

[Act 1999 No 44]



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.
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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).