



Australian War Memorial Regulations 1983

Statutory Rules 1983 No. 343 as amended

made under the

Australian War Memorial Act 1980

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taking into account amendments up to SLI 2007 No. 238

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1 Name of Regulations [see Note 1]

These Regulations are the *Australian War Memorial Regulations 1983*.

2 Repeal of former Australian War Memorial Regulations

Statutory Rules 1980 Nos. 182 and 298 are repealed.

3 Interpretation

In these Regulations, unless the contrary intention appears:

authorised liquor supplier means a person authorised under subregulation 8B (1) to supply liquor.

certificate means a certificate issued under regulation 5.

Liquor has the same meaning as in subsection 41 (3) of the Act.

Memorial building means the building, erected on Memorial land, in which memorial material is displayed.

Memorial land means the land made available by the Commonwealth pursuant to paragraph 6 (2) (b) of the *Australian War Memorial Act 1962*, being the land specified in the Schedule to a notice dated 22 June 1967 and published in the *Gazette* on 29 June 1967.

Memorial material means:

- (a) material forming part of the memorial collection; and
- (b) any other historical material that is otherwise in the possession of the Memorial; and
- (c) any showcase or other structure in or on which material of the kind mentioned in paragraph (a) or (b) is displayed; and
- (d) the stone known as the Stone of Remembrance situated on Memorial land.

Memorial premises means any of the following:

- (a) Memorial land;

- (b) any other land that is owned by, or under the control of, the Memorial;
- (c) the Memorial building;
- (d) any other building or structure that is owned by, or under the control of, the Memorial.

security officer means a person appointed under regulation 5 to be a security officer.

supply, in relation to liquor, includes sale.

the Act means the *Australian War Memorial Act 1980*.

4 Allowances payable to Director

For the purposes of subsection 22 (2) of the Act, the following allowances are prescribed, namely the allowances payable to an officer of the Australian Public Service.

5 Security officers

- (1) The Director may, by instrument in writing, appoint a person referred to in section 27 or 28 of the Act to be a security officer.
- (2) The Director shall cause to be issued to each person appointed to be a security officer a certificate, in accordance with the form set out in Schedule 1, containing a photograph of the person.
- (3) A person who ceases to be a security officer shall forthwith return his certificate to the Director.
- (4) A security officer shall, when exercising his powers under these Regulations in relation to a person, at the request of the person produce his certificate for inspection by the person.

6 Powers of security officer

- (1) Where a security officer has reasonable grounds for believing that:
 - (a) memorial material or the Memorial building has been, or is being, damaged by a person; or

(b) a person has refused to obey a direction of a security officer given under subregulation (3);
the security officer may, using such force as is reasonably necessary, apprehend the person.

- (2) When a person has been apprehended, a security officer shall:
- (a) remove the person from the Memorial building, or Memorial land, or both; or
 - (b) deliver the person forthwith to a member of the Australian Federal Police.
- (3) Where a security officer has reasonable grounds for believing that:
- (a) public safety is or may be endangered by the continued presence of a person, or a group of persons, in the Memorial building or on Memorial land or, for any other reason, the safety of members of the public who are present in the Memorial building or on Memorial land is endangered;
 - (b) the conduct of a person or of a group of persons is likely to cause offence to members of the public; or
 - (c) a person has committed, or is committing, an offence against these Regulations;
- the security officer may direct the person or persons, or the members of the public, as the case requires, to leave the Memorial building or the Memorial land, or both.

6A Contracts (Act s 35)

- (1) For paragraph 35 (1) (a) of the Act, \$1 000 000 is prescribed.
- (2) For paragraph 35 (1) (b) of the Act, \$1 000 000 is prescribed.

7 Offences

- (1) A person must not, in the Memorial building or on Memorial land:
 - (a) fail to obey a direction of a security officer given in the exercise of the officer's powers under these Regulations;
or

- (b) fail to obey a notice displayed in the Memorial building or on Memorial land; or
- (c) if the person is carrying a prescribed article when entering the Memorial building — fail to deposit the article at the counter, made available by the Council for the purpose, in the Memorial building; or
- (d) cause or permit an animal (other than a guide dog) belonging to the person, or in the person's charge, to enter or remain in the Memorial building; or
- (e) bring any liquid (other than medication) or food into the Memorial building; or
- (f) consume any liquid or food in the Memorial building (other than in an area set aside by the Director for that purpose); or
- (g) smoke in the Memorial building (other than in an area set aside by the Director for that purpose); or
- (h) expose, or cause to be exposed, for show, sale or hire, an article for use or consumption by a member of the public.

Penalty: 2 penalty units.

- (2) Paragraph (1) (b) does not apply if the person has the written consent of the Council (or of a person authorised in writing by the Council for the purposes of this subregulation) to not comply with a notice described in that paragraph.
- (3) For paragraph (1) (c), a *prescribed article* is:
 - (a) an overcoat, a bag (other than a handbag), case, parcel or other container; or
 - (b) an umbrella, an aerosol container, or any other article that may be used to cause damage to Memorial material.
- (4) Paragraphs (1) (c), (e) and (h) do not apply to an authorised liquor supplier who supplies liquor in accordance with an authority given under regulation 8B.
- (5) Paragraph (1) (h) does not apply if the person has the written consent of the Council to do a thing mentioned in that paragraph.

- (6) An offence against paragraph (1) (b), (c), (e), (f), (g) or (h) is an offence of strict liability.

Note A defendant bears an evidential burden in relation to the matters in subregulations (2), (4) and (5) (see subsection 13.3 (3) of the *Criminal Code*).

8 Motor vehicles

- (1) A security officer may direct the person apparently in charge of a motor vehicle that is on Memorial land:
- (a) not to park the vehicle on Memorial land except in a specified place;
 - (b) not to park the vehicle in a specified place; or
 - (c) not to park the vehicle on Memorial land.
- (2) A person to whom a direction under subregulation (1) is given must comply with the direction.
- (3) Subregulation (2) does not apply to a person who has a reasonable excuse not to comply with the direction.
- (4) An offence against subregulation (2) is an offence of strict liability.

Penalty: 1 penalty unit.

Note A defendant bears an evidential burden in relation to the matter in subregulation (3) (see subsection 13.3 (3) of the *Criminal Code*).

8A Entry charge to the Treloar Centre

- (1) The charge to be paid by a person to whom this regulation applies to enter the exhibition areas of the building known as the Treloar Centre, operated by the Memorial at Mitchell in the Australian Capital Territory, is set out in the following Table:

Table

| Item | Person | Charge |
|------|---|--------|
| 1. | A person who is at least 15 years old and not referred to in item 3, 4 or 5 | \$3.25 |
| 2. | A person who is at least 5 years old but less than 15 years old | \$2.15 |

Regulation 8A

| Item | Person | Charge |
|------|---|--------|
| 3. | A person who is the holder of a pensioner concession card granted under the <i>Social Security Act 1991</i> | \$2.15 |
| 4. | A person who is the holder of a seniors health card granted under the <i>Social Security Act 1991</i> or the <i>Veterans' Entitlements Act 1986</i> | \$2.15 |
| 5. | A full-time student at a school, college or university who is less than 25 years old | \$2.15 |
| 6. | A person who is the holder of a health care card granted under the <i>Health Insurance Act 1973</i> | \$2.15 |

- (2) This regulation applies to all persons except the following persons:
- (a) a member, or a former member, of the Defence Force who:
 - (i) served outside Australia on active service; or
 - (ii) served in Australia on active service during World War 2; or
 - (iii) served outside Australia on operational service within the meaning of the *Veterans' Entitlements Act 1986*; or
 - (iv) is taken to have been rendering operational service within the meaning of paragraph (b) of item 1 or paragraph (a) of item 2 of the table in subsection 6A (1) of the *Veterans' Entitlements Act 1986*;
 - (b) a person who is in receipt of a pension under Part II or III of the *Veterans' Entitlements Act 1986*;
 - (c) a person who is invited to enter the exhibition areas without charge by:
 - (i) the Director; or
 - (ii) a member of the staff of the Memorial occupying a position specified in column 2 of an item in Schedule 2;
 - (d) a person who is less than 5 years old;

- (e) a person who enters the exhibition areas for a purpose connected with:
 - (i) the operation of the Treloar Centre; or
 - (ii) the maintenance of memorial material; or
 - (iii) the maintenance, renovation, reconstruction or extension of the Treloar Centre;
 - (f) a person who enters the exhibition areas:
 - (i) in the course of his or her duties as an officer or employee of the Memorial; or
 - (ii) for the purpose of providing a service to the Memorial.
- (3) In this regulation, *exhibition areas* means the areas of the Treloar Centre that:
- (a) are open to the public; and
 - (b) contain exhibitions and displays of historical material:
 - (i) from the memorial collection; or
 - (ii) that is otherwise in the Memorial's possession.

8B Authority to supply liquor

- (1) The Director may, in writing, authorise the supply of liquor on Memorial premises.
- (2) The authority must state:
 - (a) the persons (whether identified by name or by description of a class of person) by whom liquor may be supplied; and
 - (b) the parts of Memorial premises where liquor may be supplied; and
 - (c) the hours during which liquor may be supplied.
- (3) An authorised liquor supplier must not intentionally supply liquor on Memorial premises except in accordance with the terms of the authority.

Penalty for subregulation (3): 5 penalty units.

8C Limit on supply of liquor

A person (the *first person*) must not intentionally supply liquor to another person on Memorial premises unless the first person:

- (a) is an authorised liquor supplier; or
- (b) is a person to whom the liquor was supplied by an authorised liquor supplier.

Penalty: 5 penalty units.

8D Responsibilities of authorised liquor supplier

- (1) An authorised liquor supplier must not intentionally supply adulterated liquor on Memorial premises.

Penalty: 5 penalty units.

- (2) An authorised liquor supplier must not intentionally supply liquor on Memorial premises to a person who it is reasonable to believe is:

- (a) intoxicated; or
- (b) under 18.

Penalty: 5 penalty units.

- (3) An authorised liquor supplier, or an employee of the supplier, may refuse to supply liquor on Memorial premises to a person unless the person satisfies the supplier or employee of the person's age.

8E Consumption of liquor by person under 18

A person who is under 18 must not intentionally buy or consume liquor on Memorial premises.

Penalty: 5 penalty units.

8F Person under 18 not to obtain liquor

A person must not intentionally send a person who is under 18 to buy or collect liquor on Memorial premises.

Penalty: 5 penalty units.

9 Delegation by Council

- (1) The Council may, by resolution, either generally or as otherwise provided by the resolution, delegate to a person its powers under these Regulations.
- (2) A power so delegated, when exercised by the delegate shall, for the purposes of these Regulations, be deemed to have been exercised by the Council.
- (3) A delegation under this regulation:
 - (a) may be revoked by a resolution of the Council (whether or not constituted by the persons constituting the Council at the time the power was delegated);
 - (b) does not prevent the exercise of the power by the Council; and
 - (c) continues in force notwithstanding a change in the membership of the Council.
- (4) A certificate signed by the Chairman stating any matter with respect to a delegation of a power under this regulation is evidence of that matter.
- (5) A document purporting to be a certificate mentioned in subregulation (4) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

10 Delegations by Director

- (1) The Director may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to a person any of his powers under these Regulations, other than this power of delegation.
- (2) A power so delegated, when exercised by the delegate, shall for the purposes of this Act, be deemed to have been exercised by the Director.
- (3) A delegation under this regulation does not prevent the exercise of a power by the Director.

Schedule 1 Identity certificate
(regulation 5)

IDENTITY CERTIFICATE

(Front of form)

SECURITY OFFICER

AUSTRALIAN WAR MEMORIAL

Name:

(Signature of officer)

Identification No:

(Back of form)

This is to certify that *(name of security officer)* is a security officer employed by the Australian War Memorial.

(Signature of Director)

DIRECTOR

Schedule 2 Free entry to exhibition areas — specified staff positions

(paragraph 8A (2) (c))

| Column 1 Item No. | Column 2 Position held |
|------------------------------|---|
| 1. | Assistant Director, National Collection |
| 2. | Manager, Treloar Centre |

Table of Instruments

Notes to the *Australian War Memorial Regulations 1983***Note 1**

The *Australian War Memorial Regulations 1983* (in force under the *Australian War Memorial Act 1980*) as shown in this compilation comprise Statutory Rules 1983 No. 343 amended as indicated in the Tables below.

Under the *Legislative Instruments Act 2003*, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

Table of Instruments

| Year and number | Date of notification in <i>Gazette</i> or FRLI registration | Date of commencement | Application, saving or transitional provisions |
|------------------------|--|-----------------------------|---|
| 1983 No. 343 | 30 Dec 1983 | 30 Dec 1983 | |
| 1984 No. 39 | 23 Mar 1984 | 23 Mar 1984 | — |
| 1990 No. 448 (a) | 21 Dec 1990 | 1 Jan 1991 | — |
| 1994 No. 375 | 1 Nov 1994 | 1 Nov 1994 | — |
| 1995 No. 271 | 12 Sept 1995 | 12 Sept 1995 | — |
| 1996 No. 243 | 30 Oct 1996 | 30 Oct 1996 | — |
| 2000 No. 216 | 11 Aug 2000 | 11 Aug 2000 | — |
| 2001 No. 229 | 5 Sept 2001 | 5 Sept 2001 | — |
| 2007 No. 238 | 13 Aug 2007 (see F2007L02340) | 14 Aug 2007 | — |

(a) Statutory Rules 1990 No. 448 were disallowed by the Senate on 14 February 1991.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|---|
| R. 1 | rs. 2000 No. 216 |
| R. 3 | am. 1984 No. 39; 2000 No. 216 |
| R. 5 | am. 1996 No. 243 |
| R. 6A..... | ad. 2007 No. 238 |
| R. 7 | am. 2000 No. 216 rs. 2001 No. 229 |
| R. 8 | am. 2001 No. 229 |
| R. 8A..... | ad. 1990 No. 448 (disallowed) ad. 1994 No. 375 am. 1995 No. 271; 1996 No. 243; 2001 No. 229 |
| Rr. 8B–8F | ad. 2000 No. 216 |
| Heading to Schedule | rs. 1996 No. 243 |
| Schedule 2..... | ad. 1996 No. 243 |