



CRIMES LEGISLATION AMENDMENT (WAR MEMORIAL OFFENCES) BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

War memorials stand at the heart of every community in Australia. Recent incidents of damage caused to war memorials have highlighted a need to increase protections and send a clear message to the community that this type of behaviour is unacceptable.

Community concerns about the need for increased protections have been relayed to the Government through consultations with RSL NSW.

The Crimes Legislation Amendment (War Memorial) Bill 2025 (**the Bill**) will increase protections to war memorials by amending the:

1. *Crimes Act 1900* to create an offence of intentionally or recklessly destroying or damaging a war memorial, with a maximum penalty of 7 years' imprisonment. This is two years more than the base property offence under section 195(1)(a) of the Crimes Act, which prohibits intentionally or recklessly destroying or damaging property, with a maximum penalty of imprisonment for 5 years.
2. *Summary Offences Act 1988* to introduce a discretionary compensation order. This provision will allow the court to order a person who is convicted of an offence under section 8 in relation to a war memorial to pay the person who has control or management of the war memorial compensation for damage or defacement to the war memorial, or a loss incurred, as a result of the offence. The amount payable is up to \$4,400, which aligns with similar compensation orders available under the *Anzac Memorial Building Act 1923* and the *Graffiti Control Act 2008*. A compensation order will be able to be made in addition to any criminal penalty imposed in relation to the offence. Offences under section 8 include damaging or desecrating war memorials or committing nuisance or indecent acts in or in connection with war memorials or internment sites.

The amendments in this Bill aim to target and prevent incidents of serious property damage to war memorials.

Objectives: What is the policy's objective couched in terms of the public interest?

The Bill strengthens existing protections for war memorials across NSW, which are important signifiers of the bravery of our veterans. They preserve the stories of those who served and ensure that their sacrifice is not forgotten. They also provide a space for communities to gather, reflect and educate the next generation.

It is in the public interest to protect war memorials as beacons of Australia's national history and collective memory, and to honour our soldiers and veterans.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The identified issues and policy outcomes targeted in this Bill can only be achieved through legislative amendment. The NSW Government considered the amendments in

the Private Member's Bill, the Summary Offences Amendment (War Memorials and Other Protected Places) Bill 2025, however these amendments are not appropriate, some are unnecessary, and the amendments and carry significant risks.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The Bill is a reasonable and measured approach to strengthening protections for war memorials in NSW.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence on assent. The new offence will be enforced by the NSW Police Force and the compensation order will be administered by the courts.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The NSW Government consulted the NSW RSL and the NSW Office for Veterans Affairs.