

BUSH FIRES (AMENDMENT) ACT 1994 No. 24

NEW SOUTH WALES



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BUSH FIRES (AMENDMENT) ACT 1994 No. 24

NEW SOUTH WALES



Act No. 24, 1994

An Act to amend the Bush Fires Act 1949 to make provision for increases in penalties for certain offences against that Act and to increase the limitation period for the prosecution of offences against that Act; and for other purposes. [Assented to 30 May 1994]

The Legislature of New South Wales enacts:**Short title**

1. This Act may be cited as the Bush Fires (Amendment) Act 1994.

Commencement

- 2 This Act commences on a day or days to be appointed by proclamation.

Amendment of Bush Fires Act 1949 No. 31

3. The Bush Fires Act 1949 is amended as set out in Schedule 1.
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SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 12 (Offences):

- (a) From section 12 (1), omit “and be liable to a penalty not exceeding 50 penalty units or to imprisonment for a term not exceeding 12 months”.
- (b) At the end of section 12 (1), insert:
Maximum penalty:
 - in the case of an offence against subsection (1) (a) or (b)—1,000 penalty units or imprisonment for 5 years or both;
 - in the case of an offence against subsection (1) (c) or (d)—50 penalty units or imprisonment for 12 months.

(2) Section 49 (Penalties):

- (a) From section 49 (2), omit “before a court of petty sessions held before a stipendiary magistrate sitting alone”, insert instead “before a Local Court constituted by a Magistrate sitting alone”.
- (b) At the end of section 49, insert:
 - (3) Despite subsection (2), an offence against section 12 (1) (a) or (b) is to be dealt with summarily before a Local court only:
 - (a) if the prosecutor proposes that it be so dealt with; and

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(b) while the Local Court is satisfied that it is proper for the offence to be so dealt with.

(4) In any other case, an offence against section 12 (1) (a) or (b) is to be dealt with as an indictable offence.

(5) If proceedings for an offence against this Act are disposed of summarily before a Local Court, the maximum penalty that may be imposed is 100 penalty units or imprisonment for 2 years (or both), or the maximum penalty provided for the offence, whichever is the lesser.

(6) An information for an offence against this Act for which proceedings are taken summarily may be laid at any time within 2 years from the time when the matter of the information arose.

(3) Schedule 1A (**Savings and transitional provisions**):

After Part 2 of Schedule 1A, insert:

Part 3—Transitional provision consequent on enactment of Bush Fires (Amendment) Act 1994

Procedure and limitation for prosecutions

6. Subsections (3) and (4) of section 49 do not apply to offences committed before the commencement of those subsections.

(2) Section 49 (6) extends to apply in respect of an offence committed up to 6 months before the commencement of that subsection.

*[Minister's second reading speech made in—
Legislative Assembly on 14 April 1994
Legislative Council on 5 May 1994]*