

Queensland



# ANZAC DAY ACT 1995

**Reprinted as in force on 15 March 1995  
(Act not amended up to this date)**

**Reprint No. 1**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This Act is reprinted as at 15 March 1995.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use expressions consistent with current drafting practice (s 29)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 40)
- omit the enacting words (s 42A).

**See Endnotes for information about when provisions commenced.**

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**ANZAC DAY ACT 1995**

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# **ANZAC DAY ACT 1995**

[reprinted as in force on 15 March 1995]

## **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.<sup>1</sup>

“**Fund**” means the Anzac Day Trust Fund.<sup>2</sup>

“**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.<sup>3</sup>

## **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.<sup>4</sup>

## **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.

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<sup>1</sup> See section 16.

<sup>2</sup> See section 8.

<sup>3</sup> See section 4.

<sup>4</sup> 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) 0.0034% of the total amount of annual fees paid for general

licences 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.

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Anzac Day Act 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

**3 List of legislation**

**Anzac Day Act 1995 No. 4**  
 date of assent 3 March 1995  
 commenced on date of assent

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
ch	=	chapter
def	=	definition
div	=	division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
pt	=	part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
sdiv	=	subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### **PART 5—REPEAL OF ANZAC DAY ACT 1921**

**pt 5 (s 32)** om R1 (see RA s 40)

### **PART 6—MINOR AMENDMENTS**

**pt 6 (s 33)** om R1 (see RA s 40)

### **SCHEDULE—MINOR AMENDMENTS**

om R1 (see RA s 40)