



Western Australia

## **Anzac Day Act 1960**



## Anzac Day Act 1960

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### Defined terms



## Anzac Day Act 1960

**An Act to amend and consolidate the law relating to the observance of Anzac Day as a public holiday; to establish an Anzac Day Trust Account; and for other and incidental purposes.**

*[Long title amended: No. 77 of 2006 s. 17.]*

**1. Short title**

This Act may be cited as the *Anzac Day Act 1960*.

*[2. Omitted under the Reprints Act 1984 s. 7(4)(f).]*

**3. Terms used**

In this Act —

*Anzac Day* means 25 April in each year;

*ex-service organisation* means a body, whether incorporated or not, which has as its object, or one of its principal objects, the assistance of ex-service personnel;

*ex-service personnel* means any of the following —

- (a) members and former members of the Australian Defence Force;
- (b) persons who are now resident in the State who were previously members of a naval, military or air force of any other nation of which Her Majesty is the Sovereign;
- (c) persons who are now resident in the State who were previously members of a naval, military or air force of any other nation allied or associated with Australia;

*large race event* means a race meeting —

- (a) for which admission tickets are sold; and

(b) that is attended by at least 5 000 persons;

**prescribed admission ticket**, in relation to an event, means an admission ticket of a type prescribed by the regulations for that type of event;

**professional sport** means competitive sport engaged in by paid participants;

**professional sport event** means a sport event —

- (a) at which a professional sport is played or conducted; and
- (b) for which admission tickets are sold; and
- (c) that is attended by at least 5 000 persons;

**race meeting** means a meeting of persons for the purpose of holding or conducting horse racing, trotting racing, or greyhound racing;

**racing club** means any club, company, association or body of persons, whether incorporated or otherwise, formed for the purpose of promoting horse racing, trotting racing, or greyhound racing;

**sport event** means an event at which competitive sport is played or conducted and for which either a fee for admission is required to be paid by spectators or donations are sought from spectators, but does not include a race meeting;

**Trust** means the body corporate constituted under this Act as The Anzac Day Trust;

**Trustee** means a person occupying the office of Trustee of the Trust, including the office of chairperson.

[Section 3 amended: No. 14 of 1964 s. 2; No. 9 of 1975 s. 2; No. 28 of 2003 s. 12; No. 4 of 2016 s. 4.]

#### 4. Race meetings on Anzac Day

- (1) No licence shall be granted under the *Racing and Wagering Western Australia Act 2003* or the *Racing Restriction Act 2003*, for any race meeting to be held on Anzac Day before the hour of

1 p.m., and any licence granted contrary to this section shall be void.

- (2) It shall be unlawful for any person or racing club to hold or conduct any race meeting on Anzac Day if that race meeting commences before the hour of 1 p.m. of that day.

*[(3) deleted]*

- (4) If any race meeting is held on Anzac Day in any year in contravention of the provisions of this section, the person or racing club by or on behalf of whom or which the race meeting was held, and each member of the managing body or committee of that racing club, commits an offence.

Penalty for this subsection: a fine of \$5 000.

*[Section 4 amended: No. 113 of 1965 s. 8(1); No. 9 of 1975 s. 3; No. 35 of 2003 s. 73(2) and (3); No. 62 of 2003 s. 4; No. 4 of 2016 s. 5.]*

## **5. Large race events on Anzac Day**

- (1) The person or racing club by or on behalf of whom or which a large race event is held or conducted on Anzac Day must within 90 days after the event —
- (a) give to the Trust a written document that specifies the number of persons who attended the event and the price of a prescribed admission ticket for the event; and
  - (ba) include in the document a statutory declaration —
    - (i) that is made by the person or by the secretary or treasurer of the racing club; and
    - (ii) that verifies the information in the document;and
  - (b) pay to the Trust —
    - (i) an amount equal to 5% of the price of a prescribed admission ticket for the event

multiplied by the number of persons who attended the event; or

- (ii) if the Minister has approved an alternative amount under section 10A(2) — that alternative amount.

- (2) If the person or racing club by or on behalf of whom or which a large race event is held on Anzac Day fails to give the document required under the provisions of subsection (1), or to pay to the Trust the amount required by that subsection, that person or racing club, and each member of the managing body or committee of that racing club, commits an offence.

Penalty for this subsection: a fine of \$5 000.

*[Section 5 amended: No. 14 of 1964 s. 3; No. 113 of 1965 s. 8(1); No. 1 of 1976 s. 2; No. 35 of 2003 s. 73(4); No. 38 of 2005 s. 15; No. 4 of 2016 s. 6; No. 5 of 2016 s. 4.]*

## **6. Sport events on Anzac Day**

- (1) Notwithstanding anything in any Act or in any regulation, local law or by-law, no sport event shall be held on Anzac Day in any year except in compliance with the provisions of this section.
- (2) No sport event held on Anzac Day shall commence before the hour of 1 p.m.

*[(3) deleted]*

- (4) If a sport event is held on Anzac Day in any year in contravention of this section, the person, club, association or body by or on behalf of whom or which the event was held, and each member of the managing body or committee of that club, association or body, commits an offence.

Penalty for this subsection: a fine of \$5 000.

*[Section 6 amended: No. 113 of 1965 s. 8(1); No. 14 of 1996 s. 4; No. 4 of 2016 s. 7.]*



**7. Professional sport events on Anzac Day**

- (1) The person, club, association or body by or on behalf of whom or which a professional sport event is held on Anzac Day must within 90 days after the event —
- (a) give to the Trust a written document that specifies the number of persons who attended the event and the price of a prescribed admission ticket for the event; and
  - (ba) include in the document a statutory declaration —
    - (i) that is made by the person or by the secretary or treasurer of the club, association or body; and
    - (ii) that verifies the information in the document; and
  - (b) pay to the Trust —
    - (i) an amount equal to 5% of the price of a prescribed admission ticket for the event multiplied by the number of persons who attended the event; or
    - (ii) if the Minister has approved an alternative amount under section 10A(2) — that alternative amount.
- (2) If the person, club, association or body by or on behalf of whom or which a professional sport event is held on Anzac Day fails to give the document required under subsection (1), or to pay to the Trust the amount required by that subsection, that person, club, association or body, and each member of its managing body or committee, commits an offence but no such member is liable if it is shown that such failure occurred without his knowledge or approval.

Penalty for this subsection: a fine of \$5 000.

*[Section 7 amended: No. 113 of 1965 s. 8(1); No. 1 of 1976 s. 3; No. 4 of 2016 s. 8; No. 5 of 2016 s. 5.]*

*[8. Omitted under the Reprints Act 1984 s. 7(4)(e).]*

s. 10A

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[9. Deleted: No. 34 of 1985 s. 9.]

**10A. Approved alternative amounts to be paid to Trust**

- (1) A person may, not less than 30 days before an event held on Anzac Day, apply in writing to the Minister for approval of an alternative amount to be paid to the Trust under section 5(1)(b) or 7(1)(b).
- (2) The Minister may, by notice in writing to the applicant before the event, approve the alternative amount in relation to the event.
- (3) The alternative amount may be a fixed amount or an amount determined in accordance with a formula specified by the Minister in the notice.

[Section 10A inserted: No. 5 of 2016 s. 6.]

**10. Establishment of Anzac Day Trust Account**

- (1) An agency special purpose account called the Anzac Day Trust Account (the *Account*) is established under section 16 of the *Financial Management Act 2006*, which is to be administered by the Trust.
- (2) There shall be credited to the Account —
  - [(a) deleted]
  - (b) all moneys paid to the Trust pursuant to the provisions of section 5; and
  - (c) all moneys paid to the Trust pursuant to the provisions of section 7; and
  - (d) all donations, devises and bequests made to the Trust; and
  - (e) any other moneys lawfully received by, made available to, or payable to the Trust.

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- (3) The money standing to the credit of the Account —
- (a) may be applied in payment of the costs of the administration of this Act; and
  - (b) may, with the approval of the Minister, be applied by the Trust for any purpose that benefits ex-service personnel or their families.
- (4) Nothing in this section shall entitle, or be deemed to entitle, any Trustee to any remuneration, allowance or expenses in respect of the exercise by him of his functions and duties under this Act.
- [Section 10 amended: No. 14 of 1964 s. 4; No. 2 of 1970 s. 2; No. 49 of 1996 s. 64; No. 28 of 2003 s. 13; No. 62 of 2003 s. 5; No. 28 of 2006 s. 409; No. 77 of 2006 s. 17; No. 4 of 2016 s. 9.]*

## **11. The Anzac Day Trust constituted**

- (1) For the purposes of this Act a Trust is constituted under the name of “The Anzac Day Trust”.
  - (2) The Trust consists of 4 Trustees appointed by the Minister.
  - (3) The Minister must designate a Trustee to be the chairperson of the Trust.
  - (4) A Trustee may be designated as the chairperson at the same time as the person is appointed as a Trustee or at any time after the person is appointed as a Trustee.
  - (5) A person who is a member or employee of an ex-service organisation is not eligible to be appointed as a Trustee.
  - (6) Any 3 Trustees shall form a quorum.
  - (7) A person who holds office as a Trustee immediately before the commencement of the *Anzac Day Amendment Act 2016* section 10 ceases to be a Trustee on that commencement.
- [Section 11 amended: No. 14 of 1964 s. 5; No. 62 of 2003 s. 6; No. 19 of 2010 s. 51; No. 4 of 2016 s. 10.]*

**12. Trust to be body corporate**

The Trust is a body corporate with perpetual succession and a common seal, and is capable of suing and being sued in its corporate name, and of doing and permitting all acts and things required by this Act to be done by the Trust or which are necessary or convenient to be done by the Trust for the purpose of carrying out its powers and functions under this Act.

**13. Eligibility of Trustees**

A person is not eligible for appointment and shall not be appointed to or hold office as a Trustee —

- (a) if the person is, or has at any time within the previous 6 years been, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or
- (b) if at any time that was within the previous 6 years and was before this section was amended by the *Acts Amendment (Bankruptcy) Act 2009* section 10 the person was ineligible under paragraph (b) of this section as in force before the amendment; or
- (c) if through mental or physical infirmity or illness he would, if appointed, be unable satisfactorily to carry out the duties of office; or
- (d) if he has been convicted of an indictable offence, or other offence which in the opinion of the Minister is of so serious a nature as to render him unsuitable for appointment.

*[Section 13 amended: No. 18 of 2009 s. 10(2); No. 4 of 2016 s. 11.]*

**14. Tenure of offices of Trustees**

- (1) Subject to this Act every Trustee shall hold office for a period of 3 years from the date of his appointment, unless he dies, resigns or is removed from office, in any of which events a

successor shall be appointed by the Minister for the unexpired period of the term of office of the Trustee who has died, resigned or been removed from office.

- (2) The Minister may at any time accept the resignation of any Trustee and may remove any Trustee from office who would be ineligible under section 13(a) or (b) for appointment or commits an indictable offence, or has, in the opinion of the Minister, become unfit or unsuitable to continue as a Trustee because of mental or physical infirmity or illness, or of neglect of duty as a Trustee, or of misbehaviour whether in his capacity as a Trustee or otherwise.

*[Section 14 amended: No. 18 of 2009 s. 10(3); No. 4 of 2016 s. 12.]*

**14A. Recovery of proceeds**

Any moneys payable to the Trust pursuant to the provisions of this Act, as well as the costs of proceedings for the recovery of those moneys, may be sued for and recovered by action at the suit of the Trust in a court of competent jurisdiction, and any such action may be taken without prejudicing the liability of any person, racing or other club, association or body to penalty under this Act.

*[Section 14A inserted: No. 14 of 1964 s. 6.]*

**15. Application of *Financial Management Act 2006* and *Auditor General Act 2006***

- (1) The provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Trust and its operations.

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- (2) Notwithstanding the provisions of the *Financial Management Act 2006*, the financial year of the Trust shall end on 31 December.

*[Section 15 inserted: No. 98 of 1985 s. 3 (as amended: No. 4 of 1986 s. 3); No. 77 of 2006 Sch. 1 cl. 10.]*

**16. Authentication of documents**

Every notice, order, summons or other document requiring authentication by the Trust shall be sufficiently authenticated without the seal of the Trust if signed by the chairperson.

*[Section 16 amended: No. 4 of 2016 s. 13.]*

**17. Regulations**

- (1) The Governor may make any regulations not inconsistent with the provisions of this Act which may be necessary or convenient for carrying this Act into operation, or for facilitating the operation of this Act and of the Trust thereunder.
- (1a) Without limiting the generality of subsection (1) the regulations may prescribe that a specified area outside Australia is, for the purposes of this Act, a special area on and after a specified date, or between specified dates which date or dates may be before or after the coming into operation of this Act and the regulations may prescribe that the area is, for the purposes of this Act, no longer a special area on and after a specified date.
- (2) Such regulations may prescribe a penalty not exceeding a fine of \$1 000 for the breach or omission of any duty imposed by those regulations.

*[Section 17 amended: No. 113 of 1965 s. 8(1); No. 2 of 1970 s. 3; No. 4 of 2016 s. 14.]*

*[The Schedule omitted under the Reprints Act 1984 s. 7(4)(e).]*

## Notes

This is a compilation of the *Anzac Day Act 1960* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>Anzac Day Act 1960</i>	73 of 1960 (9 Eliz. II No. 73)	12 Dec 1960	12 Dec 1960
<i>Anzac Day Act Amendment Act 1964</i>	14 of 1964 (13 Eliz. II No. 14)	2 Oct 1964	2 Oct 1964
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<i>Anzac Day Act Amendment Act 1970</i>	2 of 1970	29 Apr 1970	29 Apr 1970
<b>Reprint of the <i>Anzac Day Act 1960</i> approved 21 May 1970 (not in a Volume)</b> (includes amendments listed above)			
<i>Anzac Day Act Amendment Act 1975</i>	9 of 1975	9 May 1975	9 May 1975
<i>Anzac Day Act Amendment Act 1976</i>	1 of 1976	12 Apr 1976	12 Apr 1976
<i>Acts Amendment (Betting Control) Act 1985 Pt. III</i>	34 of 1985	24 Apr 1985	24 Apr 1985 (see s. 2)
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985 (as amended by No. 4 of 1986 s. 3)	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<b>Reprint of the <i>Anzac Day Act 1960</i> as at 24 May 2002</b> (includes amendments listed above)			

**Anzac Day Act 1960****Notes**                      Compilation table

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Acts Amendment (Equality of Status) Act 2003 Pt. 3</i>	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Racing and Gambling Legislation Amendment and Repeal Act 2003 s. 73</i>	35 of 2003	26 Jun 2003	1 Aug 2003 (see s. 2 and <i>Gazette</i> 29 Jul 2003 p. 3259)
<i>Anzac Day Amendment Act 2003</i>	62 of 2003	26 Nov 2003	26 Nov 2003 (see s. 2)
<i>Planning and Development (Consequential and Transitional Provisions) Act 2005 s. 15</i>	38 of 2005	12 Dec 2005	9 Apr 2006 (see s. 2 and <i>Gazette</i> 21 Mar 2006 p. 1078)
<i>Machinery of Government (Miscellaneous Amendments) Act 2006 Pt. 17 Div. 1</i>	28 of 2006	26 Jun 2006	1 Jul 2006 (see s. 2 and <i>Gazette</i> 27 Jun 2006 p. 2347)
<b>Reprint 3: The Anzac Day Act 1960 as at 15 Sep 2006</b> (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006 Sch. 1 cl. 10</i>	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2 and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Acts Amendment (Bankruptcy) Act 2009 s. 10</i>	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010 s. 51</i>	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<i>Anzac Day Amendment Act 2016</i>	4 of 2016	21 Mar 2016	s. 1 and 2: 21 Mar 2016 (see s. 2(a)); Act other than s. 1 and 2: 23 Mar 2016 (see s. 2(b) and <i>Gazette</i> 22 Mar 2016 p. 859)
<i>Anzac Day Amendment Act (No. 2) 2016</i>	5 of 2016	21 Mar 2016	s. 1 and 2: 21 Mar 2016 (see s. 2(a)); Act other than s. 1 and 2: 23 Mar 2016 (see s. 2(b) and <i>Gazette</i> 22 Mar 2016 p. 859)
<b>Reprint 4: The Anzac Day Act 1960 as at 3 Feb 2017</b> (includes amendments listed above)			

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### Uncommenced provisions table

To view the text of the uncommenced provisions see *Acts as passed* on the WA Legislation website.

Short title	Number and year	Assent	Commencement
<i>TAB (Disposal) Act 2019</i> s. 145	21 of 2019	18 Sep 2019	To be proclaimed (see s. 2(1)(b)(xiii))

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Account .....	10(1)
Anzac Day .....	3
ex-service organisation .....	3
ex-service personnel .....	3
large race event .....	3
prescribed admission ticket .....	3
professional sport .....	3
professional sport event .....	3
race meeting .....	3
racing club .....	3
sport event .....	3
Trust .....	3
Trustee .....	3