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VICTORIA.



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ELIZABETHÆ SECUNDÆ REGINÆ.

No. 6607.

An Act to amend the Law relating to Anzac Day.

[7th April, 1960.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

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

Short title.

2. The *Racing Act* 1958 shall be amended as follows :—

Amendment of No. 6353.

(a) After section twenty-two there shall be inserted the following sections :—

New section 22A inserted.

“ 22A. (1) No race-meeting for horse races shall be held on Anzac Day in any year except—

Race-meetings on Anzac Day.

(a) one race-meeting on such race-course within thirty miles of the General Post Office Melbourne as the Chief Secretary determines ; and

(b) one race-meeting on such race-course as the Race-courses Licences Board determines in each race-meetings district.

(2) No race-meeting for trotting races shall be held on Anzac Day in any year except—

(a) one race-meeting on a ground in respect of which a licence has been issued under section thirty-two of this Act to the Trotting Control Board ; and

(b) one

- (b) one race-meeting on each of such race-courses not being within thirty miles of the General Post Office Melbourne as the Trotting Control Board determines.
- (3) No race at any race-meeting on Anzac Day shall commence, if it is held on a race-course within thirty miles of the General Post Office Melbourne, before one fifty-five o'clock in the afternoon or, if it is held on a race-course in a race-meetings district, before one o'clock in the afternoon.
- (4) The person club or other body by or on behalf of whom or which any race-meeting is held on Anzac Day shall within two months after the holding of such race-meeting—
- (a) supply to the Chief Secretary a detailed statement correctly setting out all receipts and expenditure in connexion with such race-meeting and verified by statutory declaration made by such person or by the president or chairman and the secretary or treasurer of such club or body ; and
- (b) pay the whole of the net profit from such race-meeting into the Anzac Day Proceeds Fund established under the *Anzac Day Act 1958* : Provided that where any such race-meeting is held on a race-course in a race-meetings district the Chief Secretary may before the race-meeting is held authorize the payment of the net profit therefrom to any institution or organization in that district if he is satisfied, after consultation with the president for the time being of the Victorian branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, that such institution or organization is one whose objects would permit it to be recommended to share in the distribution of the said Fund under sub-section (3) of section four A of the said Act.
- (5) Where any race-meeting for horse races or for trotting races is held on Anzac Day in any year on any race-course and all the provisions of this section have been complied with the number of race-meetings for horse races or for trotting races (as the case may be) allowed by the licence for that race-course shall (notwithstanding that that race-course may be a race-course referred to in the Second Schedule to this Act and that the number of race-meetings for horse races specified in the said Second Schedule with respect to that race-course may thereby be exceeded) be deemed to be increased by one.
- (6) No race-meeting held on Anzac Day in respect of which all the provisions of this section have been complied with shall be taken into account in calculating the total number of race-meetings held in any year for the purposes of section sixteen of this Act or shall affect the number of race-meetings which may

under

under any other provision of this Act be held or permitted to be held for any charitable or benevolent or educational or other special purpose.

(7) Notwithstanding anything in this section no race-meeting shall be held on Anzac Day if it falls on a Sunday.

22b. If the net profit from any race-meeting held on Anzac Day is not paid as provided in sub-section (4) of section twenty-two A of this Act or if the statement of receipts and expenditure is not supplied in accordance with that sub-section the person club or other body by or on behalf of whom or which such race-meeting was held and each member of the managing body or committee of such club or other body shall be liable to a penalty of not more than Five hundred pounds” ;

Penalty for failure to supply statement of receipts and expenditure or pay net profit from race-meeting to Fund.

“(b) in section nineteen—

S. 19.

(i) after the words “specified day” there shall be inserted the words “including, in the case of a mixed sports gathering, Anzac Day” ; and

(ii) at the end of the section there shall be inserted the following sub-section :—

“(2) Where any mixed sports gathering is held pursuant to sub-section (1) of this section on Anzac Day in any year the provisions of sub-sections (3) and (4) of section twenty-two A and of section twenty-two B of this Act shall apply as if such mixed sports gathering were a race-meeting.”

(c) In sub-section (3) of section thirty-two the words “Anzac Day” shall be repealed ;

S. 32 (3).

(d) In sub-section (1) of section thirty-six after paragraph (c) there shall be inserted the following paragraph :—

S. 36 (1)

“(ca) forms to be used for the purposes of this Part”.

3. The *Racing Act* 1958 shall be amended as follows :—

Amendment of No. 6353.

(a) In section fifty-four for the words “Good Friday or Anzac Day” there shall be substituted the words “or Good Friday” ;

S. 54.

(b) After section sixty-three there shall be inserted the following section :—

New section 63A inserted.

“63A. (1) No dog races shall be held on Anzac Day in any year except on one ground within thirty miles of the post office at the corner of Bourke and Elizabeth streets, Melbourne, to be nominated by the Dog Racing Control Board and on such grounds not being within thirty miles of the said post office and not exceeding eight in number as the Dog Racing Control Board nominates.

Dog races on Anzac Day.

(2) No race at any dog races held on Anzac Day shall commence, if such dog races are held within thirty miles of the said post office, before two o'clock in the afternoon or, if they are held on any other ground, before one o'clock in the afternoon.

(3) The

(3) The promoter of any dog races held on Anzac Day shall within two months after the holding of such dog races—

- (a) supply to the Chief Secretary a detailed statement correctly setting out all receipts and expenditure in connexion with such dog races and verified by statutory declaration made by such promoter or if such promoter is a body corporate or a body unincorporate by the chairman and secretary thereof or in the latter case by the chairman or president and the secretary or treasurer thereof; and
- (b) pay the whole of the net profit from such dog races into the Anzac Day Proceeds Fund established under the *Anzac Day Act 1958*: Provided that where any such dog races are held on a ground not within thirty miles of the post office at the corner of Bourke and Elizabeth streets, Melbourne, the Chief Secretary may before the dog races are held authorize the payment of the net profit therefrom to any institution or organization in the district in which the dog races are held if he is satisfied, after consultation with the president for the time being of the Victorian branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, that such institution or organization is one whose objects would permit it to be recommended to share in the distribution of the said Fund under sub-section (3) of section four A of the said Act.

(4) Where any holder of a licence to hold dog races holds dog races on Anzac Day in any year on any ground nominated as aforesaid and all the provisions of this section have been complied with the number of days specified in that licence as days for holding dog races—

- (a) in that year; and
- (b) in the week in which Anzac Day occurs in that year— shall (notwithstanding that the aggregate number of days specified in the licence or licences in respect of that ground as days for holding dog races in that year or in that week may thereby be increased beyond the number of days permitted by sub-section (2) of section sixty-three of this Act to be so specified) be deemed to be increased by one”;

(c) At the end of section sixty-four there shall be inserted the following sub-section:—

“(3) If any promoter of dog races held on Anzac Day in any year fails to comply with any provision of sub-section (3) of section sixty-three A of this Act he shall be guilty of an offence against this Division and liable to a penalty of not more than Five hundred pounds”;

(d) In

Penalty for failure to pay net profit from dog races to Fund or supply statements of receipts and expenditure.

(d) In sub-section (1) of section sixty-eight after paragraph s. 68 (1).

(c) there shall be inserted the following paragraph :—

“(ca) forms to be used for the purposes of this Part”.

4. The *Anzac Day Act* 1958 shall be amended as follows :—

(a) For section four there shall be substituted the following sections :—

Amendment of
No. 6198.

New sections
4 and 4A
substituted for
s. 4.

Sports on
Anzac Day.

“4. (1) Notwithstanding anything in any Act regulation or by-law no sports shall be held on Anzac Day in any year except with the written approval of the Chief Secretary and where any sports are held with such approval the provisions of this section shall be complied with.

(2) No race match game exercise or other event at any sports so held shall commence before two o'clock in the afternoon.

(3) Such portion of the net profit from any such sports as the Chief Secretary before the sports are held directs or approves shall be paid within two months after the holding of the sports into the Anzac Day Proceeds Fund established under this Act : Provided that where such sports are held more than thirty miles from the post office at the corner of Bourke and Elizabeth streets, Melbourne, the Chief Secretary may before the sports are held authorize such payment to be made to any institution or organization in the district in which the sports are held if he is satisfied, after consultation with the president for the time being of the Victorian branch of the Returned Sailors' Soldiers' and Airmen's Imperial League of Australia, that such institution or organization is one whose objects would permit it to be recommended to share in the distribution of the said Fund under sub-section (3) of section four A of this Act.

(4) The club association body corporate or person by or on behalf of which or whom any such sports are held shall within two months after the holding of the sports supply to the Chief Secretary a detailed statement correctly setting out all receipts and expenditure in connexion with such sports verified by statutory declaration made by such person or by the chairman or president and the secretary or treasurer of such club or association or by the chairman and secretary of such body corporate.

(5) If any sports are held on Anzac Day in any year without the written approval of the Chief Secretary or in contravention of sub-section (2) of this section the club association body corporate or person by or on behalf of which or whom such sports were so held and each member of the managing body or committee of such club or association and each director of such body corporate shall be liable to a penalty of not more than Five hundred pounds. But no person shall be liable if it is shown that he did not act wilfully in contravention of this section.

Penalty.

(6) If

(6) If any club association body corporate or person by or on behalf of which or whom any sports were held on Anzac Day in any year fails to comply with any provision of sub-section (3) or sub-section (4) of this section such club association body corporate or person and each director or member of the managing body or committee of such club association or body corporate shall be liable to a penalty of not more than Five hundred pounds. But no person shall be liable if it is shown that such failure occurred without his knowledge or approval.

Interpretation.

(7) In this section "sports" means bicycle races or foot races or cricket matches or football matches or any other game exercise pastime or contest of a kind usually conducted carried on contested or decided on a ground which are held on any ground or in any building to which persons are admitted on payment of an admission fee or charge or after any donation has been sought from them for the purpose of witnessing the same, but does not include horse races trotting races or dog races.

(8) 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 or by-law.

Anzac Day
Proceeds Fund.

4A. (1) There shall be established and kept in the Treasury a fund to be called the Anzac Day Proceeds Fund.

(2) There shall be paid into the said Fund all moneys which are required to be so paid by this Act or by the *Racing Act* 1958.

(3) The said Fund shall be distributed each year among such institutions or organizations as the Patriotic Funds Council of Victoria recommends whose principal object is to ameliorate or to provide money for ameliorating the condition of persons who were members of Her Majesty's naval military or air forces or the naval military or air forces of the Commonwealth of Australia during any war hostilities or assignment in which Her Majesty or the Commonwealth or any unit or detachment of the said forces was or is engaged or of the dependants of any such persons."

New section 6
inserted.

(b) After section five there shall be inserted the following section :—

Regulations.

"6. (1) The Governor in Council may make regulations for or with respect to forms to be used for the purposes of this Act.

Publication.

(2) All such regulations shall be published in the *Government Gazette* and shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then within fourteen days after the next meeting of Parliament, and a copy thereof shall be posted to each Member of Parliament."

5. The

5. The *Theatres Act* 1958 shall be amended as follows :—

Amendment of
No. 6393 s. 7.

(a) In section seven the words “or on Anzac Day” wherever occurring shall be repealed ; and

(b) After section seven there shall be inserted the following new section :—

New section 7A
inserted.

“7A. Where a written authority or licence has at any time either before or after the commencement of this Act been granted by the Chief Secretary in respect of any theatre house room building garden or place it shall be lawful for the Chief Secretary by order published in the *Government Gazette* to cancel or suspend for such period as he thinks fit such authority or licence if it is proved to the satisfaction of the Chief Secretary—

Power to
cancel or
suspend
theatre &c.
licence where
theatre &c.
used before
1.30 p.m. on
Anzac Day
without permit.

(a) that such theatre house room garden or place has during the currency of such authority or licence and without a special permit in writing from the Chief Secretary been used on Anzac Day for any entertainment of the stage whatsoever or for any public concert reading lecture recitation or musical entertainment ; and

(b) that the performance or the giving of such entertainment of the stage concert reading lecture recitation or musical entertainment commenced before the hour of one-thirty o'clock in the afternoon.”

6. In paragraphs (a) and (b) of section five of the *Anzac Day Act* 1958 after the words “exhibition of any film or cinematograph display” there shall be inserted the words “which commences before one-thirty o'clock in the afternoon.”

Amendment of
No. 6198 s. 5.

7. The *Licensing Act* 1958 shall be amended as follows :—

Amendments of
No. 6293.

(a) In sections fourteen and fifteen for the words “between the hours of nine in the morning and six in the evening on any day except Sunday Good Friday and Anzac Day” there shall be substituted the words “on Anzac Day when it does not fall on a Sunday between the hours of one and six in the afternoon and on any other day except Sunday and Good Friday between the hours of nine in the morning and six in the afternoon.” ;

Ss. 14, 15.
Effect of
packet licence
and temporary
packet licence.

(b) In sub-section (2) of section thirty-eight for the words “such time not being later than half-past two in the afternoon” there shall be substituted the words “such time not being later in the case of Sundays or Good Friday than half-past two in the afternoon or in the case of Anzac Day when it does not fall on a Sunday than one o'clock in the afternoon” ;

S. 38.
Supply of liquor
with *bona fide*
meals in
licensed or
club premises.

(c) In

S. 39.

Penalty for drinking on unlicensed premises in prohibited hours.

S. 40.

Permits for non-intoxicating beverages and billiard tables.

S. 122.

Substitute packet licence.

Ss. 171, 177, 178, 179 (1), 180, 181 (1), 182 (1), 183 (1), 196.

S. 198 (1) (4).

Bar door to be kept locked during prohibited times.

Bar door open during prohibited time is evidence of unlawful sale.

- (c) In section thirty-nine for the words “or on Anzac Day” (wherever occurring) there shall be substituted the words “or (when it does not fall on a Sunday) before one o’clock in the afternoon on Anzac Day”;
- (d) In section forty for the words “Good Friday and Anzac Day” (wherever occurring) there shall be substituted the words “and Good Friday”;
- (e) In sub-section (1) of section one hundred and twenty-two for the words “between the hours of nine in the morning and six in the evening on any day except Sunday Good Friday and Anzac Day” there shall be substituted the words “on Anzac Day when it does not fall on a Sunday between the hours of one and six in the afternoon and on any other day except Sunday and Good Friday between the hours of nine in the morning and six in the afternoon”;
- (f) In sections one hundred and seventy-one, one hundred and seventy-seven and one hundred and seventy-eight, in sub-section (1) of section one hundred and seventy-nine, in section one hundred and eighty, in sub-section (1) of section one hundred and eighty-one, in sub-section (1) of section one hundred and eighty-two, in sub-section (1) of section one hundred and eighty-three, and in section one hundred and ninety-six, for the words “or on Anzac Day” (wherever occurring) there shall be substituted the words “or before one o’clock in the afternoon on Anzac Day (when it does not fall on a Sunday)”;
- (g) In section one hundred and ninety-eight—
- (i) in sub-section (1) for the words “and on Anzac Day” there shall be substituted the words “and before one o’clock in the afternoon on Anzac Day (when it does not fall on a Sunday)”;
- (ii) in sub-section (4)—
- for the words “Sunday Good Friday Anzac Day” there shall be substituted the words “Sunday Good Friday the period before one o’clock in the afternoon on Anzac Day (when it does not fall on a Sunday)”;
- and
- for the words “during Anzac Day” (wherever occurring) there shall be substituted the words “during the said period on Anzac Day as aforesaid”;
- and
- (iii) in

(iii) in

(iii) in paragraph (a) of sub-section (5) for the words " Good Friday or Anzac Day " there shall be substituted the words " or Good Friday " ;

Closing of bar-room during prohibited times.

(h) In section two hundred and fifteen for the words " or on Anzac Day " there shall be substituted the words " or before one o'clock in the afternoon on Anzac Day (when it does not fall on a Sunday) " ;

S. 215.
Billiard tables &c.

(i) For sub-section (1) of section two hundred and fifty-six there shall be substituted the following sub-section :—

S. 256.
Sale of liquor in clubs on Anzac Day.

" (1) No liquor shall be sold or disposed of in any club on Sunday or on Good Friday or before one o'clock in the afternoon on Anzac Day except to *bona fide* travellers or lodgers or inmates or to members of the said club being served with a meal—

(a) on Sunday or Good Friday, between the hours of twelve and half-past two (or such earlier hour as is specified in any permit granted under this Act) in the afternoon or six and ten in the evening ; or

(b) on Anzac Day when it does not fall on a Sunday, between the hours of twelve and one in the afternoon or six and ten in the evening."

8. The *Labour and Industry Act* 1958 shall be amended as follows :—

Amendment of No. 6283 s. 82.

(a) In section eighty-two—

(i) in sub-section (1)—

in paragraph (b) after the words " on Sundays " there shall be inserted the expression " (other than any Sunday on which Anzac Day falls) " ;

Hours for closing of shops for sale of motor spirit, oil, &c.

after paragraph (b) there shall be inserted the following paragraph :—

" (ba) on Anzac Day at all times except the period between two o'clock in the afternoon and six o'clock in the evening " ;
and

in paragraph (c) for the expression " On Saturdays " there shall be substituted the expression " on Saturdays (other than any Saturday on which Anzac Day falls) " ;

(ii) in the proviso to sub-section (2) the words " and Anzac Day " shall be repealed ;

(b) In

(b) In the Seventh Schedule after sub-paragraph (k) of paragraph 1 there shall be inserted the following sub-paragraph :—

“(1) Shops referred to in section eighty-two of this Act.”

New section
15A inserted in
No. 6243.

9. After section fifteen of the *Entertainments Tax Act 1958* there shall be inserted the following section :—

Race-meetings,
dog races and
sports on Anzac
Day exempt
from
entertainments
tax.

“15A. Entertainments tax shall not be charged on payments for admission to—

(a) any race-meeting held on Anzac Day pursuant to section twenty-two A of the *Racing Act 1958* where the Commissioner is satisfied that the provisions of sub-section (4) of that section have been complied with ;

(b) any dog races held on Anzac Day pursuant to section sixty-three A of the *Racing Act 1958* where the Commissioner is satisfied that the provisions of sub-section (3) of that section have been complied with ; or

(c) any sports held on Anzac Day pursuant to section four of the *Anzac Day Act 1958* where the Commissioner is satisfied that the provisions of sub-sections (3) and (4) of that section have been complied with.”
