

Departmental Disclosure Statement

Anzac Day Amendment Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry for Culture & Heritage and Veterans' Affairs.

The Ministry of Culture & Heritage and Veterans' Affairs certify that, to the best of their knowledge and understanding, the information provided is complete and accurate at the date of finalisation.

14 February 2025

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Part One: General Policy Statement

The Anzac Day Act 1966 (the **Act**) provides for a day in commemoration of the part taken by New Zealand servicemen and servicewomen in 6 specified conflicts (from the South African War to the war in South Vietnam) and in memory of all those people who at any time have given their lives for New Zealand, the British Empire, or the Commonwealth of Nations. The day of commemoration is 25 April in each year.

The Government has decided that recognition and commemoration under the Act should be broader and more inclusive than it currently is. The Anzac Day Amendment Bill (the **Bill**) will amend the Act so that it covers other conflicts and persons who have served New Zealand in time of war or in warlike conflicts in the past and in the future that are not currently covered by the Act.

It is intended that the Act as amended by the Bill will recognise and commemorate—

- service by New Zealand service personnel in a variety of deployments, such as—
 - United Nations (**UN**) missions, multi-force groupings, or organisations (for example, the UN peacekeeping force on the Sinai Peninsula):
 - in Allied forces, where those forces participate or have participated in a war or warlike conflict involving New Zealand:
- New Zealand service personnel who die or who have died in training associated with wars or warlike conflicts:
- New Zealand residents and other persons who served in Allied forces in the 2 World Wars:
- military personnel from all Allied countries, as well as New Zealand, who participated in the first Allied landing of troops at Gallipoli:
- non-military service by New Zealand civilians in wars or warlike conflicts involving New Zealand, such as—
 - the Home Guard defending New Zealand:
 - medical personnel:
 - members of the Merchant Navy in the 2 World Wars:
 - members of the New Zealand civilian surgical team who served in the Vietnam conflict.

The Bill replaces section 2 of the Act to provide broader and more inclusive recognition and commemoration by—

- providing more generally that Anzac Day recognises and commemorates all those who have served New Zealand (including those who have died) in time of war and in warlike conflicts:
- clarifying that Anzac Day is the anniversary of the first landing of New Zealand and other Allied forces' troops on Gallipoli, not just troops from New Zealand, the United Kingdom, and Australia:
- providing a broad definition of warlike conflict, which is intended to cover nearly all operational service deployments involving the New Zealand Defence Force.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.	

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The proposed amendments in the Bill would not have any significant impact on population groups and have no financial implications. The legislation provides only for recognition and commemoration of service as recognised on Anzac Day annually.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO
The legislation does not create new obligations or standards, or impact on existing obligations or standards.	

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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The Ministry for Culture & Heritage and Veterans' Affairs have consulted with the Ministry of Foreign Affairs and Trade to consider whether the Bill is consistent with New Zealand's international obligations.
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Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The Ministry for Culture & Heritage has consulted with its Te Hononga Māori Crown Partnerships Group.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?
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NO

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

NO

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?

YES

The Cabinet Business Committee policy paper was consulted in September 2024 with the Ministry of Foreign Affairs and Trade, the Ministry of Business, Innovation and Employment (which is responsible for the Holidays Act), the Ministry for Regulation, the Parliamentary Counsel Office and the New Zealand Defence Force. Veterans' Affairs has informed veterans' organisations of the proposed amendments (the Royal New Zealand Returned and Services' Association initially in person and subsequently by follow-up email along with another 27 veteran groups. Feedback from this engagement was positive, all those consulted were in favour of the policy and the Bill.
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Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	NO
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Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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