



Western Australia

Anzac Day Act 1960

Compare between:

[11 Sep 2010, 03-e0-05] and [23 Mar 2016, 03-f0-01]

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 by No. 77 of 2006 s. 17.]

1. Short title

This Act may be cited as the *Anzac Day Act 1960*¹.

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

3. Interpretation

In this Act —

Anzac Day means 25 April in each year;

~~*dependant, in relation to*~~ *ex-service organisation* means a ~~deceased person, includes a person who, immediately before~~ body, whether incorporated or not, which has as its object, or one of its principal objects, the death ~~assistance of~~ ex-service personnel;

ex-service personnel means any of the ~~person, was a spouse, de facto partner or child~~ following —

(a) members and former members of the ~~person~~ 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;

s. 3

(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;

racings 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;

~~*sports* means motor car races, motor cycle races, bicycle races, or foot races, or cricket matches, football matches, soccer matches, hockey matches, or baseball matches, or any other game, exercise, pastime or contest of a kind usually held, conducted, carried on, contested or decided on a ground, which are held in any building or on any ground to which persons are admitted on payment of a fee or charge for admission, or are admitted without payment of any such fee or charge but prior to or during the holding of the sports or after their conclusion a donation is sought from the persons attending those sports by or on behalf of the person, club, association or body holding the~~

~~same; but does not include horse races, trotting races, or greyhound races;~~

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 ~~chairman~~ chairperson.

[Section 3 amended by No. 14 of 1964 s. 2; No. 9 of 1975 s. 2; No. 28 of 2003 s. ~~12~~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 ~~and is liable to a penalty not exceeding \$400.~~

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

[Section 4 amended by 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~~4; No. 4 of 2016 s. 5.]

5. ~~Proceeds of~~ Large race meeting events on Anzac Day ~~to be paid to Trust~~

(1) The person or racing club by or on behalf of whom or which a large race meeting event is held or conducted on Anzac Day ~~shall~~ must within ~~one month~~ 90 days after ~~that race meeting is held or conducted~~ the event —

(a) ~~furnish~~ give to the Trust a ~~return in the written document that specifies the number of persons who attended the event and the price of a prescribed form setting out details of all moneys received and expenditure incurred in relation to the holding or conducting of that race meeting~~ admission ticket for the event; and

(ba) include in the return shall be verified by document a statutory declaration —

(i) that is made by ~~that~~ the person or by the secretary or treasurer of ~~that~~ the racing club; and

(ii) that verifies the information in the document;

and

(b) pay to the Trust —

(i) ~~in an amount equal to 5% of the case price of a race meeting held in~~ prescribed admission ticket for the metropolitan region, event multiplied by the whole of number of persons who attended the net proceeds derived from that race meeting event; or

(ii) ~~in if the case of a race meeting held outside the metropolitan region, 60% of the net proceeds derived from~~ Minister has approved an alternative amount under section 10A(2) — that race meeting alternative amount.

(2) If the person or racing club by or on behalf of whom or which a large race meeting event is held on Anzac Day fails to ~~furnish~~ give the ~~return~~ document required under the provisions of subsection (1), or to pay to the Trust the ~~net proceeds derived~~

~~from the race meeting in accordance with~~ 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 ~~and is liable to a penalty not exceeding \$400.~~

~~(3) In~~ Penalty for this section ~~—~~

~~metropolitan region~~ has the meaning given to that term in the *Planning and Development Act 2005* section 4.

~~(4) When 25 April in any year falls on~~ subsection: a Sunday ~~each~~ fine of the references in subsections (1) and (2) to Anzac Day shall, in and in relation to that year, be construed as a reference to the next following Monday and ~~to that day only~~ \$5 000.

[(3). (4) deleted]

[Section 5 amended by 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~~15; No. 4 of 2016 s. 6; No. 5 of 2016 s. 4.]

6. Sports ~~Sport events~~ on Anzac Day

(1) Notwithstanding anything in any Act or in any regulation, local law or by-law, no ~~sports~~ sport event shall be held on Anzac Day in any year except in compliance with the provisions of this section.

(2) No ~~race, match, game, exercise, pastime, contest or other~~ sport event ~~at any sports~~ held on Anzac Day shall commence before the hour of 1 p.m.

~~(3) Nothing in this section shall affect the operation of any Act or law relating to Sunday, but otherwise this section shall have effect notwithstanding anything in any Act, regulation, local law or by-law.~~

[(3) deleted]

(4) If ~~any sports are~~ a sport event is held on Anzac Day in any year in contravention of this section, the person, club, association or

s. 7

body by or on behalf of whom or which ~~those sports were so~~ the event was held, and each member of the managing body or committee of that club, association or body, commits an offence ~~and is liable to a penalty not exceeding \$400.~~

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

[Section 6 amended by No. 113 of 1965 s. 8(1); No. 14 of 1996 s. 4.]

4; No. 4 of 2016 s. 7:—~~Proceeds of sports.~~

7. Professional sport events on Anzac Day to be paid to Trust

(1) The person, club, association or body by or on behalf of whom or which ~~any sports are~~ a professional sport event is held on Anzac Day ~~shall~~ must within ~~one month~~ 90 days after the ~~holding of event —~~

(a) give to the sports —

~~(a) furnish to the Trust a return in the prescribed form setting out details of all moneys received~~ Trust a written document that specifies the number of persons who attended the event and expenditure incurred in relation to the holding price of those sports, and a prescribed admission ticket for the event; and

(ba) include in the document a statutory declaration —

(i) that is made by ~~that~~ the person or by the secretary; ~~or~~ or treasurer ~~or other responsible official~~ of ~~that~~ the club, association or body; and

(ii) that verifies the information in the document;

and

(b) pay to the Trust ~~60~~ —

(i) an amount equal to 5% of the ~~net proceeds derived from the holding price of those sports.~~ 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 ~~sports area~~ professional sport event is held on Anzac Day fails to ~~furnish~~ give the ~~return~~ document required under subsection (1), or to pay to the Trust the ~~net proceeds derived from the holding of those sports in accordance with~~ amount required by that subsection, that person, club, association or body, and each member of its managing body or committee, commits an offence ~~and is liable to a penalty not exceeding \$400,~~ but no such member is liable if it is shown that such failure occurred without his knowledge or approval.

~~(3) When 25 April in any year falls on a Sunday each of the references in subsections (1) and (2) to Anzac Day shall, in and in relation to that year, be construed as a reference to the next following Monday and to that day only.~~

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

[3] deleted]

[Section 7 amended by No. 113 of 1965 s. 8(1); No. 1 of 1976 s. 33; No. 4 of 2016 s. 8; No. 5 of 2016 s. 5.]

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

[9. Deleted by 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).

s. 10

(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 by 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;

(c) all moneys paid to the Trust pursuant to the provisions of section 7;

(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.

~~(3) The moneys standing to the credit of the Account shall be charged with the cost of administering this Act, and subject thereto shall be distributed each year by the Trust, with the approval and consent of the Treasurer, for the purposes of the preservation, alteration and improvement of existing homes and the erection and construction of new homes for aged ex-servicemen and ex-servicewomen and their maintenance in such homes and of the welfare of dependants of deceased ex-servicemen or deceased ex-servicewomen, and among institutions, organisations and associations the object or one of~~

~~the objects of which is the financial assistance and relief, or the amelioration of conditions, of persons —~~

~~(a) who were members of the naval, military or air forces of Her Majesty or of the Commonwealth; or~~

~~(b) now resident in the State who were members of any naval, military or air forces of any foreign power allied or associated with Her Majesty or with the Commonwealth,~~

~~during any war in which Her Majesty or the Commonwealth was or is engaged or during any period while they were outside Australia and they were, or the body, contingent or detachment of the naval, military or air forces of which they were members or to which they were attached was, allotted for duty in a prescribed special area, or of the dependants of any such persons.~~

(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 by 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~~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”.

s. 11

(2) The Trust ~~shall consist~~consists of 4 Trustees (~~including the chairman~~) ~~to be appointed from time to time~~ by the ~~Governor~~Minister.

(3) ~~Of the 4 Trustees —~~

~~(a) one shall be a person nominated by the Treasurer as the representative of the Treasury and he shall be chairman;~~

~~(b) one shall be a person nominated in accordance with the provisions of subsections (4A) to (4C) by the Treasurer as the representative of The Returned and Services League of Australia WA Branch Incorporated;~~

~~(c) one shall be a person nominated in accordance with the provisions of subsections (4A) to (4C) by the Treasurer as the representative of Perth Legacy Incorporated; and~~

~~(d) one shall be a person nominated in accordance with the provisions of subsections (5A) to (5C) by the Treasurer as the representative of those societies, bodies or associations of ex-servicemen or ex-servicewomen or the dependants of either, which are the holders of licences under the provisions of the *Charitable Collections Act 1946*.~~

~~(4A) Where the Treasurer intends to nominate Minister must designate a Trustee mentioned in paragraph (b) or in paragraph (c) of subsection (3), he shall before making the nomination give written notice of that intention — to be the chairperson of the Trust.~~

~~(a) in the case of the (4) A Trustee mentioned in that paragraph (b), to the State President of the body referred to in that paragraph; or~~

~~(b) in the case of the Trustee mentioned in that paragraph (c), to the President of the body referred to in that paragraph.~~

~~(4B) If within one month of the giving of the notice referred to in subsection (4A) the State President, or, as the case may be, the President, of the body to whom that notice is given submits to~~

~~the Treasurer a panel of the names of 3 persons eligible to hold the office of Trustee as the representative of that body, the Treasurer shall nominate for that office one of the 3 persons whose names are so submitted.~~

- ~~—(4C) If designated as the chairperson at the expiration of the period of one month referred to in subsection (4B), or such extension of that period as he thinks fit and same time as the person is appointed as a Trustee or at any time after the person is hereby authorised to grant, the Treasurer has not received the panel required to be submitted under subsection (4B), or has received the panel but none of the persons named is eligible to hold office as a Trustee, the Treasurer shall nominate such person as he thinks fit appointed as a Trustee.~~
- ~~—(5A) Where the Treasurer intends to nominate a Trustee mentioned in paragraph (d) of subsection (3), he shall before making the nomination give written notice of that intention to the President of each of the bodies referred to in that paragraph.~~
- ~~—(5B) If within one month of the giving of the notice referred to in subsection (5A), the President of each body to whom that notice is given submits to the Treasurer the name of a person eligible to hold the office of Trustee, the Treasurer shall nominate for the office of Trustee as the representative of the bodies referred to in subsection (3)(d) one of the persons whose names are so submitted.~~
- ~~—(5C) If at the expiration of the period of one month referred to in subsection (5A), or such extension of that period as he thinks fit and is hereby authorised to grant, the Treasurer has not received the names required to be submitted under subsection (5B), or has received the names but none of the persons named is eligible to hold office as a Trustee, the Treasurer shall nominate such person as he thinks fit.~~

~~[(4A)-(4C) deleted]~~

- (5) A person who is a member or employee of an ex-service organisation is not eligible to be appointed as a Trustee.

s. 12

[\[\(5A\)-\(5C\) deleted\]](#)

(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 by No. 14 of 1964 s. 5; No. 62 of 2003 s. 6; No. 19 of 2010 s. ~~5~~51; No. 4 of 2016 s. 10.]

12. Trust to be a 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

~~Governor~~Minister is of so serious a nature as to render him unsuitable for appointment.

[Section 13 amended by No. 18 of 2009 s. 10(2)-f); 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 ~~Governor~~Minister for the unexpired period of the term of office of the Trustee who has died, resigned or been removed from office.
- (2) The ~~Governor~~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 ~~Governor~~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 by No. 18 of 2009 s. 10(3)-f); 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 by No. 14 of 1964 s. 6.]

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

[Section 15 inserted by No. 98 of 1985 s. 3 (as amended by No. 4 of 1986 s. 3); No. 77 of 2006 s. 17.]

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 ~~chairman~~[chairperson](#).

[Section 16 amended by 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 ~~\$100~~[a fine of \\$1 000](#) for the breach or omission of any duty imposed by those regulations.

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

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

Notes

- ¹ This is a compilation of the *Anzac Day Act 1960* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

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
Reprint of the <i>Anzac Day Act 1960</i> approved 21 May 1970 (not in a Volume) (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))
Reprint of the <i>Anzac Day Act 1960</i> as at 24 May 2002 (includes amendments listed above)			

Short title	Number and year	Assent	Commencement
<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)
Reprint 3: The Anzac Day Act 1960 as at 15 Sep 2006 (includes amendments listed above)			
<i>Financial Legislation Amendment and Repeal Act 2006 s. 17</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)
<u><i>Anzac Day Amendment Act 2016</i></u>	<u>4 of 2016</u>	<u>21 Mar 2016</u>	<u>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)</u>
<u><i>Anzac Day Amendment Act (No. 2) 2016</i></u>	<u>5 of 2016</u>	<u>21 Mar 2016</u>	<u>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)</u>