

TASMANIA

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

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

3. Principal Act

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

*No. 69 of 1924

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

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(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;

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

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- (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
 - (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,

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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 –

- (a) an outdoor memorial area; and
- (b) a multi-purpose building –

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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.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.