

## Basic Version



### NSW Police Children and young people and fire offences

#### **Definition of child:**

A child is defined under NSW legislation as a person over the age of 10 years and under the age of 18 years.

#### **The Young Offenders Act:**

A child who has committed an offence, or is alleged to have committed an offence, should be dealt with under the *Young Offenders Act 1997* (YOA) wherever possible.

The YOA aims to divert children from the formal criminal justice system. The child must admit to the offence to be dealt with by way of a 'caution' or 'Youth Justice Conference'.

The child may also be sent to court for more serious crimes

#### **Interviews of children:**

A child aged between 10 and 16 years must be interviewed in the presence of their parent or 'guardian' (the person responsible for the child), or a person their parent or guardian has given consent to be present or a lawyer.

A child aged between 16 and 18 years must be interviewed and admit to the offence in the presence of a responsible adult (who may be their parent or guardian OR a person of their choosing).

#### **Law:**

There are three Acts that relate to fires. All of these can be dealt with under the YOA:

- *Crimes Act 1900*
- *Rural Fires Act 1997*
- *Fire Brigades Act 1989*

**These laws make it clear it is a crime to light a fire, especially where it causes damage to property or spreads.**

**It is also a crime to leave a fire burning.**

**It is a crime to damage fire-fighting equipment or hinder fire-fighters.**

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### **More specifically the law says:**

1. It is a crime to maliciously damage another person's property and it is considered more serious if that damage is caused by fire.
2. It is a crime to damage property with the dishonest purpose of making some money or other gain and it is considered more serious if the damage is by fire.
3. It is a crime to set fire to land (ie a bush fire) or property in the bush or provide other people with the means to set fire to land or property
4. It is a crime to leave a fire you have lit in the open air, for good reason, without extinguishing it properly first (e.g. burning rubbish)
5. It is a crime to intentionally cause a fire and be reckless in allowing it to spread to any vegetation.
6. It is a crime to deliberately cover up a fire hydrant or remove a mark that indicates a fire hydrant is there.
7. It is a crime to damage fire brigade equipment or to tamper with fire alarms.
8. It is a crime to obstruct fire fighters or others who are doing their job.
9. It is a crime to intentionally cause a fire and let it spread to vegetation, or intend to do so, unless you are a fire-fighter as part of hazard reduction.

**ALL of these crimes apply to children and young people**