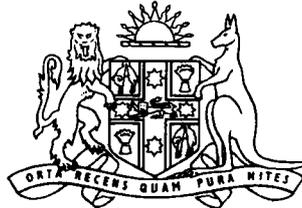


First print



New South Wales

# **Anzac Memorial (Building) Amendment Bill 1999**

## **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 *Anzac Memorial (Building) Act 1923* and the *Anzac Memorial (Building) By-laws 1937*:

- (a) to increase the penalties for offences under those By-laws, and
- (b) to enable a Local Court to order a person who has been convicted of an offence under those By-laws to pay the cost of, or a contribution to the cost of, 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 a day or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Anzac Memorial (Building) Act 1923* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Anzac Memorial (Building) By-laws 1937* set out in Schedule 2.

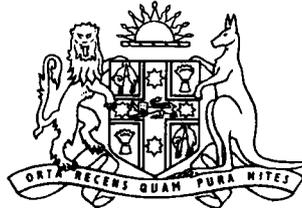
### Schedule 1

Section 9 (3) of the *Anzac Memorial (Building) Act 1923* currently allows the by-laws to impose a penalty of up to \$200 for a contravention of a by-law. **Schedule 1 [1]** amends section 9 (3) to enable the by-laws to impose a penalty not exceeding 20 penalty units (currently \$2,200).

**Schedule 1 [2]** inserts proposed section 11 into the Act to enable a Local Court to order a person who has been convicted of an offence under the by-laws to pay, in addition to any penalty imposed for the offence, the cost of, or a contribution to the cost of, the repair or restoration of any damage caused by the commission of the offence. The court may order the payment of an amount up to 20 penalty units (currently \$2,200). Proposed section 11 (4) provides that a section 556A order under the *Crimes Act 1900* (where a court finds that a charge is proved but decides not to record a conviction) is taken to be a conviction for the purposes of the section.

### Schedule 2

By-law 19 of the *Anzac Memorial (Building) By-laws 1937* provides that any person who breaches a by-law is liable to a penalty not exceeding \$40. **Schedule 2 [1], [2]** and **[3]** make amendments to the by-laws to provide for a maximum penalty of 20 penalty units (currently \$2,200) for a breach of By-law 12 (damaging the War Memorial Building or dedicated area) and a maximum penalty of 10 penalty units (currently \$1,100) for a breach of By-law 10, 11, 13, 14 or 15 (other offences not involving damage to the War Memorial Building or dedicated area).



New South Wales

# Anzac Memorial (Building) Amendment Bill 1999

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# Anzac Memorial (Building) Amendment Bill 1999

No. , 1999

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## A Bill for

An Act to amend the *Anzac Memorial (Building) Act 1923* and the *Anzac Memorial (Building) By-laws 1937* to increase penalties for offences under the By-laws and to provide for payments for damage by offenders; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Anzac Memorial (Building) Amendment Act 1999</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5 6
<b>3 Amendment of Anzac Memorial (Building) Act 1923 No 27</b>	7
The <i>Anzac Memorial (Building) Act 1923</i> is amended as set out in Schedule 1.	8 9
<b>4 Amendment of Anzac Memorial (Building) By-laws 1937</b>	10
The <i>Anzac Memorial (Building) By-laws 1937</i> are amended as set out in Schedule 2.	11 12

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<b>Schedule 1</b>	<b>Amendment of Anzac Memorial (Building) Act 1923</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Section 9 By-laws</b>	4
	Omit section 9 (3). Insert instead:	5
	(3) A by-law may create an offence punishable by a penalty not exceeding 20 penalty units.	6 7
<b>[2]</b>	<b>Section 11</b>	8
	Insert after section 10:	9
	<b>11 Compensation</b>	10
	(1) A court that convicts a person of an offence under the by-laws (being an offence committed after the commencement of this section) may, in addition to any penalty imposed for the offence, order the person to pay an amount not exceeding 20 penalty units as the cost of, or as a contribution to the cost of, the repair or restoration of any damage caused by the action that resulted in the conviction.	11 12 13 14 15 16 17
	(2) An amount ordered to be paid under subsection (1) is to be paid to the trustees unless the court orders otherwise.	18 19
	(3) An order for the payment of money under subsection (1) is taken to be a fine for the purposes of the <i>Fines Act 1996</i> .	20 21
	(4) An order by a court under section 556A of the <i>Crimes Act 1900</i> in any proceedings for an offence referred to in subsection (1) operates for the purposes of that subsection as a conviction for the offence.	22 23 24 25

<b>Schedule 2</b>	<b>Amendment of Anzac Memorial (Building)</b>	1
	<b>By-laws 1937</b>	2
	(Section 4)	3
<b>[1]</b>	<b>By-laws 10, 11 and 13–15</b>	4
	Insert at the end of By-laws 10, 11 and 13–15:	5
	Maximum penalty: 10 penalty units.	6
<b>[2]</b>	<b>By-law 12</b>	7
	Insert at the end of By-law 12:	8
	Maximum penalty: 20 penalty units.	9
<b>[3]</b>	<b>By-law 19</b>	10
	Omit By-law 19.	11