

**NORTHERN TERRITORY OF AUSTRALIA**

**CRIMINAL CODE AMENDMENT (BUSHFIRES) ACT 2009**

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**Act No. 29 of 2009**

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 29 of 2009

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An Act to amend the Criminal Code

[Assented to 11 November 2009]  
[Second reading 19 August 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Criminal Code Amendment (Bushfires) Act 2009*.

**2 Commencement**

This Act commences on the date fixed by the Administrator by *Gazette* notice.

**3 Act amended**

This Act amends the Criminal Code.

**4 New section 240A**

After section 240

*insert*

**240A Causing bushfires**

- (1) A person is guilty of a crime if:
- (a) the person causes a fire; and

- 
- (b) there is a substantial risk that:
    - (i) the fire would spread to vegetation on property belonging to another person; and
    - (ii) the person would not be able to stop the spreading of the fire.

Fault elements:

The person:

- (a) intends to cause the fire or is reckless as to causing the fire;  
and
- (b) is reckless as to the risk.

Maximum penalty: Imprisonment for 15 years.

- (2) Subsection (1) does not apply to a person who caused a fire for the purposes of fire management or land management (or both):
  - (a) in accordance with a law in force in the Territory (including, for example, the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), the *Bushfires Act* and the *Fire and Emergency Act*); or
  - (b) in accordance with an agreement entered into by the Territory.

*Example for subsection (2)(a)*

*A person who caused a fire in the course of carrying out fire management activities such as hazard reduction activities under the Fire and Emergency Act.*

*Example for subsection (2)(b)*

*A person who caused a fire in the course of carrying out fire management and land management activities under an agreement between the Territory and a private company established for the reduction of greenhouse gas emissions.*

- (3) In this section, a person **causes** a fire if the person:
  - (a) lights a fire; or
  - (b) maintains a fire.

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**5 Amendment to Schedule 1 (Provisions of Code to which Part IIAA applies)**

Schedule 1, at the end

*insert*

Section 240A (Causing bushfires)