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ELIZABETHAE SECUNDAE REGINAE

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No. 8 of 1970

**An Act to Make Provision with respect to the Administration  
of the Queensland Museum and for other purposes**

[ASSENTED TO 13TH APRIL, 1970]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

**1. Short title and commencement.** (1) This Act may be cited as the *Queensland Museum Act 1970*.

(2) This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the Gazette.

**2. Parts and Divisions.** This Act is divided into Parts and Divisions of Parts as follows:—

PART I—PRELIMINARY (ss. 1–3);

PART II—BOARD OF TRUSTEES;

*Division I—Appointment of Board* (ss. 4–11);

*Division II—Powers and Functions of Board* (ss. 12–13);

*Division III—Dealings with Land Vested in Board* (s. 14);

*Division IV—Proceedings and Business of Board* (ss. 15–26);

PART III—FINANCIAL PROVISIONS (ss. 27–35);

PART IV—GENERAL PROVISIONS (ss. 36–39).

**3. Meaning of terms.** In this Act, unless the contrary intention appears—

- “ Board ” means the Queensland Museum Board of Trustees constituted under this Act; ·
- “ chairman ” means the chairman of the Board;
- “ member ” means a person occupying any of the offices of member of the Board including that of chairman;
- “ Minister ” means the Minister for Education and Cultural Activities, or other Minister of the Crown for the time being charged with the administration of this Act: The term includes a Minister of the Crown temporarily performing the duties of Minister administering this Act;
- “ Museum ” means the Queensland Museum established at Brisbane.

## PART II—BOARD OF TRUSTEES

### *Division I—Appointment of Board*

**4. Constitution of Board.** (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;
- (b) shall have a common seal;
- (c) may sue and be sued in its corporate name;
- (d) is capable of compounding or proving in any court of competent jurisdiction on 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 shall consist of seven members in addition to the *ex-officio* member as follows:—

- (a) the Director-General of Education or his nominee;
- (b) six additional members nominated as prescribed by this Act;
- (c) the Director of the Queensland Museum who, subject to section 5 of this Act, shall be *ex-officio* a member of the Board.

**5. Director of Museum to be a member *ex-officio*.** (1) The Director of the Queensland Museum shall be *ex-officio* a member of the Board and shall have and may exercise all the powers, authorities, functions and duties of a member save and except the power of voting at meetings of the Board.

(2) The said Director shall be the secretary and Chief Executive Officer of the Board.

**6. First appointment to Board.** (1) The Governor in Council shall, by notification published in the Gazette, appoint a date on or before which the Board is to be first constituted under this Act.

(2) The Board shall be constituted in the manner prescribed on or before the date so appointed for its first constitution.

(3) Upon the appointment of the total number of members of the Board (other than the *ex-officio* member) in the manner prescribed, the Board shall be duly constituted on and from the date on which notification of such appointment is published in the Gazette.

(4) The first appointed members other than the Director-General of Education or his nominee shall be appointed upon the nomination of the Minister made after consultation with such persons, authorities, organizations and associations as the Minister deems fit.

**7. Appointment of members of Board.** A member of the Board (other than the *ex-officio* member) shall be appointed by the Governor in Council, by notification published in the Gazette and in the case of members other than the Director-General of Education or his nominee shall be so appointed upon the nomination of the Minister or the Board as the case requires.

**8. Term of appointment.** (1) The first members other than the Director-General of Education or his nominee and the *ex-officio* member shall be divided into two equal groups and the members to be included in each of the two groups shall be as determined by the Governor in Council.

(2) The members comprised in such one of the two groups aforesaid as the Governor in Council may determine shall, subject to this Act, hold office as members for a term of two years from the commencement of this Act and shall, if otherwise qualified, be eligible for reappointment.

(3) The members comprised in the other of the two groups aforesaid shall, subject to this Act, hold office as members for a term of four years from the commencement of this Act and shall, if otherwise qualified, be eligible for reappointment.

(4) Upon the second anniversary of the commencement of this Act, and thereafter every two years, the following persons shall take office as members, that is to say:—

(a) two persons who shall have been appointed by the Governor in Council on the nomination of the Minister made after consultation with such persons, authorities, organizations and associations as the Minister deems fit; and

(b) one person who shall have been appointed by the Governor in Council on the nomination of the Board with the approval of the Minister.

(5) The members appointed pursuant to subsection (4) of this section shall, subject to this Act, hold office as members for a term of four years from the date upon which they take office under this section and shall, if otherwise qualified, be eligible for reappointment.

(6) Of the persons nominated by the Minister for appointment as members under paragraph (a) of subsection (4) of this section not less than one shall be knowledgeable and experienced in the field of either Natural Science or Technology, the members for each of which disciplines shall be appointed alternately.

**9. Casual appointment to Board.** (1) Where a vacancy occurs in the office of a member before the expiration of his term of office, the casual vacancy so arising shall be filled by a person appointed thereto by the Governor in Council on the same nomination (if any) as that on which the member in whose office the casual vacancy occurred was appointed.

(2) The member filling any such casual vacancy shall, subject to this Act, hold office as member until the time when his predecessor's term of office would have expired, and shall, if otherwise qualified, be eligible for reappointment.

**10. Vacation of office of members of Board.** A member shall be deemed to have vacated his office if he—

- (a) dies or becomes mentally sick;
- (b) resigns his office by writing under his hand 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);
- (c) is absent from three consecutive ordinary meetings of the Board of which notice has been given to him personally or in the ordinary course of post and is not before the expiration of six weeks after the last of such meetings excused by the Board for his absence from such meetings;
- (d) is removed from office by the Governor in Council;
- (e) being the member appointed under paragraph (a) of subsection (5) of section 4 of this Act, ceases to be a person to whom that paragraph relates.

**11. Removal of members.** The Governor in Council may, for any cause which appears to him to be sufficient, remove any member from office.

*Division II—Powers and Functions of Board*

**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;
- (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;
  - (ii) the promotion of scientific and historical research;

- (iii) the provision of educational facilities through the display of selected items, lectures, films, broadcasts, telecasts, publications and other means; and
  - (iv) any other action which in the opinion of the Board is necessary or desirable.
  - (c) the control and management of all lands and premises vested in or placed under the control of the Board;
  - (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 of this Act, the establishment of branches.
- (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 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.

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

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

#### *Division III—Dealings with Land Vested in Board*

**14. Control of Crown land by Board.** (1) Crown land granted in trust or reserved and set apart under the *Land Act* 1962–1968 for the purposes of the Museum may be vested in or, as the case may require, placed under the control of the Board.

(2) Subject to this Act, land so vested in or placed under the control of the Board shall be held or disposed of under and subject to the provisions of the said *Land Act*.

#### *Division IV—Proceedings and Business of Board*

**15. Public Service Act not to apply.** The provisions of the *Public Service Act* 1922–1968, shall not apply to the appointment of any member, and a member shall not, as such member, be subject to the provisions of that Act.

**16. Chairman and vice-chairman of Board.** (1) The Governor in Council shall, in the appointment of members of the Board, designate one of the members to be chairman and another member to be vice-chairman.

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

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

**17. Casual appointment of chairman or vice-chairman.** (1) The chairman or vice-chairman may resign his office as chairman or vice-chairman by notice in writing addressed to the Minister.

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

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

**18. Presiding at Board meetings.** (1) The chairman or if he is not present, the vice-chairman, shall preside at all meetings of the Board.

(2) When the chairman and vice-chairman 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 chairman and vice-chairman all the powers of the chairman.

**19. Meetings of Board.** (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 four members (other than the *ex-officio* member) 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 twenty-five persons), shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(6) A disclosure under subsection (5) of this section 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.

**20. Custody of seal.** The common seal shall be kept in the custody of the chairman 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 one 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.

**21. Validity of proceedings.** 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.

**22. Protection of members.** A person who is or has been a member, Director, or Assistant Director appointed under this Act is not personally liable for anything done or omitted in good faith, in, or in connexion with, the exercise or purported exercise of any power conferred, or the carrying out of any duty imposed, on the Board by this Act.

**23. Power to accept gifts, etc.** (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 III of this Act.

(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.

**24. Officers.** (1) The Governor in Council may, under and subject to the provisions of the *Public Service Act 1922-1968*, appoint and employ a Director and such officers and employees as may be necessary for the purposes of this Act.

(2) The Director in office at the commencement of this Act shall, and without any further or other appointment whatsoever, be deemed to have been appointed as Director under and pursuant to this Act, and shall, subject to this Act, hold office accordingly.

(3) All persons other than the Director, holding office in or employed by the Department of Education, and in office or so employed at the Museum at the commencement of this Act shall, and without any further or other appointment or employment whatsoever, be deemed to have been appointed to or employed in their respective offices or employment under and for the purposes of this Act, and shall, subject to this Act, hold their offices or employment respectively in terms of their appointments or employments.

(4) The Director, officers and employees so appointed or employed shall be subject to the provisions of the *Public Service Act 1922-1968* during their tenure of office or employment.

(5) The Director shall have and may exercise such powers, authorities, functions and duties as the Board may designate for the purpose of enabling the Museum to function efficiently.

**25. Branches.** (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.

**26. Delegation by Board.** (1) The Board may, in relation to any matter or class of matters, or in relation to any activity or function of the Board, by resolution, delegate all or any of its powers and authorities, duties and functions under this Act (except this power of delegation and its powers in relation to the making of by-laws) to any member or to any committee of its members, or to any officer or officers of the Board.

(2) Every delegation under this section may be varied or revoked by resolution of the Board, and no delegation shall prevent the exercise of any power, authority, duty or function by the Board.

### PART III—FINANCIAL PROVISIONS

**27. Funds of Board.** (1) The Board shall keep separate and distinct each in a separate bank account the following funds:—

- (a) A Trust Fund; and
- (b) A General Fund.

**28. Trust Fund.** (1) There shall be paid into the Trust Fund of the Board all moneys paid to the Board to 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 of this Act 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. 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.

**29. General Fund.** (1) There shall be paid into the General Fund of the Board all moneys appropriated by Parliament in each year out of the consolidated revenue of the State 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 of this Act 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 connexion 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 enquiries for or on behalf of the Museum.

**30. Investment of Funds.** (1) Any moneys held by the Board in its General Fund or Trust Fund or any money held upon trust by the Board may, until required by the Board for the purposes of this Act, be invested from time to time in any authorized trustee investment or with any authorized and approved dealer in the short term money market, or as approved by the Treasurer.

(2) The provisions of this section shall not apply where the conditions placed upon any gift, bequest or devise direct to the contrary.

**31. Officers' Salaries.** 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 of Education under normal departmental procedures.

**32. Annual Report.** The Board shall as soon as practicable but not more than three months after the thirty-first day of December in each year cause a report of its work and activities during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament.

**33. Financial Statement, Accounts and Audit.** (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 three months after the thirtieth day of 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 authorized by him 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) of this section and, if he 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 authorized by him 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 he 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 him under subsection (4) of this section and may include in his annual report to Parliament such matters relating to the financial transactions for the year as he may consider necessary.

**34. Budget of Board.** (1) Before the thirty-first day of May in each year the Board shall adopt and lodge with the Director-General of Education a budget in respect of each fund maintained wherein the Board shall estimate as accurately as possible—

- (a) the amount to be disbursed by the Board from that fund during the year ending on the thirtieth day of 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 during the year ending on the thirtieth day of June in the year next following from all sources.

(2) A budget of the Board shall be of no force or effect until it is approved by the Director-General of Education, and the Director-General of Education may amend the budget in such a way as he thinks reasonable and shall amend the budget where necessary and in any particular so that the budget shall as near as possible balance for the financial year having regard to the sums the Minister has advised may be provided as Parliamentary appropriations to the Department of Education and Cultural Activities and to any other revenues reasonably expected for the financial year.

(3) Any ordinary disbursement of the Board in the months of July and August in any year is authorized and shall be included in the budget for that year.

(4) When the Director-General of Education has approved a budget of the Board, such budget as approved, whether or not it has been amended pursuant to subsection (2) of this section, 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 such surplus or deficit into account in the preparation of its budget for the next succeeding financial year, a surplus to be shown as a receipt of revenue for that succeeding financial year and a deficit to be shown as a disbursement for that succeeding financial year.

**35. Observance of Budget.** (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 budget for that financial year as approved by the Director-General of Education.

(2) If, during any financial year, it appears to the Board that an extraordinary circumstance has arisen which requires that the Board make a disbursement from its General Fund in that financial year that was not

provided for in the budget (as approved) for that financial year or that exceeds the amount estimated in respect of that disbursement in the budget (as approved) for that financial year, the Board shall, before making such disbursement or excess disbursement—

- (a) by resolution approve that such disbursement or excess disbursement be made; and
- (b) obtain approval of the Governor in Council for an amendment to the budget.

(3) The Board shall ensure that the budget as amended and approved will not then be exceeded in particular or in total by the disbursement referred to in subsection (2) of this section.

#### PART IV—GENERAL PROVISIONS

**36. Liability for damage, etc.. of property.** (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, he shall, without limiting or affecting any other liability thereby imposed on him 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 Acts, 1886 to 1968*.

(3) Any proceedings under this section may be taken by the Board or by any person authorized in writing in that behalf either generally, or in a particular case, by the Board.

(4) When any such damage, mutilations, 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.

**37. Reward for information.** (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 removals 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 ten dollars in respect of each offence, damaging, mutilation, destruction or removal.

**38. Proceedings by Board.** 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.

**39. By-laws.** (1) The Board may make by-laws not inconsistent with this Act for and with respect to—

- (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;
- (h) all matters required or permitted by this Act to be prescribed; and
- (i) generally for carrying out the purposes of this Act.

(2) Any by-law made under paragraph (a) or (d) of subsection (1) of this section 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 of this Act.

(3) The by-laws may impose a penalty for any breach thereof not exceeding forty dollars for any one offence. Any such penalty may be recovered, sued or proceeded for in a summary way under *The Justices Acts, 1886 to 1968* upon the complaint of a person authorized in that behalf either generally or in a particular case, by the Board.

(4) Every by-law made by the Board shall be sealed with the common seal of the Board, shall be submitted for the consideration and approval of the Governor in Council, and when so approved shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from such later date as may be specified in the by-law.

(5) A copy of every such by-law shall be laid before the Legislative Assembly within fourteen sitting days after the publication thereof if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session. If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after such by-law has been laid before the Legislative Assembly disallowing the by-law or part thereof, such by-law or part thereof shall thereupon cease to have effect but without prejudice to the validity of anything done in the meantime or to the making of a further by-law.