NORTHERN TERRITORY OF AUSTRALIA

STREHLOW RESEARCH CENTRE ACT

As in force at 1 July 2014

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2014

STREHLOW RESEARCH CENTRE ACT

An Act to establish the Strehlow Research Centre and the Strehlow Research Centre Board, and for related purposes

Part 1 Preliminary matters

1 Short title

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

2 Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3 Objects

The objects of this Act are as follows:

(a) to establish the Strehlow Research Centre and the Strehlow Research Centre Board;

(b) to ensure the collections are maintained and continued to be developed;

(c) to allow for the repatriation of objects included in the collections to their traditional owners.

4 Definitions

In this Act, unless the contrary intention appears:

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

Board means the Strehlow Research Centre Board established by section 9.

Centre means the Strehlow Research Centre established by section 5.

Chairperson means the Chairperson of the Board.

collections has the meaning in section 6(a).

Deputy Chairperson means the Deputy Chairperson of the Board.

member means a member of the Board.

objects includes artefacts, notes, diaries, records, films, publications and sound recordings.

purposes of the Centre means the purposes referred to in section 6.

Part 2 Strehlow Research Centre

5 Establishment

The Strehlow Research Centre is established.

6 Purposes

The Centre is established for the following purposes:

(a) to house, maintain and develop collections of objects of cultural, historical and anthropological significance owned by the Territory (the *collections*);

(b) to hold objects of cultural, historical and anthropological significance owned by persons other than the Territory;

(c) to provide secure and restricted storage facilities for elements of the collections and objects referred to in paragraph (b) that are culturally sensitive;

(d) to promote the appreciation of culture and learning by:

(i) displaying the collections; and

(ii) organising lectures, demonstrations and other educational activities; and

(iii) publishing educational material;

(e) to conduct, and to assist other persons to conduct, research relating to the traditions and culture of Aboriginal people;

(f) to preserve, commemorate and honour the work of the late Professor TGH Strehlow.

Part 3 Minister

7 Powers of Minister

(1) The Minister has power to do all things necessary or convenient for the purposes of the Centre.

(2) Without limiting subsection (1), the Minister may for the purposes of the Centre do any of the following:

(a) acquire objects for, and dispose of objects from, the collections;

(b) lend any part of the collections;

(c) borrow objects;

(d) determine charges for the viewing or any other use of the collections;

(e) produce, publish and sell reproductions, replicas, photographs and other publications;

(f) grant rights over the reproduction of intellectual property.

(3) However, the Minister may dispose of an object from the collections only if the Board has approved the proposed disposal in accordance with section 20(3).

8 Delegation

The Minister may delegate in writing to a person any of his or her powers under section 7(1).

Part 4 Strehlow Research Centre Board

9 Establishment

The Strehlow Research Centre Board is established.

10 Functions

The Board has the following functions:

(a) to provide advice to the Minister in relation to the acquisition of objects to be included in the collections;

(b) to consider requests for the repatriation of objects from the collections to their traditional owners;

(c) to provide advice to the Minister in relation to the disposal of objects from the collections;

(d) to promote community involvement in the activities of the Centre;

(e) to provide advice to the Minister in relation to the activities of the Centre;

(f) any other functions conferred on the Board by the Minister for this Act.

11 Powers

(1) The Board has the following powers:

(a) to approve the disposal of objects from the collections in accordance with section 20(3);

(b) to authorise access to elements of the collections.

(2) In the exercise of its powers, the Board must have regard to:

(a) the Agreement; and

(b) the objects of this Act; and

(c) the purposes of the Centre.

12 Direction of Minister

(1) The Board must comply with a request from the Minister for advice in relation to the purposes of the Centre but is not subject to the direction of the Minister in relation to the content of the advice.

(2) The Board is not subject to the direction of the Minister in relation to the exercise of its powers under section 11(1).

13 Delegation

The Board may, with the approval of the Minister, delegate in writing to a person its power under section 11(1)(b).

14 Membership

(1) The Board consists of Kathleen Stuart Strehlow or her nominee, while Kathleen Stuart Strehlow lives, and 6 other members appointed by the Minister of whom:

(a) one must be appointed to represent the interests of Aboriginal people; and

(b) one must be nominated by the Council of the Charles Darwin University; and

(c) one must be nominated by the Commonwealth Minister who is responsible for Aboriginal affairs; and

(d) one must be nominated by the minister administering the *Museum and Art Gallery of the Northern Territory Act*.

(2) A member appointed by the Minister:

(a) holds office for a specified period (not exceeding 3 years); and

(b) is eligible for re-appointment; and

(c) may resign from the Board by writing signed by the member and delivered to the Minister.

15 Termination of appointment

(1) The Minister may terminate the appointment of a member at any time.

(2) The Minister must terminate the appointment of a member if the member is found guilty, in the Territory or elsewhere, of an offence punishable by imprisonment for 12 months or longer.

(3) This section does not apply to Kathleen Stuart Strehlow or her nominee.

16 Disclosure of interest

(1) If a member has a direct or indirect interest in a matter being considered or about to be considered by the Board, the member must disclose the nature of the interest at a Board meeting as soon as practicable after the relevant facts come to the member's knowledge.

(2) The disclosure must be recorded in the Board's minutes.

(3) The member must not, while having that interest:

(a) take part in any deliberation or decision of the Board relating to that matter; or

(b) form part of the quorum of the Board in any deliberation or decision of the Board relating to that matter.

(4) However, subsection (3) does not apply if the Board resolves that the subsection does not apply to the member.

(5) Despite such a resolution, the member may refuse to take part in any deliberation or decision of the Board relating to that matter.

17 Chairperson and Deputy Chairperson

(1) One member must be the Chairperson and another the Deputy Chairperson of the Board.

(2) If either office becomes vacant, the Board must elect a member to the office at the first meeting of the Board after the vacancy occurs.

18 Vacation of office

(1) The offices of Chairperson and Deputy Chairperson both become vacant immediately before the first meeting of the Board of each financial year.

(2) Either office becomes vacant if the member:

(a) resigns the office under subsection (3); or

(b) is removed from the office under subsection (4); or

(c) ceases to be a member.

(3) The Chairperson or Deputy Chairperson may resign the office by writing signed by him or her and delivered to the Board.

(4) The Board may remove from office the Chairperson or Deputy Chairperson at any time.

19 Frequency of meetings

(1) The Chairperson may call as many meetings of the Board as are necessary to enable the Board to perform its functions and exercise its powers.

(2) At least 2 meetings must be called each financial year.

(3) The Chairperson must call a meeting if requested to do so by at least 4 members.

20 Meeting procedures

(1) Subject to this Part, the Board may determine the procedures to be followed at or in connection with a meeting.

(2) At a meeting:

(a) 4 members constitute a quorum; and

(b) questions, including the election of the Chairperson and Deputy Chairperson, must be decided by a majority of the votes of the members present and voting; and

(c) in the event of an equality of votes – the person presiding at the meeting has a casting vote in addition to a deliberative vote.

(3) However, the Board may approve the disposal of an object from the collections only if:

(a) each member has been given notice of the proposal to dispose of the object at least 3 months before the meeting at which the proposal is to be decided; and

(b) at least 6 members vote in favour of the approval at the meeting.

21 Presiding member

(1) The Chairperson must preside at all meetings of the Board at which he or she is present.

(2) If the Chairperson is absent from a meeting, the Deputy Chairperson must preside.

(3) If the Chairperson and Deputy Chairperson are absent from a meeting, the members present must elect a member to preside.

22 Chief Executive Officer may attend meeting

The Chief Executive Officer, or a person authorised by the Chief Executive Officer, may attend a meeting of the Board to provide the Board with information and advice.

23 Protection of members

(1) This section applies to a person who is or has been a member of the Board.

(2) The person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise or purported exercise of a power, or the performance or purported performance of a function, under this Act.

(3) Subsection (2) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

Part 5 Repeal and transitional matters for Strehlow Research Centre Act 2005

24 Repeal

The *Strehlow Research Centre Act 1988* (Act No. 63 of 1988) is repealed.

25 Definitions

In this Part:

commencement date means the date on which this Act comes into operation.

former Board means the Strehlow Centre Board established by section 4 of the *Strehlow Research Centre Act 1988*.

26 Property etc. of former Board

The property, rights and liabilities of the former Board existing immediately before the commencement date vest in the Territory on that date.

27 Arrangements under repealed Act

(1) An arrangement of which the former Board was a party has effect as if the Territory were the former Board for the purposes of the arrangement.

(2) Without limiting subsection (1), an arrangement referred to in subsection (1) includes any agreement under which a party to the agreement is obliged to give an undertaking or to provide a guarantee or a security.

28 Membership of Board

(1) Each person who held an appointment as a member of the former Board immediately before the commencement date is a member of the Board until the expiration of 6 months after that date or until the person ceases to be a member, whichever occurs sooner.

(2) The person who was the Chairman of the former Board immediately before the commencement date is the Chairperson of the Board until the expiration of 6 months after that date or until the person vacates the office, whichever occurs sooner.

Schedule Agreement

section 4, definition of ***Agreement***

1. The 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. The agreement made on 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. The 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. The 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 Act* (SA) of the third part.

5. The deed made on 8 June 1995 between Kathleen Stuart Strehlow of the first part, the Northern Territory of Australia of the second part and the Strehlow Centre Board 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 2005 (Act No. 45, 2005)

Assent date	14 December 2005
Commenced	18 January 2006 (*Gaz* G3, 18 January 2006, p 4)

Museum and Art Gallery of the Northern Territory Act 2014 (Act No. 6, 2014)

Assent date	20 March 2014
Commenced	1 July 2014 (s 2)

3 LIST OF AMENDMENTS

s 14 amd No. 6, 2014, s 43