

Legislative Council—No 109

As received from the House of Assembly and read a first time, 5 May 2021

South Australia

**Criminal Law Consolidation (Bushfires)
Amendment Bill 2021**

A BILL FOR

An Act to amend the *Criminal Law Consolidation Act 1935*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Law Consolidation (Bushfires) Amendment Act 2021*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Amendment of section 85B—Special provision for causing a bushfire

- (1) Section 85B(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty: Imprisonment for life.
- (2) Section 85B—after subsection (3) insert:
 - (4) A court that finds a defendant guilty of an offence against this section must make an order under section 124 of the *Sentencing Act 2017* requiring the defendant to pay compensation for injury, loss or damage resulting from the offence unless—
 - (a) the defendant is aged under 16 years of age; or
 - (b) the court is satisfied that the defendant has no means of paying compensation; or
 - (c) the court is otherwise satisfied that special circumstances exist.