

Queensland



QUEENSLAND ART GALLERY ACT 1987

**Reprinted as in force on 1 November 1994
(includes amendments up to Act No. 52 of 1988)**

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 1 November 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 (s 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)
- relocate marginal or cite notes (s 34)
- 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, 39 and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see Endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **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 renumbered provisions.**

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QUEENSLAND ART GALLERY ACT 1987

[as amended by all amendments that commenced on or before 1 November 1994²]

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

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Queensland Art Gallery Act 1987*³⁻⁸.

Commencement

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

(2) Except as provided by subsection (1) this Act shall commence on a date appointed by proclamation.

Interpretation

5. In this Act—

“**appointed trustee**” means a trustee appointed under section 8(c).

“**Art Gallery**” means the Queensland Art Gallery.

“**Board**” means the Queensland Art Gallery Board of Trustees constituted by section 6.

“**Chairperson**” means the Chairperson of the Board appointed under section 14(1).

“**Deputy Chairperson**” means the person elected Deputy Chairperson of the Board pursuant to section 14(3).

“**Director**” means the Director appointed or deemed to be appointed under section 18.

“**trustee**” means a trustee referred to in section 8.

PART 2—THE QUEENSLAND ART GALLERY BOARD OF TRUSTEES

Division 1—Constitution and Membership

The Board

6.(1) The body corporate constituted by section 4(2) of the *Queensland Art Gallery Act 1959* under the name the Trustees of the Queensland Art Gallery is hereby preserved, continued in existence and constituted as a body corporate under the name and style of the Queensland Art Gallery Board of Trustees.

(2) The Board, by the name assigned to it by subsection (1), shall have perpetual succession and a common seal and, subject to this Act, be capable of—

- (a) suing and being sued;
- (b) compounding or proving in any court of competent jurisdiction all debts and sums of money due to it;
- (c) acquiring, holding, letting, leasing and alienating (by exchange, sale, demise or otherwise) real and personal property or any interest therein, whether situated in Queensland or elsewhere;
- (d) doing and suffering all such other acts and things as bodies corporate may, in law, do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of the Board and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

Consequences of constitution of Board

7.(1) A reference—

- (a) in any other Act or in any proclamation, order in council, regulation, by-law or other instrument or in any document or writing to the Trustees of the Queensland Art Gallery; or
- (b) to the Trustees of the Queensland Art Gallery in any instrument in relation to any gift inter vivos, devise or bequest;

shall be construed as a reference to the Board.

(2) Any proceeding which prior to the commencement of this Act was commenced by or against the Trustees of the Queensland Art Gallery and which is not concluded at such commencement may be continued by or against the Board.

(3) The Registrar of Titles and any other person charged with the keeping of a register of dealings concerning land vested in or held by the Trustees of the Queensland Art Gallery shall without further authority than this section alter the name as shown in such register of the registered proprietor, registered lessee, owner or occupier of land referred to in such register to the Queensland Art Gallery Board of Trustees.

(4) The persons appointed trustees under the *Queensland Art Gallery Act 1959* and in office as such immediately prior to the commencement of this Act shall on such commencement cease to be such trustees.

Membership of Board

8. The Board shall consist of not more than 9 trustees of whom—

- (a) 1 shall be the chief executive for the time being or his or her nominee; and
- (b) 1 shall be the Director for the time being; and
- (c) not more than 7 shall be persons appointed by the Governor in Council on the nomination of the Minister by notification published in the Gazette.

Term of appointment of trustees

9. Every appointed trustee shall be appointed for a term of 3 years and, if otherwise qualified, shall be eligible for further appointment as a trustee.

Casual vacancies

10.(1) If a vacancy occurs in the office of an appointed trustee before the expiration of his or her term of appointment the Governor in Council shall, on the recommendation of the Minister, by notification published in the Gazette appoint a person to fill that vacancy.

(2) A person appointed to fill a vacancy shall be appointed for the balance of the term for which his or her predecessor was appointed and shall, if otherwise qualified, be eligible for reappointment.

Vacation of office

11.(1) The office of an appointed trustee shall become vacant if the trustee—

- (a) dies; or
- (b) resigns office by writing signed by the trustee furnished to the Minister; or
- (c) is absent without prior leave granted by the Board from 3 consecutive meetings of the Board of which due notice has been given to the trustee; or
- (d) ceases to be qualified to continue as an appointed trustee; or
- (e) is removed from office as a trustee by the Governor in Council.

(2) For the purposes of subsection (1)(c)—

- (a) the nonattendance of a trustee at the time and place appointed for a meeting shall not constitute absence from such meeting unless a meeting of the Board at which a quorum is present is actually held on that day; and
- (b) the attendance of a trustee at the time and place appointed for a meeting shall be deemed to constitute presence at a meeting

notwithstanding that, by reason of the lack of a quorum, a meeting is not actually held on that day.

Disqualification from office

12. A person who—

- (a) is an undischarged bankrupt or is taking advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (b) has been convicted in Queensland of an indictable offence or elsewhere than in Queensland in respect of an act or omission that if it occurred in Queensland would have constituted an indictable offence, unless the Minister is of the opinion that the circumstances of the offence do not warrant disqualification from office; or
- (c) is a patient within the meaning of the *Mental Health Act 1974*; or
- (d) has been convicted of the offence referred to in section 32(1);

is not qualified to be or to continue as an appointed trustee.

Removal of trustees

13. The Governor in Council may, for any cause which appears to the Governor in Council to be sufficient, remove any appointed trustee from office.

Chairperson and Deputy Chairperson

14.(1) The Governor in Council, on the recommendation of the Minister, shall appoint a trustee as Chairperson of the Board.

(2) The Chairperson holds office until—

- (a) the appointment of another trustee as Chairperson; or
- (b) the expiration of the term of the Chairperson's appointment as a trustee notwithstanding that the Chairperson is reappointed as a trustee; or
- (c) the Chairperson is removed from office as Chairperson by the

Governor in Council; or

- (d) the Chairperson ceases to be a trustee;

whichever event occurs first.

(3) At the first meeting of the Board and at each meeting next following the expiry of the term of office of a Deputy Chairperson the trustees shall elect a Deputy Chairperson of the Board from among their number.

(4) The term of office of the Deputy Chairperson expires—

- (a) if the Deputy Chairperson ceases to be a trustee; or
- (b) if the Deputy Chairperson resigns as Deputy Chairperson; or
- (c) if the Deputy Chairperson is removed from office as Deputy Chairperson by the Governor in Council; or
- (d) if the term of the Deputy Chairperson's appointment as trustee during which the Deputy Chairperson was elected Deputy Chairperson expires.

(5) The Chairperson or Deputy Chairperson may, by signed writing furnished to the Minister, resign office as Chairperson or Deputy Chairperson, as the case may be.

(6) A retiring Chairperson or Deputy Chairperson is, while he or she is a trustee, eligible for reappointment or re-election, as the case may be.

(7) The Governor in Council may, for any cause which appears to the Governor in Council to be sufficient, remove the Chairperson or Deputy Chairperson from office as such.

Fees and allowances

15.(1) Subject to subsection (2), a trustee shall be entitled to be paid such fees and allowances (if any) as the Governor in Council may from time to time determine.

(2) Fees and allowances shall not be paid to a trustee who is an officer of the public service for attendance at any meeting of the Board wholly held during ordinary office working hours of that officer.

(3) Each trustee shall be paid such expenses as are necessarily incurred

by the trustee in the discharge of duties as a trustee and as the Board approves.

Public Service Act not to apply

16. The provisions of the *Public Service Management and Employment Act 1988* shall not apply to the appointment of a trustee and a trustee shall not as such trustee be subject to the provisions of that Act.

Holders of office not affected by restrictive employment provisions

17. A provision of any enactment requiring the holder of an office to devote the whole of the holder's time to the duties of office or prohibiting the holder from engaging in employment outside the duties of office shall not operate to hinder holding that office and also an appointment as trustee or Chairperson or Deputy Chairperson or, subject to section 15, acceptance and retention of any fee or allowance payable under this Act.

Director and other officers

18.(1) The Governor in Council may from time to time appoint and employ for the purposes of this Act a Director and such other officers as the Governor in Council deems necessary for the effectual administration of this Act.

(2) The Director shall be appointed upon the recommendation of the Minister.

(3) Unless the Governor in Council otherwise determines in a particular case or cases the Director shall be appointed and hold office under, subject to and in accordance with the *Public Service Management and Employment Act 1988*.

(4) Officers, other than the Director, shall be appointed and hold their respective offices under, subject to and in accordance with the *Public Service Management and Employment Act 1988*.

(5) In addition to the officers appointed under subsection (1), the Director may, with the approval of the Board, employ such and so many persons as are necessary to enable the Board to perform its functions.

(6) Persons employed under subsection (5) shall be paid wages at the rate fixed by any industrial award or agreement applicable to their employment and if there is no such award or agreement at a rate approved by the chief executive.

Director to be secretary and chief executive officer

19.(1) The Director shall be the secretary and chief executive officer of the Board.

(2) In the absence of the Director, or where there is a vacancy in that position, the Board may appoint another officer to act as the secretary and chief executive officer.

Division 2—Functions and Powers

Functions

20. The functions of the Board are—

- (a) to control, manage and maintain the Art Gallery and each branch thereof and all property in the possession of the Board; and
- (b) to minister to the needs of the community in any or all branches of the visual arts by—
 - (i) displaying works of art; and
 - (ii) promoting artistic taste and achievement through the illustration of the history and development of the visual arts; and
 - (iii) promoting and providing lectures, films, broadcasts, telecasts, publications and other educational or cultural instruction or material; and
 - (iv) promoting research; and
- (c) to control and manage all land and premises vested in or placed under the control of the Board; and
- (d) to restore and repair works of art in the possession of the Board; and

- (e) to frame and package, and manufacture display materials for, works of art in the possession of the Board; and
- (f) subject to Part 3, to raise, hold, invest and disburse funds for the performance of the aforementioned functions.

Powers

21.(1) Subject to this Act the Board may do all things necessary or convenient to be done in connection with, or as incidental to, the carrying out of its functions and duties.

(2) Without limiting the generality of subsection (1), the Board may—

- (a) make and carry out such contracts, agreements or arrangements as are in its opinion necessary or desirable to enable it to perform properly its functions and duties or any of them;
- (b) let, lease or permit to be used land, buildings or other improvements vested in the Board to or by such persons or bodies and for such purposes as the Board thinks fit;
- (c) authorise, on such terms as it thinks fit, any person to sell any wares within the Art Gallery or any branch thereof;
- (d) provide and maintain such services, facilities and conveniences as it thinks fit for the use and benefit of persons using the Art Gallery or a branch thereof;
- (e) sell to, or otherwise provide for the use of, persons making use of the Art Gallery or a branch thereof any goods or articles;
- (f) purchase or otherwise acquire vehicles, plant and other equipment for use in connection with the Art Gallery or a branch thereof and to sell the same when no longer required;
- (g) acquire any copyright, patent or licence which, in the opinion of the Board, will assist it in performing its functions or exercising its powers and sell or otherwise dispose of any such copyright, patent or licence;
- (h) give, or contribute towards, prizes to be awarded in competitions designed to encourage activities in connection with the visual arts and make grants or give other assistance for that purpose.

Branches

22.(1) The Board, either alone or by agreement or in conjunction with any other person or body, may establish within the State branches of the Art Gallery.

(2) An agreement referred to in subsection (1) shall not be entered into unless the Governor in Council has first approved of its terms.

Power to accept gifts etc.

23.(1) The Board shall have power to acquire by gift inter vivos, bequest or devise any property for any of the purposes of this Act and to agree to the condition of any such gift, bequest or devise.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Board has agreed.

Sale or disposal of certain works of art

24.(1) Where the Board, after having regard to the extent and composition of the works of art for the time being vested in it, adjudges any such work of art to be unfit or not required as part of the collection of the Art Gallery the Board may, notwithstanding the terms of any trust affecting the work of art or of any arrangement or condition made or agreed to by the Board at the time of its acquisition by it—

- (a) sell the work of art or exchange it for another work of art; or
- (b) if the Board adjudges the work of art to be of no saleable value—dispose of it without consideration or destroy it.

(1A) The proceeds of any sale made by the Board in the exercise of the power conferred on the Board by subsection (1)(a) shall, after deduction therefrom of the costs of and incidental to the sale, be held by the Board for the purchase of works of art or other requirements indispensable to an art gallery but exclusive of the payment of rent.

(2) Where a work of art is delivered by any person to and accepted by the Board for exhibition in the Art Gallery or elsewhere or as an entry in any competition conducted or managed by the Board or for any other purpose whatsoever and it is not collected from the Board by that person or by some other person on the person's behalf within a period of 2 years after the date

of its acceptance by the Board, or if the Board has agreed to hold it for a specified period within a period of 2 years after the expiration of that period, the Board may, subject to any arrangement or condition to the contrary made or agreed to by the Board and after giving the notice hereinafter referred to—

- (a) sell the work of art or exchange it for another work of art; or
- (b) if the Board adjudges the work of art to be of no saleable value—dispose of it without consideration or destroy it.

(2A) The proceeds of any sale made by the Board in exercise of the power conferred on the Board by subsection (2)(a) shall, after deduction therefrom of the costs of and incidental to the sale, be held by the Board for the person from whom the work of art was accepted by the Board and if not claimed by that person within a period of 1 year after the date of the sale, for the purchase of works of art or other requirements indispensable to an art gallery but exclusive of the payment of rent.

(2B) The notice hereinbefore required to be given shall be a notice that the Board intends after the expiration of a period of 1 month after the date of the giving thereof to sell, exchange or otherwise dispose of the work of art and such notice shall be deemed to have been given if the Board posts it to the person from whom it accepted the work of art at the address of such person last known to the Board or in the event of an address of such person not being known to the Board then if the Board publishes the notice in a daily newspaper circulating in the State.

(3) Any work of art sold or disposed of by way of exchange or otherwise by the Board purporting to exercise any of the powers conferred on the Board by this section shall vest in the person acquiring it by virtue of such sale or other disposition freed and discharged from all trusts, estates and interest whatsoever.

(4) No person acquiring a work of art from the Board purporting to exercise any of the powers conferred on the Board by this section shall be concerned to inquire whether a case has arisen to authorise the sale or other disposition of the work of art or whether the prescribed notice was given or whether the power was otherwise properly and regularly exercised or to see to the application of any purchase money paid to the Board.

Power to lend and accept on loan works of art etc.

25.(1) The Board may lend or otherwise make available to, or accept on loan from, any person or body works of art, exhibits or other personal property upon such terms and conditions as the Board thinks fit.

(2) Subsection (1) shall be read subject to any by-law made pursuant to section 50(1)(f).

Board subject to direction of Minister

26. In the exercise and performance of its powers, authorities, duties and functions the Board shall, except where it makes a recommendation to the Minister, be subject to the general control and direction of the Minister.

*Division 3—Proceedings and business***Conduct of business**

27.(1) Subject to this Act, the Board shall conduct its business and proceedings at meetings in such manner as it determines from time to time.

(2) Notice of every meeting or adjourned meeting, other than a meeting adjourned to a later hour on the same day on which such meeting was appointed to be held, shall be in writing and shall be given to each trustee at least 7 days prior to the date appointed for such meeting.

Quorum

28.(1) A quorum of the Board shall consist of a majority of the total number of trustees for the time being holding office.

(2) A 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 and perform all the powers, authorities, functions and duties by this Act conferred or imposed upon the Board.

Meetings

29.(1) The Board shall meet at such times and places as it determines.

(2) The Chairperson shall preside at each meeting of the Board at which the Chairperson is present and in the Chairperson's absence the Deputy Chairperson if present shall preside.

(3) If both the Chairperson and Deputy Chairperson are absent from a meeting, a trustee elected at that meeting shall preside.

(4) A trustee elected to preside at a meeting shall, while the trustee presides, have all the powers and functions of the Chairperson.

Minutes

30.(1) The Board shall cause to be recorded in a book provided for the purpose (the “**minute book**”)—

- (a) particulars of all proceedings at meetings of the Board; and
- (b) the names of the trustees present at each meeting of the Board; and
- (c) the names of all trustees voting on any question before the Board on which a division is called.

(2) Every entry in the minute book shall be signed at the meeting of the Board next following the meeting at which the proceedings to which the entry relates were taken by the Chairperson or other person who duly presides at such next following meeting.

(3) Every entry in the minute book purporting to be signed as prescribed and every writing purporting to be a copy of or extract from such an entry (purporting to be certified in writing under the hand of the Chairperson) shall upon its production in any proceeding be evidence, and in the absence of evidence to the contrary conclusive evidence, of the matters contained therein without further proof of the regularity of the meeting to which the entry relates or of any other matter referred to therein.

Conduct of affairs

31.(1) The Board shall exercise or perform a power, authority, function or duty by a majority vote of the trustees present at the meeting and voting

on the business in question.

(2) A trustee who, being present at a meeting and entitled to vote, abstains from voting shall be taken to have voted for the negative.

(3) The person who is duly presiding at a meeting of the Board, if the person is entitled to vote, shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

Disclosure of interest

32.(1) A trustee 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 a corporation consisting of not less than 25 persons) shall, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of his or her interest at a meeting of the Board and if the trustee fails to do so the trustee commits an offence against this Act.

Maximum penalty—10 penalty units.

(2) A disclosure under subsection (1) shall be recorded in the minute book of the Board and the trustee—

- (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 purpose of constituting a quorum of the Board for that deliberation or decision.

(3) In the case of spouses living together the interest of one spouse shall, if it is known to the other, be deemed for the purpose of subsection (1) to be also the interest of that other spouse.

(4) The Board may by its resolution exclude any trustee from a meeting whilst any contract or proposed contract in which the trustee has an interest such as is referred to in subsection (1) is under consideration.

Common seal

33.(1) The common seal of the Board shall be kept in the custody of the Director or, where there is a vacancy in that position, the person duly appointed to act as secretary and chief executive officer of the Board.

(2) The common seal shall not be affixed to any document except by authority of a resolution of the Board and in the presence of the Director (or other person duly appointed to act as secretary and chief executive officer of the Board) and 1 other trustee.

(3) 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.

Power of delegation

34.(1) The Board may by writing under its seal either generally or otherwise as provided by the instrument of delegation delegate to any trustee or to a committee consisting only of trustees or to any officer or employee of the Board all or any of its powers, authorities, functions and duties except the power of delegation, the power to make by-laws and its duties in respect of the preparation of a budget.

(1A) The Board may make such and so many delegations of the same power, authority, function or duty and to such number of persons or committees as it considers necessary or desirable.

(2) A delegation may be made subject to such terms or limitations as the Board thinks fit including a requirement that the delegate shall report to it on the exercise or performance of the delegated power, authority, function or duty.

(3) A power, authority, function or duty so delegated, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(4) A delegation does not prevent or prejudice—

- (a) the exercise of a delegated power or authority or the performance of a delegated function or duty by the Board;
- (b) the exercise by the Board of supervision of the carrying out by the delegate of the terms of the delegation to the extent of countermanding the delegate's exercise of a power or authority or performance of a function or duty under the delegation.

(5) A delegation is revocable at the will of the Board.

(6) Any act or thing done or omitted to be done by a delegate pursuant to

and in accordance with a delegation under this section shall be deemed to have been done or omitted by the Board.

Validity of proceedings

35. An act or proceeding of the Board shall not be invalidated or in any way prejudiced by reason only of the fact that at the time such act was done or proceeding taken there were vacancies in the membership of the Board or there was a defect in the qualification or appointment of any 1 or more trustees.

PART 3—FINANCIAL PROVISIONS

Funds of Board

36.(1) The Board shall establish and maintain the following funds—

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

(2) The General Fund and the Trust Fund shall be kept separate and distinct, each in a separate bank account.

(3) The General Fund shall be intitled the Queensland Art Gallery Fund.

General Fund

37.(1) There shall be paid into the General Fund—

- (a) all moneys appropriated by Parliament from time to time for the purposes of and paid to the Board;
- (b) all other moneys paid to the Board other than moneys required by section 38 to be paid into the Trust Fund.

(2) The Board shall pay from the moneys from time to time standing to the credit of the General Fund liabilities incurred in connection with the exercise and performance of its powers, authorities, functions and duties.

(3) Except to the extent approved by the Minister either generally or in a particular case, the Board shall not make payments in respect of its General Fund in excess of the moneys from time to time standing to the credit of that fund.

(4) The Board may pay to the Trust Fund from the General Fund at the end of each financial year all or part of the moneys then standing to the credit of the General Fund.

Trust Fund

38.(1) In addition to the moneys paid into the Trust Fund pursuant to section 37(4) there shall be paid into that fund—

- (a) moneys paid to the Board for the use of any person or for a specified purpose within the purview of this Act;
- (b) the proceeds of any gift, bequest or devise to which section 23 relates;
- (c) the proceeds of any sale made pursuant to section 24;
- (d) moneys paid to the Board consequent upon any activity undertaken by or on behalf of the Board, or the exercise of a power referred to in section 21(2)(b), (c), (d), (e) or (g).

(2) The Board shall apply the money from time to time standing to the credit of the Trust Fund—

- (a) in a case to which paragraph (b) or (c) does not apply—with the approval of the Minister first obtained for any special purpose approved by a resolution of the Board;
- (b) where the payment of the money to the Board was subject to a special condition—to the uses and purposes for which it was paid;
- (c) where the money was paid pursuant to section 37(4)—in acquiring works of art.

Statutory endowment

39.(1) For the purpose of providing a statutory endowment for the purchase of works of art and other requirements of the Art Gallery and for meeting expenses incurred in or out of the State relative or incidental to

inquiries for or on behalf of the Board that relate to the Art Gallery, there shall be paid by the Treasurer to the Board an annual endowment of such amount as Parliament approves.

(1A) Such endowment shall be paid by 4 quarterly instalments on the first day of January, April, July and October in each year.

(1B) Any moneys payable by the Treasurer under this section shall be paid out of moneys appropriated by Parliament for that purpose.

(2) This section shall not apply to moneys appropriated by Parliament for salaries or wages of the officers and employees appointed or employed for the purposes of this Act.

Payment of grants to Board

40. Subject to appropriation by Parliament of money for the purpose, the Treasurer may pay to the Board by way of grant moneys in such amount and for such purpose as are approved by the Governor in Council on the recommendation of the Treasurer.

Investments

41. The Board is empowered to invest its moneys which are not immediately required for the discharge of its functions or the exercise of its powers in any investment prescribed by section 48 of the *Statutory Bodies Financial Arrangements Act 1982* as a permissible investment for a statutory body within the meaning of that Act and in respect of the Board as such a statutory body the provisions of Part 5 of that Act other than the provisions of sections 49, 50(1) and 52 apply.

Budget

42.(1) Before 31 May in each year, the Board shall prepare and lodge with the Minister a preliminary estimate of its budget in respect of the General Fund wherein it shall estimate as accurately as possible—

- (a) the amount to be disbursed from that fund during the financial year next following in the proper exercise and performance by it of its powers, authorities, duties and functions; and

- (b) the amount to be received into that Fund during the financial year next following.

(2) After Parliament has appropriated the amount referred to in section 39 the Board shall approve, adopt and lodge with the Minister a balanced budget in respect of the General Fund for the financial year referred to in subsection (1).

(3) The budget lodged pursuant to subsection (2) shall have no force or effect until it is approved by the Minister who may amend it in such way as the Minister thinks necessary, except that the Minister may not vary the amount appropriated by Parliament.

(4) When the Minister approves the budget, the budget as approved, whether or not it has been amended pursuant to subsection (3), shall be binding on the Board.

(5) Any disbursement by the Board from the General Fund in the months of July or August in any financial year which may reasonably be regarded as an ordinary disbursement is hereby authorised and shall be included in the budget in respect of that fund for that financial year.

Observance of budget

43.(1) Subject to section 42(5) and subsection (2) of this section, the Board shall confine its disbursements from the General Fund throughout a financial year within the items and amounts contained in its budget in respect of that fund for that financial year as approved by the Minister.

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

- (a) by resolution, approve that such disbursement or excess disbursement be made; and
- (b) obtain the approval of the Minister for an amendment to the budget.

(3) The Board shall ensure that the budget as amended and approved will not then be exceeded in any item or in total by the disbursement or excess disbursement referred to in subsection (2).

Treatment of surplus and deficit

44. If the General Fund contains a surplus or shows a deficit at the end of a financial year the same shall be carried forward and taken into account by the Board in the preparation of its budget pursuant to section 42 for the next following financial year after making proper allowance for any moneys paid to the Trust Fund pursuant to section 37(4) or paid to the General Fund consequent upon a grant made to the Board pursuant to section 40.

Annual report

45.(1) As soon as practicable after the close of each financial year but, subject to subsection (2), in no case later than 3 months after that close the Board shall prepare and furnish to the Minister a report in writing on its operations during that financial year.

(1A) The report shall contain a copy of the financial statements prepared in respect of the Board pursuant to the *Financial Administration and Audit Act 1977* certified by the Auditor-General as required by that Act.

(2) The Minister may in a particular case extend or further extend the period of 3 months referred to in subsection (1) by notice in writing furnished to the Board.

PART 4—MISCELLANEOUS

Reward for information

46.(1) The Board may offer and pay a reward for information relating to the damaging, mutilation or destruction of a work of art, exhibit or other personal property in its possession or the removal of any work of art, exhibit or other personal property from its possession whether such damaging, mutilation, destruction or removal constitutes an offence or not.

(2) If a person is convicted of an offence constituted by such damaging, mutilation, destruction or removal as is referred to in subsection (1) the court by which the person is convicted may, in addition to imposing any penalty, 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 relation to such damaging, mutilation, destruction or removal and where it does so the amount if not paid may be recovered by the Board by action as for a debt in a court of competent jurisdiction.

Protection from liability

47. Liability at law shall not attach to the Crown or any person on account of any act or thing—

- (a) done or omitted to be done pursuant to this Act; or
- (b) done or omitted to be done bona fide for the purposes of this Act and done or omitted to be done without negligence.

Description of property in complaint

48. In any proceeding taken in respect of the stealing, damaging, mutilation or destruction of any work of art, exhibit or other personal property in the possession of the Board or in respect of the removal of any work of art, exhibit or other personal property from the possession of the Board and in which proceeding it is material to prove ownership of the work of art, exhibit or other personal property in question, it shall be sufficient to allege ownership thereof in the Board.

Proceedings

49.(1) A prosecution for an offence against this Act shall be by way of summary proceedings under the *Justices Act 1886* on complaint by a person authorised in that behalf, either generally or in the particular case, by the Board.

(2) The authority of a person to make a complaint referred to in subsection (1) shall be presumed until the contrary is proved.

(3) Proceedings for an offence against this Act may be instituted within 12 months after the commission of the offence or within 6 months after the

commission of the offence comes to the knowledge of the complainant, whichever is the later period.

By-laws

50.(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 Art Gallery or any branch thereof;
- (b) regulating the conduct of the proceedings of the Board including the times, places and conduct of its meetings;
- (c) the management of the affairs of the Board;
- (d) the admission (including charges therefor) or exclusion or removal of the public or any person to or from the Art Gallery or any part thereof or any branch of the Art Gallery or any part thereof or any other building or place of which the Board has the management or control or any part thereof;
- (e) the giving of public lectures;
- (f) the conditions upon which works of art may be lent to or copied by any person or body;
- (g) the protection of property in the possession of the Board from trespass, damage or misuse;
- (h) generally for carrying out the purposes of this Act.

(2) Any by-law made under subsection (1)(a) or (d) with regard to any branch of the Art Gallery shall be subject to any agreement with respect to that branch made under section 22.

(3) The by-laws may impose a penalty for any breach thereof not exceeding 10 penalty units for any 1 offence.

(4) Every by-law made by the Board shall be sealed with the common seal of the Board and shall be submitted for the consideration and approval of the Governor in Council.

(5) Section 28A of the *Acts Interpretation Act 1954* shall apply to by-laws made by the Board and approved by the Governor in Council and, for the purposes of such application, section 28A of that Act shall be read

and construed as if references to regulations were references to by-laws made by the Board.

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 1 November 1994. Future amendments of the Queensland Art Gallery Act 1987 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation**Queensland Art Gallery Act 1987 No. 40**

date of assent 30 April 1987

ss 1–2 commenced on date of assent

remaining provisions commenced 16 May 1987 (proc pubd Gaz 9 May 1987 p 398)

as amended by—

Public Service Management and Employment Act 1988 No. 52 s 44 Sch 3

date of assent 12 May 1988

commenced 18 July 1988 (proc pubd Gaz 16 July 1988 p 2876)

4 List of annotations

Key to abbreviations in list of annotations

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

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

Long title amd R1 (see RA ss 7(1)(k) and 40)

Arrangement

s 3 om R1 (see RA s 36)

Repeal

s 4 om R1 (see RA s 40)

Interpretation

s 5 def **“departmental head”** amd 1988 No. 52 s 44 Sch 3
om R1 (see RA s 39)
def **“financial year”** om R1 (see RA s 39)
def **“Minister”** om R1 (see RA s 39)

Director and other officers

s 18 amd 1988 No. 52 s 44 Sch 3; R1 (see RA s 38)

SCHEDULE

om R1 (see RA s 40)

5 Table of changed names and titlesTABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

| Old | New | Reference provision |
|-------------------------|-----------------------|---|
| Registrar (of Dealings) | Registrar (of Titles) | Lands Legislation Amendment Act 1994 s 119(b) |

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 |
|---------------------------------|---|---|
| Mental Health Services Act 1974 | Mental Health Act 1974 | Health Services Act 1991 s 9.1(2) |
| 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 “Director-General” (or a similar title) | Acts Interpretation Act 1954 s 36 def “chief executive” and ss 33(5B) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2) |
| def “financial year” | Acts Interpretation Act 1954 s 36 |

| | |
|-----------------------------------|--|
| def “Minister” | Acts Interpretation Act 1954 ss 36, 33(1)–(4) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2) |
| references to commencement of Act | Acts Interpretation Act 1954 s 15C(2) |
| references to Queensland implied | Acts Interpretation Act 1954 s 35 |

8 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

| Previous | Renumbered as |
|---------------------|---------------|
| 24(1), 2nd sentence | 24(1A) |
| 24(2), 2nd sentence | 24(2A) |
| 24(2), 3rd sentence | 24(2B) |
| 29(2)(a) | 29(2) |
| 29(2)(b) | 29(3) |
| 29(2)(c) | 29(4) |
| 34(1), 2nd sentence | 34(1A) |
| 39(1), 2nd sentence | 39(1A) |
| 39(1), 3rd sentence | 39(1B) |
| 45(1), 2nd sentence | 45(1A) |