

## Tour of Duty Pty Ltd and the Anzac Run

### Task

1. This paper is relevant to [Honest History's aim](#) to 'challenge the misuse of history in the service of political or other [including commercial] agendas'. Honest History set out to find information about the [Anzac Run](#) and how it is organised by *Tour of Duty Pty Ltd*.

### Company history

2. The Anzac Run website [represents](#) that 'Tour of Duty' has been organising charity bike rides and runs since September 2001. The website does not detail the company structures existing over this period. [Elsewhere on the website](#) the reference to *Tour of Duty Pty Ltd* (the company promoting the Run) does not disclose how long this company has been in existence.
3. [According to the website](#), 'Tour of Duty is authorised by the Minister of [sic] Veterans' Affairs to use the name ANZAC in conjunction with the ANZAC Run event'. These authorisations are given by the Minister under the [Protection of Word "Anzac" Regulations 1921](#).
4. The website also [states](#) that 'TOUR OF DUTY' is a registered trade mark of the company. It was [first registered](#) from 14 December 2010 under a class relating to entertainment and [registered again](#) from 19 April 2013 under a class relating to bottled beverages. In both cases, the owner of the trade mark is given as *Tour of Duty Pty Ltd, c/- Blake Entertainment* (see below).

### Tour of Duty Pty Ltd

5. *Tour of Duty Pty Ltd* (ACN 164 202 939 ABN 82164202939) was registered in New South Wales on 11 June 2013 as an Australian Proprietary Company, Limited by Shares (see ATTACHMENT A to this paper). It qualifies as a [small proprietary company](#) under Corporations Law so it will [not normally have to lodge financial reports](#) with ASIC [unless directed to do so](#) under [section 294\(1\) of the Corporations Act](#). It will still receive [annual review statements](#) from ASIC but need do nothing in relation to them, other than pay the fee and pass a solvency resolution. The date for Tour of Duty's first annual review is 11 June 2014.
6. *Tour of Duty Pty Ltd* is a proprietary company limited by shares, a company structure which can be used for charities in some circumstances. The [ASIC website](#) says this:
 

The Australian Charities and Not-for-Profits Commission (ACNC) registers organisations as charities. These may include organisations registered with us [ASIC] including ... **proprietary companies limited by shares** – such as a business that is wholly owned by a charity that has a similar charitable purpose.
7. *Tour of Duty Pty Ltd* is [not registered with the ACNC](#), however, and it is clearly not 'a business wholly owned by a charity'. On the Anzac Run [website](#), however, *the Run* (not the company *Tour of Duty Pty Ltd*) is described as 'a non [sic] for profit event, which supports charities' while *Tour of Duty Pty Ltd* is 'a commercial entity engaged in presenting ANZAC Run'. So the Run seems to be a charity event run by a business but there is no mention on the Run website of tax deductibility for donations. The [ABN lookup site discloses](#) that *Tour of Duty Pty Ltd* is not entitled to receive tax deductible gifts.
8. *Tour of Duty Pty Ltd's* directors are shown on the registration form as Rebecca Ann Blake and Paul Ritchie. Ms Blake is the company secretary.
9. The registered address of *Tour of Duty Pty Ltd* is Shop 55, 18-26 Church Avenue, Mascot, NSW, 2020, and the principal place of business is Level 4, 3-5 Young Street, Neutral Bay, NSW, 2089. The first address is occupied by [BT & A Consultants](#), a firm of accountants.
10. The second address is the premises of [Blake Entertainment](#), whose managing director is [Rebecca Ann Blake](#). According to its website, Blake Entertainment 'was established in 1988 by Rebecca

Blake to provide specialist marketing, media buying and creative services to the entertainment industry. For 25 years, Blake Entertainment has developed and implemented national advertising campaigns for leading promoters and venues to become one of Australia's leading arts, entertainment and event marketing organisations.'

11. There is one ordinary share in *Tour of Duty Pty Ltd*, on which the amount of \$1.00 has been paid. This share is held by Paul Ritchie.

#### Tour of Duty Run Pty Ltd and the Tour of Duty Ride

##### *Tour of Duty Run Pty Ltd established 2010*

12. *Tour of Duty Run Pty Ltd* (ACN 147602391 ABN 86 147 602 391) was registered in Victoria on 29 November 2010 as an Australian Proprietary Company, Limited by Shares (see ATTACHMENT B to this paper). The company's sole director and secretary was Paul Ritchie. The registered office and principal place of business were both 10 Young Street, St Kilda, Vic., 3182, which was also Mr Ritchie's address.
13. There was one ordinary share, on which the amount of \$1.00 was paid. This share was held by Mr Ritchie.

##### *The Tour of Duty Ride 2012 and the Tour of Duty Run 2010*

14. Mr Ritchie organised the Tour of Duty Ride, a [charity bicycle ride](#) across the United States in August-September 2012. The website for this event [discloses](#) that Mr Ritchie was Event Director and Rebecca Blake (see above) was Event Manager. [Patrons](#) for the Ride were United States Senator the Hon. John McCain, the Hon. John Howard, former Australian prime minister, and cycling commentator, Phil Liggett. The Ride was [launched](#) on 10 August 2012 by Mr Ritchie, Mr Howard, General David Hurley, and Sandra Sully from Network Ten.
15. The early history of the Tour of Duty runs and rides in Australia and the United States is on the Tour of Duty Ride [website](#), including references to the Tour of Duty Run across America in August-September 2010. There is more on the Tour of Duty Run on [its website](#). Mr Ritchie was the [contact person](#) for the Run. Mr Howard [was a Patron](#), as was [entertainer Jerry Lewis](#).
16. The connections between company structure and events are not always clear in Tour of Duty material. While the 2012 Ride seems to have been an initiative of *Tour of Duty Run Pty Ltd* – the logo for the Ride is almost identical to that used for the Run and [the 'History' section of the Ride website](#) refers to the Run – the company connection is not explicit on the Ride website.

##### *Tour of Duty Run Pty Ltd deregistered 2013*

17. *Tour of Duty Run Pty Ltd* was [deregistered](#) on 12 April 2013. ASIC records [disclose](#) no documents were lodged with ASIC for the period the company existed, 2010-13, apart from the initial application to register the company. The deregistration was initiated by ASIC under [section 601AB of the Corporations Act 2001](#), which allows ASIC to initiate deregistration for failure to lodge documents or pay fees, or where ASIC has no reason to believe that the company is carrying on business, or for related reasons.
18. The facts leading to the deregistration of *Tour of Duty Run Pty Ltd* may have been known by ASIC at the time the Tour of Duty Ride was launched by Mr Howard, General Hurley and others (above para. 14). ASIC commenced deregistration action on 12 February 2013, just six months after the launch.
19. On 19 April, one week after deregistration of *Tour of Duty Run Pty Ltd* was completed, Blake Entertainment commenced trade mark registration of 'TOUR OF DUTY' in relation to bottled beverages (see para. 4 above). On 1 June, two months after deregistration of *Tour of Duty Run* was completed, the new company, *Tour of Duty Pty Ltd*, was registered (see above para. 5). In June also, the application went to the Department of Veterans' Affairs (DVA) to use the word

'Anzac'. ***In view of all of the above, the question needs to be asked: what investigations did DVA carry out before advising the Minister in relation to the application?***

## The Anzac Run

20. The Melbourne Anzac Run was [launched in November 2013](#) by the Hon. Ted Baillieu MP, chair of the [Victorian Anzac Centenary Committee](#). The Run's motto was 'Exercise your Freedom'.

Among the speakers was Patron, businessman [Gerry Ryan](#) (Jayco and Green Edge), who [said](#)

Tour of Duty *aimed to enrich the community's understanding of the ANZAC Legend* whilst recognising the core values of a democratic and free society.

Tour of Duty Pty Ltd is an event company *involved in raising awareness* about the role and work of fire fighters, first responders, emergency service personnel and police. ANZAC Run *aims to promote respect in the community* for the military by saluting the service and sacrifice of our diggers. (Emphasis added.)

21. Mr Howard [remains a Patron](#) also. The Brisbane Run was [also launched in November](#). Mr Ritchie [spoke to the media](#) in April about the Run. The Essendon Football Club was [supportive](#).

22. The Melbourne Run was on 21 April and the Brisbane Run on 27 April. The Anzac Run website [links to race results](#) showing the number of entrants in each race, although not all entrants actually ran. (There were 771 running in Melbourne and 1671 in Brisbane.) The website also shows [entry fees](#) for the runs, \$50 for the shorter run in both cities, \$65 for the longer run.

## Revenue

23. It is not possible to calculate exact revenue from the two runs, partly because there were discounts for Early Bird entrants (up to 28 February), service entries and team entries and these fees are no longer listed on the website. We have *assumed* an average entry fee of \$45 per person. Table 1 shows numbers of entrants and estimates of money raised from entry fees.

	Entrants @ \$45 each	Revenue (est.)
Melbourne 21 April	908	\$ 40 860
Brisbane 27 April	3000	\$135 000
Total	3908	\$175 860

24. Where did this money go? The website called for [volunteers](#), presumably to act as marshals, time-keepers and so on, but presumably there were other race day costs. There would have been costs also for website design and maintenance, promotion, [Facebook](#) updating, and office work and for [runners' kits \('race number and timing chip'\)](#) and ['commemorative medal'](#).

25. What about the money going to *Tour of Duty Pty Ltd*? The Anzac Run website [says this](#):

Tour of Duty Pty Ltd (ACN 164202939) (Tour of Duty), a commercial entity engaged in presenting ANZAC Run in 2014.

The ANZAC Run is a *non for profit* event, which supports charities. Our charter is to commemorate the ANZAC heritage whilst also taking the opportunity to raise community awareness for entities such as, but not exclusively RSL, LEGACY and STAND TALL4PTS.

Tour of Duty as a commercial entity will seek *a reasonable return on its capital* to ensure its financial wellbeing however is acutely aware of the social and moral responsibility that comes with the use of

the word ANZAC. Hence we will be ensuring that measures are taken enable the public and others to direct donations to approved charities whilst also ensuring Tour of Duty *meets its financial obligations to ensure the future viability* of ANZAC Run in the years to come. (Emphasis added; literals and punctuation as in original.)

26. It is not clear from the Anzac Run website whether *any* of the approximately \$175 000 raised from runner entry fees goes to charity. Other material is also ambivalent. On an Anzac Run [promotional video](#) featuring soldiers from Enoggera Barracks, Brisbane, the following dialogue occurs:
- Voice over:* [background video of troops in action] Remember them and *support* them by joining the Anzac Run.
- Male soldier:* Come on, Melbourne! Join us in the Anzac Run!
- Female soldier:* You'll be *supporting* our troops through charities such as Legacy, RSL and Stand Tall. (Emphasis added.)
27. The video is identified as 'Our latest 30 sec spot for Melbourne ... ONLY 9 WEEKS TO GO'. The [same message](#) went out for the Brisbane Run. Clearly, much turns on the definition of the words 'support' and 'supporting'. ***Does 'supporting' simply mean entrants running and thus honouring the service of members of the armed forces or does it mean entrants raising funds using the enabling measures put in place by Tour of Duty? And is the meaning clear on the website?***
28. The Anzac Run website [says](#): 'Participants in ANZAC Run will be encouraged to fundraise through the online tool Everyday Hero for such vital organisations as the RSL, Legacy and Stand Tall for PTS, a foundation and lobby group that raises awareness about Post Traumatic Stress.' Runners made choices through Everyday Hero [sign-up forms](#) as to where the money they raised would go. ([Everyday Hero](#) is a commercial fundraising website.)
29. In response to an FAQ, 'Where does the money fundraised go to?', the website [advised runners as follows](#): 'Fundraising dollars will go to your charity of choice, RSL's Mates4Mates, Legacy Queensland or Stand Tall for PTS (Post Traumatic Stress) through [www.everydayhero.com.au](http://www.everydayhero.com.au)'. ***Again, much turns on the definition of 'fundraising dollars': is it only money raised by runners who fill in the Every Day hero nomination forms, with the money going to their individually chosen charity, or is it some of the entry fee money, as well, going to the range of charities chosen by everyone?***
30. [Elsewhere on the site](#) there is publicity for Legacy, RSL, Mates4Mates and Stand Tall for PTS. A quick search of the websites of Legacy, RSL Queensland and Victorian Branches, Mates4Mates and Stand Tall for PTS, finds only an outdated reference to the Anzac Run on the last-named site, although all four charities are mentioned on the Anzac Run site as '[official partners](#)'. (Other partners include the Queensland Government, the Seven Network and four radio stations.)
31. Finally, regarding material on the website, there is the [long statement](#) under the name of Patron Gerry Ryan, which (like Mr Ryan's statement at the Melbourne launch – para. 20 above) stresses awareness raising and contains no explicit mention of fundraising, by whatever means.

Through the vision and passion of international events company Tour of Duty Pty Ltd, ANZAC Run aims to enrich our understanding of the ANZAC legend whilst recognising the core values of a democratic and free society. One of the best ways to do this is through active participation and giving people from all walks of life the opportunity to come together in the spirit of liberty, freedom and peace.

ANZAC Run is both a commemorative and celebratory event. It affirms the open, progressive and unifying spirit of all Australians whilst recognising the selfless contribution of our fighting men and women.

Planned as an annual event each April, the early morning run, walk and affiliated activities will enable participants and spectators to take a moment to remember the 102,000 Australians who [made] the ultimate sacrifice as well as the thousands who continue to serve overseas and in Australia.

- 32.** At the time of writing, runners had raised just over \$32 000, as set out in Table 2 below. The figures below may be compared with those in Table 1 above. There were 46 fundraisers out of 908 entrants in Melbourne and 86 fundraisers out of 3000 entrants in Brisbane. ***The question arises: how many of the 3776 entrants who did not sign up as fundraisers assumed that some of their entry fee money was going to charity?***

Table 2: Funds raised for charity, Anzac Runs		
	Number of fundraisers	Funds raised
<a href="#">Melbourne 21 April</a>	46	\$ 9160.80
<a href="#">Brisbane 27 April</a>	86	\$22 966.35
Total	132	\$32 127.15

David Stephens  
Honest History  
19 May 2014

ATTACHMENT A



**ASIC**  
Australian Securities & Investments Commission

## Current & Historical Company Extract

**Name:** TOUR OF DUTY PTY. LTD  
**ACN:** 164 202 939

**Date/Time:** 12 March 2014 AEST 11:56:32 AM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

EXTRACT

## Current &amp; Historical Company Extract

TOUR OF DUTY PTY. LTD  
ACN 164 202 939

Organisation Details	Document Number
<b>Current Organisation Details</b>	
Name:	TOUR OF DUTY PTY. LTD 1E9456147
ACN:	164 202 939
ABN:	82164202939
Registered In:	New South Wales
Registration date:	11/06/2013
Next review date:	11/06/2014
Name start date:	11/06/2013
Status:	Registered
Company type:	Australian Proprietary Company
Class:	Limited By Shares
Subclass:	Proprietary Company

Address Details	Document Number
<b>Current</b>	
Registered address:	Shop 55, 18-26 Church Avenue, MASCOT NSW 2020 1E9456147
Start date:	11/06/2013
Principal Place Of Business address:	Level 3, 3-5 Young Street, NEUTRAL BAY NSW 2089 1E9456147
Start date:	11/06/2013
<b>Contact Address</b>	
Section 146A of the Corporations Act 2001 states 'A contact address is the address to which communications and notices are sent from ASIC to the company'.	
Address:	PO BOX 901, MASCOT NSW 1460
Start date:	13/06/2013

Officersholders and Other Roles	Document Number
<b>Director</b>	
Name:	REBECCA ANN BLAKE 1E9456147
Address:	35 Royallst Road, MOSMAN NSW 2088
Born:	18/11/1963, NEWCASTLE, NSW
Appointment date:	11/06/2013
Name:	PAUL RITCHIE 1E9456147
Address:	10 Young Street, ST KILDA VIC 3182
Born:	21/01/1966, MELBOURNE, VIC
Appointment date:	11/06/2013
<b>Secretary</b>	
Name:	REBECCA ANN BLAKE 1E9456147
Address:	35 Royallst Road, MOSMAN NSW 2088
Born:	18/11/1963, NEWCASTLE, NSW
Appointment date:	11/06/2013

Share Information
12 March 2014 AEST 11:56:32 AM

## Current &amp; Historical Company Extract

TOUR OF DUTY PTY. LTD  
ACN 164 202 939

Share Structure					
Class	Description	Number Issued	Total amount paid	Total amount unpaid	Document number
ORD	ORDINARY SHARES	1	1.00	0.00	1E9456147

  

Members					
<p>Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.</p>					
<p>Name: PAUL RITCHIE Address: 10 Young Street, ST KILDA VIC 3182</p>					
Class	Number held	Beneficially held	Paid	Document number	
ORD	1	yes	FULLY	1E9456147	

Documents					
<p>Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.</p>					
Date received	Form type	Date processed	Number of pages	Effective date	Document number
11/06/2013	201C Application For Registration As A Proprietary Company	11/06/2013	3	11/06/2013	1E9456147

\*\*\*End of Extract of 2 Pages\*\*\*

ATTACHMENT B

registered agent number **800**  
 lodging party or agent name **PATRICIA HOLDINGS PTY LIMITED**  
 address **PO BOX 1714**  
**NEUTRAL BAY NSW 2089**  
 DX no                      DX location

Electronic lodgement  
 Document No. **1E7006881**  
 Lodgement date/time 29/11/2010 13:11:03  
 Message trace no. 17153



Australian Securities and Investments Commission  
 Application for  
**registration as an Australian company**

form **201**  
 Corporations Act 2001  
 117

**Application**

*I/We apply for registration of the company under the Corporations Act 2001, and nominate VIC as the State or Territory in which the company will be taken to be registered.*

**Proposed details of the company**

Does the company have a proposed company name?    yes     no

if yes, proposed company name **TOUR OF DUTY RUN PTY LTD**

Name reservation number (if any)

if no, the company name on registration will be its Australian Company Number (ACN).  
 Legal elements to apply:

Is the proposed name identical to a registered business name(s)?    yes     no

if yes, provide business name(s) registration details

I DECLARE that I own, or am registering the company for the owner(s) of the identical business name(s), the registration details of which are listed.

**type and class of company**

type of company	class of company	sub class of company
<input checked="" type="checkbox"/> proprietary company	<input checked="" type="checkbox"/> limited by shares	<input type="checkbox"/> home unit proprietary company
	<input type="checkbox"/> unlimited with share capital	<input type="checkbox"/> non profit proprietary company
		<input checked="" type="checkbox"/> proprietary company
		<input type="checkbox"/> superannuation trustee prop
<input type="checkbox"/> public company	<input type="checkbox"/> limited by shares	<input type="checkbox"/> entitled to omit "LIMITED" under S.150
	<input type="checkbox"/> limited by guarantee	<input type="checkbox"/> unlisted public company - non profit
	<input type="checkbox"/> unlimited with share capital	<input type="checkbox"/> non profit unlisted public & superannuation
	<input type="checkbox"/> no liability	<input type="checkbox"/> unlisted public company
<input type="checkbox"/> I DECLARE that this company is a special purpose company as defined under Regulation 3 of the Corporations (Fees) Regulations 2003.		

**governance of a public company**

Will the company rely entirely on replaceable rules?    yes  or  
 Does the company have a constitution?    yes

**A proposed public company which has adopted a 'constitution' must lodge a copy of the constitution with this application**

If the proposed company is to be a public company **limited by guarantee**, state the amount of the guarantee that each member agrees to.

**The amount of the member's guarantee is: \$**

**registered office**

**10 YOUNG STREET**  
**ST KILDA EAST VIC 3183**

Does the company occupy these premises?    yes     no

if no, name of occupier

*The occupier of the premises has consented in writing to the use of the specified address as the address of the registered office of the company and has not withdrawn that consent.*

- office hours**  
(public company) (a)  Registered office is open to the public each business day from at least 10am to 12 noon and 2pm to 4pm  
(b)  Registered office is open to the public each business day for at least 3 hours between 9pm to 5pm  
if (b), insert hours

**principal place of business**  
in Australia **10 YOUNG STREET**  
**ST KILDA EAST VIC 3183**

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**Ultimate Holding Company**

Yes

Company Name

ACN/ARBN/ABN

Country of incorporation

No

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**Director and Secretary Details**

name	<b>RITCHIE, PAUL</b>
address	<b>10 YOUNG STREET</b>
	<b>ST KILDA VIC 3182</b>
birth details	<b>21/01/1966 MELBOURNE VIC</b>
office	<b>DIRECTOR</b>
office	<b>SECRETARY</b>

**Share Structure Table**

class code	title	total number issued	total amount paid	total amount unpaid
<b>ORD</b>	<b>ORDINARY SHARES</b>	<b>1</b>	<b>1.00</b>	<b>0.00</b>

**Members**

Members full name and address	class of share	No of shares taken up	Amount agreed to pay per share	total \$ paid on these shares	amount unpaid per share	total \$ unpaid on these shares	are shares fully paid	are shares beneficially owned
shareholding member name address	ORD RITCHIE, PAUL 10 YOUNG STREET ST KILDA VIC 3182	1	1.00	1.00	0.00	0.00	Y	Y

**Shares issued other than for cash**

For a public company that is limited by shares or is an unlimited company; will any shares be issued for a non-cash consideration? yes  no

If **yes** and the issue of shares is not under a written contract, then attach to this application a **form 208** giving details of the prescribed particulars about the share issue; **OR,**

If **yes** and the shares will be issued under a written contract, then attach a copy of the contract to this application plus a **Form 207Z** certifying compliance with stamp duty law

**Details of the applicant**

name of applicant **PATRICIA HOLDINGS PTY. LIMITED**

**003 513 488**

address of applicant **LEVEL 1,  
9-11 GROSVENOR STREET  
NEUTRAL BAY NSW 2089**

I apply for the registration of a company on the basis of the information in this form and any attachments. I have the necessary consents and agreements referred to in this application concerning the members and officeholders and I shall give the consents and agreements to the company after the company becomes registered. The information provided in this application and in any annexures is true and correct at the time of signing.

**Signature**

name **DALGLEISH, ROSS ALEXANDER**

capacity **AGENT**

date **29/11/2010**