

Passed by both Houses



New South Wales

War Memorial Legislation Amendment (Increased Penalties) Bill 2007

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2007*



New South Wales

War Memorial Legislation Amendment (Increased Penalties) Bill 2007

Act No , 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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

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- (1) This Act is repealed on the day following the date of assent to this Act.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.