

Act 1994 No. 24

BUSH FIRES (AMENDMENT) BILL 1994

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the State Emergency and Rescue Management (Amendment) Bill 1994.

The object of this Bill is to amend the Bush Fires Act 1949:

- (a) to increase the penalty for certain offences against that Act involving setting fire to another person's land or property or allowing fire to escape from property so as to cause damage to another person's land or property; and
- (b) to increase the limitation period for laying an information for an offence against that Act from 6 months to 2 years.

Increase in penalties

Under the Bush Fires Act 1949 it is an offence to set fire or cause fire to be set to the land or property of another person (including that of the Crown or a public authority) or for the owner or occupier of land to permit fire to escape from his or her land so as to cause or be likely to cause damage or injury. At present, the maximum penalty for such an offence is 50 penalty units (currently \$5,000) or 12 months imprisonment.

The proposed amendments increase the maximum penalty for those offences to 1,000 penalty units (currently \$100,000) or 5 years imprisonment or both. They also require those offences to be dealt with on indictment unless the prosecutor and Court consider it appropriate to proceed summarily.

Increase in limitation period

Proceedings for offences against the Bush Fires Act 1949 are disposed of summarily (except as noted above). Under the Justices Act 1902 (section 56) an information in relation to an offence may be laid at any time within 6 months from the time when the matter of the information arose.

The proposed amendment allows an information in relation to an offence against the Act for which proceedings are taken summarily to be laid at any time within 2 years from the time when the matter of the information arose.

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This extension in the limitation period will apply to any offences in respect of which the limitation period has not already expired at the commencement of the proposed amendments (offences committed after, or not more than 6 months before, the commencement of the proposed amendments).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the Bush Fires Act 1949.

Schedule 1 contains the amendments to the Bush Fires Act 1949 described above.
