(5.) A member of the Council is eligible for re-election or re-appointment.

(6.) The exercise or performance of the powers or functions of the Council is not affected by reason only of there being a vacancy or vacancies in the membership of the Council.

(7.) The Rules may provide for the retirement in rotation of the members of the Council elected by the members of the Institute.

(8.) In the event of a member of the Council elected by the members of the Institute ceasing to hold office before the expiration of his term of office, the Council may appoint a member of the Institute to hold the vacant office for the balance of that term, and this Act and the Rules apply to and in relation to a person so appointed as if he had been elected by the members of the Institute.

13.—(1.) In the event of the inability to attend meetings (whether on account of illness or otherwise) of a member of the Council elected by the members of the Institute, the Council may appoint a person to be an acting member of the Council during the period of that inability, and a person so appointed has all the powers and functions of a member of the Council.

Acting member  
of Council.

(2.) The appointment of an acting member of the Council may be terminated at any time by resolution of the Council.

14.—(1.) A member of the Council other than a member appointed by a House of the Parliament may resign his office by writing under his hand addressed to the Minister.

Registration  
of members.

(2.) A member of the Council appointed by a House of the Parliament may resign his office by writing under his hand addressed to the President or Speaker of that House.

15.—(1.) The Governor-General may remove from office a member of the Council, other than a member appointed by a House of the Parliament, for misbehaviour or incapacity.

Termination  
of office.

(2.) A member of the Council appointed by a House of the Parliament—

(a) ceases to hold office if he ceases to be a member of that House; and

(b) may be removed from office by that House.

(3.) For the purposes of the last preceding sub-section, a member of either House of the Parliament shall be deemed not to have ceased to be a member of that House while he continues to be entitled to the Parliamentary allowance that became payable to him as such a member.

(4.) If a member of the Council—

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of any moneys payable to him under this Act for their benefit;

(b) is absent for three consecutive meetings of the Council, except on leave granted by the Council; or

(c) fails to comply with his obligations under the next succeeding sub-section,

the Governor-General shall remove him from office.

(5.) A member of the Council who is directly or indirectly interested in a contract made or proposed to be made by the Institute, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than twenty-five persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(6.) A disclosure under the last preceding sub-section shall be recorded in the minutes of the Council, and the member—

- (a) shall not take part after the disclosure in any deliberation or decision of the Council with respect to that contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

(7.) If an interest referred to in sub-section (5.) of this section is patent, that sub-section does not apply, but the last preceding sub-section applies as if there has been a disclosure in accordance with sub-section (5.) of this section.

(8.) If a member of the Council ceases to be a member of the Institute, he ceases to be a member of the Council.

Chairman or  
deputy  
Chairman of  
Council.

16.—(1.) The first Chairman of the Council shall be a member of the Council appointed to be the Chairman by the Governor-General, and shall hold office as Chairman until the election of a Chairman in accordance with the succeeding provisions of this section.

(2.) The members of the Council shall—

- (a) within two years after the Council commences to function and from time to time as occasion requires, elect one of their number to be the Chairman of the Council; and
- (b) as soon as convenient after the Council commences to function and from time to time as occasion requires, elect one of their number to be the Deputy Chairman of the Council,

and a Chairman or Deputy Chairman so elected holds office, unless he sooner resigns or ceases to be a member of the Council or is sooner removed by the Council, until the expiration of his term of office as a member of the Council that is current at the time of his election as Chairman or Deputy Chairman.

(3.) The Chairman of the Council is also the President of the Institute.

Meetings of  
Council.

17.—(1.) The Chairman or, if for any reason the Chairman is unable to act, the Deputy Chairman—

- (a) shall convene such meetings of the Council as he considers necessary for the efficient conduct of its business; and
- (b) shall, on receipt of a written request signed by not less than twenty-five members of the Institute or ten members of the Council, convene a meeting of the Council.

(2.) The Chairman shall ensure that at least two meetings of the Council are held in the year commencing on the first day of January next following the date on which the Council commences to function and in each succeeding year.

(3.) The Chairman shall preside at all meetings of the Council at which he is present.

(4.) In the event of the absence of the Chairman from a meeting of the Council, the Deputy Chairman shall preside at that meeting.

(5.) In the event of the absence of both the Chairman and the Deputy Chairman from a meeting of the Council, the members present shall appoint one of their number to preside at that meeting.

(6.) At a meeting of the Council, ten members constitute a quorum.

(7.) Subject to the next succeeding sub-section, all questions arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, and for that purpose the member presiding at the meeting has a deliberative vote.

(8.) In the event of an equality of votes on a resolution proposed at a meeting of the Council, the resolution shall be taken not to be passed, but if the same resolution is proposed at the next meeting of the Council held at a later date and there is again an equality of votes, the member presiding at that meeting has a casting vote on the proposed resolution.

18.—(1.) There shall be an Executive Committee of the Council, consisting of— Committees of Council.

- (a) the Chairman of the Council;
- (b) the Principal of the Institute;
- (c) four members of the Council appointed as members of the Executive Committee by the Council; and
- (d) one member of the Council appointed as a member of the Executive Committee by the Minister.

(2.) The Executive Committee may perform and exercise powers and functions of the Council to such extent as is provided by the Rules, and shall assist the Council as directed by the Council.

(3.) A member of the Executive Committee appointed by the Council shall be appointed for a period not exceeding one year, but may resign his office at any time.

(4.) The member of the Executive Committee appointed by the Minister shall be appointed for such period as the Minister thinks fit, but may resign his office at any time.



(5.) A member of the Executive Committee is eligible for re-election or re-appointment.

(6.) The Executive Committee may co-opt a member or members of the Council to be an additional member or members of the Executive Committee for the purposes of consideration by that Committee of a particular matter or class of matters.

(7.) Provision may be made by the Rules with respect to the conduct of the business of the Executive Committee, including provision with respect to a quorum and voting at meetings.

(8.) The Council may establish such committees of its members, in addition to the Executive Committee, as it thinks fit and such a committee shall assist the Council as directed by the Council.

**Meetings of members.**

19.—(1.) Meetings of members of the Institute shall be convened by the Council and such a meeting shall be held at least once in every period of two years.

(2.) The first meeting of members of the Institute shall be held within one year after the commencement of this Act.

(3.) Elections of members of the Council by the members of the Institute shall be held, as occasion requires, in accordance with the Rules, at meetings convened under this section.

(4.) Subject to the Rules, the members present at a meeting convened under this section may discuss, and adopt resolutions with respect to, matters within the functions of the Institute.

**Allowances.**

20.—(1.) A member of the Council shall be paid by the Institute such allowances (if any) in respect of his expenses as the Governor-General determines.

(2.) A member of the Council appointed by either House of the Parliament shall not be paid any allowance under the last preceding sub-section, but shall be reimbursed by the Institute in respect of such expenses as he reasonably incurs as a member of the Council.

(3.) The Council may, in its discretion, authorize payment by the Institute of an amount in respect of expenses incurred by a member of the Institute in connexion with attendance at a meeting of members of the Institute.

**Staff.**

21.—(1.) The Institute may, with the approval of the Minister, employ persons for the purposes of the Institute.

(2.) The terms and conditions of employment of persons employed under this section are such as are determined by the Council, but the Council shall comply with any direction of the Minister with respect to the determination of those terms and conditions.

(3.) The transfer or promotion of a person to an office in the service of the Institute the annual rate of the salary, or of the maximum salary, of which exceeds Three thousand seven hundred and fifty pounds, or such higher amount as is determined by the Minister, is subject to the approval of the Minister.

(4.) For the purposes of the last preceding sub-section, the salary of an office shall be deemed not to be affected by variations made in accordance with variations in the cost of living, and does not include any allowance that is not in the nature of remuneration for services.

(5.) Where a person employed by the Institute was, immediately before becoming so employed, an officer of the Public Service of the Commonwealth—

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights, his service as a person so employed shall be taken into account as if it were service in the Public Service of the Commonwealth; and
- (c) the *Officers' Rights Declaration Act 1928-1959* applies as if this Act and this section had been specified in the Schedule to that Act.

(6.) The *Commonwealth Employees' Compensation Act 1930-1962* applies to persons employed by the Institute as if they were employees within the meaning of that Act and as if references in that Act to the Commonwealth were references to the Institute.

(7.) The Institute shall be deemed to be—

- (a) a Commonwealth authority for the purposes of the definition of "Approved authority" in sub-section (1.) of section four of the *Superannuation Act 1922-1963*;
- (b) a Commonwealth authority for the purposes of the *Air Accidents (Commonwealth Liability) Act 1963*; and
- (c) an authority of the Commonwealth for the purposes of the *Commonwealth Employees' Furlough Act 1943-1959*.

22.—(1.) There is hereby established an office, in the service of the Institute, of Principal of the Institute. Principal  
of the  
Institute.

(2.) The Principal is the executive member of the Council and has, under the Council, the conduct of the affairs of the Institute.

(3.) The Council may, by resolution, delegate to the Principal all or any of the powers of the Council (except this power of delegation), either generally or to the extent specified in the resolution.

(4.) A delegation under this section is revocable by resolution of the Council and does not prevent the exercise of a power by the Council.

PART IV.—FINANCE.

Moneys payable to Institute.

23.—(1.) There are payable to the Institute such moneys as are appropriated by the Parliament for the purposes of the Institute.

(2.) Moneys payable to the Institute under this section shall be paid in such amounts and at such times as the Treasurer determines.

Bank accounts.

24.—(1.) The Institute may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

(2.) The Institute shall pay all moneys of the Institute into an account referred to in this section.

(3.) In this section, “approved bank” means the Reserve Bank of Australia or another bank approved by the Treasurer.

Application of moneys.

25. The moneys of the Institute shall be applied only in payment or discharge of the costs and expenses of the Institute under this Act.

Particulars of proposed expenditure.

26. The Institute shall, not later than the thirty-first day of March in each year, submit to the Minister particulars of proposed expenditure of the Institute for the financial year commencing on the following first day of July.

Proper accounts to be kept.

27. The Council shall cause to be kept proper accounts and records of the transactions and affairs of the Institute and shall do all things necessary to ensure that all payments out of the moneys of the Institute are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Institute and the incurring of liabilities by the Institute.

Audit.

28.—(1.) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Institute and shall forthwith draw the Minister’s attention to any irregularity revealed by the inspection and audit which, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

(2.) The Auditor-General or an officer authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Institute relating

directly or indirectly to the receipt or payment of moneys by the Institute or to the acquisition, receipt, custody or disposal of assets of the Institute.

(3.) The Auditor-General or an officer authorized by him may make copies of or take extracts from any such accounts, records, documents or papers.

(4.) The Auditor-General or an officer authorized by him may require a member of the Council, the Principal or a member of the staff of the Institute to furnish him with such information in the possession of that person or to which that person has access as the Auditor-General or authorized officer considers necessary for the purposes of an inspection or audit under this Act, and that person shall comply with the requirement.

29. The Institute is not subject to taxation under any law of the Commonwealth or of a State or Territory of the Commonwealth. Exemption from taxation.

#### PART V.—MISCELLANEOUS.

30.—(1.) The Council shall, as soon as practicable after each thirtieth day of June, furnish to the Minister a report of the operations of the Institute during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves. Reports.

(2.) Before furnishing the financial statements to the Minister, the Institute shall submit them to the Auditor-General who shall report—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Institute;
- (c) whether the receipt and expenditure of moneys by the Institute during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3.) The Minister shall lay the report and financial statements, together with the report of the Auditor-General, before each House of the Parliament within fifteen days sitting of that House after their receipt by the Minister.

(4.) The first report and statements under this section shall be furnished as soon as practicable after the thirtieth day of June, One thousand nine hundred and sixty-five, and shall relate to the period commencing on the date of commencement of this Act and ending on that thirtieth day of June.

**Rules.**

31.—(1.) The Council may make Rules of the Institute, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be provided by the Rules or are necessary or convenient to be prescribed in connexion with the conduct of the affairs of the Institute.

(2.) Rules made under this section shall not be taken to be statutory rules within the meaning of the *Rules Publication Act* 1903–1939.

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