

ANZAC DAY AMENDMENT BILL 2015

EXPLANATORY MEMORANDUM

Overview

The purpose of this Bill is to amend the *ANZAC Day Act 1960* (the Act) to ensure it is relevant to the current day veteran community.

The ANZAC Day Trust, constituted under the Act, provides funds to the benefit of veterans and their families. The Bill will change governance arrangements for the Trust to require Trustees to be eminent persons who are independent of recipient organisations. The Bill requires contributions to the Trust to only apply to professional sporting or racing events held on ANZAC Day with a minimum attendance of 5000 people, regardless of whether the event is held in a metropolitan or regional location.

The Bill will amend the methodology for calculating contributions to the Trust – it will now be 5 percent of the prescribed admission ticket multiplied by the number of people in attendance at the event. However, the Bill does provide that an alternative methodology may be submitted at least 30 days prior to ANZAC Day, for the Minister's consideration.

The Bill

Clause 1: Short title

This clause provides the short title of the Bill and its citation.

Clause 2: Commencement

This clause provides for the commencement of the Bill at different times. Sections 1 and 2 commence on the day on which the Bill receives Royal Assent. The remainder of the Bill commences on a day fixed by proclamation, and allows different days to be fixed for different provisions.

Clause 3: Act Amended

This clause cites the title of the principal Act to be amended by this Bill.

Clause 4: Section 3 amended

Sub-clause (1) deletes the definitions of *dependant* and *sports* in the principal Act as they are refined by new terms.

Sub-clause (2) inserts definitions of the following terms:

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

ex-service personnel means any of the following:

- (a) members and former members of the Australian Defence Force;
- (b) persons who are now resident in the State who were previously members of a naval, military or air force of any other nation of which Her Majesty is the Sovereign;
- (c) persons who are now resident in the State who were previously members of a naval, military or air force of any other nation allied or associated with Australia;

large race event means

a race meeting:

- (a) for which admission tickets are sold; and
- (b) that is attended by at least 5000 persons;

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

professional sport means competitive sport engaged in by paid participants;

professional sport event means a sport event:

- (a) at which a professional sport is played or conducted; and
- (b) for which admission tickets are sold; and
- (c) that is attended by at least 5000 persons;

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

Sub-clause (3) provides for *chairperson* to replace *chairman* in the definition of *Trustee*.

Clause 5: Section 4 amended

Sub-clauses (1) and (2) provide for the penalty for the offence of staging a race meeting prior to the hour of 1pm on ANZAC Day to increase from \$400 to \$5000.

Clause 6: Section 5 amended

Sub-clause (1) provides for the amendment of section 5(1) by:

- (a) replacing *race meeting* with *large race event* to account for the condition of a minimum of 5000 people in attendance before a contribution to the Trust is required;

- (b) affording organisations a longer period to settle their accounts by extending the timeframe from one month to 90 days; and
- (c) requiring that a written document must specify the number of persons who attended an event and the price of a prescribed admission ticket in order to account for the new formula, and that the document is verified by a prescribed official from the racing club.

Sub-clause (2) provides for the amendment of section 5(2) by updating the terminology as per the amendments described in sub-clause (1) above. It also provides for an increase to the penalty outlined in sub-clause (3) below.

Sub-clause (3) provides for a fine of \$5000 as a penalty for failing to provide documentation or failing to pay the required amount deemed due following the staging of a racing event on ANZAC Day.

Sub-clause (4) deletes section 5(4) which treats sporting and racing events held on a Sunday differently to other days of the week. The Bill ensures that when ANZAC Day falls on a Sunday the provisions relating to other days of the week now apply to Sunday.

Clause 7: Section 6 amended

Sub-clauses (1) and (2) delete descriptions of various types of sports and insert the term *sport event* in accordance with the definition outlined in clause 4(2), in order to update the terminology when specifying that a sport event cannot take place before the hour of 1pm on ANZAC Day.

Sub-clause (3) deletes section 6(3) as it is now redundant. Sunday is treated the same as any other day of the week.

Sub-clauses (4) and (5) provide for the amendment of section 6(4) by utilising updated terminology in outlining that if a person or organisation fails to comply with section 6 a penalty of \$5000 will apply.

Clause 8: Section 7 amended

Sub-clause (1) provides for the amendment of section 7(1) by:

- (a) replacing *any sports* with *professional sport event* to ensure that only professional sporting activities and not junior or amateur sporting activities are in this scope, and to account for the condition of a minimum of 5000 people in attendance before a contribution to the Trust is required;
- (b) affording organisations a longer period to settle their accounts by extending the timeframe from one month to 90 days; and
- (c) requiring organisations to submit a written document specifying the number of persons who attended an event and the price of a prescribed

admission ticket in order to account for the new formula, and that the document is verified by a prescribed official from the sports club.

Sub-clause (2) provides for the amendment of section 7(2) by updating the terminology as per the amendments described in sub-clause (1) above. It also provides for an increase to the penalty outlined in sub-clause (3) below.

Sub-clause (3) provides for a fine of \$5000 as a penalty for failing to provide documentation or failing to pay the required amount deemed due following the staging of a sporting event on ANZAC Day.

Sub-clause (4) deletes section 7(3) which treats Sunday differently to other days of the week. The Bill ensures that when ANZAC Day falls on a Sunday the provisions relating to other days of the week now apply to Sunday.

Clause 9: Section 10 amended

This clause deletes section 10(3) which outlines the purposes of the Trust funds as being for the preservation, alteration and improvement of existing homes and the construction of new homes for ex-service personnel and their dependants; and for institutions or associations which provide assistance to ex-service personnel.

This clause inserts a new provision that Trust funds may be applied in payment of the costs of administering the Act and, with the approval of the Minister, may be applied for any purpose that benefits ex-service personnel and their families.

Clause 10: Section 11 amended

Sub-clause (1) deletes section 11(2) to (5C) which outlines the requirement for the four Trustees to include a representative from each of the Treasury, the Returned and Services League of Australia (WA Branch) Incorporated, Perth Legacy Incorporated and another ex-service organisation which is the holder of a charitable collections licence; and associated rules relating to the nomination of those representatives.

Amendments to section 11 provide for the appointment of four Trustees by the Minister, one of whom is designated by the Minister as chairperson of the Trust. In order to avoid potential conflicts of interest, members or employees of ex-service organisations which are potential recipient organisations cannot serve as Trustees.

Provision is made for a person who holds office as a Trustee immediately before the commencement of the *ANZAC Day Amendment Act 2015* such that they cease to be a Trustee on that commencement.

Clause 11: Section 16 amended

This clause provides for the replacement of *chairman* with *chairperson*.

Clause 12: Section 17 amended

This clause provides for the amendment of section 17(2) by increasing the penalty for breaching the regulations from \$100 to \$1000.