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Statutory Rules 1983 No. 1

343/

Australian War Memorial Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Australian War Memorial Act 1980*.

Dated 21 December 1983.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

(Sgd) Barry Cohen

Minister of State for Home Affairs and Environment

Citation

1. These Regulations may be cited as the Australian War Memorial Regulations.

Repeal of former Australian War Memorial Regulations

2. Statutory Rules 1980 Nos. 182 and 298 are repealed.

Interpretation

3. In these Regulations, unless the contrary intention appears—

“certificate” means a certificate issued under regulation 4;

“memorial material” means—

- (a) material forming part of the memorial collection;
- (b) any other historical material that is otherwise in the possession of the Memorial;
- (c) any showcase or other structure in or on which material of the kind referred to in paragraph (a) or (b) is displayed; and

(d) the stone known as the Stone of Remembrance situated on Memorial land;

“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;

“security officer” means a person appointed under regulation 4 to be a security officer;

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

Allowances payable to Director

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

Security officers

5. (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 the Schedule, 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.

Powers of security officer

6. (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 sub-regulation (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.

Offences

- 7. (1) A person shall not, in the Memorial building or on Memorial land—
 - (a) refuse to obey a direction of a security officer given in the exercise of his powers under these Regulations;
 - (b) without the consent in writing of the Council, expose or cause to be exposed for show, sale or hire any article for use or consumption by a member of the public;
 - (c) without the consent of the Council, or a person authorized in writing by the Council for the purposes of this paragraph, fail to obey a notice displayed in the Memorial building or on Memorial land; or
 - (d) where the person is carrying a prescribed article upon entering the Memorial building—fail to deposit the prescribed article at the counter in the Memorial building made available by the Council for the purpose.

Penalty: \$200.

- (2) A person shall not—
 - (a) cause or permit an animal belonging to the person or in his charge to enter or remain in the Memorial building;
 - (b) bring any liquid or food into the Memorial building;
 - (c) consume any food or potable liquid within the Memorial building, other than in an area set aside by the Director for that purpose; or
 - (d) smoke in an area of the Memorial building other than an area in which smoking is permitted.

Penalty: \$200.

(3) Paragraph (2) (a) does not apply to or in relation to the taking by a blind person of his guide dog into the Memorial building.

(4) Paragraph (2) (b) does not apply to or in relation to the bringing by a person of medication in liquid form into the Memorial building.

(5) In paragraph (1) (d), “prescribed article” means—

- (a) an overcoat, a bag (other than a handbag), case, parcel or other container; and
- (b) an umbrella, an aerosol container or any other article that is capable of being used to cause damage to memorial material.

Motor vehicles

8. (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 sub-regulation (1) is given shall not, without reasonable excuse, fail to comply with the direction.

Penalty: \$100.

Delegation by Council

9. (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 sub-regulation (4) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

Delegations by Director

10. (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

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

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 1 1983.

30 December/