

# **NATIONAL GALLERY ACT 1975**

## **No. 61 of 1975**

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# NATIONAL GALLERY ACT 1975

## No. 61 of 1975

An Act relating to the Australian National Gallery.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of the Commonwealth of Australia, as follows:—

### PART I—PRELIMINARY

1. This Act may be cited as the *National Gallery Act 1975*.<sup>1</sup> Short title.
2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
  - “Chairman” means the Chairman of the Council;
  - “Council” means the Council of the Australian National Gallery;
  - “Deputy Chairman” means the Deputy Chairman of the Council;
  - “Director” means the Director of the Australian National Gallery;
  - “Gallery” means the Australian National Gallery established by this Act;
  - “member” means a member of the Council;
  - “national collection” means all works of art that are owned by the Gallery from time to time;
  - “part-time member” means a member of the Council appointed to be a part-time member;
  - “Secretary and Manager” means the Secretary and Manager of the Australian National Gallery.

### PART II—THE AUSTRALIAN NATIONAL GALLERY

4. (1) There is hereby established an Australian National Gallery. Establishment of Australian National Gallery.
- (2) The Gallery—
  - (a) is a body corporate;
  - (b) shall have a seal;
  - (c) may acquire, hold and dispose of real and personal property; and
  - (d) may sue or be sued in its corporate name.

(3) The seal of the Gallery 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 seal of the Gallery affixed to a document and shall presume that it was duly affixed.

National collection to be housed in Australian Capital Territory.

5. (1) The national collection shall be housed in the Australian Capital Territory.

(2) Nothing in this section prevents the exhibition outside the Australian Capital Territory or outside Australia of works of art from the national collection.

Functions of Gallery.

6. (1) The functions of the Gallery are—

- (a) to develop and maintain a national collection of works of art; and
- (b) to exhibit, or to make available for exhibition by others, works of art from the national collection or works of art that are otherwise in the possession of the Gallery.

(2) The Gallery shall use every endeavour to make the most advantageous use of the national collection in the national interest.

Powers of Gallery.

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

(2) Without limiting the generality of sub-section (1), the powers of the Gallery referred to in that sub-section include power—

- (a) to purchase or take on hire, or to accept as a gift or on deposit or loan, works of art;
- (b) to lend or hire out or otherwise deal with (otherwise than by way of disposal) works of art;
- (c) to accept gifts, devises, bequests or assignments made to the Gallery, 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 Gallery 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 by sale or otherwise), information on the visual arts;
- (e) to make available (whether by sale or otherwise) reproductions of works of art;
- (f) to arrange for, or to assist in, research into matters pertaining to the visual arts;
- (g) to erect buildings;

- (h) 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;
- (j) to act on behalf of Australia or of an authority of Australia in the administration of a trust relating to works of art or related matters.

(3) The Gallery shall not dispose of a work of art except in accordance with sections 9, 10 or 11.

(4) Notwithstanding anything contained in this Act, any money or other property held by the Gallery upon trust or accepted by the Gallery subject to a condition shall not be dealt with except in accordance with the obligations of the Gallery 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.

8. (1) The Minister may make available to the Gallery for the purposes of the Gallery such land owned by Australia as is specified by the Minister by notice in the *Gazette* and any building, structure or other improvements on that land.

Land and works of art for Gallery.

(2) Where the Council so requests, the Minister may—

- (a) transfer or cause to be transferred to the Gallery, for inclusion in the national collection, works of art owned by Australia; and
- (b) transfer or cause to be transferred to the Gallery such other goods or equipment owned by Australia as he considers would be of use to the Gallery.

9. (1) Subject to sub-sections (3) and (4), where the Council is satisfied that a work of art in the national collection—

Disposal of works of art from national collection.

- (a) is unfit for the national collection; or
- (b) is not required as part of the national collection,

the Council may resolve that the work of art be disposed of by sale, gift or destruction.

(2) Subject to sub-section (3), where the Council is satisfied that the exchange of a work of art in the national collection for another work of art would be advantageous to the collection, the Council may resolve that the first-mentioned work of art be disposed of in exchange for that other work of art.

(3) The Council shall not resolve that a work of art be disposed of until the Council has obtained and considered reports from 2 independent experts setting out the views of those experts on the importance to the national collection of the work of art.

(4) The Council shall not resolve that a work of art be disposed of by way of gift or destruction unless the Council is satisfied that the work has no saleable value.

(5) Where—

- (a) the Council has resolved, in accordance with this section, that a work of art be disposed of; and
- (b) the Minister has approved of that disposal,

the Gallery may dispose of that work of art accordingly.

Exchange of  
works of art  
by same  
artist.

**10.** (1) Notwithstanding section 9, where the Council is satisfied that the exchange of a work of art in the national collection for another work of art by the same artist would be advantageous to the collection, the Gallery may make that exchange.

(2) An agreement for an exchange under sub-section (1) may include an undertaking by one party to pay an amount to the other party in recognition of the difference in value between the works of art to be exchanged.

Disposal of  
property left  
with Gallery.

**11.** (1) Where—

- (a) the Council wishes to apply this section to any property (including a work of art) that is not the property of the Gallery but has been submitted to the Gallery with a view to its acceptance by the Gallery or for any other purpose;
- (b) the property has remained in the possession or custody of the Gallery for a period of not less than 1 year after its submission to the Gallery;
- (c) in a case to which sub-section (2) applies—
  - (i) the Council has complied with the requirements of that sub-section; and
  - (ii) the period specified in the notice under that sub-section or, if such notices were sent to more than 1 person, the period specified in the notice last sent, has expired; and
- (d) the property is not the subject of a claim lodged with the Gallery by the person who submitted the property to the Gallery or by any other person who has an interest in the property,

this section applies in relation to that property.

(2) Where the Gallery has a record of the name and address of a person who has an interest in property referred to in paragraph (1) (a) or of the person who submitted that property to the Gallery, the Council shall send by pre-paid registered post to that person or to each of those persons, addressed to him at the relevant address, a notice informing him that, after the expiration of 3 months from the date of the notice, the Council intends, unless the person who submitted the property to the Gallery or any other person who has an interest in the property lodges with the Gallery a claim with respect to the property, to deal with the property under this section.

(3) The Council may, in respect of property in relation to which this section applies, cause a notice, in accordance with sub-section (4), relating to the property to be published twice, with an interval of at least 7 days between the dates of the publications, in such daily newspapers as will ensure its publication in every State and internal Territory.

(4) A notice under sub-section (3) shall sufficiently identify the property to which it relates and shall state that, at the expiration of 3 months from the date of publication of the notice, the Council intends to deal with the property under this section unless, before that time, the person who submitted the property to the Gallery or any other person who has an interest in the property has lodged with the Gallery a claim with respect to the property.

(5) Where—

- (a) the period of 3 months specified in a notice under sub-section (3) that has been published for the second time has expired; and
- (b) the property to which the notice relates has not ceased to be property in relation to which this section applies,

the Council may—

- (c) if the property is a work of art and the Council wishes to acquire it for the national collection—request the Minister to approve its acquisition for the national collection; or
- (d) in any other case—request the Minister to approve its disposal in accordance with this section.

(6) Before approving of the acquisition of a work of art in accordance with a request under paragraph (5) (c), the Minister shall obtain a valuation of the work of art from an independent expert.

(7) Where a work of art the subject of a request under paragraph (5) (c) has not ceased to be property in relation to which this section applies, the Minister may, by notice published in the *Gazette*, approve the acquisition of the work of art for the national collection.

(8) Upon the publication in the *Gazette* of a notice under sub-section (7), the work of art to which the notice applies is, by force of this sub-section—

- (a) vested in Australia; and
- (b) freed and discharged from all interests, trusts, restrictions, obligations, contracts, licences and charges,

to the intent that the legal estate in the work of art and all rights and powers incident to that legal estate are vested in Australia.

(9) The Minister shall, on behalf of Australia, transfer to the Gallery for inclusion in the national collection a work of art referred to in sub-section (8).

(10) Where property the subject of a request under paragraph (5) (d) has not ceased to be property in relation to which this section applies,

the Minister may approve the disposal of the property and advise the Council accordingly.

(11) Where the Minister has advised the Council of his approval of the disposal of property and the property has not ceased to be property in relation to which this section applies, the Gallery may—

- (a) cause the property to be sold by public auction; or
- (b) if the Council determines that the property is valueless or that for some other reason it is not practicable to sell the property by public auction—cause the property to be disposed of otherwise than by sale or to be destroyed.

(12) For the purposes of a sale or other disposal of goods under sub-section (11), the Gallery shall be deemed to be the absolute owner of the property.

(13) The interest of every person in a work of art to which a notice published under sub-section (7) relates is, on the date of acquisition of that work of art, converted into a right to compensation against Australia.

(14) Parts IV, V and VI of the *Lands Acquisition Act* 1955-1974 apply in relation to a right to compensation referred to in sub-section (13) as if—

- (a) that right were a right to compensation under section 11 of that Act;
- (b) a reference in those Parts to land were a reference to the work of art to which that right relates; and
- (c) a reference to the Minister were a reference to the Minister administering this Act.

(15) Where a person satisfies the Council that he had an interest in property immediately before the property was sold by virtue of sub-section (11), the Gallery shall pay to the person such amount as it considers appropriate having regard to the interest that person had in the property but not exceeding the amount by which the amount of the proceeds of the sale exceeded the amount of any expenses incurred by the Gallery in connexion with the storage and sale of the property.

(16) No action, other than an action under the *Lands Acquisition Act* 1955-1974 as applied by sub-section (14), lies against any person by reason of any act or thing done in accordance with this section.

### PART III—THE COUNCIL

Council.

12. (1) The affairs of the Gallery shall be conducted by a Council to be known as the Council of the Australian National Gallery.



(2) All acts and things done in the name of, or on behalf of, the Gallery by the Council or with the authority of the Council shall be deemed to have been done by the Gallery.

13. (1) The Council shall consist of not more than 11 members, Membership of Council. namely—

- (a) the Chairman;
- (b) the Director; and
- (c) not more than 9 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 the visual arts or any other area of knowledge relevant to the affairs of the Gallery.

(3) A member, other than the Director, shall be appointed to be a part-time member and holds office for such term, not exceeding 3 years, as is fixed by the Governor-General in the instrument of his appointment.

(4) A part-time member is eligible for re-appointment.

(5) A person appointed under section 31 to act in the place of the Director is entitled to attend meetings of the Council and, when so attending, shall be deemed to be the Director.

(6) The exercise or performance of the powers or functions of the Council is not affected by reason only of there being a vacancy in the office of a member.

14. (1) There shall be a Deputy Chairman of the Council who shall be elected by the members from among the part-time members. Deputy Chairman.

(2) A member elected as Deputy Chairman holds office as Deputy Chairman for the period fixed by the Council at the time of his election but that period shall not extend beyond the expiration of the term for which he is holding office as a member at that time.

(3) The Deputy Chairman may resign his office by writing under his hand delivered to the Chairman.

(4) The Deputy Chairman is eligible for re-election.

15. (1) A part-time member may, with the approval of the Minister, appoint a person, other than a member, to be his deputy. Deputies of members.

(2) A member may revoke the appointment of a person as his deputy, but the revocation is not effective until the member has given notice of it, in writing, to the Minister.

(3) The deputy of a member is entitled, in the event of the absence of the member from a meeting of the Council, to attend that meeting and, when so attending, shall be deemed to be a member.

Remuneration and allowances of members, &c.

**16. (1)** A part-time member, the deputy of a member or a member of a committee constituted under section 21 who is not a member of the Council 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 shall be paid such remuneration as is prescribed.

(2) A person referred to in sub-section (1) shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunals Act 1973-1974*.

Termination of appointment.

**17. (1)** The Governor-General may terminate the appointment of a part-time member by reason of misbehaviour or physical or mental incapacity.

(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 creditors or makes an assignment of his remuneration for their benefit;

(b) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council; or

(c) fails to comply with his obligations under section 19,

the Governor-General shall terminate his appointment.

Resignation.

**18.** A part-time member may resign his office by writing under his hand delivered to the Governor-General.

Interests to be disclosed.

**19. (1)** A member who is directly or indirectly interested in a contract made or proposed to be made by the Gallery, otherwise than as a member, and in common with the other members, of an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(2) A disclosure under sub-section (1) shall be recorded in the minutes of the Council, and the member—

(a) shall not take part after the disclosure in any deliberation or decision of the Council with respect to that contract; and

(b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberation or decision.

Meetings of Council.

**20. (1)** The Chairman or, if for any reason the Chairman is unable to act, the Deputy Chairman—

(a) shall convene such meetings of the Council as he 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 Chairman shall preside at all meetings of the Council at which he is present.

(4) In the event of the absence of the Chairman from a meeting of the Council, the Deputy Chairman shall preside at that meeting.

(5) In the event of the absence of both the Chairman and the Deputy Chairman 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 sub-section (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.

**21.** (1) Subject to this section, the Council may constitute such committees as it thinks necessary for the purposes of this Act. Committees  
of Council.

(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.** (1) Subject to this section, the Council may, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation) to the Director or any other member or to the Secretary and Manager or a member of the staff of the Gallery. Delegation  
by Council.

(2) A delegation under sub-section (1) does not take effect until it has been approved, in writing, by the Minister.

(3) A delegation under sub-section (1) to a member of the staff of the Gallery shall relate to staff matters only.

(4) A delegation under this section is revocable by resolution of the Council and does not prevent the exercise of a power or the performance of a function by the Council.

## PART IV—OFFICERS

- Definition.**       **23.** In this Part, “prescribed officer” means the Director or the Secretary and Manager.
- Director.**         **24.** (1) There shall be a Director of the Australian National Gallery, who shall be appointed by the Governor-General.
- (2) The Director is the executive officer of the Council.
- Secretary and Manager.**       **25.** (1) There shall be a Secretary and Manager of the Australian National Gallery, who shall be appointed by the Governor-General.
- (2) The Secretary and Manager—
- (a) shall, under the Director, manage the day-to-day administration of the affairs of the Gallery; and
- (b) shall act as the secretary of the Council.
- Terms and conditions of appointment, &c.**       **26.** (1) A prescribed officer 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.
- (2) A prescribed officer holds office for such period, not exceeding 7 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.
- (3) A person who has attained the age of 65 years shall not be appointed or re-appointed as a prescribed officer and a person shall not be appointed or re-appointed as a prescribed officer for a period that extends beyond the date on which he will attain the age of 65 years.
- Remuneration and allowances.**       **27.** (1) A prescribed officer 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 shall be paid such remuneration as is prescribed.
- (2) A prescribed officer shall be paid such allowances as are prescribed.
- (3) This section has effect subject to the *Remuneration Tribunals Act* 1973-1974.
- Leave of absence.**         **28.** The Minister may grant leave of absence to a prescribed officer on such terms and conditions as to remuneration or otherwise as the Minister determines.
- Termination of appointment.**       **29.** (1) The Governor-General may terminate the appointment of a prescribed officer by reason of misbehaviour or physical or mental incapacity.

(2) If a prescribed officer—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent from duty, except on leave of absence granted by the Minister, for 14 consecutive days or for 28 days in any 12 months; or
- (c) engages in paid employment outside the duties of his office without the approval of the Minister,

the Governor-General shall terminate his appointment.

(3) If the Director—

- (a) is absent, except on leave granted by the Council, from 3 consecutive meetings of the Council; or
- (b) fails to comply with his obligations under section 19,

the Governor-General shall terminate his appointment.

**30.** A prescribed officer may resign his office by writing under his hand delivered to the Governor-General. Resignation.

**31.** (1) The Governor-General may appoint a person to act in the place of a prescribed officer— Acting appointments.

- (a) during a vacancy in the office of the prescribed officer, whether or not an appointment has previously been made to the office; or
- (b) during any period when the prescribed officer is absent from duty or absent from Australia or, for any other reason, unable to perform the functions of his office.

(2) The Governor-General may—

- (a) subject to this Act, determine the terms and conditions (including terms or conditions relating to remuneration and allowances) of appointment of a person to act in the place of a prescribed officer; and
- (b) at any time terminate such an appointment.

(3) Where a person is acting in the place of a prescribed officer in accordance with paragraph (1)(b) and the office of that prescribed officer becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs or the vacancy is filled.

(4) The appointment of a person under this section ceases to have effect if he resigns the appointment by writing under his hand delivered to the Governor-General.

(5) The validity of anything done by a person acting in the place of a prescribed officer shall not be called in question on the ground that the

occasion for the appointment of the person had not arisen or that the appointment had ceased to have effect.

Application  
of Super-  
annuation  
Act to  
prescribed  
officers.

32. (1) For the purposes of sub-sections 4 (3A) and (4) of the *Superannuation Act* 1922-1974, a prescribed officer shall be deemed to be required, by the terms of his appointment, to give the whole of his time to the duties of his office.

(2) For the purposes of sections 145 and 146 of the *Superannuation Act* 1922-1974, a prescribed officer shall be deemed to be employed by the Gallery.

(3) For the purposes of the *Superannuation Act* 1922-1974, the termination of the appointment of a prescribed officer on the ground of physical or mental incapacity shall be deemed to be retirement on the ground of invalidity.

#### PART V—STAFF

Staff.

33. Subject to any direction of the Minister—

- (a) the Gallery may employ such persons as are necessary for the purposes of this Act; and
- (b) the terms and conditions of employment (other than in respect of matters provided for by this Act) of persons so employed shall be as determined by the Council with the approval of the Public Service Board.

#### PART VI—FINANCE

Moneys  
payable to  
Gallery.

34. (1) There are payable to the Gallery such moneys as are appropriated, from time to time, by the Parliament for the purposes of this Act.

(2) The Treasurer may give directions as to the amounts in which, and the times at which, moneys referred to in sub-section (1) are to be paid to the Gallery.

Estimates.

35. (1) The Council shall prepare estimates, in such form as the Minister directs, of receipts and expenditure of the Gallery for each financial year and, if so directed by the Minister, for any other period, and shall submit those estimates to the Minister not later than such date as the Minister directs.

(2) Moneys shall not be expended by the Gallery otherwise than in accordance with estimates of expenditure approved by the Minister.

Bank  
accounts.

36. (1) The Gallery may open and maintain an account or accounts with an approved bank or approved banks and shall maintain at all times at least one such account.

(2) The Gallery shall pay all moneys received by it into an account referred to in this section.

(3) In this section, “approved bank” means the Reserve Bank of Australia or another bank for the time being approved by the Treasurer.

**37.** The moneys of the Gallery shall be applied only—

Application  
of moneys.

- (a) in payment or discharge of the costs or expenses of the Gallery under this Act; and
- (b) in payment of any remuneration and allowances payable under this Act.

**38.** The Gallery shall not, without the approval of the Minister—

Power to  
purchase  
and dispose  
of assets.

- (a) acquire any work of art for a consideration exceeding in amount or value \$100,000 or, if a higher amount is prescribed, that higher amount;
- (b) acquire any property, right or privilege, other than a work of art, for a consideration exceeding in amount or value \$50,000 or, if a higher amount is prescribed, that higher amount;
- (c) dispose of any property, right or privilege, other than a work of art, where the amount or value of the consideration for the disposal or the value of the property, right or privilege exceeds \$50,000 or, if a higher amount is prescribed, that higher amount;
- (d) enter into a contract for the construction of a building being a contract under which the Gallery is to pay an amount exceeding \$50,000 or, if a higher amount is prescribed, that higher amount; or
- (e) enter into a lease of land for a period exceeding 10 years.

**39.** The Council shall cause to be kept proper accounts and records of the transactions and affairs of the Gallery and shall do all things necessary to ensure that all payments out of the moneys of the Gallery are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Gallery and over the incurring of liabilities by the Gallery.

Proper  
accounts to  
be kept.

**40.** (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the Gallery and the records relating to assets of, or in the custody of, the Gallery, and shall forthwith draw the attention of the Minister to any irregularity disclosed by the inspection and audit that, in the opinion of the Auditor-General, is of sufficient importance to justify his so doing.

Audit.

(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

(3) The Auditor-General shall, at least once in each year, report to the Minister the results of the inspection and audit carried out under sub-section (1).

(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the Gallery relating directly or indirectly to the receipt or payment of moneys by the Gallery or to the acquisition, receipt, custody or disposal of assets by the Gallery.

(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

(6) The Auditor-General or a person authorized by him may require a person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding Two hundred dollars.

Exemption  
from  
taxation.

**41.** The Gallery is not subject to taxation under a law of Australia or of a State or Territory.

## PART VII—MISCELLANEOUS

Annual  
report.

**42.** (1) The Council shall, as soon as practicable after 30 June of each year, prepare and furnish to the Minister a report of the operations of the Gallery during the year ended on that date, together with financial statements in respect of that year in such form as the Treasurer approves.

(2) Before furnishing financial statements to the Minister, the Council shall submit them to the Auditor-General, who shall report to the Minister—

- (a) whether the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Gallery during the year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

(3) The Minister shall cause the report and financial statements of the Council, together with the report of the Auditor-General, to be laid



before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.

(4) The first report and financial statements of the Council under this section shall be furnished as soon as practicable after 30 June 1976 and shall relate to the operations of the Gallery during the period that commenced at the commencement of this Act and ended on that date.

**43.** If a person appointed to the office of Director or Secretary and Manager or employed by the Gallery was, immediately before his appointment or employment, as the case may be, an officer of the Australian Public Service or a person to whom the *Officers' Rights Declaration Act 1928-1973* applied—

Rights of public servants.

- (a) he retains his existing and accruing rights;
- (b) for the purpose of determining those rights his service under this Act shall be taken into account as if it were service in the Australian Public Service; and
- (c) the *Officers' Rights Declaration Act 1928-1973* applies as if this Act and this section had been specified in the Schedule to that Act.

**44.** (1) The Gallery is an approved authority for the purposes of the *Superannuation Act 1922-1974*.

Application of Superannuation Act in relation to persons appointed or employed under this Act.

(2) Nothing in this Act authorizes the provision of superannuation benefits for a person appointed or employed under this Act otherwise than under the *Superannuation Act 1922-1974*.

**45.** (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 Gallery.

Supply of liquor on premises of Gallery.

(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 sub-section (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.

**46.** The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular—

Regulations.

- (a) for regulating the conduct of persons on any land or building owned by, or under the control of, the Gallery;

- (b) for fixing charges for entry onto any land, or into any building, owned by, or under the control of, the Gallery; and
  - (c) for prescribing penalties not exceeding a fine of \$100 for offences against the regulations.
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**NOTE**

1. Act No. 61, 1975; assented to 19 June 1975.