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Legislative Research Service
Department of the Parliamentary Library

Australian War Memorial Amendment Bill 1989 (Private Member's Bill)

Date Introduced: 23 November 1989

House: House of Representatives

Presented by: Roger Shipton, M.P.

Digest of Bill

Purpose

To clarify the Australian War Memorials power to make available historical material in its possession for exhibition by itself and others within Australia or overseas.

Background

The Australian War Memorial (AWM) 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 honour their dead mates. The AWM 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 25 000 works of art, 50 000 relics and a large reference collection including four kilometres of official and private records, 50 000 books, 4000 serial titles, 30 000 maps, 801 600 photographs, 6060 reels of film and 1550 collections of sound recordings. In 1988-89, the AWM attracted approximately 950 000 visitors.¹

The AWM was established as a corporation under the *Australian War Memorial Act 1980* (the Principal Act) in June 1980. Under the Principal Act a Council of the Memorial was established with responsibility for the conduct and control of the affairs of the policy of the AWM. The day-to-day affairs of the AWM are managed by the Director of the AWM who is subject to the general directions of the Council. The functions of the AWM include, to maintain and develop a national memorial of Australians who have died on or as a result of active service, or as a result of any war or warlike operations in which Australians have been on active service; to exhibit, or to make available for exhibition by other, historical material in its possession; and to disseminate information relating to Australian military history, the AWM, its collection, and the AWM and its functions. The AWM is funded by Parliamentary appropriations, which in 1988-89, totalled \$10.010 million. In 1988-89, the AWM's operating expenditure totalled \$11.4 million which resulted in it recording an operating deficit of \$1.389 million.²

In the Second Reading Speech to the Bill, the presenter of the Bill expresses that the intention of the Bill is to give the AWM undisputed authority and power to carry out all its functions overseas as well as in Australia.³ However, the intentions of the presenter of the Bill and what the Bill actually provides are not the same. Even by the most liberal interpretation of the proposed amendment it could not be read as providing the AWM with power to carry out all its functions overseas. The proposed amendment will only provide the AWM with power to make available historical material in its possession for exhibition by itself and others within Australia or overseas. It can be argued that as the Principal Act currently does not expressly prevent the AWM from performing all its functions overseas it already has the power to do so.

Main Provisions

The effect of clause 3 will be to provide the AWM with power to make available historical material in its possession for exhibition by itself and others within Australia or overseas.

References

1. Australian War Memorial, *Annual Report 1988-89*, p. 12.
2. *Ibid.*, pp. 46 and 47.
3. House of Representatives, *Daily Hansard*, 23 November 1989, p. 2788.

For further information, if required, contact the Defence Group.

16 February 1990

**Bills Digest Service
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This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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