

(2) The day referred to in subsection (1) of this section shall be deemed, for all purposes, to be a bank holiday throughout the State as if it had been so appointed pursuant to the provisions of the *Bank Holidays Act 1919*.

(3) Notwithstanding anything in the *Wages Boards Act 1920*, the day referred to in subsection (1) of this section shall be deemed to be a holiday on full pay throughout the State for the purposes of every determination under that Act as if it were expressly prescribed in the determination as a holiday on full pay throughout the State and, notwithstanding the provisions of that Act or of any determination thereunder, every employee to whom the determination relates shall be allowed a holiday with full pay on that day, or shall, if he is not allowed a holiday on that day, be paid such extra or special payment as is prescribed in the determination in respect of work done on holidays.

(4) An employer who, contrary to subsection (3) of this section, fails to allow a person who is employed by him a holiday on full pay on the day referred to in subsection (1) of this section, or, if a person who is so employed is not allowed a holiday on that day, fails to pay the person so employed at the appropriate rate of payment in respect of work done on holidays, as prescribed in the determination that is applicable to the employment, is guilty of an offence against this Act.

Penalty: One hundred dollars.

ANZAC DAY OBSERVANCE.

No. 2 of 1970.

AN ACT to amend the *Anzac Day Observance Act 1929* and, in so far as it relates to Anzac Day, the *Sunday Observance Act 1968*. [15 April 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,
and citation.

1—(1) This Act may be cited as the *Anzac Day Observance Act 1970*.

(2) The *Anzac Day Observance Act 1929*, as subsequently amended, is in this Act referred to as the Principal Act.

2 Before section one of the Principal Act the following heading is inserted:—

Division of
Principal Act
into Parts.

“ PART I.

“ GENERAL.”.

3 Section three of the Principal Act is repealed and the following Parts are substituted therefor:—

“ PART II.

“ OBSERVANCE OF ANZAC DAY.

“ 3 In this Part, unless the contrary intention appears—

Interpreta-
tion of
Part II.

‘ children’s sports ’ means sports at which all of the participants (other than those engaged therein as judges, umpires, or referees, or in any similar capacity) are either—

(a) persons who have not attained the age of seventeen years; or

(b) persons who are receiving full-time primary or secondary education at a school;

‘ coursing ’ has the same meaning as it has for the purposes of the *Racing and Gaming Act 1952*;

‘ event ’, in relation to any sports, means any race, match, game, or other contest that constitutes or takes place at those sports;

‘ place of public entertainment ’ means any assembly ground, assembly room, open-air theatre, or theatre within the meaning of Part V of the *Public Health Act 1962*;

‘ race meeting ’ has the same meaning as it has for the purposes of the *Racing and Gaming Act 1952*;

‘ sports ’ means any races, matches, games, or other contests;

‘ year ’ means a period of twelve months ending on the thirty-first day of December.

“ 4—(1) No race meeting shall be held on Anzac Day unless all the racing and coursing thereat commence not earlier than the hour of one of the clock in the afternoon of that day.

Sport and
entertainment
on Anzac Day.

“(2) No theatrical exhibition or entertainment, or cinematographic exhibition, shall be held in a place of public entertainment at any time on Anzac Day before the hour of one of the clock in the afternoon of that day.

“(3) No sports to which this subsection applies shall be held on Anzac Day unless all the events thereat commence not earlier than the hour of one of the clock in the afternoon of that day.

“(4) Subsection (3) of this section applies to sports (other than children’s sports) held at any place—

(a) where a fee or charge is made for admission to the place in which the sports are held or to any place for the purpose of viewing the sports; or

(b) where, before, during, or after the sports, donations are sought from persons attending those sports by, or on behalf of, the person or body by, or on whose behalf, those sports are held.

“(5) Any person who—

- (a) holds, or causes or permits to be held, any meeting, exhibition, entertainment, or sports contrary to the provisions of this section; or
- (b) is a member of the committee or other managing body of, or the secretary of, any association, club, or other body, by or on whose behalf any meeting, exhibition, entertainment, or sports, is or are so held,

is guilty of an offence and liable to a penalty of one hundred dollars.

Work in connection with race meetings and sports on Anzac Day.

“5—(1) This section applies to work necessary for, or habitually associated with, the holding of any race meeting or sports, being work carried out at the place where the meeting or sports are held, or at a place where persons assemble, or are accommodated, for the purpose of viewing the racing, coursing, or events taking place at the meeting or sports.

“(2) Nothing in the contract of employment of any person shall be construed as requiring that person to engage on Anzac Day in work to which this section applies, and notwithstanding anything in that contract of service, his refusal or failure to engage in any such work on Anzac Day shall not be regarded as a breach of that contract.

“(3) Where an employee is ordered or asked by his employer to engage on Anzac Day in work to which this section applies and the employee refuses to engage in that work, the employer shall not penalize him or prejudice him in his employment by reason of his refusal, whether by reduction of his remuneration, termination of his employment, or in any other way.

Penalty: One hundred dollars.

“(4) Nothing in this section shall be construed as entitling a person to any remuneration in respect of his absence from work to which he would not be entitled if this section had not been enacted.

“ PART III.

“ THE ANZAC DAY TRUST FUND.

“ 6 In this Part, unless the contrary intention appears—

- ‘ Commission ’ means the Tasmanian Racing Commission;
- ‘ Fund ’ means the Anzac Day Trust Fund established under this Part;
- ‘ race meeting ’ has the same meaning as it has for the purposes of the *Racing and Gaming Act 1952*;
- ‘ responsible body ’, in relation to a race meeting, means the committee or other governing body of the club, association, or other body by whom, or on whose behalf, the meeting is held or conducted;
- ‘ Trust ’ means the Anzac Day Trust established under this Part.

Interpretation of Part III.

The Anzac Day Trust.

“ 7—(1) For the purposes of the maintenance and administration of the Anzac Day Trust Fund established under this Part, there shall be established an Anzac Day Trust which shall be a body corporate with perpetual succession and a common seal.

“(2) The Trust shall consist of four persons appointed by the Governor.

“(3) The chairman of the Trust shall be such member thereof as the Governor may appoint in that behalf.

“(4) Subject to the following provisions of this section, of the members of the Trust, other than the chairman—

- (a) one shall be appointed on the nomination of the Legacy Clubs established in this State; and
- (b) one shall be appointed on the nomination of the Tasmanian State Branch of the Returned Services League of Australia.

“(5) Where a member of the Trust is required to be appointed under either paragraph of subsection (4) of this section and no person is nominated for that appointment in accordance with directions given by the Minister in that behalf, the Governor may appoint as a member of the Trust such person as he considers suitable to represent the organization or organizations referred to in that paragraph.

“(6) At any meeting of the Trust the chairman of the Trust, or if he is absent or if there is no chairman, such one of the other members present, as they may choose, shall preside at the meeting.

“(7) The chairman or other person presiding at a meeting of the Trust has a deliberative vote only and, in the event of an equality of votes on any question before a meeting of the Trust, the question shall be determined in the negative.

“(8) Three members of the Trust constitute a quorum at any meeting of the Trust.

“(9) Subject to this Act, the Trust may regulate its own proceedings.

“(10) The Trust may pay to the members of the Trust such sums as the Governor may approve in reimbursement of the expenses incurred by them in the exercise of their functions as members of the Trust.

“8—(1) The Minister may appoint a secretary of the Trust and may make arrangements to render available to the Trust such staff and accommodation as the Trust may require. Staff, &c., of the Trust.

“(2) With the consent of the Public Service Commissioner, an officer of the Public Service, or any person holding office temporarily in the Public Service may, in conjunction with the office held by him in the Public Service, hold office as secretary of the Trust or serve the Trust in any other capacity.

“9—(1) There shall be established and administered by the Trust a fund to be called the Anzac Day Trust Fund. The Anzac Day Trust Fund.

“(2) There shall be credited to the Fund—

- (a) the sums paid to the Trust under section fifty-four A of the *Racing and Gaming Act 1952*;

- (b) the sums paid to the Trust under this Part by responsible bodies;
- (c) any assets received by the Trust under section eleven; and
- (d) any other sums received by the Trust in the exercise of its functions.

“(3) There shall be defrayed out of the Fund—

- (a) such sums as the Trust may direct to be paid thereout for the purposes of section twelve; and
- (b) the other expenses incurred by the Trust in the exercise of its functions.

“(4) Moneys standing to the credit of the Fund may be invested by the Trust in any manner in which trustees are authorized to invest trust funds or in such other manner as may be prescribed.

Payment of half of net profits of Anzac Day meetings to the Trust.

“10 Where a race meeting is held on Anzac Day the responsible body shall pay to the Trust a sum of an amount equivalent to one-half of the net profit derived from the holding of the meeting, as assessed in accordance with section thirty-five A of the *Racing and Gaming Act 1952*, and that sum may be recovered by the Trust as a debt due to it by that body.

Acceptance of gifts by Trust.

“11—(1) The Trust may accept a devise, bequest, or gift of any property.

“(2) Any property accepted under this section may be accepted subject to a trust for any purpose to which the moneys standing to the credit of the Fund may be applied, and, in the application of so much of the Fund as represents that property, the Trust shall comply with the terms of that trust.

“(3) The Trust may realize any property accepted by it under this section that is not in the form of money, and shall do so if the property is not in the form of an investment in which moneys standing to the credit of the Fund may be invested.

Application of Fund.

“12—(1) Subject to this Part the moneys standing to the credit of the Fund may be applied by the Trust, in such manner as it may determine, in the making of grants to service organizations.

“(2) No grant shall be made to a service organization otherwise than on an application made by that organization and on its furnishing to the Trust such information as it may require with respect to the organization and the purposes for which it is intended that the grant is to be used.

“(3) The Trust may require any information furnished to it for the purposes of subsection (2) of this section to be verified by a statutory declaration.

“(4) For the purposes of this section a service organization is an institution, association, or other organization having as its object, or one of its objects, the promotion of the welfare of, or the doing of any other thing for the benefit of—

- (a) persons who have been members of any of the defence forces of the Commonwealth;

- (b) persons resident in the State who during any operations in which any part of Her Majesty's Dominions were engaged were members of the defence forces of that part of Her Majesty's dominions or of any foreign power allied or associated therewith in those operations; or
- (c) the wives or dependants of any of the persons referred to in the foregoing paragraphs of this subsection, or the widows of, or persons who were dependent on, any of those persons now deceased.

“(5) In subsection (4) of this section—

‘defence forces’ means any military, naval, or air forces; and
 ‘operations’, in relation to any part of Her Majesty's Dominions, means any war or warlike operations or any assignment carried out outside that part of Her Majesty's Dominions.

“(6) In granting any sum to a service organization pursuant to this section the Trust may, if it thinks fit, specify the purposes for which it is to be applied, and any part of that sum that is applied otherwise than for those purposes may be recovered by the Trust as a debt due to it from that organization.

“(7) The Trust shall endeavour to ensure that the sums paid into the Fund in respect of the race meetings held on Anzac Day in any year, are, as far as is practicable, applied in accordance with this section before the end of that year.

“13 The accounts of the Trust are subject to the *Audit Act* 1918. Audit.

“14—(1) The Trust shall submit annually to the Minister a report on the exercise of its functions under this Act specifying the amounts paid into or disbursed from the Fund. Reports to the Minister.

“(2) A report under this section shall be made as soon as practicable after the sums paid into the Fund in respect of the race meetings held on Anzac Day in any year have been disbursed, but, in any event, shall be made before the end of that year.

“15—(1) Where a demand is made on a responsible body for the payment of any sum due to be paid by it under section ten and, within one month of the demand being made, that sum is not paid to the Trust the secretary and each member of that body is guilty of an offence unless he proves that he was not responsible for the failure and that he had no opportunity, or no power, to prevent the failure. Offences.

“(2) The demand referred to in subsection (1) of this section is a demand in writing specifying the sum due and, for the purposes of that subsection, that demand may be made by delivering it personally to the secretary or other similar officer of the responsible body concerned or by sending it by certified mail addressed to him at his usual or last-known place of abode or business.

“(3) Any person who for the purposes of obtaining a grant under this Part makes any representation that he knows to be false or does not believe to be true is guilty of an offence.

“(4) A person guilty of an offence under this section is liable to a penalty of five hundred dollars.

Regulations
under
Part III.

“16 The Governor may make regulations regulating the exercise by the Trust of its functions under this Part and, without prejudice to the generality of the foregoing provisions of this section, those regulations may—

- (a) regulate the proceedings of the Trust;
- (b) regulate the keeping of the accounts of the Fund and prescribe the manner in which payments are to be made out of the Fund; and
- (c) prescribe the manner in which, and the times at which, applications are to be made for grants out of the Fund.”.

4 The *Sunday Observance Act* 1968 is amended by inserting, after section eleven, the following section:—

Provisions as
to Anzac Day
falling on
a Sunday.

“11A This Act has effect subject to the *Anzac Day Observance Act* 1929 and no regulations made for the purposes of section six or section seven of this Act apply to a Sunday that is Anzac Day.”.

RACING AND GAMING.

No. 3 of 1970.

AN ACT to amend the *Racing and Gaming Act*
1952. [15 April 1970.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Racing and Gaming Act* 1970.

(2) The *Racing and Gaming Act* 1952, as subsequently amended, is in this Act referred to as the Principal Act.