

Criminal Code Amendment (Interference with War Memorials) Act 2015

EXPLANATORY MEMORANDUM (E130)

(Introduced by Mr P. Watson MLA)

Clause 1. Short Title

Cites the short title of the Act as the *Criminal Code Amendment (Interference with War Memorials) Act 2015*

Clause 2. Commencement

Clauses 1 and 2 come into operation on Assent.

The rest of the Act comes into operation on day(s) fixed by proclamation.

Clause 3. Act amended

Clause 3 specifies that the amendments contained in the Bill are amendments to *The Criminal Code*.

Clause 4. Section 446A inserted

A new section 446A to be inserted.

The amendment creates a new circumstance of aggravation for the act of criminal damage; namely if said damage is inflicted on a war memorial the maximum penalty is 14 years imprisonment.

War memorial is defined to mean a war monument that is lawfully erected in a public place and includes a plinth, or base, on which such a monument is situated; and a war monument that is situated within a war memorial area. War monument can include 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.

Clause 5. Section 446 amended

Clause 5 has the effect of extending the provisions relating to the costs associated with the removal of graffiti to the newly inserted section 446A.