

MUSEUM OF TECHNOLOGY AND APPLIED SCIENCE ACT.

Act No. 31, 1945.

**George VI.
No. 31, 1945.**

An Act to provide for the constitution of a body corporate to be known as The Trustees of the Museum of Technology and Applied Science and to define its powers, authorities, duties and functions; to vest certain property in that body corporate; and for purposes connected therewith. [Assented to, 7th November, 1945.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title
and com-
mencement.**

1. (1) This Act may be cited as the "Museum of Technology and Applied Science Act, 1945."

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions.

2. In this Act unless the context or subject matter otherwise indicates or requires—

"Museum" means the Museum of Technology and Applied Science.

"Prescribed" means prescribed by this Act or the regulations.

"Trustees" means the trustees by this Act incorporated under the name of "The Trustees of the Museum of Technology and Applied Science."

Trustees.

3. (1) There shall be appointed seven trustees as hereinafter provided who, subject to the control and direction of the Minister, shall carry into effect the objects

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objects and purposes of this Act, and shall have and may exercise and perform the powers, authorities, duties and functions conferred and imposed on the trustees by or under this Act. No. 81, 1945.

(2) The trustees are hereby constituted a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing, holding, granting, demising, disposing of or otherwise dealing with real and personal property and of doing all such other acts and things as bodies corporate may by law do and suffer :

Provided that the trustees shall not sell, mortgage, demise or otherwise dispose of any real property without the approval of the Governor.

(3) The corporate name of the trustees shall be "The Trustees of the Museum of Technology and Applied Science."

4. (1) (a) Five of the trustees shall be appointed by the Governor on the nomination of the Minister. Appoint-
ment of
trustees.

(b) The remaining two trustees shall be appointed by the Governor on the nomination of the trustees appointed pursuant to paragraph (a) of this subsection.

(2) No person of or above the age of seventy years shall be eligible for appointment under this Act as a trustee.

(3) Subject to this Act the trustees shall hold office for a term of four years and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of four years.

(4) The trustees first appointed under this Act shall be divided by the Governor into two groups, one comprising three trustees and the other four trustees.

The trustees comprising the group of three shall subject to this Act hold office for a term of two years only.

The trustees who under this subsection are to hold office for two years only shall, upon the expiration of their term of office, if otherwise qualified, be eligible to be reappointed from time to time for a further term of four years.

(5)

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(5) (a) Where a vacancy occurs in the office of a trustee before the expiration of his term of office the casual vacancy so arising shall, subject to this Act, be filled in the same manner in all respects as if the vacancy occurred by reason of the expiration of the term of office of such trustee.

(b) The trustee filling any such casual vacancy shall, subject to this Act, hold office as trustee until the time when his predecessor's term of office would have expired, and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of four years.

Vacancies—
how caused.

5. (1) A trustee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1944;
- (d) is absent from three consecutive ordinary meetings of the trustees without leave granted by the trustees before the expiration of six weeks after the last of such aforesaid meetings;
- (e) is removed from office by the Governor.

(2) A trustee shall be deemed to have vacated his office on the day upon which he attains the age of seventy years.

Power of
Governor to
remove from
office.

6. The Governor may, for any cause which appears to him to be sufficient, remove any trustee from office.

Public Ser-
vice Act not
to apply.

7. The provisions of the Public Service Act, 1902, or any Act amending that Act, shall not apply to the appointment of any trustee, and a trustee shall not, as such trustee, be subject to the provisions of any such Act.

President.

8. (1) The trustees shall elect one of the trustees to be president. The president shall hold office as such for a term of one year but shall be eligible for re-election.

Where

Where the office of a president elected under this section becomes vacant before the expiration of his term of office as president, a president shall be elected to fill the vacancy by the trustees from amongst their number at a meeting of trustees specially convened for the purpose. Subject to this Act the president so elected shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for re-election from time to time as president. No. 31, 1945.

(2) At every meeting of the trustees the president shall preside.

In the absence of the president from a meeting a chairman selected from amongst their number by the trustees present at the meeting shall preside at the meeting.

9. (1) The procedure for the calling of meetings of the trustees and the conduct of business at such meetings shall, subject to any regulations in relation thereto, be as determined by the trustees. Procedure,
quorum, etc.

(2) Any four trustees shall be a quorum for the purposes of any meeting of the trustees.

(3) (a) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees and shall have and may exercise all the powers and authorities by this Act conferred upon the trustees.

(b) A decision of the majority of trustees present at a meeting of the trustees shall be the decision of the trustees.

(4) The common seal shall be kept in the custody of the president or such other trustee as the trustees may determine, and shall not be affixed to any instrument or writing, except in the presence of a quorum; and the trustees in whose presence the seal is affixed shall attest by their signatures the fact and date of the seal being so affixed.

(5) No act or proceeding of the trustees shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy in the office of any trustee or any person not qualified or ceasing to be qualified may have acted as a trustee.

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Officers and employees.

10. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint and employ such officers and employees as may be necessary for the purposes of this Act.

(2) The officers and employees so appointed or employed shall be subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, during their tenure of office or employment.

Property vested in trustees.

11. (1) Subject to this Act and the regulations the trustees shall have the control and management of all property vested in the trustees.

(2) All real and personal property and all right and interest therein which at the commencement of this Act is vested in or held by any person in trust for or on behalf of or for the purposes of the Sydney Technological Museum or any of its branches shall vest in and belong to the trustees for the purposes of this Act.

All property vested in the trustees by the operation of this subsection shall be held by them subject to the conditions or trusts on which it was held immediately before such vesting.

Power to accept gifts, etc. Act No. 8, 1937, s. 11.

12. (1) The trustees shall have power to acquire by gift, 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 condition of a gift, bequest or devise to which the trustees have agreed.

(3) Any gift, bequest or devise made to the Museum or the trustees shall be exempt from the payment of death duty under Part IV of the Stamp Duties Act, 1920-1940.

Branches.

13. The trustees may establish, maintain and control branches of the Museum within New South Wales and may delegate to any officers or employees of such branches such powers and duties as the trustees may by resolution determine:

Provided that the Governor on the recommendation of the Trust may appoint advisory committees to assist the Trust and its officers in respect to such branch museums.

14.

14. The trustees shall have the following objects and may exercise any or all of the following functions:—

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Objects and functions of trustees.

- (a) the control and management of the Museum;
- (b) the maintenance and administration of the Museum in such manner as will effectively minister to the needs and demands of the community in any or all branches of applied science and art and the development of industry by—
 - (i) the display of selected objects arranged to illustrate the industrial advance of civilisation and the development of inventions and manufactures;
 - (ii) the promotion of craftsmanship and artistic taste by illustrating the history and development of the applied arts;
 - (iii) lectures, broadcasts, films, publications and other educational means;
 - (iv) scientific research; or
 - (v) any other means necessary or desirable for the development of the natural resources and manufacturing industries of New South Wales.

15. For the purpose of providing a statutory endowment for the purchase of specimens of applied science and art and other requirements of a museum of technology and applied science, including expenses incurred in or out of New South Wales relative to or incidental to investigations or inquiries for or on behalf of the Museum but exclusive of payment of salaries of officers and employees and working expenses of the Museum there shall be paid by the Colonial Treasurer to the trustees an annual endowment of one thousand pounds or such larger amount as Parliament approves. Such endowment shall be paid by four equal quarterly instalments on the first day of January, April, July and October in each year.

Statutory endowment.

Any moneys payable by the Colonial Treasurer under this section shall be paid out of moneys provided by Parliament.

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Annual
report.

16. The trustees shall as soon as practicable and not more than three months after the thirty-first day of December in each year cause a report of its work and activities during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament.

Accounts.

17. (1) The trustees shall as soon as practicable and not more than three months after the thirtieth day of June in each year prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the trustees.

(2) The accounts of the trustees shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same shall apply to the trustees and officers and employees in the same manner as it applies to accounting officers of public departments.

Regulations.

18. (1) The Governor may, upon the recommendation of the trustees, make regulations not inconsistent with this Act, for and with respect to—

- (a) the general management and control of the Museum and its branches;
- (b) for regulating the conduct of the proceedings of the trustees, including the times, places and conduct of their meetings;
- (c) the admission (including charges therefor) or exclusion of the public or any person to or from the Museum and its branches or any part thereof;
- (d) the conditions upon which exhibits or specimens may be borrowed by any person; and
- (e) generally for carrying out the purposes of this Act.

(2) Such regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and

(c)

- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not then within fourteen sitting days after the commencement of the next session. **No. 31, 1945.**

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(3) The regulations may impose a penalty not exceeding twenty pounds for any breach thereof. Any such penalty may be recovered before a stipendiary or police magistrate or any two justices in petty sessions.
