

## CLAUSE NOTES

### ANZAC DAY TRUST WINDING-UP BILL 2020

#### **PART I – PRELIMINARY**

##### **Clause 1: Short Title**

This provides the short title to be used when citing the Act for any legal purpose.

##### **Clause 2: Commencement**

This Act commences on the day it receives Royal Assent.

##### **Clause 3: Interpretation.**

This Clause defines the following terms:

**Commencement day** – meaning the day on which the Act commences.

**Document** – meaning a document or part of a document:

- That was in force immediately before the commencement of the Act;
- In which there was a reference to the Trust; and
- 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 a fee, tax or duty or a charge imposed by an Act or Law of the State.

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

#### **PART 3 – WINDING-UP of ANZAC DAY TRUST AND FUND**

##### **Clause 4: Winding-up of Trust and Fund**

Clause 4 (a) and (b) winds up the Trust and Fund on the commencement of this Act.

Clause 4 (c) terminates the appointments of the members of the Trust and its staff.

##### **Clause 5: Transfer of assets and liabilities**

Sub-Clause (1) provides that on the commencement of this Act the assets and liabilities of the Anzac Day Trust transfer to the Crown.

Sub-Clause (2) provides that no State Tax is payable in response to any document prepared or transfer or transaction done to give effect to Sub-Clause (1).

### **Clause 6: Construction of documents**

Sub-Clause (2) provides that on or after the commencement of the Act a reference to a document to the Trust is taken to include references to the Crown.

### **Clause 7: Legal proceedings and related matters**

This Clause provides on and after the commencement of this Act –

- a) Any legal or other proceedings instituted by or against the Trust before or pending on the commencement day of the Act may be continued by or against the Crown;
- b) Any legal or other proceedings that could have been instituted by or against the Trust to enforce a legal obligation required to be performed or right that accrued before the commencement of this Act may be instituted by or against the Crown;
- c) Any judgement of court orders obtained before the commencement day of this Act by or against the Trust and not executed or satisfied before the commencement of the Act may be enforced by or against the Crown; and
- d) Any document relating to any legal or other proceedings that has been serviced on or by the Trust is taken, where appropriate, to have been served on the Crown.

## **PART 3 - MISCELLANEOUS**

### **Clause 8: Administration of Act**

This Clause assigns administrative responsibility for this Act to the Minister for Veterans' Affairs and the Department of Communities Tasmania.

### **Clause 9: Consequential Amendments**

This Clause provides that the legislation specified in Schedule I is amended as specified in that Schedule.

## **SCHEDULE I – CONSEQUENTIAL AMENDMENTS**

This Schedule sets out the legislation to be repealed on commencement of this Act, namely Part III of the Anzac Day Observance Act 1929.