

## EXPLANATORY STATEMENT

Statutory Rules No.419

### War Precautions Act Repeal Act 1920

Protection of Word "Anzac" Regulations (Amendment)

Issued by the authority of the Minister for Veterans' Affairs

Section 22 of the *War Precautions Act Repeal Act 1920* (the Act) provides that the Governor-General may make regulations, not inconsistent with the Act, prescribing all matters which are required or permitted by the Act to be prescribed, for giving effect to the Act.

The amendment omits the penalty clauses in subregulations 2(1) and 3(1) of the Protection of Word "Anzac" Regulations.

The maximum penalty that may be imposed under subordinate legislation, \$1000, is considered inadequate for dissuading breaches of the Protection of Word "Anzac" Regulations. With the upsurge of interest in the use of the word "Anzac" because of the Gallipoli commemoration, significantly higher maximum penalties have been introduced by inserting appropriate penalties provisions in relation to these offences into the Act.

An amendment to incorporate higher penalties in the Act was included in Part 12 of the *Social Security and Veterans' Affairs Legislation Amendment Act (No.4) 1989*. Following the insertion of penalties provisions into the Act, the penalties provisions of the Protection of Word "Anzac" Regulations became redundant and will be omitted by these regulations.

Details of the regulations are set out in the Attachment.

Details of the Amending Regulations to the Protection of the Word "Anzac" Regulations

Regulation 1 - Principal Regulations

Regulation 1 provides that the term "Principal Regulations" used in the amending regulations means the Protection of Word "Anzac" Regulations.

Regulation 2 - Prohibition of use in trade, etc. of word "Anzac"

Subregulation 2(1) of the Principal Regulations provides for prohibition of the word "Anzac" in connection with any trade, business, calling or profession or in connection with any entertainment or any lottery or art union or as the name or part of the name of any private residence, boat, vehicle or charitable or other institution, or any building in connection therewith.

Regulation 2 of the regulations omits the maximum penalty prescribed for a breach of subregulation 2(1), in consequence of the insertion of a new penalty provision into the *War Precautions Repeal Act 1920* by Part 12 of the *Social Security and Veterans' Affairs Legislation Amendment Act (No.4) 1989*.

Regulation 3 - Prohibition of word "Anzac" as name of street, road or park

Subregulation 3(1) of the Principal Regulations provides that a person shall not use the word "Anzac" in naming a street, road or park or any word resembling the word "Anzac" as the name or part of the name of the street, road or park.

Regulation 3 of the regulations omits the maximum penalty prescribed for a breach of subregulation 3(1) in consequence of the insertion of a new penalty provision into the *War Precautions Repeal Act 1920* by Part 12 of the *Social Security and Veterans' Affairs Legislation Amendment Act (No.4) 1989*.