

MUSEUMS AND ART GALLERIES ORDINANCE 1965

No. 44 of 1965

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

[Assented to 15th November, 1965.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

PART I.—PRELIMINARY.

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| Short title. | 1. This Ordinance may be cited as the <i>Museums and Art Galleries Ordinance 1965</i> . |
| Commencement. | 2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the <i>Gazette</i> .* |
| Parts. | 3. This Ordinance is divided into Parts as follows:—
Part I.—Preliminary (Sections 1-4).
Part II.—The Museums and Art Galleries Board (Sections 5-16).
Part III.—Functions and Powers of the Board (Sections 17-22).
Part IV.—Finance (Sections 23-29).
Part V.—Miscellaneous (Sections 30-31). |
| Definitions. | 4. In this Ordinance, 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 of the Territory;
“the Board” means the Museums and Art Galleries Board established by section 5 of this Ordinance. |

PART II.—

THE MUSEUMS AND ART GALLERIES BOARD.

Establishment of the Board.

5.—(1.) For the purposes of this Ordinance there shall be a board of trustees to be known as the Museums and Art Galleries Board.

* The date fixed was 29 March 1966 (see *Northern Territory Government Gazette* No. 17 of 29 March 1966, page 61).

(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.

6. It is not the intention of this Ordinance that the Board shall be, or shall be regarded as, for any purpose, the servant or agent of the Executive Government of the Commonwealth. Independence of the Board.

7.—(1.) The Board shall consist of seven members. Constitution of the Board.

(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 or vacancies in the membership of the Board.

8.—(1.) The Administrator in Council shall appoint seven persons to be members of the Board. Appointment of members.

(2.) When a person ceases to be a member of the Board the Administrator in Council 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 three members who are public servants.

(4.) Subject to this Ordinance, a member holds office for a period of three years from the date of his appointment but is eligible for re-appointment.

9. Members, and deputies of members, of the Board shall be paid such remuneration and allowances as the Administrator in Council determines. Allowances.

10. The Administrator may grant leave of absence to a member of the Board on such terms and conditions as to remuneration or otherwise as the Administrator determines. Leave of absence.

11.—(1.) The Administrator in Council may terminate the appointment of a member. Terminations of appointment of members.

(2.) The Administrator in Council shall terminate the appointment of a member who—

- (a) resigns his office by writing under his hand addressed to the Administrator;
- (b) is absent, except on leave granted by the Administrator, from three 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.

Deputies of
members.

12.—(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 functions in person at the meeting.

Chairman and
Deputy
Chairman.

13.—(1.) At its first meeting the Board shall elect a Chairman and 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.) The Chairman shall be elected from members who are not public servants and the office of Chairman becomes vacant if its holder becomes a public servant.

(4.) The office of Deputy Chairman becomes vacant if its holder is elected to be the Chairman and the office of Chairman or Deputy Chairman becomes vacant if its holder—

- (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 Ordinance, the exercise of a power or 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 or function is being exercised by the Deputy Chairman in pursuance of this Ordinance, that power or function may be exercised by the Deputy Chairman upon the opinion,

belief or state of mind of the Deputy Chairman in relation to that matter.

14.—(1.) The Administrator shall fix the place, date and time of the first meeting of the Board and shall give not less than seven days' notice of the meeting to each member either by telegram or by writing served personally or by post.

Calling of meetings.

(2.) The Chairman shall fix the places, dates and times of meetings of the Board other than the first meeting and shall give not less than seven 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.—(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 two successive meetings does not exceed six months.

Frequency of meetings.

(2.) The Chairman shall call a meeting of the Board within seven days of the receipt by him of a written request to do so, signed by not less than four members.

16.—(1.) Subject to this Ordinance, at a meeting of the Board—

Procedure at meetings.

- (a) five 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. The functions of the Board are, subject to this Ordinance—

Functions of the Board.

- (a) to establish or acquire museums and art galleries in the Northern 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 Northern 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) of this section.

Powers of
the Board.

18.—(1.) The Board has power to do all things necessary or convenient to be done for or in connexion with, or incidental to, the performance of its functions and the exercise of its powers.

(2.) Without limiting the generality of the last preceding sub-section, for the purpose of performing any or all of its functions the Board has power, subject to this Ordinance—

- (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 or exhibits; and
- (i) to publish and sell publications relating to exhibits.

19. The Board shall not lend exhibits owned by or under the control of the Board except—

Power to lend exhibits.

- (a) for public exhibition, whether in the Northern Territory or elsewhere; or
- (b) for display in a public building or official residence in the Commonwealth or under the control of the Commonwealth.

20. 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—

Power to dispose of exhibits.

- (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 six members of the Board.

21.—(1.) Subject to this section, the Board may accept a gift, devise or bequest of any property, real or personal.

Board may accept gifts, &c.

(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 Ordinance.

(3.) No gift duty or succession duty shall be payable under—

- (a) any Ordinance; or
 - (b) any Act of the State of South Australia in force in the Territory as a law of the Territory,
- upon any property given, devised or bequeathed to the Board.

22.* The Board may employ, on terms and conditions of employment (including remuneration) determined by the Board and approved by the Administrator in Council, such persons as it considers necessary to assist the Board in exercising its powers and performing its functions and duties under this Ordinance.

The Board may employ persons.

* Section 22 was disallowed by the Governor-General pursuant to Section 4Y of the *Northern Territory (Administration) Act 1910-1965*.
Notice of disallowance was published in the *Northern Territory Government Gazette* No. 55 of 2 November 1966.

PART IV.—FINANCE.

Moneys of
the Board.**23.** The moneys of the Board consist of—

- (a) moneys paid to it by the Commonwealth which shall be paid in such amounts and at such times as the Minister determines;
- and
- (b) such sums as are received by the Board in the exercise of its powers under this Ordinance.

Application of
moneys of
Board.**24.** The moneys of the Board shall be applied only—

- (a) in payment or discharge of the costs and expenses of the Board under this Ordinance;
- and
- (b) in payment of remuneration and allowances under section 9 of this Ordinance.

Bank
accounts.**25.** The Board shall open and maintain an account or accounts with the Reserve Bank of Australia or with such other bank or banks as the Administrator in Council approves and shall pay all moneys received by it into an account or accounts so opened.Investment,
&c., of
moneys of
the Board.**26.** Moneys of the Board not immediately required for the purposes referred to in section 24 of this Ordinance may be—

- (a) invested in securities of or guaranteed by the Commonwealth; or
- (b) lodged—
 - (i) in an account at call; or
 - (ii) on fixed deposit,
 with the Reserve Bank of Australia or with such other bank or banks as the Administrator in Council approves.

Particulars of
proposed
expenditure.**27.**—(1.) The Board shall, not later than the thirtieth day of November in each year, submit to the Administrator in Council particulars of proposed expenditure for the financial year commencing on the following first day of July.

(2.) The Board shall not expend any of its moneys except in accordance with particulars of proposed expenditure approved by the Administrator in Council.

Proper
accounts to
be kept.**28.** The Board shall keep proper accounts and records and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and the incurring of liabilities by the Board.

29.—(1.) The Administrator in Council may appoint a person to be the auditor of the books of the Board. Audit.

(2.) The auditor shall inspect and audit the accounts and records of financial transactions and of other property including trust moneys and property of the Board and shall forthwith draw the Administrator's attention to any irregularity revealed by the inspection and audit which, in the opinion of the auditor, is of sufficient importance to justify his so doing.

(3.) The auditor shall, at least once in each year, report to the Administrator the results of the inspection and audit carried out under the last preceding sub-section.

(4.) The auditor or a person authorised by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Board relating directly or indirectly to the receipt or payment of moneys by the Board or to the acquisition, receipt, custody or disposal of assets of the Board.

(5.) The auditor or a person authorised by him may make copies of or take extracts from any such accounts, records, documents or papers.

(6.) The auditor or a person authorised by him may require a person being a member of the Board or an officer or employee of the Board to furnish him with such information in the possession of that person or to which that person has access as the auditor or authorised person considers necessary for the purposes of an inspection or audit under this Ordinance, and that person shall comply with the requirement.

PART V.—MISCELLANEOUS.

30.—(1.) The Board shall, not later than four months after each thirtieth day of June, furnish to the Administrator for presentation to the Legislative Council, a report of its operations during the year ended on that date, together with financial statements in respect of that year in such form as the Administrator approves. Reports.

(2.) Before furnishing the financial statements to the Administrator, the Board shall submit them to the auditor, who shall report to the Administrator—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and the state of the affairs of the Board;
- (c) whether the receipt, expenditure and investment of moneys and the acquisition and disposal of as-

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sets by the Board during the year have been in accordance with this Ordinance; and

- (d) as to such other matters arising out of the statements as the auditor considers should be reported to the Administrator.

(3.) The Administrator shall lay the report and financial statements of the Board, together with the report of the auditor, before the Legislative Council within ten sitting days of the Council after their receipt by the Administrator.

Regulations.

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