

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

---

*(As read a first time)*

**AUSTRALIAN INSTITUTE OF SPORT BILL 1986**

**TABLE OF PROVISIONS**

**PART I—PRELIMINARY**

**Clause**

1. Short title
2. Commencement
3. Interpretation

**PART II—THE AUSTRALIAN INSTITUTE OF SPORT**

4. Establishment of Institute
5. Objects of establishment of Institute
6. Functions of Institute
7. Powers of Institute
8. Access, &c., by individuals and community groups

**PART III—THE BOARD OF THE INSTITUTE**

9. Establishment of Board
10. Functions of Board
11. Directions to Board
12. Strategic plans
13. Approval of strategic plans
14. Variation of strategic plans
15. Membership of Board
16. Remuneration and allowances
17. Leave of absence
18. Resignation
19. Termination of appointment
20. Exclusion of members from certain deliberations, &c.
21. Meetings of Board
22. Acting members
23. Committees

TABLE OF PROVISIONS—*continued*

Clause

## PART IV—DIRECTOR AND STAFF

*Division 1—Director*

- 24. Director
- 25. Duties of Director
- 26. Director not to engage in other paid employment
- 27. Remuneration and allowances
- 28. Leave of absence
- 29. Resignation
- 30. Disclosure of interests
- 31. Acting Director

*Division 2—Staff*

- 32. Staff

## PART V—FINANCE

- 33. Appropriation of money
- 34. Estimates
- 35. Application of money
- 36. Borrowing from the Commonwealth
- 37. Contracts
- 38. Application of Division 2 of Part XI of Audit Act
- 39. Exemption from taxation

## PART VI—MISCELLANEOUS

- 40. Trust money
- 41. Reports to Minister
- 42. Delegation by Minister
- 43. Delegation by Board
- 44. Delegation by Director
- 45. Regulations

1985-86

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time, 17 April 1986

*(Minister for Sport, Recreation and Tourism)*

**A BILL**

FOR

**An Act to establish the Australian Institute of Sport as a  
statutory authority**

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**PART I—PRELIMINARY**

**Short title**

- 5       1. This Act may be cited as the *Australian Institute of Sport Act 1986*.

**Commencement**

2. This Act shall come into operation on 1 July 1986.

**Interpretation**

- 10       3. In this Act, unless the contrary intention appears—  
“appoint” includes re-appoint;  
“appointed member” means a member other than the Director;

“Board” means the Board of the Australian Institute of Sport established by section 9;

“Chairperson” means the Chairperson of the Board;

“Deputy Chairperson” means the Deputy Chairperson of the Board;

“Director” means the Director of the Institute; 5

“Institute” means the Australian Institute of Sport established by section 4;

“member” means a member of the Board;

“sports science” means the application of scientific knowledge to sports performance and includes biomechanics, exercise physiology and sports psychology. 10

## PART II—THE AUSTRALIAN INSTITUTE OF SPORT

### Establishment of Institute

4. (1) There is established by this section an institute by the name of the Australian Institute of Sport. 15

(2) The Institute—

(a) is a body corporate;

(b) shall have a seal; and

(c) may sue and be sued.

(3) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the Institute appearing on a document and shall presume the document was duly sealed. 20

### Objects of establishment of Institute

5. The objects of the establishment of the Institute are—

(a) to provide resources, services and facilities to enable Australians to pursue and achieve excellence in sport while also furthering their educational and vocational skills and other aspects of their personal development; 25

(b) to improve the sporting abilities of Australians generally through the improvement of the standard of sports coaches; and 30

(c) to foster co-operation in sport between Australia and other countries through the provision of access to resources, services and facilities related to sport.

### Functions of Institute

6. (1) The functions of the Institute are— 35

(a) to devise and implement programs for the development of—

(i) persons who excel, or who have the potential to excel, in sport; and

(ii) persons who have achieved, or who have the potential to achieve, standards of excellence as sports coaches; 40

- (b) to establish, manage, develop and maintain facilities for the purposes of the Institute;
- (c) to provide sports medicine services and sports science services to persons participating in programs referred to in paragraph (a) and to undertake research related to sports medicine and sports science;
- (d) to collect and distribute information, and provide advice, on matters related to the activities of the Institute;
- (e) to raise money for the purposes of the Institute by appropriate means, having regard to the proper performance of the other functions of the Institute; and
- (f) for the purpose of fostering co-operation in sport between Australia and other countries, to provide access to persons from other countries to the resources, services and facilities of the Institute.

(2) In performing the function referred to in paragraph (1) (a), the Institute may conduct sporting events for the purpose of providing opportunities for persons participating in programs referred to in that paragraph to compete in sport against each other and against other persons.

(3) The Institute may, in performing its functions, consult and co-operate with, and enter into agreements with, appropriate authorities of the Commonwealth, of the States, and of the Territories, and with other persons, associations and organisations, whether within or outside Australia.

(4) The functions of the Institute may be performed within or outside Australia.

### **Powers of Institute**

7. (1) The Institute has power to do all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may—

- (a) enter into contracts;
- (b) acquire, hold and dispose of real or personal property;
- (c) 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;
- (d) erect buildings and structures and carry out works;
- (e) provide scholarships and other like benefits;
- (f) appoint agents and attorneys and act as an agent for other persons;
- (g) engage persons to perform services for the Institute;
- (h) obtain commercial sponsorship for the Institute and participate in marketing arrangements involving the endorsement by the Institute of products and services associated with sport;
- (j) arrange for the manufacture of, and distribute (whether by way of sale or otherwise), any article or thing bearing a mark, symbol or writing that is associated with the Institute;

(k) provide (whether by way of sale or otherwise) goods and services to persons using, or otherwise attending at, facilities of the Institute;

(m) accept gifts, grants, bequests and devises made to the Institute (whether on trust or otherwise) and act as trustee of money or other property vested in the Institute on trust; and

(n) do anything incidental to any of its powers.

(2) The Institute may charge such fees, or impose such charges, as are reasonable in respect of—

(a) access to, or use of, any of the resources or facilities of the Institute;

(b) the provision of programs, services, information or advice by the Institute; and

(c) the admission of persons to events and activities conducted by the Institute.

(3) The powers of the Institute may be exercised within or outside Australia.

#### **Access, &c., by individuals and community groups**

8. The Institute shall, to the extent that it is practicable to do so having regard to the objects of the establishment of the Institute and the functions of the Institute, allow individuals and groups within the community to have access to, and to make use of, the resources, services and facilities of the Institute, whether or not for purposes related to sport.

### **PART III—THE BOARD OF THE INSTITUTE**

#### **Establishment of Board**

9. There is established by this section a board by the name of the Board of the Australian Institute of Sport.

#### **Functions of Board**

10. The functions of the Board are to ensure the proper and efficient performance of the functions of the Institute and, subject to section 11, to determine the policy of the Institute with respect to any matter.

#### **Directions to Board**

11. (1) The Minister may, by notice in writing to the Chairperson, give directions to the Board with respect to the performance of the functions, or the exercise of the powers, of the Institute.

(2) The Board shall ensure that any directions given to it by the Minister under sub-section (1) are complied with.

#### **Strategic plans**

12. (1) The Board shall develop, and prepare in written form, for each successive period determined in accordance with sub-section (2), a strategic plan setting out the manner in which it is proposed that the functions of the Institute will be performed during that period.

(2) The first strategic plan prepared in accordance with this section shall be expressed to relate to a period of 3 years commencing on a day occurring within 12 months after the commencement of this Act and each subsequent strategic plan shall be expressed to relate to the period of 3 years commencing at the end of the period to which the immediately preceding strategic plan relates.

(3) At a time when a strategic plan is in force the functions of the Institute shall not be performed otherwise than in accordance with the plan.

### **Approval of strategic plans**

10 **13.** A strategic plan prepared in accordance with section 12 shall be submitted to the Minister for approval not less than 3 months, or such lesser period as the Minister, in special circumstances, allows, before the intended day of commencement of the period to which the strategic plan relates and shall not come into force until—

- 15 (a) the day on which it is approved by the Minister; or  
(b) the day of commencement of the period to which it relates, whichever is the later.

### **Variation of strategic plans**

20 **14. (1)** The Board shall, from time to time, during the period in respect of which a strategic plan prepared in accordance with section 12 is in force, consider whether a variation of the strategic plan is necessary.

(2) Where the Board considers that a variation of a strategic plan is necessary, the Board may, with the approval of the Minister, vary the strategic plan.

25 (3) Where a variation of a strategic plan is approved by the Minister after the plan has come into force, the plan as so varied shall continue in force on and after the day on which the variation is so approved as if the plan had originally been approved by the Minister as so varied.

### **Membership of Board**

30 **15. (1)** The Board shall consist of the following members:

- (a) the Chairperson;  
(b) the Deputy Chairperson;  
(c) the Director;  
(d) not fewer than 7 nor more than 11 other members.

35 (2) The Chairperson may be referred to as the Chairman or the Chairwoman, and the Deputy Chairperson may be referred to as the Deputy Chairman or the Deputy Chairwoman, as the case requires.

(3) The members referred to in paragraphs (1) (a), (b) and (d) shall be appointed by the Governor-General.

(4) A member referred to in paragraph (1) (a) or (b)—

- (a) holds office on a full-time or part-time basis as is specified in the instrument of appointment of the member; and
- (b) holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment.

5

(5) A member referred to in paragraph (1) (d)—

- (a) holds office on a full-time or part-time basis, as is specified in the instrument of appointment of the member; and
- (b) holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment.

10

(6) A person who has attained the age of 65 years shall not be appointed as a member who holds office on a full-time basis and a person shall not be appointed as such a member for a period that extends beyond the day on which the person will attain the age of 65 years.

(7) The exercise of the powers, or the performance of the functions, of the Board is not affected by reason only that—

15

- (a) there is a vacancy in the office of Chairperson, Deputy Chairperson or Director; or
- (b) the number of persons appointed under paragraph (1) (d) falls below 7 for not longer than 3 months.

20

**Remuneration and allowances**

16. (1) An appointed member shall be paid such remuneration as is determined by the Remuneration Tribunal, but if no determination of that remuneration by the Tribunal is in operation, the appointed member shall be paid such remuneration as is prescribed.

25

(2) An appointed member shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

**Leave of absence**

17. (1) The Minister may grant to the Chairperson—

30

- (a) if the Chairperson is appointed as a full-time member—leave of absence from duty; or
- (b) if the Chairperson is appointed as a part-time member—leave of absence from a meeting of the Board,

upon such terms and conditions as to remuneration or otherwise as the Minister determines.

35

(2) The Chairperson may grant to another appointed member—

- (a) if the other member is appointed as a full-time member—leave of absence from duty; or
- (b) if the other member is appointed as a part-time member—leave of absence from a meeting of the Board,

40

upon such terms and conditions as to remuneration or otherwise as the Chairperson determines.

**Resignation**

5 **18.** An appointed member may resign the office of appointed member by writing signed by the member and delivered to the Governor-General.

**Termination of appointment**

**19. (1)** The Governor-General may terminate the appointment of an appointed member for misbehaviour or physical or mental incapacity.

(2) If an appointed member—

10 (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of remuneration for their benefit;

(b) is absent—

15 (i) in the case of the Chairperson, except on leave granted by the Minister; or

(ii) in any other case, except on leave granted by the Chairperson, from 3 consecutive meetings of the Board; or

(c) contravenes section 20 without reasonable excuse,

the Governor-General shall terminate the appointment of the member.

20 **Exclusion of members from certain deliberations, &c.**

**20. (1)** A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

25 (2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Board and, unless the Minister or the Board otherwise determines, the member shall not—

(a) be present during any deliberation of the Board with respect to that matter; or

30 (b) take part in any decision of the Board with respect to that matter.

(3) For the purpose of the making of a determination by the Board under sub-section (2) in relation to a member who has made a disclosure under sub-section (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not—

35 (a) be present during any deliberation of the Board for the purpose of making the determination; or

(b) take part in the making by the Board of the determination.

(4) Without otherwise limiting the generality of sub-section (1)—

40 (a) a person appointed as Director shall not be present during any deliberation of the Board, or take part in any decision of the Board, with respect to—

- (i) the appointment of any person as Director;
- (ii) the determination or application of any terms and conditions on which a person appointed as Director holds office or may be granted leave; or
- (iii) the giving or refusing of approval under section 26; and 5
- (b) a person appointed to act as Director shall not be present during any deliberation of the Board, or take part in any decision of the Board, with respect to—
  - (i) the appointment of any person as Director or to act as Director; 10
  - (ii) the determination or application of any terms and conditions on which a person appointed as Director or to act as Director holds office or may be granted leave;
  - (iii) the termination of the appointment of the person or of a person appointed as Director; or 15
  - (iv) the giving or refusing of approval under section 26.

### **Meetings of Board**

**21. (1)** The Board shall hold such meetings as are necessary for the efficient performance of its functions.

- (2) The Chairperson— 20
  - (a) may at any time convene a meeting of the Board; and
  - (b) shall, on receipt of a written request signed by not fewer than 3 other members, convene a meeting of the Board.

(3) The Chairperson shall preside at all meetings of the Board at which he or she is present. 25

(4) Where the Chairperson is not present at a meeting of the Board, the Deputy Chairperson shall preside, or if the Deputy Chairperson is not present, the members present shall elect one of their number to preside.

(5) At a meeting of the Board, a quorum is constituted by a number of members that is not less than one-third of the number of members for the time being holding office. 30

(6) Where, by reason of sub-section 20 (2), (3) or (4), a member is not present at a meeting of the Board during a deliberation of the Board with respect to a matter, but there would be a quorum if that member were present, the remaining members present constitute a quorum for the purpose of any deliberation or decision of the Board at that meeting with respect to that matter. 35

(7) Questions arising at a meeting of the Board shall be determined by a majority of the votes of the members present and voting.

(8) The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote. 40

(9) The Board shall keep a record of its proceedings.

(10) The Board may invite a person to attend a meeting of the Board for the purpose of advising or informing the Board on any matter.

**Acting members**

5       **22. (1)** At any time when there is a vacancy in the office of Chairperson  
(whether or not an appointment has previously been made to the office) or  
the Chairperson is absent from duty or from Australia or is, for any other  
reason, unable to perform the functions of Chairperson, the Deputy  
Chairperson or a person acting as Deputy Chairperson under sub-section  
10       (2) shall act as Chairperson.

(2) The Minister may appoint a member referred to in paragraph  
15 (1) (d) to act as Deputy Chairperson—

- (a) during a vacancy in the office of Deputy Chairperson (whether or  
not an appointment has previously been made to the office); or  
15       (b) during any period, or during all periods, when the Deputy  
Chairperson is absent from duty or from Australia or is, for any  
other reason, unable to perform the duties of the office of Deputy  
Chairperson,

but a person appointed to act during a vacancy shall not continue so to act  
20 for more than 12 months.

(3) The Minister may appoint a person who is not a member to act as  
a member referred to in paragraph 15 (1) (d)—

- (a) during a vacancy in the office of the member (whether or not an  
appointment has previously been made to the office); or  
25       (b) during any period, or during all periods, when the member is absent  
from duty or from Australia or is, for any other reason (including  
the reason that the member is acting as Deputy Chairperson),  
unable to perform the duties of the office of the member,

but a person appointed to act during a vacancy shall not continue so to act  
30 for more than 12 months.

(4) While a person is acting in an office under this section, the person  
has and may exercise all the powers, and shall perform all the functions, of  
the office.

(5) An appointment of a person under sub-section (2) or (3) may be  
35 expressed to have effect only in such circumstances as are specified in the  
instrument of appointment.

(6) The Minister may—

- (a) determine the terms and conditions, including remuneration and  
allowances, if any, on which a person is to act under this section;  
40       and  
(b) terminate an appointment under sub-section (2) or (3) at any time.

(7) Where a person is acting in an office under paragraph (2) (b) or (3) (b) and the office becomes vacant while the person is so acting, then, subject to sub-section (5), the person may continue so to act until the Minister otherwise directs, the vacancy is filled, or a period of 12 months from the date on which the vacancy occurred expires, whichever first occurs. 5

(8) The appointment of a person under sub-section (2) or (3) ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Minister.

(9) Anything done by or in relation to a person purporting to act under this section is not invalid on the ground that— 10

(a) in the case of a person purporting to act under sub-section (1)— the occasion for the person to act had not arisen or had ceased; or

(b) in the case of a person purporting to act under sub-section (2) or (3)—

(i) the occasion for the person's appointment had not arisen; 15

(ii) there is a defect or irregularity in connection with the person's appointment;

(iii) the person's appointment had ceased to have effect; or

(iv) the occasion for the person to act had not arisen or had ceased. 20

### **Committees**

**23. (1)** The Board may establish such committees as it thinks fit, and a committee shall assist the Board as directed by the Board.

(2) A committee shall be constituted wholly by members of the Board or partly by members of the Board and partly by other persons. 25

(3) The number of members of a committee required to constitute a quorum at a meeting of that committee shall be as specified by the Board.

(4) A member of a committee who is not also a member of the Board shall be paid such remuneration and allowances (if any) as the Minister determines. 30

(5) The office of member of a committee is not a public office within the meaning of the *Remuneration Tribunals Act 1973*.

(6) Section 20 applies to a member of a committee as if—

(a) a reference in that section to the Board were a reference to the committee; and 35

(b) a reference in that section to a member were a reference to the member of the committee (whether or not the member of the committee is also a member of the Board).

## PART IV—DIRECTOR AND STAFF

### Division 1—Director

#### Director

5       **24. (1)** There shall be a Director of the Institute who shall be appointed by the Board.

**(2)** A person who has attained the age of 65 years shall not be appointed as Director and a person shall not be appointed as Director for a period that extends beyond the day on which the person will attain the age of 65 years.

10       **(3)** A person appointed as Director holds office for such period, not exceeding 5 years, as is specified in the instrument of appointment of the person.

**(4)** The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Board with the approval of the Minister.

#### Duties of Director

**25. (1)** The Director shall conduct the affairs of the Institute subject to the directions of, and in accordance with policies determined by, the Board.

20       **(2)** All acts and things done in the name of, or on behalf of, the Institute by the Director shall be deemed to have been done by the Institute.

#### Director not to engage in other paid employment

**26.** The Director shall not engage in paid employment outside the duties of his or her office except with the approval of the Board.

#### Remuneration and allowances

25       **27. (1)** The Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but if no determination of that remuneration by the Tribunal is in operation, the Director shall be paid such remuneration as is prescribed.

**(2)** The Director shall be paid such allowances as are prescribed.

30       **(3)** This section has effect subject to the *Remuneration Tribunals Act 1973*.

#### Leave of absence

35       **28.** The Chairperson may grant leave of absence to the Director on such terms and conditions as to remuneration or otherwise as are determined by the Board with the approval of the Minister.

#### Resignation

**29.** The Director may resign the office of Director by writing signed by the Director and delivered to the Board.

**Disclosure of interests**

30. The Director shall give written notice to the Board of all direct or indirect pecuniary interests that the Director has or acquires in any business or in any body corporate carrying on any business.

**Acting Director**

5

31. (1) The Board may appoint a person (not being a member) to act as Director—

- (a) during a vacancy in the office of Director (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Director is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Director,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

(2) An appointment of a person under sub-section (1) may be expressed to have effect only in such circumstances as are specified in the instrument of appointment.

(3) The Board may—

- (a) with the approval of the Minister, determine the terms and conditions of appointment, including remuneration and allowances, of a person acting as Director; and
- (b) terminate such an appointment at any time.

(4) Where a person is acting under paragraph (1) (b) and the office of Director becomes vacant while the person is so acting, then, subject to sub-section (2), the person may continue so to act until the Board otherwise directs, the vacancy is filled, or a period of 12 months from the date on which the vacancy occurred expires, whichever first occurs.

(5) The appointment of a person under this section ceases to have effect if the person resigns the appointment by writing signed by the person and delivered to the Board.

(6) While a person is acting under this section, the person has and may exercise all the powers, and shall perform all the functions, of the Director.

(7) Anything done by or in relation to a person purporting to act under this section is not invalid on the ground that—

- (a) the occasion for the person's appointment had not arisen;
- (b) there is a defect or irregularity in connection with the person's appointment;
- (c) the person's appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

**Division 2—Staff**

**Staff**

32. (1) The Director may, on behalf of the Institute, employ such persons as the Board thinks necessary for the purposes of this Act.

5 (2) The terms and conditions of employment of persons employed under this section are such as are determined by the Board with the approval of the Public Service Board.

**PART V—FINANCE**

**Appropriation of money**

10 33. (1) There is payable to the Institute such money as is appropriated by the Parliament for the purposes of the Institute.

(2) The Minister for Finance may give directions as to the amounts in which, and the times at which, money referred to in sub-section (1) is to be paid to the Institute.

15 **Estimates**

34. (1) The Institute shall prepare estimates, in such form as the Minister directs, of the receipts and expenditure of the Institute for each financial year and, if the Minister so directs, for any other period specified by the Minister, and the Institute shall submit estimates so prepared to the Minister not later than such date as the Minister directs.

(2) Estimates referred to in sub-section (1) shall not include estimates of receipts by the Institute of money to be held on trust or of expenditure by the Institute of money held on trust.

25 (3) The money of the Institute, other than money held on trust, shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister.

**Application of money**

30 35. Subject to section 63E of the *Audit Act 1901* (as that section applies by virtue of section 38 of this Act), the money of the Institute shall be applied only—

(a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Institute in the performance of its functions and the exercise of its powers; and

(b) in payment of remuneration and allowances payable under this Act.

35 **Borrowing from the Commonwealth**

36. (1) The Minister for Finance may, on behalf of the Commonwealth, out of money appropriated by the Parliament for the purpose, lend money to the Institute at such rates of interest and on such other terms and conditions as that Minister determines.

(2) The Institute shall not borrow money except in accordance with sub-section (1).

(3) The Institute may give security over the whole or part of its assets for the repayment of amounts borrowed under sub-section (1) and the payment of interest on amounts so borrowed. 5

### **Contracts**

37. The Institute shall not, except with the written approval of the Minister—

- (a) enter into a contract involving the payment or receipt by the Institute of an amount exceeding \$500,000 or, if a higher amount is prescribed, that higher amount; or 10
- (b) enter into a lease of land for a period of 10 years or more.

### **Application of Division 2 of Part XI of Audit Act**

38. (1) It is hereby declared that the Institute is a public authority to which Division 2 of Part XI of the *Audit Act 1901* applies. 15

(2) Each annual report submitted by the Institute under section 63H of the *Audit Act 1901* (as that section applies by virtue of sub-section (1) of this section) shall include particulars of each direction given by the Minister to the Board under section 11 of this Act.

### **Exemption from taxation** 20

39. (1) Subject to sub-section (3), the income, property and transactions of the Institute are not subject to taxation (including taxation under the *Bank Account Debits Tax Act 1982*) under the laws of the Commonwealth (other than laws relating to sales tax) or of a State or Territory.

(2) Subject to sub-section (3), the transactions of the Institute in respect of goods for use (whether as goods or in some other form), and not for sale, by the Institute are not subject to the laws of the Commonwealth relating to sales tax. 25

(3) The regulations may provide that sub-section (1) or (2) does not apply in relation to taxation under a specified law. 30

## **PART VI—MISCELLANEOUS**

### **Trust money**

40. (1) The Institute shall ensure that any money received or held by the Institute on trust is paid into an account opened and maintained pursuant to section 63D of the *Audit Act 1901* (as that section applies by virtue of section 38 of this Act) that does not, or accounts referred to in that section that do not, contain any money of the Institute not held on trust. 35

(2) Notwithstanding sections 34, 35 and 38—

(a) money or other property held by the Institute on trust shall be applied or dealt with only in accordance with the powers and duties of the Institute as trustee; and

5 (b) money held by the Institute on trust may be invested—

(i) in any manner in which the Institute is authorised to invest that money by the terms of the trust; or

(ii) in any manner in which trust money may, for the time being, be invested under law,

10 but not otherwise.

(3) Section 63F of the *Audit Act 1901* (as that section applies by virtue of section 38 of this Act) has effect as if—

15 (a) the reference in that section to the transactions and affairs of the Institute included a reference to transactions and affairs relating to money or property received or held by the Institute on trust; and

(b) the reference in that section to payments out of the money of the Institute included a reference to payments out of money held by the Institute on trust.

20 (4) Section 63G of the *Audit Act 1901* (as that section applies by virtue of section 38 of this Act) has effect as if—

(a) the reference in sub-section 63G (1) to financial transactions of the Institute included a reference to transactions relating to money received or held by the Institute on trust;

25 (b) the reference in sub-section 63G (1) to assets of, or in the custody of, the Institute included a reference to assets held by the Institute on trust;

30 (c) the reference in sub-section 63G (4) to the receipt or payment of money by the Institute included a reference to the receipt or payment by the Institute of money received or held by the Institute on trust; and

(d) the reference in sub-section 63G (4) to the acquisition, receipt, custody or disposal of assets by the Institute included a reference to the acquisition, receipt, custody or disposal by the Institute of assets received or held by the Institute on trust.

### 35 **Reports to Minister**

**41.** The Board shall—

(a) from time to time inform the Minister concerning the general conduct of the activities of the Institute; and

40 (b) furnish to the Minister such information in relation to the activities of the Institute as the Minister from time to time requires.

### **Delegation by Minister**

**42. (1)** The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Minister, delegate to a person all or any of the Minister's powers under this Act, other than—

- (a) this power of delegation; and
- (b) the Minister's powers under sections 11 and 37.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.

(3) A delegation under this section does not prevent the exercise of a power by the Minister. 5

### Delegation by Board

43. (1) The Board may, by resolution, either generally or as otherwise provided by the resolution, delegate to a committee established under section 23 all or any of the Board's powers under this Act, other than— 10

- (a) this power of delegation; and
- (b) the Board's powers under sections 12 and 14.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Board.

(3) A delegation of a power under this section— 15

- (a) may be revoked by resolution of the Board (whether or not constituted by the persons constituting the Board at the time the power was delegated);
- (b) does not prevent the exercise of the power by the Board; and
- (c) continues in force notwithstanding a change in the membership of the Board. 20

(4) Section 34A of the *Acts Interpretation Act 1901* applies in relation to a delegation under this section as if the Board were a person.

(5) A certificate signed by the Chairperson stating any matter with respect to a delegation of a power under this section is *prima facie* evidence of that matter. 25

(6) A document purporting to be a certificate mentioned in sub-section (5) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

### Delegation by Director 30

44. (1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by the Director, delegate to an employee of the Institute all or any of the powers of the Director under this Act other than this power of delegation.

(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Director. 35

(3) A delegation under this section does not prevent the exercise of a power by the Director.

**Regulations**

**45.** The Governor-General may make regulations, not inconsistent with this Act, prescribing matters—

5 (a) required or permitted by this Act to be prescribed by regulations; or

(b) necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act,

and, in particular, may make regulations—

10 (c) regulating, restricting or prohibiting the entry of persons onto or into any land or building, or any part of any land or building, owned by, or under the control of, the Institute, and regulating the conduct of persons on or in any such land or building, or any part of any such land or building, including provision for and in relation to the removal of persons from any such land or building; and

15 (d) prescribing penalties not exceeding a fine of \$500 for offences against the regulations.