ANZAC DAY BILL 1983
(Private Senator's Bill - Senator Lewis)

Date Introduced: 31 May 1983
House: Senate
Presented by: Senator A.W.R. Lewis

Short Digest of Bill

Purpose

To mark 25 April as a national day of remembrance and to provide for national commemoration services in the national capital to be controlled by the National President of the Returned Services League.

Background

Anzac Day commemorates the landing of Australian and New Zealand Forces at Gallipoli on 25 April 1915, and sacrifices in armed conflict by members of the Australian armed forces since that time. The first Anzac Day was commemorated in 1916.

Anzac Day is pointed out in the Second Reading Speech to be unique among countries in that its commemoration is quite general and informal, not limited to a single military event. On Anzac Day 1980 in Canberra, police arrested 20 women joining a march to lay a wreath in memory of women raped in war.

For Anzac Day 1982 the Public Assemblies Ordinance was gazetted; women marched without incident prior to the time set down for the formally authorised parade. The Ordinance was repealed by the present Government prior to Anzac Day this year.

On Anzac Day 1983 in Canberra, about 340 women marched to the Australian War Memorial an hour before the official ceremony to lay wreaths in honour of "all women from all countries raped in wars" (Canberra Times, 26 April 1983).

The Public Assemblies Ordinance engendered controversy in 1982 because of the haste with which it was introduced, and because its provisions led to civil
liberties and other groups having to obtain permission to join the Anzac Day march.

Control over the official ceremony at the Australian War Memorial is affected by the Australian War Memorial Act, 1980, which gives the War Memorial Council control over the area in which the War Memorial is situated. Section 42 of that Act further permits regulations to be made by the Governor-General regulating entry and conduct of persons in areas or buildings owned or controlled by the Memorial.

Main Provisions

The Bill differs from the Public Assemblies Ordinance in that it is restricted to Anzac Day observances. The intention of Parliament in enacting the Bill is indicated in clause 4. Anzac Day is to be "marked as a national day of remembrance".

The scheme for Anzac Day observance, which is required to include a dawn service and parade (subclause 6(2)), commences with publication in the Gazette of a summary of arrangements at least 90 days before, and states persons to whom it is proposed to issue permissions to participate.

Clause 7 requires similar publication, at least 60 days prior, of areas designated for the observance.

Permissions to participate may be issued by the National President of the Returned Services League under clause 9, whether or not an application is received under clause 8.

Participation without permission, entry onto the designated area during the observance without permission, and interference with an observance are offences under clause 14, punishable by a fine not exceeding $200.

Review by the Federal Court is permitted by clause 12, on application at least 14 days prior to the observance. The power of review is quite wide, since the President's decision in relation to designation of an area or permission for participation may be substituted with a decision by the Court. Although the President is not a Government official,
his decision would be under a Commonwealth enactment, and appeal under the Administrative Decisions (Judicial Review) Act would therefore seem possible.

For further information, if required, contact:

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