

TRIPPLICA

Administering Departm

copy with documents sent
Council Secretariat in connection with the
making of this legislation.**ExCo Secretariat:** Please complete this copy by
inserting signatures, date of making and instrument
No. and send to:Legislative Services Unit
Office of Legislative Drafting
Attorney-General's Department

2001B00311



Australian War Memorial Amendment Regulations 2001 (No. 1)¹

Statutory Rules 2001 No. ²

229

I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Australian War Memorial Act 1980*.

Dated 29 AUG 2001 2001

PETER HOLLINGWORTH

Governor-General

By His Excellency's Command

BRUCE SCOTT
Minister for Veterans' Affairs

Regulation 1

1 Name of Regulations

These Regulations are the *Australian War Memorial Amendment Regulations 2001* (No. ✓).

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Australian War Memorial Regulations 1983*

Schedule 1 amends the *Australian War Memorial Regulations 1983*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 7

substitute

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

2

Australian War Memorial Amendment Regulations
2001 (No. ✓)

2001, ✓

229
1

-
- (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*).

[2] Subregulation 8 (2), and the penalty

substitute

- (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*).

[3] Subregulation 8A (1), table, item 1, column 3

omit

\$3

insert

\$3.25

[4] Subregulation 8A (1), table, items 2, 3, 4, 5 and 6, column 3

omit

\$2


insert

\$2.15

[5] Subparagraph 8A (2) (a) (iv)*substitute*

- (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*;

Notes

1. These Regulations amend Statutory Rules 1983 No. 343, as amended by 1984 No. 39; 1990 No. 448 (disallowed by the Senate on 14 February 1991); 1994 No. 375; 1995 No. 271; 1996 No. 243; 2000 No. 216.
2. Notified in the *Commonwealth of Australia Gazette* on  2001.

5 September