

Queensland



QUEENSLAND MUSEUM ACT 1970

**Reprinted as in force on 24 August 1994
(includes amendments up to Act No. 103 of 1989)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 24 August 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

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 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- update references (Pt 4, Div 3)
- express gender specific provisions in a way consistent with current legislative drafting practice (s 24)
- use gender neutral office names (s 25)
- use different spelling consistent with current legislative drafting practice (26(2))
- use standard punctuation consistent with current legislative drafting practice (s 27)
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 38 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see Endnotes for—

- **details about when provisions commenced**
- **any provisions that have not commenced and are not incorporated in the reprint**
- **further information about editorial changes made in the reprint, including—**
 - **Table of changed names and titles**
 - **Table of changed citations and remade laws**
 - **Table of obsolete and redundant provisions**
 - **Table of corrected minor errors**
 - **Table of renumbered provisions.**

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[as amended by all amendments that commenced on or before 24 August 1994²]

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

PART 1—PRELIMINARY

Short title and commencement

1.(1) This Act may be cited as the *Queensland Museum Act 1970*³⁻⁹.

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

Meaning of terms

3. In this Act—

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

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

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

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

PART 2—BOARD OF TRUSTEES

Division 1—Appointment of Board

Constitution of Board

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

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

(3) The Board—

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

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

(4A) For the purposes of this Act, the Governor in Council may by proclamation designate a day which in this Act is referred to as the ‘designated day’¹.

(5) On and from the designated day the Board shall consist of 9 members including the ex-officio members as follows—

- (a) the persons who were members immediately prior to the designated day (other than the chief executive for the time being of the department or the chief executive’s nominee and the

¹ The designated day is 19 October 1985 (proc pubd Gaz 19 October 1985 p 715).

Director of the Queensland Museum) shall continue in office as members in terms of their appointment thereto;

- (b) 1 member nominated as prescribed by this Act;
- (c) the chief executive for the time being of the department or the chief executive's nominee;
- (d) the Director of the Queensland Museum.

(5A) A person who is a member by virtue of the person holding an office referred to in subsection (5)(c) or (d) shall be an ex-officio member.

Secretary and chief executive officer

5. The Director of the Queensland Museum, or in the Director's absence the Deputy Director, shall be the secretary and chief executive officer of the Board.

Appointment of members of Board

7. A member of the Board (other than the ex-officio members) shall be appointed by the Governor in Council, by notification published in the Gazette upon the nomination of the Minister or the Board as the case requires.

Term of appointment

8.(3B) For the purposes of this section—

“constituted afresh” means the appointment of any members to the Board in the place of any members whose terms of office have expired.

(4) When, for the first time after the designated day, the Board is constituted afresh and thereafter every 4 years, the following persons shall take office as members—

- (a) 3 persons who shall have been appointed by the Governor in Council on the nomination of the Minister made after consultation with such persons, associations or authorities as the Minister deems fit;
- (b) 1 person who shall have been appointed by the Governor in

Council on the nomination of the Board with the approval of the Minister.

(4A) When, for the second time after the designated day, the Board is constituted afresh and thereafter every 4 years, the following persons shall take office as members—

- (a) 2 persons who shall have been appointed by the Governor in Council on the nomination of the Minister made after consultation with such persons, authorities, organisations and associations as the Minister deems fit;
- (b) 1 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) or (4A) shall, subject to this Act, hold office as members for a term of 4 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 this section not less than 1 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.

Casual appointment to Board

9.(1) Where a vacancy occurs in the office of a member before the expiration of the member's 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 or her predecessor's term of office would have expired, and shall, if otherwise qualified, be eligible for reappointment.

Disqualification from membership of Board

9A. A person shall be disqualified from becoming or continuing as a

member of the Board other than an ex-officio member if—

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

Vacation of office of members of Board

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

- (a) dies or becomes a patient (within the meaning of the *Mental Health Act 1974*);
- (b) resigns the member's office by signed writing addressed to the Governor in Council through the Minister (such resignation to be complete and take effect from the time when it is received by the Minister);
- (ba) is disqualified from membership of the Board pursuant to section 9A;
- (c) is absent from 3 consecutive ordinary meetings of the Board of which notice has been given to the member personally or in the ordinary course of post and is not before the expiration of 6 weeks after the last of such meetings excused by the Board for the member's absence from such meetings;
- (d) is removed from office by the Governor in Council;
- (e) being the member appointed under section 4(5)(a), ceases to be a person to whom that paragraph relates.

Removal of members

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

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

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

- (a) the control and management of the Museum and of all natural history, historical and technological collections, and other chattels and property contained therein; and
- (b) the maintenance and administration of the Museum in such manner as will effectively minister to the needs and demands of the community in any or all branches of the natural sciences, applied sciences, technology and history, associated with the development of the Museum as a museum of general science and to this end shall undertake—
 - (i) the storage of suitable items pertaining to the study of natural sciences, applied sciences, technology and history, and exhibits and other personal property; and
 - (ii) the promotion of scientific and historical research; and
 - (iii) the provision of educational facilities through the display of selected items, lectures, films, broadcasts, telecasts, publications and other means; and
 - (iiia) the operation of workshops for the maintenance and repair of exhibits and other things; and
 - (iv) any other action which in the opinion of the Board is necessary or desirable; and
- (c) the control and management of all lands and premises vested in or placed under the control of the Board; and
- (ca) the management, operation and control of the aerodrome constructed or to be constructed at the Queensland Museum branch, Coomera; and
- (d) the raising, holding, investment and disbursement of funds for the exercise of any of its functions; and
- (e) subject to the provisions of section 25, the establishment of branches; and

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- (f) such other acts and things as are prescribed by order in council to be functions of the Board.

(2) In the performance of its function the Board may—

- (a) receive, take, purchase or hire any objects pertaining to the study of natural history, applied sciences, technology and history, and exhibits and other personal property;
- (b) sell, exchange or otherwise dispose of any objects of natural history, applied sciences, technology and history, and exhibits and other personal property under the care or control of the Board;
- (c) lend or make available to any institution, government department or persons, upon such terms and conditions as the Board thinks fit, any objects of natural history, applied sciences, technology and history, and exhibits and other personal property under the care or control of the Board;
- (d) make and carry out such contracts, agreements or arrangements as are in its opinion necessary or desirable to enable it to properly perform its functions and duties or any of them;
- (e) with the consent of the landlord or lessor in any case where the Board is a tenant or lessee, let or lease or permit to be used land, buildings or other improvements comprised in the Museum or vested in, belonging to or under the control of the Board to or by such persons or bodies as the Board thinks fit and for such purposes as the Board thinks fit notwithstanding that such purposes do not pertain to the purposes for which the Museum or its branches is or are established;
- (f) provide or cause to be provided meals, refreshments or catering services in connection with the use of the buildings comprised in the Museum or its branches;
- (g) authorise, on such terms as it thinks fit, any person to sell any wares within the Museum or its branches;
- (h) provide or cause to be provided parking facilities at any branch of the Museum;
- (i) maintain services, facilities and conveniences for the use or benefit of persons making use of, or resorting to, the Museum;

- (j) sell, let or hire, or otherwise provide for the use of the persons referred to in paragraph (i), goods and other articles and things;
- (k) improve or alter the aerodrome at the Queensland Museum branch, Coomera or any part of it;
- (l) purchase or otherwise acquire vehicles, plant, equipment and other property for use in connection with the Museum;
- (m) acquire any patents or licences which in the opinion of the Board will assist it in exercising and performing its powers and may sell or otherwise dispose of those patents or licences.

Powers of Board

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

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

Committees to assist Board

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

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

Division 3—Dealings with land vested in Board**Control of Crown land by Board**

14.(1) Crown land granted in trust or reserved and set apart under the *Land Act 1962* 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.

(3) The Board in its management, control or dealing with the land comprised in the Queensland Museum branch, Coomera and a person who leases from the Board, or becomes a tenant of the Board in respect of, the land comprised in that branch, shall not be subject to Part 11 of the *Land Act 1962*.

Division 4—Proceedings and business of Board**Public Service Management and Employment Act not to apply**

15. The provisions of the *Public Service Management and Employment Act 1988*, 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.

Chairperson and vice-chairperson of Board

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

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

(3) Where a member appointed as chairperson or vice-chairperson is, upon ceasing to be chairperson or vice-chairperson, as the case may be, by

virtue of the expiration of the period of his or her appointment as a member, reappointed as a member, the member is eligible for reappointment as the chairperson or vice-chairperson.

Casual appointment of chairperson or vice-chairperson

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

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

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

Presiding at Board meetings

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

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

Meetings of Board

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

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

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

(4) A decision of the majority of members present at a meeting of the Board shall be the decision of the Board, and in the event of an equality of votes upon any matter at a meeting the person presiding shall have a second or casting vote.

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

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

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

Custody of seal

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

Validity of proceedings

21. No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any

member, there was a defect in the appointment of a member or any person not qualified or having ceased to be qualified may have acted as a member.

Fees and expenses of members

21A.(1) Each member shall be entitled to be paid such fees as are approved by the Governor in Council in respect of the member's attendance at meetings of the Board and the discharge of the member's functions under this Act except, in the case of any such member who is an officer of the public service, in respect of his or her attendance at meetings or the discharge of his or her functions during his or her ordinary hours of duty as such an officer.

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

Holders of office not affected by restrictive employment provisions

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

Protection of Board and persons acting pursuant to the Act

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

Power to accept gifts etc.

23.(1) The Board has power to acquire by gift inter vivos, bequest or devise, any real or personal property for the purposes of the Museum, and

to agree to any condition pertaining to any such gift, bequest or devise.

(2) Any moneys received pursuant to this section will be paid into the Trust Fund kept pursuant to Part 3.

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

Officers

24.(1) The Governor in Council may, under and subject to the provisions of the *Public Service Management and Employment Act 1988*, 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 Management and Employment Act 1988* 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.

(6) In addition to the officers appointed under subsection (1) the Director may, with the approval of the Board, employ such and so many other persons as are necessary for the purpose of carrying out the objects of the Board.

(7) Persons employed under subsection (6) shall be subject to conditions

and be paid rates of wages fixed by any industrial award or agreements applicable to their employment and if there be no such award or agreement shall be subject to conditions and be paid at award rates approved by the chief executive of the department within which this Act is administered.

Honorary assistants

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

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

Branches

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

(2) An agreement between the Board and any other person or body shall not be entered into for the purposes of this section unless the Governor in Council has first approved of the terms of the proposed agreement.

Delegation by Board

26.(1) The Board may, 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 3—FINANCIAL PROVISIONS

Funds of Board

27. The Board shall keep separate and distinct each in a separate bank account the following funds—

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

Trust Fund

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

(2) The Board shall apply the money from time to time standing to the credit of the Trust Fund to the uses or purposes for which it was paid to the Board.

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

General Fund

29.(1) There shall be paid into the General Fund of the Board all moneys appropriated by Parliament in each year out of the Consolidated Fund for the purposes of and paid to the Board, but exclusive of moneys appropriated for payment of salaries of the Director, officers and employees of the Museum.

(2) All other moneys paid to the Board other than moneys referred to in section 28 shall be paid into the General Fund.

(3) The Board shall pay from the moneys from time to time standing to the credit of the General Fund liabilities incurred by it in connection with the conduct of the Museum and in the purchase of specimens and other requirements of the Museum, including expenses incurred in or out of

Queensland relative to or incidental to investigations or inquiries for or on behalf of the Museum.

Investment of funds

30.(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 authorised trustee investment or with any authorised 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.

Officers' salaries

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

Annual Report

32. The Board shall as soon as practicable but not more than 3 months after 31 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.

Financial statement, accounts and audit

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

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

and transactions of the Board.

(3) The Auditor-General or an officer authorised by the Auditor-General shall audit the accounts and records of financial transactions of the Board.

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

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

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

General Fund budget

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

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

(2) The General Fund budget of the Board shall be of no force or effect until it is approved by the chief executive for the time being of the department, and the chief executive may amend that budget in such a way as the chief executive thinks reasonable and shall amend it where necessary and in any item so that it shall as near as possible balance for the financial

year to which it relates having regard to the sums the Minister has advised may be provided as Parliamentary appropriations to the department and to any other General Fund revenues reasonably expected for that financial year.

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

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

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

Observance of General Fund budget

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

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

- (a) by resolution approve that that disbursement or excess disbursement be made; and
- (b) obtain approval of the chief executive for the time being of the department for an amendment to that budget.

(3) The Board shall ensure that that budget as amended and approved will

not then be exceeded in any item or in total by the disbursement referred to in subsection (2).

PART 4—GENERAL PROVISIONS

Official collections

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

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

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

Liability for damage etc. of property

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

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

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

(4) When any such damage, 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.

Reward for information

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

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

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

Proceedings by Board

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

complaint is preferred or any such proceedings are instituted, is the property of the Board.

By-laws

39.(1) The Board may make by-laws 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; and
- (b) regulating the conduct of the proceedings of the Board, including the times, places and conduct of its meetings; and
- (c) the management of the affairs of the Board; and
- (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; and
- (e) the giving of public lectures; and
- (f) the conditions upon which items vested in the Board may be borrowed or copied by any body or person; and
- (g) the protection of the property of, or under the control of, the Board from trespass, damage or misuse; and
- (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 subsection (1)(a) or (d) with respect to any branch of the Museum shall be subject to any agreement with respect to that branch made under the provisions of section 25.

(2A) Without limiting the generality of subsection (1)(i), by-laws made pursuant to that paragraph—

- (a) may provide that the owner of a vehicle or aircraft shall be liable for the offence consisting of bringing on to or parking or standing on land comprised in any branch of the Museum in breach of the Board's by-laws whether or not the owner was in charge of the vehicle at the material time;

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

(2B) Without limiting the generality of subsection (1)(i), by-laws made pursuant to that paragraph may contain, in relation to any place under the control or management of the Board, provisions—

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

aircraft, persons or goods or classes thereof, or as otherwise so prescribed, and all or any such exemptions may be so prescribed so as to apply generally or so as to apply only in the circumstances prescribed or as prescribed.

(3) The by-laws may impose a penalty for any breach thereof not exceeding \$1 000 for any one offence.

(3A) Any such penalty may be recovered, sued or proceeded for in a summary way under the *Justices Act 1886* upon the complaint of a person authorised 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 14 sitting days after the publication thereof if the Legislative Assembly is in session, and if not, then within 14 sitting days after the commencement of the next session.

(6) If the Legislative Assembly passes a resolution of which notice has been given at any time within 14 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.

Regulations

40. The Governor in Council may make regulations not inconsistent with this Act with respect to—

- (a) all matters required or permitted to be prescribed by regulations or to be prescribed and in respect of which no other means of prescription is specified;
- (b) all matters necessary or expedient to be prescribed for the proper administration of this Act or to achieve the objects and purposes

of this Act.

Savings as to Commonwealth powers

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

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

Disposal of unclaimed and perishable property

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

(2) A sale of anything pursuant to subsection (1) shall be valid against all persons, and the person selling any such thing shall not be liable to pay any stamp or other duty in respect of the sale.

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

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

may be disposed of in such manner as the Board directs.

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

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

Disposal of articles not collected

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

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

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

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

- (a) the specimen or thing shall be sold by public auction and the proceeds of the sale less any costs incurred by the Board in storing or selling the specimen or thing shall, unless claimed within 12 months, be paid into the Consolidated Fund;
- (b) before anything is sold pursuant to paragraph (a), notice of the sale shall be published once in a newspaper circulating in the Brisbane district, and, if the thing is not to be sold in Brisbane, in

the district in which it is to be sold;

- (c) a public auction pursuant to paragraph (a) shall not be held until 30 days have expired since the date of publication of the relevant notice of sale pursuant to paragraph (b);
- (d) a sale of anything pursuant to paragraph (a) shall be valid against all persons, and the person selling such thing shall not be liable to pay any stamp or other duty in respect of such sale.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 24 August 1994. Future amendments of the Queensland Museum Act 1970 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 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 Pts 1, 7 s 44
Sch 3**

date of assent 12 May 1988

ss 1–1A commenced on date of assent

remaining provisions 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

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
R1	=	Reprint No. 1
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Parts and Divisions

s 2 amd 1985 No. 65 s 13

om R1 (see RA s 36)

Meaning of termss 3 def “**Department**” ins 1979 No. 29 s 9(a)

om R1 (see RA s 39)

def “**Minister**” sub 1979 No. 29 s 9(b); 1985 No. 65 s 14(a)
om R1 (see RA s 39)
def “**museum**” amd 1985 No. 65 s 14(b)

Constitution of Board

s 4 amd 1979 No. 29 s 10; 1985 No. 65 s 15; R1 (see RA s 38)

Secretary and chief executive officer

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

First appointment to Board

s 6 om R1 (see RA s 38)

Appointment of members of Board

s 7 amd 1979 No. 29 s 12; 1985 No. 65 s 17

Term of appointment

s 8 amd 1979 No. 29 s 13; 1985 No. 65 s 18; R1 (see RA s 38)

Disqualification from membership of Board

s 9A ins 1985 No. 65 s 19

Vacation of office of members of Board

s 10 amd 1985 No. 65 s 20

Functions of Board

s 12 amd 1985 No. 65 s 21; 1989 No. 103 s 3 Sch

Committees to assist Board

s 13A ins 1985 No. 65 s 22

Control of Crown land by Board

s 14 amd 1985 No. 65 s 23

Meetings of Board

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

Fees and expenses of members

s 21A ins 1979 No. 29 s 15
sub 1985 No. 65 s 25

Holders of office not affected by restrictive employment provisions

s 21B ins 1985 No. 65 s 26

Protection of Board and persons acting pursuant to the Act

s 22 sub 1985 No. 65 s 27

Officers

s 24 amd 1985 No. 65 s 28; 1988 No. 52 s 44 Sch 3

Honorary assistants

s 24A ins 1985 No. 65 s 29

Officers’ salaries

s 31 amd 1979 No. 29 s 16

General Fund budget

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

Observance of General Fund budget

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

Official collections

s 35A ins 1985 No. 65 s 30

Reward for information

s 37 amd 1985 No. 65 s 31

By-laws

s 39 amd 1985 No. 65 s 32

Regulations

s 40 ins 1985 No. 65 s 33

Savings as to Commonwealth powers

s 41 ins 1985 No. 65 s 33

Disposal of unclaimed and perishable property

s 42 ins 1985 No. 65 s 33

Disposal of articles not collected

s 43 ins 1985 No. 65 s 33

5 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
Consolidated Revenue	Consolidated Fund	Financial Administration and Audit Act 1977 s 112
member (of the police force)	police officer	Police Service Administration Act 1990 s 11.1(1)(c) (see also s 1.4)
mentally ill person (or a similar term)	patient (within the meaning of the Mental Health Act 1974)	see Mental Health Act 1974 om s 4(f)(i)
permanent head ((within meaning of Public Service Act 1922) of a department)	chief executive (of a department)	Public Service Management and Employment Act 1988 s 4(4)

6 Table of changed citations and remade lawsTABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Public Service Act 1922	Public Service Management and Employment Act 1988	Public Service Management and Employment Act 1988 s 38(1)

7 Table of obsolete and redundant provisionsTABLE OF OBSOLETE AND REDUNDANT PROVISIONS
under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
def “Department”	Acts Interpretation Act 1954 s 36 def “department” and s 33(5) (see also Reprints Act 1992 s 39, example 2)
def “Minister”	Acts Interpretation Act 1954 s 36 and s 33(1)–(4) and s 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)
references included in citation of law	Acts Interpretation Act 1954 s 14H
references to Queensland implied	Acts Interpretation Act 1954 s 35

8 Table of corrected minor errorsTABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
4(3)(d)	om “capab e” ins “capable”
4(4)	om “jurisdict on” ins “jurisdiction”
24(5)	om “shal” ins “shall”
28(1)	om “authorities.” ins “authorities,”
37(1)	om “to the Board to” ins “to the Board for”
41	om “removals is an offence” ins “removal is an offence”
	om “Commonwealth Powers (Air Transport) Act 1952” ins “Commonwealth Powers (Air Transport) Act 1950”

9 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
4(5), 2nd sentence	4(5A)
8(3A), 2nd sentence	8(3B)
27(1)	27
28(2), 2nd sentence	28(3)
39(3), 2nd sentence	39(3A)
39(5), 2nd sentence	39(6)