



Anzac Day Act 1995

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Reprint note

Powers under the *Reprints Act 1992* have been used in this reprint to bring the legislation into line with current drafting practice.

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Queensland

Anzac Day Act 1995

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Anzac Day Act 1995

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

Preamble

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

1 Short title

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

2 Definitions

In this Act—

Board means the Board of Trustees.

Fund means the Anzac Day Trust Fund.

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.

Part 2 Commemoration of Anzac Day

3 Anzac Day to be commemorated etc.

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

Note—

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

Part 3 Anzac Day Trust

Division 1 Continuation, functions and powers of Trust

4 Continuation of Trust

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

5 Trust is a body corporate etc.

(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 Accountability Act 2009*
- *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*.

6 Status of Trust

The Trust does not represent the State.

7 Trust's functions

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

8 The Fund

There is a fund called the Anzac Day Trust Fund.

9 Payments by Trust

- (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.

10 Trust's powers

- (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.

12 Gifts to Trust

- (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

13 Payments to Trust

- (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—

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

- (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) The amount of a grant paid under this section may be increased by not more than the GST payable for a supply made by the Trust relating to the payment of the grant.
- (9) In this section—

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

Division 3 Board of Trustees

16 The Board

There is a Board of Trustees of the Trust.

17 Role of Board

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.

18 Composition of Board

The Board consists of a chairperson and 3 other trustees.

19 Secretary to the Trust

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

20 Appointment

- (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.

21 Term of appointment

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

22 Terms of appointment

- (1) A trustee holds office on the terms decided by the Governor in Council.
- (2) However, a trustee is not entitled to fees or allowances.
- (3) A trustee is entitled to be paid expenses necessarily incurred by the trustee in acting as a trustee.

23 Resignation

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

24 Termination of appointment

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 can not 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

25 Quorum

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

26 Conduct of business

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

27 Disclosure of interests by trustees

- (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

28 The Trust's seal

- (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.

29 Judicial notice of certain signatures

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.

30 Authentication of documents

- (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

31 Regulations

The Governor in Council may make regulations under this Act.

Part 5 Transitional

32 Anzac Day Act 1921 references

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.