



New South Wales

# Crimes Amendment (Bushfires) Act 2002 No 24

## 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



New South Wales

## **Crimes Amendment (Bushfires) Act 2002 No 24**

Act No 24, 2002

---

An Act to amend the *Crimes Act 1900* and the *Criminal Procedure Act 1986* with respect to causing bushfires. [Assented to 21 June 2002]

---

**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.

Crimes Amendment (Bushfires) Act 2002 No 24

Amendment of Criminal Procedure Act 1986 No 209

Schedule 2

---

## **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*.

[Second reading speech made in—  
Legislative Assembly on 12 April 2002  
Legislative Council on 11 June 2002]

BY AUTHORITY