

Queensland



ANZAC DAY ACT 1995

**Reprinted as in force on 17 December 1999
(includes amendments up to Act No. 64 of 1999)**

Reprint No. 2

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Information about this reprint

This Act is reprinted as at 17 December 1999. 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**
- **editorial changes made in earlier reprints.**

Queensland



ANZAC DAY ACT 1995

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ANZAC DAY ACT 1995

[as amended by all amendments that commenced on or before 17 December 1999]

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 (The Board).

² See section 8 (The Fund).

³ See section 4 (Continuation of Trust).

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*.

(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*.

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.

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—Annual grant to Anzac Day Trust Fund**Payments to Trust**

13.(1) The State is to pay an annual grant to the Trust.

(2) The grant is payable for each financial year and is to be paid as soon as possible after the end of the relevant financial year.

(3) The first grant under this section is to be made for the financial year 1998–1999 (the “**initial grant**”).

(4) The initial grant is \$795 000.

(5) The amount of each grant paid after the initial grant is to be calculated using the formula—

$$\frac{\mathbf{A \times B}}{\mathbf{C}}$$

(6) In the formula—

“**A**” is the amount of the grant paid to the Trust for the previous financial year.

“**B**” is the CPI number published for the March quarter in the financial year for which the grant is to be paid.

“**C**” is the CPI number published for the March quarter in the financial year preceding the financial year for which the grant is to be paid.

(7) If in a particular financial year, the calculation of the grant would reduce it below \$795 000, the grant must be the same as the grant for the previous financial year.

(8) In this section—

“CPI” means the all groups consumer price index for Brisbane published by the Australian statistician.

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

Division 1—Transitional provision for Act No 57 of 1995

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.

Division 2—Transitional provision for Anzac Day Amendment Act 1999

No payment under repealed section

33.(1) To remove doubt, it is declared that the initial grant mentioned in section 13 is payable to the Trust instead of the amount that would have been payable to the Trust under the repealed section for Anzac Day 1999.

(2) This section expires on 31 December 1999.

(3) In this section—

“repealed section” means section 15 of the Act in force immediately before the commencement of the *Anzac Day Amendment Act 1999*.

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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 17 December 1999. 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	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	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
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	15 March 1995
1A	to Act No. 57 of 1995	9 July 1996
1B	to Act No. 1 of 1997	18 April 1997
1C	to Act No. 1 of 1997	13 June 1997

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 commenced 1 June 1997 (1997 SL No. 128)

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))

Anzac Day Amendment Act 1999 No. 64

date of assent 6 December 1999
commenced on date of assent

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

Division 2—Annual grant to Anzac Day Trust Fund**div hdg** sub 1999 No. 64 s 3**Payments to Trust****s 13** sub 1999 No. 64 s 3**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**Division 1—Transitional provision for Act No 57 of 1995****div hdg** ins 1999 No. 64 s 4**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**Division 2—Transitional provision for Anzac Day Amendment Act 1999****div hdg** ins 1999 No. 64 s 5**No payment under repealed section****s 33** prev s 33 om R1
pres s 33 ins 1999 No. 64 s 5
exp 31 December 1999 (see s 33(2))**PART 6—MINOR AMENDMENTS****pt 6 (s 33)** om R1 (see RA s 40)**SCHEDULE—MINOR AMENDMENTS**

om R1 (see RA s 40)