

Second Reading Speech

Anzac Day Observance Amendment Bill 2011

Mr Speaker

The *Anzac Day Observance Act 1929* sets out how Anzac Day is to be observed in Tasmania as a day of commemoration and to recognise the sacrifices made by all Australian men and women who served their country in times of war, conflict and in peacekeeping duties.

The Act includes restrictions on race meetings, sporting and entertainment activities on Anzac Day, many of which have been in place for several decades. In the meantime, many new leisure and entertainment activities have become popular.

In addition, the Act establishes the Anzac Day Trust and the Anzac Day Trust Fund to support service organisations.

The *Shop Trading Hours Act 1984* also has some restrictions on shop trading hours on Anzac Day.

Although the Anzac Day Observance Act has been amended on a number of occasions, it has not been substantially reviewed since its enactment in 1929. The Government therefore considered that it was timely to review the Act, and the relevant provisions in the Shop Trading Hours Act, to ensure that they reflect contemporary views about Anzac Day and how it is observed.

The Department of Treasury and Finance undertook an extensive consultation program which included the release of a Consultation Paper in late 2010 and a Position Paper in August 2011.

The review found that the Tasmanian community strongly recognises the significance of Anzac Day as Australia's national day to commemorate the service and sacrifice of Australians in all conflicts. There is continued strong support for retaining Tasmanian legislation relating to the restriction of certain activities on Anzac Day.

However, it became evident that the Act no longer includes all the major activities that can, for many, detract from the ceremonies and services that occur on Anzac Day.

Mr Speaker, the Anzac Day Trust has operated very successfully in allocating grants to service organisations. However, the review identified several opportunities to improve the arrangements relating to the Anzac Day Trust.

The *Anzac Day Observance Amendment Bill 2011* addresses the issues raised in the review and ensures that the legislation governing Anzac Day reflects contemporary views about the commemoration of the day and that the role and governance of the Anzac Day Trust remains appropriate.

Currently in Tasmania, race meetings, sporting and entertainment activities are restricted until 12.15pm on Anzac Day. There are, however, no restrictions that apply to gaming activities or significant leisure activities such as agricultural shows, regattas, markets and bazaars.

There was strong support for extending the restrictions to include these activities, many of which can draw large crowds and take place at locations adjacent to where ceremonies and services may be held.

The Bill therefore includes these activities as restricted activities. In the case of gambling activities, however, the Bill imposes the restriction from 4 a.m. on Anzac Day. This is because table gaming activities at casinos and gambling involving electronic gaming machines that occur in the early hours of Anzac Day does not interfere with events later in the day.

Mr Speaker, currently retail businesses employing more than 250 staff are also not permitted to trade until noon on Anzac Day. This allows shopping centres, malls and the larger independent retail businesses to remain open, which can also detract from the Anzac Day events. It also can prevent a large number of workers from attending Anzac Day events.

Furthermore, setting restrictions based on the total number of employees in a business across all its shops discriminates against the larger employers.

The review revealed a strong support for extending the restrictions on retail trading on Anzac Day.

The Bill amends the Shop Trading Hours Act by preventing most shops from being open when the ceremonies and services are being held on Anzac Day, with the exception of pharmacies, service stations and small shops that employ up to 10 people. This is to ensure that it is still possible to purchase essential goods on the morning of Anzac Day.

The restrictions in the Bill also apply to shopping centres, malls and plazas. The Bill does allow the Minister responsible for the Act to exempt certain classes or groups of shops from the restriction, which would occur if the Minister is satisfied that a local community would otherwise not be able to purchase essential items.

The Bill also extends protection to employees who decline a request to work in connection with additional activities included in the restrictions.

In addition, the Bill extends the period that all the restrictions apply to 12.30 pm. Under the current Acts, some of the restrictions end while ceremonies may still be taking place. As all events are concluded by 12.30 pm, it is appropriate that this is when the activities can recommence.

Mr Speaker, the submissions to the review revealed strong support for the Anzac Day Trust as an independent body to administer grants to service organisations. Some opportunities for improvements in the governance arrangements were proposed and are included in the Bill.

The Bill no longer requires two members of the Trust to be nominated from specified organisations, namely the Legacy Clubs established in Tasmania and the Tasmanian State Branch of the Returned Services League of Australia. As the Trust can give grants to these organisations, it is more appropriate that they have no direct role in any appointments to the Trust.

The Bill instead allows all future appointments to the Trust to be made by the Governor on the recommendation of the Minister responsible for the Act, without any nominations required.

The Bill also allows the Minister to set guidelines for the Anzac Day Trust and Fund and therefore removes the regulation making power as these allow regulations to be made to achieve the same purpose.

The Act currently requires the Trust to provide an annual report to the Minister but there is no requirement for the report to be made public. It is appropriate that the service organisations are informed as to how the Funds are dispersed each year and therefore the Bill requires the Minister to publish the Trust's report as soon as practicable.

Mr Speaker, there is strong community support from the service organisations for the proposed changes.

I commend the Bill to the House.