

Queensland



ANZAC DAY ACT 1995

**Reprinted as in force on 18 April 1997
(includes amendments up to Act No. 1 of 1997)**

Warning—see last endnote for uncommenced amendments

Reprint No. 1B

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 18 April 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in earlier reprints.**

Queensland



ANZAC DAY ACT 1995

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Definitions	3
PART 2—COMMEMORATION OF ANZAC DAY		
3	Anzac Day to be commemorated etc.	4
PART 3—ANZAC DAY TRUST		
<i>Division 1—Continuation, functions and powers of Trust</i>		
4	Continuation of Trust	4
5	Trust is a body corporate etc.	5
6	Status of Trust	5
7	Trust's functions	5
8	The Fund	5
9	Payments by Trust	5
10	Trust's powers	6
11	Investments by Trust	6
12	Gifts to Trust	7
<i>Division 2—Anzac Day Trust Fund</i>		
13	Definition	7
14	Words and expressions used in Racing and Betting Act 1980 and this division	7
15	Payments to Fund	7
<i>Division 3—Board of trustees</i>		
16	The Board	8
17	Role of Board	8

18	Composition of Board	8
19	Secretary to the Trust	8
	<i>Division 4—Provisions about trustees</i>	
20	Appointment	9
21	Term of appointment	9
22	Terms of appointment	9
23	Resignation	10
24	Termination of appointment	10
	<i>Division 5—Business of Board</i>	
25	Quorum	10
26	Conduct of business	10
27	Disclosure of interests by trustees	10
	<i>Division 6—General</i>	
28	The Trust’s seal	11
29	Judicial notice of certain signatures	11
30	Authentication of documents	12
	PART 4—MISCELLANEOUS	
31	Regulations	12
	PART 5—TRANSITIONAL	
32	Anzac Day Act 1921 references	12
	ENDNOTES	
1	Index to endnotes	13
2	Date to which amendments incorporated	13
3	Key	13
4	Table of earlier reprints	14
5	List of legislation	14
6	List of annotations	14
7	Provisions that have not commenced and are not incorporated into reprint	15

ANZAC DAY ACT 1995

[as amended by all amendments that commenced on or before 18 April 1997]

An Act to continue Anzac Day as a day of commemoration, and for other purposes

Parliament's reasons for enacting this Act are—

1. On 25 April 1915, troops of the Australian and New Zealand Army Corps landed on the shores of Gallipoli and, although confronted by overwhelming circumstances, fought courageously and defiantly.

2. This Act commemorates the bravery shown by those troops and of all members of the Australian Defence Force who have been involved in wars and armed conflicts for their country.

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Anzac Day Act 1995*.

Definitions

2. In this Act—

“**Board**” means the Board of Trustees.¹

“**Fund**” means the Anzac Day Trust Fund.²

“**home**” means a place where accommodation, daily meals or nursing care are provided (including associated maintenance and administration facilities and services).

“**Trust**” means the Anzac Day Trust.³

PART 2—COMMEMORATION OF ANZAC DAY

Anzac Day to be commemorated etc.

3. Anzac Day is to be commemorated on 25 April each year and is a holiday throughout Queensland.⁴

PART 3—ANZAC DAY TRUST

Division 1—Continuation, functions and powers of Trust

Continuation of Trust

4. The trust established under the *Anzac Day Act 1921* is continued in existence under the name the Anzac Day Trust.

¹ See section 16.

² See section 8.

³ See section 4.

⁴ The *Trading (Allowable Hours) Act 1990*, part 6 requires the closing of factories and most shops, prohibits the selling of real estate, and generally requires places of public amusement not to open before 1.30 p.m. on Anzac Day.

Trust is a body corporate etc.**5.(1)** The Trust—

- (a) is a body corporate; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

(2) The Trust is a statutory body under the following Acts—

- *Financial Administration and Audit Act 1977*
- *Statutory Bodies Financial Arrangements Act 1982*.

Status of Trust**6.(1)** The Trust does not represent the State.**(2)** The Trust is an exempt public authority under the Corporations Law.**Trust's functions**

7. The Trust's function is to administer the Fund, and perform any other functions given to it under this or another Act.

The Fund**8.** There is a fund called the Anzac Day Trust Fund.**Payments by Trust**

9.(1) The Trust must consider applications made to the Trust for payments out of the Fund under subsection (2).

(2) The Trust may make payments for the following purposes—

- (a) for aged persons who served Australia in its defence forces—
 - (i) to maintain, alter and improve homes; or
 - (ii) to acquire land on which to erect or build homes; or
 - (iii) to erect and build homes on land acquired for the purpose or otherwise held by the Trust; or

- (iv) to acquire homes; or
- (v) to maintain and care for them in homes;
- (b) the welfare of spouses and children of deceased persons who served Australia in its defence forces;
- (c) to institutions, organisations or associations that have as their sole or main object or activity the giving of help or support to, or whose membership consists of or includes—
 - (i) persons who served Australia in its defence forces in time of war or armed conflict; or
 - (ii) anyone now a Queensland resident who served in the defence forces of a country or power allied or associated with Australia—
 - (A) in a war in which Australia was involved; or
 - (B) in a conflict, which the Trust considers to have the attributes of a war in which Australia was or is involved; or
 - (iii) a dependant of a person mentioned in subparagraph (i) or (ii).

(3) However, payments out of the Fund under subsection (2) may only be made after the costs incurred by the Trust in administering the Fund are paid out of the Fund.

Trust's powers

10.(1) The Trust may do all things necessary or convenient to be done for, or in connection with, performing its functions.

(2) Without limiting subsection (1), the Trust has the powers conferred on it under this or another Act.

Investments by Trust

11.(1) The Trust may invest amounts in the Fund that are not immediately needed for the Trust's purposes—

- (a) in securities issued or guaranteed by the Commonwealth or a

State; or

- (b) with a financial institution or in securities issued or guaranteed by a financial institution; or
- (c) in other securities, investments or other financial arrangements approved by the Governor in Council.

(2) However, an investment may be made for more than 1 year only if the Treasurer has approved the investment.

Gifts to Trust

12.(1) The Trust may accept a gift of property regardless of how it is held.

(2) The Trust may sell property not in the form of money.

(3) A payment under this Act, a gift of money, or the proceeds of the sale of property, received by the Trust must be paid into the Fund.

Division 2—Anzac Day Trust Fund

Definition

13. In this division—

“**Anzac Day**” means 25 April or, for a year in which another day is substituted under the *Holidays Act 1983* as a public holiday instead of 25 April, the substituted day.

Words and expressions used in Racing and Betting Act 1980 and this division

14. Words and expressions used in the *Racing and Betting Act 1980* have the same respective meanings in this division.

Payments to Fund

15.(1) There must be paid to the Trust for each Anzac Day—

- (a) 0.34% of the total amount of annual fees paid for general licences

Anzac Day Act 1995

- under the *Liquor Act 1992* in the previous financial year; and
- (b) the total totalisator tax payable on amounts paid into a totalisator on Anzac Day; and
 - (c) the total bookmaker's turnover tax payable on bets made at meetings held on Anzac Day; and
 - (d) 0.7% of the total of all bets made by bookmakers at racing venues on Anzac Day.

(2) Amounts mentioned in subsection (1)(a) to (c) are to be paid out of amounts appropriated by Parliament.

(3) The amount mentioned in subsection (1)(d) is to be paid by the Commissioner of Stamp Duties from the unpaid fractions account kept by the Commissioner.

Division 3—Board of trustees

The Board

16. There is a board of trustees of the Trust.

Role of Board

17. It is the role of the Board—

- (a) to decide the objectives, strategies and policies to be followed by the Trust; and
- (b) to ensure the Trust performs its functions in a proper, effective and efficient way.

Composition of Board

18. The Board consists of a chairperson and 3 other trustees.

Secretary to the Trust

19. The Minister may appoint an officer of the department to be the

secretary to the Trust, and the officer may hold the appointment as well as the position the officer holds in the department.

Division 4—Provisions about trustees

Appointment

20.(1) The trustees are to be appointed by the Governor in Council.

(2) The trustees (other than the chairperson) are to be chosen in the following ways—

- (a) 1 must be a person chosen, after consultation by the Minister with the President of the Returned & Services League of Australia (Queensland Branch), from a panel of 3 names given to the Minister by the League;
- (b) 1 must be a person chosen from a panel of 3 names given to the Minister by the representatives of Legacy Clubs in Queensland;
- (c) 1 must be a person chosen from a panel of 3 names given to the Minister by the organisations or associations of ex-servicemen or ex-servicewomen registered as charities under the *Collections Act 1966* or that are incorporated under the *Associations Incorporation Act 1981*.

(3) If the League, representatives or organisations and associations mentioned in subsection (2)(a), (b) or (c) fail to nominate a panel of 3 names for the appointment of a trustee within 30 days after being asked by the Minister, the Governor in Council may appoint a person as trustee.

Term of appointment

21. A trustee must be appointed for a term of not longer than 3 years.

Terms of appointment

22.(1) A trustee holds office on the terms decided by the Governor in Council.

(2) However, a trustee is not entitled to fees, allowances or expenses.

Resignation

23. A trustee may resign by signed notice of resignation given to the Minister.

Termination of appointment

24. The Governor in Council may terminate the appointment of a trustee if—

- (a) the trustee is convicted of an indictable offence; or
- (b) the trustee cannot perform the functions of office because of physical or mental incapacity; or
- (c) the trustee engages in misconduct or is incompetent; or
- (d) the trustee is absent from 3 consecutive ordinary meetings of the Trust without the Trust's leave and without reasonable excuse; or
- (e) the trustee contravenes this Act without reasonable excuse.

Division 5—Business of Board**Quorum**

25. At a meeting of the Board, 3 trustees form a quorum.

Conduct of business

26. The Board may conduct its business (including its meetings) in the way it considers appropriate.

Disclosure of interests by trustees

27.(1) If—

- (a) a trustee has a direct or indirect financial interest in an issue being considered, or about to be considered, by the Board; and
- (b) the interest could conflict with the proper performance of the trustee's duties in considering the issue;

the trustee must disclose the nature of the interest at a meeting of the Board as soon as practicable after the trustee becomes aware of the possible conflict of interest.

(2) The disclosure must be recorded in the Board's minutes and, unless the Board otherwise decides, the trustee must not—

- (a) be present when the Board considers the issue; or
- (b) take part in a decision of the Board on the issue.

(3) A trustee who makes a disclosure must not—

- (a) be present when the Board is considering whether or not the trustee should be present when the Board considers the issue; or
- (b) take part in a decision by the Board under subsection (2).

(4) For this section, a person is not taken to have a direct or indirect financial interest in an issue merely because the issue involves a home in which the person lives.

Division 6—General

The Trust's seal

28.(1) The Trust's seal must be kept in the custody of the person the Board directs.

(2) The seal may be used only as authorised by the Board.

(3) Judicial notice must be taken of the imprint of the Trust's seal appearing on a document and the document must be presumed to have been properly sealed until the contrary is proved.

Judicial notice of certain signatures

29. Judicial notice must be taken of—

- (a) the official signature of a person who is or has been the chairperson; and
- (b) the fact the person holds or has held the office of chairperson.

Authentication of documents

30.(1) A document made by the Trust (other than a document required to be sealed) is sufficiently made if it is signed by the chairperson, or a person authorised by the Trust.

(2) A document made by the Trust under seal is sufficiently made under seal if it is sealed and signed by the chairperson or a person authorised by the Trust.

PART 4—MISCELLANEOUS**Regulations**

31. The Governor in Council may make regulations under this Act.

PART 5—TRANSITIONAL**Anzac Day Act 1921 references**

32. In an Act or document, a reference to the *Anzac Day Act 1921* may, if the context permits, be taken to be a reference to this Act.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	13
3 Key	13
4 Table of earlier reprints	14
5 List of legislation	14
6 List of annotations	14
7 Provisions that have not commenced and are not incorporated into reprint . .	15

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 18 April 1997. Future amendments of the Anzac Day Act 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

Reprint No.	Amendments included	Reprint date
1	none	15 March 1995
1A	to Act No. 57 of 1995	9 July 1996

5 List of legislation

Anzac Day Act 1995 No. 4

date of assent 3 March 1995
commenced on date of assent

as amended by—

Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 2

date of assent 28 November 1995
commenced on date of assent

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1997
ss 1–2 commenced on date of assent
remaining provisions not yet proclaimed into force

Workplace Relations Act 1997 No. 1 ss 1–2, 495 sch 4

date of assent 14 February 1997
ss 1–2 commenced on date of assent
remaining provisions commenced 3 March 1995 (see s 2(2))

6 List of annotations

Trust is a body corporate etc.

s 5 amd 1996 No. 54 s 9 sch

Investments by trust

s 11 om 1996 No. 54 s 9 sch

Payments to Fund

s 15 amd 1997 No. 1 s 495 sch 4

PART 5—TRANSITIONAL

pt 5 prev pt 5 om R1 (see RA s 40)
pres pt 5 ins 1995 No. 57 s 4 sch 2

Anzac Day Act 1921 references

s 32 prev s 32 om R1 (see RA s 40)
pres s 32 ins 1995 No. 57 s 4 sch 2

PART 6—MINOR AMENDMENTS**pt 6 (s 33)** om R1 (see RA s 40)**SCHEDULE—MINOR AMENDMENTS**

om R1 (see RA s 40)

7 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992, s 5(c)).

Statutory Bodies Arrangements Amendment Act 1996 No. 54 s 9 sch reads as follows—

ANZAC DAY ACT 1995**Amendment****1. Section 5—***insert—*

‘(3) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the Trust’s powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.’.

2. Section 11—*omit.*