



# War Memorial Legislation Amendment (Increased Penalties) Bill 2007

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Extract from NSW Legislative Assembly Hansard and Papers Wednesday 30 May 2007.

### Agreement in Principle

**Mr BARRY COLLIER** (Miranda—Parliamentary Secretary) [10.41 a.m.], on behalf of Mr David Campbell: I move:

That this bill be now agreed to in principle.

The Government is pleased to introduce the War Memorial Legislation Amendment (Increased Penalties) Bill 2007. The bill proposes amendments to the Summary Offences Act 1988, the Anzac Memorial (Building) Act 1923 and the Anzac Memorial (Building) By-Laws 1937 to double the maximum penalties for anyone who defaces, vandalises, deliberately damages or behaves inappropriately around a war memorial. The Anzac Memorial (Building) Act 1923 deals specifically with the Anzac Memorial in Hyde Park, Sydney, and the Summary Offences Act 1988 creates offences that protect the thousands of memorials in cities and towns across New South Wales.

The bill forms the legislative plank of the Government's "Respecting Our Diggers" policy to ensure ongoing respect for our war veterans and places of remembrance. The bill honours the Government's pre-election promise to double penalties for criminal or inappropriate activity around war memorials. These changes come on top of the serious sanctions that already exist for criminal behaviour in and around war memorials. Depending on the seriousness of the conduct, such behaviour can already be dealt with by general criminal provisions including malicious damage under section 195 of the Crimes Act, which carries a maximum penalty of five years imprisonment, and offensive conduct under section 4 of the Summary Offences Act, which carries a maximum penalty of six penalty units or \$660 and three months imprisonment.

This bill sends another clear message that war memorials are sacrosanct and vandalism or destruction of these monuments will not be tolerated. War memorials honour those who have fought for our country, many of whom made the ultimate sacrifice. These memorials are a physical reminder of the bravery of individuals as well as the immense loss suffered by their loved ones and the nation. The bill reinforces the seriousness of the defacing or damaging of war memorials by doubling the maximum penalty for such offences.

I turn now to the detail of the bill. Item [1] of schedule 1 increases the maximum penalty under section 8 (2) of the Summary Offences Act 1988 for a person who wilfully damages or defaces any protected place, including a war memorial, from 20 penalty units, currently \$2,200, to 40 penalty units, currently \$4,400. Item [2] of schedule 1 increases the maximum penalty under section 8 (3) of the Summary Offences Act 1988 for a person who commits any nuisance or any offensive or indecent act in or on any war memorial from 10 penalty units, currently \$1,100, to 20 penalty units, currently \$2,200. Item [1] of schedule 2 amends section 9 (3) of the Anzac Memorial (Building) Act 1923 to provide that the by-laws may create an offence punishable by a penalty not exceeding 40 penalty units, that is \$4,400. The amendment doubles the penalty currently provided for in the Act, which is 20 penalty units, currently \$2,200.

Item [2] of schedule 2 amends section 11 (1) of the Anzac Memorial (Building) Act 1923, which 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. Item 2 [2] increases the maximum amount that a person may be ordered to pay to 40 penalty units, currently \$4,400.

Item [1] of schedule 3 amends by-laws 10, 11 and 13 to 15 of the Anzac Memorial (Building) By-Laws Act 1937, which set out offences relating to the conduct of persons within the dedicated area and prohibiting persons from entering the memorial building during the hours that the memorial building is closed. Item [1] of schedule 3 increases the penalty for such offences from 10 penalty units, currently \$1,100, to 20 penalty units, currently \$2,200. Item [2] of schedule 3 increases the maximum penalty for a person who damages or impairs or does anything likely to damage or impair the war memorial building under the by-laws from 20 penalty units, currently \$2,200, to 40 penalty units, currently \$4,400. The amendments contained in this bill will dramatically increase the penalties for any damage to or inappropriate activity around a war memorial anywhere in New South Wales. I am sure all members will welcome these amendments. I commend the bill to the House.