

South Australia

ANZAC Day Commemoration Act 2005

An Act to continue and enhance the commemoration of ANZAC Day as a day of national significance; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 4 Object of Act

Part 3—ANZAC Day Commemoration Fund

- 15 Establishment of Fund
- 16 Application of Fund

Part 4—Regulation of public sports and entertainment on ANZAC Day

- 18 Restriction on public sports and entertainment before 12 noon on ANZAC Day
- 19 Two up on ANZAC Day

Part 5—Miscellaneous

- 20 False or misleading statement

Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *ANZAC Day Commemoration Act 2005*.

3—Interpretation

In this Act, unless the contrary intention appears—

ANZAC Day means 25 April in any year;

Council means the *Veterans' Advisory Council* established by the Minister as a non-statutory advisory body;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

Fund means the ANZAC Day Commemoration Fund;

RSL means The Returned & Services League of Australia (S.A. Branch) Incorporated;

spouse—a person is the spouse of another if they are legally married;

veteran means a person who has served in the defence forces of Australia in a war or armed conflict, or in international peace-keeping operations, in which Australia has been involved.

4—Object of Act

The object of this Act is to ensure that the contribution of all men and women who have served Australia in time of war or armed conflict, or in international peace-keeping operations, in which Australia has been involved, is recognised and commemorated in this State.

Part 3—ANZAC Day Commemoration Fund

15—Establishment of Fund

- (1) The ANZAC Day Commemoration Fund is established.
- (2) The Fund consists of—
 - (a) any money provided by Parliament for the purposes of the Fund; and
 - (b) any grants, gifts and bequests made for payment into the Fund; and
 - (c) any money that is required or authorised by law to be paid into the Fund; and
 - (d) any income from investment of money belonging to the Fund.
- (3) The Minister may, with the approval of the Treasurer, invest any of the money belonging to the Fund that is not immediately required for the purposes of the Fund in such manner as is approved by the Treasurer.

16—Application of Fund

- (1) The Fund may be applied by the Minister, after consultation with the Council, for any of the following purposes:
 - (a) payments to any organisation for the purpose of educating the community about the significance of ANZAC Day;
 - (b) payments for aged veterans to maintain, alter and improve their homes;
 - (c) payments to maintain and care for aged veterans in homes;
 - (d) payments for the welfare of spouses, domestic partners and children of deceased veterans;
 - (e) payments to any organisation established for the purpose of helping or supporting, or having a membership consisting of or including, veterans or the spouses, domestic partners, children or other dependants of veterans;
 - (f) payments to any organisation for the purpose of conducting commemoration services on ANZAC Day;
 - (g) payment of the expenses of administering the Fund.

- (2) Each application made to the Minister for a payment out of the Fund must be referred to the Council for its consideration and the Council must make recommendations to the Minister in relation to such applications as the Council thinks fit.
- (3) A person making an application for payment of money out of the Fund must—
 - (a) provide the Minister with specified information to enable the Minister to determine the application; and
 - (b) verify, by statutory declaration, information furnished for the purposes of the application.

Part 4—Regulation of public sports and entertainment on ANZAC Day

18—Restriction on public sports and entertainment before 12 noon on ANZAC Day

- (1) Despite any other Act or law, the holding of a public sporting or entertainment event between the hours of 5.00 a.m. and 12 noon on ANZAC Day in any year is unlawful unless authorised in writing by the Minister.
- (2) If a public sporting or entertainment event is held unlawfully, the organiser of the event is guilty of an offence.
Maximum penalty: \$1 250.
Expiation fee: \$160.
- (3) The Minister may grant an authorisation under subsection (1) if satisfied that, in all the circumstances of the case, it is in the public interest to do so.
- (4) However, before granting an authorisation under subsection (1), the Minister must—
 - (a) cause a copy of the application and supporting affidavit to be given to the RSL; and
 - (b) have regard to any comments made by the RSL in relation to the application received on or before the date specified by the Minister for receipt of such comments.
- (5) An applicant for an authorisation under subsection (1) must—
 - (a) provide the Minister with specified information to enable the Minister to determine the application; and
 - (b) verify, by statutory declaration, information furnished for the purposes of the application.
- (6) An authorisation under subsection (1) may be made subject to such conditions as the Minister thinks fit and specifies in the instrument of authorisation.
- (7) A person who contravenes, or fails to comply with, a condition of an authorisation under this section is guilty of an offence.
Maximum penalty: \$1 250.
Expiation fee: \$160.

(9) In this section—

public sporting or entertainment event means a sporting or entertainment event or activity to which tickets for admission (or similar devices)—

- (a) are made available for purchase by a member of the public prior to the holding of the event or activity; and
- (b) are required for entry to the event or activity.

19—Two up on ANZAC Day

(1) Despite the *Lottery and Gaming Act 1936*, but subject to this section—

- (a) the game commonly known as “two up” is not an unlawful game when played on ANZAC Day on the premises of a branch or sub-branch of The Returned & Services League of Australia Limited and any premises owned or occupied by the Defence Forces of Australia; and
- (b) no such place is a common gaming-house within the meaning of that Act by reason only that two up is played in that place on ANZAC Day; and
- (c) no offence is committed and no other liability will be incurred by any person by reason only of the playing of two up on ANZAC Day in such a place.

(2) Subsection (1) does not apply if—

- (a) any payment or other benefit is given or sought, directly or indirectly, for the right to participate in the game (otherwise than by the placing of bets); or
- (b) any commission on, percentage of or fee for bets or winnings is given or sought by any person, whether or not a participant in the game.

(3) This section does not affect any offence relating to betting by or with a person under the age of 18 years.

(4) In this section—

bet has the same meaning as in the *Lottery and Gaming Act 1936*.

Part 5—Miscellaneous

20—False or misleading statement

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under this Act.

Maximum penalty: \$5 000.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation amended by principal Act

The *ANZAC Day Commemoration Act 2005* amended the following:

Lottery and Gaming Act 1936

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
2005	12	<i>ANZAC Day Commemoration Act 2005</i>	21.4.2005	15.3.2007 (<i>Gazette 15.3.2007 p811</i>)
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 7 (ss 28 & 29)—1.6.2007 (<i>Gazette 26.4.2007 p1352</i>)
2011	36	<i>Statutes Amendment (Directors' Liability) Act 2011</i>	22.9.2011	Pt 5 (s 7)—1.1.2012 (<i>Gazette 15.12.2011 p4988</i>)
2015	8	<i>Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015</i>	18.6.2015	Pt 4 (ss 25—32)—17.8.2015 (<i>Gazette 25.6.2015 p3076</i>)
2017	17	<i>ANZAC Day Commemoration (Veterans' Advisory Council) Amendment Act 2017</i>	30.5.2017	1.7.2017 (<i>Gazette 27.6.2017 p2618</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	1.6.2007
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.6.2007
s 3		
Council	substituted by 17/2017 s 4	1.7.2017

ANZAC Day Commemoration Act 2005—1.7.2017
Legislative history

domestic partner	inserted by 43/2006 s 28(1)	1.6.2007
spouse	inserted by 43/2006 s 28(2)	1.6.2007
<i>Pt 2 before deletion by 17/2017</i>		
<i>s 6</i>		
<i>s 6(1)</i>	<i>amended by 8/2015 s 25(1)</i>	<i>17.8.2015</i>
<i>s 6(2)</i>	<i>amended by 8/2015 s 25(2)</i>	<i>17.8.2015</i>
<i>s 7</i>		
<i>s 7(1)</i>	<i>amended by 8/2015 s 26(1)</i>	<i>17.8.2015</i>
<i>s 7(2)</i>	<i>amended by 8/2015 s 26(2)</i>	<i>17.8.2015</i>
<i>s 7(3)</i>	<i>amended by 8/2015 s 26(3)</i>	<i>17.8.2015</i>
<i>s 7(4)</i>	<i>amended by 8/2015 s 26(4)</i>	<i>17.8.2015</i>
<i>s 7(5)</i>	<i>amended by 8/2015 s 26(5)</i>	<i>17.8.2015</i>
<i>s 8</i>	<i>amended by 8/2015 s 27</i>	<i>17.8.2015</i>
<i>s 10</i>	<i>amended by 8/2015 s 28</i>	<i>17.8.2015</i>
<i>s 11</i>	<i>amended by 8/2015 s 29</i>	<i>17.8.2015</i>
<i>s 13</i>		
<i>s 13(1)</i>	<i>amended by 8/2015 s 30</i>	<i>17.8.2015</i>
<i>s 14</i>		
<i>s 14(1)</i>	<i>amended by 8/2015 s 31(1)</i>	<i>17.8.2015</i>
<i>s 14(3)</i>	<i>amended by 8/2015 s 31(2)</i>	<i>17.8.2015</i>
<i>Pt 2</i>	<i>deleted by 17/2017 s 5</i>	<i>1.7.2017</i>
<i>Pt 3</i>		
<i>s 15</i>		
<i>s 15(2)</i>	<i>amended by 17/2017 s 6(1)</i>	<i>1.7.2017</i>
<i>s 15(3)</i>	<i>amended by 17/2017 s 6(2)</i>	<i>1.7.2017</i>
<i>s 16</i>		
<i>s 16(1)</i>	<i>amended by 43/2006 s 29(1), (2)</i>	<i>1.6.2007</i>
	<i>amended by 17/2017 s 7(1)</i>	<i>1.7.2017</i>
<i>s 16(2)</i>	<i>substituted by 17/2017 s 7(2)</i>	<i>1.7.2017</i>
<i>s 16(3)</i>	<i>amended by 17/2017 s 7(3)</i>	<i>1.7.2017</i>
<i>s 17</i>	<i>deleted by 17/2017 s 8</i>	<i>1.7.2017</i>
<i>Pt 4</i>		
<i>s 18</i>		
<i>s 18(1)</i>	<i>amended by 8/2015 s 32(1)</i>	<i>17.8.2015</i>
<i>s 18(3)</i>	<i>amended by 8/2015 s 32(2)</i>	<i>17.8.2015</i>
<i>s 18(4)</i>	<i>amended by 8/2015 s 32(3)</i>	<i>17.8.2015</i>
<i>s 18(5)</i>	<i>amended by 8/2015 s 32(4)</i>	<i>17.8.2015</i>
<i>s 18(6)</i>	<i>amended by 8/2015 S 32(5)</i>	<i>17.8.2015</i>
<i>s 18(8)</i>	<i>deleted by 36/2011 s 7</i>	<i>1.1.2012</i>
<i>Sch 1</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.6.2007</i>

Sch 2 *taken not to have been enacted: Sch 2* (31.7.2005)
 cl 3—omitted under Legislation Revision and
 Publication Act 2002

Historical versions

1.6.2007
1.1.2012
17.8.2015