

WESTERN AUSTRALIA.

MUSEUM.

No. 65 of 1973.

AN ACT to amend the Museum Act, 1969.

[Assented to 28th November, 1973.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Museum Act Amendment Act, 1973*.

Short title
and
citation.

(2) In this Act the Museum Act, 1969, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Museum Act, 1969-1973.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Long title
amended.

3. The long title to the principal Act is amended by substituting for the words "Historic Wrecks", in lines three and four, the words "areas and objects of historic interest".

Section 3
amended.

4. Section 3 of the principal Act is amended by deleting the passage "PART V—HISTORIC WRECKS, Ss. 38-42."

Section 6
amended.

5. Section 6 of the principal Act is amended by deleting the interpretation "historic wreck".

Section 9
amended.

6. Section 9 of the principal Act is amended by adding after paragraph (b) a new paragraph as follows—

(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; .

Section 25
amended.

7. Section 25 of the principal Act is amended by adding after paragraph (b) a new paragraph as follows—

(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; .

8. Section 37 of the principal Act is amended by adding after the word "authority" in line three of paragraph (a) of subsection (3) the words "or is leased by the local authority under conditions satisfactory to the Trustees".

Section amended.

9. The principal Act is amended by deleting the Part heading "PART V.—HISTORIC WRECKS.", and by repealing sections 38, 39, 40, 41, and 42.

Part V repealed.

10. Section 44 of the principal Act is amended—

Section 44 amended.

(a) by redesignating the section as subsection "(1) Subject to section 45";

(b) by deleting the words "that is situate on land vested in Her Majesty" in lines one and two;

(c) by adding after the word "Museum", in line three, the words "wheresoever it is situate in the State"; and

(d) by adding after subsection (1) a new subsection as follows—

(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.

11. Section 45 of the principal Act is amended—

Section 45 amended.

(a) as to subsection (1)—

(i) by deleting the word "or", in line three;

(ii) by deleting the passage "or be in possession of such a meteorite.", in lines six and seven, and substituting a new passage as follows—

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, 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. ;
- (b) by adding after subsection (2) six new subsections as follows—

(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: Two hundred dollars or imprisonment for three months or both the fine and imprisonment.

(5) Where, prior to the coming into operation of the Museum Act Amendment Act, 1973, 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 fourteen 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. .

12. The principal Act is amended by deleting the Schedule. Schedule
deleted.
