

Western Australia

Criminal Code Amendment (Interference with War Memorials) Bill 2015

Contents

1.	Short title	2
2.	Commencement	2
3.	Act amended	2
4.	Section 446A inserted	2
	446A. Interference with war memorial or war memorial area	2
5.	Section 446 amended	5

Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Mr P. B. Watson, MLA)

**Criminal Code Amendment (Interference with
War Memorials) Bill 2015**

A Bill for

An Act to amend *The Criminal Code*.

The Parliament of Western Australia enacts as follows:

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1 **1. Short title**

2 This is the *Criminal Code Amendment (Interference with War*
3 *Memorials) Act 2015.*

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
- 8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Act amended**

11 This Act amends the *The Criminal Code*.

12 **4. Section 446A inserted**

13 After section 445 insert:

14 **446A. Interference with war memorial or war memorial**
15 **area**

16 (1) A person who, without reasonable or lawful excuse,
17 interferes with a war memorial or a war memorial area
18 is guilty of a crime and is liable to imprisonment for
19 14 years.

20 (2) In this section —
21 *interfere*, in relation to —

- 22 (a) a war memorial, means —
23 (i) destroy, damage, move, or deface, the
24 war memorial; or

- 1 (ii) otherwise deal with the war memorial in
2 a manner, or in circumstances, that the
3 person knows, or ought reasonably be
4 expected to know, is or are likely to
5 cause offence to a reasonable person; or
- 6 (b) a war memorial area, means —
- 7 (i) destroy the war memorial area; or
- 8 (ii) damage, or deface, the war memorial
9 area in a manner, or in circumstances,
10 that the person knows, or ought
11 reasonably be expected to know, is or
12 are likely to cause offence to a
13 reasonable person; or
- 14 (iii) otherwise deal with the war memorial
15 area in a manner, or in circumstances,
16 that the person knows, or ought
17 reasonably be expected to know, is or
18 are likely to cause offence to a
19 reasonable person;
- 20 **multi-purpose building** means a building, structure, or
21 facility, that is intended —
- 22 (a) for display to the public as a public memorial
23 dedicated to war remembrance; and
- 24 (b) for use by the public for purposes other than
25 war remembrance;
- 26 **outdoor memorial area** means —
- 27 (a) a public garden, or a public park, that is a
28 public memorial dedicated to war
29 remembrance, whether or not it is also intended
30 to be used by the public for purposes other than
31 war remembrance; and

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- 1 (b) an area of land, surrounding a war memorial,
2 that —
- 3 (i) ought reasonably to be considered to be
4 intended for the purpose of displaying
5 the war memorial; and
- 6 (ii) is not more than 20 metres from the
7 closest point of the war memorial; and
- 8 (c) a public avenue of trees, or plants, that is a
9 public memorial dedicated to war
10 remembrance, whether or not it is also intended
11 to be used by the public for purposes other than
12 war remembrance; and
- 13 (d) the area beneath or between trees, or plants, to
14 which paragraph (c) applies;
- 15 **war memorial** means a war monument that is lawfully
16 erected in a public place and includes —
- 17 (a) a plinth, or base, on which such a monument is
18 situated; and
- 19 (b) a war monument that is situated within a war
20 memorial area;
- 21 but does not include a multi-purpose building;
- 22 **war memorial area** means —
- 23 (a) an outdoor memorial area; and
24 (b) a multi-purpose building;
- 25 but does not include a war memorial situated in a war
26 memorial area;
- 27 **war monument** means a statue, obelisk, cenotaph,
28 plaque, building, or other man-made object, that is
29 intended for display to the public as a public memorial
30 dedicated to war remembrance;

- 1 ***war remembrance*** means for the remembrance of
2 persons, collectively, who —
3 (a) have served in war; or
4 (b) have died in war or as a result of any war or
5 warlike operations in which Australians have
6 been on active service; or
7 (c) have died during or as a result of active service.

8 **5. Section 446 amended**

9 In section 446(1) delete “444 or 445” and insert:

10 444, 445 or 446A

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