



ANNO PRIMO

**GEORGII VI REGIS.**

A.D. 1937.

:\*\*\*\*\*

**No. 2372.**

An Act to provide for the establishment and maintenance of an Institute of Medical and Veterinary Science and for purposes incidental thereto.

[Assented to 15th December, 1937.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Institute of Medical and Veterinary Science Act, 1937". Short title.
2. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement of Act.
3. In this Act, unless the context otherwise requires or some other meaning is clearly intended— Interpretation.
  - "Minister" means the Minister of the Crown for the time being holding the office of Minister of Health:
  - "the council" means the Council of the Institute of Medical and Veterinary Science:
  - "the director" means the Director of the Institute of Medical and Veterinary Science:
  - "the institute" means the Institute of Medical and Veterinary Science established under this Act.
4. (1) There shall be an Institute of Medical and Veterinary Science. Establishment of institute and council.
  - (2) The institute shall be under the control and management of a council constituted as provided in this Act.
  - (3) The name of the council shall be "The Council of the Institute of Medical and Veterinary Science".

**Institute of Medical and Veterinary Science Act, 1937.**

(4) The council shall be a body corporate with perpetual succession and a common seal and shall be capable of suing and being sued in its corporate name.

(5) All courts, judges and persons acting judicially shall take judicial notice of the seal of the council affixed to any document and shall presume that it was duly affixed.

(6) The council shall, subject to this Act, have power to hold lands, tenements, hereditaments, goods, chattels and other property of all kinds for the purposes of and subject to this Act.

**Members of council.**

**5. (1) The council shall consist of—**

(a) the person for the time being holding the office of Director-General of Medical Services of the State, or if that office is vacant, the person for the time being acting in that office :

(b) two other members of the Board of Management of the Adelaide Hospital :

(c) two persons nominated by the Council of the University of Adelaide :

(d) a person whose business is or includes the raising of stock and who shall be appointed by the Governor.

(2) The Governor shall, from time to time, appoint members of the council to be chairman and deputy chairman thereof respectively.

(3) Subject to the other provisions of this Act, the chairman and every member of the council shall hold office for five years from the time fixed by the Governor by notice in the *Gazette* as the time when his appointment takes effect : Provided that a chairman or a member appointed to fill a casual vacancy shall hold office only for the balance of the term of his predecessor.

(4) 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 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) If the Council of the University of Adelaide, after being requested by the Minister to make any nomination necessary

under subsection (1) of this section, fails to do so within two months after receiving the request, the Governor may appoint a person to the seat in respect of which the nomination is requested without any nomination.

**6. (1)** The seat of any member of the council shall become vacant if he— Casual vacancies.

(a) dies :

(b) resigns :

(c) absents himself without permission of the council from more than four consecutive meetings of the council :

(d) becomes a mentally defective person within the meaning of the Mental Defectives Act, 1935-1936 :

(e) is removed from his office by the Governor for misbehaviour or incapacity :

(f) ceases to hold any office or qualification which he is required to hold as a member of the council.

(2) The chairman and every member of the council shall retire upon attaining the age of seventy years.

**7.** The chairman or acting chairman and any three other members of the council shall form a quorum for the transaction of the business of the council. Quorum.

**8. (1)** The first meeting of the council shall be convened by the chairman and thereafter meetings of the council shall be held at the times and places determined by the council. Meetings of council.

(2) The business of the council shall be conducted in such manner as the council determines.

**9. (1)** There shall be a director and a deputy director of the institute. Director of the institute.

(2) Edward Weston Hurst shall be the first director and shall be entitled to hold office for five years as from the commencement of this Act but may be reappointed by the Governor.

(3) Every subsequent director and every deputy director shall be appointed by the Governor on the recommendation of the council and on such terms and conditions as are approved by the Governor on the like recommendation.

(4) Every director and every deputy director shall receive such remuneration as the Governor on the recommendation of the council determines: Provided that the remuneration

## Institute of Medical and Veterinary Science Act, 1937.

of the said Edward Weston Hurst, during the first five years for which he holds office under this Act, shall be at a rate not less than that at which he is being remunerated at the time of the commencement of this Act.

(5) The director shall be the principal executive officer of the council and, subject to the directions of the council, shall be responsible for the control and management of the institute.

(6) If for any reason the director is 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.

Staff of the  
institute

**10.** (1) The Governor, on the recommendation of the council, may appoint such officers as are required to carry out the work of the institute.

(2) Such officers shall, unless the Governor otherwise determines, be public servants within the meaning of the Public Service Act, 1936, and unless the Governor otherwise determines shall be subject to the Superannuation Act, 1926-1936.

(3) Those officers of the council who are not public servants within the meaning of the Public Service Act, 1936, shall be appointed at such salary and for such period and on such other terms and conditions as are recommended by the council.

(4) The director shall in relation to those officers of the institute who are subject to the Public Service Act, 1936, be deemed for the purposes of that Act to be the head of the department in which those officers are employed.

(5) The council may appoint any employees of the institute other than the members of the salaried staff thereof, at such remuneration and for such period and on such other terms and conditions as are approved by the Minister on the recommendation of the council.

Power of  
council to  
secure  
assistance from  
Government  
Departments.

**11.** The council may with the approval of the Minister administering any department of the Public Service make use of the services of any officers employed in that department on any terms agreed upon.

Power of  
council to  
grant leave of  
absence.

**12.** The council may grant to any person in its employment who is not subject to the Public Service Act, 1936, any leave of absence (whether with or without pay) which the council thinks proper.

Trust fund and  
financial  
provisions.

**13.** (1) For the purpose of this Act there shall be a trust fund kept at the Treasury and known as "The Institute of Medical and Veterinary Science Trust Fund".

(2) The Treasurer shall in each of the five financial years commencing with the financial year 1938-1939 pay into the said trust fund the sum of ten thousand pounds; and this Act, without any further or other appropriation, shall be a sufficient authority for making such payments.

(3) There shall also be paid into the said trust 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 following expenditure in connection with the institute shall be defrayed by the Government of the State out of moneys to be provided by Parliament for the purpose:—

(a) interest on and sinking fund payments in respect of any loan moneys expended on the construction of the buildings of the institute:

(b) the cost of maintaining, repairing, and replacing the buildings of the institute and the fixtures, furniture, and equipment thereof (other than scientific instruments):

(c) water and sewerage rates:

(d) payments into the South Australian Superannuation Fund on account of pensions payable to officers of the institute:

(5) Subject to any agreement or arrangement under section 18 of this Act all expenditure incurred in connection with teaching carried on at the institute by or on behalf of the University of Adelaide shall be defrayed by that University.

(6) All expenditure incurred in connection with the management and work of the institute, except expenditure which is defrayed by the University of Adelaide or the Government of the State, shall be paid out of the said trust fund.

**14.** The Auditor-General shall audit the accounts of the Board annually. For the purpose of the conduct of any such audit the Audit Act, 1921-1936, shall apply as if the institute were a Department of the Public Service. Audit.

**15.** (1) The Governor 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. Power of Governor to grant use of premises to institute.

(2) Any Minister of the Crown or other public authority 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 plant or equipment under the control of such Minister or public authority.

Application of  
Public Supply  
and Tender  
Act, 1914-1930.

**16.** The Public Supply and Tender Act, 1914-1930, shall apply to and in respect of all stores, materials and other requisites required by the council: Provided that in any case of emergency the council may without complying with The Public Supply and Tender Act, 1914-1930, purchase any stores, materials and requisites which are urgently required, and the price of which does not exceed twenty-five pounds.

Duties and  
functions of  
the council.

**17.** (1) It shall be the duty of the council to establish and maintain an institute of medical science for the following purposes, namely:—

- (a) Research into the diseases of human beings and animals and into problems connected with such diseases:
- (b) Furnishing the Adelaide Hospital and any Minister of the Crown (without cost to the Hospital or Minister) such services in pathology, bacteriology and biochemistry and other allied sciences as the Board of Management of the Adelaide Hospital or the Minister requires:
- (c) Performing such work for public authorities, medical practitioners, and the public as the council thinks proper:
- (d) Providing such facilities as the council thinks proper for any person to conduct research at the institute:
- (e) Providing the University of Adelaide, in accordance with any agreement or arrangement made under this Act, with the use of any premises, plant or equipment of the institute.

(2) For any such work as mentioned in paragraph (c) of subsection (1) of this section, the council may charge such fees as are prescribed, and if no fees are prescribed for the particular work, such fees as the council fixes.

The person for the time being holding the office of Director-General of Medical Services in the employment of the Government of the State, shall be entitled to recover on behalf of the council by action in his own name in any court having jurisdiction up to the amount claimed, any fees due to the council under this subsection.

(3) The council shall pay such fees into the trust fund established under section 13.

Agreements  
with the  
University.

**18.** The council may enter into and carry out agreements or arrangements with the University of Adelaide under which the council undertakes—

- (a) to grant to the University or any persons nominated by the University rights to use and occupy the

buildings of the institute or any parts thereof, and to use any plant or equipment (other than scientific equipment) of the institute ;

- (b) to furnish the said University with any services which it may require and which can conveniently be furnished by the institute.

**19.** The Commissioners of Charitable Funds holding office under the Public Charities Funds Act, 1935, may grant to the council for the purpose of the institute, out of any moneys which the said Commissioners hold upon trust for the benefit of the Adelaide Hospital, such sums of money as the said Commissioners think fit.

Grants by Commissioners of Charitable Funds.

Any such sums of money so granted by the said Commissioners before the commencement of this Act shall be deemed to have been lawfully granted.

**20.** 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 each House of Parliament.

Annual report.

**21.** The Governor on the recommendation of the council may make any regulations which he deems necessary or convenient for the due administration of this Act, including regulations—

Regulations.

- (a) necessary or convenient for the proper management of the institute and for facilitating its work ; and
- (b) for prescribing the fees to be charged by the council for work done for public authorities, medical practitioners and the public ; and
- (c) for protecting the institute and the plant and equipment therein against damage, defilement or loss ; and
- (d) for prescribing penalties recoverable summarily and not exceeding ten pounds for breach of any regulation.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.