

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 156A.

National Museum and Art Gallery.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Culture and Tourism at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

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CHAPTER NO. 156A.

National Museum and Art Gallery Act.

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National Museum and Art Gallery Act.

Being an Act to provide for the continued establishment, maintenance and control of the National Museum and Art Gallery to be incorporated and read as one with the *National Cultural Property (Preservation) Act.*

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

- “Branch” means a Branch of the Museum established under Section 3;
- “the Committee of Management” means the Committee of Management appointed under Section 19;
- “exhibit” includes an antiquity, geological antiquity, object of antiquity or work of art;
- “exhibition” means public display of specimen;
- “the Museum” means the National Museum and Art Gallery continued in establishment under Section 2, and includes a Branch of the Museum;
- “the National Cultural Council” means the National Cultural Council established under the *Cultural Development Act*;
- “the President” means the President of the Trustees appointed under Section 6(2);
- “specimen” includes—
 - (a) photographic and archival material; and
 - (b) prehistoric objects and other finds; and
 - (c) material culture and structures; and
 - (d) contemporary arts and crafts; and
 - (e) contemporary history and structures; and
 - (f) flora and fauna; and
 - (g) geological;
- “the Trustees” means the Trustees of the Museum appointed under Section 4;
- “this Act” includes the regulations.

PART II.—THE MUSEUM.

2. Continuance of the establishment of the Museum.

The national Museum and Art Gallery continues in establishment.

3. Branch museums.

The Trustees may establish, maintain and control Branches and may, with the approval of the Minister, appoint advisory committees to assist the Trustees in respect of Branches.

PART III.—THE TRUSTEES OF THE MUSEUM.

4. Appointment.

(1) The Minister may, by notice in the National Gazette, appoint persons to be the Trustees of the Museum.

(2) There shall be not less than five Trustees.

(3) A Trustee holds office for a period (not exceeding three years) specified in the notice by which he was appointed, and is eligible for re-appointment.

5. Incorporation.

The Trustees—

- (a) are a corporation by the name of "Trustees of the Papua New Guinea National Museum and Art Gallery"; and
- (b) have perpetual succession; and
- (c) shall have a seal; and
- (d) are capable of suing and being sued in their corporate name; and
- (e) may, subject to this Act, acquire, hold, mortgage and dispose of property.

6. President.

(1) There shall be a President of the Trustees.

(2) The President shall be a Trustee appointed by the Minister, by notice in the National Gazette, on the recommendation of the Trustees.

(3) The President shall be appointed for the term of his office as Trustee.

7. Casual vacancies.

If a Trustee—

- (a) dies; or
- (b) resigns by written notice signed by him and received by the President; or
- (c) has been absent for a period of three months or more from all meetings of the Trustees held during that period without permission of the Trustees granted by resolution before the expiration of that period; or
- (d) is removed by the Minister,

there shall be deemed to be a casual vacancy in the office of the Trustee.

(2) The Minister may, by notice in the National Gazette, appoint a person to fill a casual vacancy in the office of a Trustee.

(3) A Trustee appointed under Subsection (2) holds office for the unexpired portion of the term of the office of his predecessor.

8. Functions, etc.

(1) The Trustees shall—

- (a) manage and control the Museum; and
- (b) maintain and administer the Museum in such manner as will effectively minister to the needs and demands of the community by—
 - (i) conserving the cultural and natural heritage of Papua New Guinea; and

- (ii) collecting, documenting, photographing, conserving and curating examples of prehistoric artifacts, traditional arts and material culture, and contemporary history and art; and
- (iii) researching and documenting the prehistory of Papua New Guinea by archaeological surveys and excavations and curating the national archaeological collection; and
- (iv) monitoring archaeological research in Papua New Guinea and issuing archaeological excavation permits and permits for the short-term loan of archaeological material for study overseas; and
- (v) maintaining the national register of traditional and archaeological sites, locating and recording prehistoric sites and monuments, and carrying out and salvage of archaeological excavations as required; and
- (vi) identifying, documenting and monitoring the conditions of objects of national cultural significance, recommending their proclamation as National Cultural Property, and keeping a register of National Cultural Property; and
- (vii) monitoring the collection and export of artifacts and issuing permits and performing other duties as required by the Principal Act; and
- (viii) managing and preserving prehistoric and historic sites, traditional structures and movable objects of cultural significance; and
- (ix) conserving objects, sites and structures using traditional and modern techniques; and
- (x) identifying, researching and conserving culturally important species of fauna and flora; and
- (xi) collecting, researching and preserving prototype specimens of all biological species and geological specimens described from the region; and
- (xii) undertaking field research and research on the collections, and publishing the results of such research in the Museum Records and other appropriate publications; and
- (xiii) monitoring and affiliating researchers from other institutions carrying out research in the areas of the Museum's functions; and
- (xiv) maintaining a reference library that serves the Museum's functions; and
- (xv) mounting permanent, temporary and travelling exhibitions for the education and enjoyment of the public; and
- (xvi) assisting and providing training programs for provincial and regional cultural centres' personnel; and
- (xvii) recommending to the National Cultural Council the implementation of international conventions relating to the cultural and natural heritage of mankind where Papua New Guinea is a party to such conventions; and
- (xviii) recommending to the National Cultural Council the seeking of the return from overseas countries of objects and collections of national and cultural significance; and
- (xix) establishing Friends of the Museum under a special Trust Fund; and
- (xx) assisting and encouraging contemporary arts both at national, provincial, local and individual levels.

(2) In the exercise and performance of their powers and functions, the Trustees shall operate—

- (a) within any programme for the preservation and development of all aspects of culture and the arts under Section 13 of the *Cultural Development Act*; and
- (b) within the framework of policy laid down from time to time by the National Cultural Council under that Act.

9. Charges, etc.

Notwithstanding this Act or any other law, the Trustees may, with the approval of the Minister—

- (a) make or authorize the making of such charges as are approved by the Minister for the admission of persons to the Museum; and
- (b) limit or restrict the use of the Museum.

10. Delegation.

The Trustees may, with the approval of the Minister, delegate to the Committee of Management all or any of their powers and functions under Section 8 (except this power of delegation).

11. Meetings.

Meetings of the Trustees shall be held at such times and places as are prescribed, but the President may call a special meeting as he thinks proper.

12. Procedure at meetings.

At a meeting of the Trustees—

- (a) three Trustees are a quorum; and
- (b) the President, or in his absence a Trustee elected by the Trustees, shall preside; and
- (c) all matters shall be decided by open voting and by the majority of votes of the Trustees present; and
- (d) the person presiding has a deliberative and, in the event of an equality of votes on a matter, also a casting vote.

13. Purposes of the Museum to be public purposes.

For the purposes of any law relating to the acquisition of land by the State, the purposes of the Museum shall be deemed to be a public purpose.

14. Vesting of property in the Trustees.

(1) The Minister may transfer to the Trustees any exhibit that is the property of the State, and the exhibit vests in the Trustees.

(2) The Trustees may—

- (a) receive, take or purchase any books, manuscripts, documents, papers, pictures, engravings or other works of art, coins, medals and specimens; and
- (b) with the approval of the National Cultural Council, sell, exchange or otherwise dispose of them or any of them.

(3) The Trustees may lend any of the objects mentioned in Subsection (2) to museums, art galleries and accredited organizations within or outside the country, on proper and sufficient guarantees against loss or damage.

(4) The Trustees may acquire by gift, bequest or devise any property for the purposes of this Act.

(5) A gift, bequest or devise to the Museum or the Trustees is not subject to death, succession or stamp duties under any law.

15. The by-laws.

(1) Subject to this Act, the Trustees may make by-laws for carrying out the objects of this Act.

The by-laws may prescribe penalties of fines not exceeding K1 000.00 for offences against the by-laws.

(3) By-laws made under Subsection (1) are of no force or effect until—

(a) approved by the Head of State, acting on advice; and

(b) published in the National Gazette.

PART IV.—STAFF, ADMINISTRATION, ETC.

16. Appointment, etc., of the Director.

(1) There shall be a Director of the Museum who shall be appointed—

(a) by the Minister, by notice in the National Gazette, on the recommendation of the National Cultural Council; and

(b) for such periods as the Minister fixes.

(2) The Director of the Museum is the Chief Executive Officer of the Museum.

(3) Part V. (other than Sections 29 and 33) of the *Cultural Development Act* applies to and in relation to the Director of the Museum as though he were a Director of a National Cultural Institution appointed under Section 30 of that Act and, in accordance with Section 35(2) of that Act, he is a member of the National Cultural Service.

17. Trustees to recommend persons for appointment as staff, etc.

(1) The Trustees may recommend to the National Cultural Council, for appointment as officers of the Cultural Development Service under Part VI. of the *Cultural Development Act*, such persons as they think necessary to assist them in exercising their powers and performing their functions and duties.

(2) The National Cultural Council may, on the recommendation of the Trustees under Subsection (1), appoint to be officers of the National Cultural Council such persons as it thinks fit and necessary for the purposes of the Museum.

(3) Officers appointed under this section shall be officers of the Cultural Development Service and Part VI. of the *Cultural Development Act* applies to and in relation to them.

18. Temporary and casual employees.

(1) The Director of the Museum may appoint such temporary and casual employees as he thinks necessary for the purposes of this Act.

(2) Employees appointed under Subsection (1) shall be employed on such terms and conditions as the National Cultural Council, from time to time, fixes.

19. The Committee of Management.

(1) For the purpose of the exercise of their functions under Section 8, the Trustees may, with the approval of the National Cultural Council, appoint a person to be a member of a Committee of Management for the Museum.

(2) The Committee of Management shall consist of not more than three persons at least one of whom shall be a Trustee.

20. Exercise of powers, etc., of the Committee.

The powers and functions of the Committee of Management shall be exercised and performed in such manner as the Trustees determine.

PART V.—FINANCE, ETC.

21. Application of the Public Bodies (Financial Administration) Act.

The *Public Bodies (Financial Administration) Act* applies to and in relation to the Trustees, subject to the exceptions and modifications specified in Schedule 1.

PART VI.—MISCELLANEOUS.

22. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing—

- (a) the conditions under which exhibits or specimens may be borrowed; and
- (b) fees to be paid for entry to any exhibition organized by the Trustees; and
- (c) penalties of fines not exceeding K1 000.00 for offences against the regulations.

SCHEDULE 1.

Sec. 21.

EXCEPTIONS AND MODIFICATIONS TO THE PUBLIC BODIES (FINANCIAL ADMINISTRATION) ACT.

| <i>Provision.</i> | <i>Modification.</i> |
|-------------------|--|
| Section 8(1) | The consent of the National Cultural Council must also be obtained. |
| Section 9 | The consent of the National Cultural Council must also be obtained. |
| Section 11 | Particulars of proposed expenditure are also to be submitted to the National Cultural Council. |
| Section 13 | Applies as if the reference to the sum specified in the constituent law was K2 000.00. |
| Section 15 | Report and financial statements are also to be submitted to the National Cultural Council. |

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CHAPTER NO. 156A.

National Museum and Art Gallery Act.

APPENDIX 1.

SOURCE OF THE NATIONAL MUSEUM AND ART GALLERY ACT.

Part A.—Previous Legislation.

National Museum and Art Gallery Act 1983 (No. 28 of 1983).

Part B.—Cross References.

| Section, etc., in Revised Edition. | Previous Reference ¹ . |
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| 1 | 1 |
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| 22 | 22 |
| Schedule 1 | Schedule. |

¹Unless otherwise indicated, references are to the Act as set out in Part A.

