

Passed by both Houses



New South Wales

Crimes Amendment (Bushfires) Bill 2002

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Amendment of Acts	2
Schedules	
1 Amendment of Crimes Act 1900 No 40	3
2 Amendment of Criminal Procedure Act 1986 No 209	5

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Crimes Amendment (Bushfires) Bill 2002

Act No , 2002

An Act to amend the *Crimes Act 1900* and the *Criminal Procedure Act 1986* with respect to causing bushfires.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Amendment (Bushfires) Act 2002*.

2 Commencement

This Act commences on a day to be appointed by proclamation.

3 Amendment of Acts

Each Act specified in Schedules 1 and 2 is amended as set out in those Schedules.

Schedule 1 Amendment of Crimes Act 1900 No 40

(Section 3)

Part 4, Division 2, Subdivision 5

Insert after Subdivision 4 of Division 2 of Part 4:

Subdivision 5 Bushfires

203D Definitions

In this Subdivision:

causing a fire includes:

- (a) lighting a fire, or
- (b) maintaining a fire, or
- (c) failing to contain a fire, except where the fire was lit by another person or the fire is beyond the control of the person who lit the fire.

firefighter means a member of a fire brigade under the *Rural Fires Act 1997* or the *Fire Brigades Act 1989* or of any other official firefighting unit (including a unit from outside the State).

spread of a fire means spread of a fire beyond the capacity of the person who causes the fire to extinguish it.

203E Offence

- (1) A person:
 - (a) who intentionally causes a fire, and
 - (b) who is reckless as to the spread of the fire to vegetation on any public land or on land belonging to another,is guilty of an offence.
Maximum penalty: Imprisonment for 14 years.
- (2) For the purposes of this section, recklessness may also be established by proof of intention.

- (3) A person is not criminally responsible for an offence against this section if:
 - (a) the person is a firefighter or acting under the direction of a firefighter, and
 - (b) the person caused the fire in the course of bushfire fighting or hazard reduction operations.
- (4) If on the trial of a person for an offence against this section the jury is not satisfied that the accused is guilty of the offence charged but is satisfied on the evidence that the accused is guilty of an offence against section 100 (1) of the *Rural Fires Act 1997*, it may find the accused not guilty of the offence charged but guilty of the latter offence, and the accused is liable to punishment accordingly.

**Schedule 2 Amendment of Criminal Procedure
Act 1986 No 209**

(Section 3)

Schedule 1 Indictable offences triable summarily

Insert after item 9 in Table 1:

9A Bushfires

An offence under section 203E of the *Crimes Act 1900*.