



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*.



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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

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

No. \_\_\_\_\_, 2024

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### **A Bill for**

An Act to amend the *Summary Offences Act 1988* to make further provision for the protection of war memorials; to increase the penalty for damaging or desecrating protected places; and for related purposes.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

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*Clerk of the Parliaments*

**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Summary Offences Amendment (War Memorials and Other Protected Places) Act 2024*.

3

4

**2 Commencement**

5

This Act commences on the date of assent to this Act.

6

<b>Schedule 1</b>	<b>Amendment of Summary Offences Act 1988 No 25</b>	1
		2
<b>[1] Section 8 Damaging or desecrating protected places</b>		3
	Insert after section 8(1), definition of <i>war memorial</i> , paragraph (a)(i)—	4
	(ia) the pool of reflection in front of the memorial building referred to in subparagraph (i), and	5 6
<b>[2] Section 8(1), definition of “war memorial”, paragraph (b)</b>		7
	Omit the paragraph. Insert instead—	8
	(b) subject to subsection (4), a war shrine, monument, statue or other similar structure or place, and includes a thing or area within the vicinity of the shrine, monument, statue or structure or place.	9 10 11
	<b>Examples—</b> a garden, pool or other integrated design that forms part of or is in the vicinity of a war shrine, monument, statue or other similar structure or place	12 13
<b>[3] Section 8(2), penalty</b>		14
	Omit “40 penalty units”.	15
	Insert instead “50 penalty units or imprisonment for 2 years, or both”.	16
<b>[4] Section 8(4) and (5)</b>		17
	Omit section 8(4). Insert instead—	18
	(4) The regulations may exclude a war shrine, monument, statue or other similar structure or place from subsection (1), definition of <i>war memorial</i> , paragraph (b).	19 20 21
	(5) A regulation under subsection (4) may be made by reference to one or both of the following—	22 23
	(a) a specified shrine, monument, statue or other structure or place,	24
	(b) a specified area within its vicinity.	25