

Queensland



QUEENSLAND MUSEUM ACT 1970

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(includes amendments up to Act No. 45 of 2001)**

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Information about this reprint

This Act is reprinted as at 27 July 2001. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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.**

Queensland



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TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Definitions	5
PART 2—BOARD OF THE QUEENSLAND MUSEUM		
<i>Division 1—Constitution and membership</i>		
3	Establishment of board	6
4	Legal status of board	6
5	Board's relationship with State	6
6	Composition of board	6
7	Role of members	7
8	Eligibility for appointment	7
9	Chairperson and deputy chairperson of board.	7
10	Duration of appointment	8
11	Conditions of appointment	8
<i>Division 2—Functions</i>		
12	Functions of board.	8
<i>Division 3—Legal capacity and powers</i>		
13	Objects of division.	9
14	General powers	10
15	Directions by Minister.	10
16	Restrictions on powers of board	10
17	Persons having dealings with board etc.	11
18	Branches	13
19	Disposal of specimens accepted by the board.	13

20	Use of proceeds from sale of specimens	14
21	Disposal of certain abandoned property	14
22	Board must give notice of public auction	15
23	Effect of sale or other disposal of specimens or other property	15
24	Committees	15

Division 4—Proceedings and business of board

25	Conduct of business.	16
26	Presiding at meetings.	16
27	Quorum	16
28	Meetings	16
29	Resolutions without meetings	17
30	Minutes	17
31	Conduct of meetings	17
32	Disclosure of interests by members.	17
33	Voting by interested member.	18
34	Delegation by board	18

Division 5—Director and staff

35	Director and other officers.	19
36	Duties of director.	19
37	Director to attend board meetings	19
38	Things done by director.	19
39	Delegation by director.	19
40	Superannuation schemes	19
41	Employees	20
42	Honorary assistants	20

PART 3—PLANNING

Division 1—Preliminary

43	How pt 3 applies if offices of Minister and Treasurer are held by the 1 person	21
44	Part additional to standard.	21

Division 2—Strategic and operational plans for board

45	Draft strategic and operational plans.	21
46	Special procedures for draft strategic and operational plans.	22

47	Strategic and operational plans on agreement	23
48	Strategic and operational plans pending agreement	23
49	Modifications of strategic and operational plans	23
50	State's agreed triennial funding	23
51	Elements of operational plans	24
52	Information systems and physical assets strategic plans	24
PART 4—ACCOUNTABILITY MATTERS		
53	Board to keep Minister informed	24
54	Monitoring and assessment of board	25
PART 5—REPORTING		
55	Annual report	26
PART 6—MISCELLANEOUS		
56	Delegation by Minister	26
57	Protection from liability of persons acting under the Act	27
58	Illegal borrowing	27
59	Application of certain Acts	28
60	Application of rule against perpetuities	28
61	Exemption from stamp duty	28
62	Museum etc. taken to be public place	28
63	Board's seal	29
64	Authentication of documents	29
65	Reward for information	29
66	Proceedings for offences	30
67	Description of property in proceeding	30
68	Savings as to Commonwealth powers	30
69	Regulation-making power	30
PART 7—SAVING AND TRANSITIONAL		
70	Definition	31
71	Members continue in office	31
72	Director and other staff continue in office	32
73	Committees continue	32
74	Honorary assistants continue in office	32

75	Change of name does not affect legal personality etc.	32
76	Change of name does not affect existing legal relationships.	33
77	Expiry of pt 7.	33

ENDNOTES

1	Index to endnotes.	34
2	Date to which amendments incorporated.	34
3	Key	34
4	Table of earlier reprints	35
5	Tables in earlier reprints.	35
6	List of legislation	35
7	List of annotations	36
8	Table of renumbered provisions.	43

QUEENSLAND MUSEUM ACT 1970

[as amended by all amendments that commenced on or before 27 July 2001]

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

PART 1—PRELIMINARY

1 Short title

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

2 Definitions

In this Act—

“appropriately qualified”, for a person to whom a power under this Act may be delegated or who is asked by the Minister to investigate and report on a matter relating to the board, includes having the qualifications, experience or standing appropriate to exercise the power or comply with the request.

Example of standing—

A person’s seniority in an entity.

“board” means the Board of the Queensland Museum.

“chairperson” means the chairperson of the board.

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

“director” means the director of the museum.

“member” means a member of the board.

“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.

“**operational plan**”, of the board, means the board’s operational plan developed under part 3 of this Act and part 2 of the standard.

“**standard**” means the *Financial Management Standard 1997*.

“**strategic plan**”, of the board, means the board’s strategic plan developed under part 3 of this Act and part 2 of the standard.

PART 2—BOARD OF THE QUEENSLAND MUSEUM

Division 1—Constitution and membership

3 Establishment of board

The entity previously established as the Queensland Museum Board of Trustees is continued in existence under the name Board of the Queensland Museum.

4 Legal status of board

The board—

- (a) is a body corporate; and
- (b) has perpetual succession; and
- (c) has a common seal; and
- (d) may sue and be sued in its corporate name.

5 Board’s relationship with State

The board represents the State.

6 Composition of board

(1) The board is to consist of the number of members appointed by the Governor in Council.

(2) In appointing a member, regard must be had to the person's ability to contribute to the board's performance and the implementation of its strategic and operational plans.

(3) A member must be appointed under this Act and not the *Public Service Act 1996*.

7 Role of members

The role of the members includes the following—

- (a) being responsible for the board's management;
- (b) ensuring, as far as possible, the board achieves, and acts in accordance with, its strategic and operational plans;
- (c) accounting to the Minister for the board's performance;
- (d) ensuring the board otherwise performs its functions in a proper, effective and efficient way.

8 Eligibility for appointment

A person is not eligible for appointment as a member if the person is not able to manage a corporation because of the Corporations Act, Part 2D.6.

9 Chairperson and deputy chairperson of board

(1) The Governor in Council must appoint a member as chairperson of the board.

(2) The appointment may be made by the instrument appointing the person concerned as a member of the board.

(3) The members must elect one of them as deputy chairperson of the board.

(4) The members must act under subsection (3) whenever there is a vacancy in the office of deputy chairperson, including a vacancy occurring because the office has not been filled.

(5) The chairperson or deputy chairperson may resign as chairperson or deputy chairperson by signed notice given to the Minister.

(6) The chairperson or deputy chairperson may act under subsection (5) and remain a member.

10 Duration of appointment

(1) A member is appointed for the term (not more than 5 years) stated in the member's instrument of appointment.

(2) The office of a member becomes vacant if—

- (a) the member resigns by signed notice given to the Minister; or
- (b) the person is not eligible to be appointed as a member; or
- (c) the member's appointment is ended under subsection (3).

(3) The Governor in Council may, at any time, end the appointment of all or any members for any reason or none.

11 Conditions of appointment

(1) A member holds office on the conditions not provided for by this Act that are decided by the Governor in Council.

(2) Except as decided by the Governor in Council, a member is not entitled to receive any payment, interest in property or other valuable consideration or benefit—

- (a) by way of remuneration as a member; or
- (b) in connection with resignation from office, or other termination of office, as a member, chairperson or deputy chairperson.

Division 2—Functions

12 Functions of board

(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, 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
 - (iv) the operation of workshops for the maintenance and repair of exhibits and other things; and
 - (v) 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
 - (d) the management, operation and control of the aerodrome constructed or to be constructed at the Queensland Museum branch, Coomera; and
 - (e) to perform the functions given to the board under another Act; and
 - (f) to perform functions that are incidental, complementary or helpful to, or likely to enhance the effective and efficient performance of, the functions mentioned in paragraphs (a) to (e); and
 - (g) to perform functions of the type to which paragraph (f) applies and which are given to the board in writing by the Minister.

(2) In performing the function mentioned in subsection (1)(b), the board is to have regard to the desirability of providing for the storage of items and the promotion of research relating to Queensland.

(3) Before giving a function for subsection (1)(g), the Minister must consult with the board about the function.

Division 3—Legal capacity and powers

13 Objects of division

The objects of this division include—

- (a) abolishing any application of the doctrine of ultra vires to the board; and
- (b) ensuring the board gives effect to any restrictions on its functions or powers, but without affecting the validity of its dealings with outsiders.

14 General powers

(1) For performing its functions, the board has all the powers of an individual and may for example—

- (a) enter into arrangements, agreements, contracts and deeds; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) engage consultants; and
- (d) appoint agents and attorneys; and
- (e) charge, and fix terms, for goods, services, facilities and information supplied by it; and
- (f) do anything else necessary or desirable to be done in performing its functions.

(2) Without limiting subsection (1), the board has the powers given to it under this or another Act.

(3) The board may exercise its powers inside and outside Queensland, including outside Australia.

(4) In this section—

“**power**” includes legal capacity.

15 Directions by Minister

The board is subject to written directions of the Minister in exercising its powers.

16 Restrictions on powers of board

(1) Section 14 has effect in relation to the board subject to any restrictions expressly imposed under this or another Act.

(2) Section 14 also has effect in relation to the board subject to any restrictions expressly imposed by—

- (a) any relevant strategic or operational plan of the board; and
- (b) any relevant directions given to the board under section 15 by the Minister.

(3) The board contravenes this section if it—

- (a) exercises a power contrary to a restriction mentioned in subsection (1) or (2); or
- (b) does an act otherwise than in pursuance of its functions.

(4) The exercise of the power mentioned in subsection (3)(a), or the act mentioned in subsection (3)(b), is not invalid merely because of the contravention.

(5) An officer of the board who is involved in the contravention contravenes this subsection.

(6) An act of the officer is not invalid merely because, by doing the act, the officer contravenes subsection (5).

(7) The board or officer of the board is not guilty of an offence merely because of the relevant contravention.

(8) In this section—

“**officer**”, of the board, means—

- (a) a member; or
- (b) the director; or
- (c) an officer mentioned in section 35(3); or
- (d) an employee of the board.

“**restriction**” includes prohibition.

17 Persons having dealings with board etc.

(1) A person having dealings with the board is entitled to make the assumptions mentioned in subsection (3) and, in a proceeding in relation to the dealings, any assertion by the board that the matters that the person is entitled to assume were not correct must be disregarded.

(2) A person having dealings with a person who has acquired, or purports to have acquired, title to property from the board (whether directly or indirectly) is entitled to make the assumptions mentioned in subsection (3) and, in a proceeding in relation to the dealings, any assertion

by the board or the second person that the matters that the first person is entitled to assume were not correct must be disregarded.

(3) The assumptions that a person is, because of subsection (1) or (2), entitled to make are—

- (a) that, at all relevant times, this Act has been complied with; and
- (b) that a person who is held out by the board to be an officer or agent of the board has been properly appointed and has authority to exercise the powers and perform the functions customarily exercised or performed by an officer or agent of the kind concerned; and
- (c) that an officer or agent of the board who has authority to issue a document on behalf of the board has authority to warrant that the document is genuine and that an officer or agent of the board who has authority to issue a certified copy of a document on behalf of the board has authority to warrant that the copy is a true copy; and
- (d) that a document has been properly sealed by the board if—
 - (i) it bears what appears to be an imprint of the board's seal; and
 - (ii) the sealing of the document appears to be authenticated by a person who, because of paragraph (b), may be assumed to be an officer or agent of the board; and
- (e) that the officers and agents of the board have properly performed their duties to the board.

(4) However, a person is not entitled to assume a matter mentioned in subsection (3) if—

- (a) the person has actual knowledge that the assumption would be incorrect; or
- (b) because of the person's connection or relationship with the board, the person ought to know that the assumption would be incorrect.

(5) If, because of subsection (4), a person is not entitled to make a particular assumption—

- (a) if the assumption is in relation to dealings with the board—subsection (1) does not apply to any assertion by the board in relation to the assumption; or

- (b) if the assumption is in relation to an acquisition or purported acquisition from the board of title to property—subsection (2) does not apply to any assertion by the board or another person in relation to the assumption.

(6) In this section—

“**officer**”, of the board, means—

- (a) a member; or
- (b) the director; or
- (c) an officer mentioned in section 35(3); or
- (d) an employee of the board.

18 Branches

(1) The board may establish branches of the museum.

(2) However, the board may not contract with someone else to establish a branch without the approval of the Governor in Council.

19 Disposal of specimens accepted by the board

(1) This section applies if—

- (a) a specimen of flora or fauna or a thing that is not flora or fauna (the “**specimen**”) is accepted by the board for identification, investigation or another purpose; and
- (b) the specimen is not collected by the person who gave it within 1 month after acceptance or, if the board has agreed to hold the specimen for a certain period, 1 month after the period ends.

(2) Subject to any arrangement about the specimen between the board and the person, the board may—

- (a) sell the specimen by public auction; or
- (b) exchange the specimen for another specimen; or
- (c) if the board considers on reasonable grounds that, because of the specimen’s value, it is not viable to sell or exchange it—dispose of the specimen in another way.

(3) However, if the board intends to sell, exchange or otherwise dispose of the specimen, it must give the person at least a month's written notice of its intention.

(4) If the person's address is not known to the board, the notice may be given to the person by publishing it in a daily newspaper circulating generally in the State.

(5) Subsections (3) and (4) do not apply if the specimen is perishable and is disposed of under subsection (2)(c).

(6) A notice under subsection (4) may form part of a notice under section 22.

(7) If the specimen is sold, after deducting the costs of and incidental to the sale, the proceeds must be held by the board for the person for at least 1 year after the sale.

(8) If the proceeds are not claimed by the person within 1 year after the sale, the proceeds may be used by the board for its functions.

20 Use of proceeds from sale of specimens

The proceeds of the sale by the board of any specimen other than under section 19 must, after deduction of the costs of and incidental to the sale, be used by the board for its functions.

21 Disposal of certain abandoned property

(1) This section applies if any property, other than a specimen to which section 19 applies—

- (a) is found in any building or other place consisting of the museum or a branch of the museum; and
- (b) there are reasonable grounds for suspecting the property has been abandoned by the person who last used it; and
- (c) the property is unclaimed after 4 months.

(2) The board may sell the property by public auction.

(3) Despite subsection (2), if the board considers on reasonable grounds that, because of the property's value, it is not viable to sell it, the board may dispose of the property in another way.

(4) Despite subsection (2), if the board considers on reasonable grounds that the property is in a dangerous condition or unfit for use for the purpose for which it was intended to be used, the board may cause it to be destroyed.

22 Board must give notice of public auction

(1) Before the board sells any property under section 19 or 21, it must first publish a notice in a daily newspaper circulating generally in the State.

(2) The notice must—

- (a) identify the property; and
- (b) state the property is to be sold by auction; and
- (c) state how the person entitled to the property may recover it before the auction; and
- (d) state the time and place of the auction.

23 Effect of sale or other disposal of specimens or other property

(1) This section applies to the sale or other disposal of any property under section 19 or 21.

(2) The sale or other disposal is valid against all persons.

(3) Compensation is not recoverable against the board for the sale or other disposal.

(4) Stamp duty is not payable for the sale or other disposal.

24 Committees

(1) The board may establish committees of the board.

(2) A committee may exercise the powers delegated to it by the board under section 34.

(3) A committee is subject to the directions of the board in exercising the powers.

(4) A person may be appointed to a committee whether or not the person is a member of the board.

(5) In appointing a person to a committee, regard must be had to the person's ability to take part in the exercise of the powers delegated to the committee.

Division 4—Proceedings and business of board

25 Conduct of business

Subject to this Act, the board may conduct its business and proceedings at meetings in the way it decides.

26 Presiding at meetings

(1) The chairperson is to preside at all meetings at which the chairperson is present.

(2) If the chairperson is not present at a meeting, the deputy chairperson is to preside.

(3) If both the chairperson and deputy chairperson are not present at a meeting, the member chosen by the members present at the meeting is to preside.

27 Quorum

(1) A quorum of the board consists of a majority of members for the time being holding office.

(2) A meeting of the board at which a quorum is present may perform the functions and exercise the powers of the board.

28 Meetings

(1) The board may hold its meetings where and when it decides.

(2) The board may hold meetings, or allow members to take part in meetings, by telephone, video link or another form of communication that allows reasonably contemporaneous and continuous communication between the members taking part in the meeting.

(3) A member who takes part in a meeting under subsection (2) is taken to be present at the meeting.

29 Resolutions without meetings

(1) If at least a majority of members sign a document containing a statement that they are in favour of a resolution set out in the document, a resolution in those terms is taken to have been passed at a meeting of the board held on the day on which the document is signed or, if the members do not sign it on the same day, the day on which the last of the members constituting the majority signs the document.

(2) If a resolution is, under subsection (1), taken to have been passed at a meeting of the board, each member must be immediately advised of the matter and given a copy of the terms of the resolution.

(3) For subsection (1), 2 or more separate documents containing a statement in identical terms, each of which is signed by 1 or more members, are taken to constitute a single document.

30 Minutes

The board must keep minutes of its proceedings.

31 Conduct of meetings

(1) A decision of the board may be made by a majority of members present at a meeting of the board.

(2) If a member abstains from voting, the member is taken to have voted against the matter being decided.

(3) If the votes are equal, the person presiding has a casting vote.

32 Disclosure of interests by members

(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 to a meeting of the board as soon as practicable after the relevant facts come to the member's knowledge.

Maximum penalty—100 penalty units.

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

33 Voting by interested member

(1) A member who has a material personal interest in a matter that is being considered by the board must not—

- (a) vote on the matter; or
- (b) vote on a proposed resolution under subsection (2) (a “**related resolution**”) in relation to the matter (whether in relation to the member or another member); or
- (c) be present while the matter, or a related resolution, is being considered by the board; or
- (d) otherwise take part in any decision of the board in relation to the matter or a related resolution.

Maximum penalty—100 penalty units.

(2) Subsection (1) does not apply to the matter if the board has at any time passed a resolution that—

- (a) specifies the member, the interest and the matter; and
- (b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter.

(3) If, because of this section, a member is not present at a meeting of the board for considering or deciding a matter, but there would be a quorum if the member were present, the remaining members present are a quorum for considering or deciding the matter at the meeting.

34 Delegation by board

The board may, by resolution, delegate its powers to—

- (a) a member; or
- (b) a committee of members; or
- (c) the director; or
- (d) a committee established under section 24¹; or
- (e) an appropriately qualified officer mentioned in section 35(3) or an appropriately qualified employee of the board.

1 Section 24 (Committees)

Division 5—Director and staff**35 Director and other officers**

(1) The director of the museum is to be appointed by the Governor in Council on the board's recommendation.

(2) The director holds office on the conditions not provided for by this Act that are decided by the board.

(3) Other officers are to be employed under the *Public Service Act 1996*.

36 Duties of director

The director is, under the members, to manage the board.

37 Director to attend board meetings

(1) This section applies if the director is not a member.

(2) The director must attend all meetings of the board unless excused or precluded by the board.

38 Things done by director

Anything done in the name of, or for, the board by the director is taken to have been done by the board.

39 Delegation by director

(1) The director may delegate the director's powers (including a power delegated to the director by the board) to an appropriately qualified employee of the board, or an appropriately qualified officer mentioned in section 35(3).

(2) Subsection (1) has effect subject to any directions by the board.

40 Superannuation schemes

The board may—

(a) establish and maintain, or amend, superannuation schemes; or

- (b) join in establishing and maintaining, or amending, superannuation schemes; or
- (c) take part in superannuation schemes.

41 Employees

(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*.

42 Honorary assistants

(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 the functions decided by the board.

PART 3—PLANNING

Division 1—Preliminary

43 How pt 3 applies if offices of Minister and Treasurer are held by the 1 person

(1) This section applies if, under a provision of this part, a thing is required to be done by or in relation to the Minister and the Treasurer and the Minister is the Treasurer.

(2) The provision is satisfied if the thing is done by or in relation to the Minister.

44 Part additional to standard

(1) This part is additional to and does not derogate from the standard.

(2) However, if there is an inconsistency between this part and the standard, this part prevails to the extent of the inconsistency.

(3) Also, if something is required to be done under this part and the same thing, or something to the same effect, is required to be done under the standard, compliance with this part is sufficient compliance with the standard.

Division 2—Strategic and operational plans for board

45 Draft strategic and operational plans

(1) The board must prepare and submit to the Minister for the Minister's agreement, draft strategic and operational plans for the board not later than 4 months before the start of each financial year.

(2) The board must give copies of the draft plans to the Treasurer at the same time as it gives the plans to the Minister.

(3) The draft plans must—

- (a) be in the form approved by the Minister; and
- (b) provide for the things that a strategic plan and an operational plan for the board must provide for under the standard or this part; and

- (c) be accompanied by—
 - (i) a statement of resource implications, and major policy changes, resulting from the proposed plan; and
 - (ii) any budget documents the board has prepared for the State's funding of the board.

(4) The board and the Minister must try to reach agreement on the draft plans as soon as possible and in any event not later than 1 month before the start of the financial year.

46 Special procedures for draft strategic and operational plans

(1) The Minister may return the draft strategic and operational plans to the board and ask it—

- (a) to consider, or further consider, anything and deal with the thing in the draft plans; and
- (b) to revise the draft plans in the light of its consideration or further consideration.

(2) The board must comply with the request as a matter of urgency but subsection (1) does not require the board to amend the draft plans.

(3) If the draft plans have not been agreed to by the Minister by 1 month before the start of the financial year, the Minister may, by written notice, direct the board—

- (a) to take specified steps in relation to the draft plans or either of them; or
- (b) to make specified modifications of the draft plans or either of them.

(4) The board must immediately comply with the direction and include a copy of the direction in the plans, or plan concerned.

(5) The Minister may act under subsection (1) or (3) for a thing having resource implications for the board that are likely to require additional funding by the State only if the Minister has consulted with the Treasurer about the implications.

47 Strategic and operational plans on agreement

(1) When the draft strategic and operational plans have been agreed to in writing by the Minister, they become the board's strategic and operational plans for the relevant financial year.

(2) However, the Minister must not agree to the plans for subsection (1) until Parliament appropriates amounts for the department for the relevant financial year.

48 Strategic and operational plans pending agreement

(1) This section applies if the Minister and the board have not agreed to draft strategic and operational plans before the start of the relevant financial year.

(2) The draft plans submitted, or last submitted, by the board to the Minister before the start of the financial year, with any modifications made by the board, whether before or after that time, at the direction of the Minister, are taken to be the board's strategic and operational plans.

(3) Subsection (2) applies until draft strategic and operational plans become the board's strategic and operational plans under section 47.

49 Modifications of strategic and operational plans

(1) The board may modify its strategic or operational plan only with the written agreement of the Minister.

(2) The Minister may, by written notice, direct the board to modify its strategic or operational plan.

(3) The Minister may act under subsection (1) or (2) for a modification having resource implications for the board that are likely to require additional funding by the State only if the Minister has consulted with the Treasurer about the modification.

50 State's agreed triennial funding

The board's strategic plan must include the State's agreed funding proposals for the board for the period covered by the plan or, if the period is more than 3 years, the first 3 years.

51 Elements of operational plans

The board's operational plan must include the following—

- (a) targets for, and ways of measuring, outputs the board intends to supply;
- (b) identification of the outputs that are not in the board's commercial interests to supply;
- (c) identification of the outputs intended to be funded by amounts appropriated by Parliament for the department, or by other grants to the board;
- (d) identification of any outputs intended to be funded from the board's commercial and fundraising activities;
- (e) an outline of the nature and scope of activities, including commercial and fundraising activities, the board proposes to undertake;
- (f) an outline of the major investments and borrowings the board intends to make;
- (g) an outline of the board's risk management policies and procedures;
- (h) an outline of the main undertakings proposed by the board.

52 Information systems and physical assets strategic plans

The board's information systems and physical assets strategic plan under the standard must be included in the board's strategic plan.

PART 4—ACCOUNTABILITY MATTERS**53 Board to keep Minister informed**

(1) The board must—

- (a) keep the Minister reasonably informed of the board's operations including its financial and operational performance and the achievement of its goals; and

- (b) give to the Minister reports and information that the Minister requires to enable the Minister to make informed assessments of matters mentioned in paragraph (a); and
- (c) if matters arise that in the board's opinion may prevent, or significantly affect, achievement of its goals under its strategic plan or significantly affect its performance in delivering the outputs under its operational plan—immediately inform the Minister of the matters and its opinion about them.

(2) Subsection (1) does not limit the matters of which the board is required to keep the Minister informed, or limit the reports or information that the board is required, or may be required, to give to the Minister, by another Act.

54 Monitoring and assessment of board

(1) The Minister may ask an appropriately qualified officer of the department or another appropriately qualified person to investigate, and report to the Minister on, any matter relating to the board.

(2) The person may give written directions to the board for the investigation.

(3) Without limiting subsection (2), the person may direct the board—

- (a) to give to the person any information about the board that the person considers necessary or desirable in connection with the investigation; and
- (b) to permit other persons authorised by the person to have access to specified records and other documents about the board that the person considers necessary or desirable in connection with the investigation; and
- (c) to take steps the person considers necessary or desirable for the investigation.

(4) The board must ensure that any direction given to it under this section is complied with.

(5) Before reporting on the investigation to the Minister, the person must consult with the board about the report.

PART 5—REPORTING

55 Annual report

The board's annual report under the *Financial Administration and Audit Act 1977* must include—

- (a) a summary of the operational plan for the relevant financial year; and
- (b) a summary of any modifications of the operational plan during the relevant financial year; and
- (c) particulars of any directions given to the board by the Minister that relate to the relevant financial year; and
- (d) particulars of the impact on the financial position of the board of any modifications of the operational plan, and any directions given to the board by the Minister, that relate to the relevant financial year.

PART 6—MISCELLANEOUS

56 Delegation by Minister

(1) The Minister may delegate the Minister's powers under this Act to an appropriately qualified officer of the department.

(2) However, the Minister may not delegate any of the following powers—

- (a) the power to give the board a function for section 12(1)(g);²
- (b) the power to direct the board under sections 15, 46(3) and 49(2);³
- (c) the power to agree in writing to, and agree in writing to modifications of, the board's strategic and operational plans;

2 Section 12 (Functions of board)

3 Sections 15 (Directions by Minister), 46 (Special procedures for draft strategic and operational plans) and 49 (Modifications of strategic and operational plans)

- (d) the power to ask a person to investigate and report under section 54(1).⁴

57 Protection from liability of persons acting under the Act

(1) The following persons are not civilly liable for an act done, or omission made, honestly and without negligence under this Act—

- (a) a member;
- (b) a person appointed to a committee established under section 24;⁵
- (c) an honorary assistant appointed under section 42.⁶

(2) If subsection (1) prevents a civil liability attaching to a person, the liability attaches instead to the board.

(3) This section is subject to section 58.

58 Illegal borrowing

(1) Subsection (2) applies if the board borrows an amount that it is not authorised to borrow under an Act.

(2) The members who consented to the borrowing are jointly and severally liable to repay the amount, and any interest on it, to the person from whom it was borrowed and the person may recover the amount and interest by action as for a debt in a court of competent jurisdiction.

(3) Subsection (4) applies if an amount is appropriated from the board's moneys to repay an amount mentioned in subsection (1) or interest on the amount.

(4) The members who consented to the appropriation are jointly and severally liable to refund the amount, together with interest on the amount at a rate decided by the Treasurer, and the Treasurer may recover the amount and interest by action as for a debt in a court of competent jurisdiction.

(5) If the Treasurer brings an action under subsection (4)—

4 Section 54 (Monitoring and assessment of board)

5 Section 24 (Committees)

6 Section 42 (Honorary assistants)

- (a) the Treasurer is entitled to costs as between solicitor and client; and
- (b) any amount recovered must be paid to the board.

(6) Subsection (2) does not apply to a member if, at the time the member consented to the borrowing, the member believed on grounds that were reasonable in all the circumstances that the board was authorised under an Act to borrow the amount.

(7) Subsection (4) does not apply to a member if—

- (a) subsection (2) does not apply to the member because of subsection (6); or
- (b) the member did not consent to the borrowing.

59 Application of certain Acts

(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*.

60 Application of rule against perpetuities

For the application of the rule against perpetuities to gifts to the board, the board's purposes are taken to be charitable.

61 Exemption from stamp duty

Stamp duty is not payable for the transfer of any property to the board.

62 Museum etc. taken to be public place

(1) This section applies for any Act conferring or imposing on a police officer powers or functions in respect of a public place or providing for offences committed in a public place.

(2) A building or another place consisting of the museum or a branch of the museum is taken to be a public place.

(3) Subsection (2) must not be construed to prevent or limit the imposition by the board of conditions of entry for the building or other place.

63 Board's seal

(1) The board's seal is to be kept in the custody directed by the board and may be used only as authorised by the board.

(2) The attaching of the seal to a document must be witnessed by—

- (a) 2 or more members; or
- (b) at least 1 member and the director; or
- (c) a member or the director, and 1 or more other persons authorised by the board.

64 Authentication of documents

A document made by the board (other than a document that is required by law to be sealed) is sufficiently authenticated if it is signed by—

- (a) the chairperson; or
- (b) the director; or
- (c) a person authorised to sign the document by—
 - (i) resolution of the board; or
 - (ii) direction of the director.

65 Reward for information

(1) The board may offer and pay a reward to a person who gives the board information about an offence it believes or suspects is committed in relation to its property or property in its possession.

(2) If a court finds a person guilty of the offence and the board has paid, or agreed to pay, the reward for information about the offence, the court may order the person to pay to the board the amount of the reward.

(3) The amount is a debt owing by the person to the board.

(4) Subsection (2)—

- (a) applies whether or not a conviction is recorded; and

- (b) does not limit the court's jurisdiction to impose a penalty or make another order for the offence.

66 Proceedings for offences

A proceeding for an offence under this Act may be instituted summarily under the *Justices Act 1886*.

67 Description of property in proceeding

In any proceeding taken for an offence committed in relation to property, or property in the possession, of the board and in which it is material to prove ownership of the property, it is enough to allege the board owns the property.

68 Savings as to Commonwealth powers

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.

69 Regulation-making power

The Governor in Council may make regulations under this Act.

PART 7—SAVING AND TRANSITIONAL

70 Definition

In this part—

“pre-amended Act” means this Act as in force before the commencement of this section.

71 Members continue in office

(1) A person who, immediately before the commencement of this section, was a member under the pre-amended Act continues in office, subject to this Act, as a member.

(2) A member appointed under section 4(5)(a) or (b) of the pre-amended Act continues in office in terms of the member’s appointment.

(3) If the person who was a member under section 4(5)(c) of the pre-amended Act was the chief executive, the person continues in office until 5 years after the commencement of this section, or the person stops holding the office of chief executive, whichever happens first.

(4) If the person who was a member under section 4(5)(c) of the pre-amended Act was the chief executive’s nominee—

- (a) the chief executive may withdraw the person’s nomination at any time; and
- (b) the person continues in office until 5 years after the commencement of this section, or the person’s nomination is withdrawn, whichever happens first.

(5) A person who was a member under section 4(5)(d) of the pre-amended Act continues in office until 5 years after the commencement of this section, or the person stops holding the office of director, whichever happens first.

(6) The member who, immediately before the commencement of this section, was the chairperson or deputy chairperson under the pre-amended Act continues in that office in terms of the member’s appointment.

72 Director and other staff continue in office

(1) A person who, immediately before the commencement of this section, was the director or an employee of the board under this Act continues in office in terms of the person's appointment or employment.

(2) A person who, immediately before the commencement of this section, was an officer under section 23A of the pre-amended Act continues in office as an officer under section 35(3).

73 Committees continue

A committee established under section 13A of the pre-amended Act and in existence immediately before the commencement of this section continues as a committee and is taken to have been established under section 24.

74 Honorary assistants continue in office

The enactment of the *Arts Legislation Amendment Act 1997* does not affect the continued appointment, under this Act, of an honorary assistant appointed under section 24A of the pre-amended Act.

75 Change of name does not affect legal personality etc.

(1) The change of name effected by section 3 does not—

- (a) affect the board's legal personality or identity; or
- (b) affect a right, entitlement or liability of the board or anyone else; or
- (c) make legal proceedings by or against the board defective.

(2) Without limiting subsection (1), the change of name of the board does not affect any right, entitlement, liability, exemption or benefit the board would have had or enjoyed apart from the change of name.

(3) In addition, but without limiting subsection (1), if a legal proceeding might have been continued or started by or against the board under its former name, it may be continued or started by or against it under its new name.

76 Change of name does not affect existing legal relationships

Without limiting section 75(1), the change of name—

- (a) does not place the board in breach of contract or otherwise make it guilty of a civil wrong; and
- (b) does not make the board in breach of any instrument, including, for example, an instrument prohibiting, restricting or regulating the assignment or transfer of any right or liability; and
- (c) is not taken to fulfil a condition—
 - (i) allowing a person to terminate an instrument or liability or modify the operation or effect of an instrument or liability; or
 - (ii) requiring any amount to be paid before its stated maturity; and
- (d) does not release a surety or other obligee (in whole or part) from an obligation.

77 Expiry of pt 7

This part expires 5 years after the commencement of this section.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	34
3 Key	34
4 Table of earlier reprints	35
5 Tables in earlier reprints	35
6 List of legislation	35
7 List of annotations	36
8 Table of renumbered provisions	43

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 27 July 2001. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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
2B	to Act No. 17 of 1997	25 November 1997
3	to Act No. 79 of 1997	1 May 1998

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, 3

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)

Arts Legislation Amendment Act 1997 No. 79 pts 1, 4, sch 3

date of assent 5 December 1997

ss 1–2 commenced on date of assent

s 49 commenced 1 May 1998 (1998 SL No. 92)

remaining provisions commenced 19 December 1997 (1997 SL No. 447)

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 sch 3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provision commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

7 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 8.

Short title**prov hdg** amd 1995 No. 58 s 4 sch 1**s 1** amd 1995 No. 58 s 4 sch 1

Definitions

- prov hdg** sub 1995 No. 58 s 4 sch 1
- s 2** prev s 2 amd 1985 No. 65 s 13
om R1 (see RA s 36)
pres s 2
- def “**appropriately qualified**” ins 1997 No. 79 s 42(2)
- def “**board**” sub 1997 No. 79 s 42
- def “**Department**” ins 1979 No. 29 s 9(a)
om R1 (see RA s 39)
- def “**deputy chairperson**” ins 1997 No. 79 s 42(2)
- def “**director**” ins 1997 No. 79 s 42(2)
- def “**member**” sub 1997 No. 79 s 42
- 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)
- def “**operational plan**” ins 1997 No. 79 s 42(2)
- def “**standard**” ins 1997 No. 79 s 42(2)
- def “**strategic plan**” ins 1997 No. 79 s 42(2)

PART 2—BOARD OF THE QUEENSLAND MUSEUM

- pt hdg** sub 1997 No. 79 s 41 sch 3

Division 1—Constitution and membership

- div hdg** sub 1997 No. 79 s 43

Establishment of board

- s 3** amd 1979 No. 29 s 10; 1985 No. 65 s 15; R1 (see RA s 38); 1995 No. 58 s 4
sch 1
sub 1997 No. 79 s 43

Legal status of board

- s 4** sub 1979 No. 29 s 11
amd 1985 No. 65 s 16
sub 1997 No. 79 s 43

Board’s relationship with State

- s 5** prev s 5 om R1 (see RA s 38)
pres s 5 ins 1997 No. 79 s 43

Composition of board

- s 6** amd 1979 No. 29 s 12; 1985 No. 65 s 17
sub 1995 No. 58 s 4 sch 1; 1997 No. 79 s 43

Role of members

- s 7** prev s 7 amd 1979 No. 29 s 13; 1985 No. 65 s 18; R1 (see RA s 38)
om 1995 No. 58 s 4 sch 1
pres s 7 ins 1997 No. 79 s 43

Eligibility for appointment

- s 8** prev s 8 om 1995 No. 58 s 4 sch 1
pres s 8 ins 1997 No. 79 s 43
amd 2001 No. 45 s 29 sch 3

Chairperson and deputy chairperson of board

s 9 amd 1985 No. 65 s 20; 1995 No. 58 s 4 sch 1
 sub 1997 No. 79 s 43

Disqualification from membership of board

s 9A ins 1985 No. 65 s 19
 om 1997 No. 79 s 43

Duration of appointment

s 10 sub 1997 No. 79 s 43

Conditions of appointment

s 11 ins 1997 No. 79 s 43

Division 2—Functions

div hdg sub 1997 No. 79 s 41 sch 3

Functions of board

s 12 amd 1985 No. 65 s 21; 1989 No. 103 s 3 sch; 1995 No. 58 s 4 sch 1; 1997
 No. 79 s 44

Division 3—Legal capacity and powers

div hdg ins 1997 No. 79 s 45

Objects of division

s 13 sub 1997 No. 79 s 45

General powers

s 14 ins 1985 No. 65 s 22
 sub 1997 No. 79 s 45

Directions by Minister

s 15 ins 1997 No. 79 s 45

Restrictions on powers of board

s 16 ins 1997 No. 79 s 45

Persons having dealings with board etc.

s 17 ins 1997 No. 79 s 45

Branches

s 18 ins 1997 No. 79 s 45

Disposal of specimens accepted by the board

s 19 ins 1997 No. 79 s 45

Use of proceeds from sale of specimens

s 20 ins 1997 No. 79 s 45

Disposal of certain abandoned property

s 21 ins 1997 No. 79 s 45

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
 om 1997 No. 79 s 46

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
 om 1997 No. 79 s 46

Board must give notice of public auction

- s 22** ins 1997 No. 79 s 45

Effect of sale or other disposal of specimens or other property

- s 23** ins 1997 No. 79 s 45

Committees

- s 24** ins 1997 No. 79 s 45

Division 4—Proceedings and business of board

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

Conduct of business

- s 25** orig s 25 om 1997 No. 79 s 41 sch 3
 prev s 25 (s 14) amd 1985 No. 65 s 23
 om 1995 No. 58 s 4 sch 1
 pres s 25 ins 1997 No. 79 s 46

Presiding at meetings

- s 26** orig s 26 sub 1995 No. 58 s 4 sch 1
 om 1997 No. 79 s 41 sch 3
 prev s 26 (s 15) om 1996 No. 37 s 147 sch 2
 pres s 26 ins 1997 No. 79 s 46

Quorum

- s 27** sub 1997 No. 79 s 46

Meetings

- s 28** sub 1997 No. 79 s 46

Resolutions without meetings

- s 29** sub 1997 No. 79 s 46

Minutes

- s 30** amd 1979 No. 29 s 14; 1985 No. 65 s 24
 sub 1997 No. 79 s 46

Conduct of meetings

- s 31** sub 1997 No. 79 s 46

Disclosure of interests by members

- s 32** sub 1997 No. 79 s 46

Voting by interested member

- s 33** sub 1985 No. 65 s 27; 1997 No. 79 s 46

Delegation by board

- s 34** sub 1997 No. 79 s 46

Division 5—Director and staff

- div hdg** ins 1997 No. 79 s 46

Director and other officers

- prov hdg** sub 1996 No. 37 s 147 sch 2
s 35 ins 1995 No. 58 s 4 sch 1
sub 1996 No. 37 s 147 sch 2; 1997 No. 79 s 46

Official collections

- s 35A** ins 1985 No. 65 s 30
om 1997 No. 79 s 48

Duties of director

- s 36** ins 1996 No. 37 s 147 sch 2
sub 1997 No. 79 s 46

Director to attend board meetings

- s 37** ins 1997 No. 79 s 46

Things done by director

- s 38** ins 1997 No. 79 s 46

Delegation by director

- s 39** ins 1997 No. 79 s 46

Superannuation schemes

- s 40** prev s 40 ins 1985 No. 65 s 33
om 1995 No. 58 s 4 sch 1
pres s 40 ins 1997 No. 79 s 46

Employees

- s 41** 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 42** prev s 42 ins 1985 No. 65 s 33
om 1997 No. 79 s 41 sch 3
pres s 42 ins 1985 No. 65 s 29
amd 1997 No. 79 s 41 sch 3

PART 3—PLANNING

- pt hdg** sub 1997 No. 79 s 47

Division 1—Preliminary

- div hdg** ins 1997 No. 79 s 47

How pt 3 applies if offices of Minister and Treasurer are held by the 1 person

- s 43** prev s 43 ins 1985 No. 65 s 33
om 1997 No. 79 s 41 sch 3
pres s 43 amd 1997 No. 17 s 74 sch
sub 1997 No. 79 s 47

Part additional to standard

- s 44** sub 1997 No. 79 s 47

Division 2—Strategic and operational plans for board

- div hdg** ins 1997 No. 79 s 47

Draft strategic and operational plans

s 45 sub 1997 No. 79 s 47

Special procedures for draft strategic and operational planss 46 prev s 46 om 1996 No. 54 s 9 sch
pres s 46 ins 1997 No. 79 s 47**Strategic and operational plans on agreement**s 47 amd 1979 No. 29 s 16
sub 1997 No. 79 s 47**Strategic and operational plans pending agreement**prov hdg sub 1996 No. 54 s 9 sch
s 48 sub 1995 No. 58 s 4 sch 1
amd 1996 No. 54 s 9 sch
sub 1997 No. 79 s 47**Modifications of strategic and operational plans**s 49 prev s 49 om 1995 No. 58 s 4 sch 1
pres s 49 ins 1997 No. 79 s 47**State's agreed triennial funding**s 50 sub 1974 No. 11 s 2
amd 1979 No. 29 s 17
sub 1997 No. 79 s 47**Elements of operational plans**

s 51 ins 1997 No. 79 s 47

Information systems and physical assets strategic planss 52 prev s 52 ins 1997 No. 79 s 50
om R3 (see RA s 37)
pres s 52 ins 1997 No. 79 s 47**PART 4—ACCOUNTABILITY MATTERS**

pt hdg ins 1997 No. 79 s 47

Board to keep Minister informed

s 53 ins 1997 No. 79 s 47

Monitoring and assessment of board

s 54 ins 1997 No. 79 s 47

PART 5—REPORTING

pt hdg ins 1997 No. 79 s 47

Annual reports 55 sub 1974 No. 11 s 3
amd 1979 No. 29 s 18
sub 1997 No. 79 s 47**PART 6—MISCELLANEOUS**

pt hdg sub 1997 No. 79 s 41 sch 3

Delegation by Minister

s 56 sub 1997 No. 79 s 48

Committees continue

s 73 ins 1997 No. 79 s 50
exp 19 December 2002 (see s 77)

Honorary assistants continue in office

s 74 ins 1997 No. 79 s 50
exp 19 December 2002 (see s 77)

Change of name does not affect legal personality etc.

s 75 ins 1997 No. 79 s 50
exp 19 December 2002 (see s 77)

Change of name does not affect existing legal relationships

s 76 ins 1997 No. 79 s 50
exp 19 December 2002 (see s 77)

Expiry of pt 7

s 77 ins 1997 No. 79 s 50
exp 19 December 2002 (see s 77)

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS [Reprint No. 3]

under the Reprints Act 1992 s 43 as required by Queensland Museum Act 1970 s 52

Previous	Renumbered as
3	2
4	3
5	4
6	5
7	6
8	7
9	8
10	9
11	10
11A	11
12(1)(b)(iia)	12(1)(b)(iv)
12(1)(b)(iv)	12(1)(b)(v)
12(1)(ca)	12(1)(d)
12(1)(d)	12(1)(e)
12(1)(e)	12(1)(f)
12(1)(f)	12(1)(g)
div 2A hdg	div 3 hdg
13A	14
13B	15
13C	16
13D	17
13E	18
13F	19

Queensland Museum Act 1970

Previous	Renumbered as
13G .....	.20
13H .....	.21
13I .....	.22
13J .....	.23
13K .....	.24
div 3 hdg .....	.div 4 hdg
14 .....	.25
15 .....	.26
16 .....	.27
17 .....	.28
18 .....	.29
19 .....	.30
20 .....	.31
21 .....	.32
22 .....	.33
23 .....	.34
div 4 hdg .....	.div 5 hdg
23A .....	.35
23B .....	.36
23C .....	.37
23D .....	.38
23E .....	.39
23F .....	.40
24 .....	.41
24A .....	.42
27 .....	.43
28 .....	.44
29 .....	.45
30 .....	.46
31 .....	.47
32 .....	.48
33 .....	.49
34 .....	.50
34A .....	.51
34B .....	.52
pt 3A hdg .....	.pt 4 hdg
34C .....	.53
34D .....	.54
pt 3B hdg .....	.pt 5 hdg
35 .....	.55
pt 4 hdg .....	.pt 6 hdg
36 .....	.56
37 .....	.57
38 .....	.58
38A .....	.59
38B .....	.60
38C .....	.61
38D .....	.62

Queensland Museum Act 1970

Previous	Renumbered as
38E.....	.63
38F.....	.64
38G.....	.65
38H.....	.66
38I.....	.67
41.....	.68
44.....	.69
pt 5 hdg.....	pt 7 hdg
45.....	.70
46.....	.71
47.....	.72
48.....	.73
49.....	.74
50.....	.75
51.....	.76
53.....	.77