

Queensland



ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

No. 65 of 1985

An Act to provide for the assimilation of and the continuation of the establishment, development, management and administration of the Queensland Transport and Technology Centre as a branch of the Queensland Museum, the amendment of the Queensland Museum Act 1970-1979 and for related purposes

[ASSENTED TO 30TH SEPTEMBER, 1985]

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

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Queensland Museum (Assimilation of Coomera Technology Centre) Act 1985*.

2. Commencement. (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified in the Proclamation shall commence on the day or days appointed by Proclamation for the commencement of this Act or, as the case may be, those provisions.

3. Arrangement. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—REPEAL OF QUEENSLAND TRANSPORT AND TECHNOLOGY CENTRE ACT 1984 (ss. 4-11);

PART III—AMENDMENT OF QUEENSLAND MUSEUM ACT 1970-1979 (ss. 12-33).

PART II—REPEAL OF QUEENSLAND TRANSPORT AND TECHNOLOGY CENTRE ACT 1984

4. Meaning of terms. In this Part, unless the contrary intention appears—

“Centre Board” means the Queensland Transport and Technology Centre Board of Trustees constituted under the *Queensland Transport and Technology Centre Act 1984*;

“Museum Board” means the Queensland Museum Board of Trustees constituted under the *Queensland Museum Act 1970-1979*;

“Queensland Museum” means the Queensland Museum established at Brisbane referred to in the *Queensland Museum Act 1970-1979*;

“repealed Act” means the *Queensland Transport and Technology Centre Act 1984* repealed by this Act.

5. Repeal of Act No. 58 of 1984. The *Queensland Transport and Technology Centre Act 1984* is repealed.

6. Appointed day. For the purposes of this Act, the Governor in Council may by Proclamation appoint a day which in this Act is referred to as the “appointed day”.

7. Dissolution of Board. Upon the appointed day, the members of the Centre Board shall thereupon go out of office as such members and the Centre Board shall thereupon be dissolved.

8. Centre deemed to be a branch of Queensland Museum. On and from the appointed day, the Queensland Transport and Technology Centre established under the repealed Act shall be deemed to be a lawfully established branch of the Queensland Museum and in this Act is referred to as the Queensland Museum branch, Coomera.

9. Vesting of assets and transfer of entitlements. (1) On and from the appointed day—

- (a) all assets that immediately prior to the appointed day were vested in, belonged to or were under the control of the Centre Board shall be divested from the Centre Board and vest in, belong to or as the case may be, come under the control of the Museum Board;
- (b) all entitlements of the Centre Board shall be entitlements of the Museum Board.

(2) Where title to any asset vested in or otherwise transferred by this Act to the Museum Board is registered in any register the person having charge of the register shall upon a request made to him in writing by or on behalf of the Museum Board make all entries in the register to record the vesting of that asset in accordance with this Act.

No stamp duty, fees or other charges shall be payable in respect of the request.

(3) Notwithstanding the provisions of any other Act, as soon as practicable after the appointed day, the Governor in Council shall by notification in the Gazette, remove the existing trustees of Reserve number R.1777 and appoint the Queensland Museum Board of Trustees as the new trustee.

10. Transfer of liabilities. (1) On and from the appointed day all liabilities of the Centre Board shall be liabilities of the Museum Board.

(2) Where any liability referred to in subsection (1) is evidenced by a document the Museum Board is deemed to be a party to the document in the stead of the Centre Board.

11. Governor in Council may make provision. If in any case in respect of—

- (a) the transition of the Queensland Transport and Technology Centre from operating under the repealed Act to operating as a branch of the Queensland Museum;
- (b) the continuity of the development, management and administration of the Queensland Museum branch, Coomera resulting from that transition;
- (c) the divesting of property of any kind from the Centre Board and the vesting of the property in the Museum Board; or
- (d) the transfer of assets, entitlements, rights or liabilities of any kind from the Centre Board to the Museum Board,

it appears to the Governor in Council that no provision or no sufficient provision has been made to effectuate such transition, continuity, vesting

or transfer, he may by Order in Council make such provision as he thinks fit with respect thereto providing for and remedying such omission or insufficiency, and such provision shall have effect according to its terms.

PART III—AMENDMENT OF QUEENSLAND MUSEUM ACT 1970-1979

12. Citation. (1) In this Part the *Queensland Museum Act 1970-1979* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Queensland Museum Act 1970-1985*.

13. Amendment of s. 2. Parts and Divisions. Section 2 of the Principal Act is amended by omitting the expression “(ss. 36-39)” and substituting the expression “(ss. 35A-43)”.

14. Amendment of s. 3. Meaning of terms. Section 3 of the Principal Act is amended by—

(a) omitting the definition “Minister” and substituting the following definition:—

““Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes any person who is temporarily performing the duties of the Minister;”;

(b) including in the definition “Museum” after the words “at Brisbane” the words “and any branch of that Museum established, maintained or controlled, or deemed to have been established, by the Board”.

15. Amendment of s. 4. Constitution of Board. Section 4 of the Principal Act is amended by—

(a) inserting after subsection (4) the following subsection:—

“(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”.”;

(b) omitting subsection (5) and substituting the following subsections:—

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

(a) the persons who were members immediately prior to the designated day (other than the permanent head for the time being of the Department or his nominee and the Director of the Queensland Museum) shall

continue in office as members in terms of their appointment thereto;

- (b) one member nominated as prescribed by this Act;
- (c) the permanent head for the time being of the Department or his nominee;
- (d) the Director of the Queensland Museum.

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

(6) Each member who holds the office of chairman or the office of vice-chairman of the Board immediately prior to the designated day shall, whilst he is such a member, be the chairman or, as the case may be, vice-chairman of the Board.”.

16. Amendment of s. 5. Secretary and Chief Executive Officer. Section 5 of the Principal Act is amended by inserting after the words “Queensland Museum” the words “, or in his absence the Deputy Director,”.

17. Amendment of s. 7. Appointment of members of Board. Section 7 of the Principal Act is amended by—

(a) omitting the words “*ex-officio* member” and substituting the words “*ex-officio* members”;

(b) omitting all words from and including “and in the case” to and including the words “be so appointed”.

18. Amendment of s. 8. Term of appointment. Section 8 of the Principal Act is amended by—

(a) inserting after subsection (3) the following subsection:—

“(3A) The person who holds office as a member of the Board pursuant to section 4 (5) (b) shall hold office until the Board is, for the first time after the designated day, constituted afresh and shall be eligible for reappointment.

For the purposes of this section the term “constituted afresh” means the appointment of any members to the Board in the place of any members whose terms of office have expired.”;

(b) omitting subsection (4) and substituting the following subsections:—

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

- (a) three 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; and

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

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

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

(c) inserting in subsection (5) after the words “subsection (4)” the words “or (4A)”;

(d) omitting from subsection (6) the words “paragraph (a) of subsection (4) of”.

19. **New s. 9A.** The Principal Act is amended by inserting after section 9 the following section:—

“**9A. Disqualification from membership of Board.** A person shall be disqualified from becoming or continuing as a member of the Board other than an *ex-officio* member if—

- (a) he has not attained the age of 18 years;
- (b) he is an undischarged bankrupt or is taking advantage of the laws relating to bankruptcy;
- (c) he 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.”.

20. **Amendment of s. 10. Vacation of office of members of Board.** Section 10 of the Principal Act is amended by inserting after subparagraph (b) the following subparagraph:—

“(ba) is disqualified from membership of the Board pursuant to section 9A;”.

21. Amendment of s. 12. Functions of Board. Section 12 of the Principal Act is amended by—

(a) in subsection (1)—

(i) inserting in subparagraph (b) (iii) after the words “and other means” the following expression and words:—

“;
 (iiiia) the operation of workshops for the maintenance and repair of exhibits and other things”;

(ii) inserting after paragraph (c) the following paragraph:—

“(ca) the management, operation and control of the aerodrome constructed or to be constructed at the Queensland Museum branch, Coomera;”;

(iii) omitting the word “and” where it appears after paragraph (d);

(iv) inserting in paragraph (e) after the words “of branches” the following expression and words:—

“; and
 (f) such other acts and things as are prescribed by Order in Council to be functions of the Board”;

(b) in subsection (2), inserting in paragraph (c) after the words “of the Board” the following expression and words:—

“;
 (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 connexion with the use of the buildings comprised in the Museum or its branches;
 (g) authorize, 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 connexion 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".

22. **New s. 13A.** The Principal Act is amended by inserting after section 13 the following section:—

"13A. Committees to assist Board. (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."

23. **Amendment of s. 14. Control of Crown land by Board.** Section 14 of the Principal Act is amended by adding after subsection (2) the following subsection:—

“(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 XI of the *Land Act 1962-1984*.”.

24. **Amendment of s. 19. Meetings of Board.** Section 19 of the Principal Act is amended by omitting from subsection (2) the word “four” and substituting the word “five”.

25. **Repeal of and new s. 21A. Allowances.** The Principal Act is amended by omitting section 21A and substituting the following section:—

"21A. Fees and expenses of members. (1) Each member shall be entitled to be paid such fees as are approved by the Governor in Council in respect of his attendance at meetings of the Board and the discharge of his functions under this Act except, in the case of any such member who is an officer of the

Public Service, in respect of his attendance at meetings or the discharge of his functions during his ordinary hours of duty as such an officer.

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

26. New s. 21B. The Principal Act is amended by inserting after section 21A the following section:—

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

27. Repeal of and new s. 22. Protection of members. The Principal Act is amended by repealing section 22 and substituting the following section:—

"22. Protection of Board and persons acting pursuant to the Act. 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."

28. Amendment of s. 24. Officers. Section 24 of the Principal Act is amended by adding after subsection (5) the following subsections:—

"(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 fixed by the Public Service Board constituted under the *Public Service Act 1922-1978*."

29. New s. 24A. The Principal Act is amended by inserting after section 24 the following section:—

"24A. Honorary assistants. (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."

30. New s. 35A. The Principal Act is amended by inserting after the heading "PART IV—GENERAL PROVISIONS" the following section:—

"35A. Official Collections. (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*."

31. Amendment of s. 37 Reward for information. Section 37 of the Principal Act is amended by omitting from subsection (3) the words "ten dollars" and substituting the expression "\$500".

32. Amendment of s. 39. By-laws. Section 39 of the Principal Act is amended by—

(a) inserting after subsection (2) the following subsections:—

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

- (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 he was in charge of the vehicle at the material time;
- (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 members of the Police Force 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;
 - (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;
 - (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);
 - (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 authorized 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.”;

(b) omitting from subsection (3) the words “forty dollars” and substituting the expression “\$1 000”.

33. New ss. 40 to 43. The Principal Act is amended by adding after section 39 the following sections:—

“40. Regulations. 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.

41. Savings as to Commonwealth powers. 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 1952, as amended, and, without limiting the generality of the foregoing, nothing in this Act shall be construed as authorizing the Board to—

- (a) operate an air transport business or an air service for the carriage of passengers or cargo;
 - (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.

42. Disposal of unclaimed and perishable property. (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 Consolidated Revenue.

(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 1949-1982* 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.

43. Disposal of articles not collected. (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 authorized 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 Consolidated Revenue;

(b) before any thing is sold pursuant to provision (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 provision (a) shall not be held until 30 days have expired since the date of publication of the relevant notice of sale pursuant to provision (b);

(d) a sale of anything pursuant to provision (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.”.