



New South Wales

War Memorial Legislation Amendment (Increased Penalties) Act 2007 No 65

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War Memorial Legislation Amendment (Increased Penalties) Act 2007 No 65

Act No 65, 2007

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. [Assented to 23 November 2007]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *War Memorial Legislation Amendment (Increased Penalties) Act 2007*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Summary Offences Act 1988 No 25

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

4 Amendment of Anzac Memorial (Building) Act 1923 No 27

The *Anzac Memorial (Building) Act 1923* is amended as set out in Schedule 2.

5 Amendment of Anzac Memorial (Building) By-laws 1937

The *Anzac Memorial (Building) By-laws 1937* are amended as set out in Schedule 3.

6 Repeal of Act

- (1) This Act is repealed on the day following the date of assent to this Act.
- (2) The repeal of this Act does not, because of the operation of section 30 of the *Interpretation Act 1987*, affect any amendment made by this Act.

Schedule 1 Amendment of Summary Offences Act 1988

(Section 3)

[1] Section 8 Damaging or desecrating protected places

Omit the penalty provision to section 8 (2). Insert instead:

Maximum penalty: 40 penalty units.

[2] Section 8 (3)

Omit the penalty provision. Insert instead:

Maximum penalty: 20 penalty units.

[3] Section 8 (3A)

Insert after section 8 (3):

(3A) Instead of imposing a fine on a person under this section, the court:

(a) may make an order under section 8 (1) of the *Crimes (Sentencing Procedure) Act 1999* directing the person to perform community service work, or

(b) may make an order under section 5 (1) of the *Children (Community Service Orders) Act 1987* requiring the person to perform community service work,

as the case requires.

Schedule 2 Amendment of Anzac Memorial (Building) Act 1923

(Section 4)

[1] Section 9 By-laws

Omit “20 penalty units” from section 9 (3). Insert instead “40 penalty units”.

[2] Section 9 (4A)

Insert after section 9 (4):

(4A) Instead of imposing a fine on a person for an offence under a by-law that results in damage to, or the defacing of, the Memorial Building or any part of the land described in the Schedule, the court:

- (a) may make an order under section 8 (1) of the *Crimes (Sentencing Procedure) Act 1999* directing the person to perform community service work, or
- (b) may make an order under section 5 (1) of the *Children (Community Service Orders) Act 1987* requiring the person to perform community service work,
as the case requires.

[3] Section 11 Compensation

Omit “20 penalty units” from section 11 (1). Insert instead “40 penalty units”.

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

(Section 5)

[1] By-laws 10, 11 and 13–15

Omit the penalty provision to By-laws 10, 11 and 13–15. Insert instead:
Maximum penalty: 20 penalty units.

[2] By-law 12

Omit the penalty provision to By-law 12. Insert instead:
Maximum penalty: 40 penalty units.

[Agreement in principle speech made in Legislative Assembly on 30 May 2007
Second reading speech made in Legislative Council on 14 November 2007]

BY AUTHORITY