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.
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