

TASMANIA

ANZAC DAY OBSERVANCE AMENDMENT BILL 2011

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ANZAC DAY OBSERVANCE AMENDMENT BILL 2011

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
17 November 2011

*(Brought in by the Minister for Veterans' Affairs, the
Honourable Scott Bacon)*

A BILL FOR

**An Act to amend the *Anzac Day Observance Act 1929* and
the *Shop Trading Hours Act 1984***

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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Anzac Day
Observance Amendment Act 2011*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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Part 2 – Anzac Day Observance Act 1929 Amended

**PART 2 – ANZAC DAY OBSERVANCE ACT 1929
AMENDED**

3. Principal Act

In this Part, the *Anzac Day Observance Act 1929** is referred to as the Principal Act.

4. Long title amended

The long title of the Principal Act is amended by inserting “and for the Anzac Day Trust and Anzac Day Trust Fund” after “holiday”.

5. Section 3 amended (Interpretation of Part II)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of “children's sports”:

“bookmaking” has the same meaning as in the *Racing Regulation Act 2004*;

- (b) by inserting the following definitions after the definition of “event”:

*No. 70 of 1929

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“foreign game” has the same meaning as in the *Gaming Control Act 1993*;

“gaming” has the same meaning as in the *Gaming Control Act 1993*;

“gaming activity” has the same meaning as in the *Gaming Control Act 1993*;

- (c) by inserting the following definition after the definition of “place of public entertainment”:

“racecourse” has the same meaning as in the *Racing Regulation Act 2004*;

6. Section 4 amended (Sport and entertainment on Anzac Day)

Section 4 of the Principal Act is amended by omitting subsections (1), (2) and (3) and substituting the following subsections:

- (1) Racing at a race meeting held on Anzac Day must not commence before 12.30 p.m.
- (2) Any theatrical exhibition or entertainment, or cinematographic exhibition, held in a place of public entertainment on Anzac Day must not commence before 12.30 p.m.

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Part 2 – Anzac Day Observance Act 1929 Amended

- (3) Any event at sports to which this section applies and that are held on Anzac Day must not commence before 12.30 p.m.

7. Section 4A inserted

After section 4 of the Principal Act, the following section is inserted in Part II:

4A. Further restrictions on events on Anzac Day

- (1) On Anzac Day at any time before 12.30 p.m, a person must not hold, or cause or permit to be held, an agricultural, pastoral or horticultural society's show, bazaar, fete, fair, market or trade exhibition in or at which persons occupy or have the use of barrows, stalls, tables or other similar apparatus from or at which goods are sold, or exposed or offered for sale, by retail.

Penalty: Fine not exceeding 10 penalty units.

- (2) Between the hours of 4 a.m and 12.30 p.m on Anzac Day, a person must not cause or permit the conduct of –
 - (a) gaming or a gaming activity, other than a foreign game; or
 - (b) bookmaking at a racecourse.

Penalty: Fine not exceeding 10 penalty units.

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8. Section 5 amended (Work in connection with race meetings and sports on Anzac Day)

Section 5 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, specified event” after “race meeting”;
- (b) by inserting in subsection (1) “, specified event” after “where the meeting”;
- (c) by inserting in subsection (1) “, specified event” after “at the meeting”;
- (d) by inserting the following subsection after subsection (4):

(5) In this section –

“**specified event**” means an event or activity referred to in section 4(2) or section 4A.

9. Section 6 amended (Interpretation of Part III)

Section 6 of the Principal Act is amended by omitting the definitions of “race meeting” and “responsible body”.

10. Section 7 amended (The Anzac Day Trust)

Section 7 of the Principal Act is amended as follows:

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- (a) by inserting in subsection (2) “on the recommendation of the Minister” after “Governor”;
- (b) by inserting the following subsections after subsection (2):
 - (2A) A member of the Trust is to be appointed for a term of 3 years.
 - (2B) Unless it is sooner terminated, the term of appointment of a member of the Trust who is appointed after the commencement of the *Anzac Day Observance Amendment Act 2011* expires 3 years after the day of the appointment.
 - (2C) At the expiration of his or her term of appointment, a member may be reappointed for a further 3-year term.
- (c) by omitting subsections (4) and (5);
- (d) by omitting from subsection (10) “such sums as the Governor may approve in”;
- (e) by inserting in subsection (10) “reasonably” after “expenses”.

11. Section 9 amended (The Anzac Day Trust Fund)

Section 9(2) of the Principal Act is amended by omitting paragraph (b).

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Part 2 – Anzac Day Observance Act 1929 Amended

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12. Section 12 amended (Application of Fund)

Section 12 of the Principal Act is amended by omitting subsection (7).

13. Section 14 amended (Reports to the Minister)

Section 14 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) The Minister is to arrange for the publication on the internet of a report under this section as soon as practicable after receiving the report.

14. Section 15 amended (Offences)

Section 15 of the Principal Act is amended by omitting subsections (1) and (2).

15. Section 16 substituted

Section 16 of the Principal Act is repealed and the following section is substituted:

16. Minister may issue guidelines

- (1) The Minister may issue guidelines in relation to the exercise by the Trust of its functions under this Part in respect of –
 - (a) the proceedings of the Trust; and

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- (b) 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) the process and criteria for considering applications for grants out of the Fund; and
 - (d) the manner in which, and the times at which, the Trust requires those applications to be made.
- (2) The Minister must afford the Trust a reasonable opportunity to make representations in respect of the guidelines before they are issued.
- (3) The Minister is to publish from time to time any guidelines issued under this section in a newspaper that is published and circulated generally in Tasmania or in the *Gazette* or on the internet.

PART 3 – SHOP TRADING HOURS ACT 1984
AMENDED

16. Principal Act

In this Part, the *Shop Trading Hours Act 1984** is referred to as the Principal Act.

17. Section 3A amended (Non-application of Act)

Section 3A(3) of the Principal Act is amended by omitting paragraph (e) and substituting the following paragraph:

- (e) a service station which is used principally for the sale of petroleum products and motor vehicle accessories; or

18. Section 5 amended (Certain shops prohibited from opening on certain occasions)

Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Friday; or” and substituting “Friday.”;
- (b) by omitting paragraph (c) from subsection (1);

*No. 61 of 1984

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Part 3 – Shop Trading Hours Act 1984 Amended

- (c) by omitting from subsection (2) “subsection (1)” and substituting “this section”.

19. Section 5AAA inserted

After section 5 of the Principal Act, the following section is inserted:

5AAA. Exemption for small shops, &c., on Anzac Day

- (1) A person must not cause or allow a shop to be kept open, within the meaning of section 5, on Anzac Day before 12.30 p.m.

Penalty: Fine not exceeding 200 penalty units.

- (2) Notwithstanding subsection (1), a shop may be kept open before 12.30 p.m on Anzac Day if the shop –
 - (a) is a pharmacy; or
 - (b) is not part of a shopping centre, plaza or mall and the number of persons engaged at the shop as employees or otherwise in the conduct of the business of the shop on any day in the immediately preceding March did not exceed 10; or

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- (c) is a shop, or belongs to a class or group of shops, that the Minister, by order, has declared may be kept open before 12.30pm on Anzac Day.
- (3) In deciding whether or not to make an order under subsection (2)(c), the Minister may have regard to such matters as the Minister considers relevant including, but not limited to –
 - (a) the needs of the relevant community and the effect on that community if the shop, or class or group of shops, is not kept open; and
 - (b) the policy that an order under this section should not undermine, to any significant degree, the controls on shop trading hours set out in this Act.
- (4) An order under subsection (2)(c) is a statutory rule for the purposes of the *Rules Publication Act 1953*.

20. Section 8 amended (Person not to be required to work contrary to an award or industrial agreement)

Section 8(2) of the Principal Act is amended by inserting “or section 5AAA(2)” after “section 5”.

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Part 4 – Repeal of Act

PART 4 – REPEAL OF ACT

21. Repeal of Act

This Act is repealed on the ninetieth day from the day on which it commences.