**Criminal Code Amendment (Desecration of War Memorials) Act 2018**

**EXPLANATORY MEMORANDUM**

(Introduced by Hon Charles Smith MLC)

Clause 1. **Short Title**

Cites the short title of the Act as the *Criminal Code Amendment (Desecration of War Memorials) Act 2018*.

Clause 2. **Commencement**

Clauses 1 and 2 come into operation on Assent.

The rest of the Act comes into operation on the day after it receives Assent.

Clause 3. **Act amended**

Clause 3 specifies that the amendments contained in the Bill are amendments to the *Criminal Code*.

Clause 4. **Chapter XLVII Inserted**

A new chapter XLVII to be inserted after s 462.

The amendment creates a new offence for those who destroy, damage, move, deface or vandalise a memorial will be guilty of a crime and be liable for up to 5 years’ imprisonment and be responsible for the cost of the repair or restoration of the monument. The cost of repair, restoration or cleaning mirrors that of the *Graffiti Vandalism Act 2016*, with the added change of extending the order to the cost of repair or restoration.

A war memorial is defined to mean a war monument lawfully erected in a public place and includes a plinth or base on which such a monument is situated; and a war monument that is situated within a war memorial area. War monument can include statue, obelisk, cenotaph, plaque, building or other man-made object that is intended for display to the public as a public memorial dedicated to war remembrance.