# Authorised Version No. 051
## ANZAC Day Act 1958
### No. 6198 of 1958
Authorised Version incorporating amendments as at 17 June 2015

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No. 6198 of 1958

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An Act to consolidate the Law relating to Anzac Day.

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):

PART 1—PRELIMINARY

1 Short title and commencement

This Act may be cited as the ANZAC Day Act 1958, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.

2 Repeal

(1) The Act mentioned in the Schedule to the extent thereby expressed to be repealed is hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under the repealed Act or existing or continuing under such Act immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation
and effect as they respectively would have had if such Act had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any licence permit condition liability or right made issued granted given accrued incurred or acquired or existing or continuing by or under such Act before the commencement of this Act.

3 Commemoration of ANZAC Day

In commemoration of the part taken by Victorian troops in the Great War and in memory of those who gave their lives for the Empire, and in commemoration of the service of Australians for their country in subsequent conflicts and peace-keeping activities, the twenty-fifth day of April in each year (being the anniversary of the first landing on Gallipoli of troops from the United Kingdom Australia and New Zealand) shall be known as ANZAC Day.
Part 2—General control of activities on ANZAC Day

PART 2—GENERAL CONTROL OF ACTIVITIES ON ANZAC DAY

4 Sports on ANZAC Day

(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 Minister 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 one o'clock in the afternoon.

(3) Such portion of the net profit from any such sports as the Minister 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 Minister 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 section 4A(3).

(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 Minister 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 Minister or in contravention of subsection (2) 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 $1000. But no person shall be liable if it is shown that he did not act wilfully in contravention of this section.

(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 subsection (3) or subsection (4) 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 $1000. But no person shall be liable if it is shown that such failure occurred without his knowledge or approval.

(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.

4A ANZAC Day Proceeds Fund

(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) All of the money standing to the credit of the Fund on 31 August each year, including any interest accrued, is to be distributed to organisations whose principal object is to provide welfare to the ex-service community before the end of the current financial year.

(4) The money is to be paid to those organisations in accordance with the recommendations of the Victorian Veterans Council.

(5) In this section *ex-service community* has the same meaning as in the Veterans Act 2005.
5 Use of cinemas etc. on ANZAC Day

(1) Despite anything in any other Act or a statutory rule (within the meaning of the Subordinate Legislation Act 1994), a person must not, without a written permit from the Minister, show any film or allow any film to be shown before 1.00 pm on ANZAC Day at a cinema or other place (whether indoors or outdoors) to which persons are admitted—

(a) on payment of a fee or charge; or

(b) after a donation is sought from them—

for the showing of the film or to enter or remain at the cinema or place.

Penalty: 100 penalty units.

Note
Section 5E applies to an offence against this subsection.

(2) The Minister may give a person a permit under subsection (1) subject to specified conditions.

(3) A person who holds a permit under subsection (1) that is subject to specified conditions must comply with each of those conditions.

Penalty: 100 penalty units.
5A Other entertainment on ANZAC Day

(1) Despite anything in any other Act or a statutory rule (within the meaning of the Subordinate Legislation Act 1994), a person must not, without a written permit from the Minister, provide any entertainment or allow any entertainment to be provided before 1.00 pm on ANZAC Day at a place (whether indoors or outdoors)—

(a) to which persons are admitted—

(i) on payment of a fee or charge; or

(ii) after a donation is sought from them—

for the provision of the entertainment or to enter or remain at the place; or

(b) at which a commercial business is carried on for the supply of goods or services or both.

Penalty: 100 penalty units.

Notes

1 For entertainment, see subsection (8).
2 Section 5E applies to an offence against this subsection.

(2) However, subsection (1) does not apply to entertainment provided at licensed premises (within the meaning of the Liquor Control Reform Act 1998) at a time when alcohol may be
consumed on the premises in accordance with the particular licence.

(3) The Minister may only give a permit under subsection (1) if—

(a) the applicant for the permit has paid the prescribed fee (if any); and

(b) the Minister is satisfied that the provision of the entertainment—

(i) is a genuine commemoration of ANZAC Day; or

(ii) if it is not a genuine commemoration of ANZAC Day, would not detract from, or adversely affect, the commemorative nature of ANZAC Day.

(4) The Minister may give a person a permit under subsection (1) subject to specified conditions.

(5) A person who holds a permit under subsection (1) that is subject to specified conditions must comply with each of those conditions.

Penalty: 100 penalty units.

(8) In this section, *entertainment*—

(a) includes, but is not limited to—

(i) a dance or similar event at which one or more persons play music (whether live or pre-recorded); and

(ii) a concert, play, drama, recital or other performance at which there are one or more performers; and
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(b) does not include sports or the showing of a film.

Note
Section 4 deals with sports and section 5 deals with the showing of films.
PART 3—CLOSURE OF FACTORIES AND WAREHOUSES ON ANZAC DAY

5B Definitions

In this Part—

*bread* means the product obtained by baking a yeast-leavened dough—

(a) whether with or without the addition of any other substances of any kind, and

(b) whether sold as bread or under a trade or descriptive name—

and includes bread rolls but does not include buns, scones or crumpets;

*factory* means—

(a) any premises or place where any manufacturing process is carried on and 2 or more persons are directly employed in that process (whether on their own account or for hire or reward); or

(b) any premises or place where any special manufacturing process is carried on and one or more persons are directly employed in that process (whether on their own account or for hire or reward); or

(c) any premises or place where—

(i) electricity is generated or mechanically transformed for the supply of heat, light or power; or

(ii) coal gas is made; or
(d) any clay pit or quarry worked in connection with and occupied by the occupier of a pottery or brickyard—

but does not include any part of a poultry farm where poultry are not dressed for trade or sale by wholesale;

*laundry* does not include any institution or place in which the only persons employed are—

(a) inmates of a prison (or other institution) for the time being subject to inspection under any Act; or

(b) inmates of an institution conducted in good faith for religious or charitable purposes;

*manufacturing process* includes—

(a) any handicraft or work done in any laundry or dye-works, whether or not done in preparing or manufacturing articles for trade or sale; and

(b) any process in or incidental to—

(i) the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing or adapting of any goods or articles or part of any goods or articles for trade, sale or gain, or

(ii) any purpose ancillary to trade, sale or gain;

*occupier* of premises includes any person who is the employer of persons working within the premises;
special manufacturing process means any manufacturing process in which—

(a) steam, water, gas, oil or electric power (exceeding 0.4 kilowatts) is used; or

(b) any process involving mixing, pasting or smelting in connection with the manufacture or repair of electrical accumulators is used; or

(c) any process involving mixing, pasting or smelting involving the use of a compound of lead is used; or

(d) any bread or pastry is made or baked for trade or sale; or

(e) any confectionery or cereal food for human consumption is prepared or manufactured for trade or sale; or

(f) fish or poultry are prepared for trade or sale by wholesale;

trade includes process, business and occupation;

warehouse means any building or place, or part of a building or place, in which goods are sold or offered for sale by wholesale;

yeast-leavened dough means yeast-leavened dough prepared—

(a) from flour or meal (whether as milled or with any added substances or with any of its component substances removed, reduced or added to) and water; or

(b) from any mixture of those flours or meals and water.
5C Factories and warehouses to be closed on ANZAC Day

(1) An occupier of a factory or warehouse must ensure—

(a) that the factory or warehouse is closed and kept closed on ANZAC Day; and

(b) that each employee in that factory or warehouse is given a whole holiday on ANZAC day.

Penalty: 100 penalty units.

Note

Section 5E applies to an offence against this subsection.

(2) Subsection (1) does not apply to a factory of a class or kind—

(a) set out in Schedule 2; or

(b) exempted by Order under section 5D.

(3) Subsection (1)(b) does not apply in relation to employees solely employed for the purpose of safeguarding the premises.

5D Exemption of factories and warehouses

(1) The Governor in Council, by Order published in the Government Gazette, may exempt a class or kind of factory or warehouse from the requirements of section 5C(1).
(2) An Order under this section must be laid before each House of Parliament as soon as practicable after it is made.
PART 4—GENERAL

5E Criminal liability of officers of bodies corporate—accessorial liability

(1) If a body corporate commits an offence against a provision specified in subsection (2), an officer of the body corporate also commits an offence against the provision if the officer—

(a) authorised or permitted the commission of the offence by the body corporate; or

(b) was knowingly concerned in any way (whether by act or omission) in the commission of the offence by the body corporate.

(2) For the purposes of subsection (1), the following provisions are specified—

(a) section 5(1);

(b) section 5A(1);

(c) section 5C(1).

(3) Without limiting any other defence available to the officer, an officer of a body corporate may rely on a defence that would be available to the body corporate if it were charged with the offence with which the officer is charged and, in doing so, the officer bears the same burden of proof that the body corporate would bear.

(4) An officer of a body corporate may commit an offence against a provision specified in subsection (2) whether or not the body corporate has been prosecuted for, or found guilty of, an offence against that provision.
(5) In this section—

*body corporate* has the same meaning as corporation has in section 57A of the Corporations Act;

*officer* in relation to a body corporate means—

(a) a person who is an officer (as defined by section 9 of the Corporations Act) of the body corporate; or

(b) a person (other than a person referred to in paragraph (a)), by whatever name called, who is concerned in, or takes part in, the management of the body corporate.

(6) This section does not affect the operation of Subdivision (1) of Division 1 of Part II of the Crimes Act 1958.

### 6 Regulations

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

(2) The Governor in Council may make regulations for or with respect to any other matter or thing—

(a) required or permitted by this Act to be prescribed; or

(b) necessary to be prescribed to give effect to this Act.

### 7 Transitional provision—ANZAC Day Proceeds Fund

The ANZAC Day Proceeds Fund is deemed to be the same Fund as it was before the commencement of the ANZAC Day
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(Amendment) Act 2003 despite the change in its name by that Act.

8 Transitional provision—Statute Law Amendment (Directors' Liability) Act 2013

(1) For the avoidance of doubt, section 5E applies with respect to an offence against a provision specified in subsection (2) of that section that is alleged to have been committed by a body corporate on or after the commencement of section 10 of the Statute Law Amendment (Directors' Liability) Act 2013.

(2) This section does not limit section 14 of the Interpretation of Legislation Act 1984.

S. 8 inserted by No. 13/2013 s. 12.
### SCHEDULE 1

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<th>Extent of Repeal</th>
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<td>3635</td>
<td>Anzac Day Act 1928</td>
<td>So much as is not already repealed.</td>
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Note: The following Acts contain references to "ANZAC Day"—

- Gambling Regulation Act 2003
- Liquor Control Reform Act 1998
- Public Holidays Act 1993
- Racing Act 1958
- Shop Trading Reform Act 1996
EXEMPT FACTORIES AND WAREHOUSES

(1) Every factory or warehouse in which any of the following is carried on—
   (a) the printing, publishing or distributing of newspapers;
   (b) the manufacture, distribution or supply of gas or electric light or power;
   (c) any necessarily continuous process of manufacture;
   (d) the supply of milk;
   (e) the trade of a pastry cook.

(2) Every bread factory—
   (a) while dough only is being prepared in the factory; or
   (b) after 8 p.m. when ANZAC Day falls on a Friday.
Endnotes

1 General information


The Anzac Day Act 1958 was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959 page 892.

The name of this Act was changed from the Anzac Day Act 1958 to the ANZAC Day Act 1958 by section 4 of the ANZAC Day (Amendment) Act 2003, No. 96/2003.
2 Table of Amendments

This publication incorporates amendments made to the ANZAC Day Act 1958 by Acts and subordinate instruments.

Anzac Day Act 1960, No. 6607/1960

Assent Date: 7.4.60
Commencement Date: 7.4.60
Current State: All of Act in operation

Subordinate Legislation Act 1962, No. 6886/1962

Assent Date: 8.5.62
Commencement Date: 1.8.62: Government Gazette 4.7.62 p. 2314
Current State: All of Act in operation

Youth, Sport and Recreation Act 1972, No. 8344/1972

Assent Date: 12.12.72
Commencement Date: 19.12.72: Government Gazette 13.12.72 p. 3978
Current State: All of Act in operation


Assent Date: 27.5.80
Commencement Date: 27.5.80: subject to s. 6(2)
Current State: All of Act in operation

Anzac Day (Amendment) Act 1987, No. 2/1987

Assent Date: 31.3.87
Commencement Date: 31.3.87
Current State: All of Act in operation

Public Holidays Act 1993, No. 119/1993

Assent Date: 7.12.93
Commencement Date: 7.12.93
Current State: All of Act in operation

Theatres (Repeal) Act 2002, No. 21/2002

Assent Date: 21.5.02
Commencement Date: 22.5.02: s. 2
Current State: All of Act in operation

ANZAC Day (Amendment) Act 2003, No. 96/2003

Assent Date: 2.12.03
Commencement Date: 3.12.03: s. 2
Current State: All of Act in operation


Assent Date: 16.6.04
Commencement Date: S. 42 on 1.7.04: s. 2(4)
Current State: This information relates only to the provision/s amending the ANZAC Day Act 1958
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Veterans Act 2005, No. 98/2005
Assent Date: 7.12.05
Commencement Date: S. 87 on 21.8.06: Government Gazette 17.8.06 p. 1716
Current State: This information relates only to the provision/s amending the ANZAC Day Act 1958

Assent Date: 5.11.08
Commencement Date: Ss 4-7 on 6.11.08: s. 2
Current State: This information relates only to the provision/s amending the ANZAC Day Act 1958

Statute Law Amendment (Directors' Liability) Act 2013, No. 13/2013
Assent Date: 13.3.13
Commencement Date: Ss 7-12 on 14.3.13: s. 2
Current State: This information relates only to the provision/s amending the ANZAC Day Act 1958

Justice Legislation Amendment Act 2015, No. 20/2015
Assent Date: 16.6.15
Commencement Date: S. 56(Sch. 1 item 2) on 17.6.15: s. 2(3)
Current State: This information relates only to the provision/s amending the ANZAC Day Act 1958
3 Amendments Not in Operation

Not updated for this publication.
4 **Explanatory details**

No entries at date of publication.