

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

[2007-65]



New South Wales

Status Information

Currency of version

Repealed version for 23 November 2007 to 23 November 2007 (accessed 2 December 2024 at 11:53)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by sec 6 (1) of this Act with effect from 24.11.2007.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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



New South Wales

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.

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(1) This Act is repealed on the day following the date of assent to this Act.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