

Museum of Applied Arts and Sciences Act 1945 No 31

[1945-31]



New South Wales

Status Information

Currency of version

Historical version for 4 January 2013 to 14 July 2015 (accessed 6 October 2024 at 18:30)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Previously named**
Museum of Technology and Applied Science Act 1945
- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act 2015 No 15](#) (not commenced — to commence on 15.7.2015)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 29 June 2015

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New South Wales

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Museum of Applied Arts and Sciences Act 1945 No 31



New South Wales

An Act to provide for the constitution of a body corporate to be known as The Trustees of the Museum of Applied Arts and Sciences and to define its powers, authorities, duties and functions; to vest certain property in that body corporate; and for purposes connected therewith.

1 Name of Act and commencement

- (1) This Act may be cited as the *Museum of Applied Arts and Sciences Act 1945*.
- (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Definitions

- (1) In this Act unless the context or subject matter otherwise indicates or requires:

Museum means the Museum of Applied Arts and Sciences.

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 Applied Arts and Sciences”.

- (2) Notes included in this Act do not form part of this Act.

3 Trustees

- (1) There shall be appointed nine trustees as hereinafter provided who, subject to the control and direction of the Minister, shall carry into effect the 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.
- (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 Applied Arts and Sciences”.

4 Appointment of trustees

- (1) The trustees are to be appointed by the Governor on the nomination of the Minister.
- (2) The trustees must include:
- (a) at least 1 person who has knowledge of, or experience in, the arts or sciences, and
 - (b) at least 1 person who has knowledge of, or experience in, education.
- (3) A trustee is to hold office for such period, not exceeding 3 years, as is specified in the trustee’s instrument of appointment but is, subject to subsection (4), eligible for re-appointment.
- (4) A trustee is not to hold office for 4 consecutive terms.
- (5) On the occurrence of a vacancy in the office of a trustee otherwise than by the expiration of the trustee’s term of appointment, the Governor may, on the nomination of the Minister, appoint a person to fill the vacant office for the residue of the term of office of his or her predecessor.
- (5A) For the purposes of subsection (4) only, an appointment under subsection (5) does not constitute (and is taken never to have constituted) an appointment for a term of office.
- (6) (Repealed)

5 Vacation of office

- (1) A trustee is taken to have vacated office if the trustee:
- (a) dies, or
 - (b) resigns office by instrument in writing addressed to the Governor, or
 - (c) becomes a mentally incapacitated person, or
 - (d) is absent from 3 consecutive meetings of the trustees without leave granted by the trustees before the expiration of 6 weeks after the last of those meetings, or

(e) is removed from office by the Governor.

(2) A trustee is taken to have vacated office on the day on which the trustee attains the age of 70 years.

6 Power of Governor to remove from office

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

7 Application of *Public Sector Employment and Management Act 2002*

The *Public Sector Employment and Management Act 2002* (other than Chapter 5) does not apply to or in respect of the appointment of a trustee.

8 President and Deputy President

(1) The President of the Trustees shall be such trustee as the Minister nominates as President of the Trustees.

(2) The trustees may nominate one of their number as Deputy President of the Trustees.

(3) The President and Deputy President hold office until successors are nominated under this section or until they cease to be trustees, whichever first occurs.

(4) At a meeting of the Trustees:

(a) the President,

(b) in the absence of the President, the Deputy President (if any), or

(c) in the absence of the President and Deputy President, another trustee elected to chair the meeting by the trustees present,

shall preside.

8A Disclosure of pecuniary interests

(1) If:

(a) a trustee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the trustees, and

(b) the interest appears to raise a conflict with the proper performance of the trustee's duties in relation to the consideration of the matter,

the trustee must, as soon as possible after the relevant facts have come to the trustee's knowledge, disclose the nature of the interest at a meeting of the trustees.

(2) A disclosure by a trustee at a meeting of the trustees that the trustee:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subsection (1).

- (3) Particulars of any disclosure made under this section must be recorded by the trustees in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the trustees.
- (4) After a trustee has disclosed the nature of an interest in any matter, the trustee must not, unless the trustees otherwise determine:
 - (a) be present during any deliberation of the trustees with respect to the matter, or
 - (b) take part in any decision of the trustees with respect to the matter.
- (5) For the purposes of the making of a determination by the trustees under subsection (4), a trustee who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
 - (a) be present during any deliberation of the trustees for the purpose of making the determination, or
 - (b) take part in the making by the trustees of the determination.
- (6) A contravention of this section does not invalidate any decision of the trustees.
- (7) This section applies to a member of a committee of the trustees and the committee in the same way as it applies to a trustee and the trustees.

9 Procedure, quorum etc

- (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.
- (2) Any five 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.

9A Transaction of business outside meetings or by telephone

- (1) The trustees may, if they think fit, transact any of their business by the circulation of papers among all the trustees for the time being, and a resolution in writing approved in writing by a majority of those trustees is taken to be a decision of the trustees.
- (2) The trustees may, if they think fit, transact any of their business at a meeting at which trustees (or some trustees) participate by telephone, closed-circuit television or other means, but only if any trustee who speaks on a matter before the meeting can be heard by the other trustees.
- (3) For the purposes of:
- (a) the approval of a resolution under subsection (1), or
 - (b) a meeting held in accordance with subsection (2),
- the President and each trustee have the same voting rights as they have at an ordinary meeting of the trustees.
- (4) A resolution approved under subsection (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the trustees.
- (5) Papers may be circulated among the trustees for the purposes of subsection (1) by facsimile or other transmission of the information in the papers concerned.

10 (Repealed)

11 Property vested in trustees

- (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.

12 Power to accept gifts, bequests or devises

- (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) The *Duties Act 1997* does not apply to or in respect of any gift, bequest or devise made or to be made to the Museum or the trustees.

13 Branches

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 Objects and functions of trustees

- (1) The trustees shall have the following objects and may exercise any or all of the following functions:
 - (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.

(2) The trustees cannot employ any staff.

Note—

Staff may be employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to enable the trustees to exercise their functions.

15 Statutory endowment

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 Treasurer to the trustees an annual endowment of two thousand dollars 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.

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

16 Personal liability

- (1) A matter or thing done or omitted to be done by the Trustees, a trustee, the principal officer or a person acting under the direction of the Trustees or the principal officer does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this Act, subject a trustee, the principal officer or a person so acting personally to any action, liability, claim or demand.
- (2) In this section, **principal officer** means the member of staff responsible for the day-to-day management and administration of the Museum.

17 (Repealed)

18 Regulations

- (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) (Repealed)

(3) The regulations may impose a penalty not exceeding 0.5 penalty unit for any breach thereof.

(4) Proceedings for an offence against the regulations are to be dealt with summarily before the Local Court.

19 Savings, transitional and other provisions

Schedule 1 has effect.

Schedule 1 Savings, transitional and other provisions

(Section 19)

1 References to Museum of Technology and Applied Science

A reference in any other Act or any instrument or document of any kind to the Museum of Technology and Applied Science shall be read as a reference to the Museum of Applied Arts and Sciences.

2 Provision consequent on enactment of [Statute Law \(Miscellaneous Provisions\) Act 2009](#)

The amendment to section 4 (3) made by the [Statute Law \(Miscellaneous Provisions\) Act 2009](#) does not affect the term of office that a person holds as a trustee immediately before the amendment took effect.