

FACT SHEET

Criminal Code Amendment (Interference with War Memorials) Bill 2014

This Bill fulfils a pre-election commitment to insert a specific crime of interfering with a war memorial into the *Criminal Code Act 1924*.

The Bill inserts a new section 273A into the *Code*. The new section has been drafted to ensure that it covers all types of public memorials to persons who have served or died in any war in which Australians have been on active service.

There are no specific penalties associated with the new section. Prior to the election a preference was expressed for the penalty for such crimes to include one of a restorative nature, such as requiring an offender to pay for fixing the damage caused or requiring the offender to work with the RSL on a community service order in relation to this crime.

Requiring an offender to pay compensation for damage done is covered by section 68(1)(a) of the *Sentencing Act 1997* which requires a court to order an offender to pay for the damage caused where the offence is one of unlawful damage to property.

Ordering an offender to perform a community service order is an option under section 7 of the *Sentencing Act 1997*. Community service orders are dependent on the offender being assessed as suitable and there being an appropriate community service program with adequate supervision available.

The *Youth Justice Act 1997* will apply to a young offender and has a range of restorative just options.