



**Appendix B – National Memorials Ordinance
1928**



AUSTRALIAN CAPITAL TERRITORY

National Memorials Ordinance 1928

Ordinance No. 18 of 1928 as amended

made under the

Seat of Government (Administration) Act 1910

This compilation was prepared on 13 May 2002
taking into account amendments up to Ordinance No. 40 of 1989

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Section 3

An Ordinance to provide for the Location and Character of National Memorials, and the Nomenclature of Divisions of, and Public Places in, the Territory**1 Short title** [see Note 1]

This Ordinance may be cited as the *National Memorials Ordinance 1928*.

1A Application

This Ordinance applies only in relation to National Land.

2 Interpretation

In this Ordinance, unless the contrary intention appears:

public place includes any avenue, road, street and place which the public are entitled to use and any unleased lands belonging to the Commonwealth.

the Committee means the Canberra National Memorials Committee established by this Ordinance.

3 Establishment of Committee

- (1) For the purposes of this Ordinance there shall be a Canberra National Memorials Committee.
- (2) The Committee shall consist of the Prime Minister of the Commonwealth, the Minister, the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Opposition in the House of Representatives, the Secretary of the Department, an officer appointed by the Minister and two other members to be appointed by the Governor-General from amongst persons who are residents of the Australian Capital Territory.
- (3) The Prime Minister shall be the Chairman of the Committee.

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- (4) Meetings of the Committee shall be summoned by the Secretary of the Department.
- (5) In the absence of the Chairman from any meeting, the members present at the meeting may elect one of their number to be the Chairman of the meeting.
- (6) At any meeting of the Committee, the Chairman or the member presiding thereat shall have a deliberative vote, and in the event of an equality of voting, a second or casting vote.
- (7) Three members shall form a quorum at any Meeting of the Committee.
- (8) In the case of the illness or absence from Australia of any member of the Committee, or in the event of the office of a member of the Committee becoming vacant, the Governor-General may, if he thinks fit, appoint a person to act during the illness or absence of the member, or until the vacancy is filled, as the case may be, and the person so acting shall have all the powers and perform all the duties of the member.

4 Expenses of members of Committee

The members of the Committee shall severally receive, in re-imbusement of their travelling and other expenses, such sums as, or sums calculated at such rates as, the Governor-General approves.

5 Period of office of members of Committee

- (1) The members of the Committee appointed by the Governor-General shall hold office during the pleasure of the Governor-General.
- (2) Upon the happening of a vacancy in the office of a member of the Committee appointed by the Governor-General, the Governor-General may appoint a person to the vacant office.

Section 7**6 Powers and functions of Minister**

- (1) The Minister shall consider all matters referred to him by the Committee, and all communications, representations and recommendations made to him or to the Committee with regard to the nomenclature of divisions of the Territory, or the location or character of national memorials in the Territory, and for that purpose the Committee shall refer to the Minister all such communications, representations and recommendations made to the Committee.
- (2) The Minister shall furnish to the Committee a report with respect to all matters, communications, representations or recommendations referred to him by the Committee, and may, with respect thereto or to any communications representations or recommendations made to the Minister, or on his own initiative, submit to the Committee proposals or recommendations for the nomenclature of divisions of the Territory, or the location or character of national memorials in the Territory.

7 Powers and functions of Committee

- (1) The Committee may:
 - (a) approve, without alterations, or subject to such alterations as the Committee thinks fit, any proposal or recommendation made by the Minister; or
 - (b) reject any such proposal or recommendation; or
 - (c) return the proposal or recommendation to the Minister for further consideration and report and submission of a fresh proposal or recommendation.
- (2) Where the Committee approves of any proposal or recommendation submitted to the Committee by the Minister in pursuance of this Ordinance, the Committee shall forthwith notify the Minister of the approval, and shall furnish to the Minister a statement of the alterations (if any) subject to which the approval is given, and the Minister shall thereupon determine in accordance with the approval of the Committee, the nomenclature of divisions of the Territory, or the location or character of national memorials in the Territory, as the case may be.

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- (3) Every determination of the Minister under this section with regard to the nomenclature of divisions shall:
 - (a) forthwith be published in the *Gazette*;
 - (b) be laid before each House of the Parliament within fifteen sitting days of that House after the making of the determination; and
 - (c) come into operation as provided in the next succeeding section.

8 Disallowance of determination by Parliament

- (1) If notice of a resolution disallowing the determination wholly or in part is not given in either House of the Parliament within fifteen sitting days after the determination is laid before that House the determination shall come into operation upon the expiration of that period.
- (2) If notice of a resolution disallowing the determination wholly or in part is given in either House of the Parliament within that period, the determination, except that portion referred to in the notice, shall come into operation upon the expiration of that period.
- (3) If either House of the Parliament passes any such resolution disallowing the determination wholly or in part so much of the determination as is not already in operation shall, except to the extent to which it is disallowed, thereupon come into operation, and the disallowed portion shall be again dealt with as if it were a matter referred to the Minister in pursuance of section six of this Ordinance:

Provided that any new determination in respect of the disallowed portion shall not be laid before both Houses of the Parliament in the same session of the Parliament as that in which the resolution was passed.
- (4) Subject to subsections (1) and (2) of this section if neither House of the Parliament passes any such resolution so much of the determination as is not already in operation shall come into operation upon the day immediately following the last day of the session in which the notice was given.

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- (5) A new determination made in respect of a matter referred to in subsection (3) of this section shall not be disallowed either wholly or in part unless a resolution to that effect of which notice has been given in either House of the Parliament within fifteen sitting days after the determination is laid before that House is passed by both Houses of the Parliament.

8A Minister to determine nomenclature of public places

- (1) The Minister may determine the nomenclature of public places in the Territory.
- (2) The Minister may make a determination revoking or varying the determination of the nomenclature of a public place in the Territory, whether made before or after the commencement of this section.
- (3) Every determination made by the Minister under either of the last two preceding subsections shall forthwith be published in the *Gazette* and shall come into operation upon the date of publication.

8B Objections to determinations

- (1) If notice in writing objecting wholly or in part to a determination by the Minister under subsection (1) or (2) of the last preceding section is lodged with the Minister by any person within twenty-one days after the determination is published in the *Gazette*, the Minister shall forthwith refer the determination, or the part of the determination objected to, to the Committee for a determination by the Committee.
- (2) The Committee shall consider the objection and shall make a determination confirming, revoking or varying the determination of the Minister.
- (3) The determination of the Committee shall forthwith be published in the *Gazette* and shall come into operation upon the date of publication.
- (4) A reference under subsection (1) of this section does not affect the continuance in operation of the determination or part of a

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determination pending the coming into operation of the determination of the Committee.

8C Minister to have regard to certain names

- (1) The Minister shall, in submitting to the Committee proposals or recommendations for the nomenclature of divisions of the Territory, and the Committee shall, in considering any such proposal or recommendation, have regard to the names of persons who have made notable contributions to the existence of Australia as a nation.
- (2) The Minister shall, in making a determination for the nomenclature of public places in the Territory, have regard to:
 - (a) the names of persons famous in Australian exploration, navigation, pioneering, colonization, administration, politics, education, science or letters;
 - (b) the names of persons who have made notable contributions to the existence of Australia as a nation;
 - (c) the names of Australian flora;
 - (d) the names of things characteristic of Australia or Australians; and
 - (e) the words of the aboriginal natives of Australia.

9 Minister may make contracts

Where the character of a national memorial in the Territory is determined by the Committee, and the cost of the execution of the design and of the erection of the memorial is to be borne by the Commonwealth, the Minister may make such contracts or agreements as he thinks fit for that execution and erection.

Notes to the *National Memorials Ordinance 1928***Table of Ordinances****Notes to the *National Memorials Ordinance 1928*****Note 1**

The *National Memorials Ordinance 1928* (in force under the *Seat of Government (Administration) Act 1910*) as shown in this compilation comprise Ordinance No. 18, 1928 amended as indicated in the Tables below.

Table of Ordinances

Ordinance	Year and number	Date of notification in Gazette	Date of commencement	Application, saving or transitional provisions
<i>National Memorials Ordinance 1928</i>	18, 1928	31 Aug 1928	31 Aug 1928	
<i>Seat of Government (Administration) Ordinance 1930</i>	5, 1930	1 May 1930	1 May 1930 (see <i>Gazette</i> 1930, p. 891)	—
as amended by				
<i>Seat of Government (Administration) Ordinance 1933</i>	4, 1933	2 Mar 1933	S. 4: 1 May 1930 (see s. 2 and <i>Gazette</i> 1930, p. 891) S. 8: 2 Mar 1933 Remainder: 12 Apr 1932	—
<i>National Memorials Ordinance 1931</i>	23, 1931	3 Dec 1931	3 Dec 1931	—
<i>National Memorials Ordinance 1937</i>	26, 1937	23 Dec 1937	23 Dec 1937	—
<i>National Memorials Ordinance 1952</i>	6, 1952	29 May 1952	29 May 1952	—
<i>National Memorials Ordinance 1953</i>	2, 1953	29 Jan 1953	29 Jan 1953	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	31 Dec 1959	—
<i>National Memorials Ordinance 1972</i>	12, 1972	13 Apr 1972	13 Apr 1972	—
<i>National Memorials (Amendment) Ordinance 1989</i>	40, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Notes to the *National Memorials Ordinance 1928*

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title	am. No. 12, 1972
S. 1A	ad. No. 40, 1989
S. 2	am. No. 5, 1930; No. 23, 1931; No. 21, 1959; No. 12, 1972
S. 3	am. No. 5, 1930 (as am. by No. 4, 1933); No. 23, 1931; No. 2, 1953; No. 40, 1989
S. 6	am. No. 23, 1931; No. 6, 1952; No. 12, 1972
S. 7	am. No. 23, 1931; No. 26, 1937; No. 6, 1952; No. 12, 1972
S. 8	am. No. 23, 1931; No. 12, 1972
S. 8A	ad. No. 6, 1952 am. No. 12, 1972
S. 8B	ad. No. 6, 1952
S. 8C	ad. No. 6, 1952 am. No. 12, 1972
S. 9	ad. No. 26, 1937 am. No. 12, 1972