

DRAFT SECOND READING SPEECH

HON. GUY BARNETT MP

Anzac Day Observance Amendment Bill 2018

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I move – That the Anzac Day Observance Amendment Bill 2018 now be read for the second time.

In 2015, as part of the Tasmanian Government's red-tape reduction policy, the Treasurer requested WorkSafe Tasmania, the agency responsible for the *Shop Trading Hours Act 1984*, to undertake a review of the Anzac Day trading restrictions.

The Shop Trading Hours Act regulates shop trading hours including on Anzac Day.

The *Anzac Day Observance Act 1929* provides for how Anzac Day is observed. It particularly provides for those activities that cannot be undertaken before 12.30pm on Anzac Day.

The Act restricts a range of activities including sporting events, race meetings, entertainment, agricultural shows, markets and fairs from being undertaken before 12.30pm on Anzac Day.

The purpose of the restrictions is to recognise the significance of Anzac Day and to enable people who would otherwise be required to work or participate in certain events to attend Dawn Services and other commemorative services later in the day.

The Act is, however, silent regarding shop trading on Anzac Day.

The review undertaken by WorkSafe Tasmania identified the need for an exemption to be requested by some shop traders to enable them to trade on Anzac Day. These shops could include those that deliver essential services in regional areas, like the local grocer that sells bread and milk.

The review also found that there was benefit in including shop trading provisions for Anzac Day in the Anzac Day Observance Act. This would enable all legislative provisions relating to how Anzac Day is observed to be in the one piece of legislation.

Prior to the review, shop traders had reported that it can be confusing and frustrating for them to have to refer to two Acts, the provisions of which can appear contradictory.

The Shop Trading Hours Act, for example, does not apply to activities like regattas, race meetings, sports meetings, agricultural shows, markets and so on.

A reading of the relevant section of the Shop Trading Hours Act may lead shop owners to believe that they may trade at a regatta, race meeting, sports meeting, agricultural show or markets on the morning of Anzac Day.

On the other hand, the Anzac Day Observance Act identifies these activities as not being able to be held before 12.30pm on Anzac Day.

The Anzac Day Observance Amendment Bill 2018 seeks to transfer the provisions of the Shop Trading Hours Act that relate to Anzac Day to the Anzac Day Observance Act.

The Returned and Services League Tasmania Branch supports the amendments, as do the Tasmanian Independent Grocers.

The effect of the provisions will not change as a result of these amendments.

The existing powers and function of WorkSafe Tasmania Inspectors as they relate to shop trading on Anzac Day will continue.

I note to the House that the only change that will be made as a result of the amendment is that exemptions to the provisions will be made by notice rather than Order.

Under the current provisions of the Shop Trading Hours Act, exemptions are made by Order. This requires drafting of the Order by the Office of Parliamentary Council, ministerial approval and gazetting between the date the applications close – usually the end of March – and Anzac Day. This can be challenging in any year but particularly so when Anzac Day falls within the Easter period. Approving exemptions through notice has the same effect and approval process but a shorter timeline.

I commend the Bill to the House.