



Australian Capital Territory

Crimes (Bushfires) Amendment Act 2002

2002 No 9

An Act to amend the *Crimes Act 1900*

*Notified under the Legislation Act 2001 on 13 May 2002
(see www.legislation.act.gov.au)*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

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

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see *Legislation Act 2001*, s 75).

3 Act amended

This Act amends the *Crimes Act 1900*.

4 Interpretation Section 115 (5) and (6)

omit

For the purposes of this division,

substitute

For section 116 (Destroying or damaging property) and section 117 (Arson),

5 New section 118A

insert

118A Causing bushfires

- (1) A person commits an offence if the person—
- (a) intentionally or recklessly causes a fire; and
 - (b) is reckless about the spread of the fire to vegetation on property belonging to someone else.

Maximum penalty: imprisonment for 15 years.

- (2) A person (*person A*) is not criminally responsible for an offence against this section in relation to the spread of a fire to vegetation on property (*the relevant property*) belonging to someone else if, when person A caused the fire—
- (a) the person entitled to consent to the risk of fire spreading to the relevant property had consented; or
 - (b) person A believed that the person entitled to consent, or the person that person A believed was entitled to consent—
 - (i) had consented; or
 - (ii) would have consented if the person had known about the risk of fire spreading to the relevant property.

- (3) In this section:

causes a fire—a person *causes* a fire if the person does any of the following:

- (a) lights a fire;
- (b) maintains a fire;
- (c) fails to contain or extinguish a fire that was lit by the person if it is not beyond the person's capacity to contain or extinguish it.

spread, of a fire, means spread of the fire beyond the capacity of the person who caused the fire to contain or extinguish it.

- (4) The *Criminal Code 2001* applies to an offence against this section, even if the Code is not otherwise in force.

Note The Criminal Code, ch 2 sets out the general principles of criminal responsibility.

Endnote

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

[Presentation speech made in Assembly on 21 February 2002]

I certify that the above is a true copy of the Crimes (Bushfires) Amendment Bill 2002 which was passed by the Legislative Assembly on 7 May 2002.

Clerk of the Legislative Assembly

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