

Queensland



QUEENSLAND MUSEUM ACT 1970

**Reprinted as in force on 25 November 1997
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Information about this reprint

This Act is reprinted as at 25 November 1997. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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QUEENSLAND MUSEUM ACT 1970

[as amended by all amendments that commenced on or before 25 November 1997]

An Act to make provision with respect to the administration of the Queensland Museum and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Queensland Museum Act 1970*.

Definitions

3. In this Act—

“**board**” means the Queensland Museum Board of Trustees constituted under this Act.

“**chairperson**” means the chairperson of the board.

“**member**” means a person occupying any of the offices of member of the board including that of chairperson.

“**museum**” means the Queensland Museum established at Brisbane and any branch of that museum established, maintained or controlled, or deemed to have been established, by the board.

PART 2—BOARD OF TRUSTEES

Division 1—Appointment of board

Constitution of board

4.(1) For the purposes of this Act there shall be a board by the name of the Queensland Museum Board of Trustees.

(2) The control and management of the museum shall, subject to the Minister, be vested in the board.

(3) The board—

- (a) is a body corporate with perpetual succession; and
- (b) shall have a common seal; and
- (c) may sue and be sued in its corporate name; and
- (d) is capable of compounding or proving in any court of competent jurisdiction all debts or sums of money due to it and of acquiring, holding and alienating (by exchange, sale, demise or otherwise) real and personal property or any interest therein; and
- (e) is capable of doing and suffering all such acts and things as bodies corporate may, in law, do and suffer.

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

(5) The board consists of the following 9 members—

- (a) 5 members appointed by the Governor in Council after consultation by the Minister with entities the Minister considers appropriate;
- (b) 2 members appointed by the Governor in Council on the nomination of the board;

- (c) the chief executive¹ or the chief executive's nominee;
- (d) the director of the museum.

(6) Of the members mentioned in subsection (5)(a), at least 1 must, in the Minister's opinion, be knowledgeable and experienced in the field of natural science and another in the field of technology.

(7) The members mentioned in subsection (5)(c) and (d) are ex officio members.

Secretary and chief executive officer

5. The director of the Queensland Museum, or in the director's absence the deputy director, shall be the secretary and chief executive officer of the board.

Term of appointment

7. A member, other than an ex officio member, is to be appointed for a term of not longer than 4 years.

Disqualification from membership of board

9A. A person shall be disqualified from becoming or continuing as a member of the board other than an ex officio member if—

- (a) the person has not attained the age of 18 years;
- (b) the person is an undischarged bankrupt or is taking advantage of the laws relating to bankruptcy;
- (c) the person has been convicted in Queensland of an indictable offence or has been convicted elsewhere than in Queensland in respect of an act or omission that, if done or made in Queensland, would have constituted an indictable offence.

¹ The chief executive is the chief executive of the department in which the Act is administered (see *Acts Interpretation Act 1954*, section 36, definition "chief executive", paragraph (b) and section 33(5B)).

Vacation of office of members of board

10. A member shall be deemed to have vacated the member's office if the member—

- (a) dies or becomes a patient (within the meaning of the *Mental Health Act 1974*);
- (b) resigns the member's office by signed writing addressed to the Governor in Council through the Minister (such resignation to be complete and take effect from the time when it is received by the Minister);
- (ba) is disqualified from membership of the board pursuant to section 9A;
- (c) is absent from 3 consecutive ordinary meetings of the board of which notice has been given to the member personally or in the ordinary course of post and is not before the expiration of 6 weeks after the last of such meetings excused by the board for the member's absence from such meetings;
- (d) is removed from office by the Governor in Council.

Removal of members

11. The Governor in Council may, for any cause which appears to the Governor in Council to be sufficient, remove any member from office.

Division 2—Powers and functions of board**Functions of board**

12.(1) The functions of the board shall be—

- (a) the control and management of the museum and of all natural history, historical and technological collections, and other chattels and property contained therein; and
- (b) the maintenance and administration of the museum in such manner as will effectively minister to the needs and demands of the community in any or all branches of the natural sciences,

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applied sciences, technology and history, associated with the development of the museum as a museum of general science and to this end shall undertake—

- (i) the storage of suitable items pertaining to the study of natural sciences, applied sciences, technology and history, and exhibits and other personal property; and
 - (ii) the promotion of scientific and historical research; and
 - (iii) the provision of educational facilities through the display of selected items, lectures, films, broadcasts, telecasts, publications and other means; and
 - (iiia) the operation of workshops for the maintenance and repair of exhibits and other things; and
 - (iv) any other action which in the opinion of the board is necessary or desirable; and
- (c) the control and management of all lands and premises vested in or placed under the control of the board; and
 - (ca) the management, operation and control of the aerodrome constructed or to be constructed at the Queensland Museum branch, Coomera; and
 - (d) the raising, holding, investment and disbursement of funds for the exercise of any of its functions; and
 - (e) subject to the provisions of section 25, the establishment of branches; and
 - (f) such other acts and things as are prescribed under a regulation to be functions of the board.
- (2)** In the performance of its function the board may—
- (a) receive, take, purchase or hire any objects pertaining to the study of natural history, applied sciences, technology and history, and exhibits and other personal property;
 - (b) sell, exchange or otherwise dispose of any objects of natural history, applied sciences, technology and history, and exhibits and other personal property under the care or control of the board;
 - (c) lend or make available to any institution, government department

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or persons, upon such terms and conditions as the board thinks fit, any objects of natural history, applied sciences, technology and history, and exhibits and other personal property under the care or control of the board;

- (d) make and carry out such contracts, agreements or arrangements as are in its opinion necessary or desirable to enable it to properly perform its functions and duties or any of them;
- (e) with the consent of the landlord or lessor in any case where the board is a tenant or lessee, let or lease or permit to be used land, buildings or other improvements comprised in the museum or vested in, belonging to or under the control of the board to or by such persons or bodies as the board thinks fit and for such purposes as the board thinks fit notwithstanding that such purposes do not pertain to the purposes for which the museum or its branches is or are established;
- (f) provide or cause to be provided meals, refreshments or catering services in connection with the use of the buildings comprised in the museum or its branches;
- (g) authorise, on such terms as it thinks fit, any person to sell any wares within the museum or its branches;
- (h) provide or cause to be provided parking facilities at any branch of the museum;
- (i) maintain services, facilities and conveniences for the use or benefit of persons making use of, or resorting to, the museum;
- (j) sell, let or hire, or otherwise provide for the use of the persons referred to in paragraph (i), goods and other articles and things;
- (k) improve or alter the aerodrome at the Queensland Museum branch, Coomera or any part of it;
- (l) purchase or otherwise acquire vehicles, plant, equipment and other property for use in connection with the museum;
- (m) acquire any patents or licences which in the opinion of the board will assist it in exercising and performing its powers and may sell or otherwise dispose of those patents or licences.

Powers of board

13.(1) Subject to this Act, the board has power to do all things necessary or convenient to be done in connection with, or as incidental to, the performance of its functions under this Act.

(2) Without limiting the generality of subsection (1) the board shall have such powers and authorities as may be prescribed by the by-laws.

Committees to assist board

13A.(1) For the purpose of assisting it in the discharge of its functions or the exercise of its powers under this Act the board may establish such committees as it considers desirable and may commit to any committee so established such matters and the performance of such functions (being matters and functions concerned with achieving the objects and purposes of this Act) as the board thinks fit.

(2) A committee may be established for a specified period or without limit of time, as the board thinks fit.

Division 3—Proceedings and business of board**Chairperson and vice-chairperson of board**

16.(1) The Governor in Council shall, in the appointment of members of the board, designate 1 of the members to be chairperson and another member to be vice-chairperson.

(2) The member so appointed holds office as chairperson or vice-chairperson, as the case may be, for the term of his or her office as member.

(3) Where a member appointed as chairperson or vice-chairperson is, upon ceasing to be chairperson or vice-chairperson, as the case may be, by virtue of the expiration of the period of his or her appointment as a member, reappointed as a member, the member is eligible for reappointment as the chairperson or vice-chairperson.

Casual appointment of chairperson or vice-chairperson

17.(1) The chairperson or vice-chairperson may resign his or her office as chairperson or vice-chairperson by notice in writing addressed to the Minister.

(2) When a member ceases to hold office as chairperson or vice-chairperson, before the expiration of the term for which the member is appointed, another member may be appointed by the Governor in Council as chairperson or vice-chairperson, as the case may be, for the unexpired portion of the term of office of the person in whose place the member is appointed.

(3) If at any time the chairperson or vice-chairperson ceases to be a member, he or she ceases to be chairperson or, as the case may be, vice-chairperson.

Presiding at board meetings

18.(1) The chairperson or if the chairperson is not present, the vice-chairperson, shall preside at all meetings of the board.

(2) When the chairperson and vice-chairperson are both absent from any meeting, the members present at that meeting shall elect a member from among those present to preside at the meeting and the person so elected has during the absence of the chairperson and vice-chairperson all the powers of the chairperson.

Meetings of board

19.(1) The procedure for the calling of meetings of the board and the conduct of business at such meetings shall, subject to any by-laws in relation thereto in force under this Act, be as determined by the board.

(2) Any 5 members shall be a quorum for the purposes of any meeting of the board.

(3) Any duly convened meeting of the board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise all the powers, authorities, duties and functions by this Act conferred or imposed upon the board.

(4) A decision of the majority of members present at a meeting of the

board shall be the decision of the board, and in the event of an equality of votes upon any matter at a meeting the person presiding shall have a second or casting vote.

(5) A member who is directly or indirectly interested in a contract made, or proposed to be made, by the board (otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons), shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the member's interest at a meeting of the board.

(6) A disclosure under subsection (5) shall be recorded in the minutes of the board and the member—

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

Custody of seal

20. The common seal shall be kept in the custody of the chairperson or such other member as the board may determine, and shall not be affixed to any instrument or writing, except by authority of a resolution of the board and in the presence of at least 1 member (other than the ex officio member) and the secretary or such other person as the board may appoint for the purpose; and the persons in whose presence the seal is affixed shall attest by their signatures the fact and the date of the seal being so affixed.

Validity of proceedings

21. No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any member, there was a defect in the appointment of a member or any person not qualified or having ceased to be qualified may have acted as a member.

Fees and expenses of members

21A.(1) Each member shall be entitled to be paid such fees as are approved by the Governor in Council in respect of the member's attendance at meetings of the board and the discharge of the member's functions under this Act.

(2) Each member shall be entitled to be paid expenses necessarily and reasonably incurred by the member attending meetings of the board or in connection with the discharge of the member's functions under this Act and approved by the Minister.

Holders of office not affected by restrictive employment provisions

21B. A provision of any enactment requiring the holder of an office to devote the whole of his or her time to the duties of his or her office or prohibiting the holder from engaging in the employment outside the duties of his or her office shall not operate to hinder his or her holding that office and also an appointment as member, chairperson or vice-chairperson of the board his or her acceptance and retention of any allowance payable under this Act.

Protection of board and persons acting pursuant to the Act

22. Anything done by the board or any person in or as an incident in performance of a duty imposed by this Act or exercise of a power conferred by this Act and done in good faith and without negligence shall not render the board or person concerned liable in respect thereof.

Power to accept gifts etc.

23.(1) The board has power to acquire by gift inter vivos, bequest or devise, any real or personal property for the purposes of the museum, and to agree to any condition pertaining to any such gift, bequest or devise.

(2) Any moneys received pursuant to this section will be paid into the trust fund kept pursuant to part 3.

(3) For the purposes of the application of the rule of law concerning perpetuities to any gift to the museum whatsoever it shall be deemed that the purposes of the museum are charitable purposes.

Director and other officers employed under Public Service Act

23A. The director of the museum and other officers are to be employed under the *Public Service Act 1996*.

Director's functions and powers

23B. The director has the functions and powers given by the board.

Employees

24.(1) The board may also employ the persons it considers necessary to perform its functions.

(2) The board may decide its employees' terms of employment.

(3) However, subsection (2) has effect subject to any relevant award, industrial agreement, certified agreement or enterprise flexibility agreement.

(4) The employees are to be employed under this Act, and not under the *Public Service Act 1996*.

Honorary assistants

24A.(1) The director may, with the approval of the board, from time to time appoint for the effectual administration of this Act such persons, being members of the Queensland Museum Association Incorporated, or other suitable persons, who are engaged in or signify a willingness to become engaged in honorary activities in and for the museum to act as honorary assistants.

(2) Honorary assistants shall hold office at the pleasure of the board, and shall have such powers, functions and authorities as are prescribed.

Branches

25.(1) The board either alone or by agreement and in conjunction with any other person or body may establish, maintain and control branches of the museum within Queensland.

(2) An agreement between the board and any other person or body shall

not be entered into for the purposes of this section unless the Governor in Council has first approved of the terms of the proposed agreement.

Delegation by board

26.(1) The board may delegate its powers to a member, the director, an officer of the public service or an employee of the board.

(2) However, the board may not delegate its power to make by-laws.

PART 3—FINANCIAL PROVISIONS

Funds of board

27. The board shall keep separate and distinct each in a separate account at a financial institution the following funds—

- (a) a trust fund;
- (b) a general fund.

Trust fund

28.(1) There shall be paid into the trust fund of the board all moneys paid to the board for the use of any person or for any specified purpose within the purview of this Act, and the proceeds of any gift, bequest or devise to which section 23 relates.

(2) The board shall apply the money from time to time standing to the credit of the trust fund to the uses or purposes for which it was paid to the board.

(3) Where no special condition is attached to any gift, bequest or devise, the proceeds of such gift, bequest or devise may, subject to the approval of the Minister, be used for any special project approved by resolution of the board.

General fund

29.(1) There shall be paid into the general fund of the board all moneys appropriated by Parliament in each year out of the consolidated fund for the purposes of and paid to the board, but exclusive of moneys appropriated for payment of salaries of the director, officers and employees of the museum.

(2) All other moneys paid to the board other than moneys referred to in section 28 shall be paid into the general fund.

(3) The board shall pay from the moneys from time to time standing to the credit of the general fund liabilities incurred by it in connection with the conduct of the museum and in the purchase of specimens and other requirements of the museum, including expenses incurred in or out of Queensland relative to or incidental to investigations or inquiries for or on behalf of the museum.

Officers' salaries

31. Salaries of the director, officers and employees of the museum shall be provided by the Treasurer out of moneys appropriated for that purpose by Parliament and distributed to the museum through the department under normal departmental procedures.

Application of financial legislation

32.(1) The board is a statutory body under the *Financial Administration and Audit Act 1977* and the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

Financial statement, accounts and audit

33.(1) The board shall cause to be kept in such form as the auditor-general approves, such accounting and other records in relation to the funds and assets of the board as shall correctly record and explain all transactions.

(2) The board shall as soon as practicable but not more than 3 months after 30 June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the auditor-general exhibiting a true and correct view of the financial position and transactions of the board.

(3) The auditor-general or an officer authorised by the auditor-general shall audit the accounts and records of financial transactions of the board.

(4) The auditor-general shall at least once in each year report to the board the results of the audit carried out under subsection (3) and, if the auditor-general deems necessary shall make recommendations to the board in regard to the conduct of the financial transactions of the board.

(5) The auditor-general or an officer authorised by the auditor-general shall have a right of access at all reasonable times to the accounting and associated records of the board and shall be entitled to require from a member or an officer or employee of the board such explanation and information as the auditor-general considers necessary for the purpose of the audit and the person shall comply with the requirement.

(6) The auditor-general shall transmit to the Minister a copy of any report and recommendations made by the auditor-general under subsection (4) and may include in the auditor-general's annual report to Parliament such matters relating to the financial transactions for the year as the auditor-general may consider necessary.

General fund budget

34.(1) Before 31 May in each year the board shall adopt and lodge with the chief executive for the time being of the department a budget in respect of the general fund wherein the board shall estimate as accurately as possible—

- (a) the amount to be disbursed by the board from the general fund during the year ending on 30 June in the year next following in the proper exercise by the board of its functions and powers under this Act and in carrying this Act into effect;
- (b) the amount to be received by the board into the general fund during the year ending on 30 June in the year next following.

(2) The general fund budget of the board shall be of no force or effect

until it is approved by the chief executive for the time being of the department, and the chief executive may amend that budget in such a way as the chief executive thinks reasonable and shall amend it where necessary and in any item so that it shall as near as possible balance for the financial year to which it relates having regard to the sums the Minister has advised may be provided as parliamentary appropriations to the department and to any other general fund revenues reasonably expected for that financial year.

(3) Any ordinary disbursement of the board from the general fund in the months of July or August in any year is authorised and shall be included in the budget for that financial year.

(4) When the chief executive for the time being of the department has approved the general fund budget of the board, that budget as approved, whether or not it has been amended pursuant to subsection (2), shall be binding upon the board.

(5) If the general fund of the board contains a surplus or shows a deficit at the end of a financial year, the board shall take that surplus or deficit into account in the preparation of its general fund budget for the next following financial year, a surplus to be shown as a receipt of revenue for that following financial year and a deficit to be shown as a disbursement for that following financial year.

Observance of general fund budget

35.(1) Subject to the provisions of this section, the board shall confine its disbursements from its general fund throughout a financial year within the items and the amounts contained in its general fund budget for that financial year as approved by the chief executive for the time being of the department.

(2) If, during any financial year, it appears to the board that an extraordinary circumstance has arisen that requires that the board make a disbursement from its general fund in that financial year that was not provided for in the general fund budget (as approved) for that financial year or that exceeds the amount estimated in respect of that disbursement in that budget (as approved) for that financial year, the board shall, before making that disbursement or excess disbursement—

- (a) by resolution approve that that disbursement or excess disbursement be made; and

(b) obtain approval of the chief executive for the time being of the department for an amendment to that budget.

(3) The board shall ensure that that budget as amended and approved will not then be exceeded in any item or in total by the disbursement referred to in subsection (2).

PART 4—GENERAL PROVISIONS

Official collections

35A.(1) The collections of items acquired by the museum or transferred to it from time to time are deemed to be the official collections of the State.

(2) Notwithstanding the provisions of any other Act, on and after the date on which any item or items is or are deposited in the collections of the museum, the board may exercise control and management of that item or those items in accordance with the provisions of this Act.

(3) A reference to any item or items in this section includes a reference to any item or items acquired by or deposited with the museum before the commencement of the *Queensland Museum (Assimilation of Coomera Technology Centre) Act 1985*.

Liability for damage etc. of property

36.(1) If any person unlawfully damages, mutilates, destroys or removes from the possession of the board any item, exhibit or chattel in the possession of the board at the time of the damaging, mutilation, destruction or removal, the person shall, without limiting or affecting any other liability thereby imposed on the person by this Act or otherwise, be liable for and shall pay to the board the expenses of making good any damage or mutilation so occasioned or the full amount of the value of the item, exhibit or chattel so destroyed or removed.

(2) The said amount shall be recoverable in a summary way under the *Justices Act 1886*.

(3) Any proceedings under this section may be taken by the board or by

any person authorised in writing in that behalf either generally, or in a particular case, by the board.

(4) When any such damage, mutilation, destruction or removal constitutes an offence against this Act, and in any proceedings in respect thereof a person is convicted, the court of summary jurisdiction convicting the said person may, in addition to imposing any penalty, order the said person to pay to the board the expenses of making good any damage or mutilation so occasioned or the full amount of the value of the item, exhibit or chattel mutilated, destroyed or removed, and that amount shall be recoverable as if it were part of the penalty so imposed, notwithstanding that the total of the penalty and the amount exceeds the maximum penalty which may be imposed.

Reward for information

37.(1) Subject to the approval of the Governor in Council, the board may offer and pay a reward to any person who gives information to the board or any of its officers of the commission of an offence against this Act or of the damaging, mutilation, destruction or removal from the possession of the board of any item, exhibit or chattel in the possession of the board whether the damaging, mutilation, destruction or removal is an offence against this Act or not.

(2) When proceedings are taken before a court in respect of any such offence, damaging, mutilation, destruction or removal, and a person is convicted by the court, or any order is made by the court against a person in respect thereof, the court may, in addition to imposing any penalty or pecuniary liability, order the person to pay to the board the amount of any reward paid or promised or engaged to be paid by the board in respect of the offence, damaging, mutilation, destruction or removal, and the said amount shall be recoverable as if it were part of the penalty or pecuniary liability imposed as aforesaid.

(3) The total amount recoverable under subsection (2) of this section shall not exceed the sum of \$500 in respect of each offence, damaging, mutilation, destruction or removal.

Proceedings by board

38. In any complaint preferred by or on behalf of the board against any person who steals or injures, and in any proceedings instituted in relation to, any property belonging to or under the care or control of the board, it shall be sufficient to state generally that the property in respect of which any such complaint is preferred or any such proceedings are instituted, is the property of the board.

By-laws

39.(1) The board may make by-laws under this Act.

(2) A by-law may be made for or about any of the following matters—

- (a) the general management and control of the museum or any branch of the museum;
- (b) regulating the conduct of the proceedings of the board, including the times, places and conduct of its meetings;
- (c) the management of the affairs of the board;
- (d) the admission (including charges therefor) or exclusion or removal of the public or any person to or from the museum or any part thereof or any branch of the museum or any part thereof or any other building or place of which the board has the management or control or any part thereof;
- (e) the giving of public lectures;
- (f) the conditions upon which items vested in the board may be borrowed or copied by any body or person;
- (g) the protection of the property of, or under the control of, the board from trespass, damage or misuse.

(3) Any by-law made under subsection (2)(a) or (d) with respect to any branch of the museum shall be subject to any agreement with respect to that branch made under the provisions of section 25.

(4) A by-law—

- (a) may provide that the owner of a vehicle or aircraft shall be liable for the offence consisting of bringing on to or parking or standing on land comprised in any branch of the museum in breach of the

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board's by-laws whether or not the owner was in charge of the vehicle at the material time;

- (b) may define the person who shall be taken to be the owner of a vehicle or aircraft for the purposes of the by-laws;
- (c) may prescribe the proof necessary or sufficient to establish the owner's identity;
- (d) may provide for the recovery of a penalty for an offence against the by-laws from the owner of the vehicle or aircraft concerned as well as from the person in charge of the vehicle or aircraft at the material time;
- (e) may provide that the buildings or other improvements occupied by the museum and the land comprised in any branch of the museum or any part thereof to be specified with reasonable certainty shall be a public place within the meaning and for the purposes of any Act conferring or imposing upon police officers powers or duties with respect to public places or providing for the punishment of offences committed in public places, whereupon those buildings or improvements or, as the case may be, that land or part thereof shall be a public place accordingly.

(5) A by-law may contain, in relation to any place under the control or management of the board, provisions—

- (a) regulating traffic, whether pedestrian, vehicular or aircraft on the ground, and the provision and use of parking; and
- (b) providing for the security of that place and, in particular, prescribing the times, terms and conditions upon which the public may enter or be in or on that place; and
- (c) prescribing the charges that may be made by the board for the use of that place or any part of it or any service, facility or convenience provided at that place (including charges for parking of vehicles and aircraft); and
- (d) providing for the manner of levying or charging and collecting the prescribed charges and by whom and in what manner and within what period the same shall be paid to the board or person authorised by the board or prescribed in that behalf; and
- (e) providing for exemptions from all or any classes of charges

leviable or chargeable and payable in relation to that place of any aircraft, persons or goods or classes thereof, or as otherwise so prescribed, and all or any such exemptions may be so prescribed so as to apply generally or so as to apply only in the circumstances prescribed or as prescribed.

(6) The by-laws may impose a penalty for any breach thereof not exceeding 20 penalty units for any 1 offence.

(7) A by-law must be approved by the Governor in Council.²

Savings as to Commonwealth powers

41. Nothing in this Act affects the powers of the Commonwealth in respect of the matter of air transport referred to the Parliament of the Commonwealth by the *Commonwealth Powers (Air Transport) Act 1950*, and, without limiting the generality of the foregoing, nothing in this Act shall be construed as authorising the board to—

- (a) operate an air transport business or an air service for the carriage of passengers or cargo; or
- (b) own, lease, or operate aircraft (other than for the purposes of this Act); or
- (c) control the taking off, landing or flight of aircraft.

Disposal of unclaimed and perishable property

42.(1) Subject to this section, where anything (whether animate or inanimate) is found on any land or in any building comprising the museum and there are reasonable grounds for suspecting that the thing has been abandoned by the person who last used it and that is unclaimed within 4 months it shall, where so directed by the board, be sold and disposed of by public auction and the proceeds of the sale less any costs incurred by the board in storing or selling the thing shall, unless claimed within 12 months, be paid into the consolidated fund.

(2) A sale of anything pursuant to subsection (1) shall be valid against all

² A by-law is subordinate legislation (see the *Statutory Instruments Act 1992*, sections 7, 8(b)(i) and 9(1)(a)).

persons, and the person selling any such thing shall not be liable to pay any stamp or other duty in respect of the sale.

(3) Before anything is sold pursuant to subsection (1), notice of the sale shall be published once in a newspaper circulating in the Brisbane district and, if the thing is not to be sold in Brisbane, in the district in which it is to be sold.

(4) Where anything specified in subsection (1) is a motor vehicle within the meaning of the *Traffic Act 1949* and the board considers that it has a value of less than \$1 000, or in respect of any other thing so specified in that subsection that it has a value of less than \$100, that vehicle or other thing may be disposed of in such manner as the board directs.

(5) Where the board considers that anything specified in subsection (1) is of a perishable nature or is unsaleable, or if it consists of food, it may in its discretion direct that it be delivered to the officer in charge of a benevolent institution for the benefit of its inmates or disposed of to a charitable purpose.

(6) Where the board considers that anything specified in subsection (1) is so perished, contaminated, deteriorated, dilapidated, worn, in disrepair or otherwise in such state or condition as to be dangerous or unfit for use for the purpose it was intended to be used or for any other purpose for which it is capable of being used, it may, in its discretion direct that it be destroyed.

Disposal of articles not collected

43.(1) Notwithstanding the provisions of section 42, where a person has brought into the museum and left with an officer, employee or honorary assistant any specimen of flora or fauna or any other thing for identification or investigation and the director or other authorised officer of the museum has—

- (a) notified that person, in writing, of its identity or, as the case may be, the result of the investigation; and
- (b) requested that person to collect the specimen or thing within 30 days from a date specified in the letter;

and that person has failed to collect that specimen or thing within the time so specified the board may dispose of that specimen or thing in any manner it sees fit.

(2) Where the manner of disposal determined by the board is by sale, the following provisions shall apply—

- (a) the specimen or thing shall be sold by public auction and the proceeds of the sale less any costs incurred by the board in storing or selling the specimen or thing shall, unless claimed within 12 months, be paid into the consolidated fund;
- (b) before anything is sold pursuant to paragraph (a), notice of the sale shall be published once in a newspaper circulating in the Brisbane district, and, if the thing is not to be sold in Brisbane, in the district in which it is to be sold;
- (c) a public auction pursuant to paragraph (a) shall not be held until 30 days have expired since the date of publication of the relevant notice of sale pursuant to paragraph (b);
- (d) a sale of anything pursuant to paragraph (a) shall be valid against all persons, and the person selling such thing shall not be liable to pay any stamp or other duty in respect of such sale.

Regulation making power

44. The Governor in Council may make regulations under this Act.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 25 November 1997. Future amendments of the Queensland Museum Act 1970 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 103 of 1989	24 August 1994
2	to Act No. 58 of 1995	19 December 1995
2A	to Act No. 54 of 1996	6 December 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1, 2
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Queensland Museum Act 1970 No. 8

date of assent 13 April 1970

commenced 1 September 1970 (proc pubd gaz 22 August 1970 p 2109)

as amended by—

Queensland Museum Act Amendment Act 1974 No. 11

date of assent 18 April 1974

commenced on date of assent

Queensland Art Gallery Act and Other Acts Amendment Act 1979 No. 29 pts 1, 3

date of assent 8 June 1979

commenced on date of assent

Queensland Museum (Assimilation of Coomera Technology Centre) Act 1985 No. 65 pts 1, 3

date of assent 30 September 1985

ss 1–2 commenced on date of assent

remaining provisions commenced 19 October 1985 (proc pubd gaz 19 October 1985 p 715)

Public Service Management and Employment Act 1988 No. 52 s 44 sch 3

date of assent 12 May 1988

commenced 18 July 1988 (proc pubd gaz 16 July 1988 p 2876)

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Miscellaneous Acts (Non-bank Financial Institutions) Amendment Act 1997 No. 17 ss 1–2, 74 sch

date of assent 15 May 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1997 (1997 SL No. 163)

7 List of annotations

Short title**prov hdg** amd 1995 No. 58 s 4 sch 1**s 1** amd 1995 No. 58 s 4 sch 1**Parts and Divisions****s 2** amd 1985 No. 65 s 13

om R1 (see RA s 36)

Definitions**prov hdg** sub 1995 No. 58 s 4 sch 1**s 3** def **“Department”** ins 1979 No. 29 s 9(a)

om R1 (see RA s 39)

def **“Minister”** sub 1979 No. 29 s 9(b); 1985 No. 65 s 14(a)

om R1 (see RA s 39)

def **“museum”** amd 1985 No. 65 s 14(b)**Constitution of board****s 4** amd 1979 No. 29 s 10; 1985 No. 65 s 15; R1 (see RA s 38); 1995 No. 58 s 4 sch 1

Secretary and chief executive officer

s 5 sub 1979 No. 29 s 11
amd 1985 No. 65 s 16

First appointment to board

s 6 om R1 (see RA s 38)

Term of appointment

s 7 amd 1979 No. 29 s 12; 1985 No. 65 s 17
sub 1995 No. 58 s 4 sch 1

Term of appointment

s 8 amd 1979 No. 29 s 13; 1985 No. 65 s 18; R1 (see RA s 38)
om 1995 No. 58 s 4 sch 1

Casual appointment to Board

s 9 om 1995 No. 58 s 4 sch 1

Disqualification from membership of board

s 9A ins 1985 No. 65 s 19

Vacation of office of members of board

s 10 amd 1985 No. 65 s 20; 1995 No. 58 s 4 sch 1

Functions of board

s 12 amd 1985 No. 65 s 21; 1989 No. 103 s 3 sch; 1995 No. 58 s 4 sch 1

Committees to assist board

s 13A ins 1985 No. 65 s 22

Control of Crown land by Board

s 14 amd 1985 No. 65 s 23
om 1995 No. 58 s 4 sch 1

Division 3—Proceedings and business of board

div hdg prev div 3 hdg om 1995 No. 58 s 4 sch 1
pres div 3 hdg (prev div 4) renum 1995 No. 58 s 4 sch 1

Public Service Management and Employment Act not to apply

s 15 om 1996 No. 37 s 147 sch 2

Meetings of board

s 19 amd 1979 No. 29 s 14; 1985 No. 65 s 24

Fees and expenses of members

s 21A ins 1979 No. 29 s 15
sub 1985 No. 65 s 25
amd 1995 No. 58 s 4 sch 1

Holders of office not affected by restrictive employment provisions

s 21B ins 1985 No. 65 s 26
amd 1995 No. 58 s 4 sch 1

Protection of board and persons acting pursuant to the Act

s 22 sub 1985 No. 65 s 27

Director and other officers employed under Public Service Act

- prov hdg** sub 1996 No. 37 s 147 sch 2
s 23A ins 1995 No. 58 s 4 sch 1
sub 1996 No. 37 s 147 sch 2

Director's functions and powers

- s 23B** ins 1996 No. 37 s 147 sch 2

Employees

- s 24** amd 1985 No. 65 s 28; 1988 No. 52 s 44 sch 3
sub 1995 No. 58 s 4 sch 1
amd 1996 No. 37 s 147 sch 2

Honorary assistants

- s 24A** ins 1985 No. 65 s 29

Delegation by board

- s 26** sub 1995 No. 58 s 4 sch 1

Funds of board

- s 27** amd 1997 No. 17 s 74 sch

Investment of funds

- s 30** om 1996 No. 54 s 9 sch

Officers' salaries

- s 31** amd 1979 No. 29 s 16

Application of financial legislation

- prov hdg** sub 1996 No. 54 s 9 sch
s 32 sub 1995 No. 58 s 4 sch 1
amd 1996 No. 54 s 9 sch

Financial statement, accounts and audit

- s 33** om 1995 No. 58 s 4 sch 1

General fund budget

- s 34** sub 1974 No. 11 s 2
amd 1979 No. 29 s 17

Observance of general fund budget

- s 35** sub 1974 No. 11 s 3
amd 1979 No. 29 s 18

Official collections

- s 35A** ins 1985 No. 65 s 30

Reward for information

- s 37** amd 1985 No. 65 s 31

By-laws

- s 39** amd 1985 No. 65 s 32; 1995 No. 58 s 4 sch 1

Regulations

- s 40** ins 1985 No. 65 s 33
om 1995 No. 58 s 4 sch 1

Savings as to Commonwealth powers**s 41** ins 1985 No. 65 s 33**Disposal of unclaimed and perishable property****s 42** ins 1985 No. 65 s 33**Disposal of articles not collected****s 43** ins 1985 No. 65 s 33**Regulation making power****s 44** ins 1995 No. 58 s 4 sch 1