



New South Wales

Anzac Memorial (Building) Amendment Bill 2010

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Anzac Memorial (Building) Act 1923* (the *principal Act*) and related legislation as follows:

- (a) to make the following people trustees of the Anzac Memorial Building (in addition to the existing trustees):
 - (i) the Director-General of the Department of Education and Training, the New South Wales Government Architect and the State Librarian,
 - (ii) a community representative appointed by the Minister,
- (b) to provide for a veterans' representative to be a trustee in place of the President of the T.B. Sailors, Soldiers and Airmen's Association of NSW (Inc.), at a future date to be determined by the Minister,
- (c) to remove the Chief Executive Officer of the NSW Trustee and Guardian as a trustee,
- (d) to appoint the Premier as the Chairperson of the trustees and the President of the Returned and Services League of Australia (New South Wales Branch) (*the RSL*) as the Deputy Chairperson,

- (e) to include as a function of the trustees the education of the community about Australia's military history and heritage,
- (f) to appoint the RSL as the guardian of the Anzac Memorial Building.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Anzac Memorial (Building) Act 1923 No 27

Schedule 1 [2] makes the Director-General of the Department of Education and Training, the New South Wales Government Architect and the State Librarian trustees of the Anzac Memorial Building, in addition to the Premier, the Leader of the Opposition, the Lord Mayor of Sydney and the President of the RSL, who are currently trustees. The Chief Executive Officer of the NSW Trustee and Guardian will no longer be a trustee. There will also be two persons appointed by the Minister as trustees, referred to as the *veterans' representative* and the *community representative*. The President of the T.B. Sailors, Soldiers and Airmen's Association of NSW (Inc.), who is currently a trustee, will remain as a trustee until a date appointed by the Minister by order published on the NSW legislation website. On and from that date, the veterans' representative will be a trustee. **Schedule 1 [4]** provides that the veterans' representative will be a person nominated by the RSL and the community representative will be a person with financial or business qualifications or experience that will assist the trustees in the exercise of their functions.

Schedule 1 [2] also provides that the Premier is to be the Chairperson of the trustees and the President of the RSL is to be the Deputy Chairperson. **Schedule 1 [3]** provides that in the absence of the Premier, a proxy appointed by the Premier may, with the written authority of the Premier, exercise the Premier's functions as Chairperson.

Schedule 1 [6] provides that the trustees may promote the understanding of, and conduct community education about, Australia's military history and heritage and have the functions conferred on them by the *Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935* or any other Act. **Schedule 1 [5]** is a consequential amendment.

Schedule 1 [7] enables the trustees to delegate any of their functions to a trustee or an officer of the Department of Premier and Cabinet.

Schedule 1 [1] inserts standard definitions of *exercise* and *function* for the purposes of the principal Act.

Schedule 2 Amendment of Anzac Memorial (Building) By-laws 1937

Schedule 2 makes consequential amendments to the *Anzac Memorial (Building) By-laws 1937* and amendments of a statute law revision nature. The trustees will no longer elect the Chairperson and Deputy Chairperson as the principal Act will provide that the Premier is the Chairperson and the President of the RSL is the Deputy Chairperson. The quorum for a meeting of the trustees will be increased from 4 to 6 trustees, as a result of the increase in the number of trustees from 6 to 9.

Schedule 3 Amendment of Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935 No 39

Schedule 3 provides that the RSL is the guardian of the Anzac Memorial Building. The trustees of the Anzac Memorial Building are required to appoint, as custodian of the building, a person nominated by the RSL. Any information or complaint in respect of an offence concerning the Anzac Memorial Building may be laid or made by the custodian. These arrangements are similar to the existing arrangements for the Cenotaph.

First print



New South Wales

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New South Wales

Anzac Memorial (Building) Amendment Bill 2010

No. , 2010

A Bill for

An Act to amend the *Anzac Memorial (Building) Act 1923* and related legislation to make further provision in respect of the Anzac Memorial Building.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Anzac Memorial (Building) Amendment Act 2010</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5

Schedule 1	Amendment of Anzac Memorial (Building) Act 1923 No 27	1 2
[1] Section 2 Definitions		3
Insert in alphabetical order:		4
<i>exercise</i> a function includes perform a duty.		5
<i>function</i> includes a power, authority or duty.		6
[2] Section 3 Trustees		7
Omit section 3 (1). Insert instead:		8
(1) The following persons are the trustees for the purposes of this Act:		9 10
(a) the Premier,		11
(b) the Leader of the Opposition,		12
(c) the Lord Mayor of Sydney,		13
(d) the President of the Returned and Services League of Australia (New South Wales Branch),		14 15
(e) the Director-General of the Department of Education and Training,		16 17
(f) the New South Wales Government Architect,		18
(g) the State Librarian,		19
(h) the President of the T.B. Sailors, Soldiers and Airmen's Association of NSW (Inc.) (until the transition date),		20 21
(i) the veterans' representative (from the transition date)—see section 3A,		22 23
(j) the community representative—see section 3B.		24
(1A) The Premier is the Chairperson of the trustees.		25
(1B) The President of the Returned and Services League of Australia (New South Wales Branch) is the Deputy Chairperson of the trustees.		26 27 28
[3] Section 3 (4) and (5)		29
Insert after section 3 (3):		30
(4) A proxy appointed by the Premier may, with the written authority of the Premier, also exercise the functions of the Premier as Chairperson of the trustees.		31 32 33

(5)	In this section, the <i>transition date</i> means a day appointed by the Minister as the transition date by order published on the NSW legislation website.	1 2 3
[4]	Sections 3A and 3B	4
	Insert after section 3:	5
	3A Veterans' representative	6
(1)	The veterans' representative is a person for the time being appointed by the Minister, by instrument in writing, as the veterans' representative for the purposes of this Act.	7 8 9
(2)	The person appointed as the veterans' representative must be a person nominated by the President of the Returned and Services League of Australia (New South Wales Branch).	10 11 12
(3)	The veterans' representative holds office as a trustee for the period, not exceeding 3 years, that is specified in his or her instrument of appointment, but is eligible for re-appointment.	13 14 15
(4)	The Minister may at any time revoke the appointment of a person as the veterans' representative.	16 17
	3B Community representative	18
(1)	The community representative is a person for the time being appointed by the Minister, by instrument in writing, as the community representative for the purposes of this Act.	19 20 21
(2)	The person appointed as the community representative must be a person who, in the opinion of the Minister, has financial or business qualifications or experience that will assist the trustees in the exercise of their functions under this Act.	22 23 24 25
(3)	The community representative holds office as a trustee for the period, not exceeding 3 years, that is specified in his or her instrument of appointment, but is eligible for re-appointment.	26 27 28
(4)	The Minister may at any time revoke the appointment of a person as the community representative.	29 30
[5]	Section 8A Further powers of trustees	31
	Omit "and" from the end of section 8A (1) (c).	32

[6] Section 8A (1) (e) and (f)	1
Insert after section 8A (1) (d):	2
(e) may promote the understanding of, and conduct community education about, Australia's military history and heritage, and	3 4 5
(f) have the functions conferred on them by the <i>Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935</i> and any other Act.	6 7 8
[7] Section 9A	9
Insert after section 9:	10
9A Delegation by trustees	11
The trustees may, by written instrument, delegate to any trustee or officer of the Department of Premier and Cabinet any of their functions, other than this power of delegation.	12 13 14

Schedule 2	Amendment of Anzac Memorial (Building) By-laws 1937	1
		2
[1] By-law 1		3
	Insert in alphabetical order:	4
	<i>Chairperson</i> means the Chairperson of the Trustees or a proxy of the Chairperson authorised to exercise the functions of the Chairperson.	5
		6
		7
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the Trustees.	8
		9
[2] By-law 2		10
	Omit “the Chairman or, in his absence, the Deputy Chairman” from by-law 2 (a).	11
		12
	Insert instead “the Chairperson or, in the absence of the Chairperson, the Deputy Chairperson”.	13
		14
[3] By-law 2 (b)		15
	Omit “a Chairman, a Deputy Chairman and”.	16
[4] By-law 2 (d)–(g)		17
	Omit by-law 2 (d). Insert instead:	18
	(d) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson, is to preside at a meeting of the Trustees.	19
		20
		21
	(e) In the absence of both the Chairperson and the Deputy Chairperson, the members of the Trustees present at a meeting may elect one of their number to preside at the meeting.	22
		23
		24
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	(f) The quorum for a meeting of the Trustees is 6 of its members.	26
		27
	(g) Any duly convened meeting at which a quorum is present is capable of transacting any business of the Trustees and of exercising any function of the Trustees.	28
		29
		30
[5] By-law 2 (h)		31
	Renumber by-law 2 (e) as by-law 2 (h).	32

[6] By-law 5	1
Omit “Chairman”. Insert instead “Chairperson”.	2
[7] By-laws 11 (f) and 18	3
Insert “or her” after “his” wherever occurring.	4

Schedule 3	Amendment of Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935 No 39	1
		2
		3
Section 5		4
Insert after section 4A:		5
5 Anzac Memorial Building		6
(1) The League is taken to be the guardian of the Anzac Memorial Building.		7
		8
(2) The Trustees of the Anzac Memorial Building are required to appoint, as custodian of the Anzac Memorial Building, a person nominated by the League.		9
		10
		11
(3) Any information or complaint in respect of any offence concerning the Anzac Memorial Building may be laid or made by the custodian of the Anzac Memorial Building.		12
		13
		14
(4) In this section, the <i>Anzac Memorial Building</i> means the memorial building within the meaning of the <i>Anzac Memorial (Building) Act 1923</i> .		15
		16
		17