

Museums Bill 1983

EXPLANATORY NOTES

The object of this Bill is to constitute the Museum of Victoria as a replacement for the Councils of the Science and National Museums, and to constitute a Museums Advisory Board to provide advice to the Minister on matters of general policy relating to museums in Victoria.

NOTES ON CLAUSES

PART I—PRELIMINARY

Clause 1 gives the short title of the Act, provides for the Act to come into operation on a day or respective days to be fixed by proclamation and indicates the various Parts and Divisions of the Act.

Clause 2 is a general interpretation provision.

PART II—MUSEUMS ADVISORY BOARD

Clause 3 is an interpretation provision relating to the Museums Advisory Board.

Clause 4 Constitutes the Museums Advisory Board and provides for a chairman and members to be appointed by the Minister. Provision is made for terms of office, conditions of appointment and re-appointment, removal from office, vacancy of office and payment of allowances and expenses.

Clause 5 provides for regulation of the proceedings of the Board.

Clause 6 makes provision for the Minister to formulate or approve Victorian **Museums Guidelines and for their availability.**

Clause 7 sets out the functions of the Board.

Clause 8 requires that the Board furnish to the Minister an annual report which should be tabled in both Houses of Parliament.

PART III—COUNCIL OF THE MUSEUM OF VICTORIA

DIVISION 1—INTERPRETATIONS

Clause 9 is an interpretation provision relating to Council of the Museum of Victoria.

DIVISION 2—CONSTITUTION OF THE COUNCIL OF THE MUSEUM OF VICTORIA

Clause 10 establishes the Council of the Museum of Victoria as a body corporate.

Clause 11 constitutes the Council of the Museum of Victoria with its President and members being appointed by the Governor in Council. The clause sets out the terms and conditions of appointment and provides for the removal of members from office, vacancies, granting of leave, exemption from the provisions of the Public Service Act and payment of allowances and expenses.

Clause 12 provides for regulation of the proceedings of the Council.

Clause 13 requires a member of the Council to disclose any financial interest he has in a matter before the Council. A record of the disclosure is required to be made in the minutes of the meeting.

Clause 14 provides for indemnity by the Treasurer in certain instances for a member or former member of the Council who is personally liable to make payment by way of compensation or reimbursement for an act done or omitted to be done by him while a member of the Council.

Clause 15 provides for the establishment of a Buildings Management Committee and such other committees as the Council may form; Committee functions, composition and dissolution.

Clause 16 provides for Council to delegate any of its powers or functions through a formal instrument of delegation to any committee established under section 15 or officer or member of staff.

DIVISION 3—OFFICERS AND EMPLOYEES

Clause 17 provides for a Director of the Museum of Victoria to be appointed by the Governor in Council, his terms and conditions, removal from office, resignation and vacancy of office.

Clause 18 provides that any person who immediately prior to being appointed as Director—

- (a) was an officer of the public service or was engaged or employed in an eligible office shall be eligible to be reappointed by the Public Service Board at the termination of his appointment as Director;
- (b) was an officer within the meaning of the Superannuation Act 1958 shall continue to be an officer within the meaning of that Act.

Clause 19 provides that the Director of the Museum is under a duty to satisfy the permanent head of the Ministry for the Arts that monies are expended and staff are deployed in accordance with Council's objectives and functions.

Clause 20 provides for the appointment of other officers and employees as are necessary.

Clause 21 enables Council to engage consultants and technical advisers subject to the approval of the Minister.

DIVISION 4—OBJECTIVES, FUNCTIONS AND POWERS OF THE COUNCIL

Clause 22 sets out the objectives of the Council and provides that in performing its functions and exercising its powers Council shall represent the Crown in the right of the State and be subject to the general direction and control of the Minister.

Clause 23 sets out the functions of the Council.

Clause 24 sets out the powers of the Council and stipulates the conditions for sale, lease or disposal of any part of a State Collection.

Clause 25 provides for the disposal of unclaimed property with the approval of the Governor in Council after written and published notices of intention and a minimum period of six months.

Clause 26—

Sub-clause (1) establishes the Museum of Victoria as the official place of lodgement of the State Collections of natural history (including collections of type specimens), the history of human society and the history of science and technology.

Sub-clause (2) provides that a Department shall not dispose of any material that forms a collection or part of a collection in the fields indicated in sub-clause (1) without first submitting that material to the Council.

Sub-clause (3) requires that Council determine as soon as practicable whether material submitted is appropriate for inclusion in a State collection.

Sub-clause (4) provides for material to be included in a State collection.

Sub-clause (5) provides an interpretation of Department for the purposes of this clause.

Clause 27 provides for the Museum land to be vested in the Council of the Museum of Victoria.

DIVISION 5—FINANCIAL

Clause 28 requires the Council to establish a bank account into which all monies received by or paid to the Council shall be paid. Money in such account may be applied by Council only for or towards costs and expenses incidental to the performance of its powers and functions. It also provides that money in the account may be invested by the Council.

Clause 29 sets out the borrowing powers of the Council which are subject to such terms, conditions and limits as the Treasurer imposes. The repayment of any money, interest charges and expenses in favour of any creditor lending money to the Council is guaranteed by the Government of Victoria.

Clause 30 requires the Council to keep proper accounts and records and to prepare a statement of accounts at the end of each financial year and provides for such accounts to be audited by the Auditor-General. Council may engage a registered company auditor to carry out intermediate inspections and audits. It also provides that the Council is to produce an annual report which will be tabled in both Houses of Parliament by the Minister.

DIVISION 6—REGULATIONS

Clause 31 provides that the Governor in Council may make regulations.

DIVISION 7—TRANSITORY PROVISIONS

Clause 32 is an interpretation clause relating to the transitory provisions.

Clause 33 provides for the repeal or amendment of Acts mentioned in the First Schedule, the dissolution of those bodies established under the repealed Acts and that Council is the successor in law of those bodies.

Clause 34 provides for the transfer of property from the dissolved bodies to the Council and authorises and directs the Registrar of Titles and Registrar-General to make the necessary cancellations and entries. It further provides that the Library Council of Victoria shall continue to use Museum land and buildings for the purposes of a public library.

Clause 35 details the transitional provisions.

Clause 36 provides for the allocation of property pursuant to certain bequests and trusts.

FIRST SCHEDULE

Clause 4—The financial and reporting provisions of the Library Council of Victoria are embodied in the *State Library National Gallery National Museum and Institute of Applied Science Act 1960* which is repealed by this schedule. This clause, therefore, amends the *Library Council of Victoria Act 1965* which constitutes that body, by the inclusion of financial and reporting provisions. These provisions are consistent with the Council of the Museum of Victoria financial and reporting provisions detailed earlier in this Bill.

