



New South Wales

# Summary Offences Amendment (War Memorials and Other Protected Places) Bill 2025

## 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 1988* (*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, and
- (c) provide that a court that convicts a person, or finds a person guilty, of an offence of damaging or desecrating a protected place must, unless satisfied that special circumstances exist, order the offender to pay costs and expenses incurred in connection with the harm caused by the commission of the offence or making good any resulting damage, or for the compensation for loss or damage suffered.

## 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]** 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 substituted provision provides that it includes

things or areas in the vicinity of, and that form part of the site of, the shrines, monuments, statues or other similar structures or places and gives examples of gardens, pools and other integrated designs.

**Schedule 1[2]** 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 200 penalty units or imprisonment for 2 years, or both.

**Schedule 1[3]** amends the Act, section 8(3) to increase the maximum penalty for the offence of committing any nuisance or any offensive or indecent act in, on or in connection with any war memorial or interment site from 20 penalty units to 200 penalty units.

**Schedule 1[4]** substitutes the Act, section 8(3A), and inserts proposed section 8(3B)–(3D), to provide that the court must, unless satisfied that special circumstances exist, order an offender it convicts, or finds guilty, of an offence against the Act, section 8 to pay certain costs and expenses incurred, or compensation for loss or damage suffered, if it appears to the court that—

- (a) a public authority has incurred costs and expenses in connection with the harm caused by the commission of the offence or making good any resulting damage, or
- (b) a person, including a public authority, has, because of the commission of the offence, suffered loss of or damage to property or has incurred costs and expenses in preventing or mitigating, or in attempting to prevent or mitigate, the loss or damage.

**Schedule 1[5]** 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*.