



New South Wales

Summary Offences Amendment Act 2000 No 26

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Summary Offences Amendment Act 2000 No 26

Act No 26, 2000

An Act to amend the *Summary Offences Act 1988* with respect to the damaging or defacing of shrines, monuments or statues located in public places, including war memorials, and the desecration of war memorials located in public places.
[Assented to 5 June 2000]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Summary Offences Amendment Act 2000*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 8

Omit the section. Insert instead:

8 Damaging or desecrating protected places

(1) In this section:

protected place means a shrine, monument or statue located in a public place, and (without limitation) includes a war memorial.

war memorial means a war memorial located in a public place, and (without limitation) includes:

- (a) the Anzac Memorial in Hyde Park, Sydney, being:
 - (i) the memorial building referred to in the *Anzac Memorial (Building) Act 1923*, and
 - (ii) the land described in the Schedule to that Act, and
 - (iii) any other structure on that land, and
- (b) any other place prescribed under subsection (4) as a war memorial for the purposes of this section.

(2) A person must not wilfully damage or deface any protected place.

Maximum penalty: 20 penalty units.

(3) A person must not commit any nuisance or any offensive or indecent act in or on any war memorial.

Maximum penalty: 10 penalty units.

(4) The regulations may prescribe a place (within a public place) as a war memorial for the purposes of this section, comprising:

- (a) a specified shrine, monument, statue or other structure or place, and
- (b) a specified area (if any) within its vicinity.

[2] Section 30A

Insert after section 30:

30A Compensation

- (1) A court that convicts a person of an offence under section 8 (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.
- (2) An amount ordered to be paid under subsection (1) is to be paid to such person or body as the court orders, or in the absence of such an order to the Consolidated Fund.
- (3) An order for the payment of money under subsection (1) is taken to be a fine for the purposes of the *Fines Act 1996*.
- (4) An order by a court under section 10 of the *Crimes (Sentencing Procedure) Act 1999* in any proceedings for an offence referred to in subsection (1) operates for the purposes of that subsection as a conviction for the offence.
- (5) The court may also, on the application of the convicted person and with the consent of the prosecutor, order that the person must, under the supervision of a person or class of persons designated by the court, personally repair or restore, or assist in the repair or restoration of, any damage caused by the action that resulted in the conviction, as an alternative to paying the whole or a specified part of an amount ordered to be paid by the person under subsection (1).
- (6) Compliance with an order under subsection (5) is, to the extent indicated in the order, taken to be satisfaction of the order under subsection (1).

[Minister's second reading speech made in—
Legislative Assembly on 2 May 2000
Legislative Council on 23 May 2000]

BY AUTHORITY