

Anzac Day Observance Amendment Bill 2011

PART 1 – PRELIMINARY

- Clause 1 Short title.
- Clause 2 Provides for all provisions in the Act to commence on the day the Act receives the Royal Assent.

PART 2 – ANZAC DAY OBSERVANCE ACT 1929 AMENDED

This part amends sections of the *Anzac Day Observance Act 1929* relating to the timing and extent of restrictions of activities on Anzac Day, the protection of employees who decline a request to work related to activities restricted on Anzac Day, and the role and governance of the Anzac Day Trust and Anzac Day Trust Fund.

- Clause 3 This clause defines the *Anzac Day Observance Act 1929* as the Principal Act for the purposes of Part 2.
- Clause 4 Provides that the long title of the Act be expanded to include objectives relating to the Anzac Day Trust and Fund. The Anzac Day Trust is responsible for allocating funds to service organisations that support former members of the defence forces and their families.
- Clause 5 This clause provides definitions for the purposes of the amendments.
- Clause 6 Provides that race meetings and sporting and entertainment activities must not commence before 12.30pm. This replaces the time of 12.15pm in the Principal Act.
- Clause 7 Provides for further restrictions on events on Anzac Day to include shows, regattas, markets, bazaars and gambling (other than ‘scratchies’ or lottery tickets and internet-based gaming) that must not commence before 12.30pm. Under this clause, gambling restrictions begin at 4.00am.
- This clause also sets penalties for infringements.
- Clause 8 Extends the protection of employees to cover those who decline a request to work related to the additional activities restricted on Anzac Day.
- Clause 9 This clause removes definitions of “race meeting” and “responsible body” as these terms are now redundant as amendments to the Act in 1994 removed the requirement for bodies that held race meetings on Anzac Day to make payments to the Anzac Day Trust.

- Clause 10 This clause makes changes to the role and governance of the Anzac Day Trust. It provides for:
- all future appointments to the Trust to be made by the Governor on the recommendation of the Minister responsible for the Act;
 - a member of the Trust to be appointed for a term of three years and for the membership to be renewed;
 - the removal of the requirement for two Trust members to be nominated by the Legacy Clubs and the Tasmanian State Branch of the Returned Services League of Australia; and
 - the removal of the requirement for the Governor to approve the reimbursement of Trust members' expenses.
- Clause 11 Repeals section 9(2)(b) of the Act which allowed for sums paid to the Anzac Day Trust by responsible bodies to be credited to the Fund. This provision is now redundant.
- Clause 12 Repeals section 12(7) of the Act which required the Trust to apply funds that it received from race meetings in the same year that they were received. This provision is now redundant.
- Clause 13 This clause requires the Minister to publish the Trust's annual report as soon as practicable.
- Clause 14 Repeals sections 15(1) and 15(2) of the Act which provided for the non-payment of revenue to the Trust arising from race meetings to be an offence. This provision is now redundant.
- Clause 15 Repeals section 16 of the Act which provides the Governor with the power to make regulations in relation to the proceedings of the Anzac Day Trust and the payments to and from the Fund.
- In its place, this clause adds a new section which allows the Minister to set guidelines for the Anzac Day Trust and Fund.

PART 3 – SHOP TRADING HOURS ACT 1984 AMENDED

This part amends sections of the *Shop Trading Hours Act 1984* relating to shops that are exempt from trading restrictions imposed on Anzac Day.

- Clause 16 Defines the *Shop Trading Hours Act 1984* as the Principal Act for the purposes of Part 3.
- Clause 17 Clarifies the definition of a service station (which is exempt from trading restrictions under section 3A of the Act).
- Clause 18 Removes Anzac Day from the occasions when certain shops are prohibited from opening under the same rule that applies to Christmas Day and Good Friday, namely shops owned by businesses that employ more than 250 persons.

- Clause 19 This clause creates a specific section for trading restrictions on Anzac Day. It provides that shops must not open before 12.30pm except pharmacies, and shops employing up to 10 persons in the March month prior to Anzac Day.
- The clause also prevents significant collections of shops to be open, such as shopping centres, and shops in malls and plazas.
- The clause allows the Minister to exempt shops, or a class or group of shops, from these restrictions, taking into account the needs of the local community. This is designed to ensure that the restrictions do not prevent households from purchasing essential items.
- The clause also sets out penalties for infringements.
- Clause 20 Provides for the employee protection provisions in the Act to cover the employees that work in the shops that are included in the new restrictions.
- Clause 21 Provides for the Act to be repealed on the 90th day from the day on which it commences.