War Graves Act 1980

Act No. 100 of 1980 as amended

This compilation was prepared on 28 March 2012
taking into account amendments up to Act No. 46 of 2011

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

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

Prepared by the Office of Legislative Drafting and Publishing,
Attorney-General’s Department, Canberra
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## Notes

5
An Act relating to war graves

1 Short title [see Note 1]

This Act may be cited as the War Graves Act 1980.

2 Interpretation

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

  Director means the Director of War Graves.

  Secretary means the Secretary of the Department.

(2) A reference in this Act to war graves shall be read as including a reference to all graves, cemeteries and memorials in respect of which the Department has responsibilities.

3 Director of War Graves

There shall be a Director of War Graves.

4 Functions of Director

The Director shall, under the Secretary, administer, on behalf of the Department, both in and outside Australia, matters relating to the responsibilities of the Department in respect of war graves.

5 Appointment of Director

(1) The Director shall be appointed by the Governor-General.

(2) Subject to this Act, the Director holds office for such period, not exceeding 3 years, as is specified in the instrument of his or her appointment, but is eligible for reappointment.

(4) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined by the Governor-General.
Section 6

6 Remuneration and allowances of Director

(1) The Director shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he or she shall be paid such remuneration as is prescribed.

(2) The Director shall be paid such allowances as are prescribed.

(3) This section has effect subject to the Remuneration Tribunal Act 1973.

7 Leave of absence of Director

(1) The Director has such recreation leave entitlements as are determined by the Remuneration Tribunal.

(2) The Minister may grant the Director leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Minister determines.

8 Resignation of Director

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

9 Termination of office of Director

(1) The Governor-General may terminate the appointment of the Director for misbehaviour or physical or mental incapacity.

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

2 War Graves Act 1980
10 Acting Director

The Minister may appoint a person to act as Director:

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

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

12 Staff

The staff necessary to assist the Director shall be officers of, or performing duties in, the Department or employees employed in the Department.

13 Annual Report

(1) The Secretary shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report on the operations of the Department in relation to war graves during the 12 months ending on that date.

(2) The Minister shall cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by him or her.

14 Regulations

The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.
Notes to the War Graves Act 1980

Note 1

The War Graves Act 1980 as show in this compilation comprises Act No. 100, 1980 amended as indicated in the Tables below.

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

### Table of Acts

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Notes to the *War Graves Act 1980*

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6  *War Graves Act 1980*
(a) The War Graves Act 1980 was amended by Part LXXVII (section 280) only of the Statute Law (Miscellaneous Amendments) Act (No. 2) 1982, subsection 2(1) of which provides as follows:

(1) Sections 1, 2, 166 and 195 and Parts III, VI, VII, XVI, XXXVI, XLIV, LI, LIII, LIV, LXI and LXXVII shall come into operation on the day on which this Act receives the Royal Assent.

(b) The War Graves Act 1980 was amended by section 3 only of the Statute Law (Miscellaneous Provisions) Act (No. 1) 1985, subsection 2(1) of which provides as follows:

(1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

(c) The War Graves Act 1980 was amended by Schedule 4 (items 1 and 151) only of the Statute Law Revision Act 1996, subsection 2(1) of which provides as follows:

(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(d) The War Graves Act 1980 was amended by Schedule 1 (item 978) only of the Public Employment (Consequential and Transitional) Amendment Act 1999, subsections 2(1) and (2) of which provide as follows:

(1) In this Act, commencing time means the time when the Public Service Act 1999 commences.

(2) Subject to this section, this Act commences at the commencing time.
### Table of Amendments

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Table A

Application, saving or transitional provisions

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

Schedule 1

97 Application of amendments

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

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

Schedule 3

10 Saving—appointments

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

11 Transitional regulations

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