

Passed by both Houses



New South Wales

Anzac Memorial (Building) Amendment Bill 2010

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2010*



New South Wales

Anzac Memorial (Building) Amendment Bill 2010

Act No , 2010

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

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Anzac Memorial (Building) Amendment Act 2010*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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

[1] Section 2 Definitions

Insert in alphabetical order:

exercise a function includes perform a duty.

function includes a power, authority or duty.

[2] Section 3 Trustees

Omit section 3 (1). Insert instead:

(1) The following persons are the trustees for the purposes of this Act:

- (a) the Premier,
- (b) the Leader of the Opposition,
- (c) the Lord Mayor of Sydney,
- (d) the President of the Returned and Services League of Australia (New South Wales Branch),
- (e) the Director-General of the Department of Education and Training,
- (f) the New South Wales Government Architect,
- (g) the State Librarian,
- (h) the President of the T.B. Sailors, Soldiers and Airmen's Association of NSW (Inc.) (until the transition date),
- (i) the veterans' representative (from the transition date)—see section 3A,
- (j) the community representative—see section 3B.

(1A) The Premier is the Chairperson of the trustees.

(1B) The President of the Returned and Services League of Australia (New South Wales Branch) is the Deputy Chairperson of the trustees.

[3] Section 3 (4) and (5)

Insert after section 3 (3):

- (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.

- (5) In this section, the *transition date* means a day appointed by the Minister as the transition date by order published on the NSW legislation website.

[4] Sections 3A and 3B

Insert after section 3:

3A Veterans' representative

- (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.
- (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).
- (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.
- (4) The Minister may at any time revoke the appointment of a person as the veterans' representative.

3B Community representative

- (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.
- (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.
- (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.
- (4) The Minister may at any time revoke the appointment of a person as the community representative.

[5] Section 8A Further powers of trustees

Omit "and" from the end of section 8A (1) (c).

[6] Section 8A (1) (e) and (f)

Insert after section 8A (1) (d):

- (e) may promote the understanding of, and conduct community education about, Australia's military history and heritage, and
- (f) have the functions conferred on them by the *Returned and Services League of Australia (New South Wales Branch) Incorporation Act 1935* and any other Act.

[7] Section 9A

Insert after section 9:

9A Delegation by trustees

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.

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

[1] By-law 1

Insert in alphabetical order:

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

Deputy Chairperson means the Deputy Chairperson of the Trustees.

[2] By-law 2

Omit “the Chairman or, in his absence, the Deputy Chairman” from by-law 2 (a).

Insert instead “the Chairperson or, in the absence of the Chairperson, the Deputy Chairperson”.

[3] By-law 2 (b)

Omit “a Chairman, a Deputy Chairman and”.

[4] By-law 2 (d)–(g)

Omit by-law 2 (d). Insert instead:

- (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.

[5] By-law 2 (h)

Renumber by-law 2 (e) as by-law 2 (h).

[6] By-law 5

Omit “Chairman”. Insert instead “Chairperson”.

[7] By-laws 11 (f) and 18

Insert “or her” after “his” wherever occurring.

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

Section 5

Insert after section 4A:

5 Anzac Memorial Building

- (1) The League is taken to be the guardian of the Anzac Memorial Building.
- (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.
- (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.
- (4) In this section, the *Anzac Memorial Building* means the memorial building within the meaning of the *Anzac Memorial (Building) Act 1923*.