



Anzac Day Act 1995

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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—

council means the Queensland Veterans' Council established under the *Queensland Veterans' Council Act 2021*, section 5.

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).

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 Fund

Division 1 Administration of the Fund

8 The Fund

There is a fund called the Anzac Day Trust Fund.

8A Function of the council

The council has the function to administer the Fund under this Act and the *Queensland Veterans' Council Act 2021*.

9 Payments by council

- (1) The council must consider applications made to the council for payments out of the Fund under subsection (2).
- (2) The council 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 council; 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 council 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 council in administering the Fund are paid out of the Fund.

12 Gifts to council

- (1) The council may accept a gift of property regardless of how it is held.
- (2) The council 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 council must be paid into the Fund.

Division 2 Annual grant to Anzac Day Trust Fund

13 Payments to council

- (1) The State is to pay an annual grant to the council.
- (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 council 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 council 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.

Part 4 Miscellaneous

31 Regulations

The Governor in Council may make regulations under this Act.

Part 5 Transitional provisions

Division 1 Transitional provision for Act No. 4 of 1995

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.

Division 2 Transitional provisions for Queensland Veterans' Council Act 2021

33 Definition for division

In this division—

former Trust means the Anzac Day Trust under this Act immediately before the commencement.

34 Abolition of former Trust

(1) On the commencement—

(a) the former Trust is abolished; and

Note—

See the *Queensland Veterans' Council Act 2021*, part 7 for provisions about the succession of the former Trust.

(b) the former Board is abolished; and

(c) each person holding office as the chairperson of the former Trust, a trustee of the former Board and the former secretary goes out of office.

(2) No compensation is payable to the chairperson, a trustee or the former secretary because of this section.

(3) In this section—

former Board means the Board under this Act immediately before the commencement.

former secretary means the secretary to the former Trust under this Act immediately before the commencement.

35 Undecided applications

(1) This section applies if—

(a) before the commencement, a person made an application to the former Trust under former section 9; and

(b) immediately before the commencement, the application had not been decided.

(2) On the commencement, the application continues as if it had been made to the council under section 9.

(3) In this section—

former section 9 means section 9 as in force from time to time before the commencement.