AUSTRALIAN WAR MEMORIAL BILL 1980

Date Introduced: 17 April 1980
House: House of Representatives
Presented by: Hon. R.J. Ellicott, Q.C., M.P., Minister for Home Affairs and Minister for the Capital Territory

Short Digest of Bill

Purpose

To perpetuate and continue the Australian War Memorial and to provide for its more effective operation.

Background

The Memorial had its origins in the battlefields of France during the First World War, when Australian soldiers expressed a desire to have an Australian memorial to their dead comrades. The Museum building was designed in 1926-27, and opened on Armistice Day 1941. It was the first permanent national building in Canberra. Since then it has been extended, and its holdings now include 40,000 relics, 12,000 art works, 60,000 monographs, 10,000 maps, 240,000 photographs, 64 dioramas and 1,220,000 metres of film, and a large quantity of other printed items and materials. It is one of the country's major museums.

In 1977-78, the number of visitors to the Memorial exceeded 750,000 for the first time, and most were under 40 years of age so that visitors are increasingly less likely to have any personal knowledge or experience of Australia's major war efforts. Thus, their interests in the Memorial are less likely to be personal and reminiscent and more likely to be the seeking of historical knowledge.

For some years the Board of Trustees of the Memorial has been drawing attention to the changing nature of the Memorial's functions and the inadequacies of the existing Act. This Bill proposes to replace existing legislation with more appropriate and effective provisions.

The Bill contains many administrative provisions which are similar to those in the statutes of other Commonwealth cultural institutions. (e.g. the Museum of Australia Bill 1980 which was introduced on the same day as this Bill). This Digest notes only the substantial provisions of the Bill.
Provisions

Clause 4 establishes a corporation by the name of the Australian War Memorial, with the functions set out in Clause 5, viz. to maintain and develop the Memorial to Australians who died on active service; to develop and maintain a national collection of historical material for the Memorial; to exhibit or provide for exhibition the material in the Memorial's custody; to conduct, arrange for and assist in research projects concerning Australian military history; and to disseminate information about the Memorial, its collections and functions, and Australian military history. Clause 5(2) provides that the Memorial "shall use every endeavour to make the most advantageous use of the memorial collection in the national interest". Clause 6(1) and (2) sets out the powers of the Memorial: to purchase, hire, loan, accept gifts etc. and the gathering and making available of historical and other material relating to Australian military history; to sell reproduction, replicas or other forms of historical material; to publicize the Memorial and its functions and to provide facilities to stimulate interest in Australian military history; to train members of the Memorial staff (and other persons, when the Council approves), in developing, caring for and undertaking research in relation to the Memorial's collection.

The Memorial is empowered by Clauses 6 and 7 to occupy and use land made available by the Commonwealth, to erect buildings and to obtain furnishings and equipment.

Provision is made in Clause 8 for the disposal of unsuitable, or unnecessary material in the collection, by sale, gift, exchange or destruction.

Clause 9 establishes the Council of the Australian War Memorial to conduct and control the affairs of the Memorial and to determine its policy. The Council shall consist of the Chiefs of Naval, General and Air Staffs, and not less than 8 nor more than 10 other members appointed by the Governor-General because of their relevant knowledge and experience. Provision is made in Clause 11 for the election of a Chairman, and in Clause 12 for the appointment of members' deputies. The Chairman shall convene meetings of the Council and regulate the conduct of these meetings according to the provisions of Clause 17.

A Director of the Memorial shall be appointed by the Governor-General to manage the affairs of the Memorial subject to and in accordance with the general directions of the Council (Clause 20). Under specified conditions (Clause
24) the Director's appointment shall or may be terminated. When necessary, an acting Director may be appointed (Clause 26). Staff employed by the Memorial shall be employed or appointed under the Public Service Act 1922 (Clause 27) and with the approval of the Public Service Board and on such terms and conditions as the Council determines, the Director may engage suitably qualified and experienced consultants (Clause 29).

Money may be appropriated from time to time by the Parliament for the Memorial's purposes (Clause 30). The Council shall prepare estimates of receipts and expenditures each financial year and submit them to the Minister. Moneys paid to the Memorial under section 30 shall not be expended otherwise than in accordance with estimates of expenditure approved by the Minister (Clause 31). Clause 42 provides for the making of regulations under the Act. Clause 44 provides for the repeal of the Australian War Memorial Act 1962 and the Australian War Memorial Act 1975.

The Memorial requires the consent of the Minister to enter into certain contracts above specific amounts (Clause 35). Provision is made for audit of the Memorial's finances (Clause 36). Regulations may be made for the sale of liquor on premises under the control of the Memorial, in which case the A.C.T. liquor laws shall not apply to those premises (Clause 41). The Memorial shall submit to the Minister an annual report and financial statement (Clause 48).

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Education and Welfare Group
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