



New South Wales

Summary Offences Amendment (War Memorials and Other Protected Places) Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Summary Offences Act 1998* (*the Act*) to—

- (a) make clear that all war memorials are included as protected places for the offence of damaging or desecrating protected places, and
- (b) increase the penalty for the offence of damaging or desecrating a protected place.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Summary Offences Act 1988 No 25

Schedule 1[1] inserts a provision into the Act, section 8(1), definition of *war memorial*, paragraph (a) to make it clear the definition includes the pool of reflection in front of the Anzac Memorial building in Hyde Park, Sydney.

Schedule 1[2] substitutes the Act, section 8(1), definition of *war memorial*, paragraph (b) to provide that the definition includes all war shrines, monuments, statues or other similar structures or places, unless excluded by the regulations. The provision provides that it includes things or areas within the vicinity of the war shrines, monuments, statues or other similar structures or places and gives examples of gardens, pools and other integrated designs.

Schedule 1[3] amends the Act, section 8(2) to increase the maximum penalty for the offence of wilfully damaging or defacing a protected place from 40 penalty units to 50 penalty units or imprisonment for 2 years, or both.

Schedule 1[4] substitutes the Act, section 8(4), and inserts proposed section 8(5), to allow regulations to be made to exclude a war shrine, monument, statue or other similar structure or place from the definition of *war memorial*.