

2002

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Attorney-General)

# **Crimes (Bushfires) Amendment Bill 2002**

---

## **A Bill for**

An Act to amend the *Crimes Act 1900*

---

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.

- 1 (2) A person (*person A*) is not criminally responsible for an offence  
2 against this section in relation to the spread of a fire to vegetation on  
3 property (*the relevant property*) belonging to someone else if, when  
4 person A caused the fire—
  - 5 (a) the person entitled to consent to the risk of fire spreading to the  
6 relevant property had consented; or
  - 7 (b) person A believed that the person entitled to consent, or the  
8 person that person A believed was entitled to consent—
    - 9 (i) had consented; or
    - 10 (ii) would have consented if the person had known about the  
11 risk of fire spreading to the relevant property.
- 12 (3) In this section:  
13 *causes* a fire—a person *causes* a fire if the person does any of the  
14 following:
  - 15 (a) lights a fire;
  - 16 (b) maintains a fire;
  - 17 (c) fails to contain or extinguish a fire that was lit by the person if  
18 it is not beyond the person’s capacity to contain or extinguish  
19 it.
- 20 *spread*, of a fire, means spread of the fire beyond the capacity of the  
21 person who caused the fire to contain or extinguish it.
- 22 (4) The *Criminal Code 2001* applies to an offence against this section,  
23 even if the Code is not otherwise in force.
- 24 *Note* The Criminal Code, ch 2 sets out the general principles of criminal  
25 responsibility.

---

## **Endnote**

### **Republications of amended laws**

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

© Australian Capital Territory 2002