

(Reprint No. 1)

SOUTH AUSTRALIA

SOUTH AUSTRALIAN MUSEUM ACT, 1976

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 15 January 1992.

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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SOUTH AUSTRALIAN MUSEUM ACT, 1976

being

South Australian Museum Act, 1976, No. 21 of 1976 [Assented to 4 March 1976]¹

as amended by

South Australian Museum Act Amendment Act, 1978, No. 78 of 1978 [Assented to 16 November 1978]

South Australian Museum Act Amendment Act, 1980, No. 48 of 1980 [Assented to 3 July 1980]²

South Australian Museum Act Amendment Act, 1985, No. 35 of 1985 [Assented to 11 April 1985]³

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

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

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

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *South Australian Museum Act, 1976*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement of this Act

3. This Act is arranged as follows:—

PART I—PRELIMINARY
PART II—ADMINISTRATION
PART IIA—METEORITES
PART III—MISCELLANEOUS.

Repeal

4. The *Museum Act, 1939*, is repealed.

¹Came into operation 11 March 1976: *Gaz.* 11 March 1976, p. 1132.

²Came into operation 14 August 1980: *Gaz.* 14 August 1980, p. 528.

³Came into operation 12 September 1985: *Gaz.* 12 September 1985, p. 796.

Interpretation

5. In this Act, unless the contrary intention appears—

“the Board” means the Museum Board established under the repealed Act which continues in existence under this Act:

“the Director” means the person for the time being holding, or acting in, the office of Director of the Museum:

“meteorite” means any naturally occurring object that has fallen to earth from beyond the atmosphere, but does not include a tektite:

“the Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor and includes any other Minister who is for the time being discharging the duties of that Minister:

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

“private land” means land alienated from the Crown by grant in fee simple, or by lease or licence:

“the State collection” means all property vested in the Board of scientific or historical interest:

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

PART II
ADMINISTRATION

The Museum Board

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

(2) The Board—

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

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

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

and

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

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

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

Constitution of Board

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

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

Terms and conditions upon which members of the Board hold office

8. (1) A member of the Board shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of his term of office, shall be eligible for re-appointment.

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

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

(a) mental or physical incapacity to carry out satisfactorily the duties of his office;

(b) neglect of duty;

or

(c) dishonourable conduct.

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

(a) he dies;

(b) his term of office expires;

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

or

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

(5) Upon the office of a member of the Board becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office.

Validity of acts of the Board

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

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

The Chairman

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

* * * * *

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

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

Conduct of business by the Board

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

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

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

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

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

Director to attend meetings of Board

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

Functions of the Board

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

(a) to undertake the care and management of the Museum;

(b) to manage all lands and premises vested in, or placed under the control of, the Board;

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

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

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

- (a) receive, take, purchase, hire or accept upon loan, any objects of scientific or historical interest;
 - (b) sell, lend, exchange or dispose of any objects of scientific or historical interest;
- or
- (c) lend or otherwise make available to any institution, body or person carrying out scientific or historical research any object of scientific or historical interest from the State collection.

Director and other officers

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

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

Report

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

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

Accounts

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

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

PART IIA
METEORITES**Property in meteorites to vest in Board**

16a. (1) Subject to this section, the property in all meteorites is vested in the Board.

(2) Where a person was, immediately before the commencement of this Part the owner of a meteorite he shall notwithstanding subsection (1) of this section retain ownership of the meteorite provided that he submits the meteorite for examination and registration by the Board within one year after the commencement of this Part and, if he fails to do so, the property in the meteorite shall, upon the expiration of that period, vest in the Board.

(3) Whenever a person acquires or disposes of the ownership of a meteorite he shall give notice in writing of the acquisition or disposal, to the Board within one month.

Penalty: One hundred dollars.

(4) A court, after convicting a person of an offence under subsection (3) of this section, may order that the meteorite concerned be forfeited to the Board.

(5) In this section "meteorite" means a meteorite that fell to earth in this State (whether before or after commencement of this Part).

Finding of meteorites

16b. (1) The Board may offer and pay rewards—

(a) in respect of the delivery of a meteorite to the Board;

(b) in respect of any information leading to the finding or recovery of a meteorite.

(2) A person who finds a meteorite in this State shall as soon as practicable after the finding notify the Board and furnish any other information that the Board may require.

Penalty: One hundred dollars.

Powers of authorized persons

16c. (1) A person authorized in writing by the Board—

(a) may enter upon any land for the purpose of searching for or examining a meteorite;

and

(b) may take such steps as are reasonable in the circumstances for recovery of the meteorite.

(2) Where an authorized person proposes to exercise powers conferred by this section in relation to private land, he shall give reasonable notice of his intention to do so to the owner or occupier of that land.

(3) A person who obstructs an authorized person acting in the exercise of powers conferred by this section is guilty of an offence and liable to a penalty not exceeding five hundred dollars.

PART III
MISCELLANEOUS

Offences

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

(1a) A person who, without the authority of the Board—

(a) purports to sell a meteorite that is the property of the Board;

or

(b) is in possession of a meteorite that is the property of the Board,

is guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(1b) It is a defence to a charge of an offence under subsection (1a)(b) of this section for the defendant to prove that he was in possession of the meteorite for the purpose of delivering it to the Board.

(2) The court before which any person is convicted of an offence under subsection (1) or (1a) of this section may order that person to pay to the Board compensation for any loss suffered by the Board in consequence of the commission of the offence.

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

Proceedings

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

(2) In any proceedings for an offence against this Act an allegation in the complaint that a meteorite to which the proceedings relate was on a date specified in the complaint the property of the Board shall be deemed to be proved in the absence of proof to the contrary.

Financial provisions

19. (1) Except as provided in subsection (2) of this section, the moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

(2) The Board may borrow money from the Treasurer, or, with the consent of the Treasurer, from any other person.

(3) Any liability incurred by the Board with the consent of the Treasurer under subsection (2) of this section may be guaranteed by the Treasurer.

(4) Any moneys to be paid in pursuance of a guarantee under subsection (3) of this section shall be paid out of the General Revenue of the State which is hereby, to the necessary extent, appropriated.

Regulations

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

- (2) Without limiting the generality of the foregoing, those regulations may—
- (a) make provision in relation to any aspect of the control of the Museum, or the State collection;
 - (b) regulate the proceedings of the Board;
 - (c) prescribe conditions upon which the public or any person may have access to the Museum, or any land or premises under the control of the Board;
 - (d) prescribe and provide for the recovery of charges for admission to the Museum or any part thereof;
 - (e) prescribe and provide for the recovery of charges for any services provided by the Board;
 - (f) provide for the care and custody of the State collection or any part thereof;
 - (g) prescribe terms and conditions upon which any person may have access to, or use, the State collection or any part thereof;
 - (h) provide for the payment of rewards for information of scientific or historical interest;
 - (i) provide for the payment of rewards for information leading to the conviction of any person for an offence against this Act;
 - (j) regulate, restrict or prohibit the driving or parking of motor vehicles on land vested in, or under the control of, the Board;
- and
- (k) prescribe penalties (recoverable summarily) not exceeding five hundred dollars for breach of, or non-compliance with, the provisions of any regulation.
- (3) In any proceedings in respect of an offence against a regulation—
- (a) an allegation in a complaint that a person named therein was the owner of a vehicle referred to therein on a specified day shall be deemed to be proved in the absence of proof to the contrary;
- and
- (b) where it is proved that a vehicle was parked on land vested in or under the control of the board in contravention of a regulation, it shall be presumed, in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.
- (4) Where it is alleged that a person has committed an offence against a regulation relating to vehicular traffic or the parking of motor vehicles, the board may cause to be served personally or by post upon that person a notice to the effect that he may expiate the offence by payment to the board of an amount specified in the notice, being an amount fixed by regulation, within a time fixed by the notice, and if the offence is expiated no proceedings shall be commenced in any court with respect to the alleged offence.

APPENDIX

Legislative History

Section 3:	amended by 48, 1980, s. 3
Section 5:	definition of "meteorite" inserted by 48, 1980, s. 4(a) definition of "private land" inserted by 48, 1980, s. 4(b) definition of "the State collection" amended by 48, 1980, s. 4(c)
Section 7(1):	amended by 35, 1985, s. 3
Section 8(1):	amended by 35, 1985, s. 4(a)
Section 8(3):	amended by 35, 1985, s. 4(b)
Section 8(5):	amended by 35, 1985, s. 4(c)
Section 10(2):	repealed by 35, 1985, s. 5
Section 13(1):	amended by 48, 1980, s. 5
	Part IIA comprising ss. 16a - 16c and heading inserted by 48, 1980, s. 6
Section 17(1a) and (1b):	inserted by 48, 1980, s. 7(a)
Section 17(2):	substituted by 48, 1980, s. 7(b)
Sections 18 and 19:	substituted by 48, 1980, s. 8
Section 20(2):	amended by 78, 1978, s. 2(a); 48, 1980, s. 9
Section 20(3) and (4):	inserted by 78, 1978, s. 2(b)