

TASMANIA

**CRIMINAL CODE AMENDMENT
(INTERFERENCE WITH WAR MEMORIALS)
BILL 2014**

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**CRIMINAL CODE AMENDMENT
(INTERFERENCE WITH WAR MEMORIALS)
BILL 2014**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
24 June 2014

*(Brought in by the Premier, the Honourable William Edward
Felix Hodgman)*

A BILL FOR

An Act to amend the *Criminal Code Act 1924*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Criminal Code Amendment (Interference with War Memorials) Act 2014*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Principal Act

In this Act, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended by inserting the following section after section 273:

273A. Interference with war memorial or war memorial area

- (1) A person who, without reasonable or lawful excuse, interferes with a war memorial or a war memorial area is guilty of a crime.

Charge: Interfering with a war memorial
[or a war memorial area].

- (2) In this section –

interfere, in relation to –

- (a) a war memorial, means –

- (i) destroy, damage, move, or deface, the war memorial;
or
(ii) otherwise deal with the war

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memorial in a manner, or in circumstances, likely to cause offence to a reasonable person; and

(b) a war memorial area, means –

- (i) destroy the war memorial area; or
- (ii) damage, or deface, the war memorial area in a manner, or in circumstances, likely to cause offence to a reasonable person; or
- (iii) otherwise deal with the war memorial area in a manner, or in circumstances, likely to cause offence to a reasonable person;

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multi-purpose building means a building, structure, or facility, that is intended –

- (a) for display to the public as a public memorial dedicated to war remembrance; and
- (b) for use by the public for purposes other than war remembrance;

outdoor memorial area means –

- (a) a public garden, or a public park, that is a public memorial dedicated to war remembrance, whether or not it is also intended to be used by the public for purposes other than war remembrance; and
- (b) an area of land, surrounding a war memorial, that –
 - (i) ought reasonably to be considered to be intended for the purpose of displaying the war memorial; and

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- (ii) is not more than 20 metres from the closest point of the war memorial; and
- (c) a public avenue of trees, or plants, that is a public memorial dedicated to war remembrance, whether or not it is also intended to be used by the public for purposes other than war remembrance; and
- (d) the area beneath or between trees, or plants, to which paragraph (c) applies;

war memorial means a war monument that is lawfully erected in a public place and includes –

- (a) a plinth, or base, on which such a monument is situated; and
- (b) a war monument that is situated within a war memorial area –

but does not include a multi-purpose building;

war memorial area means –

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(a) an outdoor memorial area;
and

(b) a multi-purpose
building –

but does not include a war
memorial situated in a war
memorial area;

war monument means a statue,
obelisk, cenotaph, plaque,
building, or other man-made
object, that is intended for display
to the public as a public memorial
dedicated to war remembrance;

war remembrance means for the
remembrance of persons,
collectively, who –

(a) have served in war; or

(b) have died in war or as a
result of any war or
warlike operations in
which Australians have
been on active service; or

(c) have died during or as a
result of active service.

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5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.