

Anzac Day Amendment Bill 2015

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 3 amended	2
5.	Section 4 amended	4
6.	Section 5 amended	4
7.	Section 6 amended	6
8.	Section 7 amended	7
9.	Section 10 amended	8
10.	Section 11 amended	9
11.	Section 13 amended	9
12.	Section 14 amended	10
13.	Section 16 amended	10
14.	Section 17 amended	10

Western Australia

LEGISLATIVE ASSEMBLY

(As amended in Committee)

Anzac Day Amendment Bill 2015

A Bill for

An Act to amend the *Anzac Day Act 1960*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Anzac Day Amendment Act 2015*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
- 7 (b) the rest of the Act — on a day fixed by proclamation,
8 and different days may be fixed for different provisions.

9 **3. Act amended**

10 This Act amends the *Anzac Day Act 1960*.

11 **4. Section 3 amended**

12 (1) In section 3 delete the definitions of:

13 *dependant*

14 *sports*

15 (2) In section 3 insert in alphabetical order:

16

17 *ex-service organisation* means a body, whether
18 incorporated or not, which has as its object, or one of
19 its principal objects, the assistance of ex-service
20 personnel;

21 *ex-service personnel* means any of the following —

- 22 (a) members and former members of the Australian
23 Defence Force;
- 24 (b) persons who are now resident in the State who
25 were previously members of a naval, military
26 or air force of any other nation of which Her
27 Majesty is the Sovereign;

1 (c) persons who are now resident in the State who
2 were previously members of a naval, military
3 or air force of any other nation allied or
4 associated with Australia;

5 **large race event** means a race meeting —

6 (a) for which admission tickets are sold; and

7 (b) that is attended by at least 5 000 persons;

8 **prescribed admission ticket**, in relation to an event,
9 means an admission ticket of a type prescribed by the
10 regulations for that type of event;

11 **professional sport** means competitive sport engaged in
12 by paid participants;

13 **professional sport event** means a sport event —

14 (a) at which a professional sport is played or
15 conducted; and

16 (b) for which admission tickets are sold; and

17 (c) that is attended by at least 5 000 persons;

18 **sport event** means an event at which competitive sport
19 is played or conducted and for which either a fee for
20 admission is required to be paid by spectators or
21 donations are sought from spectators, but does not
22 include a race meeting;

23

24 (3) In section 3 in the definition of **Trustee** delete “chairman.” and
25 insert:

26

27 chairperson.

28

s. 5

1 **5. Section 4 amended**

2 (1) In section 4(4) delete “offence and is liable to a penalty not
3 exceeding \$400.” and insert:

4
5 offence.

6
7 (2) At the end of section 4(4) insert:

8
9 Penalty for this subsection: a fine of \$5 000.
10

11 **6. Section 5 amended**

12 (1) In section 5(1):

13 (a) delete “race meeting” and insert:

14
15 large race event

16
17 (b) delete “shall within one month after that race meeting is
18 held or conducted — ” and insert:

19
20 must within 90 days after the event —
21

22 (c) delete paragraph (a) and insert:

23
24 (a) give to the Trust a written document that
25 specifies the number of persons who attended
26 the event and the price of a prescribed
27 admission ticket for the event; and

28 (ba) include in the document a statutory
29 declaration —

30 (i) that is made by the person or by the
31 secretary or treasurer of the racing club;
32 and

1 (ii) that verifies the information in the
2 document;

3 and
4

5 (2) In section 5(2):

6 (a) delete “race meeting” and insert:

7

8 large race event
9

10 (b) delete “furnish the return” and insert:

11

12 give the document
13

14 (c) delete “net proceeds derived from the race meeting in
15 accordance with” and insert:

16

17 amount required by
18

19 (d) delete “offence and is liable to a penalty not exceeding
20 \$400.” and insert:

21

22 offence.
23

24 (3) At the end of section 5(2) insert:

25

26 Penalty for this subsection: a fine of \$5 000.
27

28 (4) Delete section 5(4).

29 Note: The heading to amended section 5 is to read:

30 **Large race events on Anzac Day**

s. 7

1 **7. Section 6 amended**

2 (1) In section 6(1) delete “sports” and insert:

3

4 sport event

5

6 (2) In section 6(2) delete “race, match, game, exercise, pastime,
7 contest or other event at any sports” and insert:

8

9 sport event

10

11 (3) Delete section 6(3).

12 (4) In section 6(4):

13 (a) delete “any sports are” and insert:

14

15 a sport event is

16

17 (b) delete “those sports were so” and insert:

18

19 the event was

20

21 (c) delete “offence and is liable to a penalty not exceeding
22 \$400.” and insert:

23

24 offence.

25

26 (5) At the end of section 6(4) insert:

27

28 Penalty for this subsection: a fine of \$5 000.

29

30 Note: The heading to amended section 6 is to read:

31 **Sport events on Anzac Day**

1 **8. Section 7 amended**

2 (1) In section 7(1):

3 (a) delete “any sports are” and insert:

4

5 a professional sport event is

6

7 (b) delete “shall within one month after the holding of the
8 sports —” and insert:

9

10 must within 90 days after the event —

11

12 (c) delete paragraph (a) and insert:

13

14 (a) give to the Trust a written document that
15 specifies the number of persons who attended
16 the event and the price of a prescribed
17 admission ticket for the event; and

18 (ba) include in the document a statutory
19 declaration —

20 (i) that is made by the person or by the
21 secretary or treasurer of the club,
22 association or body; and

23 (ii) that verifies the information in the
24 document;

25 and

26

27 (2) In section 7(2):

28 (a) delete “sports are” and insert:

29

30 a professional sport event is

31

s. 9

- 1 (b) delete “furnish the return” and insert:
2
3 give the document
4
- 5 (c) delete “net proceeds derived from the holding of those
6 sports in accordance with” and insert:
7
8 amount required by
9
- 10 (d) delete “and is liable to a penalty not exceeding \$400,”.
11 (3) At the end of section 7(2) insert:
12
13 Penalty for this subsection: a fine of \$5 000.
14
- 15 (4) Delete section 7(3).
16 Note: The heading to amended section 7 is to read:
17 **Professional sport events on Anzac Day**
- 18 **9. Section 10 amended**
19 Delete section 10(3) and insert:
20
- 21 (3) The money standing to the credit of the Account —
22 (a) may be applied in payment of the costs of the
23 administration of this Act; and
24 (b) may, with the approval of the Minister, be
25 applied by the Trust for any purpose that
26 benefits ex-service personnel or their families.
27

1 **10. Section 11 amended**

2 (1) Delete section 11(2) to (5C) and insert:

3

4 (2) The Trust consists of 4 Trustees appointed by the
5 Minister.

6 (3) The Minister must designate a Trustee to be the
7 chairperson of the Trust.

8 (4) A Trustee may be designated as the chairperson at the
9 same time as the person is appointed as a Trustee or at
10 any time after the person is appointed as a Trustee.

11 (5) A person who is a member or employee of an
12 ex-service organisation is not eligible to be appointed
13 as a Trustee.

14

15 (2) After section 11(6) insert:

16

17 (7) A person who holds office as a Trustee immediately
18 before the commencement of the *Anzac Day*
19 *Amendment Act 2015* section 10 ceases to be a Trustee
20 on that commencement.

21

22 **11. Section 13 amended**

23 In section 13(d) delete “Governor” and insert:

24

25 Minister

26

s. 12

1 **12. Section 14 amended**

2 In section 14 delete “Governor” (each occurrence) and insert:

3

4 Minister

5

6 **13. Section 16 amended**

7 In section 16 delete “chairman.” and insert:

8

9 chairperson.

10

11 **14. Section 17 amended**

12 In section 17(2) delete “\$100” and insert:

13

14 a fine of \$1 000

15

16

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