

TASMANIA

ANZAC DAY TRUST WINDING-UP BILL 2020

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART 2 – WINDING-UP OF ANZAC DAY TRUST AND ANZAC DAY TRUST FUND

4. Winding-up of Trust and Anzac Day Trust Fund
5. Transfer of assets and liabilities
6. Construction of documents
7. Legal proceedings and related matters

PART 3 – MISCELLANEOUS

8. Administration of Act
9. Consequential amendments

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

ANZAC DAY TRUST WINDING-UP BILL 2020

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
13 October 2020

*(Brought in by the Minister for Veterans' Affairs, the
Honourable Guy Barnett)*

A BILL FOR

An Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the *Anzac Day Observance Act 1929*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Anzac Day Trust Winding-up Act 2020*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Anzac Day Trust Winding-up Act 2020
Act No. of 2020

s. 3

Part 1 – Preliminary

3. Interpretation

In this Act –

commencement day means the day on which this Act commences;

document means a document or part of a document –

- (a) that was in force immediately before the commencement day; and
- (b) in which there was a reference to the Trust; and
- (c) that relates to an asset or liability of the Trust;

Fund means the Anzac Day Trust Fund established under Part III of the *Anzac Day Observance Act 1929*;

State tax means any of the following imposed by an Act or law of this State:

- (a) a fee;
- (b) a tax or duty;
- (c) a charge;

Trust means the Anzac Day Trust established under Part III of the *Anzac Day Observance Act 1929*.

Anzac Day Trust Winding-up Act 2020
Act No. of 2020

**PART 2 – WINDING-UP OF ANZAC DAY TRUST AND
ANZAC DAY TRUST FUND**

4. Winding-up of Trust and Anzac Day Trust Fund

On the commencement day –

- (a) the Trust is wound up; and
- (b) the Fund is wound up; and
- (c) the appointments of the members of the Trust and its staff are terminated.

5. Transfer of assets and liabilities

- (1) On the commencement day, the assets and liabilities of the Trust become assets and liabilities of the Crown.
- (2) State tax is not payable in respect of any document prepared, or transfer or transaction done, to give effect to subsection (1).

6. Construction of documents

Unless the context or subject matter of a document otherwise requires, on and after the commencement day a reference in the document to the Trust is taken to be or to include a reference to the Crown.

Anzac Day Trust Winding-up Act 2020
Act No. of 2020

s. 7

Part 2 – Winding-up of Anzac Day Trust and Anzac Day Trust Fund

7. Legal proceedings and related matters

On and after the commencement day –

- (a) any legal or other proceeding instituted by or against the Trust before, and pending on, the commencement day may be continued by or against the Crown; and
- (b) any legal or other proceeding that could have been instituted by or against the Trust to enforce an obligation that was required to be performed, or a right that had accrued, before the commencement day may be instituted by or against the Crown; and
- (c) any judgment or order of a court obtained before the commencement day by or against the Trust and not executed or satisfied before the commencement day may be enforced by or against the Crown; and
- (d) a document relating to any legal or other proceeding that has been served on or by the Trust is taken, where appropriate, to have been served on or by the Crown.

Anzac Day Trust Winding-up Act 2020
Act No. of 2020

Part 3 – Miscellaneous

s. 8

PART 3 – MISCELLANEOUS

8. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Veterans' Affairs; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Communities Tasmania.

9. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

Anzac Day Trust Winding-up Act 2020
Act No. of 2020

sch. 1

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 9

Anzac Day Observance Act 1929

1. Part III is repealed.