

Australian War Memorial Amendment Regulations 2000 (No. 1) 2000 No. 216

EXPLANATORY STATEMENT

Statutory Rules 2000 No. 216

Issued by the Authority of the Minister for Veterans' Affairs

Australian War Memorial Act 1980

Australian War Memorial Amendment Regulations 2000 (No. 1)

Section 42 of the *Australian War Memorial Act 1980* (the Act) enables the Governor-General to make regulations prescribing matters that are required or permitted by the Act to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Section 41 of the Act provides for regulations to be made in relation to the sale, supply, disposal, possession or control of liquor on War Memorial premises ("Memorial premises") in the Australian Capital Territory. Section 41 also provides that upon the making of any such regulations, the liquor laws of the Australian Capital Territory do not apply to liquor dealings on Memorial premises.

The purpose of the Australian War Memorial Amendment Regulations 2000 ("the amendment regulations") is to control the sale and supply of liquor on War Memorial premises in the Australian Capital Territory. The regulations are based on "liquor provisions" in the *National Library Regulations* and the *Australian National Maritime Museum Regulations 1991*.

The amendment regulations:

- * empower the Director of the Australian War Memorial to authorise the supply of liquor on War Memorial premises; and
- * create "liquor offences".

The "liquor offences" are:

- * the intentional supply of liquor on Memorial premises by an authorised liquor supplier otherwise than in accordance with the relevant authority;
- * the intentional supply of liquor on Memorial premises by an unauthorised liquor supplier or by a person supplied with the liquor by an unauthorised liquor supplier;
- * the intentional supply of adulterated liquor on Memorial premises by an authorised liquor supplier;
- * the intentional supply of liquor on Memorial premises by an authorised liquor supplier to a person whom it is reasonable to believe is intoxicated or under-age;
- * the intentional purchase or consumption of liquor by under-age people on memorial premises;
- * the intentional direction of an under-age person to buy or collect liquor on Memorial premises.

The amendment regulations also permit an authorised liquor supplier or an employee thereof to refuse to supply liquor to a person unless that person satisfies the supplier or supplier's employee of the person's age.

A number of minor and technical matters are also addressed in the amendment regulations.

Details of the amendment regulations are set out in the attachment.

The amendment regulations commenced on gazettal.

ATTACHMENT

Australian War Memorial Amendment Regulations 2000 (No. 1)

Regulation 1 refers to the name of the regulations - the *Australian War Memorial Amendment Regulations 2000 (No. 1)*

Regulation 2 provides for the regulations to commence on gazettal.

Regulation 3 states that Schedule 1 of the regulations amend the Australian War Memorial Regulations ("principal regulations").

Schedule 1

Item [1] adds the date 1983 to the name of the principal regulations.

Item [2] inserts a definition of *authorised liquor supplier* in the principal regulations. An authorised liquor supplier is a person authorised by the Director of the Australian War Memorial ("the Director") to supply liquor on Memorial premises. omits the definition of *memorial material* in regulation 3 of the principal regulations because it is not in alphabetical order. The definition is re-inserted in regulation 3 of the principal regulations, in alphabetical order, by Item [3] of the Schedule to the amendment regulations.

Item [4] inserted a definition of *liquor* in the principal regulations. The definition of *liquor* is the same as the definition of *liquor* in the *Australian War Memorial Act 1980*, namely: wine, spirits, ale, beer, porter, cider, perry or any liquid containing alcohol ordinarily used or fit for use as a beverage.

Item [5] re-inserts, in regulation 3 of the principal regulations, in alphabetical order, the definition of *Memorial material* (see Item [31] above). Item [5] also inserts a definition of *Memorial premises* in the principal regulations. The definition of *Memorial premises* is relevant to the power of the Director to permit the supply of liquor in relation to Memorial activities because the Director can only authorise the supply of liquor on *Memorial premises*. The term *Memorial premises* includes *Memorial land* and the other land and the buildings and structures described in the definition of *Memorial premises*. The term *Memorial land* is defined in regulation 3 of the principal regulations as: "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."

Item [6] creates a definition of **supply** in regulation 3 of the principal regulations. The definition of **supply**, in relation to liquor, includes "sale".

Item [7] ensures that an authorised liquor supplier or an employee thereof, acting within the terms of the relevant authority, is not subject to the provisions in the principal regulations which regulate the sale etc of articles to be consumed by the public and which prohibit the carrying of liquid into the Memorial building because there is no need to "twice regulate" liquor suppliers.

Item [8] inserts several new regulations into the principal regulations:

8B Authority to supply liquor

This regulation enables the Director to authorise the supply of liquor on Memorial premises. An authorised liquor supplier who intentionally supplies liquor otherwise than in accordance with an authority is liable to a penalty up to \$550.

8C Limit on supply of liquor

This regulation prohibits a person from intentionally supplying liquor on Memorial premises unless the person is an authorised liquor supplier or unless the liquor the person supplied was received from an authorised liquor supplier. The latter case will ensure that "my shout situations" where a person obtains liquor from the barperson for himself/herself and another person and (re) supplies that liquor to the other person is not in contravention of the Regulations. The penalty for contravening this regulation is an amount up to \$550.

8D Responsibilities of authorised liquor supplier

This regulation created several "liquor offences" which attract a penalty of up to \$550, those offences being:

- * the intentional supply of adulterated liquor on Memorial premises;
- * the intentional supply of liquor on Memorial premises, by an authorised liquor supplier, to a person who it is reasonable to believe is intoxicated or under 18 years of age.

This regulation also empowers an authorised liquor supplier or an employee thereof to refuse to supply liquor to a person on Memorial premises unless the person satisfies the supplier or supplier's employee of the person's age.

8E Consumption of liquor by person under 18

This regulation prohibits persons under 18 years of age from intentionally buying or consuming liquor on Memorial premises. A person who contravenes the regulation is liable to a penalty up to \$550.

8F Person under 18 obtaining liquor

This regulation makes it an offence for a person to intentionally send a person who is under 18 years of age onto Memorial premises for the purpose of buying or collecting liquor. A person who contravenes the regulation is liable to a penalty up to \$550.