



# **National Museum of Australia Act 1980**

## **Act No. 115 of 1980 as amended**

This compilation was prepared on 8 February 2012  
taking into account amendments up to Act No. 46 of 2011

The text of any of those amendments not in force  
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be  
affected by application provisions that are set out in the Notes section

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# An Act to make provision for the establishment of a National Museum of Australia

## Part I—Preliminary

### 1 Short title [see Note 1]

This Act may be cited as the *National Museum of Australia Act 1980*.

### 2 Commencement [see Note 1]

This Act shall come into operation on the day on which it receives the Royal Assent.

### 3 Interpretation

(1) In this Act, unless the contrary intention appears:

***Australian history*** includes:

- (a) the natural history of Australia; and
- (b) the history of the interaction of man with the Australian natural environment.

***Australian natural environment*** includes all aspects of the surroundings of man in Australia, whether affecting him as an individual or in his social groupings.

***Chair*** means the ***Chair*** of the Council.

***Council*** means the Council of the National Museum of Australia.

***Deputy Chair*** means the Deputy ***Chair*** of the Council.

***deputy part-time member*** means a person appointed under section 15 to be the deputy of a part-time member.

***Director*** means the Director of the National Museum of Australia.

***Finance Minister*** means the Minister administering the *Financial Management and Accountability Act 1997*.

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**historical material** means material (whether in written form or in any other form) relating to Australian history.

**member** means a member of the Council.

**Museum** means the National Museum of Australia established by this Act.

**national historical collection** means:

- (a) all historical material that was in the ownership of the Museum at the time when the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985* received the Royal Assent other than any such material that the Council determines should not be in the national historical collection;
- (b) such historical material that was in the possession of the Museum at the time referred to in paragraph (a) as the Council determines should be included in the national historical collection; and
- (c) such historical material that comes into the ownership or possession of the Museum after the time referred to in paragraph (a) as the Council determines should be included in the national historical collection.

**part-time member** means a member appointed to be a part-time member.

- (2) For the purposes of the definitions of **Australian history** and **Australian natural environment** in subsection (1), **Australia** includes:
  - (a) every external Territory; and
  - (b) the continental shelf that is adjacent to the coast of Australia or of an external Territory.
- (3) For the purposes of subsection (2), **external Territory** includes any territory that was formerly a Territory referred to in section 122 of the Constitution (including a Territory administered by Australia under a Trusteeship Agreement) but has ceased to be a Territory referred to in that section.
- (4) Any determination made by the Council for the purposes of the definition of **national historical collection** in subsection (1) shall be based upon criteria, and made in accordance with guidelines, approved by the Minister.

## **Part II—The National Museum of Australia**

### **4 Establishment of Museum**

- (1) There is established by this Act a National Museum of Australia.
  - (2) The Museum:
    - (a) is a body corporate, with perpetual succession;
    - (b) shall have a common seal;
    - (c) may acquire, hold and dispose of real and personal property;  
and
    - (d) may sue and be sued in its corporate name.
- Note: The *Commonwealth Authorities and Companies Act 1997* applies to the Museum. That Act deals with matters relating to Commonwealth authorities, including reporting and accountability, banking and investment, and conduct of officers.
- (3) The common seal of the Museum shall be kept in such custody as the Council directs and shall not be used except as authorized by the Council.
  - (4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Museum affixed to a document and shall presume that it was duly affixed.

### **5 Gallery of Aboriginal Australia**

- (1) There shall be a Gallery of Aboriginal Australia, which shall form part of the Museum.
- (2) The Gallery shall consist of:
  - (a) a collection of historical material owned by the Museum that relates to Aboriginals and Torres Strait Islanders; and
  - (b) the land and premises used in connection with the exhibition of that material.
- (3) Nothing in subsection (2) prevents the exhibition in the Gallery of historical material relating to Aboriginals and Torres Strait Islanders that is in the possession of the Museum otherwise than as part of the national historical collection.

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- (4) In the performance of its functions in relation to the Gallery, the Council shall pursue a policy directed towards securing, under the Council, the development and maintenance of the Gallery, and the exhibition of historical material referred to in subsections (2) and (3), by persons who are Aboriginals, Torres Strait Islanders or descendants of Aboriginals or Torres Strait Islanders.

**6 Functions of Museum**

- (1) The functions of the Museum are:
- (a) to develop and maintain a national collection of historical material;
  - (b) to exhibit, or to make available for exhibition by others, historical material from the national historical collection or historical material that is otherwise in the possession of the Museum;
  - (baa) to exhibit material, whether in written form or in any other form, that relates to Australia's past, present and future;
  - (ba) from time to time as the occasion requires, to exhibit, by itself or in collaboration with others, in Australia or elsewhere, material, whether in written form or in any other form and whether relating to Australia or to a foreign country;
  - (c) to conduct, arrange for or assist in research into matters pertaining to Australian history;
  - (d) to disseminate information relating to Australian history and information relating to the Museum and its functions; and
  - (e) to develop and implement sponsorship, marketing and other commercial activities relating to the Museum's functions.
- (2) The Museum shall use every endeavour to make the most advantageous use of the national collection in the national interest.

**7 Powers of Museum**

- (1) Subject to this Act, the Museum has power to do all things necessary or convenient to be done for or in connection with the performance of its functions.



- (2) Without limiting the generality of subsection (1), the powers of the Museum referred to in that subsection include power:
- (a) to purchase or take on hire, or to accept as a gift or on deposit or loan, historical material;
  - (b) to lend or hire out or otherwise deal with (otherwise than by way of disposal) historical material;
  - (c) to accept gifts, devises, bequests or assignments made to the Museum, whether on trust or otherwise, and whether unconditionally or subject to a condition and, if a gift, devise, bequest or assignment is accepted by the Museum on trust or subject to a condition, to act as trustee or to comply with the condition, as the case may be;
  - (d) to collect, and make available (whether in writing or in any other form and whether by sale or otherwise), information relating to Australian history;
  - (e) to make available (whether by sale or otherwise) reproductions, replicas or other representations (whether in writing or in any other form) of historical material;
  - (f) to make available (whether in writing or in any other form and whether by sale or otherwise) information relating to the Museum and its functions;
  - (g) to occupy, use and control any land or building owned or held under lease by the Commonwealth and made available to the Museum under section 8;
  - (h) to erect buildings;
  - (j) to purchase or take on hire, or to accept as a gift or on deposit or loan, and to dispose of or otherwise deal with, furnishings, equipment and other goods;
  - (ja) to charge such fees and impose such charges (in addition to the charges fixed by regulations) as are reasonable in respect of services rendered by the Museum;
  - (jb) to raise money for the purposes of the Museum by appropriate means, having regard to the proper performance of the functions of the Museum;
  - (k) to act as trustee of moneys or other property vested in the Museum on trust; and
  - (m) to act on behalf of the Commonwealth or of an authority of the Commonwealth in the administration of a trust relating to historical material or related matters.
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- (3) The Museum shall not dispose of historical material except in accordance with section 9 or 9A.
- (4) Notwithstanding anything contained in this Act, any money or other property held by the Museum upon trust or accepted by the Museum subject to a condition shall not be dealt with except in accordance with the obligations of the Museum as trustee of the trust or as the person who has accepted the money or other property subject to the condition, as the case may be.
- (5) Nothing in this Act requires the Museum to perform its functions or exercise its powers in relation to historical material that is owned or otherwise in the possession of an authority of the Commonwealth, being historical material that is used for the purposes of the authority.

**8 Land and historical material for Museum**

- (1) The Minister may make available to the Museum for the purposes of the Museum such land owned or held under lease by the Commonwealth as is specified by the Minister by notice in the *Gazette* and any building, structure or other improvements on that land.
- (2) Where the Council so requests, the Minister may:
  - (a) transfer or cause to be transferred to the Museum, for inclusion in the national historical collection, historical material owned by the Commonwealth; and
  - (b) transfer or cause to be transferred to the Museum such other goods or equipment owned by the Commonwealth as he or she considers would be of use to the Museum.
- (3) The Minister shall transfer or cause to be transferred to the Museum, for inclusion in the national historical collection, the specimens and animals that are the property of the Commonwealth by virtue of:
  - (a) the agreement a copy of which was set forth in the Schedule to the *Zoological Museum Agreement Act 1924*; or
  - (b) the agreement specified in paragraph (a) as varied by the agreement a copy of which was set forth in the Schedule to the *Australian Institute of Anatomy Agreement Act 1931*.

**9 Disposal of historical material in national historical collection**

- (1) Subject to subsection (3), where the Council is satisfied that historical material in the national historical collection:
  - (a) is unfit for the collection; or
  - (b) is not required as part of the collection;the Council may resolve that the historical material be disposed of by sale, gift or destruction.
- (2) Where the Council is satisfied that the exchange of historical material in the national historical collection for other historical material would be advantageous to the collection, the Council may resolve that the first-mentioned historical material be disposed of in exchange for that other historical material.
- (3) The Council shall not resolve that historical material be disposed of by destruction unless the Council is satisfied that the material has no saleable value.
- (4) Where:
  - (a) the Council has resolved, in accordance with this section, that historical material be disposed of; and
  - (b) if the value of that historical material exceeds \$250,000, the Minister has approved of that disposal;the Museum may dispose of that historical material accordingly.
- (5) In each report on the Museum under section 9 of the *Commonwealth Authorities and Companies Act 1997*, the members must include particulars of any disposals of historic material under this section or section 9A during the financial year to which the report relates.

**9A Disposal of historical material not in national historical collection**

- (1) Subject to subsection (2), the Council may resolve that historical material owned by or in the possession of the Museum, but not in the national historical collection, be disposed of by sale, gift, exchange for other historical material, or destruction.
  - (2) The Council shall not resolve that historical material be disposed of by destruction unless the Council is satisfied that the material has no saleable value and cannot be disposed of in any other way.
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- (3) Where:
- (a) the Council has resolved, in accordance with this section, that historical material be disposed of; and
  - (b) if the value of the historical material exceeds \$250,000, the Minister has approved of the disposal;
- the Museum may dispose of the historical material accordingly.

## **Part III—The Council of the Museum**

### **10 Establishment of Council**

- (1) There is established by this section a Council by the name of the Council of the National Museum of Australia.
- (2) The Council is responsible for the conduct and control of the affairs of the Museum and, subject to sections 5 and 12, the policy of the Museum with respect to any matter shall be determined by the Council.
- (3) All acts and things done in the name of, or on behalf of, the Museum by the Council or with the authority of the Council shall be deemed to have been done by the Museum.
- (4) The Council shall commence to function when the Minister has declared, by notice published in the *Gazette*, that the first members of the Council have been duly appointed.

### **12 Directions by Minister**

The Council shall perform its functions and exercise its powers in accordance with such written directions (if any) as are given to it from time to time by the Minister.

### **13 Membership of Council**

- (1) The Council shall consist of:
  - (a) a Chair;
  - (b) the Director; and
  - (c) not less than 7 nor more than 10 other members.
- (2) The members, other than the Director, shall be appointed by the Governor-General having regard to their knowledge and experience with respect to matters relating to Australian history or with respect to any other area of knowledge relevant to the affairs of the Museum.
- (3) A member, other than the Director:

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- (a) shall be appointed to be a part-time member; and
  - (b) holds office for such term, not exceeding 3 years, as is fixed by the Governor-General in the instrument of his or her appointment.
- (4) The performance of the functions, or the exercise of the powers, of the Council is not affected by reason only of there being a vacancy or vacancies in the membership of the Council.
- (5) The appointment of a person as a part-time member is not invalidated, and shall not be called in question, by reason of a defect or irregularity in or in connection with his or her appointment.

**14 Deputy Chair**

- (1) There shall be a Deputy Chair of the Council who shall be elected by the members from among the members referred to in paragraph 13(1)(c).
- (2) A member elected as the Deputy Chair:
  - (a) holds office as the Deputy Chair for the period fixed by the Council at the time of his or her election, but that period shall not extend beyond the expiration of the term for which he or she is holding office as a member at that time; and
  - (b) is eligible for re-election.
- (3) The Deputy Chair may resign his or her office by writing signed by him or her and delivered to the Chair.
- (4) The election of a person as the Deputy Chair is not invalidated, and shall not be called in question, by reason of a defect or irregularity in or in connection with his or her election.
- (5) The validity of anything done by a person purporting to be the Deputy Chair shall not be called in question on the ground that there is a defect or irregularity in or in connection with his or her election as the Deputy Chair, that he or she has ceased to be the Deputy Chair or that the occasion for him or her to perform the functions, or exercise the powers, of the Deputy Chair had not arisen or had ceased.

**15 Deputies of part-time members**

- (1) A part-time member may, with the approval of the Minister, appoint a person, other than a member, to be his or her deputy.
- (2) A part-time member may revoke the appointment of a person as his or her deputy, but the revocation is not effective until the member has given notice of it, in writing, to the Minister.
- (3) A deputy part-time member may resign his or her office by writing signed by him or her and delivered to the Minister.
- (4) A deputy part-time member is entitled, in the event of the absence of the member of whom he or she is the deputy from a meeting of the Council, to attend that meeting and, when so attending, shall be deemed to be a member.
- (5) The appointment of a person as a deputy part-time member is not invalidated, and shall not be called in question, by reason of a defect or irregularity in or in connection with his or her appointment.

**16 Remuneration etc.**

- (1) This section applies to a person who is:
  - (a) a part-time member;
  - (b) a deputy part-time member; or
  - (c) a member of a committee constituted under section 21 other than a member of the Council.
- (2) A person to whom this section applies shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the tribunal is in operation, he or she shall be paid such remuneration as is prescribed.
- (3) A person to whom this section applies shall be paid such allowances as are prescribed.
- (4) This section has effect subject to the *Remuneration Tribunal Act 1973*.

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**17 Termination of appointment**

- (1) The Governor-General may terminate the appointment of a part-time member by reason of the misbehaviour or physical or mental incapacity of that member.
- (2) If a part-time member:
  - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
  - (b) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council otherwise than on business of the Council undertaken with the approval of the Council; or
  - (c) fails, without reasonable excuse, to comply with his or her obligations under section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*;the Governor-General shall terminate the appointment of that member.

**18 Resignation**

A part-time member may resign his or her office by writing signed by him or her and delivered to the Governor-General.

**20 Meetings of Council**

- (1) The Chair or, if for any reason the Chair is unable to act, the Deputy Chair:
    - (a) shall convene such meetings of the Council as he or she considers necessary for the efficient conduct of its business; and
    - (b) shall, on receipt of a written request signed by not less than 4 members, convene a meeting of the Council.
  - (2) The Minister may at any time convene a meeting of the Council.
  - (3) The Chair shall preside at all meetings of the Council at which he or she is present.
  - (4) In the event of the absence of the Chair from a meeting of the Council, the Deputy Chair shall preside at that meeting.
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- (5) In the event of the absence of both the Chair and the Deputy Chair from a meeting of the Council, the members present shall elect one of their number to preside at that meeting.
- (6) At a meeting of the Council, 7 members constitute a quorum.
- (7) Subject to subsection (8), all questions arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, including the member presiding.
- (8) In the event of an equality of votes on a resolution proposed at a meeting of the Council, the resolution shall be taken not to be passed but, if the same resolution is proposed at the first meeting of the Council held after the date of that first-mentioned meeting and there is again an equality of votes, the member presiding has a casting vote on the resolution.
- (9) The Council may regulate the conduct of proceedings at its meetings as it thinks fit and shall keep minutes of those proceedings.

Note: Section 33B of the *Acts Interpretation Act 1901* provides for participation in meetings by telephone etc.
- (13) If the Council so determines, a resolution shall be taken to have been passed at a meeting of the Council if, without meeting, a majority of the number of members of the Council who would, if present at a meeting of the Council and entitled to vote on the resolution at that meeting, have constituted a quorum of the Council indicate agreement with the resolution in accordance with the method determined by the Council.

## **21 Committees of Council**

- (1) Subject to this section, the Council may constitute such committees as it thinks necessary for the purposes of this Act.
- (2) A committee may be constituted wholly by members of the Council or partly by members of the Council and partly by other persons.

## **22 Delegation by Council**

- (1) Subject to this section, the Council may, by resolution, either generally or as otherwise provided by the resolution, delegate all or

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any of its powers under this Act (except this power of delegation) to the Director, to any other member or to a member of the staff of the Museum.

- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Council.
- (3) A delegate is, in the exercise of a power so delegated, subject to the directions of the Council.
- (4) A delegation of a power under this section:
  - (a) may be revoked by resolution of the Council (whether or not constituted by the persons constituting the Council at the time the power was delegated);
  - (b) does not prevent the exercise of the power by the Council; and
  - (c) continues in force notwithstanding a change in the membership of the Council.
- (5) Section 34A of the *Acts Interpretation Act 1901* applies in relation to a delegation under this section as if the Council were a person.
- (6) A certificate signed by the Chair stating any matter with respect to the delegation of a power under this section is *prima facie* evidence of that matter.
- (7) A document purporting to be a certificate mentioned in subsection (6) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

## **Part IV—The Director of the Museum**

### **23 Office of Director**

- (1) There shall be a Director of the National Museum of Australia, who shall be appointed by the Governor-General.
- (2) The Director is the executive member of the Council and shall, subject to and in accordance with the general directions of the Council, manage the affairs of the Museum.

### **24 Terms and conditions of appointment etc.**

- (1) The Director holds office for such period, not exceeding 7 years, as is specified in the instrument of his or her appointment.
- (3) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.

### **25 Remuneration etc.**

- (1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he or she shall be paid such remuneration as is prescribed.
- (2) The Director shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

### **26 Leave of absence**

- (1) The Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.
- (2) The Minister may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

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## 27 Termination of appointment

- (1) The Governor-General may terminate the appointment of the Director by reason of the misbehaviour or physical or mental incapacity of the Director.
- (2) If the Director:
  - (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
  - (b) is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months;
  - (c) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council otherwise than on business of the Council undertaken with the approval of the Council;
  - (d) engages in paid employment outside the duties of his or her office without the approval of the Minister; or
  - (e) fails to comply with his or her obligations under section 27F or 27J of the *Commonwealth Authorities and Companies Act 1997*;the Governor-General shall terminate the appointment of the Director.

## 28 Resignation

The Director may resign his or her office by writing signed by him or her and delivered to the Governor-General.

## 29 Acting Director

- (1) The Minister may appoint a person to act in the place of the Director:
  - (a) during a vacancy in the office of the Director, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the Director is absent from duty or from Australia, or is, for any other reason, unable to perform the functions of his or her office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

- (7) A person who is acting as Director may attend a meeting of the Council and, in relation to a meeting that he or she so attends, shall, for the purposes of this Act, be deemed to be the Director.

## Part V—Staff and consultants

### 30 Staff

- (1) Subject to section 31, the staff of the Museum shall be persons engaged under the *Public Service Act 1999*.
- (2) For the purposes of the *Public Service Act 1999*:
  - (a) the Director and the APS employees assisting the Director together constitute a Statutory Agency; and
  - (b) the Director is the Head of that Statutory Agency.

### 31 Arrangements relating to staff

- (1) The Council may arrange with an Agency Head (within the meaning of the *Public Service Act 1999*) or with a body (other than a company or association) established for a public purpose by or under a law of the Commonwealth for the services of officers or employees of the body to be made available to the Museum.
- (2) The Council may enter into an arrangement with the appropriate authority of a State or Territory for the services of officers or employees of the Public Service of the State or Territory, or of a body established for a public purpose by or under a law of the State or Territory, to be made available to the Museum.

### 32 Engagement of consultants etc.

- (1) The Director may, on behalf of the Museum, engage persons having suitable qualifications and experience as consultants to the Museum.
- (2) The terms and conditions of the engagement of a person under subsection (1) are such as are determined by the Director.

## **Part VI—Finance**

### **33 Moneys payable to Museum**

- (1) There are payable to the Museum such moneys as are appropriated, from time to time, by the Parliament for the purposes of the Museum.
- (2) The Finance Minister may give directions as to the amounts in which, and the times at which, moneys referred to in subsection (1) are to be paid to the Museum.

### **34 National Museum of Australia Fund**

- (1) There is established by this section a fund by the name of the National Museum of Australia Fund.
- (2) Income received from the investment of money standing to the credit of the Fund forms part of the Fund.
- (3) These are to be paid into the Fund:
  - (a) gifts and bequests of money that the Museum accepts after the commencement of this section (otherwise than on trust);
  - (b) money that the Museum receives after that commencement (other than money to be held on trust by the Museum) from the disposal of property given, devised, bequeathed or assigned to the Museum (whether before, at or after that commencement);
  - (c) so much of the money held by the Museum in bank accounts (otherwise than on trust) immediately before that commencement as the Minister determines by notice in writing given to the Museum within 21 days after that commencement.
- (4) The payment of money into a bank account maintained by the Museum in accordance with subsection 18(2) of the *Commonwealth Authorities and Companies Act 1997* under the name of the National Museum of Australia Fund is taken, for the purposes of subsection (3) of this section, to be a payment of the money into the Fund.

### **35 Application of moneys held by Museum**

- (1) Moneys held by the Museum otherwise than upon trust shall be applied only:
  - (a) in payment or discharge of the costs, expenses and other obligations incurred by the Museum in the performance of its functions or the exercise of its powers under this Act; and
  - (b) in payment of any remuneration and allowances payable to any person under this Act.
- (2) Subsection (1) does not prevent investment of surplus money of the Museum under section 18 of the *Commonwealth Authorities and Companies Act 1997*.

### **37 Limit on contracts**

- (1) Subject to subsection 9(4), the Museum shall not, without the approval of the Minister, enter into a contract under which the Museum is to pay or receive:
  - (a) in the case of a contract for the acquisition of any historical material—an amount exceeding \$250,000 or, if a higher amount is for the time being prescribed for the purposes of this paragraph, that higher amount; or
  - (b) in any other case—an amount exceeding \$250,000 or, if a higher amount is for the time being prescribed for the purposes of this paragraph, that higher amount.
- (2) Paragraph (1)(b) does not apply to the investment of money by the Museum in accordance with section 18 of the *Commonwealth Authorities and Companies Act 1997*.

### **38 Extra matters to be included in annual report**

- (4) A report prepared by the members under section 9 of the *Commonwealth Authorities and Companies Act 1997* must set out all directions given by the Minister, during the period to which the report relates, to the Museum or to the Council.

### **39 Exemption from taxation**

The Museum is not subject to taxation under a law of Australia or of a State or Territory.



## **Part VII—Miscellaneous**

### **41 Supply of liquor on premises of Museum**

- (1) The regulations may make provision for and in relation to the sale, supply, disposal, possession or control of liquor on premises in the Australian Capital Territory owned by or under the control of the Museum.
- (2) The law of the Australian Capital Territory relating to the sale, supply and disposal of liquor does not apply with respect to premises in respect of which regulations are in force under subsection (1).
- (3) In this section, ***liquor*** means wine, spirits, ale, beer, porter, cider, perry or any liquid containing alcohol ordinarily used or fit for use as a beverage.

### **42 Delegation**

- (1) The Minister may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him or her, delegate to a person any of his or her powers under this Act, other than this power of delegation.
- (2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Minister.
- (3) A delegation under this section does not prevent the exercise of a power by the Minister.

### **43 Copyright**

Nothing in this Act authorizes the Museum to commit any breach of copyright.

### **44 Regulations**

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or

Section 44

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permitted to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular:

- (a) for regulating, restricting or prohibiting the entry of persons onto any land or building, or any part of any land or building, owned by or under the control of the Museum, and for regulating the conduct of persons on any such land or building, or any part of any such land or building, including making provision for and in relation to the removal of persons from any such land or building, or any part of any such land or building;
- (b) for fixing charges for entry onto any land, or into any building, owned by, or under the control of, the Museum;
- (c) for regulating, restricting or prohibiting the making, using, printing, publishing, exhibiting, selling or offering for sale of replicas, photographs, representations or copies of historical material forming part of the national historical collection; and
- (d) for prescribing penalties not exceeding a fine of \$500 for offences against the regulations.

**Table of Acts****Notes to the *National Museum of Australia Act 1980*****Note 1**

The *National Museum of Australia Act 1980* as shown in this compilation comprises Act No. 115, 1980 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 1 October 2001 is not included in this compilation. For subsequent information *see* Table A.

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Museum of Australia Act 1980</i>	115, 1980	8 Sept 1980	8 Sept 1980	
<i>Public Service Reform Act 1984</i>	63, 1984	25 June 1984	S. 151(1): 1 July 1984 ( <i>see Gazette</i> 1984, No. S245) (a)	S. 151(9)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985 (b)	—
<i>Public Service and Statutory Authorities Amendment Act 1985</i>	166, 1985	11 Dec 1985	S. 45: 8 Jan 1986 (c)	S. 45(2)
<b>as amended by</b>				
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1986</i>	76, 1986	24 June 1986	S. 3: (d)	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 2) 1985</i>	193, 1985	16 Dec 1985	S. 3: Royal Assent (e)	Ss. 15(2) and 16
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1986</i>	76, 1986	24 June 1986	S. 3: (f)	S. 9
<i>Statute Law (Miscellaneous Provisions) Act 1987</i>	141, 1987	18 Dec 1987	S. 3: Royal Assent (g)	S. 5(1)
<i>Arts, Territories and Environment Legislation Amendment Act 1989</i>	60, 1989	19 June 1989	Ss. 11 and 13: 7 Dec 1988 Part 5 (ss. 14, 15): 11 May 1989 ( <i>see</i> s. 2(3) and <i>Gazette</i> 1989, No. S164) Remainder: Royal Assent	—

**Table of Acts**

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Arts, Sport, Environment, Tourism and Territories Legislation Amendment Act (No. 2) 1991</i>	179, 1991	25 Nov 1991	25 Nov 1991	S. 3(2)
<i>Maritime Legislation Amendment Act 1994</i>	20, 1994	15 Feb 1994	1 Aug 1994 (see <i>Gazette</i> 1994, No. S289)	—
<i>Statute Law Revision Act 1996</i>	43, 1996	25 Oct 1996	Schedule 4 (items 106, 107) and Schedule 5 (items 96–98): Royal Assent (h)	—
<i>Audit (Transitional and Miscellaneous) Amendment Act 1997</i>	152, 1997	24 Oct 1997	Schedule 2 (items 1004–1017) (see <i>Gazette</i> 1997, No. GN49) (i)	—
<i>Public Employment (Consequential and Transitional) Amendment Act 1999</i>	146, 1999	11 Nov 1999	Schedule 1 (items 655–658): 5 Dec 1999 (see <i>Gazette</i> 1999, No. S584) (j)	—
<i>Corporate Law Economic Reform Program Act 1999</i>	156, 1999	24 Nov 1999	Schedule 10 (items 102, 103): 13 Mar 2000 (see <i>Gazette</i> 2000, No. S114) (k)	—
<i>National Museum of Australia Amendment Act 2001</i>	3, 2001	20 Mar 2001	20 Mar 2001	—
<i>Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001</i>	159, 2001	1 Oct 2001	29 Oct 2001	Sch. 1 (item 97) [see Table A]
<i>Statute Law Revision Act 2011</i>	5, 2011	22 Mar 2011	Schedule 5 (items 157, 158): 19 Apr 2011	—
<i>Acts Interpretation Amendment Act 2011</i>	46, 2011	27 June 2011	Schedule 2 (items 825–832) and Schedule 3 (items 10, 11): 27 Dec 2011	Sch. 3 (items 10, 11) [see Table A]

**Act Notes**

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- (a) The *National Museum of Australia Act 1980* was amended by subsection 151(1) only of the *Public Service Reform Act 1984*, subsection 2(4) of which provides as follows:
- (4) The remaining provisions of this Act shall come into operation on such day as is, or on such respective days as are, fixed by Proclamation.
- (b) The *National Museum of Australia Act 1980* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (c) The *National Museum of Australia Act 1980* was amended by section 45 only of the *Public Service and Statutory Authorities Amendment Act 1985*, subsection 2(7) of which provides as follows:
- (7) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.
- (d) The *Public Service and Statutory Authorities Amendment Act 1985* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(19) of which provides as follows:
- (19) The amendments of the *Public Service and Statutory Authorities Amendment Act 1985* made by this Act shall be deemed to have come into operation immediately after section 45 of that Act came into operation.
- Section 45 came into operation on 8 January 1986.
- (e) The *National Museum of Australia Act 1980* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 2) 1985*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (f) The *National Museum of Australia Act 1980* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(14) of which provides as follows:
- (14) The amendment of the *National Museum of Australia Act 1980* made by this Act shall be deemed to have come into operation on 16 December 1985.
- (g) The *National Museum of Australia Act 1980* was amended by section 3 only of the *Statute Law (Miscellaneous Provisions) Act 1987*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (h) The *National Museum of Australia Act 1980* was amended by Schedule 4 (items 106 and 107) and Schedule 5 (items 96–98) only of the *Statute Law Revision Act 1996*, subsection 2(1) of which provides as follows:
- (1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.
- (i) The *National Museum of Australia Act 1980* was amended by Schedule 2 (items 1004–1017) only of the *Audit (Transitional and Miscellaneous) Amendment Act 1997*, subsection 2(2) of which provides as follows:
- (2) Schedules 1, 2 and 4 commence on the same day as the *Financial Management and Accountability Act 1997*.
- (j) The *National Museum of Australia Act 1980* was amended by Schedule 1 (items 655–658) only of the *Public Employment (Consequential and Transitional) Amendment Act 1999*, subsections 2(1) and (2) of which provide as follows:
- (1) In this Act, **commencing time** means the time when the *Public Service Act 1999* commences.
- (2) Subject to this section, this Act commences at the commencing time.
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## Act Notes

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- (k) *The National Museum of Australia Act 1980* was amended by Schedule 10 (items 102 and 103) only of the *Corporate Law Economic Reform Program Act 1999*, subsection 2(2)(c) of which provides as follows:
- (2) The following provisions commence on a day or days to be fixed by Proclamation:
- (c) the items in Schedules 10, 11 and 12.

**Table of Amendments****Table of Amendments**

ad. = added or inserted	am. = amended	rep. = repealed	rs. = repealed and substituted
Provision affected	How affected		
Title.....	am. No. 193, 1985		
<b>Part I</b>			
S. 1 .....	am. No. 193, 1985		
S. 3 .....	am. No. 193, 1985; No. 20, 1994; No. 152, 1997; Nos. 5 and 46, 2011		
<b>Part II</b>			
Heading to Part II.....	am. No. 76, 1986		
S. 4 .....	am. No. 193, 1985		
Note to s. 4(2).....	ad. No. 152, 1997		
S. 6 .....	am. No. 193, 1985; No. 3, 2001		
S. 7 .....	am. No. 141, 1987; No. 3, 2001		
S. 8 .....	am. No. 193, 1985; No. 43, 1996		
S. 9 .....	am. No. 179, 1991; No. 152, 1997; No. 3, 2001		
S. 9A.....	ad. No. 141, 1987 am. No. 179, 1991; No. 3, 2001		
<b>Part III</b>			
S. 10 .....	am. No. 193, 1985		
S. 11 .....	rep. No. 193, 1985		
S. 12 .....	rs. No. 193, 1985		
Ss. 13, 14.....	am. No. 43, 1996; No. 152, 1997		
Ss. 15, 16.....	am. No. 43, 1996		
S. 17 .....	am. No. 152, 1997; No. 156, 1999		
S. 18 .....	am. No. 43, 1996		
S. 19 .....	am. No. 43, 1996 rep. No. 152, 1997		
S. 20 .....	am. No. 60, 1989; No. 43, 1996; No. 152, 1997; No. 46, 2011		
Note to s. 20(9) .....	ad. No. 46, 2011		
S. 22 .....	am. No. 152, 1997		
<b>Part IV</b>			
S. 23 .....	am. No. 193, 1985		
S. 24 .....	am. No. 43, 1996; No. 159, 2001		
S. 25 .....	am. No. 43, 1996		
S. 26 .....	rs. No. 179, 1991 am. No. 146, 1999		
S. 27 .....	am. No. 179, 1991; No. 43, 1996; No. 3, 2001		
S. 28 .....	am. No. 43, 1996		
S. 29 .....	am. No. 43, 1996; No. 46, 2011		
Note to s. 29(1) .....	ad. No. 46, 2011		
<b>Part V</b>			
Ss. 30, 31.....	am. No. 63, 1984; No. 146, 1999		

## Table of Amendments

ad. = added or inserted	am. = amended	rep. = repealed	rs. = repealed and substituted
Provision affected	How affected		
S. 32 .....	am. No. 166, 1985 (as am. by No. 76, 1986); No. 193, 1985		
<b>Part VI</b>			
S. 33 .....	am. No. 5, 2011		
S. 34 .....	rep. No. 152, 1997 ad. No. 3, 2001		
S. 35 .....	am. No. 152, 1997		
S. 36 .....	rep. No. 152, 1997		
S. 37 .....	am. No. 60, 1989; No. 179, 1991; No. 152, 1997		
Heading to s. 38 .....	rs. No. 152, 1997		
S. 38 .....	am. No. 193, 1985; No. 152, 1997		
<b>Part VII</b>			
S. 40 .....	rep. No. 65, 1985		
S. 42 .....	am. No. 43, 1996		



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**Table A**

**Table A**

**Application, saving or transitional provisions**

*Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001*  
(No. 159, 2001)

**Schedule 1**

**97 Application of amendments**

The amendments made by this Schedule do not apply to an appointment if the term of the appointment began before the commencement of this item.

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*Acts Interpretation Amendment Act 2011* (No. 46, 2011)

**Schedule 3**

**10 Saving—appointments**

The amendments made by Schedule 2 do not affect the validity of an appointment that was made under an Act before the commencement of this item and that was in force immediately before that commencement.

**11 Transitional regulations**

The Governor-General may make regulations prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by Schedules 1 and 2.