WAR GRAVES BILL 1980

Date Introduced: 15 May 1980
House: House of Representatives
Presented by: Minister for Veterans' Affairs

Short Digest of Bill

Purpose

To create the position of Director of War Graves and to give statutory recognition to the establishment, care and maintenance of Australian war graves.

Background

To date no legislation has dealt directly with the administration of war graves (except for the inclusion of proposed expenditure in Appropriation Bills). A division of the Department of Veterans' Affairs, the Office of Australian War Graves, has acted on behalf of the Commonwealth War Graves Commission and has cared for all Commonwealth War Graves, cemeteries and memorials of the two world wars in Australia, Papua, New Guinea, the Solomon Islands (Guadalcanal) and Norfolk Island. It also cares for war graves and memorials in Australia and Papua New Guinea of German, Dutch and French nationals on behalf of the Commonwealth War Graves Commission. As an agent of the Commission the Office of Australian War Graves has cared for and maintained the Commonwealth War Graves Cemetery at Ambon, Indonesia. By arrangement with the Government of Japan the office also maintains the Japanese war cemetery at Cowra.

Main Provisions

Clause 3 establishes the position of a Director of War Graves.

Clause 4 sets out the function of the Director as administering on behalf of the Department of Veterans' Affairs matters relating to the Department's responsibilities for war graves.

Provisions relating to the appointment and termination of appointment of a Director are set out in clauses 5 and 9 respectively. The Director is to be appointed by the Governor-General. The appointment is to be for a period not exceeding 3 years, but the Director will be
eligible for reappointment provided this appointment does not extend beyond the date on which he will attain the age of 65 years. Termination of appointment may be on grounds of misbehaviour, physical or mental incapacity, engaging in other paid employment without the approval of the Minister, absence from duty for 14 consecutive days or for 28 days in any 12 months without the approval of the Minister, or becoming bankrupt (clause 9).

The remuneration and allowances of the Director are to be determined by the Remuneration Tribunal (clause 6). A Director may retain his existing and accruing rights under the Officers' Rights Declaration Act 1928 if, immediately before his appointment, he was an officer of the Australian Public Services (clause 11(a)). His service as Director shall be taken into account in the determining of his rights under the Officers' Rights Declaration Act.

Provision is made for the appointment of an Acting Director by the Minister for a period not exceeding 12 months in case of a vacancy in the office of Director (clause 19(1)(a)) or during any period or during all periods when the Director is absent from duty. The terms and conditions applying to the appointment of an Acting Director are set out in sub-clauses 10(2) to 10(7).

Staff to assist the Director are to be officers of, or staff performing duties in, the Department of Veterans' Affairs (clause 12). An annual report in relation to war graves is to be provided to the Minister by the Secretary of the Department of Veterans' Affairs (clause 13) and this report is to be tabled in Parliament by the Minister and laid before each House of Parliament within 15 sitting days of receiving it.

Clause 14 is a provision enabling the Governor-General to make regulations, not inconsistent with the Act, to prescribe all matters necessary to give effect to the Act.

19 May 1980

Education and Welfare Group
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