

NORTHERN TERRITORY OF AUSTRALIA
BUSHFIRES AMENDMENT ACT 2003

Act No. 6 of 2004

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 6 of 2004

AN ACT

to amend the *Bushfires Act*

[Assented to 7 January 2004]
[Second reading 16 October 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Bushfires Amendment Act 2003*.

2. Principal Act

The *Bushfires Act* is in this Act referred to as the Principal Act.

3. Setting fire to bush

Section 35 of the Principal Act is amended by omitting all the words after "zone" and substituting the following:

"except with and in accordance with the terms of a permit.

Penalty: \$25 000 or imprisonment for 5 years."

4. Fire-breaks

Section 47 of the Principal Act is amended –

- (a) by omitting from subsection (3B) all the words from and including "\$1,000" to and including "\$100" and substituting "\$5 000 or imprisonment for 2 years and \$500"; and

- (b) by adding at the end the following:
"(6) An offence against subsection (3B) is a regulatory offence."

5. Repeal and substitution

Section 51 of the Principal Act is repealed and the following substituted:

"51. Ancillary powers

"(1) A fire control officer and fire warden may –

- (a) at any time without a warrant, enter land –
- (i) to examine a fire burning in the open on that land or any neighbouring land;
 - (ii) to investigate the cause of a bushfire (whether during or after the bushfire); or
 - (iii) if he or she suspects on reasonable grounds that an offence against this Act or the Regulations has been committed on the land – to investigate the offence;
- (b) require a person reasonably suspected of having committed an offence against this Act or the Regulations –
- (i) to give his or her full name and place of residence; and
 - (ii) to produce any permit held by him or her;
- (c) require a person who has lit or is using a fire in contravention of this Act or the Regulations to extinguish the fire immediately, or before the person leaves the site of the fire, as the fire control officer or fire warden thinks fit; and
- (d) at a reasonable time without a warrant, enter land to assess whether it is necessary for firebreaks to be established on, or flammable material to be removed from, the land.

"(2) In conducting an investigation referred to in subsection (1)(a)(ii) or (iii), the fire control officer or fire warden may –

- (a) carry out a search of the land;
- (b) carry out a search of any vehicle or vessel on the land; and
- (c) seize anything found on the land, vehicle or vessel that he or she believes on reasonable grounds is connected with the cause of a bushfire or the commission of an offence.

"(3) Before carrying out an assessment referred to in subsection (1)(d), if there is a person on the land who is or appears to be the occupier of the land, the fire control officer or fire warden must produce to the person proof of his or her appointment as a fire control officer or fire warden."

6. New section

The Principal Act is amended by inserting after section 57 the following:

"57A. Territory may recover expenses

"(1) The Chief Fire Control Officer may, in a court of competent jurisdiction, recover from a person an amount expended by the Territory as a result of the person's contravention of or failure to comply with a provision of this Act or the Regulations.

"(2) An amount recoverable under this section is a debt due to the Territory."

7. Regulations

Section 61 of the Principal Act is amended –

- (a) by omitting from subsection (2) "regulations" and substituting "Regulations"; and
- (b) by adding at the end the following:

"(3) The Regulations may provide for any of the following matters:

- (a) the application, adoption or incorporation (wholly or in part and with or without modification) of an instrument or other document as in force at a particular time or from time to time;
- (b) penalties not exceeding \$10 000 for offences against the Regulations;
- (c) offences against the Regulations to be regulatory offences;
- (d) the payment of a prescribed amount instead of a penalty that may otherwise be imposed for an offence against this Act or the Regulations, the service of a notice relating to the payment of the amount on a person alleged to have committed the offence and the particulars to be included in the notice."

8. Further amendments

The Principal Act is amended as set out in the Schedule.

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SCHEDULE

Section 8

Provision	Amendment	
	omit	substitute
Section 34(3)	\$500	\$5 000 or imprisonment for 2 years
Section 38	\$1,000	\$5 000
	6 months	2 years
Section 39	\$1,000	\$25 000
	6 months	5 years
Section 40(1)	\$1,000	\$25 000 or imprisonment for 5 years
Sections 41 and 42	\$1,000	\$5 000 or imprisonment for 2 years
Section 44(3)	\$1,000	\$25 000
	6 months	5 years
Section 45(1)	\$200	\$5 000 or imprisonment for 2 years
Section 45(3)	\$500	\$5 000 or imprisonment for 2 years
Section 48	\$1,000	\$25 000 or imprisonment for 5 years
Section 49(1) and (2)	\$100	\$5 000 or imprisonment for 2 years
Section 49(3)	\$200	\$5 000 or imprisonment for 2 years
Section 52(1)	\$1,000	\$5 000
	6 months	2 years

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Section 52(2)	\$500	\$5 000 or imprisonment for 2 years
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Section 58A	the whole section
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