



New South Wales

War Memorial Legislation Amendment (Increased Penalties) Bill 2007

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).



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No. , 2007

A Bill for

An Act to amend the *Summary Offences Act 1988*, the *Anzac Memorial (Building) Act 1923* and the *Anzac Memorial (Building) By-laws 1937* to increase penalties for certain offences relating to war memorials under the *Summary Offences Act 1988* and the By-laws; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>War Memorial Legislation Amendment (Increased Penalties) Act 2007</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Amendment of Summary Offences Act 1988 No 25	7
The <i>Summary Offences Act 1988</i> is amended as set out in Schedule 1.	8
4 Amendment of Anzac Memorial (Building) Act 1923 No 27	9
The <i>Anzac Memorial (Building) Act 1923</i> is amended as set out in Schedule 2.	10 11
5 Amendment of Anzac Memorial (Building) By-laws 1937	12
The <i>Anzac Memorial (Building) By-laws 1937</i> are amended as set out in Schedule 3.	13 14
6 Repeal of Act	15
(1) This Act is repealed on the day following the date of assent to this Act.	16
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	17 18

Schedule 1	Amendment of Summary Offences Act	1
	1988	2
	(Section 3)	3
[1]	Section 8 Damaging or desecrating protected places	4
	Omit the penalty provision to section 8 (2). Insert instead:	5
	Maximum penalty: 40 penalty units.	6
[2]	Section 8 (3)	7
	Omit the penalty provision. Insert instead:	8
	Maximum penalty: 20 penalty units.	9

Schedule 2	Amendment of Anzac Memorial (Building) Act 1923	1
		2
	(Section 4)	3
[1] Section 9 By-laws		4
	Omit “20 penalty units” from section 9 (3). Insert instead “40 penalty units”.	5
[2] Section 11 Compensation		6
	Omit “20 penalty units” from section 11 (1). Insert instead “40 penalty units”.	7

Schedule 3	Amendment of Anzac Memorial	1
	(Building) By-laws 1937	2
	(Section 5)	3
[1] By-laws 10, 11 and 13–15		4
	Omit the penalty provision to By-laws 10, 11 and 13–15. Insert instead:	5
	Maximum penalty: 20 penalty units.	6
[2] By-law 12		7
	Omit the penalty provision to By-law 12. Insert instead:	8
	Maximum penalty: 40 penalty units.	9