



Western Australia

## **Museum Act 1969**

Compare between:

[01 Feb 2007, 01-e0-04] and [04 May 2007, 02-a0-11]



Western Australia

## **Museum Act 1969**

**An Act to make provision for the re-establishment, control and management of the Western Australian Museum, the preservation of areas and objects of historic interest and for incidental and other purposes.**

*[Long title amended ~~by~~: No. 65 of 1973 s. 3.]*

## Part I — Preliminary

### 1. Short title

This Act may be cited as the *Museum Act 1969*<sup>+</sup>.

### 2. Commencement

- (1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by proclamation.
- (2) It is not necessary that the whole of this Act be proclaimed to come into operation on the one day and the several Parts and sections may be proclaimed to come into operation on such respective dates as are fixed by proclamation<sup>+</sup>.

[3. ~~Repealed by Deleted:~~ [No. 113 of 1987 s. 32.](#)]

### [4. Repeal

~~*The Museum Omitted under the Reprints Act 1959 is repealed.*~~ [1984 s. 7\(4\)\(f\).](#)]

### 5. Act to be construed subject to legislative powers of State

This Act shall be read and construed subject to the limits of the legislative powers of the State and so as not to exceed those powers, to the intent that where anything enacted in this Act would, but for the provisions of this section, be construed as being in excess of those powers, it shall nevertheless be a valid enactment to the extent to which it is not in excess of those powers.

### 6. ~~Interpretation~~ [Terms used in this Act](#)

In this Act, unless a contrary intention appears —

~~“appointed Trustee”~~ means Trustee appointed under section 10(a) or 12(2);

~~“Board”~~ means The Western Australian Museum Board, constituted under the *Museum Act 1959*<sup>1</sup>;

**“Director”** means the person appointed Director of the Museum under section 18;

**“Honorary Associate”** means a person appointed an Honorary Associate of the Museum under section 23;

**“meteorite”** means a natural mass containing crystalline matter that has fallen from extra terrestrial space upon the earth;

**“Museum”** means the body corporate constituted by section 7;

**“Trustees”** means the Trustees of the Museum referred to in section 10.

[Section 6 amended ~~by~~ by: No. 65 of 1973 s. 5; No. 75 of 1987 s. 19.]

## **Part II — Functions and administration of the Museum**

### **7. Western Australian Museum constituted**

- (1) A body, known as “The Western Australian Museum” and consisting of the Trustees, is constituted.
- (2) The Museum is a body corporate, with perpetual succession and a common seal and, in its corporate name, is capable of suing and being sued and, subject to this Act, has power to acquire, hold and dispose of real and personal property and may do and suffer all such acts and things as bodies corporate may do and suffer.

### **8. Common seal**

- (1) The common seal of the Museum shall be kept in such custody as the Trustees may direct and shall not be used except upon a resolution of the Trustees or as may be ~~authorized~~[authorised](#) by the regulations.
- (2) All courts and persons acting judicially shall take judicial notice of the common seal of the Museum affixed to any document and shall, in the absence of proof to the contrary, presume that it was duly affixed.

### **9. Functions of Museum**

The functions of the Museum include the following —

- (a) to encourage, and to provide facilities for, the wider education of the community of the State, through the display and other use of collections and through knowledge derived from collections;
- (b) to make and preserve on behalf of the community of the State collections representative of the Aborigines of the State, the history of the exploration, settlement and development of the State, the natural history of the State and such other collections which the Trustees think

- necessary for the wider understanding of those matters and for the educational function of the Museum;
- (ba) to preserve on behalf of the community any remains, wreck, archaeological or anthropological site, or other thing, whether in the place where it is discovered or elsewhere, which in the opinion of the Trustees is of special national or local interest;
  - (c) to aid the advancement of knowledge through research into collections and into such other matters as the Trustees think relevant to that purpose and by publishing the results of research;
  - (d) to provide facilities to encourage the interest of persons and bodies in the State in the culture and history of the Aborigines of the State, in the history and natural history of the State and in anything allied to those matters;
  - (e) to aid the work of universities, State and Commonwealth institutions and schools, and independent schools by the exercise of such of the Museum's functions as the Trustees may approve;
  - (f) to train employees of the Museum and such other persons as the Trustees may approve in the making, caring for, researching into and the employment for education of collections of the Museum.

*[Section 9 amended ~~by~~: No. 65 of 1973 s. 6.]*

## **10. Government of Museum**

The Museum shall be governed by 8 Trustees —

- (a) 7 of whom, including the chairman and vice-chairman, shall be appointed by the Governor; and
- (b) one of whom shall be the ~~Permanent Head~~ chief executive officer<sup>2</sup> of the Department for the Arts<sup>-3</sup>.

*[Section 10 inserted ~~by~~: No. 75 of 1987 s. 20.]*

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**11. Tenure of office by Trustees**

- (1) Subject to the succeeding provisions of this section, a person who is an appointed Trustee holds office for 4 ~~years~~ and is eligible for reappointment.
- (2) A person appointed to fill a casual vacancy in the office of appointed Trustee holds office for the unexpired portion of the term of office of the appointed Trustee in whose place he is appointed.

*[Section 11 amended ~~by~~: No. 75 of 1987 s. 21.]*

**12. Casual vacancies**

- (1) A casual vacancy in the office of appointed Trustee occurs, if an appointed Trustee —
  - (a) dies;
  - (b) tenders his resignation from office in writing under his hand to the Governor and the resignation is accepted;
  - (c) absents himself from 3 consecutive ordinary meetings of the Trustees, without having obtained leave of absence from them;
  - (d) is removed from office by the Governor; or
  - (e) is incapable of continuing as a Trustee.
- (2) The Governor may appoint a Trustee on the happening of any casual vacancy.
- (3) The Trustees may grant leave of absence to one of their number on such terms and conditions as they determine.

*[Section 12 amended ~~by~~: No. 75 of 1987 s. 22.]*

**13. Trustees may act notwithstanding a vacancy**

The exercise of a power or the performance of a function by the Trustees is not invalidated by reason only of there being a vacancy or vacancies in the office of appointed Trustee or by



reason of a defect or irregularity in, or in connection with, the appointment of any of them.

*[Section 13 amended-by: No. 75 of 1987 s. 23.]*

**14. Deputies of Trustees**

- (1) The Governor may, in respect of each appointed Trustee, appoint a person as deputy of that appointed Trustee and a person so appointed has, in the absence of the appointed Trustee, all the powers that might have been exercised by that appointed Trustee had he been present.
- (2) The appointment of, and an act done by, a deputy of an appointed trustee in that capacity shall not be questioned on the ground that the occasion for his appointment has not arisen or no longer exists.

*[Section 14 amended-by: No. 75 of 1987 s. 24.]*

**14A. Deputy of ex officio Trustee**

The Trustee referred to in section 10(b) shall nominate a senior officer of the Department for the Arts<sup>-3</sup> to act for him as a Trustee at any meeting which he is unable to attend, and while so attending the person so nominated has all of the functions and entitlements of that Trustee.

*[Section 14A inserted-by: No. 75 of 1987 s. 25.]*

**15. Chairman and vice-chairman**

- (1) The Governor may appoint one of the appointed Trustees to be chairman and another as vice-chairman and each holds office during his term of office as appointed Trustee and no longer.
- (2) The chairman or vice-chairman may resign his office as such by notice in writing under his hand to the Governor.
- (3) When an appointed Trustee ceases to hold office as chairman or vice-chairman, as the case may be, before the expiration of the term of his office as appointed Trustee, the Governor may appoint another appointed Trustee to be chairman or

vice-chairman for the unexpired portion of the term of office of the person in whose place he is appointed.

*[Section 15 amended-by: No. 75 of 1987 s. 26.]*

**16. Chairman to preside**

- (1) The chairman or, in his absence, the vice-chairman shall preside at all meetings of the Trustees.
- (2) Where both the chairman and the vice-chairman are absent from a meeting, the Trustees then present shall elect one of their number to preside at the meeting and the person so elected has, during the absence of the chairman or vice-chairman, all the powers of the chairman.

**17. Proceedings of Trustees**

The Trustees shall conduct their proceedings in such manner as may be prescribed and, until prescribed, in such manner as they may determine; but, in any event —

- (a) 5 Trustees constitute a quorum for the conduct of business;
- (b) each Trustee, including the Trustee who presides at a meeting, has one vote only on the determination of any question; and
- (c) the majority of the votes of the Trustees present determines a question and, where there is an equality of votes for and against a motion, the motion is lost.

*[Section 17 amended-by: No. 75 of 1987 s. 27.]*

**18. Director to be chief executive officer**

- (1) The Trustees shall appoint a person to be, and may terminate the appointment of a person as, Director of the Museum.
- (2) The Director is the chief executive officer of the Museum and shall hold office on such conditions as may be determined by the Trustees and approved by the Minister.

- (3) The Director has such powers and duties as are conferred and imposed upon him by this Act and by resolution of the Trustees and, unless otherwise expressly provided by the regulations or the resolution, the Director may delegate any of those powers or duties except this power of delegation to any person or to a committee of persons.
- (4) Notwithstanding anything in this section, to the extent that there is in the case of a person who is appointed under subsection (1) to be the Director of the Museum and who is a member of the Senior Executive Service within the meaning of the *Public Service Sector Management Act 1978* <sup>1994</sup><sup>4</sup> an inconsistency between this Act and that Act that Act shall prevail.

*[Section 18 amended-by: No. 113 of 1987 s. 32.]*

#### **19. Delegation by Trustees**

- (1) The Trustees may, with the consent in writing of the Minister, in relation to any matter or class of matters, or in relation to any activity or function of the Museum, by resolution, delegate all or any of its powers, authorities, duties and functions under this Act, except this power of delegation and its powers in relation to the making of regulations, to any person or committee of persons.
- (2) The Trustees may, by resolution, revoke a delegation given under this section and a delegation so given does not prevent the exercise or discharge by the Trustees of any of their powers, authorities, duties and functions.
- (3) A committee appointed by the Trustees pursuant to this section shall report to the Trustees on its activities at such times as they may direct.

#### **20. Trustees to manage Museum**

Subject to this Act, the Trustees have the management and control of the property and affairs of the Museum and may do all such acts and things as, in their opinion, are best calculated to carry out the functions of the Museum.

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**21. Preservation of rights of Trustees**

An appointed Trustee or deputy for an appointed Trustee is not, in his capacity as Trustee or deputy, a public service officer under the provision of the *Public ~~Service~~ Sector Management Act-1904<sup>4</sup> 1994<sup>5</sup>*, but where a person is, at the time of his appointment as Trustee or deputy under this Act, a public service officer the appointment shall not prejudice his rights under the *Public ~~Service~~ Sector Management Act-1904<sup>4</sup> 1994<sup>5</sup>*, or under any other Act applying to him as a public service officer.

*[Section 21 amended-by: No. 75 of 1987 s. 28; No. 32 of 1994 s. 19.]*

**22. Trustees etc. exempt from personal liability**

A person who is, or has been a Trustee, deputy of a Trustee or Director appointed under this Act is not personally liable for anything done, or omitted to be done, in good faith, in, or in connection with, the exercise or purported exercise of any power conferred or the carrying out of any duty imposed on him by this Act.

**23. Trustees may appoint Honorary Associates**

- (1) Subject to this Act, the Trustees may appoint a person to the office of Honorary Associate to the Museum.
- (2) Subject to subsection (3), an Honorary Associate shall hold office for such term not exceeding 4 years as is specified in the instrument of his appointment.
- (3) The Governor may terminate the term of office of an Honorary Associate at any time.

*[Section 23 amended-by: No. 24 of 1984 s. 3.]*

**24. Payment of expenses**

Every Trustee, deputy of a Trustee, Honorary Associate and member of a committee set up pursuant to this Act is entitled to

such travelling and other expenses as the Governor may from time to time determine.

**25. General powers of Trustees**

The Trustees —

- (a) shall undertake the care and control of the Museum and of all lands and premises vested in it or committed to its care and control;
- (b) shall undertake the care and control of all specimens, exhibits and other personal property acquired for the purposes of the Museum;
- (ba) shall undertake the care and control of all areas, archaeological or anthropological sites and other things which the Trustees have a duty to preserve on behalf of the community, wheresoever they are situate;
- (c) shall receive and apply all moneys received by them for the purposes of the Museum;
- (d) may, subject to this Act and to any award or agreement made or in force under the *Industrial Arbitration Act 1912*<sup>5,6</sup>, appoint, suspend, and terminate the appointment of, a member of the staff or other employee and direct that any appointment be subject to such terms and conditions as the Trustees think fit;
- (e) have the entire control and management of the affairs, concerns and property of the Museum;
- (f) may for any service or purpose, or for admission to any buildings or land of the Museum, or any part thereof, require the payment of such a fee or charge as the Trustees determine; and
- (g) may act in all matters concerning the Museum, in such manner as appears to the Trustees best calculated to promote its objects and interests.

[Section 25 amended ~~by~~ by No. 65 of 1973 s. 7.]

**26. Preservation of rights of certain staff and employees**

Where a person appointed to the staff, or appointed an employee of the Museum was, immediately prior to his appointment, in the service of a department of the State, he retains any rights that may have accrued to him under the Act pursuant to which he was then serving and, in particular, his rights, if any, under the *Superannuation and Family Benefits Act 1938*<sup>7</sup>.

**27. Superannuation**

- (1) The Trustees may seek the inclusion of the Museum as a body corporate within the term, "department", under the *Superannuation and Family Benefits Act 1938*<sup>7</sup>, and the Treasurer may, upon the Museum complying with the provisions of that Act, approve of the inclusion of the Museum, accordingly.
- (2) A member of the staff or other employee of the Museum is not obliged to become a contributor under the *Superannuation and Family Benefits Act 1938*<sup>7</sup>.
- (3) Without limiting the operation of the preceding provisions of this section, the pension, superannuation and benefit scheme established by the Board, administered by trustees appointed by the Board as employer and known as the Western Australian Museum Scientific Staff Superannuation Plan is, by this subsection, ratified and, subject to subsection (4), continued; and, for the purposes of that scheme, the Museum is deemed to be the employer and the trustees of the scheme are responsible to the Trustees for its administration.
- (4) Without affecting the rights of persons who are on the coming into operation of this Act contributors under the scheme mentioned in subsection (3), a person shall not be permitted to become a contributor under that scheme unless he is ~~authorized~~authorised or is of a class ~~authorized~~authorised, by the Treasurer, to become a contributor.

**28. Staff and employees of the ~~board~~Board to be employed by Trustees**

On the coming into operation of this Act —

- (a) all members of the staff holding office, and employees employed, in the Museum are deemed to have been appointed or engaged by the Trustees;
- (b) all accrued or accruing rights of members of the staff and other employees of the Board remain unimpaired and continue for the purpose of their employment by the Museum;
- (c) the Board is freed and discharged of all liabilities and obligations as regards persons employed by the Museum and those liabilities and obligations shall devolve upon the Museum and their fulfilment be undertaken by the Trustees on its behalf; and
- (d) a reference in any other Act to the Board shall be read and construed as a reference to the Museum.

**28A. Status of members of staff and other employees who are members of Senior Executive Service**

Notwithstanding anything in sections 25(d), 26, 27 and 28, to the extent that there is in the case of a person who is appointed under section 25(d) to be a member of the staff or other employee and who is a member of the Senior Executive Service within the meaning of the *Public ~~Service~~Sector Management Act-1978 1994*<sup>4</sup> an inconsistency between this Act and that Act that Act shall prevail.

*[Section 28A inserted ~~by~~: No. 113 of 1987 s. 32.]*

### **Part III — Property and finance**

**29. Land etc. vested**

All land and buildings vested in the Board under the *Museum Act 1959*<sup>1</sup>, cease to be so vested and are vested in the Museum for an estate in fee simple without the necessity of transfer or conveyance.

**30. Power to vest lands**

- (1) The Governor may, on the recommendation of the Minister, by Order in Council, vest in the Museum any land then reserved under the *Land Administration Act 1997*, for museums, for any other public purpose related to the functions of the museum.
- (2) The Trustees shall use any land vested pursuant to this section for the purposes that it was so vested and administer it for and on behalf of the Museum.
- (3) The Museum shall not, without the consent of the Governor, sell, exchange, lease, charge, mortgage or encumber any land, or any part of, or any estate or interest in, any land vested in it.

*[Section 30 amended ~~by~~ No. 31 of 1997 s. 73.]*

**31. Land exempted from taxes, rates etc.**

A tax or rate shall not be charged or levied on any land vested in the Museum, unless the land is leased to, or occupied by, some other person for a purpose that is not directly related to the carrying out by the Museum of any of its functions under this Act.

**32. Vesting of movables**

- (1) All moneys and movables in the possession or control of, or vested in, the Board, are by this section transferred to, and vested in, the Museum.



- (2) All contracts entered into, and all rights enjoyed by, the Board, relating to the Museum, are deemed to have been entered into and enjoyed by the Museum and the Museum shall, in respect of those things, take and exercise all the powers, rights, duties, liability and immunities of the Board.

### 33. Financial provisions

- (1) The funds necessary for the effectual exercise by the Museum of the powers conferred and the duties imposed on it by this Act consist of —
- (a) moneys from time to time appropriated by Parliament for the purpose;
  - (b) the proceeds of the disposal of or dealing with any property that the Museum is ~~authorized~~ authorised to effect under the provisions of this Act;
  - (c) the proceeds of investment of any moneys standing to the credit of the Western Australian Museum Account that are not required for immediate use;
  - (d) moneys from time to time derived by the Trustees as income from the management and control of the Museum;
  - (e) gifts, devises and bequests made to the Museum; and
  - (f) such moneys as vest in the Museum under the provisions of section 32.
- (2) An agency special purpose account called the Western Australian Museum Account is established under section 16 of the *Financial Management Act 2006* to which the moneys referred to in subsection (1) are to be credited.
- (3) All expenditure incurred by the Museum, for the purpose of giving effect to this Act, shall be charged to the Western Australian Museum Account.

[Section 33 amended ~~by~~ by No. 49 of 1996 s. 64; No. 77 of 2006 s. 17.]

**34. Power to invest certain moneys**

Where any moneys standing to the credit of the Western Australian Museum Account are not immediately required for the purposes of this Act, the Trustees may invest them in any investment ~~authorized~~authorised by law as in force immediately before the coming into operation of the *Trustees Amendment Act 1997*<sup>+</sup> as those in which trust funds may be invested.

*[Section 34 amended ~~by~~: No. 1 of 1997 s. 18.]*

**35. Application of *Financial Management Act 2006* and *Auditor General Act 2006***

The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Museum and its operations.

*[Section 35 inserted ~~by~~: No. 98 of 1985 s. 3; amended ~~by~~: No. 77 of 2006 s. 17.]*

## **Part IV — Branches and recognized museums**

*[Heading amended ~~by~~: No. 24 of 1984 s. 4.]*

### **36. Establishment of branch museums**

- (1) The Trustees are ~~authorized~~authorised to establish a branch of the Museum within the local government district of Fremantle.
- (2) The Trustees may, with the authority of the Governor, establish branches of the Museum at such places as the Governor may approve.

*[Section 36 amended ~~by~~: No. 14 of 1996 s. 4.]*

### **37. Local government museums**

- (1) Where —
  - (a) under the *Local Government Act 1995*, a local government; or
  - (b) any body of persons (whether incorporated or not) having among its principal objects the promotion of interest in history, natural history or any other matters approved of by the Trustees having regard to their functions under this Act,proposes to establish, or has established, a museum, it may apply to the Trustees for their recognition of the museum.
- (2) The recognition by the Trustees of a museum has the effect of enabling them to assist in the establishment or maintenance of the museum or both, by —
  - (a) the deposit in the museum of specimens and other objects for exhibition; and
  - (b) the extension to it of the professional and technical services of the Museum, to maintain, restore, and advise on the display of, specimens and exhibits.

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- (3) The Trustees shall not extend recognition to a museum, unless they are satisfied that —
- (a) the site of the museum or proposed museum is satisfactory for the purpose and is vested in or leased under conditions that are satisfactory to the Trustees to a person or body of persons approved by the Trustees;
  - (b) the museum is or will be governed by a committee comprising, among others, the Director or his deputy and a person appointed by the chief executive officer of the department referred to in section ~~228~~ of the *School Education Act* ~~1999~~;
  - (ba) the collection held or proposed to be held by the museum, is, in the opinion of the Trustees, significant; and
  - (c) the museum will be maintained at a standard approved by the Trustees and agreed to by the local government or the body of persons, as the case requires.
- (4) Where a museum to which recognition has been extended by the Trustees under this section is not maintained or is not maintained at the approved and agreed standard, the Trustees may withdraw their recognition of it and, if the Minister so directs, all specimens and objects comprised in the collection of the museum that were not so comprised at the time that recognition was so extended to the museum, shall pass into the care and control of the Museum.

*[Section 37 amended ~~by~~: No. 65 of 1973 s. 8; No. 24 of 1984 s. 5; No. 7 of 1988 s. 23; No. 14 of 1996 s. 4; No. 22 of 1996 s. 16(9); No. 36 of 1999 s. 247.]*

*[Part ~~V~~ (~~Sections s. 38-42~~) ~~Repealed by deleted~~: No. 65 of 1973 s. 9.]*

## Part VI — Meteorites

### 43. Meteorites are not minerals

For the purposes of the *Mining Act 1904*<sup>68</sup>, meteorites are not minerals.

### 44. Vesting of certain meteorites

- (1) Subject to section 45 every meteorite is the property of the Crown and is vested in the Museum wheresoever it is situate in the State.
- (2) Compensation is not payable to any person by reason that a meteorite is vested in the Museum pursuant to, or by operation of this Act.

*[Section 44 amended by: No. 65 of 1973 s. 10.]*

### 45. Protection and recovery of certain meteorites

- (1) A person shall not —
  - (a) damage or destroy a meteorite the property of the Crown;
  - (b) except for the purpose of recovering and delivering a meteorite, the property of the Crown, to the Trustees, remove any meteorite from the place where it appears to have fallen upon the earth; or
  - (c) refuse or fail to deliver up to the Trustees any meteorite in his possession not being a meteorite which was lawfully in his possession prior to the coming into operation of the *Museum Act Amendment Act 1973*<sup>+</sup>, upon notice from the Trustees requiring him so to do within a time specified therein and upon payment by the Trustees of the reasonable expense likely to be incurred thereby.
- (2) The Trustees may refund the amount of any reasonable expense incurred by a person in notifying the Trustees of the finding of a meteorite or in recovering and delivering a meteorite to them.

- (3) The Trustees may, with the approval of the Minister, pay a reward to a person who provides information of a specific nature leading to the recovery of a meteorite the existence of which was not previously known to the Trustees.
- (4) A person who, without the consent of the Trustees, destroys or removes a meteorite from the State commits an offence.  
Penalty: \$1 000.
- (5) Where, prior to the coming into operation of the *Museum Act Amendment Act 1973*<sup>+</sup>, a person was lawfully in possession of a meteorite the Trustees shall not refuse to give their consent to the removal of that meteorite from the State if that meteorite has been offered for sale to the Trustees at a reasonable price (having regard only to the amount that might reasonably be expected to be offered by a willing purchaser in the State and not taking into account any price that might be obtained elsewhere) and the Trustees have not accepted the offer within 14 days.
- (6) Any question as to what constitutes a reasonable price for the purpose of this section may be determined by the Minister.
- (7) For the purposes of any proceedings under this Act —
  - (a) a meteorite shall be deemed to be in the possession of a person if, at the relevant time, he was knowingly exercising complete control of the use and physical location of it; and
  - (b) a meteorite shall not be regarded as having been reduced into the possession of a person by reason only of the fact that, at the relevant time, it was in or on land owned or occupied by him.
- (8) Where a meteorite is removed from the State with the consent of the Trustees the property in that meteorite shall thereupon vest in the person to whom that consent was given.

[Section 45 amended ~~by~~ by: No. 65 of 1973 s. 11; No. 78 of 1995 s. 147.]

## Part VII — Miscellaneous

### 46. Offence of damaging Museum property

- (1) Every person who damages, mutilates, destroys or removes from the possession of the Museum any specimen, object or exhibit then in the possession of the Museum is guilty of an offence.

Penalty: \$500 or imprisonment for 12 months or both the fine and imprisonment.

- (2) A court convicting a person of an offence against this section may, in addition to imposing a penalty, order the person to pay to the Trustees the full amount of the antiquarian value of the specimen, object or exhibit damaged, mutilated, destroyed or removed, as the case may be, and the amount so ordered to be paid may be recovered as if it were part of the penalty imposed, notwithstanding that the total of the penalty and that amount exceeds the maximum penalty that may be imposed.

### 47. Penalty for offences generally

A person who contravenes, or fails to comply with, any of the provisions of this Act commits an offence and on conviction is liable, if no penalty or punishment is expressly provided for the offence, to a penalty of \$100.

### 48. Proceedings by Trustees

In a charge against a person who steals or injures, and in any proceedings instituted in relation to, any property vested in the Museum or under the care and control of the Trustees, it is sufficient to state generally that the property in respect of which the proceedings are instituted is the property of the Museum.

*[Section 48 amended by: No. 84 of 2004 s. 80.]*

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**49. Reward for information as to offences**

- (1) The Trustees may offer and pay a reward to any person who gives information to them or any member of the staff of the Museum of the commission of an offence against this Act that leads to the conviction of a person of the offence.
- (2) On the conviction of a person in respect of whom information is given in terms of this section, the court may, in addition to imposing any penalty or ordering an amount to be paid under section ~~46~~(2), order the person to pay to the Trustees, on account of any reward that they have paid or are liable to pay, the amount of the reward or an amount of \$50, whichever is the lesser amount.

**50. Power of officers to represent Museum**

- (1) In any proceedings before a court of summary jurisdiction, an inspector, a warden or an officer of the Museum appointed for the purpose generally or in a particular case in writing signed by the chairman or vice-chairman of Trustees may represent the Museum in all respects as if he were the party concerned.

[(2) ~~repeated~~~~deleted~~]

[Section ~~50~~ amended ~~by~~: No. 59 of 2004 s. 141; No. 84 of 2004 s. 78.]

**51. Regulations**

- (1) The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make all such other regulations as may, in his opinion, be necessary or convenient for giving full effect to the provisions of, and for the due administration of, this Act.
- (2) Without limiting the generality of subsection (1), the Governor may make regulations —
  - (a) providing for the conduct of proceedings at meetings of the Trustees and of committees;



- (b) prescribing the form of the common seal of the Museum and the manner in which it shall be kept and used;
- (c) providing for the management of the Museum, at branches of the Museum and museums recognized under Part IV;
- (d) providing for the admission to, and the exclusion or expulsion from, buildings or land of the Museum of the public or any individual;
- (e) specifying the conditions and restrictions upon and subject to which the public may be permitted to examine specimens, objects and exhibits that are the property of the Museum and upon and subject to which any of those things may be lent;
- (f) preventing the handling, touching, defacing or marking of specimens, objects and exhibits that are in the possession or care of the Museum;
- (g) relating to the appointment, privileges and conduct of Honorary Associates; and
- (h) imposing penalties not exceeding \$100 for offences against regulations made under this section.

*[Section 51 amended ~~by~~: No. 24 of 1984 s. 6.]*

*[Schedule deleted ~~by~~: No. 65 of 1973 s. 12.]*

## Notes

<sup>†</sup> — This is a compilation of the *Museum Act 1969* and includes ~~the~~ amendments made by ~~the~~ other written laws ~~referred to in the following~~. [For provisions that have come into operation, and for information about any reprints, see the compilation table<sup>†</sup>](#). [For provisions that have not yet come into operation see the uncommenced provisions table.](#)

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Museum Act 1969</i>	90 of 1969	17 Nov- <u>196</u> 9	19 Dec 1969 (see s. 2 and <i>Gazette</i> 19 Dec 1969 p. 4197)
<i>Museum Act Amendment Act 1973</i>	65 of 1973	28 Nov- <u>197</u> 3	7 Dec- <u>1973</u> (see s. 2 and <i>Gazette</i> 7 Dec 1973 p. 4480)
<i>Museum Amendment Act 1984</i>	24 of 1984	31 May- <u>198</u> 4	31 May- <u>1984</u>
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i> ; <del>section s. 3</del>	98 of 1985	4 Dec- <u>1985</u>	1 Jul- <u>1986</u> (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Arts Representation) Act 1987</i> ; <del>Part Pt. V</del>	75 of 1987	26 Nov- <u>198</u> 7	12 Feb 1988 (see s. 2 and <i>Gazette</i> 12 Feb 1988 p. 399)
<i>Acts Amendment (Public Service) Act 1987</i> ; <del>section s. 32</del>	113 of 1987	31 Dec- <u>1987</u>	16 Mar- <u>1988</u> (see s. 2 and <i>Gazette</i> 16 Mar 1988 p. 813)
<i>Acts Amendment (Education) Act 1988</i> ; <del>Part Pt. 10</del>	7 of 1988	30 Jun- <u>1988</u>	8 Jul- <u>1988</u> (see s. 2 and <i>Gazette</i> 8 Jul 1988 p. 2371)
<i>Acts Amendment (Public Sector Management) Act 1994</i> ; <del>section s. 19</del>	32 of 1994	29 Jun- <u>1994</u>	1 Oct- <u>1994</u> (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Sentencing (Consequential Provisions) Act 1995</i> ; <del>section s. 147</del>	78 of 1995	16 Jan- <u>1996</u>	4 Nov- <u>1996</u> (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)

Short title	Number and year	Assent	Commencement
<i>Local Government (Consequential Amendments) Act 1996</i> ; <del>section s. 4</del>	14 of 1996	28 Jun-1996	1 Jul-1996 (see s. 2(1))
<i>Education Amendment Act 1996</i> ; <del>section s. 16(9)</del>	22 of 1996	11 Jul-1996	11 Jul-1996 (see s. 2(1))
<i>Financial Legislation Amendment Act 1996</i> ; <del>section s. 64</del>	49 of 1996	25 Oct-1996	25 Oct-1996 (see s. 2(1))
<i>Trustees Amendment Act 1997</i> ; <del>section s. 18</del>	1 of 1997	6 May-1997	16 Jun-1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)
<i>Acts Amendment (Land Administration) Act 1997</i> ; <del>section 73 Pt. 46</del>	31 of 1997	3-Oct-1997	30-Mar-1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<b><u>Reprint of the Museum Act 1969 as at 20 Aug 1999 (includes amendments listed above)</u></b>			
<i>School Education Act 1999</i> ; <del>section s. 247</del>	36 of 1999	2-Nov-1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1-May-2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 78 and 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 17	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<b><u>Reprint 2: The Museum Act 1969 as at 4 May 2007 (includes amendments listed above)</u></b>			

## Museum Act 1969

### Notes

1a On the date on which this compilation was prepared, Uncommenced provisions referred to in the following table had not come into operation and are not included in this compilation. For

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To view the text of the [uncommenced](#) provisions see ~~the endnote referred to after the short title~~ [Acts as passed on the WA Legislation website](#).

### **Provisions that have not come into operation**

Short title	Number and year	Assent	Commencement
<i>State Superannuation (Transitional and Consequential Provisions) Act 2000</i> s. 56 <sup>7</sup>	43 of 2000	2 Nov 2000	To be proclaimed (see s. 2(2))

### Other notes

<sup>1</sup> [Repealed by section 4 of this Act, which was omitted under the Reprints Act 1984 s. 7\(4\)\(f\).](#)

<sup>2</sup> Under ~~section 31(1)(f) of the Acts Amendment (Public Service) Act 1987 (No. 113 of 1987), references~~ s. 31(1)(f) a reference in a written law to the “Permanent Head” ~~may is, unless the contrary intention appears, to~~ be construed as ~~references~~ if it had been amended to be a reference to the “chief executive officer”. [This reference was amended under the Reprints Act 1984 s. 7\(5\)\(a\).](#)

<sup>3</sup> ~~Name changed~~ Under the [Alteration of Statutory Designations Order \(No. 3\) 2001](#) a reference in any law to the ~~Ministry for~~ Department of the Arts is read and construed as a reference to the Department of Culture and the Arts.

<sup>4</sup> Under ~~section 112(1) of the Public Sector Management Act 1994 (No. 31 of 1994) s. 112(1)~~, a reference [in a written law](#) to the *Public Service Act 1978* ~~or Public Service Act 1904 may be construed as if it had been amended~~ is to be read [as](#) a reference to the *Public Sector Management Act 1994*. [This reference was changed under the Reprints Act 1984 s. 7\(3\)\(g\).](#)

~~Repealed by the~~<sup>5</sup> Under the *Public Sector Management Act 1994* s. 112(1), a reference in a written law to the *Public Service Act 1904* is to be read as a reference to the *Public Sector Management Act 1994*. [This reference was changed under the Reprints Act 1984 s. 7\(3\)\(g\).](#)

<sup>6</sup> [Repealed by the Industrial Relations Act 1979 \(No. 114 of 1979\).](#)

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<sup>6</sup> ~~Repealed by the *Mining Act 1978* (No. 107 of 1978).~~

<sup>7</sup> ~~On the date on which this compilation was prepared,~~<sup>7</sup> [The \*Superannuation and Family Benefits Act 1938\* was repealed by the \*State Superannuation Act 2000\* s. 39, but its provisions continue to apply to and in relation to certain schemes because of the \*State Superannuation \(Transitional and Consequential Provisions\) Act 2000\* s. 56 had not come into operation. It reads:\[26.\]\(#\)](#)

“

~~56. **Museum Act 1969 amended**~~

~~The *Museum Act 1969* is amended as follows:~~

- ~~(a) in section 26 by deleting “and, in particular, his rights, if any, under the *Superannuation and Family Benefits Act 1938*”;~~
- ~~(b) deleting section 27(1) and (2).~~

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<sup>8</sup> [Repealed by the \*Mining Act 1978\*.](#)