

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Anzac Day Subcommittee

Review of Anzac Day Laws

Melbourne – 2 September 2002

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Mr M. A. Birrell

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Ms D. Guest, Deputy General Manager, Learning and Teaching Innovation Division,
Office of School Education;

Mr J. Firth, Assistant General Manager, Victorian Curriculum and Assessment Authority;

Mr J. Livi, Principal Legal Officer, Department of Education & Training; and

Dr J. Andrews, Special Projects Unit, Learning and Teaching Innovation Division, Office of School
Education, Department of Education & Training.

Ms BEATTIE — Thank you all for your time. The purpose of today's hearing is for the department to present its submission.

Ms GUEST — I will start by outlining the context in which the submission is made. The curriculum in Victorian schools is informed by our Curriculum and Standards Framework, which is developed by the Curriculum and Assessment Authority. However, the decision about what is taught in schools, and how, is made by the school council based on local community needs. We provide a lot of support to schools to celebrate Anzac Day. I will now pass over to John Andrews.

Dr ANDREWS — Thank you for the opportunity to present this information. As Dina said, the curriculum context is the Curriculum and Standards Framework developed by the Victorian Curriculum Assessment Authority. Within that curriculum context at each level is a range of learning outcome requirements. The document provides a number of opportunities where students will, or may — depending upon the school-based decision — have the opportunity to examine the issues around Anzac Day; and more widely, Australia's international responsibility in that regard and issues of resolution of international conflict, peace education, and so on.

These opportunities must be age appropriate. There are also issues about students' understanding of time to be taken into account. For a five-year-old, yesterday is a fair distance back, let alone 1915, so we examine that in the context of the child's own family. The teacher would be more likely to ask a student of that age about Anzac Day coming up: 'Are you going anywhere special on the holiday with your family? What did you do?' — plus any school-based activities that may have been organised, so it is very personalised.

A student in years 9 and 10 will examine this in the context of Australian history. Consequently, we would need to look at why we went to Gallipoli; the consequent outcomes of that conflict, and the ways in which Australia examines it. We would also be looking at not only the conflict itself, but also its contribution to the Australian identity.

I have prepared an attachment, which I will provide for you. It outlines the various levels, the learning outcomes — and it says here 'possible classroom investigations' — because these are ideas that I thought of. I would not be presumptuous enough to say that 36 000 teachers are necessarily going to follow these ideas, as they may think of better ways to connect with our learning outcome requirements.

Anzac Day has had a varied history in terms of its commemoration and celebration. It is probably beyond doubt that Anzac Day has grown in popularity in more recent years. A lot of historical factors impact upon the different levels of that popularity in that there is also a historical factor we need to know about. We need that balance between war and peace. We would therefore raise issues with students not just about a particular area of conflict, but we would also look at possible future resolutions, so we have a futures perspective as well as a past perspective on these issues. That again is brought out here.

To support schools generally in teaching the resolution of international conflict, we have provided a number of resources. For grades 5 and 6 we have a unit of work called Rituals and National Days, which went out on a CD-ROM called curriculum@work. The CD-ROM was provided to all teachers in all schools in all three education sectors. At Level 4 on that CD-ROM the Rituals and National Days unit of work looks at Australia Day and Anzac Day. It provides activities that teachers can choose to use as they are; or they may adapt them, and that may motivate them to think of alternative ways of considering Anzac Day within their own schools. It will have a critical edge to it — and so it should — so that we engage people when they come around for the purpose of conclusions.

At Level 6 we have two units of work about World War II. As well as that, on SOFWeb — the department's Internet or website — we have the SOSE Homepage for the studies of society and environment, which is the host area for the studies of Australian history, and therefore the study of history and culture around Anzac Day.

We have taken the approach with those materials — which is on the second sheet, and which is taken from the website — that with the range of priorities in education the amount of time teachers will have for an area like this is limited. We want to maximise the impact. We have identified all Australian holidays and major events, including Remembrance Day, the Battle of Australia, Australia Day, Harmony Day, and so on, and provided teachers with the historical background and some whole-school activities they may choose to use. This is very much a very quick point of entry to find ideas for teachers to implement within their own classrooms around particular days — and we have done this for Anzac Day.

We have not gone into the historical background in this case, even though there is a need for teachers to have the historical background — and that came out in a national inquiry on the study of school history — because we found that teachers needed to improve their historical backgrounds. We also found there were already sites, such as the Australian War Memorial site, the Shrine of Remembrance site, where this is already done and done well. They have the visual records that we do not have. We can provide text, but it is better to make teachers aware these sites exist so they can use them.

They are the main ways we support schools. We also provide advice around conducting school-based ceremonies that will have meaning. Again, you adapt those ceremonies to the needs of your local school. A school in Gippsland will not be doing the same thing as a school in Brunswick, because you have an entirely different cultural mix and different needs among its students, so you all have to adapt. We provide general advice through our *Victorian Government Schools Reference Guide* on the conduct of these ceremonies, so we have school-based ceremonies as well; and schools are encouraged to take part in events like the one at the Shrine of Remembrance, or in their local community. I am also informed that the History Teachers Association of Victoria provides a number of resources for teachers of history in secondary colleges.

That is the range. It is not a mammoth amount, but I think it is appropriate that we support it, as it provides a good foundation on which we can build.

Mr BIRRELL — You spoke of material your department wanted to present.

Dr ANDREWS — That is the actual attachment about which I spoke, and this is the website.

Ms BEATTIE — Have teachers reported to the department that since Anzac Day falls within the school holidays there has been a diminished interest on the part of students because it is not immediate, it is not working up to Anzac Day as a big day?

Dr ANDREWS — I don't have any personal information, but I think because of the heightened public interest — I mean, there is greater media attention to start with — we now have students who attend wearing their grandfather's medals, or they will go and watch the parade. When children start doing things like that, it becomes fairly important for them to tell their peers about it. It therefore provides that opportunity for a lot of students. Australia Day is another day that is problematic, to say the least, so it is difficult.

Mr BIRRELL — Has the way the department has 'handled' — and 'handled' is not the word I want, but 'handled' is the word we all use — Anzac Day altered over the years? Has there been a new emphasis in the past five years?

Mr FIRTH — In the development of the Curriculum and Standards Framework, which is the overall policy document, there is a major change in emphasis. There have been two of these: the first one in '93, the second in '97, '98. That is the current one, and in that we emphasise Australian history and specific events such as Gallipoli, Anzac Day and World War II as well — what we might call defining events in Australia history — to a much greater extent than the first one. The document in the early '90s was very generic in terms of processes, more or less saying as a bit of a subtext that one event was as good as another to develop skills. Whereas in the current version there is a much more specific set of references to key events in relation to narrative and getting students, as John was saying, in age-appropriate ways to understand some of the stories. In turn the reflective materials the

department supplies support that.

Mr BIRRELL — Is it possible for a secondary school student to go through school and not study Anzac Day?

Mr FIRTH — There are two levels in the compulsory years, in grades 5 and 6 and in years 9 and 10, where there are learning outcomes that schools are required to cover, both of which refer to Anzac Day specifically. So, as Dina was saying it is up to schools to determine precisely the way they handle it. In late primary and in the middle years of secondary there are meant to be at least two occasions when students ought to have studied the events around Anzac Day substantively.

Mr BIRRELL — I am learning in this, but are there things that you do mandate? Are there touchstone bits of history or values or documents? Do you sort of say, 'I wouldn't want a kid to go through 12 years of school and not be taught something about the Australian Constitution or the fact that we are a certain type of society' or something; are there things that are not discretionary?

Mr FIRTH — The learning outcomes, which specify the learning aspects of the judicial and political systems, are required in the sense that schools have to be accountable back to the department about the programs they run. So when we say we do not have an essentially mandated syllabus that says in term 1 every school does that, there are key learning outcomes that relate to all the things you mentioned.

Ms GUEST — Which schools are required to report on.

Mr BIRRELL — That is right. I am trying to think of a bleedingly obvious example of something that you would regard as 'they need to' and then I ask: is Anzac Day in the same category? I am trying to touch on something a bit more specific, like do schools have to teach children about the existence and operation of parliament? I am not trying to quiz you on this; I am trying to find something that is incredibly self-evident.

Dr ANDREWS — There is a learning outcome in years 7 and 8 where students study the structure of the Australian political system, and again it is in that same category. But the way schools do it varies. Some people may incorporate that as a formal study of 'these are the three levels of government, and this is what their responsibilities are', et cetera. In other schools you may do it through case studies. So you might be looking at things to do with health, licensing pets, and who is responsible. They may get it through that particular approach, but there is a range of ways that these things happen.

You asked about the change over time. Ten years ago we wouldn't have put this up; it would have been a waste of time. That is because of the change in attitude. While you will in some ways lead community opinion, you also need to be aware of community opinion in what you do.

Ms GILLETT — Anzac Day is going through an evolution and a revolution. We have heard from lots of the people involved. There are legislative perspectives we need to deal with that are different now than they were in 1958; but just that passage of time, where you don't have the same numbers of the same individuals through all of the conflicts that we have been engaged in — and I am talking not just about Gallipoli, but about World War II, and then you have Korea and Vietnam— and now the responsibility for Anzac Day tends to be falling to a younger generation of men and women. But over time there will be a great need to have our young people understand that history so we don't lose it. We have been hearing a lot, not just from the RSL but from other organisations as well, about how important it is to engage young people.

Are there any ideas that the Education Department has? I know the excellent work you do on the constitutional conventions, for instance — and I don't want to put you on the spot— but do you think there might be something that we could do as part of the work of the department and the work of parliament to engage our young people in a peace — I am not sure what the politically correct language is — but a forum where every year maybe around Anzac Day they come together and learn to understand, that they engage and commemorate? Can we think about something like that?

Dr ANDREWS — There are two answers there. One is that a public forum is good in the sense that it will create media, and therefore you hope public attention and awareness. I spoke at a conference on Friday about active citizenship, and someone said these conventions are all fine but what about the shy and the reticent? We also need to ask what about the people who don't go to the forum? So we probably need to; it needs both. The issue is groups like the RSL may want to look at things like that forum.

Ms GUEST — Can we take that on notice and explore the idea?

Ms GILLETT — Yes, because I do know having participated with you — and I don't want to give you any more grey hair, because I know how much energy goes into the constitutional conventions — it really makes a lasting impression, from what I have observed, in those young people. Constitution is a mind-boggling and complex thing to get your head around; most Australian adults don't have a great level of familiarity with it. But is there a way of allowing young people to become directly connected in their own way rather than become connected through marching with relatives' medals; so it engages them. If we could think about something like that —

Dr ANDREWS — Yes, we need to look at it in the whole range of contexts.

Ms GILLETT — Thank you.

Ms BEATTIE — When I was at school, it was almost mandatory to have an excursion to the Shrine of Remembrance. Is it still a popular destination for school excursions, and is that mandated in any way?

Dr ANDREWS — It is not mandated, but it is popular. You would get those statistics obviously from the Shrine of Remembrance. It must be popular because of all the work that is going on, and they want to increase their educational focus. They have been to see us recently about linkages to the curriculum, so that tends to suggest there is some public interest creating the impetus for them, but I am sure they can provide you with more accurate statistics.

Mr FIRTH — I also think the Canberra trip is a very popular thing in the middle years of secondary school. The National War Memorial is basically the linchpin for most schools, together with Parliament House. So while they are not mandated, they are very popular exercises a lot of schools take up.

Mr BIRRELL — The New South Wales government has mandated or decreed — whatever — that all students visit the war memorial in Canberra once, I think, during secondary school — I can't quite recall. Have you a view on the practicality in the sense of mandating visits to places? I mean, it might not be Canberra. Canberra is more proximate if you live in New South Wales, but if it were mandating a school visit to the Shrine of Remembrance —

Mr LIVI — If we are looking to mandate, we would have to look at what is the actual activity and who has to engage in it — namely teachers and students. Normally we would need parental permission for any sort of activity like that. We would have to look at granting exemptions; what were reasonable exemptions if people took particular objections, be they on political grounds, or perhaps even on racial grounds. We would have to consider the impact of the Equal Opportunity Act and also the Commonwealth Racial Discrimination Act, and whether or not there would be exemptions under those acts.

We would have to look at the sanctions that we tried to impose for the people who refused to engage in the activity. The end result would be that compulsion is not immediately a preferred option.

Ms GILLETT — Because of all the problems that it throws up?

Mr LIVI — Yes.

Mr BIRRELL — Do you perceive that attending a war memorial would be in breach of the

equal opportunity legislation?

Mr LIVI — It depends on the sanctions, I suppose, that you then impose for those who refuse this compulsory visit. It depends.

Mr BIRRELL — What would a normal sanction be for a compulsory thing? You stay at school instead or you stay at home?

Ms GILLETT — Stay in your classroom.

Mr LIVI — If that were the only sanction, then that couldn't be considered. A sanction against a teacher who, say, refused to engage in the activity may be more serious.

Mr BIRRELL — Do you think teachers would have a difficulty about going to the war memorial?

Mr LIVI — I deal in an environment where I have to consider an infinite variety of responses I may get from teachers, and from a whole range of people. My point is that it is potentially an issue.

Ms GUEST — There are other implications, too, for some schools, some kids.

Mr BIRRELL — Yes. I haven't got to the bottom of the New South Wales government's commitment, but I suspect it has been matched by funding. I mean, you couldn't tell a school in Broken Hill to go to Canberra without answering the funding issue. We are just exploring options more than anything else.

Dr ANDREWS — From the curriculum side, if you are going to take children on an excursion—wherever it is—it should have an educational purpose. If the school, for some reason, decides that World War I, Anzac Day and Gallipoli are not going to be part of its curriculum, while the students will gain a benefit from the excursion, it will not be maximised.

Mr LIVI — I was dealing essentially with the state school concept. I wasn't dealing with nongovernment schools, because mandating a financial impost like that on nongovernment schools would be a further consideration.

Mr BIRRELL — I think we are really dealing with government schools in this context. If I can explore that further: is there a values issue here? From my perspective, Anzac Day is not in the same context of a teacher having a religious objection to celebrating Christmas Day, for example, because he or she is not Christian. Do you see it in that context? Isn't it above that?

Mr LIVI — There is a potential there for some people to perhaps —

Ms GILLETT — Take offence.

Mr LIVI — There is a potential for some people to take offence at the concept of war. There is the potential there for some people to object to what was perhaps done to their country years ago, and people who are from certain races may take that objection.

Mr BIRRELL — I am talking about teachers in this context rather than parents of students.

Mr LIVI — I am talking about teachers, yes. The potential is there. We would have to be aware of what our responses would be, or if we were trying to design a compulsory system we would have to be aware of those responses, and also any relevant claims. If there were Victorian legislation, I would have to be aware that I could be faced with complaints under the federal discrimination legislation as well.

Ms GILLETT — Are there any things that we mandate as an experience for our kids? I am just trying to think, having three who have gone through primary and now three in secondary—

Ms GUEST — The only thing that is mandated now is compulsory time for PE, but not a particular part of it.

Ms GILLETT — It could be the area is problematic, because even though Anzac Day is not a religious conviction, you could be forgiven, talking to some Australians, that there is this lovely spirituality element to it. I don't think that is what they necessarily call it, but from speaking to some of the older veterans, when you walk away from them, you cannot help but think that you've had something more than an ordinary mortal experience. But I do understand the implications that you are making, that the entire community is not at one with the way we celebrate or pay respect to Anzac Day. But if we don't mandate anything else inside the system other than PE —

Ms GUEST — Only the time is mandated.

Dr ANDREWS — Not the content.

Mr FIRTH — You can actually achieve strong exhortation and support as a way of getting very high degrees of participation, basically. They are the sorts of strategies that are used in promoting various priority areas across particular streams of the curriculum. If you provide high-quality resources and opportunities — and schools are actually looking for these sorts of things all the time — they take them up.

Mr BIRRELL — Is there strong exhortation and support for government schools to be involved in Anzac Day, or the preparations for it?

Mr FIRTH — I think there is. From the curriculum perspective, there are specific references to World War I and Gallipoli from individuals like Sir John Monash and others I mention in the curriculum framework and support material.

From what John was saying, I certainly believe that over the past 10 to 15 years the organisation of local events generally involving the local RSL is at a higher level than it was. There was a dip in the '70s where that sort of stuff became unfashionable. There has been an absolute revival. My local primary school always invites someone from the local RSL to give a presentation, regardless of whether Anzac Day fell in the holidays or not. If it was in the holidays, then the visit is usually scheduled for the first assembly back after term 2. You are actually making the local connection in addition to anything students have studied in a global way.

Sure, in the country schools in particular they are very strongly linked to the local country community.

Ms GUEST — It is amazing how much further you get by encouraging schools rather than by mandating, because you get people's hackles up when you don't need to, whereas you can strongly encourage —

Ms GILLETT — Even amongst children, if you try to mandate three teenagers to do anything — but if you make it exciting —

Ms BEATTIE — Try one! I am not sure if this question is appropriate for you, but is the level of activity the same in nongovernment schools around Anzac Day? Do you have any sense of feeling or idea about that?

Ms GUEST — Can we take that on notice, because we can get that information for you?

Mr BIRRELL — Just a snapshot. One of the issues we struggle with is no-one owns Anzac Day and no-one runs it, so we can't actually have someone give evidence on what it is. That is probably why it is so successful. That is why we are asking leading questions.

Does the Education Department of Victoria have an Anzac Day kit?

Dr ANDREWS — No. We have advice in the reference data I was talking about before; that is sort of that more formal ceremonial thing. But there is a whole range of materials. I do not think that is the question. That is why we didn't start at phase 1 with our website and put up the history—we put forward some activities. We didn't put up a lot, because the History Teachers Association of Victoria here has two kits. If you go to the Department of Veterans Affairs or to the Australian War Memorial websites you will have enough material to fill this room. There is sufficient material of good quality for teachers.

Ms GILLETT — John, were you saying the Victorian History Teachers Association has its own kit?

Dr ANDREWS — On World War I, but not specifically on Gallipoli or on Anzac Day. But there are other materials that can be utilised that way. For instance, there is a veterans on-line website, where you speak specifically to veterans. As you said, students find it a useful tool, but the trouble is that those people are now at least 100.

Mr BIRRELL — In terms of the text that you gave us, the SOFWeb studies of society and environment, for the record, this is the Education Department's website for students or teachers?

Dr ANDREWS — It would be mainly accessed by teachers.

Mr BIRRELL — But ordinary people can click into that.

Dr ANDREWS — We get hits from right around the world. There is an official advice that goes out electronically to all schools and this gets a mention in the advice now.

Mr BIRRELL — Not just this one, but how are these signed off? I can imagine you could get into strife about how you interpret anything from water supply through to— God knows how you describe the democratic systems; but how does this text evolve?

Dr ANDREWS — We go through a whole quality assurance process. We must. Once the author has developed this, it must then be approved by other people from within the department, and because of it— especially around issues such as Anzac Day and Australia Day where you get a range of views— we must therefore be seen not to be presenting just one view but to be asking for a balanced presentation in classrooms.

Mr BIRRELL — Are these updated? Not this one particularly, but in a broad sense, do they get updated every 10 years or something like that?

Dr ANDREWS — Far more often than that. We look at these in a systematic way. Probably every couple of years we are updating; or you may also find somebody else advises you about a resource or something that has happened, and it becomes really easy to look at the resource material and consider including it.

Ms GUEST — For example, John, we could add more to this as a result of our discussions.

Mr BIRRELL — Without wanting to be too blunt on it: having read this, this would give me the impression of it being what I would characterise as an awkward description of Anzac Day, an uneasy description of it:

Events such as Anzac Day will always be open to interpretation and to lively, if not heated debate about the importance of that event.

This is perhaps why people don't want to write these things— but we have all agreed it is a national day of commemoration. I think the evidence of public support across all political and religious boundaries is overwhelming. If I clicked into this, I would be thinking Anzac Day is a subject of lively if not heated debate. It is not really, is it? It might have been in the '70s or in the early '80s. We

haven't had any evidence at all that it is the subject of lively or heated debate. We might get some, I suppose — in fact we would welcome it. We have certainly got plenty of material from the '60s '70s. I am not trying to pin you down to the exact words. I have only read it since you've given it to me. But is there a sense that this is a day that we do commemorate in the classic sense of the word 'commemoration' or is it just a date we note as far as the text that you put out?

Dr ANDREWS — I think it is a day of national commemoration. We use the word 'commemoration' rather than 'celebration' deliberately.

Mr LIVI — I know we are here to present the department's perspective, but calling on my own personal experiences at Monash in the early 1970s — and I was relating this to a war veteran who is in the audience at the moment — I was talking about the badges that people used to wear 'Lest We Forget'. One of my friends at university had a badge that read 'Best We Forget'. And I think society goes through different phases. There was that phase in the '70s.

I think your comments about today's attitude are poignant, but we don't know where the attitudes will go in the future. Not having written that particular paragraph, I think it does reflect the fact that there are some people who do express views that others of us may find uncomfortable, but they do have the right to express them.

Mr BIRRELL — They do. I also think that you can't have some cringing analysis of Anzac Day that says it is all-triumphant and there has been no criticism, because that denies history.

Ms GILLETT — It is an attempt at balance, isn't it? It is always difficult, because it is not 100 per cent either way. In my view balance will always look as if it is having two-bob each way. I wouldn't be happy if I had representatives in the Education Department saying they were going to take a particular line on this. That is not your job. It is your job to provide the balance, I would have thought, or hoped. It might give us something a bit more definitive. Mark?

Mr BIRRELL — Or generous.

Ms GILLETT — This from a Liberal!

Mr BIRRELL — I don't think you would find a single popular political figure, either Liberal or Labor, in Australia who would use those words to describe Anzac Day today.

Views about Anzac Day and Australia's military role have been tempered....

That may have happened in the late '70s, that they were tempered. I would say there has not been a discordant note about Anzac Day in the '90s, or in this decade — and I could probably throw in part of the '80s — but I am trying to be safer in picking the last decade. From when Paul Keating made his sentinel speech on Anzac Day and redefining many attitudes to it — just reading that, as I said, it gives an awkward disposition about what students should think of Anzac Day as against a commemorative view.

Ms BEATTIE — However, I think there are aspects of Anzac Day that are still heated. If you want heated discussion, talk about children marching in the parade.

Ms GILLETT — Well we did for a while there.

Ms BEATTIE — The debate is still going.

Mr BIRRELL — Or should there be trips to Japan?

Mr FIRTH — That is a page from the advice. The overall tenor of the department's view — and I am half in the department and half out of it, being from the VCAA — is that through the annual reminding of the need to commemorate at a local level, there is general support for saying this is one of the few special days in the year. While there is this particular support material, the references

to the support material that come from the War Memorial and the Shrine and so on, it gives teachers plenty of access to the full commemorative view of Anzac Day. I think the department has been stronger in relation to that over the past few years than it was a decade ago.

Dr ANDREWS — One thing we would be conscious of with the website is that we don't want extremes; we want a balance.

Mr BIRRELL — If we were recommending a website — and this is part of the problem, that no-one has the official Anzac website, of course, because there could never be such a thing, I suppose — but if we were recommending one be established or one be used, what list would you throw up as being potential ones, sort of a pointer? Should, for example, the Shrine of Remembrance at St Kilda Road and the institution behind it, which is clearly regenerating itself and expanding, establish a substantial Anzac website that could be used as a reference point; or should it do it with the Education Department of Victoria — a bit like the War Memorial in Canberra has done it with the Education Department of New South Wales when it tendered for the work? Could you come back to us about your ideas?

Dr ANDREWS — Yes.

Mr BIRRELL — Is there an education department that does it differently, as far as you can see, in any other states? Are there education departments that do this differently?

Dr ANDREWS — West Australia has a site. I would need to go back and double-check the list. We did look at it at the time. I am not aware of the other states having developed a specific website on the day. It is only the Education WA one, which would suggest that the others had not been put together.

Mr OLEXANDER — In terms of the 11 November commemoration, Remembrance Day, is anything mandated in Victorian government schools to commemorate that event? I know a large number of schools observe the minute's silence at the eleventh hour, et cetera, but that is not mandated?

Ms GUEST — It is not mandated, but I would be surprised if any government school didn't do something — whether it is the minute's silence, or whatever.

Mr FIRTH — Schools are reminded.

Ms BEATTIE — Thank you for your time. You've been most generous. Education will be a big focus of our inquiry.

Witnesses withdrew.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Anzac Day Subcommittee

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Melbourne – 2 September 2002

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Witnesses

Ms V. Paul and Ms S. Miller, Australian Retailers Association.

Ms PAUL — If you have read our submission, you would realise our focus is very much on trading requirements. We are completely supportive of the fact that Anzac Day is a day of significance that needs to be commemorated from within our industry. We strongly believe there needs to be commemoration in the form of a greater education campaign. Whilst I was privy to listening to some of the arguments that were put forth, we believe the need is there for a greater education campaign about what the Anzac spirit is about, and not just a common knowledge about it. I have been on the website to have a look, and there is no real definition about what Anzac Day is. We know the history, but there is no one website that talks about the Anzac spirit. Obviously with the marches that have gone on, it is beyond that one event, and it actually talks about the spirit of Anzac Day.

We believe that is the process we should be looking at: the use of technology to enable a greater involvement of the community — a Victorian Anzac Day website, for example — and any other collaborative promotional measures to look at commemorating the day. We also believe the current trading arrangements for Anzac Day need to be maintained in their current form and should not be varied.

I want to take you through the two aspects of trading issues: one being those businesses that can trade all day, and the other being those businesses that can trade part of the day.

Those businesses that can trade all day are businesses that are given exemptions under the Shop Trading Act. The majority of our members obviously fall within some of those exemptions, being retailers such as hairdressers, who employ less than 20 employees. The existing arrangements mean that food shops, milk bars, newsagents and others like them who employ less than 20 employees, are able to trade all day on Anzac Day. Those retailers who do not fall within any of those exemptions under the Shop Trading Act are only able to trade after 1 pm. The existing arrangements have been in place since 1996. Prior to 1996, the same small businesses that have current exemptions and are able to trade all day were also able to trade all day — these being, again, the food shops, milk bars, et cetera.

It is clear there has been a longstanding for certain retail shops to be able to trade on Anzac Day and provide their services and goods. The ability to trade has never, and we believe should never be related to any lack of commemoration of the meaning of Anzac Day or to the commemoration of the actual day. We don't believe the ability to trade detracts in any way from the importance of Anzac Day. Certainly there is no evidence to show that as a result of trading the importance of the day has in any way been lessened.

We don't believe there is any evidence to show that has been the case in the past or currently, and we certainly don't see that occurring in the future. We would like to see the link between trading and the commemoration of Anzac Day removed, as the trading arrangements do not in fact impact on that commemoration aspect of Anzac Day.

We then go to those businesses without exemptions: the larger businesses without exemptions, the larger businesses that actually trade after 1 pm. The issue of those businesses being able to trade after 1 pm is also recognition of the unrestricted trading requirements in Victoria, and their ability to trade in that form is tied to the ability to have unrestricted trading. The importance of the day is commemorated by the fact that those businesses cannot trade before 1 pm. We suggest that is sufficient as an issue of commemoration, being the importance of the day. Why? Because there are only two other days in which retailers can trade — Good Friday and Christmas Day. The importance of Anzac Day is recognised as being the third day in which there is any form of restriction.

We believe any variation to the existing arrangements is simply reregulating trading in Victoria, and not necessarily creating any better way to commemorate Anzac Day. We would not support any re-regulations of trading in Victoria — not just from the retailers' perspective, but also for the consumers and the economy of the state. It is very important we maintain the unregulated status of trading. We don't believe that reregulation should be contemplated. In that sense we don't believe there should be any reregulation as a result of Anzac Day.

Mostly we say this because there is no evidence to suggest that the ability to trade after 1 pm for these larger businesses has in any way detracted from the importance of Anzac Day. In fact the opposite may be said, rather tritely, I admit. The retail industry does support Anzac Day by tributes that can be found in stores in recognition for the day, and especially when we look at the days prior to Anzac Day. It is certainly one of the issues about commemoration, to make sure people are aware of what the day is and what it is about; and retailers do that by how they decorate their stores and what they have in prominence, et cetera. That initiative is also important in fostering recognition for the day and continuing that recognition. We therefore believe that Anzac Day is well promoted by retailers. Certainly from the perspective of ARAV, it is promoted through our magazine and other such publications.

We have had the opportunity of reading the SRA submissions, and we too believe the very spirit that is being commemorated, the very freedom the Anzacs fought for, should not be barred by any form of draconian restrictions or penalties. To ask for any form of reregulation and increased penalties, we believe, does not commemorate the day but goes against the very essence of what the spirit is about.

Commemoration is about education. We should educate the community about the meaning and significance of Anzac Day, its history as well as its spirit. As suggested, we would advocate the involvement of schools, projects, the creation of an official and comprehensive website at any level whereby we can promote the day. The retail industry is able to assist with that in the promotion of goods and projects that could be taken up. Retailers, like others in the community, can also assist by commemorating the day in their stores prior to and not just on the day. We believe this would act as an effective tool for the purpose of encouraging the remembrance and the purpose of the Anzac Day.

This is an easiest system to explain trading. It is very simple. If you have less than 20 employees and you have exemptions, you are able to trade all day; if you don't, you can only trade after 1 pm. We couldn't ask for a simpler system with respect to trading arrangements. There is no confusion about that concept. There is confusion through a lack of knowledge about it. That is where associations like ours assist retailers, as we can inform them about trading arrangements. Any confusion about trading arrangements can also be addressed through the information mechanisms we talked about — websites, adverts, and promotions.

We found no confusion among other members in the industry about trading arrangements. We found no evidence of breach of the trading arrangements by our members, and again we are not aware of any large numbers of prosecutions to suggest that there is any confusion about retail trading or breaching the law. As such, we believe the current penalty arrangements are a sufficient deterrent. What can cause confusion is what to pay people. Another issue that came out in regard to other submissions was confusion. What to pay employees is a confusion, which results from a lack of understanding of complex award terms. It is not about the ability to trade; it is about which award you are under, the terms of the award and how to pay people. Again, that is an education process and is not an issue about restrictions.

Again, I suggest the confusion about what to pay staff is with us at all times of the year and not just on Anzac Day. As such, we don't think that is where the focus should be; it should be about commemoration. We believe there is no evidence about current trading arrangements impacting one way or the other on the commemoration of Anzac Day. In fact, we suggest that it assists in commemorating the day. There is no evidence, because there is no breach of prime trading arrangements, to say that retailers are treating the day in any way less special than other days of national significance. There is no evidence to indicate that the current arrangements result in any derogation of the importance of the day. In fact, Anzac Day marches, as well as the dawn services, have had increased attendances. We believe the way to improve that is to educate and make people more aware. We are an industry that does that. We know about promotion, and that is certainly what we do. In fact, last Anzac Day was clearly noted and commemorated.

We obviously support any measures with regard to education, and would be ready to actively work with any process to assist in that regard, but we would strenuously object to any form of restrictions. We don't believe penalties are a way to increase the commemoration of the day. We don't think there is any evidence to support the need for any such penalties.

Mr BIRRELL — Thank you very much. We heard evidence from the union and anecdotally that there is some doubt in some people's mind as to whether Anzac Day is a full-day public holiday — no doubt based on the fact that even though the Anzac Day Act says it is a public holiday, the Anzac Day legislation has this sort of twin period, up to 1 pm and after 1 pm.

You submission says it is a public holiday. We haven't got any evidence before us saying it is not a public holiday, but we have had doubts raised about it. Do you get inquiries about whether people know?

Ms PAUL — To be honest, we don't have any inquiries — and we get a number of inquiries because of the type of employees we represent — about the public holiday. There is recognition that it is a public holiday, but people are confused about what to pay staff for the hours they work. As I said, that is a payment issue about whether you are under an award or not. But I think it is full recognition of the fact that it is a public holiday, and the questions we get are generated around what do we pay people and how we roster them.

Mr BIRRELL — None of the awards treat it as a half-day public holiday, do they?

Ms PAUL — No. The awards treat it as a full-day public holiday. The material that goes out to our membership treats it as a full-day public holiday. It is about the ability to trade. I want to make that distinction between ability to trade and a public holiday. Irrespective of a public holiday, you can open. The difference is, if you require an employee to work, you give them some additional benefit to work — whether you pay them more or give them another day off, and that is with all public holidays.

The issue with Anzac Day is really about whether you can open or close; it has never been one about whether it is a public holiday. Certainly, from our perspective and our members' perspective, it is treated as a whole-day public holiday.

Mr BIRRELL — It might be worth us reinforcing it.

Ms BEATTIE — There certainly has been a lot of anecdotal evidence that employees feel pressured to work on Anzac Day. What is your reaction to that? Many of them don't want to work and want to commemorate Anzac Day, yet they feel pressured and forced to work on Anzac Day, particularly workers in supermarkets, part-time workers or casuals.

Ms PAUL — Within the award structure there can be no forcing of employees, or pressure. The argument about pressure would work irrespective of whether it was Anzac Day or any other public holiday. I don't see that as an argument that works specifically for Anzac Day per se. You cannot force an employee to work on a public holiday, and that is recognised by the fact that there are additional penalties, and it has certainly been recognised within the award.

We have not heard of any claims that have been brought forward in any other jurisdiction that deal with the pressures brought to bear on employees being pressured to work on Anzac Day. If that were a serious complaint, we suggest there are other jurisdictions to deal with the matter. We don't advise our members that they must not be pressured to work on that day. In the industrial arena, there are mechanisms to deal with employers who may or may not be dealing with that issue. That is not a matter, as I say, that is restricted purely to Anzac Day. I think you will find that if there were employees pressured to work on Anzac Day there would be other pressures as well. That is an industrial issue that we do not believe is necessarily connected to the commemoration of the day. We have certainly not heard any evidence, and certainly no claim has been brought by the union to suggest that there has been pressure on employers and their employees in any way to the detriment of that commemoration.

Ms BEATTIE — With due respect, the employees would hardly complain to your association.

Ms PAUL — No, but the union has the opportunity of bringing claims to the Industrial

Relations Commission to deal with such disputes, and no claims have been brought to the commission to date from my understanding. The union represents its members very well, so I suggest if that were a serious concern, we certainly would have seen some evidence of that rather than just anecdotal statements.

Ms GILLETT — What does the RTA have to say to us about the sorts of businesses that have exemptions? I am talking now about the list of those activities, services and goods that can be provided. You are quite happy with that list as it stands?

Ms PAUL — Yes, we are certainly happy with the list as it stands. The premise of our submission is that status quo be maintained with respect to that. I understand some of that may seem rather odd, to say the least, and we can't shy away from that fact.

Mr BIRRELL — Historic.

Ms GILLETT — Quaint.

Ms PAUL — There is a historic purpose for having them there?

Ms GILLETT — What would that be?

Mr BIRRELL — Saddlery, so you can get your horse bridled!

Ms PAUL — There may be some claim that history does not exist so we should get rid of it. We suggest that is a dangerous tack to take with any legislation, because there was obviously some contemplation of wanting to recognise that fact. You then have to look at exactly what the impact is any way, and at the end of the day how many saddlery shops are open on Anzac Day?

Mr BIRRELL — Are there any shops?

Ms GILLETT — Yes, there are.

Ms PAUL — But to see if they actually do trade on Anzac Day to require any change with respect to trading requirements and to change that act.

Ms GILLETT — I have to challenge you. The concept of that, that you change nothing when you legislate, is terrifying for the sake of history. That would mean that we would end up with the Victorian statute books full of anachronistic arrangements much as we have with the Anzac Day laws. Our role is to try to make positive recommendations for improvement.

Ms PAUL — If you look at change for the sake of change that is equally dangerous.

Ms GILLETT — Yes, but we are not about that.

Ms PAUL — To look at the change of a piece of legislation — and I am not attributing this to the 'If it ain't broke don't fix it' process — but from the view that if you have a piece of legislation and you want to change it simply because you or somebody believes that there are not sufficient saddlery shops open, for example, and there is no need for saddlery shops, then that needs to be addressed in an independent fashion so as to actually look at some assessments of what is happening out there.

Currently there is no data to show there are no saddlery shops open, and that there is not a need for saddlery shops to be open. I am not suggesting there is. But I think to have a process whereby because we or the majority of people believe there is no need for it does not mean there should be change for change's sake, because it does not exist any more. There needs to be a survey or and analysis undertaken before we look at changing that aspect, rather than relying purely on anecdotal data. At the moment, all I can give you is data about saddlery shops, because we have only one as a member — and I don't think they are not open on Anzac Day.

Ms GILLET — I was simply asking for your view about whether the exemptions for the sorts of businesses that are currently exempt could warrant any scrutiny about perhaps some of them being rationalised or removed. If there are only a couple of saddlery shops around, I am sure our consultations can manage to take them into account, and their views.

My other question is: do you get any friction from those employers or businesses that have only 21 employees? Twenty people might have been very sensible at the time it was struck, but is it still a sensible number?

Ms PAUL — We had one or two employers call up and ask why couldn't they open; and they may have had 21, 22, 23, 24 or 25 employees on the day. But at the end of the day we don't suggest that be changed. We need to strike a number. If you strike the number at 25 or 15, there will always be someone who says they are just under or just over. We believe 20 is a standard recognition of small business, and we would not be supporting any change. Yes, we do have members who would like to see that change, but we also have a strong recognition from of our membership that the day is important enough that we commemorate it in some form. However, there is a need for the community to have some shops trading. So we would not be seeking any change to the number.

Mr OLEXANDER — I want to go back to the issue of exemptions for whole-day trading. My understanding of the relevant provisions under the Shop Trading Reform Act is that the exempted retail categories are there because it would otherwise cause hardship to the community if people were not allowed to trade on those days; and we do see that there are things in here like souvenir shops, stamp and coin shops, saddleries — those sorts of things — and it is debateable whether they fulfil that criteria.

A list of exempted businesses that may have been appropriate in years gone by may not necessarily be appropriate now in today's society, if we want to fulfil that criterion of not causing hardship to the population by having them closed on a particular day. Has the ARA done any detailed work with your retail members — done a survey, for example — to find out whether or not there are other essential retail categories that might be opened or exempted?

Ms PAUL — We haven't undertaken a formal survey. We haven't had any queries from other categories wanting to be open. The queries we get about wanting to be open is that 'I have got 22 employees rather than 20', but we have not had any saying — and I am not sure what shop is not in there —

Mr OLEXANDER — I understand.

Ms PAUL — But, 'I am a computer shop that wants to open on Anzac Day' — we don't actually get those as being a need for that day. We wouldn't suggest a need for greater scope to what is already in here.

The only thing I would suggest in addition to talking about the exempted shops — and I know there are a number of them in there, and saddleries sticks in my mind because it is certainly one of those things you look at — but this legislation impacts on all public holidays. To create any other piece of legislation solely for Anzac Day that creates a different list of exemptions can create other levels of confusion. We would be loath to say that there are other public holidays that should require these shops not to be able to open.

Mr BIRRELL — Are you worried about Anzac Day exemptions being different to Christmas Day?

Ms PAUL — Yes. These exemptions go beyond just the trading issues. There are also impacts with respect to awards, et cetera, as to hours you can open on Saturdays and Sundays. Hence, just deleting a couple of things for Anzac Day in this act will obviously impact on a whole range of other areas beyond just Anzac Day, or even beyond public holidays. But if we create another act that deals solely with Anzac Day exemptions, that these exemptions apply when they should be applying in other areas, then we suggest that would create another level of legislation that

creates more difficulty.

Mr OLEXANDER— It is not necessary, in your view?

Ms PAUL — For the simple fact that it comes down to: ‘Does this in any way detract from the commemoration of the day?’ And we have no evidence that it does.

Mr BIRRELL — One final question about markets. We have had some complaints about occasional markets — mainly on Fridays, Saturdays and Sundays and when Anzac Day is on a Saturday or Sunday those markets, which are not shops, are open. Are any of the markets — excluding the Queen Vic — members of your association?

Ms PAUL — Excluding Queen Vic, we don’t have any members, as far as I am aware. We have the Queen Vic, but that tends to be the shops aspect of it.

Ms BEATTIE — You talked about leaving the legislation intact as far as shop-trading hours are concerned, the retailers wanting to assist in commemorating the day, and that the only confusion is around what to pay people rather than any other issue. Will you be recommending to your members in the future that that is something they should look at in the industrial agreements they negotiate; that in an effort the commemorate Anzac Day more they should clear up that confusion?

Ms PAUL — The confusion I talked about — if there is any confusion, I should say, about what to pay — it is about what system they are under. Once they work out what system they are under, whether they are paying minimum conditions, whether they are paying award or enterprise agreements, then there is no confusion within that process. The confusion sometimes comes about when they are under an award, for example, and the award is so complex. That is one of the things we are seeking to address for small businesses in the current industrial arena. Whether arrangements will be adhered to is another issue. But confusion is not necessarily about what we pay in that sense. Once we work out what we have to, it is fairly clear once they know what system they are under. The only complexity sometimes occurs with particularly the award system. When you look at schedule 1A, it is fairly simple.

When you look at the award, it is where they sit, what hours they are rostered, and that whole complexity becomes too much for small businesses. The larger businesses do not have a problem because they have enterprise agreements that they have agreed to — with the union invariably — and there is some commonality. If there is any confusion — and I stress the word ‘if’ — it is about the payment methods, and that is something that currently needs to be addressed.

Ms BEATTIE — Thank you very much for your time.

Witnesses withdrew.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Anzac Day Subcommittee

Review of Anzac Day Laws

Melbourne – 2 September 2002

Members

Ms E. J. Beattie

Mr A. P. Olexander

Mr M. A. Birrell

Mr A. G. Robinson

Ms M. J. Gillett

Co-Chairs: Ms E. J. Beattie and Mr M. A. Birrell

Staff

Executive Officer: Mr A. Homer

Consultant: Mr M. Brennan

Witnesses

Mr R. Ward; Mr S. Ryan; and, Mr W. New, Patriotic Funds Council.

Ms BEATTIE — Thank you for your submission, and for appearing before us today.

Mr WARD— Thank you for the opportunity to make a submission, and for the opportunity of speaking today. Our comments will be limited only to those areas that we feel qualified to comment on.

The council is responsible for the Patriotic Funds Act, which is a general act, and then the Anzac Day Proceeds Act, which of course only applies on Anzac Day. We then have the opportunity to distribute those funds. I turn to the terms of reference in No. 9 and clarify a particular matter

Should the composition and functions of the Patriotic Funds Council be subject to more specific legislative oversight?

Given this is an inquiry into the Anzac Day laws, I am curious about whether or not this was meant to be more embracing than just the Anzac Day laws. One reading of that particular term of reference could imply that this will also have an impact on the Patriotic Funds Council 365 days of the year rather than one day. If we are talking about the Anzac Day proceeds, I don't know whether or not that is the intent of the terms of reference.

Mr BIRRELL — It should be read contextually. Our bipartisan aim is to look at Anzac Day to update its legislation and to give it some useful structure for the next 100 years — and you guys are part of it. Other than alarming evidence being given to us by yourselves which makes us want to go down a path we haven't even thought of going down, what we are interested in is how you can play a key role in the next 100 years. We are fascinated by what your advice would be. You are as close as it gets to being an owner of Anzac Day.

Mr WARD— To some extent, we don't want to comment on the commemorative aspects because that is not our role. Our role is financial. Both acts are designed for that purpose, and that is where I believe the expertise comes in. The council is independent and all of its members are serving in an honorary capacity. We try to draw the widest possible membership from the ex-servicemen community. On my left is Steve Ryan, who has no ex-service background; his expertise is financial. We have legal people on the council as well with no ex-service background. That is not because there are not people in the ex-service community available for that purpose, but the fact is that the demands on those people's time is extraordinary. This is another way of engaging with the wider community, so that we have the expertise to act in a proper and independent way with proper accountabilities and due governance, because we are talking here about the public's money, and that is a key element of the independence of the council.

A minister appoints the council, and it then is responsible to the Parliament. That is about as independent a structure of this kind we can have. We meet monthly. But when it comes to Anzac Day and the Anzac Day proceeds, we seek submissions from the ex-service community. We ask it to look at what its needs are. Up until 2000, the Anzac Day proceeds were distributed on a formula, but the people who designed that formula are long gone. We never knew how that formula was created or how it evolved, but here we had a formula.

Last year, for the first time, we asked people for submissions. We asked people to justify what it was they were seeking and why. The difficulty we had was that they asked for \$18.5 million, and we had \$363 000, so there was a bit of a gap between the two figures. On the basis of that, we did have some slight adjustments. On the basis of that also, we looked at the submissions and said, 'Right, we will look at how it all works'.

In two cases we were criticised by the two organisations. They were major. But the fact remains they were huge in their own right, and they were seeking moneys for enterprises that had turnovers and assets of \$41 million. We said, 'Right, clearly we can't do much for you' — even if we gave them a small amount or the major amount of that \$363 000, we were not going to make a difference to them, and clearly as an enterprise they are sophisticated enough to go and seek funding from other sources based on business plans or submissions, whatever.

We tried to look at the overall ex-service community to see where the most need was. We said to that part of the ex-service organisations, 'You are looking after a wide group of people, the role that you are playing is over the widest possible group of people' — and it could run into ex-service personnel themselves, their families and other dependants. A good example is Legacy; it has a wide range; others are Carry On and Australian legion. We have what we call regional welfare centres sitting out in the country areas, made up of ex-service people in the community — being from the RSL, Legacy or some other organisation — who are providing advice and assistance and welfare to that community, so it is fairly wide. That's why we changed, and that's why we did what we did last year as far as distribution of money was concerned.

We are now starting the exercise for this year. We have how much this year?

Mr NEW — \$411 000.

Mr WARD — So it has gone up a bit. It comes down to how do we increase that pot to be able to distribute as widely as we possibly can? The submission does try to give you an idea about how we might be able to increase the pot so we can make a better distribution of it. We make specific reference to the AFL match on Anzac Day and other entertainment and sporting events, but by making this submission we could in fact be stepping on, in particular, the RSL's toes. We are not deliberately trying to do that. We are trying to draw your attention to the role of the RSL and its independence relative to the Patriotic Funds Council, which is represented by the broader ex-service community because of its membership. The RSL is a major player within that, but it is not the total or the only player, it is just the major one. However, it negotiates with the AFL for a contribution.

There is a graph at the back of our submission that shows you the AFL Anzac Day Proceeds Fund movements from 1992 to 2001. And, as you can see, it is quite variable. I don't know how they arrive at a figure each year, but the act requires the AFL and the RSL to negotiate. That is in the act. Now it goes back to 1960. If you read *Hansard* — and we have made reference to the *Hansard* of 1960 there — it was done for convenience at the time, because when introducing that particular piece of legislation Sir Arthur Rylah was wanting to get it through quickly. Someone from the opposite side of the house made the suggestion that it should be the chairman of the Patriotic Funds Council, but he said, 'No, for convenience I want to move this quickly, so we will look at it later'. Well, we are now 42 years on and we have never 'looked at it later'. Later has now arrived in 2002.

As I say, one of our recommendations is not to step on the RSL's toes, but perhaps we should have more independence. If you have a contribution made by the AFL, then it would be better to deal with someone independent of the RSL for two reasons. The RSL has two collections each year — Anzac Day or the Anzac week, and the week of Remembrance Day — so it gets two cracks at the cherry from public donations. It also has a crack at collecting from outside the ground of the MCG on the day of the match. It also has 73 licensed clubs. Again, it has the potential to raise a considerable amount of money in its own right, which the Patriotic Funds Council would have no influence over.

All I am saying is that if we receive a contribution from the AFL, surely it would be better if it were via an independent body. I believe that body is the Patriotic Funds Council, because it can be seen and demonstrated to be independent and objective.

Of course, if the responsibility for that were given to us, we would probably have to go back and look at how we might do that. It is a difficult and vexing problem, because it only requires the AFL to give a sum of money; there is no formula whatsoever. It just says, 'We will give you so much money'. As I said, go back to the graph and it is very variable. So it is very hard for the Patriotic Funds Council to say to the organisations, 'Look we can't tell you to budget for this amount because we don't know how much we are going to get', so that is a problem for us.

The submission does give you a formula. It allows for inflation, indexation, whatever. It gives you a formula to work on if you were to say to the Patriotic Funds Council or whatever, 'You negotiate with the AFL'. It takes out these variations. It says, 'Now you know what you are up for each year, you know it is going to be tipped into the Anzac Day proceeds'. It is much cleaner and neater and objective. That is why we have made the suggestion about taking it away if any negotiation needs to

take place. And I did approach the Minister for Sport this year to see if he could have some influence over the AFL and the contribution.

Mr RYAN— I think we got an extra \$5000.

Mr WARD— So \$25 000.

Ms GILLETT— What is the take?

Mr NEW— We don't know. The crowd this year was only 3000. It has been roughly 82 000, on average, over the past 10 years.

Mr WARD— They are charging about \$16.

Ms GILLETT— Get the calculator out.

Mr NEW— The general figure is about \$16, \$17, if everybody paid.

Ms GILLETT— Have you done the figures as to what the take would be?

Mr NEW— It is inside the ground as well, the corporate boxes, and a whole raft of things. And when we looked at it, \$25 000 is very cheap —

Mr NEW— Steve might like to make a further comment about that.

Mr RYAN— In terms of the dollar amount, we believe it is well over \$1 million of turnover for the day. The amount that we have asked for equates to a small percentage of that. What we are looking to do is to equate it if we had an average attendance of \$80 000 — then if it was something equivalent to \$1 per person in attendance, we didn't think it was too great an ask in terms of contribution to the Anzac Day fund; we thought that was reasonable. That would equate to some \$80 000 based on attendance figures, which is certainly more significant than the \$25 000 we have got it to this year, after some discussion.

The formula that was put into the recommendation takes into account we have expressed that \$1 as a percentage based on our best-know numbers as a percentage of the total revenue, which therefore allows us to increase as that revenue take increases during the year, but it is our best estimate. We don't have actual figures from the AFL, but that's the foundation of it; that's what we have based it on.

Mr WARD— There has been some discussion about having two games on that day; having not only the afternoon game but a night game.

Mr BIRRELL — An interstate night game.

Mr WARD— Yes. However, we don't think it is a great amount of money, given the possibilities. As I say, it gives certainty to both sides, to both parties. It gives certainty to the AFL because they know what they are going to be up for, and it gives certainty to us; we know we are going to get that amount of money for which we can then, as I say, start to give some indicators on to the ex-service community who would benefit from that. We don't get any of the money back; it all gets redistributed. We are just responsible for the distribution. It is probably a fair way of doing it because we understand the ex-service —

Ms GILLETT— But why would you set the benchmark so low? I am being perfectly serious with you.

Mr WARD— Hit them hard!

Ms GILLETT— To get an appropriate and equitable outcome. I can't understand that balance sheet; the variation in that graph is ridiculous. Wouldn't it be better to set a figure that

took into account what they make in terms of the corporate boxes, what they make in terms of what goes on in the ground as well? You may not get another chance — as long as I live — to do this again.

Mr RYAN— I guess we see there are greater sources of revenue that we should be tapping into, and we will come to that in our submission. We are also grateful that the AFL promotes the Anzac Day match, and does a lot for the diggers in terms of giving free passes for admission to the game, allowing the RSL to do the tin-shake outside the game before the match starts, and they generally do promote it. We are also mindful that they financially gain a great benefit out of it too, in terms of its blockbuster status. So we were trying to find a balance there that gets an additional return to us but doesn't kill the golden goose.

On the other token, too, we are mindful that the admission moneys in the main come from the general public at large, and we didn't believe we wanted to go too aggressively after their pockets in terms of contributing to this. We thought there were other avenues of fundraising that we could perhaps better tap into. This was just one that we were looking at.

Ms GILLETT— We look forward to hearing about the others.

Mr WARD— It is the highest-profile event that happens on this day in this state by far.

Ms GILLETT— And it is the one that most obviously trades on the name and the spirit and everything else that no-one can put words to. Anyway, we look forward to hearing more. I am sorry to interrupt you.

Mr WARD— They are the reasons we took that stance. As I say, it was trying to be equitable, increase the pot but not being greedy about it; having that much more to contribute back to the ex-service community whose members are obviously going to that game. I think Steve made a good point in relation to that.

We have looked at a few others. The other thing that comes to mind is the casino. It too benefits or promotes what happens in the casino on Anzac Day, and again provides an opportunity for veterans and the public to go along on Anzac Day. We spoke with the casino, but as they contribute to a fund in their own right that then gets distributed around the community, we felt as though it would be inappropriate to go double-dipping. We didn't feel that was right.

Ms GILLETT— Do you mean the Community Support Fund?

Mr WARD— They have their own—

Mr RYAN— The community benefit levy, which is a separate one under the Casino and Gaming Act.

Mr WARD— Yes. They have their own fund they have to contribute to. It is specified under their act. How much is that?

Mr RYAN— About \$10 million annually is contributed to that fund, solely contributed by the casino. The casino, again, is one party that does promote Anzac Day Activities.

Mr ROBINSON— Can we clarify that: the casino pays a community benefit levy — and please excuse our relative ignorance on this point — which is a levy that applies to the casino, and it is structured at that rate because it reflects the fact that they trade on Anzac Day?

Mr RYAN— No. It is a general levy that was built into the act, that we understand is a required contribution by the casino to the community, which is totally different to the Community Support Fund, which we understand is contributed to by gaming hotels and pubs.

Ms GILLETT— How do they distribute the levy funds?

Mr RYAN— The levy funds, I believe, are paid into Treasury, and the decisions about the distribution of that are then made by the Treasury.

Mr BIRRELL — And that is the last you see of it?

Mr WARD— As I say, speaking with them, we only just found out about that levy; we were ignorant of it as well. But, of course, as you probably appreciate, the casino gets many requests for funding on community grounds. We felt: fair enough, they pay, but rather than going back to the casino and getting a contribution, perhaps we could look at that community benefit levy, a small portion of that based around Anzac Day, be given to the Anzac Day Proceeds Fund and everybody is happy. Again, we increase the pot, we don't double dip and we would be fair to everybody because it is Anzac Day. So that's where we went with that. Again, we gave a formula of one three hundred and fifty-sixth — or whatever that turns out to be in percentage terms — of that money could be contributed to the Anzac Day Proceeds Fund, and that would be then available for contribution.

We also looked at the community support levy in the same way; that there are many gaming facilities benefiting from Anzac Day, therefore there was an opportunity, again, to go with the same formula, but a different fund, putting that amount of money into the fund and then have it distributed. It is probably more difficult for the ex-service community to access the community support levy because of the requirements in doing that. We can't do it as a third party; we have checked that.

The ex-service community, or the organisation, can access it so long as it can meet the requirements for the funds, but we felt perhaps if a proportion of that were put into the Anzac Day proceeds, then the Patriotic Funds Council would understand more intimately those organisations, so that when it made its submission we would have an empathy and understanding of what they were going to do, and that allows them to access the community support levy which they may not otherwise have access to.

Mr BIRRELL — I will get you finish, but Mary has established a capacity that I am allowed to interrupt.

Ms GILLETT— I get the blame!

Mr BIRRELL — You are suggesting, though, that this money not be targeted to Anzac Day but be targeted to the ex-service community 365 days a year?

Mr WARD— No. They are collecting money 365 days of the year; in other words, they are contributing to this fund over 365 days. But on Anzac Day they are still operating. So on the basis of that is it equitable to ask that fund to give over one three hundred and sixty-fifth of its levy back to the Anzac Day Proceeds Fund as its contribution which we can then distribute out to the ex-service community?

Mr BIRRELL — I am trying to work out what this final end point is. You are saying the funding would be used for essential programs for the ex-service community, for Anzac Day?

Mr WARD— No, just general terms.

Mr RYAN— We will touch on that.

Mr BIRRELL — Do that.

Mr RYAN— To finish this point, the issue is that the funds raised for the Anzac Day Proceeds Fund come from some very limited sources — and those sources were limited to activities that took place in 1958, not activities that take place in 2002. Casinos, gaming hotels and clubs are clearly activities that have arisen in more recent times that have leisure activities that would have been, we feel, contemplated by the original intent of the act, but of course are not covered by the wording of the act as it stands today. Those venues already contribute into community funds. So our belief was rather than come up with another mechanism for them to contribute separately to the

Anzac Day Proceeds Fund, that we would be best served tapping into the existing levies and funds that already exist by having a portion of that contribution allocated to the Anzac Day Proceeds Fund. The Anzac Day Proceeds Fund is then what the council uses to serve the welfare distribution purposes of the ex-service community; it is a welfare fund.

Mr ROBINSON — What does that figure equal? 0.275 per cent of the yearly funding of the Community Support Fund levy; what does that equal in dollar terms?

Mr NEW — \$120 000, from my understanding of a yearly intake.

Mr BIRRELL — I am just trying to get back to first principles. The reason the AFL donates money to the Anzac Day Proceeds Fund is that under the act it cannot have a footy match unless it does, or unless it gets the minister's agreement. If you follow that same first principle, that anyone who opens on the day has to give some money, wouldn't you say to anyone who opens on that day, like the pokies people, 'Well, you have a choice: if you want to open that day, you pay a premium, but if you don't, you don't'?

Mr RYAN — There are a number of ways it could be taken, I guess. We were trying to find the easiest way to implement it, but we are open to other ways of how funds might be donated to the Anzac Day Proceeds Fund.

Mr BIRRELL — You are trying to take one three hundred and fifty-sixth?

Mr RYAN — Just as a simple mechanism to implement what we are looking for. The TAB is a separate formula.

Mr ROBINSON — Trying to get money back from the Department of Treasury is possibly the hardest way —

Mr BIRRELL — I agree with Tony. Trying to get money back from the Department of Treasury is probably the hardest way to actually get money. But you are getting one three hundred and sixty-fifth. How much does the community support levy take out of the pokies? What percentage does it take out of turnover? It is point 5 per cent, isn't it?

Mr NEW — I am not sure. It only took me five days to get a figure!

Mr BIRRELL — The community support levy is such that 0.5 per cent of the turnover goes into the community support levy, so you are actually getting one three hundred and sixty-fifth of 0.5 per cent, which is —?

Ms GILLETT — A bad deal.

Mr BIRRELL — You would be getting a lot less than \$1000 per venue. I don't know how many pokies joints there are, but there must be hundreds.

Mr WARD — We looked at the total Community Support Fund; how much was in the fund each year. As Wayne said, it is pretty hard to find out what that figure is, but we think through that levy \$40 million was distributed to the community each year. So again it depends on what is greed. How much do you set as a reasonable amount?

Ms GILLETT — Or what is fair.

Mr BIRRELL — Do you have a policy view on whether pokies should be open on the morning of Anzac Day — not the afternoon — but before 1 o'clock? If you don't, we are not trying to put you on the mat.

Mr WARD — No, they are open. I think people would like them to open. It is a way of contributing some money back, so to close them does limit our opportunity of going and getting

some more money out of the whole system. I don't think you can stop people. Anzac Day is important. As a veteran in my own right, Anzac Day is important, but I also have to balance that up with the community in general. Community standards have changed. I like to have a drink after Anzac Day, and I can go to any number of places, but what about the general public?

If they are prepared to give of their time in the morning and attend to the commemorative and remembrance aspects of it, then who says we shouldn't have other entertainment? But if you pay for that, it gives a little bit back for it. Then we all benefit over 365 days a year for that day. The answer to your question would be I think it is fair that they open, but let them pay for the privilege. That is really the key to it; and then we will do a good job of distributing the money.

Ms GILLETT — There are some logistical nightmares, though, aren't there, in collecting? What sort of regime do you put in place? What sort of formula do you put in place? One for regional, one for rural and one for metro? With the AFL you have one organisation, one set of negotiations, bang, over. Mark looked into the number of licensed pubs and clubs there were; do you remember?

Mr BRENNAN — I can't recall offhand now. We got some figures from Liquor Licensing Victoria —

Mr BIRRELL — It is enough they are open in the morning, let alone in the afternoon.

Mr RYAN — Again simplicity is the key, which is why we were looking to tap into the existing arrangements of the benefit levy and the support fund arrangements rather than trying to create separate mechanisms among all those clubs and gaming venues, and the casino.

Mr WARD — Administratively we don't believe we can manage it on our own.

Ms GILLETT — Neither could Justice.

Mr WARD — We would be hopeless in that sense. It was a simple approach, but trying to get back to those principles of the AFL and the gaming establishments and any other organisation or venue that is providing sport or entertainment, because we do make reference to movie theatres that open up at about 12, 1 o'clock in the afternoon and charge a fee. Again, a way and means of, 'Okay, if you want to open Anzac Day, that's your right, but hang on, give a benefit back to the ex-service community for why this day came about in the first instance'.

Ms BEATTIE — Can I suggest we allow you to finish your submission, and we then take questions? We will dispense with the current formula!

Mr WARD — The major contributor is the racing industry. That is well established. That is where most of our money comes from; it is the vast majority of the money. Of course, that has been diminishing over time as well. We have not really touched on that because it is existing rather than something new, and it has been the primary contributor. It has reduced over time. There is a graph in our submission that will show where that has been going down. Remember that graph is the total funds, but the vast majority of those funds are coming from the racing industry. As I say, it was trying to increase the pot money available in distribution, but looking at the newer opportunities that were not incorporated in the original act back in 1960. I turn to my colleague, Steve.

Mr RYAN — Contrary to some views that have been expressed to us in the general community, the funds have been in continual decline in terms of the amount that has been available to us to distribute, whereas the ask has greatly increased, which surprises some people.

When you look at it, we have an age group of World War II veterans who have passed the age of supporting themselves, and while many of them have unfortunately passed away, they have been self-supportive — and that has been a credit to that generation through a great deal of their life — but they are at the stage now where they need sufficient or and a lot more welfare support for whatever purpose. 'Welfare' I use in the broadest sense, because there are many ways that the ex-service community groups now provide welfare to their constituent members.

Additionally the Vietnam veterans, who have not had a high profile, have now reached the age of retirement. Again the mechanisms for them supporting themselves are starting to decline, and we are witnessing a greater emphasis on supporting their needs, which will only increase over future years.

What we are about is not just to have a money grab in terms of trying to get our hands on more so we can distribute it; we actually believe it is necessary to support a greater welfare need that is there in the ex-services community. Our objective of wanting to raise additional funds and wanting to tap into resources that are not tapped into in relation for raising funds into the Anzac Day Proceeds Fund is purely to accommodate the welfare needs we see ever increasing in the ex-services community.

Mr WARD— We don't know where we are going to go. As far as defence forces in Australia are concerned, if we look at East Timor, our best estimate at this time is that something like 15 000 troops will go through East Timor, because no end date has been called. If we look at what is happening in the defence force and at the Afghanistan peacekeeping operations, we can fairly say that with the work to be done within the ex-service community, they are going to be there for a long, long time.

Based on Department of Veterans Affairs figures, widows of World War II veterans will not plateau out until 2007. So we are still looking at a considerable number of people a long way out that will need help of some sort or another, which is what this has been about all along. It is the ex-service community that is not part of the RSL.

The RSL is probably now in the best financial position it has ever been in. The Patriotic Funds Council is in the best position to try to look towards those other organisations — ex-service organisations — that want to maintain independence for their own reasons, and we then look at that. I think Wayne would like to make a couple of comments.

Mr NEW— Once again, we went on only a very limited amount of things. You could go into television advertising on Anzac Day, and radio — which was not around in 1958 or 1960, whenever it was — and a plethora of other things as well, but we didn't have the expertise or the knowledge to be able to do that. So it is up to you people obviously — you are the committee — but it is not going to be easy.

Mr RYAN— I think we will leave it there.

Mr OLEXANDER— Who gets the money? Perhaps we should have discussed who gets the money and what they do with it before how much was required, because it would seem logical to think about what you want to do with the money first and what the needs are. Can you explain who is included in your definition of the ex-service community; who gets it and what do they do with it?

Mr WARD— That ex-service community is anyone who has a registered fund under the Patriotic Funds Act. Therefore, we have something like 600 funds. Approximately 67 per cent of them belong to the RSL, so another 33 per cent belong to the ex-service community.

I mentioned Legacy, Carry On, Australian Legion. We have regional welfare centres, which are composite groups sitting out in the country areas of Victoria, and some in the metro who serve the ex-service community generally without putting a particular hat on, but they provide welfare and advice. They are made up generally of committees that might represent RSL, Legacy, Carry On, and those sorts of organisations. When they come seeking money from the Patriotic Funds Council through the Anzac Day Proceeds Act, they make a submission about what they are going to do with that money. They might provide welfare workers; they could provide straight-out assistance. A lot of it is advice, so therefore the money we distribute allows them to continue to operate in a location and would meet the administrative costs of running that organisation, such as photocopying, et cetera.

Mr OLEXANDER— Who do they submit to?

Mr WARD— The Patriotic Funds Council.

Mr OLEXANDER— Do you make that those decisions or does the minister?

Mr WARD— No, we make a recommendation.

Mr OLEXANDER— To the minister?

Mr WARD— To Treasury directly.

Mr OLEXANDER— Would the Red Cross and the Salvation Army be included in the distribution?

Mr WARD— Not historically.

Mr RYAN— No. It is related to the Patriotic Funds Act, which talks about the raising of all funds for patriotic services within the State of Victoria, so it is purely those funds are associated with that, which clearly delineates it to the ex-services case.

Mr OLEXANDER— They are currently not included; in your view should they be? Are there groups and quarters that could be incorporated?

Mr WARD— You could, but you could come into conflict with the act itself, because they are not covered under the act; they don't fall within the bounds of the act, so you would have to change the act to incorporate them into it, as they have a more general community purpose — where we are talking about the Anzac Day Proceeds Fund being distributed to the ex-service community, who are clearly defined within the Patriotic Funds Act, and they are veterans and their dependants. So you have a conflict, because the Red Cross and the Salvation Army have a wider scope than the ex-service community, but I accept your point, that they were there.

Mr OLEXANDER— And they do provide services to the ex-service community.

Mr WARD— It then becomes a situation of if they make a submission the act would have to allow that to occur, and then you would have to make sure that if we gave them the money for that purpose they would use it for that purpose. So if you can get around those issues, I don't think there will be any difficulty with it.

Mr OLEXANDER— That is what parliaments do. Part of the reason we are having this inquiry is to scope out some of those issues.

Mr RYAN— It is a good point you raised. We had not turned our attention specifically to that; we were more focused on the ex-services community as it stands directly today.

Mr BIRRELL — You therefore couldn't give money to the Shrine of Remembrance?

Mr WARD— No, because it is a memorial.

Mr BIRRELL — The act does not allow you to do that?

Mr WARD— No.

Mr BIRRELL — How much money do you allocate that goes for the running of Anzac Day?

Mr WARD— To my knowledge, based on the submission, we have had only one year's submissions. We are now only looking at the second year, because as I said earlier, there was a formula and before we didn't know how the formula was worked out, so we distributed the money out to the ex-service community to do what they do. None of the submissions last year covered off on that point; it was all about welfare. But as far as I know, no money was distributed or used for the purpose of Anzac Day itself, for commemoration. I don't believe that it is appropriate for the council to do that. We are not in the business of education. That's not what the act is all about. It is about giving welfare and defining within the act how we see that welfare. Education and those sorts of

things are not part of the current role of the Patriotic Funds Council and its distribution of funds.

Mr NEW — It is my understanding the RSL has always financed that out of its own coffers.

Mr BIRRELL — It does, and I think there is a large amount of the smell of an oily rag as well. But that is right, they do fund it out of their own coffers, and by levels of governments not charging bills. Although I hear this year the Melbourne City Council did charge a bill, and had to pay this year, which we might get in further evidence. So you only give funds; you don't give any money for education?

Mr WARD — No, not that I know of.

Mr BIRRELL — Generally.

Mr RYAN — The act prohibits it actually, that's why.

Mr BIRRELL — Legally speaking, yes. Let's forget how some money might have been recycled somewhere 20 years ago or something. So no money for education, no money for running the day, all for welfare, and generally you are giving out let's say half a million a year?

Mr RYAN — At best.

Mr WARD — Average \$400 000.

Mr BIRRELL — Okay, an average of \$400 000 a year. Doesn't that reflect the reality of the principal source of funds and the principal responsibility for the welfare of ex-servicemen and women is with the federal government?

Mr RYAN — It could in the first instance, yes, but we don't see why Anzac Day as a commemorative activity couldn't also incorporate something similar to what the Royal Children's Hospital has with its Good Friday Appeal, for example, where it actually serves as a tangible way to gauge funding to help support the ex-services community. There is no reason why it couldn't encompass that. At the moment we are only just tapping into it, but it could be broader.

Mr BIRRELL — I am just trying to get this into perspective. Let's say we accepted all of your recommendations, you would probably have less than \$700 000 to distribute, if we accepted all of this — and I think it would be over a dead body in Treasury — but if we did, that's a complete drop in ocean, isn't it, in terms of welfare needs?

Mr WARD — It is. It is a vexing problem, because how much is enough? Where do you say, 'Okay if we could get \$700 000, we could certainly distribute \$700 000'. If you make it \$1 million, we can easily distribute \$1 million. It just depends on what is enough.

Mr BIRRELL — You said you had bids for how much?

Mr WARD — Our first bid is for \$18.5 million, so if we had \$18.5 million we could give to everybody, the Patriotic Funds Council would be the greatest body on earth.

Mr OLEXANDER — It could cover everything — education, commemoration.

Mr WARD — Coming back to education, you make the point about federally. The Department of Veterans Affairs is contributing a considerable amount of money to education in a national sense. They have only just started a new program called Their Service, or something — an extension of what they started in 1995. So it is not as though the Federal Government is not trying to educate as well. It is significant the amount of money they are putting there, so in one sense the Federal Government is making a contribution.

Mr BIRRELL — What if the act were altered? What would your view be on the act being

altered so the Patriotic Funds Council also had an educational statutory duty and a commemorative statutory duty, and some funds were earmarked for commemoration and education and other funds were earmarked for welfare?

Mr WARD— So you have three elements: welfare, commemorative, education.

Mr BIRRELL— Commemorative and education are a little bit hard to split. No, actually they are not. There is welfare, commemoration and education; and running the day is another—

Ms GILLETT— Coordinating perhaps.

Mr BIRRELL— You are paying for the day. One of our concerns is that how long can we live on the fact that X has always done Y function on the day, before he or she dies, and that a group doesn't charge for it because they didn't want to? We are concerned about who pays for the day. What is your general view on having those other functions as statutory requirements?

Ms GILLETT— As a supplement, before you answer that: it would not be anticipated that the council wouldn't be appropriately skilled or funded to do it. So it is not like we are saying to you as you are currently structured, configured and with all the people involved, take on these responsibilities; it is more people resources with appropriate skills and more finance.

Mr WARD— Sure. Then on the basis of that I think it would be a good idea, primarily because I come back to the independence of the council. It is independently and statutorily responsible for the whole of the ex-service community. It has the most number of ex-service organisations registered for funds under the Patriotic Funds Council, so it can go out and raise money under this act and get its benefits from doing that; and the council is as independent as you can hopefully make it, there is no doubt about it. Some of the ex-service organisations are represented on the council — RSL and Legacy — but when they come to the councillors, they have to be independent. So they are not necessarily representing their own bodies; they can't, because under law they can't. They have to put aside any conflict of interest.

Mr OLEXANDER— So there is a credibility issue.

Mr WARD— There is credibility, in my view, that it is independent and can be demonstrated to be independent by virtue of its act and how it forms those responsibilities. We had not broached those other subject matters other than the welfare purely because we didn't have the funds available to tackle it.

Ms GILLETT— And they are not in your ken either.

Mr WARD— So on the basis that there was significant change to allow funding, then yes, we would be very receptive to those ideas.

Mr ROBINSON— Two questions: the first picks up on the comment you've just made and refers to point 11 in your submission. As I understand it, the Patriotic Funds Council distributes the money that is collected under the Anzac Day proceeds arrangements, and what you collect you disburse — you could disburse it 10 times over — and that is roughly \$300 000, \$400 000 a year.

I am also understanding that there are lots of other patriotic funds, many of them run by RSL sub-branches, and they are also authorised by the patriotic funds legislation that goes back to whenever, and you apply. The government of the day deems that yes, you are authorised to collect money for patriotic funds — and hundreds of them as such. I gather when you say at point 11:

These assets are generally buildings, which are not liquid.

You are talking about many of those patriotic funds at sub-branch levels at RSLs and other organisations. Who oversees the disbursements from patriotic funds that are operating at that level?

Mr WARD— They go through trustees and then report to the Patriotic Funds Council through annual reports. There are sometimes movements of moneys between one patriotic fund and another. For example, a sub-branch of the RSL down in Moe might want to give some money to Legacy in Drouin. Both of those branches have a fund registered under the act and can then transfer money across from one to the other with the sanction of the Patriotic Funds Council.

Part of the problem is the trustee of the RSL is Anzac House, so it has to give a tick to start with. Then I sign off on it and inform the council of those at the meeting.

Mr ROBINSON — Let me understand this —

Mr NEW — It is the local area that looks after them.

Mr ROBINSON — I understand. So an RSL club in a certain area that has accumulated funds will receive applications through that club for disbursements of those funds, and it will be permitted, with a tick from Anzac House, to proceed with those disbursements, and that will be reported to you. But the RSL at the same time as a body comes to you and seeks to access — 38 per cent, or something, was the figure you used— the money that is raised on Anzac Day through those activities. So the RSL must be looking to use that money for things that are quite distinct from the assistance sought at the sub-branch level. It is like the RSL is having two bites of the cherry. It has a whole series of sub-branch patriotic funds — which if you add up the net worth of those I understand is quite considerable — but it comes to you every year and says we want 38 per cent or more of what is raised. How does that work?

Mr WARD— Generally they go for big-ticket items, but it was last year that we ran into some difficulties. In previous years, using a formula, they asked for the money and it was just distributed; we never saw it or had any say. It was only last year that we could assess what they might do with their money if we were to grant them that money. But in one instance we did not, because they were looking for some capital items for their aged care, and that particular operation has assets and turnover of about \$43 million.

Mr ROBINSON — This is the one you are talking about.

Mr WARD— Yes, you are looking at quite a sizeable organisation. As I say, trying to meet whatever they wanted for that year from this very small amount of money just didn't make any sense, so we explained that to them. We said, 'Well look, you are over here and have this operation and want this amount of money'. As I say, we can get a better benefit over a wider group of people or numbers by distributing it over here rather than giving it to them here. That was the whole argument, and it is very subjective.

What we have to look at, too, is the future of the RSL and its gaming and its capacity to raise money in the future. The way they are structured— and I admire the way they have structured it, because they have maintained significant control over all of their 73 gaming facilities that will allow the ex-service community to benefit. But in the future, if you are under the umbrella of the RSL, they will be in a very good position to finance a lot of their operations that may not require them to come to the Patriotic Funds Council and seek any funds from that Anzac Day Proceeds Fund, which then allows us to help the other bodies who are not associated under the umbrella of the RSL.

Mr RYAN— Just to clarify that point: the gaming activities take place outside of the patriotic funds umbrella. Therefore they are actually free to use those gaming proceeds for whatever purposes they want. What the council regulates is just those funds that are used for patriotic purposes.

Mr ROBINSON — I want to get your opinion, because you are in effect, I guess, the administrators of the patriotic funds right across the state —

Mr WARD— Some might say we are the regulators.

Mr ROBINSON — I accept this might be a point of difference, but you are RSL

representatives. We are looking at a sizeable asset. If I read correctly the Patriotic Funds Council report a couple of years ago, the net value of the patriotic fund across the state was \$180 million.

Mr WARD— It is probably a lot higher than that, because a lot of the money is in the building itself, it is not liquid assets.

Mr ROBINSON — We are not talking about an insignificant amount.

Mr WARD— We are not.

Mr ROBINSON — I wonder whether the RSL in itself may be constrained on the things that it can be spend its patriotic funds on. Talking anecdotally to a few people, they say, ‘Oh, we do get applications in’. What is your honest opinion: do you believe that the administration of patriotic funds across the state is in need of revision?

Mr WARD— If I understand you correctly, those are RSL sub-branches that are distributing funds need revision, not the Patriotic Funds Council. I am looking for advice!

Mr ROBINSON — Let me throw this at you then. I am not suggesting revision in the sense that they are not being well run. It may well be that they are simply structured from an era where they worked a lot better than they can possibly work today.

Mr WARD— It is a difficult one to answer, because you are about to have a huge change in the RSL and its gaming. It is huge. This month they will go to the taxation department and reach an agreement which says if they spend 50 per cent of their moneys on welfare each year, they will be tax exempt. That was the point I was trying to make earlier, about their capacity in the future to fund a lot more than the rest of the ex-service community would have available to them. That is not a criticism of the RSL. In fact they are to be applauded for what they have been able to negotiate to achieve that outcome. So therefore they can look after themselves with an increasing pot of money, but in my view the Anzac Day Proceeds Funds will not mean dilly squat to them because they can in fact say, ‘We don’t need you’. But it is the ex-service community that wants to maintain independence and do the right thing for its group of people, for whatever reasons. Some of it is historical and some of it is political.

As you well know, we all work in those environments, whatever happens. So, as I say, it is about maintaining the independence of the council and its role over the whole of the ex-service community. Administratively we are fine. However, we need some refinements to the Patriotic Funds Act, which we are currently being looked at in another circle — and that is our ability to go and look more closely at things. Does that answer your question?

Mr ROBINSON — It does. The second question I want to raise with you concerns the proceeds you gain from racing. As I understand it, that has been a formula where the contribution is equal to the net proceeds of racing — in the city at least — on Anzac Day, which is a Flemington race meeting; and if it is a Saturday it is right up there, and if it is a week day it is right down there. That makes up the mainstay of your income. I am interested to know whether there has been any attempt to try to standardise that payment over time. Is the RSL, again under the act, empowered to negotiate that contribution?

Mr WARD— No, it is set by the racing act.

Mr ROBINSON — So the racing act — they negotiate with you on that or make an automatic decision?

Mr WARD— It is net proceed with a put percentage, and it just goes into the fund and we have no negotiation. In fact, it is probably part of the reason we went to the AFL, because it gives certainty as well. What you don’t know is how much betting turnover is going to happen on that day based on the quality of the race meeting.

Mr ROBINSON — Has anyone attempted over time to sit down with the racing industry and say, ‘Well, we understand what is in the act; would we both be agreeable to a formula that says we will standardise this amount and index it to see if we can get the act amended?’. Would that serve you better as a council?

Mr WARD — It would. I had discussions with Treasury last year. They wanted to average it out, but we didn’t go with that because we didn’t have enough knowledge as to where it might lead us. Given the amount of money we had, we wanted to maximise that and took our chances. We were looking at a couple of historical aberrations as far as Anzac Day falling on the Tuesday following Easter, so no-one went to the races that day, and another day was Sunday. It was trying to get a handle on it to say, ‘Well, what would be the ups and what would be the downs?’.

We had the discussions but we didn’t go any further. If we could get certainty of how much is it going to budget each year rather than having this constant dropping away or this fluctuation, then yes, we would be, because you could then plan a lot better and you could get indicators to the ex-service community who want to access that fund and say, ‘Look, we are likely to get about this, so you may be able to plan on this as long as your submission fits within these parameters’. It would certainly give us some benefit there, but the whole idea is to maximise and give certainty.

Mr BIRRELL — An alternative to the more wholesale changes to the Patriotic Funds Council in terms of its functions and extra functions we are looking at in terms of commemoration, education and running the day, would be establishing something like an Anzac Day commemoration committee, a state committee — Queensland has such a body, but I don’t think anyone else does — which would have to be very representative in that your council is not a government body but a creature of government — and you are not, you are very broad.

Have you got views on that as an alternative option or as another mechanism?

Mr WARD — You are playing politics here, really, because the RSL has generally taken responsibility through a committee called the Anzac Day Commemoration Committee; it is more or less convened by the RSL and has other members. You would be taking that away from the RSL.

Mr BIRRELL — I wouldn’t suggest ever going down that path.

Mr ROBINSON — It is easier now, though.

Mr WARD — I may be looking at it too simplistically.

Mr BIRRELL — It may well be that you legislate for that already-existing body to exist and you dedicate some money to it. You could argue that the function of Anzac Day, the Anzac legend and paying for the day, is distinctly different to the function of the welfare of living ex-servicemen and therefore you have two different bodies. Indeed one body would have a lesser task. Yours is 365 days; this would be several months for a day or a week. And let’s assume that the RSL was hopefully enthusiastic about it, because it continued its principal functions. Do you have a view on those two options? A think-aloud type thing, not even your view.

Mr NEW — A think-aloud type thing is if you go down the avenue and try to coagulate you will run into problems like policies: Will children march? Will the second boys scout group march?

Mr WARD — Or will the Vietnam veterans motorcycle club be allowed to march?

Mr NEW — That is the only problem you are going to have, thinking through those types of policies, and does government want to be embroiled in those types of decisions?

Mr BIRRELL — Not willingly.

Mr RYAN — Those decisions need to be made by whoever is regulating or looking after the day’s activities. From the point of view of ensuring it was a conclusive activity incorporating all of

the ex-service community, we would support that in principle; and in whatever form that came in, whether it be through the Patriotic Funds Council or through a separate body, and that would be a for the constituent members to say, 'This is the way I would prefer to do it'. But I think we would have a reasonably open view to it; it is just in our current form we are not able to do that. If it were set up correctly, we wouldn't be against it in the future.

Mr BIRRELL — It would be important, though, wouldn't it, to keep the funds for education, commemoration and running the day separate from the funds for welfare?

Mr WARD— Absolutely.

Mr BIRRELL — You would beat a very clear line between the two. That is what I am getting at. Whatever structure we have, there has to be a separate line, and we can't be taking away from the historic money available for welfare to put into the others.

Mr WARD— That is true.

Ms BEATTIE — In closing, I thank you for your time. The fact you've been questioned so comprehensively shows the extent of interest in this inquiry. I also thank members of the general public who have been sitting here throughout the morning for their interest.

Mr WARD— Thank you very much, all of you, for the opportunity we have been given. We probably went a bit wider than we were anticipating, but we were trying to anticipate some of your questions. We didn't think we were going to go so wide.

Mr BIRRELL — We might get back to you informally.

Mr WARD— We would be delighted. Now that we have had a chance to look at some of the questions and reflect on those, we might be able to come back with something more comprehensive and objective, perhaps with a little bit more thought, but we do appreciate the opportunity. It has been fantastic, from our point of view, to present a submission of this nature, and we may see some benefit, so thank you.

Witnesses withdrew.

Committee adjourned.