

# Anzac Memorial (Building) By-laws 1937

[1937-5]



New South Wales

## Status Information

### Currency of version

Current version for 3 August 2018 to date (accessed 2 December 2024 at 16:41)

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 3 August 2018

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# Anzac Memorial (Building) By-laws 1937



New South Wales

**1A** These by-laws may be cited as the *Anzac Memorial (Building) By-laws 1937*.

**1** In these By-laws, unless a contrary intention appears, the expression:

**Act** means the *Anzac Memorial (Building) Act 1923-1934*.

**Chairperson** means the Chairperson of the Trustees or a proxy of the Chairperson authorised to exercise the functions of the Chairperson.

**Dedicated area** means the land described in the Schedule to the Act, including all buildings, structures and improvements on that land.

**Deputy Chairperson** means the Deputy Chairperson of the Trustees.

**Memorial Building** means the building known as the Anzac Memorial Building erected upon the dedicated area.

**Person** includes any organisation or other association of persons.

**2**

- (a) The Trustees shall meet at least once in every three months at such time and place in the City of Sydney as may from time to time be directed by the Chairperson or, in the absence of the Chairperson, the Deputy Chairperson. One of such meetings to be deemed the Annual Meeting shall be held in the first quarter of the year.
- (b) At such Annual Meeting the Trustees shall from among their number elect an Honorary Treasurer.
- (c) The Trustees may appoint an Honorary Secretary (not necessarily a Trustee) who shall hold office during the pleasure of the Trustees.
- (d) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson, is to preside at a meeting of the Trustees.
- (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.

- (f) The quorum for a meeting of the Trustees is 6 of its members.
- (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.
- (h) The Secretary shall upon a requisition in writing signed by two Trustees call a meeting at any time. At least seven days' notice of each meeting shall be sent by the Secretary to each Trustee.

## 2A

- (1) The trustees are to maintain a not-for-profit gift fund, to be called the **Anzac Memorial Gift Fund**.
- (2) The **principal purpose** of the Anzac Memorial Gift Fund is the establishment or maintenance (or both) of a war museum as part of the memorial building, and, in connection with the museum, the promotion of the understanding of, and the conduct of community education about, Australia's military history and heritage.
- (3) The trustees are to do the following:
  - (a) issue receipts for accountable gifts to the Anzac Memorial Gift Fund,
  - (b) hold in the Anzac Memorial Gift Fund all (and only) accountable gifts,
  - (c) use accountable gifts only for the principal purpose of the Anzac Memorial Gift Fund,
  - (d) keep records of all transactions relevant to the trustees' endorsement as a deductible gift recipient for operating a public museum,
  - (e) transfer any accountable gifts to a deductible gift recipient (or a deductible gift recipient that operates a fund, authority or institution) whose principal purpose is similar to the principal purpose of the Anzac Memorial Gift Fund upon the winding up of the trustees or the revocation of the trustees' endorsement as a deductible gift recipient, whichever occurs first.

- (4) In this by-law:

**accountable gifts** means gifts, contributions, money or property referred to in section 30-130 (1) (a)-(c) of the [Income Tax Assessment Act 1997](#) of the Commonwealth.

**deductible gift recipient** has the same meaning as in the [Income Tax Assessment Act 1997](#) of the Commonwealth.

- 3** Subject to by-law 2A, all money received by or on behalf of the trustees is to be paid into an account with any one or more banks, building societies or credit unions approved by the trustees from time to time.

- 4** Subject to by-law 2A, all cheques, promissory notes, drafts, bills of exchange and other negotiable instruments, and all receipts for money paid to the trustees, are to be signed, drawn, accepted, endorsed or otherwise executed in the manner determined by the trustees from time to time.
- 5** The Common Seal of the Trustees shall be kept in charge of the Honorary Secretary and shall be affixed to any document only by order of the Trustees and every such document shall be signed by the Chairperson and countersigned by the Honorary Secretary.
- 6** Applications to use the Assembly Hall in the Memorial Building or to use or occupy any portion of the dedicated area set apart by the Trustees from time to time for office or other special purposes shall be made to the Secretary in writing and shall state the purpose for which it is required. Applications shall be in such form, if any, as the Trustees may from time to time prescribe.
- 7** In granting leave to occupy any part of the dedicated area, the Trustees may prescribe conditions (not inconsistent with the provisions of the Act) to be observed and performed in respect of any such occupancy, and in case of default by an occupant in the observance or performance of any such conditions or of any of these By-laws the Trustees may terminate such occupancy at any time by notice in writing to the occupant.
- 8** Any person obtaining permission from the Trustees to use any portion of the Memorial Building or other part of the dedicated area shall, on termination of such use, leave the same and all furniture and fittings therein which are the property of the Trustees in the same state of cleanliness and order as when such use was entered upon, and in default shall pay to the Trustees on demand the cost of cleaning and placing same in order.
- 9** Any returned sailor, soldier or nurse shall so long as he or she observes the By-laws be entitled to enter and use such part or parts of the dedicated area as is or may be set apart for general purposes by the Trustees.
- 10** Unless authorised in writing so to do by the Trustees, no person shall within the dedicated area:
  - (a) sell or offer for sale or advertise for sale any article or carry on any trade or business,
  - (b) hold any public meeting, performance or entertainment of any kind,
  - (c) preach or deliver any address of any kind to members of the public or any section of the public or distribute any written typed or printed matter except to members of an organisation or association for the time being authorised to use any part of the dedicated area for the purpose of a meeting of such organisation or association,
  - (d) collect or attempt to collect any money,
  - (e) erect, affix, annex, or paint any sign, advertisement, notice or poster.

Maximum penalty: 20 penalty units.

- 11** No person shall within the dedicated area:
  - (a) engage in any party political or religious propaganda,
  - (b) create or take part in any disturbance or wilfully obstruct, disturb, interrupt or annoy any person lawfully therein,

- (c) play any game of chance or make any wager for money,
- (d) commit any nuisance or any indecent or offensive act, or use any indecent, obscene, profane, insulting or threatening language,
- (e) deposit any debris, paper, scraps or litter of any kind except in a receptacle provided for the purpose,
- (f) wilfully obstruct in the execution of his or her duty or insult or neglect to obey the lawful direction of any officer or servant of the Trustees.

Maximum penalty: 20 penalty units.

- 12** No person shall damage or impair or do anything likely to damage or impair the Memorial Building or any other part of the dedicated area.

Maximum penalty: 40 penalty units.

- 13** No person shall bring or consume within the dedicated area any intoxicating liquor, and no person who is in a state of intoxication shall enter or remain therein.

Maximum penalty: 20 penalty units.

**14**

- (1) A person must not bring an animal within the dedicated area unless the person has a disability and the animal is an assistance animal that is being used by the person.

Maximum penalty: 20 penalty units.

- (2) In this by-law:

**assistance animal** has the same meaning as in the [Disability Discrimination Act 1992](#) of the Commonwealth.

**disability** has the same meaning as in the [Disability Discrimination Act 1992](#) of the Commonwealth.

- 14A** A person must not sit or lie on the steps of the Memorial Building.

Maximum penalty: 20 penalty units.

- 15** The Trustees may from time to time prescribe the hours during which the Memorial Building shall be closed and, during such hours, no person shall enter the said building except with the written permission of the Trustees.

Maximum penalty: 20 penalty units.

- 16** Any officer or servant of the Trustees for the time being in charge of any part of the dedicated area and duly authorised in that behalf, or any police officer, may remove from the dedicated area any trespasser or any person who is found committing a breach of any of these By-laws.

- 17** Any permission, consent, authority, notice or demand of the Trustees to be given under these By-

laws shall be sufficiently authenticated if signed by the Secretary.

- 18** If the occupation or use of any part of the dedicated area by any person to whom permission has been given under these By-laws renders it necessary in the opinion of the Trustees for any employee of the Trustees to be retained on duty outside of or in excess of his or her ordinary working hours, the person or persons to whom such permission is given shall on demand by the Trustees, and if more than one, in such proportions as the Trustees may decide, reimburse the Trustees any extra cost in respect of additional wages, overtime or other expenses payable to such employee for or on account of such extra duty.

**19 (Repealed)**