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POLICE OFFENCES AMENDMENT (INCREASED PENALTIES FOR DAMAGE TO TASMANIAN WAR MEMORIALS) BILL 2026 (No. 5)

Second Reading

[5.37 p.m.]

Mr FERGUSON (Bass) - Honourable Speaker, a vote will be required. I move -

That the bill be now read the second time.

This bill strengthens Tasmania's laws protecting war memorials and ensures that those who damage places of remembrance face meaningful consequences. It increases the available penalties for interfering with a war memorial, introduces a minimum fine, provides for community service in the affected community and ensures that perpetrators pay for repairs.

War memorials occupy a special place in communities across Tasmania. In cities and towns, they stand as permanent places of remembrance for those who served our nation in times of conflict. They honour both those who never returned and those who returned bearing the scars of war. The war memorial is much more than a monument. It's a place where people gather on Anzac Day, Remembrance Day, and other occasions to commemorate, remember, and pass on stories of sacrifice to new generations. Those monuments serve as markers of those who gave their lives for us. Indeed, the very meaning of the word cenotaph is 'empty tomb'.

This respect is deeply embedded in our civic culture, which is why acts of damage to, or interference with, war memorials are particularly confronting for the community.

In recent years there have been a number of incidents across Australia where war memorials have been vandalised or interfered with. Tasmania has not been immune. The vandalism of the St Helens cenotaph earlier this year was deeply distressing for that local community and for many veterans across the state. However, that incident was not isolated. Advice provided by RSL Tasmania indicates that over the past two decades, war memorials and cenotaphs in Tasmania have been damaged in numerous locations, including Hobart, Claremont, Scottsdale, Lindisfarne, Ulverstone, Somerset, Perth, and Railton. These incidents span many years and multiple regions of our state. A significant proportion of those incidents have occurred in recent years, suggesting that interference with war memorials has been increasing.

Each act of damage is much more than a property crime. It's an affront to the memory of those who served and sacrificed, and an insult to the whole community. Local councils and RSL sub branches are often left to organise and fund repairs.

Tasmania already has an offence for interference with war memorials under section 37AAA of the *Police Offences Act 1935*. However, the current penalty framework is limited. This means the law does not always provide a meaningful deterrent in practice, nor does it ensure that those responsible for damage are required to repair the harm they have caused. In circumstances such as these, the law serves two purposes. It must deter those who might consider damaging or interfering with places of remembrance. The law should also perform an educational role. It signals clearly what our community values and the standards of respect that apply to places that honour the service and sacrifice of others.

This bill, therefore, seeks to strengthen the law in three practical ways. First, the bill substitutes the existing penalty provisions with a new penalty framework that introduces a minimum fine of 25 penalty units and increases the maximum penalty to 500 penalty units or imprisonment for a term not exceeding 7 years. This provision will ensure that interference with a war memorial is never treated as a trivial matter and must attract a meaningful consequence. Importantly, the offence remains one that is dealt with on summary conviction and imprisonment remains a sentencing option at the discretion of the court.

Second, the bill provides that, where reasonable in the circumstances, a court is to make a community correction order requiring the offender to perform community service in the community where the offence occurred. This recognises that acts of vandalism against war memorials cause harm not only to the physical structure, but also to the community itself; the veterans, the people, the families. Community service provides an opportunity for offenders to make a tangible contribution to the actual local community that they have harmed. In that sense, it reflects the principle of restorative justice, encouraging offenders to understand the harm that they have caused and to repair their relationship with the community. Properly applied, such measures can encourage greater understanding and respect for memorials and the service of those they honour.

The third element of the bill deals with the cost of repairing damage. Too often when memorials are damaged, the cost of repair falls to local councils, RSL sub branches or other ex-service organisations. This bill ensures that those responsible for causing damage are ordered to pay for that damage at the point of conviction. It achieves this by bringing the

offence of interfering with a war memorial within the existing mandatory compensation framework that already applies to other serious property offences such as burglary, stealing or unlawfully injuring property.

Importantly, this reform operates within the existing sentencing framework. It does not create new sentencing powers or legal mechanisms. Instead, it ensures that this offence is treated consistently with other serious forms of property damage.

It's also worth noting what this bill does not do. This bill does not alter the definition of the offence of interfering with a war memorial. Instead, it focuses on strengthening the penalty and accountability framework that applies when such conduct occurs. Nor does the bill attempt to address broader antisocial behaviour at memorial sites more generally. That is a matter that may warrant further policy development and consultation by the government in the future.

In developing this bill, I've had the benefit of constructive engagement with a number of stakeholders. I really do want to thank ministerial colleagues who have taken an interest in this proposal and the Office of Parliamentary Council for their assistance in preparing this private members bill. I also wish to especially acknowledge the constructive engagement of RSL Tasmania and may I acknowledge in the gallery today the presence of the President of the Tasmanian Branch of the RSL, Mr Mike Gallagher, and the CEO, Mr John Hardy.

Members - Hear, hear.

Mr FERGUSON - Their constructive engagement throughout this process has been greatly appreciated. RSL Tasmania has expressed strong support for strengthening penalties, ensuring compensation for damage and enabling restorative community service where appropriate.

War memorials remind us of the sacrifices made by previous generations and indeed current generations of the cost of conflict. They are places where communities pause to remember, reflect and renew the commitment that those sacrifices should never be forgotten.

Ensuring that these places of remembrance are treated with the respect they deserve is a responsibility shared by all Tasmanians. This bill strengthens the legal protections that apply to war memorials, ensures accountability when damage occurs, and reinforces the standards of respect that our community expects.

In bringing this private members bill to the House as Liberal member for Bass, I want to say in closing that it is my personal hope, my deep hope, that the tougher penalty provisions will never be needed, because we as a community will have succeeded in causing every person to value these very special places of memorial appropriately and reverently.

I commend the bill to the House.

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