

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are to amend the *Summary Offences Act 1988*, the *Anzac Memorial (Building) Act 1923* and the *Anzac Memorial (Building) By-laws 1937*:

(a) to double the maximum penalty for offences under the *Summary Offences Act 1988* relating to protected places (including war memorials), and

(b) to double the maximum penalty for offences under the *Anzac Memorial (Building) By-laws 1937*, and

(c) to double the maximum amount that a person who has been convicted of an offence under those By-laws may be ordered to pay for the repair or restoration of damage caused by the commission of the offence.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Summary Offences Act 1988* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Anzac Memorial (Building) Act 1923* set out in Schedule 2.

Clause 5 is a formal provision that gives effect to the amendments to the *Anzac Memorial (Building) By-laws 1937* set out in Schedule 3.

Clause 6 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Summary Offences Act 1988

Section 8 (2) of the *Summary Offences Act 1988* currently provides a maximum penalty of 20 penalty units (currently \$2,200) for a person who wilfully damages or defaces any protected place, including a war memorial. **Schedule 1 [1]** increases the maximum penalty to 40 penalty units (currently \$4,400).

Section 8 (3) of that Act currently provides a maximum penalty of 10 penalty units (currently \$1,100) for a person who commits any nuisance or any offensive or indecent act in or on any war memorial. **Schedule 1 [2]** increases the maximum penalty to 20 penalty units (currently \$2,200).

Schedule 2 Amendment of Anzac Memorial (Building) Act 1923

Section 9 (3) of the *Anzac Memorial (Building) Act 1923* provides that the By-laws may create an offence punishable by a penalty not exceeding 20 penalty units (currently \$2,200). **Schedule 2 [1]** increases the maximum penalty to 40 penalty units (currently \$4,400).

Section 11 (1) of that Act currently provides that a person convicted of an offence under the By-laws may be ordered to pay an amount not exceeding 20 penalty units (currently \$2,200) as the cost of, or a contribution to the cost of, the repair or restoration of any damage caused by the action that resulted in the conviction.

Schedule 2 [2] increases the maximum amount that a person may be ordered to pay to 40 penalty units (currently \$4,400).

Schedule 3 Amendment of Anzac Memorial (Building) By-laws 1937

By-law 12 of the *Anzac Memorial (Building) By-laws 1937* provides a maximum penalty of 20 penalty units (currently \$2,200) for a person who damages or impairs or does anything likely to damage or impair the Anzac Memorial Building. **Schedule 3 [2]** increases the maximum penalty to 40 penalty units (currently \$4,400).

The By-laws also set out certain other offences relating to the conduct of persons within the dedicated area and prohibiting persons from entering the Anzac Memorial Building during the hours that the Anzac Memorial Building is closed. **Schedule 3 [1]** increases the penalty for such offences from 10 penalty units (currently \$1,100) to 20 penalty units (currently \$2,200).