

Act No. 141 of 1989

**MINING (GEOLOGICAL AND MINING MUSEUM)
AMENDMENT BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Mining Act 1973 to create a body (the Geological and Mining Museum Trust) which will be responsible for the control and management of the Geological and Mining Museum and to specify the functions of that body.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 gives effect to the Schedule of amendments to the Principal Act.

Clause 4 is a formal provision giving effect to the Schedule of amendments to other Acts.

SCHEDULE 1 - AMENDMENTS

Schedule 1 (1) inserts a new Part 9A into the Principal Act. The proposed Part contains sections 169A - 169U.

Proposed section 169A defines expressions used in the proposed Part.

Museum Trust

Proposed section 169B constitutes a corporate body to be called the Geological and Mining Museum Trust. The Trust will consist of 9 members appointed by the Governor on the recommendation of the Minister.

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Proposed section 169C states the objects of the Trust. These include promoting the responsible development and use of mineral and energy resources in New South Wales.

Proposed section 169D confers various functions on the Trust including control and management of the Geological and Mining Museum.

Trust property

Proposed section 169E provides that the Trust may acquire property conditionally and may retain property in the form in which it was acquired.

Proposed section 169F enables the Trust, with the approval of the Governor, to sell or mortgage land or any property acquired by gift or under a will.

Proposed section 169G empowers the Minister to vest Crown property in the Trust.

Administration

Proposed section 169H provides for the employment, under the Public Sector Management Act 1988, of a Director of the Museum and of staff of the Museum. It also enables the Trust to engage consultants.

Proposed section 169I makes the Director of the Museum responsible for managing the Museum but subject to the direction of the Trust.

Proposed section 169J provides that the Trust may establish committees.

Financial provisions

Proposed section 169K states that the financial year of the Trust is the year commencing on 1 July but may be changed by the Treasurer under the Public Finance and Audit Act 1983.

Proposed section 169L requires the Trust to establish a Trust Account in a bank in New South Wales and to pay all money received by the Trust into the account. The funds of the Trust are to be applied only in paying expenses incurred by the Trust in exercising its functions.

Proposed section 169M provides that where the investment of particular funds by the Trust is controlled by special conditions attaching to those funds, those conditions are not affected by sections 169N - 169P.

Proposed section 169N authorises the Trust to invest its funds in a manner specified in the section, including investment in accordance with the Trustee Act 1925 and the Public Authorities (Financial Arrangements) Act 1987. It also enables the Trust to obtain financial accommodation.

Proposed section 169O authorises the Trust to pool its investments.

Proposed section 169P provides for the distribution of income from an investment pool.

Proposed section 169Q provides that the identity or nature of funds held by the Trust is not affected by the pooling of those funds for investment purposes.

Miscellaneous

Proposed section 169R requires the Trust to report to the Minister on the activities of the Trust.

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Proposed section 169S provides for the delegation of functions by the Trust and the Director.

Proposed section 169T protects trustees from personal liability for anything done by them in good faith in the execution of their official duties.

Proposed section 169U enables the Trust to recover charges and other money due as a debt.

Schedule 1 (2) amends section 195 of the Principal Act to empower the making of regulations generally for the purposes of the proposed Trust.

Schedule 1 (4) inserts a new Sixth Schedule into the Principal Act.

Part 1 of that Schedule relates to the trustees of the proposed Trust. It enables deputies to be appointed when vacancies arise and provides that the term of office of a trustee is to be no more than 3 years (re-appointment being permissible for up to 3 consecutive terms). Other provisions deal with allowances, removal from office of and vacation of office by trustees, the appointment of a Chairperson and disclosure of pecuniary interests by trustees.

Part 2 of that Schedule deals with the procedure at meetings of the Trust, including voting, the taking of minutes of meetings and determining who shall preside.

Savings and transitional provisions

Schedule 1 (3) contains an amendment which gives effect to Part 3 of the proposed Sixth Schedule. Part 3 contains provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

It enables the appointment of trustees to take effect from the date the proposed Act commences.

Provision is made for the vesting of the Museum collections in the Trust.

The Trust is made responsible for pursuing any existing claims recoverable by the Museum and for existing liabilities of the Museum.

SCHEDULE 2 - AMENDMENT OF OTHER ACTS

The Public Authorities (Financial Arrangements) Act 1987 is amended to apply the borrowing and other provisions of that Act to the Trust.

An amendment is made to the Public Finance and Audit Act 1983 to bring the Trust under the auditing and finance provisions of that Act relating to statutory bodies.
