

TASMANIA

**POLICE OFFENCES AMENDMENT (INCREASED
PENALTIES FOR DAMAGE TO TASMANIAN
WAR MEMORIALS) BILL 2026**

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Repeal of Act

PART 2 – POLICE OFFENCES ACT 1935 AMENDED

4. Principal Act
5. Section 37AAA amended (Interference with war memorials)

PART 3 – SENTENCING ACT 1997 AMENDED

6. Principal Act
7. Section 67 amended (Interpretation of Division)

**POLICE OFFENCES AMENDMENT (INCREASED
PENALTIES FOR DAMAGE TO TASMANIAN
WAR MEMORIALS) BILL 2026**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
18 March 2026

(Brought in by Michael Darrel Joseph Ferguson, MP)

A BILL FOR

**An Act to amend the *Police Offences Act 1935* and to
consequentially amend the *Sentencing Act 1997***

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Police Offences Amendment (Increased Penalties for Damage to Tasmanian War Memorials) Act 2026*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

*Police Offences Amendment (Increased Penalties for Damage to
Tasmanian War Memorials) Act 2026
Act No. of 2026*

s. 3

Part 1 – Preliminary

3. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

*Police Offences Amendment (Increased Penalties for Damage to
Tasmanian War Memorials) Act 2026*
Act No. of 2026

Part 2 – Police Offences Act 1935 Amended

s. 4

PART 2 – POLICE OFFENCES ACT 1935 AMENDED

4. Principal Act

In this Part, the *Police Offences Act 1935** is referred to as the Principal Act.

5. Section 37AAA amended (Interference with war memorials)

Section 37AAA of the Principal Act is amended as follows:

- (a) by omitting the penalty from subsection (1);
- (b) by inserting the following subsections after subsection (1):

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to –

- (a) a penalty not less than 25 penalty units and not more than 500 penalty units; or
- (b) imprisonment for a term not exceeding 7 years.

*No. 44 of 1935

*Police Offences Amendment (Increased Penalties for Damage to
Tasmanian War Memorials) Act 2026
Act No. of 2026*

s. 5

Part 2 – Police Offences Act 1935 Amended

(1B) In addition to any other penalty that may be imposed in respect of an offence against subsection (1), the court –

(a) if it considers it reasonable in the circumstances, is to make a community correction order, under the *Sentencing Act 1997*, that requires the person convicted of the offence to perform a period of community service in the community where the offence occurred; and

(b) may also impose such other sanctions, and make such other orders, as the court considers appropriate in the circumstances.

*Police Offences Amendment (Increased Penalties for Damage to
Tasmanian War Memorials) Act 2026*
Act No. of 2026

Part 3 – Sentencing Act 1997 Amended

s. 6

PART 3 – SENTENCING ACT 1997 AMENDED

6. Principal Act

In this Part, the *Sentencing Act 1997** is referred to as the Principal Act.

7. Section 67 amended (Interpretation of Division)

Section 67 of the Principal Act is amended by omitting “section 37 of the *Police Offences Act 1935*” from the definition of *unlawfully injuring property* and substituting “section 37 or 37AAA of the *Police Offences Act 1935*”.

*No. 59 of 1997