



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 21 of 1976

An Act to provide for the administration of the South Australian Museum; to repeal the Museum Act, 1939; and for other purposes.

[Assented to 4th March, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

### PART I

PART I

#### PRELIMINARY

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| 1. This Act may be cited as the "South Australian Museum Act, 1976".                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Short title.             |
| 2. This Act shall come into operation on a day to be fixed by proclamation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Commencement.            |
| 3. This Act is arranged as follows:—<br>PART I—PRELIMINARY<br>PART II—ADMINISTRATION<br>PART III—MISCELLANEOUS.                                                                                                                                                                                                                                                                                                                                                                                                                             | Arrangement of this Act. |
| 4. The Museum Act, 1939, is repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Repeal.                  |
| 5. In this Act, unless the contrary intention appears—<br>"the Board" means the Museum Board established under the repealed Act which continues in existence under this Act;<br>"the Director" means the person for the time being holding, or acting in, the office of Director of the Museum;<br>"the Minister" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor and includes any other Minister who is for the time being discharging the duties of that Minister: | Interpretation.          |

PART I

“the Museum” means the South Australian Museum (formerly known under the repealed Act as “the State Museum”):

“the State collection” means all property vested in the Board of archaeological, anthropological, biological, geological or historical interest:

“the repealed Act” means the Museum Act, 1939, repealed by this Act.

PART II

## PART II

## ADMINISTRATION

The Museum Board.

6. (1) The Museum Board established under the repealed Act shall continue in existence.

(2) The Board—

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable in its corporate name of acquiring, holding and disposing of real and personal property;

(c) shall be capable of acquiring or incurring any other legal rights or liabilities and of suing and being sued;

and

(d) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(3) Where an apparently genuine document purports to bear the common seal of the Board, it shall be presumed in any legal proceedings, in the absence of proof to the contrary, that the common seal of the Board was duly affixed to that document.

(4) The rights and obligations vested in, or enforceable against, the Museum Board under the repealed Act shall be vested in, or enforceable against, the Board under this Act.

Constitution of Board.

7. (1) The Board shall consist of six members appointed by the Governor.

(2) A member of the Board holding office immediately before the commencement of this Act may continue in office for the balance of his term of office in all respects as if this Act had been in force when he was appointed or last re-appointed a member of the Board and he had then been appointed in pursuance of this Act.

8. (1) A member of the Board shall be appointed for a term of four years and, upon the expiration of his term of office, shall be eligible for re-appointment.

Terms and conditions upon which members of the Board hold office.

(2) The Governor may appoint a suitable person to be a deputy of a member of the Board, and such a person, while acting in the absence of that member shall be deemed to be a member of the Board, and shall have all the powers, authorities, duties and obligations of the member of whom he has been appointed a deputy.

(3) The Governor may remove a member of the Board from office for—

(a) mental or physical incapacity;

(b) neglect of duty;

or

(c) dishonourable conduct.

(4) The office of a member of the Board shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Governor;

or

(d) he is removed by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Board becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

9. (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy, or vacancies, in its membership.

Validity of acts of the Board.

(2) No liability shall attach to a member of the Board for any act or omission by him, or by the Board, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge, or purported discharge, of his or its duties under this Act.

10. (1) The Governor may from time to time appoint one of the members of the Board to be the Chairman of the Board. The Chairman.

(2) The Chairman shall, subject to this Act, hold office as such for a term of four years and shall, at the expiration of that term, be eligible for re-appointment.

(3) If at any time the Chairman ceases to be a member of the Board, he shall cease to be Chairman of the Board.

(4) A person holding office as Chairman of the Board immediately before the commencement of this Act shall be deemed to have been appointed Chairman of the Board under this Act and shall continue in that office until the expiration of the term for which he was appointed Chairman.

**PART II**

Conduct of  
business by  
the Board.

**11. (1)** Four members of the Board shall constitute a quorum of the Board.

(2) A decision carried by a majority of the votes of the members present at a meeting of the Board shall be a decision of the Board.

(3) The Chairman, or if he is not present, a person elected by the members present at a meeting of the Board, shall preside at that meeting.

(4) The person presiding at a meeting of the Board shall, in the event of and equality of votes upon any question arising before the Board, have a second or casting vote.

(5) Subject to this Act, the business of the Board shall be conducted in such manner as the Board may determine.

Director to  
attend meetings  
of Board.

**12.** The Director shall, unless excused from attendance by the Board, attend at every meeting of the Board.

Functions of  
the Board.

**13. (1)** The functions of the Board are as follows:—

- (a) to undertake the care and management of the Museum;
  - (b) to manage all lands and premises vested in, or placed under the control of, the Board;
  - (c) to manage all funds vested in, or under the control of, the Board and to apply those funds in accordance with the terms and conditions of any instrument of trust or other instrument affecting the disposition of those moneys;
  - (d) to carry out, or promote, research into matters of archaeological, anthropological, biological, geological and historical interest;
  - (e) to accumulate and care for objects and specimens of archaeological, anthropological, biological, geological or historical interest;
  - (f) to accumulate and classify data in regard to any such matters;
  - (g) to disseminate information of archaeological, anthropological, biological, geological or historical interest;
- and
- (h) to perform any other functions of scientific, educational or historical significance that may be assigned to the Board by regulation.

(2) The Board shall not be required to accept or accumulate material that does not, in the opinion of the Board, justify collection and classification under this Act.

(3) In the performance of any of its functions the Board may, upon such terms and conditions as it thinks fit—

- (a) receive, take, purchase, hire or accept upon loan, any objects of scientific or historical interest;
- (b) sell, lend, exchange or dispose of any objects of scientific or historical interest;

or

(c) lend or otherwise make available to any institution, body or person carrying out scientific or historical research any object of scientific or historical interest from the State collection.

14. (1) There shall be a Director of the Museum and such other officers as the Governor may think fit to appoint for the administration of this Act. Director and other officers.

(2) The Director and other officers shall be appointed and hold office subject to, and in accordance with, the Public Service Act, 1967-1975.

15. (1) The Board shall, on or before the thirtieth day of September in each year, deliver to the Minister a report in writing upon the administration of the Museum, and of the property under the control of the Board, during the period of twelve months ending on the preceding thirtieth day of June in that year. Report.

(2) The Minister shall cause a copy of the report to be laid, as soon as practicable, before each House of Parliament.

16. (1) The Board shall cause proper accounts to be kept of all its financial dealings. Accounts.

(2) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of the Board.

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### PART III

PART III

#### MISCELLANEOUS

17. (1) Any person who, without the authority of the Board, damages, mutilates, destroys or removes from the possession of the Board any object from the State collection or any other property of the Board, shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars, or imprisonment for six months. Damage in property of the Board.

(2) The Court before which any person is convicted of an offence under subsection (1) of this section may order that person to pay to the Board compensation for the damage or destruction of any property of the Board.

(3) This section does not derogate from any criminal liability to which a person may otherwise be subject.

18. Proceedings for an offence against this Act shall be disposed of summarily. Proceedings.

19. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes. Financial provision.

**PART III****Regulations.**

**20.** (1) The Governor may, upon the recommendation of the Board, make such regulations as are contemplated by this Act, or as he deems necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of the foregoing, those regulations may—

- (a) make provision in relation to any aspect of the control of the Museum, or the State collection;
  - (b) regulate the proceedings of the Board;
  - (c) prescribe conditions upon which the public or any person may have access to the Museum, or any land or premises under the control of the Board;
  - (d) prescribe and provide for the recovery of charges for admission to the Museum or any part thereof;
  - (e) prescribe and provide for the recovery of charges for any services provided by the Board;
  - (f) provide for the care and custody of the State collection or any part thereof;
  - (g) prescribe terms and conditions upon which any person may have access to, or use, the State collection or any part thereof;
  - (h) provide for the payment of rewards for information of archaeological, anthropological, biological, geological or historical interest;
  - (i) provide for the payment of rewards for information leading to the conviction of any person for an offence against this Act;
  - (j) regulate, restrict or prohibit the parking of motor vehicles on land vested in, or under the control of, the Board;
- and
- (k) prescribe penalties (recoverable summarily) not exceeding five hundred dollars for breach of, or non-compliance with, the provisions of any regulation.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor