

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Steve Pratt)

Anzac Day Bill 2008

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Anzac Day Bill 2008

A Bill for

An Act to preserve the dignity and solemnity of the commemoration of
Anzac Day

1 **Preamble**

- 2 1 On 25 April 1915 the Australian and New Zealand Army Corps
3 began landing on the Gallipoli peninsula in the first major military
4 action following the federation of Australia.
- 5 2 A national day of commemoration known as Anzac Day is observed
6 on the anniversary of the first Gallipoli peninsula landing, on
7 25 April each year.
- 8 3 The commemoration of Anzac Day recognises the bravery and
9 determination shown by the Australian and New Zealand Army
10 Corps, and all members of the Australian Defence Force who have
11 been involved in wars and armed conflict in the service of Australia.

The Legislative Assembly for the Australian Capital Territory therefore enacts
as follows:

1 **1 Name of Act**

2 This Act is the *Anzac Day Act 2008*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Object**

8 The object of this Act is to preserve the dignity and solemnity of the
9 commemoration of Anzac Day.

10 **4 Dictionary**

11 The dictionary at the end of this Act is part of this Act.

12 *Note 1* The dictionary at the end of this Act defines certain terms used in this
13 Act, and includes references (*signpost definitions*) to other terms
14 defined elsewhere in this Act.

15 For example, the signpost definition '*restricted activity*—see section 7.'
16 means that the term 'restricted activity' is defined in that section.

17 *Note 2* A definition in the dictionary (including a signpost definition) applies to
18 the entire Act unless the definition, or another provision of the Act,
19 provides otherwise or the contrary intention otherwise appears (see
20 Legislation Act, s 155 and s 156 (1)).

21 **5 Notes**

22 A note included in this Act is explanatory and is not part of this Act.

23 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of
24 notes.

1 **6 Offences against Act—application of Criminal Code etc**

2 Other legislation applies in relation to offences against this Act.

3 *Note 1 Criminal Code*

4 The Criminal Code, ch 2 applies to all offences against this Act (see
5 Code, pt 2.1).

6 The chapter sets out the general principles of criminal responsibility
7 (including burdens of proof and general defences), and defines terms
8 used for offences to which the Code applies (eg *conduct*, *intention*,
9 *recklessness* and *strict liability*).

10 *Note 2 Penalty units*

11 The Legislation Act, s 133 deals with the meaning of offence penalties
12 that are expressed in penalty units.

13 **7 Meaning of *restricted activity***

14 In this Act:

15 *restricted activity* means—

- 16 (a) a sporting event, if spectators must pay an admission fee or
17 charge, or make a donation, to attend the event; or
- 18 (b) a concert or other performance; or
- 19 (c) a fair or festival; or
- 20 (d) anything else prescribed by regulation.

21 **8 Offence—conduct restricted activity on Anzac Day
22 without permit**

23 (1) A person commits an offence if the person—

- 24 (a) conducts a restricted activity; and
- 25 (b) conducts the activity—
- 26 (i) in a public place; and

1 (ii) between 3 am and 1 pm on Anzac Day.

2 Maximum penalty: 100 penalty units.

3 (2) This section does not apply to a person conducting a restricted
4 activity if—

5 (a) the Minister has granted the person a permit, under section 9,
6 to conduct the activity; and

7 (b) the person conducts the activity in accordance with the permit.

8 **9 Permit for restricted activities on Anzac Day**

9 (1) A person may apply to the Minister for a permit to conduct a
10 restricted activity in a public place between 3 am and 1 pm on
11 Anzac Day.

12 (2) The Minister may grant a permit under this section only if satisfied
13 that the activity—

14 (a) is a genuine commemoration of Anzac Day; or

15 (b) would not detract from, or adversely affect, the
16 commemoration of Anzac Day.

17 (3) A permit must state the following:

18 (a) the name of the person who is permitted to conduct the
19 restricted activity;

20 (b) the activity permitted;

21 (c) the time when the activity is permitted;

22 (d) the expiry date of the permit.

23 (4) A permit may be conditional.

24 *Note* Power given by a law to make a decision includes power to reverse or
25 change the decision. The power to reverse or change the decision is
26 exercisable in the same way, and subject to the same conditions, as the
27 power to make the decision (see Legislation Act, s 180).

1 **10 Reviewable decisions**

2 Each of the following decisions of the Minister is a *reviewable*
3 *decision*:

- 4 (a) refusing to grant a permit under section 9;
5 (b) granting a permit subject to a condition under section 9.

6 **11 Review of decisions**

7 A person may apply to the AAT for review of a reviewable decision.

8 **12 Notice of reviewable decisions**

- 9 (1) If the Minister makes a reviewable decision, the Minister must give
10 written notice of the decision to each person affected by the
11 decision.
12 (2) The notice must be in accordance with the requirements of the code
13 of practice in force under the *Administrative Appeals Tribunal*
14 *Act 1989*, section 25B (1).

15 **13 Determination of fees**

- 16 (1) The Minister may determine fees for this Act.

17 *Note* The Legislation Act contains provisions about the making of
18 determinations and regulations relating to fees (see pt 6.3).

- 19 (2) A determination is a disallowable instrument.

20 *Note* A disallowable instrument must be notified, and presented to the
21 Legislative Assembly, under the Legislation Act.

22 **14 Approved forms**

- 23 (1) The Minister may approve forms for this Act.

- 24 (2) If the Minister approves a form for a particular purpose, the
25 approved form must be used for the purpose.

26 *Note* For other provisions about forms, see the Legislation Act, s 255.

1 (3) An approved form is a notifiable instrument.

2 *Note* A notifiable instrument must be notified under the Legislation Act.

3 **15 Regulation-making power**

4 The Executive may make regulations for this Act.

5 *Note* Regulations must be notified, and presented to the Legislative
6 Assembly, under the Legislation Act.

1 Dictionary

2 (see s 4)

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to
4 this Act.

5 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 6 • ACT
- 7 • disallowable instrument (see s 9)
- 8 • may (see s 146)
- 9 • Minister (see s 162)
- 10 • must (see s 146)
- 11 • notifiable instrument (see s 10)
- 12 • penalty unit (see s 133).

13 *Anzac Day* means 25 April in any year.

14 *public place* means a place which is open to members of the public
15 (with or without payment).

16 *restricted activity*—see section 7.

17 *reviewable decision*—see section 10.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
