MUSEUM OF AUSTRALIA BILL 1980

Date Introduced: 2 April 1980
House: House of Representatives
Presented by: Hon. R.J. Ellicott, Q.C., Minister for Home Affairs and Minister for the Capital Territory.

Short Digest of Bill

Purpose

To establish a Museum of Australia under the general control of a Council and the management of a Director.

Background

This Bill gives effect to a major recommendation of the Committee of Inquiry on Museums and National Collections (Chairman: P.H. Piggott) which reported to Special Minister of State, Senator the Hon. Douglas McClelland, on 5 November 1975:

"We recommend that a Museum of Australia be established in Canberra and that its board of trustees be charged by Act of Parliament with the collecting, preserving, study and display of materials related to the history of man in Australia and the interaction between man and the Australian environment. The new national museum should not attempt to imitate or duplicate those fields in which the older Australian museums are strong, but should concentrate on three main themes or galleries: Aboriginal man in Australia; European man in Australia; and the Australian environment and its interaction with the two-named themes."

Provisions

Cl.2 provides for the Act to come into effect on the day it receives Royal Assent.

(A) Cl.4 establishes the Museum of Australia as a body corporate which may acquire, hold and dispose of real and personal property and which may sue and be sued in its corporate name. Part of the Museum shall comprise a Gallery of Aboriginal Australia (cl.5) using as a matter of policy Aboriginals or Torres Strait Islanders or their descendants as staff in the performance of this function (cl.5(4)).
Other functions of the Museum are to develop and maintain a national collection of historical material (cl.6(1)(a)) exhibit, or make available to others for exhibition, material from the national collection (cl.6(1)(b)), to conduct or assist in research into relevant matters of Australian history (cl.5 (1)(c)), to publicise the Museum and its functions (cl.6(1)(d)) and to use the national collection in the best national interest (cl.6(2)).

Cl.7(1) authorises the Museum to do all things necessary or convenient in performing its functions, including the purchase, hire, or acceptance as a loan or gift of historical materials (cl.7(2)(a) and (b)), to lend or hire out (but not to dispose of) historical material (cl.7(2)(b)), to accept gifts, devises, bequests etc. on trust or otherwise as the Museum accepts conditionally (cl.7(2)(c)), to collect and make available by sale or otherwise information relating to Australian history (cl.7(2)(d)) and reproductions, replicas or other representations of historical materials (cl.7(2)(e)); to occupy and use land made available by the Minister for the Museum's use under cl.8(1), (cl.7(2)(g)), to erect buildings (cl.7(2)(g)), to purchase, hire or accept as a gift or loan furnishings, equipment and other goods (cl.7(2)(j)) and to act as trustees of moneys or property vested in the Museum on trust (cl.7(2)(k)).

The Museum is not required to perform its functions in connection with historical material owned or held by a Commonwealth authority for its own purposes (cl.7(5)). Where the Museum Council so requests, the Minister may transfer to the Museum historical material owned by the Commonwealth (cl.8(2)(a)) or other goods and equipment owned by the Commonwealth which he considers of use to the Museum (cl.8(2)(b)).

Where the Museum Council considers material in the national collection to be unfit for the collection or not required, it may be disposed of by sale, gift, destruction or in exchange for other historical material, provided that the Minister has approved of that disposal if the value of the historical material exceeds $5,000 (cl.9(1),(2),(3) and (4)).

(B) Cl.10 establishes the Council of the Museum of Australia which is responsible for the conduct and control of the affairs and the policy (subject to Cl.5 and 12) of the Museum. The Council shall commence to function when the Minister declares by a notice published in the Gazette that the first members of the Council have been duly appointed (cl.10(4)). The Minister may appoint an Interim Council consisting of such persons as the Minister thinks
fit, for as long as the Minister thinks fit (cl.11(1) and (2)). The Minister may appoint one Interim Council member to be Chairman with authority to convene meetings of the Interim Council (cl.11(3) and (4)). The Interim Council has all the functions and has and may exercise all the powers of the Council (cl.11(5)). The Council and Interim Council shall perform their functions and exercise their powers in accordance with any written directions which the Minister makes (cl.12).

The Council shall consist of a Chairman, the Director and no less than 7 nor more than 10 other members, all except the Director being appointed by the Governor-General with regard to their knowledge and experience in connection with the affairs of the Museum (cl.13(1) and (2). All Members other than the Director are appointed as part time members for a period not exceeding 3 years (cl.13(3). A Deputy Chairman shall be elected by the members from the part time members (cl.14). A part time member may, with the Minister's approval, appoint a person other than a member to be deputy and to perform the member's duties until the member revokes the appointment of the deputy (cl.15).

Remuneration of part-time members, their deputies or members of committees appointed under cl.21 shall be paid such remuneration as is determined by the Remuneration Tribunal or as is prescribed if there be no such determination, and such allowances as are prescribed (cl.16). The Governor-General may terminate the appointment of a part-time member for specified reasons (cl.17) and the part-time member may resign his office (cl.18). Members who have a direct or indirect, specified pecuniary interest in a matter being or about to be considered by the Council shall disclose his interest, which shall be recorded in the minutes, and shall not take part in any deliberation or decision of the Council on the matter (cl.19). The Minister shall be informed of such a disclosure (cl.19(3)).

The Chairman or the Deputy Chairman when acting as Chairman shall convene such meetings of the Council as he considers necessary for the efficient conduct of its business, or at the written request of not less than 4 members of the Council, or at any time at the instigation of the Minister (cl.20). Seven members present at a meeting shall constitute a quorum (cl.20(6)). The Council may constitute such committees of members and non-members as it thinks necessary for its purposes (cl.21). Provision is made for the Council to delegate any or all of its powers (cl.22).
(C) The Director of the Museum shall be appointed by the Governor-General (cl.23(1)) for a period not exceeding 7 years (cl.24(1)) and, subject to the general directions of the Council of the Museum, shall manage the affairs of the Museum (cl.23(2)). The Director shall be paid in similar fashion to the members (cl.25) and the Governor-General may terminate the Director's appointment on a number of general and specific grounds set out in cl.27(1) and (2). The Director may resign his office (cl.28). When necessary the Minister may appoint an acting Director for a period no more than 12 months, the terms and conditions of appointment to be specified in the instrument of appointment, (cl.29(1) and (2). The Minister may terminate such an appointment at any time (cl.28(3)(b)). An acting Director has and may exercise all the powers of the Director (cl.29(6)).

(D) The staff of the Museum shall, subject to cl.31, be persons appointed employed under the Public Service Act 1922, and shall perform their duties and functions according to the Director's directions (cl.30). Cl.31 provides that the Council of the Museum may arrange for the services of employees of other specified Commonwealth or State Government Departments or bodies to be made available to the Museum. With the approval of the Public Service Board and under such terms and conditions as the Board approves, the Director may engage consultants to the Museum (cl.32).

(E) Finance. Cl.33 provides for Parliament to appropriate from time to time moneys for the purposes of the Museum. The Council of the Museum shall prepare annual estimates of expenditure and submit them to the Minister, and moneys paid under cl.33 shall be expended in accordance with those estimates (cl.34). Under cl.37 the Museum shall not enter into contracts under which it is to pay or receive more than specified sums of money without the approval of the Minister. Provision is made in cl.38 for the financial affairs of the Museum to be audited.

(F) Miscellaneous: Cl.40 provides that an officer of the Australian Public Service, or a person to whom the Officers' Rights Declaration Act 1928 applies shall retain his existing and accruing rights when appointed Director of the Museum. Provision is made for the Minister to delegate his powers under this Bill (cl.42) and for regulations not inconsistent with this Bill to be prescribed (cl.44).