

POLICE OFFENCES AMENDMENT (INCREASED PENALTIES
FOR DAMAGE TO TASMANIAN WAR MEMORIALS) BILL 2026

Explanatory notes

This Bill amends the Police Offences Act 1935 to increase penalties for the offence of interfering with a war memorial or war memorial area (section 37AAA). The Bill: increases the available penalties; introduces a mandatory minimum fine; and provides that, where reasonable in the circumstances, the court is to make a community correction order requiring community service in the community where the offence occurred.

The Bill also amends the Sentencing Act 1997 so that if a person is convicted of the war memorial interference offence, the court must make a compensation order under the existing mandatory compensation scheme. This is intended to ensure that councils, RSLs and community organisations are not left paying for repairs or remediation.

Part 1 - Preliminary

Clause 1. Short title

Provides that the Act may be cited as the Police Offences Amendment (Increased Penalties for Damage to Tasmanian War Memorials) Act 2026.

Clause 2. Commencement

Provides that the Act commences on the day it receives Royal Assent.

Clause 3. Repeal of Act

Provides that the amending Act is repealed on the first anniversary of the day it commences. This is a standard self-repeal provision for amending Acts and does not undo the amendments made to each of the two principal Acts.

Part 2 - Police Offences Act 1935 amended

Clause 4. Principal Act

Defines the Police Offences Act 1935 as the Principal Act for the purposes of Part 2.

Clause 5. Section 37AAA amended (Interference with war memorials)

This clause amends section 37AAA of the Police Offences Act 1935. For reference, that section of the Act currently reads as follows:

37AAA. Interference with war memorials

(1) A person must not interfere with a war memorial or a war memorial area.

Penalty: Fine not exceeding 25 penalty units or imprisonment for a term not exceeding 12 months.

(2) In this section –

interfere, with a war memorial, includes –

(a) destroy, damage, move or mark it; and

(b) otherwise deal with it in a way that is likely to cause offence to a reasonable person;

war memorial has the same meaning as in the Criminal Code ;

war memorial area has the same meaning as in the Criminal Code .

(3) A complaint made for the purposes of the Justices Act 1959 in relation to an offence against subsection (1) is to be made within 12 months after the date of the offence.

Clause 5(a) - omits the existing penalty from section 37AAA(1).

Clause 5(b) - Inserts new subsections (1A) and (1B) which set the new penalty and sentencing provisions.

The revised subsection 37AAA(1A) substitutes the increased penalty provisions. The effect is to increase the financial penalty, a minimum of 25 penalty units and a maximum of 500 penalty units (approximately \$5,125 to \$102,500, based on the current penalty unit value of \$205) and imprisonment for a term not exceeding 7 years, while also providing that the offence is dealt with on summary conviction. Imprisonment remains at the court's discretion.

New subsection 37AAA(1B) sets out the community service provisions.

Paragraph (a) provides that, if reasonable in the circumstances, the court is to make a community correction order requiring the offender to perform community service in the community where the offence occurred (for example, the St Helens district).

Paragraph (b) confirms the court retains the ability to use the full range of sentencing options and orders available under the Sentencing Act 1997 and other relevant laws.

Part 3 - Sentencing Act 1997 amended

Clause 6. Principal Act

Defines the Sentencing Act 1997 as the Principal Act for the purposes of Part 3.

Clause 7. Section 67 amended (Interpretation of Division)

Amends the definition of unlawfully injuring property in section 67 of the Sentencing Act 1997.

The Sentencing Act 1997 already recognises that certain property offences are so serious that compensation must follow conviction. Section 68 provides that where a person is found guilty of burglary, stealing or unlawfully injuring property, the court must order the offender to pay compensation for any injury, loss, destruction or damage caused. Currently, "unlawfully injuring property" includes offences in section 37 of the Police Offences Act 1935 and Chapter XXXI of the Criminal Code, but it does not include interference with a war memorial under section 37AAA of the Police Offences Act 1935.

By amending the definition so that it includes section 37AAA, the Bill brings the war memorial offence within the scope of section 68(1)(a). This means that, upon conviction, the court must make a compensation order (if it finds that another person has suffered injury, loss, destruction or damage.) In practical terms, this ensures that damage to a war memorial is treated consistently with other serious property offences and that communities, councils and ESOs are not left to pursue separate civil action to recover repair or remediation costs. The amendment places war memorial damage within the existing mandatory compensation framework that already applies to comparable offences.