

SECOND READING SPEECH

Criminal Code Amendment (Interference with War Memorials) Bill 2014

One of my government's key election commitments was the introduction of a specific crime of interfering with a war memorial. This Bill fulfills that commitment.

Vandals inflict more than just physical damage when they deface, damage or destroy a war memorial. Such damage is extremely disrespectful and upsetting to ex-service men and women, their families and the community as a whole, and is considered a slight against those who have sacrificed so much in service to our nation.

My Government believes that the police and our judicial system should have greater powers to deal with vandals who desecrate or damage war memorials to ensure that they take responsibility for the hurt and distress that they cause, and rectify their actions within the community.

While there are general damage to property offences in both the *Police Offences Act* and the *Criminal Code*, we believe that there should be a specific offence to reflect the great community abhorrence of those who deliberately damage memorials to those who died or risked their lives to defend their country.

The *Criminal Code* contains serious indictable crimes punishable by imprisonment for up to 21 years. The insertion of this crime in the *Code* will reflect the seriousness with which the Government and community view such vandalism.

The Bill has been drafted to ensure that it covers all types of public memorials to persons who have served or died in any war or war-like operation in which Australians have been on active service.

The inclusion of a large number of definitions in the section will clarify exactly what the crime relates to and will ensure that public memorials other than man-made monuments are protected.

For example, the “Soldiers Walk” on the Domain here in Hobart consists of 520 trees planted in 1918 and 1919 to commemorate soldiers, mainly from Hobart, who died in World War I. Deliberate destruction of trees in the Soldiers Walk would be just as disrespectful and upsetting to the public as the defacing of a monument, and so this Bill ensures that these types of areas are protected.

Because a “war memorial area”, unlike a single monument, is often used for other purposes, such as picnicking, walking or in the case of a memorial hall, a party, what amounts to “interference” is defined slightly differently to ensure that actions not intended to be caught, such as drawing a line on a path for the start of a race or decorating the hall for a party, are not encompassed.

Madam Speaker, in our policy prior to the election we expressed a preference for the penalty for such crimes including 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 the crime.

Requiring an offender to pay compensation for damage done is already 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 already 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 Minister for Corrections has asked the Director of Corrective Services to meet with the RSL to explore opportunities for Community Corrections to work with offenders to assist in the restoration of war memorials and war memorial areas. This will allow offenders to embrace the ANZAC spirit and repay the community for such vandalism.

Madam Speaker, even though this new crime has been included in the *Criminal Code*, a juvenile offender will still be dealt with in accordance with the *Youth Justice Act 1997*. Section 5 of that Act details the general principles of youth justice and includes the principle that “any sanctioning of a youth is to be designed so as to give him or her an opportunity to develop a sense of social responsibility and otherwise to develop in beneficial and socially acceptable ways.”

In addition Madam Speaker, the Police Offences Amendment Bill, which is due to come before the House in the near future, will contain a summary offence of “Interference with a War Memorial” which will be available for use where the offence is a minor one.

Madam Speaker, I commend the Bill to the House.