

NORTHERN TERRITORY OF AUSTRALIA

MUSEUMS AND ART GALLERIES ACT

As in force at 14 December 1994

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NORTHERN TERRITORY OF AUSTRALIA

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MUSEUMS AND ART GALLERIES ACT

An Act to establish a Board to control and manage museums and art galleries, and for related purposes

Part I Preliminary

1 Short title

This Act may be cited as the *Museums and Art Galleries Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

4 Definitions

In this Act, unless the contrary intention appears:

member means a member of the Board.

public servant means a person who is an officer or employee of the Public Service of the Commonwealth or a Chief Executive Officer, or an employee, as defined in the *Public Sector Employment and Management Act*.

the Board means the Museums and Art Galleries Board established by section 5.

Part II The Museums and Art Galleries Board

5 Establishment of the Board

- (1) For the purposes of this Act there shall be a board of trustees to be known as the Museums and Art Galleries Board.
- (2) The Board:
 - (a) is a body corporate with perpetual succession;

- (b) shall have an official seal;
 - (c) has power to acquire, hold and dispose of real and personal property; and
 - (d) may sue and be sued in its corporate name.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to a document and shall presume that it was duly affixed.

7 Constitution of the Board

- (1) The Board shall consist of 7 members.
- (2) The exercise of a power or the performance of a function by the Board is not affected by reason only of there being a vacancy in the membership of the Board.

8 Appointment of the Board

- (1) The Minister shall appoint 7 persons to be members of the Board.
- (2) When a person ceases to be a member of the Board the Minister may appoint another person to be a member in his stead for the remainder of the period in respect of which that person was appointed.
- (3) The Board shall not include more than 3 members who are public servants.
- (4) Subject to this Act, a member holds office for a period of 3 years from the date of his appointment but is eligible for re-appointment.

11 Terminations of appointment of members

- (1) The Minister may terminate the appointment of a member.
- (2) The Minister shall terminate the appointment of a member who:
 - (a) resigns his office by writing under his hand addressed to the Minister;
 - (b) is absent, except on leave granted by the Minister, from 3 consecutive meetings of the Board; or

- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his fees, allowances or expenses, as a member of the Board, for the benefit of his creditors.

12 Deputies of members

- (1) A member of the Board may by writing under his hand appoint a person to be his deputy for the purpose of attending a specified meeting of the Board.
- (2) A person so appointed has, at the meeting in respect of which he is appointed, but not otherwise, all the powers and functions of the member of whom he is the deputy but shall not preside at the meeting.
- (3) An appointment under this section is revocable by writing served on the deputy before the time fixed for the meeting in respect of which the deputy is appointed but if not so revoked prevents the member making the appointment from exercising his powers and performing his functions in person at the meeting.

13 Chairman and Deputy Chairman

- (1A) The Minister shall, by instrument in writing, appoint a member to be the Chairman of the Board for such period, not exceeding 3 years, as is specified in the instrument.
 - (1) At its first meeting the Board shall elect a Deputy Chairman.
 - (2) When the office of Chairman or Deputy Chairman becomes vacant, the Board shall elect a Chairman or Deputy Chairman, as the case requires.
 - (3) A member appointed under subsection (1A) as Chairman may resign that office by writing delivered to the Minister.
 - (4) The office of Deputy Chairman becomes vacant if its holder is appointed as Chairman or:
 - (a) ceases to be a member of the Board;
 - (b) resigns his office in writing addressed to the Board; or
 - (c) is removed from his office by a resolution of the Board.

- (5) When the office of Chairman is vacant or when the Chairman is, because of absence or illness or for any other reason, unable to exercise his powers or perform his duties, the Deputy Chairman has and may exercise those powers and has and shall perform those duties.
- (6) Where, under this Act, the exercise of a power or the performance of a function by the Chairman is dependent upon the opinion, belief or state of mind of the Chairman in relation to a matter and that power is being exercised or that function is being performed by the Deputy Chairman in pursuance of this Act, that power may be exercised or that function may be performed by the Deputy Chairman upon the opinion, belief or state of mind of the Deputy Chairman in relation to that matter.

14 Calling of meetings

- (2) The Chairman shall fix the places, dates and times of meetings of the Board and shall give not less than 7 days notice of a meeting to each member either by telegram or by writing served personally or by post.
- (3) Where a member is not given notice of a meeting in accordance with this section, the meeting shall be deemed not to have been duly called unless a quorum of members is present at the meeting and the members present resolve that the meeting shall be deemed to have been duly called.

15 Frequency of meetings

- (1) Subject to this section, the Board shall meet as often as the Chairman considers necessary for the exercise of its powers and the performance of its functions and duties but so that the period between any 2 successive meetings does not exceed 6 months.
- (2) The Chairman shall call a meeting of the Board within 7 days of the receipt by him of a written request to do so, signed by not less than 4 members.

16 Procedure at meetings

- (1) Subject to this Act, at a meeting of the Board:
 - (a) 5 members form a quorum;
 - (b) either the Chairman or the Deputy Chairman must be present in person;
 - (c) the Chairman shall preside;

- (d) all questions shall be decided by a majority of the votes of the members present and voting; and
 - (e) the Chairman shall have a deliberative vote and, in the event of an equality of votes, shall have also a casting vote.
- (2) The Board shall keep a record of its proceedings.

Part III Functions and powers of the Board

17 Functions of the Board

The functions of the Board are, subject to this Act:

- (a) to establish or acquire museums and art galleries in the Territory;
- (b) to control, manage and maintain museums and art galleries established or acquired by it or placed under its control;
- (c) to manage museums and art galleries placed under its management;
- (d) to control and preserve such relics of the growth and development of civilisation in the Territory as are acquired by it or placed under its control;
- (e) to satisfy needs and demands in the community in, and to develop appreciation of, any or all branches of culture or learning by:
 - (i) collecting and displaying objects and articles of ethnological, anthropological, technological, scientific, artistic or historical interest or value;
 - (ii) lectures, demonstrations, broadcasts, films, publications and other educational means; and
 - (iii) any other means that the Board considers to be necessary or desirable; and
- (f) to carry out, and assist other persons to carry out, scientific research in matters relating to the discharge of the functions specified in paragraphs (d) and (e).

18 Powers of the Board

- (1) Subject to this Act, the Board has power to do all things necessary or convenient to be done for or in connection with, or incidental to, the performance of its functions and the exercise of its powers.
- (2) Without limiting the generality of subsection (1), for the purpose of performing any or all of its functions the Board has power, subject to this Act:
 - (a) to acquire, hold and dispose of objects and articles of ethnological, anthropological, technological, scientific, artistic or historical interest or value;
 - (b) to acquire real or personal property used or intended to be used for or incidentally to the holding, disposal or display of such objects and articles;
 - (c) to extend, alter, repair, hold, dispose of or demolish real or personal property so acquired;
 - (d) to engage, and enter into contracts for the appearance of, lecturers and demonstrators;
 - (e) to assist, financially and otherwise, persons engaged in scientific research;
 - (f) to make charges for admission to a museum or art gallery, or a part of a museum or art gallery;
 - (g) to grant television, broadcasting, filming and recording rights in respect of any property owned by or under the control of the Board or any function arranged by the Board;
 - (h) to make or have made and to sell reproductions, replicas or photographs of exhibits; and
 - (i) to publish and sell publications relating to exhibits.

18A Ministerial control

The Board in the exercise of its powers and performance of its functions is subject to the directions of the Minister.

19 Power to lend exhibits

The Board shall not lend exhibits owned by or under the control of the Board except:

- (a) for public exhibition, whether in the Territory or elsewhere; or

- (b) for display in a public building or official residence in the Commonwealth or under the control of the Territory or the Commonwealth.

20 Power to dispose of exhibits

The regulations may provide that the Board shall not dispose of a specified exhibit or an exhibit included in a specified class of exhibits, except:

- (a) with the written approval of each member of the Board; or
- (b) if, after one month from but not including the day on which a member is requested in writing to give his written approval that member has not given his written approval, then with the written approval of 6 members of the Board.

21 Board may accept gifts, &c.

- (1) Subject to this section, the Board may accept a gift, devise or bequest of any property, real or personal.
- (2) The Board shall not accept a gift, devise or bequest upon conditions that are inconsistent with using the gift, devise or bequest, or the proceeds of the sale of the gift, devise or bequest, for the purposes of and in accordance with this Act.
- (3) No gift or succession duty shall be payable under any Act upon any property given, devised or bequeathed to the Board.

Part V Miscellaneous

31 Regulations

The Administrator may make regulations not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Museums and Art Galleries Ordinance 1965 (Act No. 44, 1965)***

Assent date	15 November 1965
Commenced	29 March 1966

Museums and Art Galleries Ordinance 1968 (Act No. 18, 1968)

Assent date	18 June 1986
Commenced	18 June 1986

Museums and Art Galleries Ordinance 1970 (Act No. 62, 1970)

Assent date	8 December 1970
Commenced	27 January 1971

Ordinances Revision Ordinance 1973 (Act No. 87, 1973)

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

Amending Legislation***Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

Ordinances Revision Ordinance 1976 (Act No. 27, 1976)

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

Transfer of Powers Ordinance 1976 (Act No. 64, 1976)

Assent date 22 December 1976
 Commenced 1 January 1977 (*Gaz No. 53, 24 December 1976, p 1573*)

Amending Legislation

Transfer of Powers Ordinance (No. 2) 1976 (Act No. 65, 1976)

Assent date 22 December 1976
 Commenced 22 December 1976

Museums and Art Galleries Ordinance 1978 (Act No. 51, 1978)

Assent date 30 June 1978
 Commenced 1 July 1978 (s 2)

Amending Legislation

Financial Management (Consequential Amendments) Act 1995 (Act No. 5, 1995)

Assent date 21 March 1995
 Commenced 1 April 1995 (s 2, s 2 *Financial Management Act 1995* (Act No. 4, 1995) and *Gaz S13, 31 March 1995*)

Statute Law Revision Act 1978 (Act No. 95, 1978)

Assent date 5 September 1978
 Commenced 5 September 1978

Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)

Assent date 14 January 1980
 Commenced 8 February 1980 (*Gaz G6, 8 February 1980, p 6*)

Statute Law Revision Act (No. 3) 1981 (Act No. 91, 1981)

Assent date 21 September 1981
 Commenced 21 September 1981

Museums and Art Galleries Amendment Act 1983 (Act No. 15, 1983)

Assent date 24 June 1983
 Commenced 24 June 1983

Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)

Assent date 30 June 1993
 Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and *Gaz S53, 29 June 1993*)

Museums and Art Galleries Amendment Act 1994 (Act No. 28, 1994)

Assent date 18 May 1994
 Commenced 14 December 1994 (*Gaz G50, 14 December 1994, p 2*)

Amending Legislation

Statute Law Revision Act 1994 (Act No. 50, 1994)

Assent date 20 September 1994
 Commenced 20 September 1994

3 DISALLOWANCE

Section 22 of the *Museums and Art Galleries Ordinance* 1965 was disallowed by notice in the *Northern Territory Government Gazette* dated 2 November, 1966

4 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (as amended) to the following provisions: Ss 4, 7, 8, 14, 15, 16 and 20.

5 SAVINGS AND TRANSITIONAL PROVISIONS

s 7(5) *Museums and Art Galleries Ordinance 1978* (Act No. 51, 1978)

6 LIST OF AMENDMENTS

It	amd No. 91, 1981, s 2
s 1	amd No. 58, 1978, s 4
s 2	amd No. 91, 1981, s 2
s 3	rep No. 91, 1981, s 2
s 4	amd No. 91, 1981, s 2; No. 28, 1993, s 3
s 5	amd No. 91, 1981, s 2
s 6	rep No. 64, 1976, s 4
s 7	amd No. 91, 1981, s 2
s 8	amd No. 64, 1976, s 4; No. 51, 1978, s 4; No. 91, 1981, s 2
s 9	amd No. 51, 1978, s 5 rep No. 9, 1980, s 6
s 10	rep No. 64, 1976, s 4
s 11	amd No. 64, 1976, s 4; No. 51, 1978, s 4
s 12	amd No. 91, 1981, s 2
s 13	amd No. 27, 1994, s 4; No. 91, 1981, s 2
s 14	amd No. 27, 1994, s 5
s 16	amd No. 91, 1981, s 2
s 17	amd No. 64, 1976, s 4; No. 51, 1978, s 4; No. 91, 1981, s 2; No. 15, 1983, s 3
s 18	amd No. 87, 1973, s 12; No. 91, 1981, s 2; No. 15, 1983, s 4
s 18A	ins No. 15, 1983, s 5
s 19	amd No. 51, 1978, s 6; No. 91, 1981, s 2
s 21	amd No. 91, 1981, s 2
s 23	amd No. 64, 1976, s 4 rep No. 51, 1978, s 7 as amd No. 5, 1995, s 19
s 24	rep No. 51, 1978, s 7 as amd No. 5, 1995, s 19
ss 25 – 26	amd No. 64, 1976, s 4 rep No. 51, 1978, s 7 as amd No. 5, 1995, s 19
s 27	rep No. 62, 1970, s 3
s 28	rep No. 51, 1978, s 7 as amd No. 5, 1995, s 19
s 29	amd No. 18, 1968, s 2; No. 64, 1976, s 4 rep No. 51, 1978, s 7 as amd No. 5, 1995, s 19
s 30	amd No. 18, 1968, s 3; No. 64, 1976, s 4 rep No. 51, 1978, s 7 as amd No. 5, 1995, s 19
s 31	amd No. 95, 1978, s 14; No. 91, 1981, s 2