Australian National Maritime Museum Bill 1989

Date Introduced: 2 May 1989
House: Senate
Presented by: Senator the Hon. Graham Richardson, Minister for the Arts, Sport, the Environment, Tourism and Territories

Digest of Bill

Purpose
To establish the Australian National Maritime Museum (the Museum) which will exhibit, develop, and preserve a national maritime collection.

Background
In 1974 a Committee of Inquiry into Museums and National Collections was established. In its report, delivered in 1975, it recommended that early priority should be given to establishing a National Maritime Museum. The Committee felt that the museum should go beyond the single and very costly exercise of ship restoration and include the history of ships, their cargoes, ports, sea routes and the working life and conditions of the men who manned them.1


The Australian National Maritime Museum Bill 1986, which provided for the establishment of the Museum as a Statutory Authority, was introduced on 30 April 1986 but lapsed with the dissolving of Parliament on 5 June 1987. Pending enactment of the legislation, the Minister appointed an Interim Council to advise on acquisitions and to assist in the development of the Museum. The Museum was scheduled to have opened in October 1988.

The Museum's opening exhibitions will develop six principal themes: the discovery of Australia by early seafarers – the Aborigines, Asians, Dutch, French, British and others; the story of sea-borne migration to Australia, from the convict era to the present; the development of Australian maritime trade; the role of the Royal Navy, the Colonial Navies and the Royal Australian Navy; leisure; and an Australia-US Gallery (funded by a $7 million Bicentennial gift from the US).3 The Museum is scheduled to open in the second half of 1989.
Main Provisions
The Bill will have effect from 1 July 1989 if it receives Royal Assent before that date, or if it receives the Royal Assent after that date, one month after it receives Royal Assent (clause 2).

'Australian maritime history' is given a wide definition that includes the interaction of people and the sea, the history of the marine environment and sea travel to or from Australia (clause 3).

The Australian National Maritime Museum will be established as a corporation by clause 5.

The functions and powers of the Museum are contained in Clauses 6 and 7 and include: to exhibit, acquire, develop, research, preserve and maintain maritime historical material; and to develop sponsorship, marketing and other commercial activities.

Land and buildings under Commonwealth control may be made available to the Museum by the Minister (clause 8).

The Museum is to develop a national maritime collection (clause 9). The Council (see below) may dispose of items in the national maritime collection only if it is satisfied an item is unfit for the collection or not required by the collection and has considered reports from at least two experts on the value of the item to the collection. Ministerial approval will be required for the disposal of items which have a value exceeding $10,000 (clauses 9 and 10).

The Council of the Australian National Maritime (the Council) will be established by clause 11. The functions of the Council will be to ensure the proper and efficient performance of the Museum's functions (clause 12).

The Minister may give directions to the Council which the Council is to comply with (clause 14).

The Council is to consist of a Chairperson, a Director, and between seven and ten other members. Council members will be appointed by the Governor-General and must have some knowledge and experience of Australian maritime history (clause 17).

The Council is to prepare a three year strategic plan which is to set out the way in which the Council will perform its functions. The strategic plan will require Ministerial approval and is to be tabled in Parliament (clauses 25 and 26).

The Council is to prepare an annual operational plan which is to set out the programs the Council proposes to carry out and the resources the Council proposes to allocate to each program. The Minister may direct the Council to revise an operational plan where it is inconsistent with the strategic plan. The Museum is to perform its functions and exercise its powers in a way consistent with the strategic and operational plans (clauses 28 and 29).
Clause 30 provides for the appointment of a Director of the Museum, who will be appointed by the Governor-General, for a period not exceeding seven years. The Director is to manage the affairs of the Museum, subject to the directions or policies of the Council (clauses 30 and 31).

Part 6 of the Bill (clauses 43 – 49) deals with finances. The Minister for Finance may give directions as to how much and when appropriated money is to be paid to the Museum (clause 43). An Australian National Maritime Fund will be established to receive gifts and bequests of money not received on trust (clause 44). Museum money is to be spent only in paying for costs and obligations incurred in the performance of its functions and in payment of remuneration and allowances. The Museum may invest money not immediately required (clause 45). Ministerial approval will be required before the Museum may enter into contracts exceeding $100,000 (clause 47). The Museum will be subject to the Audit Act 1901 and will not be subject to Commonwealth, State or Territory taxes (clauses 48 and 49).

The Museum will have to keep trust funds in a separate trust account (clause 50).

The Governor-General may make regulations, including: for the sale of liquor on Museum premises; for the entry, conduct and removal of people from Museum premises; entry fees and the sale of photographs or replicas of items belonging to the Museum; and penalties not exceeding $500 (clause 54).

References

For further information, if required, contact the Science, Technology and Environment Group.

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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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