

ANZAC DAY AMENDMENT BILL 2015

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Peter Collier (Leader of the House)**, read a first time.

Second Reading

HON PETER COLLIER (North Metropolitan — Leader of the House) [4.10 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Anzac Day Amendment Bill 2015, which ensures that the Anzac Day Act 1960 is amended to meet the current day needs of Western Australian veterans and ex-service personnel. With the establishment of a veterans portfolio in 2013, the government recognised that the Anzac Day Act most appropriately sits within the purview of the veterans portfolio rather than Treasury, and to that end an Executive Council order approved the transfer of the Anzac Day Act to the Minister for Veterans. The Anzac Day Amendment Bill 2015 formalises that transfer by replacing all references to “Treasurer” with “minister”, to allow a designated minister of the Crown to manage the act. The act is allocated to the Minister for Veterans in the administration of departments, statutes, authorities and votes.

The Anzac Day Trust, constituted under the act, provides funds to the benefit of ex-service personnel and their families. The bill removes the stipulation that funds are to be applied to the preservation, alteration and improvement of homes for ex-service personnel, and instead funds may be applied, with the approval of the minister, for any purpose that benefits ex-service personnel and their families.

Contributions to the Anzac Day Trust are required when a sporting or racing event takes place on Anzac Day. The current act requires a contribution of 60 per cent of net proceeds, which is quite onerous and probably inadvertently serves as a deterrent to the staging of such events. The bill outlines a new formula for calculating contributions to the trust: it is five per cent of the prescribed admission price, multiplied by the number of people in attendance at the event. The admission price is prescribed in regulations to account for the various terminologies used by different sporting codes to reflect a standard adult general admission ticket. For example, for an Australian Rules football game held at Domain Stadium, an admission ticket may be prescribed in regulations as an adult general admission ticket; whereas for a cricket match at the Western Australian Cricket Association ground, an admission ticket may be prescribed as a general admission east bank ticket. The benchmark will be an unobstructed general admission ticket for an adult. The formula for contributing to the trust will apply uniformly to events that are held in either metropolitan or regional locations, but will now apply only to professional sporting or racing events with a minimum attendance of 5 000 people.

It is not the government’s intention to make junior or amateur sports subject to the conditions of the act relating to the trust. Rather, our firm belief is that if a professional organisation profits from the memory of Anzac by conducting a commercial event on Anzac Day, an appropriate contribution to the trust must be made.

The bill also outlines an alternative mechanism for determining a contribution to the trust. An organisation may write to the minister no less than 30 days before Anzac Day with an alternative proposal for the minister’s consideration. This provides for a degree of flexibility if differing or unforeseen circumstances occur in the future.

In order to ensure that governance arrangements for the trust meet current community expectations, the bill removes the requirement for a trustee to be drawn from each of the Returned and Services League, Perth Legacy and another, rotating, Western Australian ex-service organisation. Instead, the bill specifies that all four of the trustees cannot be members or employees of ex-service organisations, to ensure that a distinction exists with members of potential recipient organisations. Although there is absolutely no concern regarding the conduct of the current or previous trustees, it is incumbent upon the government to ensure that a clear delineation of responsibilities prevents any perception of a conflict of interest.

The bill removes the exemption previously applied to Sundays, such that when Anzac Day falls on a Sunday, contributions to the trust are required as per any other day of the week. However, the bill maintains the stipulation that no sporting or racing event may be held prior to the hour of 1.00 pm on Anzac Day.

The bill makes minor administrative amendments to increase the time frame permitted for providing a statutory declaration of events held on Anzac Day, from 30 to 90 days, and increases the penalty for contraventions to the legislation to a maximum of \$5 000, to serve as a credible deterrent.

Pursuant to Legislative Council standing order 126(1), I advise that this bill is not a uniform legislation bill and does not ratify or give effect to an intergovernmental or multilateral agreement to which the government or a state is a party, nor does this bill by reason of its subject matter introduce a uniform scheme or uniform laws throughout the commonwealth. I commend the bill to the house and table the explanatory memorandum.

[See paper 3866.]

Debate adjourned, pursuant to standing orders.