

## **ANZAC Day Amendment Bill 2005 Explanatory Memorandum**

This Bill amends the *ANZAC Day Act 1960* to make clear the purpose of ANZAC Day and why the legislation is needed to back it up. This amendment will ensure that ANZAC Day is enshrined in legislation as a day of commemoration and recognises the sacrifices made by all Australian men and women who served their country in times of war, conflict and in peacekeeping duties.

Currently the preamble to the present Act states “An Act to amend and consolidate the law relating to the observance of ANZAC Day as a public holiday; to establish an ANZAC Day Trust Fund; and for other and incidental purposes.”

This Bill clearly demonstrates the reason for commemorative activities on ANZAC Day and corrects the use of the word ‘Anzac’ to the acronym, “ANZAC”, which stands for Australia and New Zealand Army Corps.

The Bill proposes the deletion of sections 5(4) and 7(3) as a result of the removal of the legislative restriction prohibiting race meetings or sporting events being held on Anzac Day if it falls on a Sunday. As well as proposing amendments to sections 10 and 11, whereby all references to ‘the Treasurer’ are changed to ‘the Minister’, as the ownership of the Act is being transferred to the Premier’s portfolio.

### **Clause 1 - Short title**

This is a formal clause titling the Bill.

### **Clause 2 – Commencement**

This clause provides that the legislation will come into effect on the day it receives Royal Assent.

### **Clause 3 – The Act amended**

This clause states when the Act was last amended.

### **Clause 4 – Section 3A inserted and consequential amendment**

This clause deletes the previous preamble and amends it to define ANZAC Day as “An Act confirms the status of ANZAC Day as a day for the commemoration of the landing of Australian and New Zealand troops on the shores of Gallipoli on 25 April 1915 and recognises the sacrifices made by all Australian men and women serving their country in times of war, conflict and in peacekeeping duties”.

### **Clause 5– Section 5 amended**

This clause repeals section 5(4), as there is no longer a legislative restriction prohibiting race meetings being held on ANZAC Day if it falls on a Sunday. Section 5(4) provided that should Anzac Day fall on a Sunday, references to ANZAC Day in sections 5(1) and 5(2) should be construed as the next following Monday. This subsection is no longer necessary, and is therefore being repealed. This leads to the situation where net profits would only be remitted by a race club when an event is conducted on ANZAC Day irrespective of what day of the week it falls on.

**Clause 6 – Section 7 amended**

This clause repeals section 7(3), as there is no longer a legislative restriction prohibiting sporting events being held on ANZAC Day if it falls on a Sunday. Section 7(3) provided that should ANZAC Day fall on a Sunday, references to ANZAC Day in sections 7(1) and 7(2) should be construed as the next following Monday. This subsection is no longer necessary, and is therefore being repealed. This leads to the situation where net profits would only be remitted by a sport club when an event is conducted on ANZAC Day irrespective of what day of the week it falls on.

**Clause 7 – Various references to “Anzac” amended and saving**

The clause changes the term ‘Anzac’ to its correct form of ‘ANZAC’, which stands for Australian and New Zealand Army Corps.

**Clause 8 – Various references to Treasurer amended and saving**

This clause amends sections 10 and 11, which refer to ‘the Treasurer’ as the Minister responsible for the Act. It is appropriate for this to be changed to ‘the Minister’, in order to accommodate the transfer of the Act to the Premier’s portfolio. This change can also cater for any future transferral of the Act.

**Clause 9 – *Financial Administration and Audit Act 1985* amended**

This clause amends the *Financial Administration and Audit Act 1985* which includes changes the term ‘Anzac’ to its correct form of ‘ANZAC’ which stands for Australian and New Zealand Army Corps.

**Clause 10 – *Gaming and Wagering Commission Act 1987* amended**

This clause amends the *Gaming and Wagering Commission Act 1987* which includes changes the term ‘Anzac’ to its correct form of ‘ANZAC’ which stands for Australian and New Zealand Army Corps.

**Clause 11 – *Liquor Licensing Act 1988* amended**

This clause amends *Liquor Licensing Act 1988* which includes changes the term ‘Anzac’ to its correct form of ‘ANZAC’ which stands for Australian and New Zealand Army Corps.

**Clause 12 – *Minimum Conditions of Employment Act 1993* amended**

This clause amends the *Minimum Conditions of Employment Act 1993* which includes changes the term ‘Anzac’ to its correct form of ‘ANZAC’ which stands for Australian and New Zealand Army Corps.

**Clause 13 – *Public and Bank Holiday Act 1972* amended**

This clause amends the *Public and Bank Holiday Act 1972* which includes changes the term ‘Anzac’ to its correct form of ‘ANZAC’ which stands for Australian and New Zealand Army Corps.

**Clause 14 – *Retail Trading Hours Act 1987* amended**

This clause amends the *Retail Trading Hours Act 1987* which includes changes the term ‘Anzac’ to its correct form of ‘ANZAC’ which stands for Australian and New Zealand Army Corps.