



New South Wales

Anzac Memorial Bill 2025

Explanatory note

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

Overview of Bill

The object of this Bill is to repeal and replace the *Anzac Memorial (Building) Act 1923* and the *Anzac Memorial (Building) By-laws 1937* by providing for the following—

- (a) the constitution and functions of The Trustees of the Anzac Memorial Building,
- (b) the status of the memorial building as the principal war memorial in New South Wales,
- (c) the use of the memorial building and the surrounding area,
- (d) offences in relation to the memorial building and the surrounding area,
- (e) the Anzac Memorial Gift Fund.

Outline of provisions

Part 1 Preliminary

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.

Clause 3 provides for the dictionary in proposed Schedule 3 to define certain words and expressions used in the proposed Act.

Clause 4 sets out the objects of the proposed Act.

Part 2 The Trustees of the Anzac Memorial Building

Clause 5 constitutes The Trustees of the Anzac Memorial Building (*The Trustees*) as a body corporate and declares The Trustees to be a NSW Government agency.

Clause 6 sets out the functions of The Trustees.

Clause 7 sets out the principal purposes of The Trustees for the *Income Tax Assessment Act 1997* of the Commonwealth, section 30-130.

Clause 8 provides for a board, constituted of trustees, to manage The Trustees' affairs (the *Board*).

Clause 9 specifies which 10 persons are trustees.

Clause 10 sets out the requirements for a person to be eligible to be appointed as a trustee to represent the Australian Defence Force.

Clause 11 sets out the requirements for a person to be eligible to be appointed as a trustee to represent veterans.

Clause 12 sets out the requirements for a person to be eligible to be appointed as a trustee to represent the community.

Clause 13 allows The Trustees to delegate the exercise of The Trustees' functions, other than the power of delegation, to a trustee or a Public Service employee.

Part 3 Memorial area

Clause 14 declares the memorial building to be the principal war memorial in New South Wales.

Clause 15 provides for applications by veterans' organisations or kindred organisations to use part of the memorial building.

Clause 16 allows The Trustees to use certain land next to the memorial building for certain commemorative activities.

Part 4 Offences

Clause 17 prohibits a person from intentionally or recklessly damaging or defacing, or doing something likely to damage or deface, the memorial area, being the memorial building and the area around the building.

Clause 18 prohibits certain activities in the memorial area.

Clause 19 allows The Trustees to close all or part of the memorial building and prohibits a person from entering or remaining in the building, or part of the building, if the building or part is closed.

Clause 20 prohibits certain activities in the memorial building.

Clause 21 prohibits certain activities in the memorial building except with The Trustees' written approval.

Clause 22 prohibits a person from publishing, for commercial purposes, a representation relating to the memorial building unless the person has The Trustees' written approval or the publication is a commercial news article or broadcast.

Clause 23 provides for directions, given by authorised officers, for persons to leave the memorial area.

Part 5 Proceedings in relation to offences

Clause 24 defines, for proposed Part 5, *relevant offence* as an offence under the proposed Act resulting in damage to, or defacement of, the memorial area.

Clause 25 allows proceedings for an offence under the proposed Act to be dealt with summarily.

Clause 26 allows a court to order a person to perform community service work instead of imposing a fine on the person for a relevant offence.

Clause 27 allows a court to order a person who has committed a relevant offence to pay to repair damage to, or defacement of, the memorial area resulting from the offence.

Clause 28 prevents a person from being convicted of an offence under the proposed Act and an offence under other legislation in relation to the same act or omission.

Part 6 Anzac Memorial Gift Fund

Clause 29 defines certain terms for proposed Part 6.

Clause 30 requires The Trustees to maintain the Anzac Memorial Gift Fund for the principal purposes specified in clause 7.

Clause 31 sets out The Trustees' functions in relation to the Anzac Memorial Gift Fund.

Clause 32 requires The Trustees to transfer all accountable gifts held in the Anzac Memorial Gift Fund to a deductible gift recipient with similar principal purposes if The Trustees winds up or ceases to be endorsed as a deductible gift recipient.

Part 7 Miscellaneous

Clause 33 exempts a trustee, or a Public Service employee to whom a function of The Trustees is delegated, from personal liability for anything done in good faith for the purpose of exercising a function under the proposed Act.

Clause 34 repeals the *Anzac Memorial (Building) Act 1923* and the *Anzac Memorial (Building) By-laws 1937*.

Schedule 1 The Board of The Trustees

Schedule 1 provides for positions of trustees on, and the procedures of, the Board.

Schedule 2 Savings and transitional provisions

Schedule 2 contains savings and transitional provisions consequent on the enactment of the proposed Act.

Schedule 3 Dictionary

Schedule 3 contains the dictionary that defines certain terms and expressions used in the proposed Act.

Schedule 4 Amendment of other legislation

Schedule 4.1[1] simplifies the language used in the *RSL NSW Act 2018*, section 10.

Schedule 4.1[2] replaces a reference to the *Anzac Memorial (Building) Act 1923*, repealed by clause 34, in the *RSL NSW Act 2018* with a reference to the proposed Act.

Schedule 4.2 removes a reference to the *Anzac Memorial (Building) By-laws 1937*, repealed by clause 34, from the *Subordinate Legislation Act 1989*.

Schedule 4.3 updates the definition of **war memorial** in the *Summary Offences Act 1988*, section 8 for consistency with the proposed Act.



New South Wales

Anzac Memorial Bill 2025

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Anzac Memorial Bill 2025

No , 2025

A Bill for

An Act to recognise the memorial building as the principal memorial in New South Wales to Australians who serve in wars and peacekeeping missions; to constitute The Trustees of the Anzac Memorial Building; to manage, preserve and improve the memorial building and surrounds; and for other purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—	1
Part 1 Preliminary	2
1 Name of Act	3
This Act is the <i>Anzac Memorial Act 2025</i> .	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Definitions	7
The dictionary in Schedule 3 defines words used in this Act.	8
Note— The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	9 10
4 Objects of Act	11
The objects of this Act are as follows—	12
(a) to recognise Australians who serve in wars and peacekeeping missions,	13
(b) to recognise the memorial building as the principal memorial in New South Wales to those Australians,	14 15
(c) to maintain the amenity and solemn nature of the memorial building and memorial area,	16 17
(d) to manage, preserve and improve the memorial building and memorial area,	18
(e) to constitute, and provide for the functions of, The Trustees.	19

Part 2	The Trustees of the Anzac Memorial Building	1
5	Constitution of The Trustees as body corporate	2
(1)	A body corporate with the name of The Trustees of the Anzac Memorial Building (<i>The Trustees</i>) is constituted.	3 4
(2)	The Trustees is a NSW Government agency.	5
6	Functions of The Trustees	6
(1)	The Trustees must control and manage property vested in The Trustees to further the objects of this Act and, in particular, to manage and preserve the memorial building.	7 8
(2)	The Trustees may also do the following—	9
(a)	manage, preserve and improve the war museum in the memorial building,	10
(b)	create, sell and use representations relating to the memorial area,	11
(c)	promote the understanding of Australia’s military history and heritage, including by conducting community education.	12 13
(3)	This section does not limit the functions of The Trustees conferred by—	14
(a)	other sections of this Act, or	15
(b)	other legislation, including the <i>RSL NSW Act 2018</i> .	16
7	Principal purposes of The Trustees	17
	For the <i>Income Tax Assessment Act 1997</i> of the Commonwealth, section 30-130, The Trustees have the following principal purposes—	18 19
(a)	to manage, preserve and improve the war museum in the memorial building,	20
(b)	in connection with the museum, to promote the understanding of Australia’s military history and heritage, including by conducting community education,	21 22
(c)	to support other programs and initiatives consistent with the purposes referred to in paragraphs (a) and (b).	23 24
8	Board of The Trustees	25
(1)	The affairs of The Trustees are managed by a board (the <i>Board</i>).	26
(2)	Anything done in the name of, or on behalf of, The Trustees by the Board is taken to have been done by The Trustees.	27 28
(3)	Each trustee is a member of the Board.	29
(4)	Schedule 1 sets out additional matters relating to the Board.	30
9	Persons who are trustees	31
(1)	The following persons are trustees—	32
(a)	the Premier,	33
(b)	the Leader of the Opposition,	34
(c)	the Lord Mayor of Sydney,	35
(d)	the President of the Returned and Services League of Australia (New South Wales Branch),	36 37
(e)	the Secretary of the Department of Education,	38
(f)	the New South Wales Government Architect,	39
(g)	the State Librarian,	40

(h)	1 person appointed by the Minister to represent the Australian Defence Force,	1
(i)	1 person appointed by the Minister to represent veterans,	2
(j)	1 person appointed by the Minister to represent the community.	3
(2)	A person appointed by the Minister—	4
(a)	must be appointed by written instrument, and	5
(b)	is appointed for the period, not more than 3 years, specified in the instrument, and	6 7
(c)	is eligible for re-appointment if the person satisfies the relevant requirements for appointment under sections 10–12.	8 9
(3)	The Minister may revoke an appointment at any time.	10
10	Australian Defence Force representative	11
(1)	The person appointed under section 9(1)(h) to represent the Australian Defence Force must—	12 13
(a)	hold an eligible command, and	14
(b)	be nominated by the Chief of the Australian Defence Force, and	15
(c)	be appointed for a period of at least 2 years.	16
(2)	The Minister must ensure appointments under section 9(1)(h) are made on rotation through each eligible command.	17 18
(3)	If the person appointed under section 9(1)(h) ceases to hold an eligible command, the Minister must revoke the person’s appointment unless the Minister is satisfied the person holds a position in the Australian Defence Force of an equivalent or higher rank.	19 20 21 22
(4)	In this section—	23
	<i>eligible command</i> means the following—	24
(a)	Commander Forces Command, Australian Army,	25
(b)	Commander Australian Fleet, Royal Australian Navy,	26
(c)	Air Commander Australia, Royal Australian Air Force.	27
11	Veterans’ representative	28
	The person appointed under section 9(1)(i) to represent veterans must be nominated by the President of the Returned and Services League of Australia (New South Wales Branch).	29 30 31
12	Community representative	32
	The person appointed under section 9(1)(j) to represent the community must, in the Minister’s opinion, have financial or business qualifications or experience that will assist The Trustees in exercising The Trustees’ functions.	33 34 35
13	Delegation of functions	36
	The Trustees may, by written instrument, delegate the exercise of a function of The Trustees under this Act, other than this power of delegation, to—	37 38
(a)	a trustee, or	39
(b)	a Public Service employee.	40

Part 3 Memorial area

14 Principal New South Wales war memorial

The memorial building is the principal memorial in New South Wales to Australians who serve in wars and peacekeeping missions.

15 Application for approval to use memorial building

- (1) A veterans' organisation or kindred organisation may apply to The Trustees for approval to use part of the memorial building.
- (2) The application must—
 - (a) be in writing, and
 - (b) state the purpose of the proposed use, and
 - (c) be accompanied by any other document or information required by The Trustees for the application.
- (3) The Trustees may approve or refuse the application by giving written notice of the approval or refusal to the organisation.
- (4) The Trustees may approve an application subject to any conditions The Trustees considers appropriate, including conditions relating to the following—
 - (a) the cleaning, maintenance or repair of the memorial building,
 - (b) the use of memorial building staff in connection with the use of the memorial building.
- (5) If the organisation contravenes a condition of an approval, The Trustees may revoke the approval by giving written notice to the organisation.

16 Use of ceremonial area during commemorations

- (1) The Trustees may use the ceremonial area for a special commemorative event.
- (2) The Trustees may, with the written agreement of the Crown land manager of the ceremonial area, use the ceremonial area for other commemorations.
- (3) In this section—

ceremonial area means the land shown as “Anzac Memorial Ceremonial Area” on the Memorial Area Map.

commemoration means a commemorative activity to recognise Australian Defence Force service and sacrifice in peace and war.

commemorative activity includes a parade, ceremony or service.

special commemorative event means a commemorative activity to recognise any of the following—

 - (a) Anzac Day,
 - (b) Remembrance Day,
 - (c) the annual Indigenous Veterans commemoration in Reconciliation Week,
 - (d) RSL and Schools Remember ANZAC commemoration.

Part 4 Offences

17 Damaging or defacing memorial area

A person must not intentionally or recklessly damage or deface, or do something likely to damage or deface, the memorial area.

Maximum penalty—40 penalty units.

18 Other prohibited activities in memorial area

A person must not do any of the following in the memorial area—

- (a) leave rubbish or litter, except in a bin provided for that purpose,
- (b) use indecent, obscene, insulting or threatening language,
- (c) behave in an offensive or indecent way,
- (d) cause serious alarm or affront to a person by disorderly or unsafe conduct,
- (e) obstruct another person, employed or engaged by or on behalf of The Trustees, in the performance of the person's work or duties.

Maximum penalty—20 penalty units.

19 Closure of memorial building

- (1) The Trustees may close all or part of the memorial building by displaying a sign indicating the building, or part of the building, is closed.

Example of sign— a sign specifying when the memorial building is open to the public

- (2) A person must not enter or remain in the memorial building, or part of the building, if the building or part is closed, except with the written approval of The Trustees.

Maximum penalty—20 penalty units.

20 Other prohibited activities in memorial building

- (1) A person must not do any of the following in the memorial building—

- (a) conduct or participate in an activity in a way that unduly interferes with the amenity of the building,
- (b) cause a nuisance or inconvenience to other persons in the building,
- (c) engage in political or religious propaganda,
- (d) gamble or make a bet for money,
- (e) ride on or use a bicycle, scooter, skateboard, roller skates or similar apparatus.

Maximum penalty—20 penalty units.

- (2) A person must not—

- (a) enter or remain in the memorial building while intoxicated, or
- (b) sit or lie on the steps of the memorial building, or
- (c) bring an animal into the memorial building unless—
 - (i) the person has a disability within the meaning of the *Disability Discrimination Act 1992* of the Commonwealth, and
 - (ii) the animal is an assistance animal within the meaning of that Act, section 9, or
- (d) spit, urinate or defecate on the memorial building.

Maximum penalty—20 penalty units.

21	Regulated activities in memorial building	1
(1)	A person must not do any of the following in the memorial building except with the written approval of The Trustees—	2
		3
(a)	sell or hire, or attempt to sell or hire, goods or services,	4
(b)	carry on a business,	5
(c)	collect or attempt to collect money,	6
(d)	display or distribute an advertisement, notice, poster or sign,	7
(e)	conduct or cause to be conducted an amusement, entertainment, instruction or performance,	8
		9
(f)	possess or consume liquor,	10
(g)	organise or participate in a public meeting, function, demonstration or other public activity,	11
		12
(h)	deliver an address or distribute a document to the public or to a section of the public, except for the purposes of a meeting of a veterans' organisation or kindred organisation that has approval, under section 15, to use part of the building for the meeting,	13
		14
		15
		16
(i)	take a photograph or record a film for commercial purposes,	17
(j)	operate a radio or another electronic device at a volume likely to cause nuisance or inconvenience to another person,	18
		19
(k)	play a musical instrument at a volume likely to cause nuisance or inconvenience to another person,	20
		21
(l)	use a loudspeaker or public address system, except for the purposes of a meeting of a veterans' organisation or kindred organisation that has approval, under section 15, to use part of the building for the meeting.	22
		23
		24
	Maximum penalty—20 penalty units.	25
(2)	The Trustees may give an approval subject to conditions.	26
22	Publishing representations relating to memorial building without approval	27
(1)	A person must not create, sell or use a representation relating to the memorial building for commercial purposes.	28
		29
	Maximum penalty—10 penalty units.	30
(2)	This section does not apply to—	31
(a)	anything done with the written approval of The Trustees, or	32
(b)	a commercial news article or broadcast.	33
23	Direction to leave memorial area	34
(1)	An authorised officer may give a direction to a person to leave the memorial area if, in the authorised officer's opinion, the person is committing an offence under this Act.	35
		36
		37
(2)	The person who is given the direction must comply with the direction.	38
	Maximum penalty—40 penalty units.	39
(3)	An authorised officer may remove the person from the memorial area if the person fails to comply with the direction.	40
		41
(4)	In this section—	42
	<i>authorised officer</i> means—	43

(a)	a Public Service employee authorised in writing by The Trustees to give directions under this section, or	1 2
(b)	a police officer, or	3
(c)	a person who—	4
	(i) is the holder of a licence under the <i>Security Industry Act 1997</i> , and	5
	(ii) has been engaged by the The Trustees to provide security services in relation to the memorial area, or	6 7
(d)	a person authorised in writing by either of the following to give directions under this section—	8 9
	(i) the Minister administering the <i>Crown Land Management Act 2016</i> ,	10
	(ii) the Crown land manager of the memorial area.	11

Part 5	Proceedings in relation to offences	1
24	Definition	2
	In this part—	3
	relevant offence means an offence under this Act resulting in damage to, or defacement of, the memorial area.	4 5
25	Proceedings for offences	6
	Proceedings for an offence under this Act may be dealt with summarily before the Local Court.	7 8
26	Alternative to fine	9
	Instead of imposing a fine on a person for a relevant offence, a court may—	10
	(a) if the <i>Children (Community Service Orders) Act 1987</i> applies to the person—	11
	make an order under that Act, section 5(1) requiring the person to perform community service work, or	12 13
	(b) otherwise—make a community correction order under the <i>Crimes (Sentencing Procedure) Act 1999</i> , section 8 that is subject to a community service work condition.	14 15 16
	Note— Under the <i>Crimes (Sentencing Procedure) Act 1999</i> , section 88, a court that makes a community correction order must impose the standard conditions of a community correction order on the order.	17 18 19
27	Compensation for damage or defacement	20
	(1) A court may order a person to pay an amount to repair damage to, or defacement of, the memorial area resulting from the commission of a relevant offence if the court—	21 22
	(a) convicts the person of the offence, or	23
	(b) makes an order under the <i>Crimes (Sentencing Procedure) Act 1999</i> , section 10 in relation to the commission of the offence by the person.	24 25
	(2) The amount must not be more than \$4,400.	26
	(3) A court may make the order as an alternative, or in addition, to another penalty imposed for the offence.	27 28
	(4) For the purposes of the <i>Fines Act 1996</i> , the amount payable is taken to be a fine.	29
28	Relationship with other legislation	30
	A person cannot be convicted of an offence under this Act and an offence under other legislation in relation to the same act or omission.	31 32

Part 6	Anzac Memorial Gift Fund	1
29	Definitions	2
	In this part—	3
	<i>accountable gifts</i> means gifts of property or money, or contributions, referred to in the <i>Income Tax Assessment Act 1997</i> of the Commonwealth, section 30-130(1)(a)–(c).	4
	<i>deductible gift recipient</i> has the same meaning as in the <i>Income Tax Assessment Act 1997</i> of the Commonwealth.	5
	<i>endorsement</i> means endorsement under the <i>Income Tax Assessment Act 1997</i> of the Commonwealth, subdivision 30-BA.	6
	<i>gift fund</i> has the same meaning as in the <i>Income Tax Assessment Act 1997</i> of the Commonwealth, section 30-130(1).	7
30	Anzac Memorial Gift Fund	8
	The Trustees must maintain a gift fund, known as the Anzac Memorial Gift Fund, for The Trustees’ principal purposes under section 7.	9
31	Functions of The Trustees relating to Anzac Memorial Gift Fund	10
	The Trustees must do the following—	11
	(a) issue receipts for accountable gifts made to the Anzac Memorial Gift Fund,	12
	(b) hold all, and only, accountable gifts in the Anzac Memorial Gift Fund,	13
	(c) use accountable gifts made to the Anzac Memorial Gift Fund only for the The Trustees’ principal purposes under section 7,	14
	(d) keep records of all transactions relevant to The Trustees’ endorsement as a deductible gift recipient for operating a public museum.	15
32	Transfer of accountable gifts	16
	(1) This section applies if either of the following occurs—	17
	(a) the winding up of The Trustees,	18
	(b) the revocation of The Trustees’ endorsement as a deductible gift recipient.	19
	(2) The Trustees must transfer all accountable gifts held in the Anzac Memorial Gift Fund to 1 of the following with principal purposes similar to The Trustees’ principal purposes under section 7—	20
	(a) a deductible gift recipient,	21
	(b) a fund, authority or institution operated by a deductible gift recipient.	22

Part 7	Miscellaneous	1
33	Personal liability	2
(1)	A protected person is not personally subject to liability for anything done—	3
(a)	in good faith, and	4
(b)	for the purpose of exercising a function under this Act.	5
(2)	The liability instead attaches to the Crown.	6
(3)	In this section—	7
	<i>done</i> includes omitted to be done.	8
	<i>liability</i> means civil liability and includes action, claim or demand.	9
	<i>protected person</i> means the following—	10
(a)	a trustee,	11
(b)	a Public Service employee to whom a function of The Trustees under this Act is delegated.	12
		13
34	Repeals	14
	The following are repealed—	15
(a)	the <i>Anzac Memorial (Building) Act 1923</i> ,	16
(b)	the <i>Anzac Memorial (Building) By-laws 1937</i> .	17

Schedule 1 The Board of The Trustees

	section 8(4)	1
1 Chairperson and Deputy Chairperson		3
(1) The Premier is the Chairperson of the Board.		4
(2) The President of the Returned and Services League of Australia (New South Wales Branch) is the Deputy Chairperson of the Board.		5
		6
2 Honorary Secretary		7
(1) The Board must appoint a person, who may or may not be a trustee, to the position of Honorary Secretary.		8
		9
(2) A person appointed under this section holds the position until—		10
(a) the Board removes the person from office, or		11
(b) the end of the period specified in the instrument of appointment.		12
(3) A person appointed under this section is eligible for re-appointment.		13
3 Honorary Treasurer		14
(1) At a meeting of the Board, the Board may elect a trustee to the position of Honorary Treasurer.		15
		16
(2) A person elected under this section holds the position until—		17
(a) the Board removes the person from office, or		18
(b) the end of the person's term as a trustee.		19
4 Proxies		20
(1) A trustee may, in writing, appoint a person as the trustee's proxy to attend, speak at and vote at a specified meeting, or all meetings, of the Board.		21
		22
(2) A proxy appointed by the Premier may, with written authority of the Premier, exercise the Premier's functions as Chairperson of the Board.		23
		24
5 General procedure for meetings		25
(1) The Board must meet at least once every 3 months at a time and place determined by—		26
		27
(a) the Chairperson, or		28
(b) if the Chairperson is absent—the Deputy Chairperson.		29
(2) If the Honorary Secretary receives a written request for a meeting signed by 2 or more trustees, the Honorary Secretary must call a meeting.		30
		31
(3) The Honorary Secretary must notify each trustee of an upcoming meeting at least 7 days before the meeting.		32
		33
(4) Subject to this Act, the Board may determine procedures for the following—		34
(a) calling meetings of the Board,		35
(b) conducting business at meetings of the Board.		36
6 Quorum		37
(1) The quorum for a meeting of the Board is 6 trustees.		38

(2)	At a meeting called in accordance with this schedule and at which a quorum is present, the Board may transact business and exercise functions.	1 2
7	Presiding member	3
(1)	The Chairperson presides at meetings of the Board.	4
(2)	If the Chairperson is absent from a meeting, the Deputy Chairperson presides at the meeting.	5 6
(3)	If both the Chairperson and Deputy Chairperson are absent from a meeting, the trustees who are present may elect a trustee to preside at the meeting.	7 8
8	Voting	9
(1)	At a meeting called in accordance with this schedule and at which a quorum is present, a decision supported by a simple majority of votes cast is a decision of the Board.	10 11 12
(2)	The person presiding at a meeting—	13
(a)	has a deliberative vote, and	14
(b)	if votes are cast equally—has a second or casting vote.	15
9	Transaction of business outside meetings or by telecommunication	16
(1)	The Board may transact business—	17
(a)	by circulating papers among all trustees, or	18
(b)	at a meeting at which all or some trustees participate by audio link or audio visual link, but only if a trustee who speaks at the meeting can be heard by the other trustees.	19 20 21
(2)	If the Board transacts business under subsection (1)(a)—	22
(a)	papers may be circulated electronically, and	23
(b)	a written resolution with the written approval of 6 or more trustees—	24
(i)	is taken to be a decision of the Board made at a meeting of the Board, and	25 26
(ii)	must be recorded in the minutes of the meeting of the Board.	27
(3)	Each trustee has the same voting rights as the trustee has at an ordinary meeting of the Board for the purposes of—	28 29
(a)	a meeting held under subsection (1)(b), or	30
(b)	the approval of a resolution under subsection (2)(b).	31
10	Common seal	32
(1)	The Honorary Secretary must ensure the common seal of The Trustees is kept in safe custody.	33 34
(2)	The common seal may be affixed to a document or instrument only by resolution of the Board.	35 36
(3)	The Chairperson and the Honorary Secretary must sign a document or instrument to which the common seal is affixed.	37 38
11	Effect of certain other Acts	39
(1)	The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a person in the person's capacity as a trustee.	40 41 42

- (2) If, by or under an Act, provision is made for either of the following, the provision does not operate to disqualify a person from holding the office and also being a trustee—
 - (a) requiring a person who is the holder of a specified office to devote the whole of the person’s time to the duties of the office,
 - (b) prohibiting the person from engaging in employment outside the duties of the office.

Schedule 2 Savings and transitional provisions

Part 1 Regulations

1 Regulations

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the commencement of—
 - (a) a provision of this Act, or
 - (b) a provision amending this Act.
- (2) A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.
- (3) A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.
- (4) A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—
 - (a) for a provision of this Act—the date of assent to this Act, or
 - (b) for a provision amending this Act—the date of assent to the amending Act.
- (5) A savings or transitional provision taking effect before its publication on the NSW legislation website does not—
 - (a) affect the rights of a person existing before the publication in a way prejudicial to the person, or
 - (b) impose liabilities on a person for anything done or omitted to be done before the publication.
- (6) In this section—
person does not include the State or an authority of the State.

Part 2 Provisions consequent on enactment of this Act

2 Definitions

In this part—

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

the By-laws means the *Anzac Memorial (Building) By-laws 1937*.

3 Savings

An act, matter or thing that, immediately before the repeal of the 1923 Act, had effect under the 1923 Act continues to have effect under this Act.

4 The Trustees

The body corporate constituted under this Act, section 5(1) is taken to be a continuation of, and the same legal entity as, the body corporate that was constituted under the 1923 Act, section 4.

5 Appointments as trustees

- (1) The person who, immediately before the repeal of the 1923 Act, was the Australian Defence Force representative under the 1923 Act, section 3C is taken to be appointed under section 9(1)(h) to represent the Australian Defence Force until the end of the period specified in the person's instrument of appointment under the 1923 Act.

(2)	The person who, immediately before the repeal of the 1923 Act, was the veterans' representative under the 1923 Act, section 3A is taken to be appointed under section 9(1)(i) to represent veterans until the end of the period specified in the person's instrument of appointment under the 1923 Act.	1 2 3 4
(3)	The person who, immediately before the repeal of the 1923 Act, was the community representative under the 1923 Act, section 3B is taken to be appointed under section 9(1)(j) to represent the community until the end of the period specified in the person's instrument of appointment under the 1923 Act.	5 6 7 8
(4)	This section does not affect this Act, section 9(3).	9
6	Anzac Memorial Gift Fund	10
	The Anzac Memorial Gift Fund is taken to be the same fund as the gift fund that was referred to in the By-laws, by-law 2A.	11 12

Schedule 3 Dictionary

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Schedule 4	Amendment of other legislation	1
4.1	RSL NSW Act 2018 No 48	2
[1]	Section 10 Anzac Memorial Building	3
	Omit “are required to” from section 10(2). Insert instead “must”.	4
[2]	Section 10(4)	5
	Omit “ <i>Anzac Memorial (Building) Act 1923</i> ”. Insert instead “ <i>Anzac Memorial Act 2025</i> ”.	6
4.2	Subordinate Legislation Act 1989 No 146	7
	Schedule 4 Excluded instruments	8
	Omit item 5.	9
4.3	Summary Offences Act 1988 No 25	10
	Section 8 Damaging or desecrating protected places	11
	Omit section 8(1), definition of <i>war memorial</i> , paragraph (a). Insert instead—	12
	(a) the Anzac Memorial in Hyde Park, Sydney, being the memorial area	13
	within the meaning of the <i>Anzac Memorial Act 2025</i> , and	14