



**SOUTH AUSTRALIA POLICE**  
KEEPING SA SAFE

Your Ref: 735JT  
Our Ref: 21/1526  
Enquiries:  
Telephone: 7322 3347  
Facsimile: 7322 4180

Mr Sam Duluk MP  
Member for Waite  
PO Box 445  
BLACKWOOD SA 5051

Email: [waite@parliament.sa.gov.au](mailto:waite@parliament.sa.gov.au)

Dear Mr Duluk

**Re: Freedom of Information Act application**

In reference to your application made pursuant to the Freedom of Information (FOI) Act 1991, access was sought to:

- "a) *Number of reported offences in South Australia between 1 January 2010 and 1 February 2020 under Criminal Law Consolidation Act 1935 – Section 85B – Special provision for causing a bushfire:*
  - 1) *A person who causes a bushfire-*
    - (i) *intending to cause a bushfire; or*
    - (ii) *being recklessly indifferent as to whether his or her conduct causes a bushfire*
  - 2) *A bushfire fire that burns, or threatens to burn, out of control causing damage to vegetation (whether or not other property is also damaged or threatened).*
- b) *Sentences resulting from the above offences*
- c) *Above data (a) and (b) split by year*
- d) *Above data (a) and (b) split by year and month"*

On 10 February 2021 Sergeant Watson spoke with [REDACTED] of your office in a bid to clarify the scope of your application. In an email of the same date [REDACTED] narrowed the scope of the application to:

- "a) *Number of reported offences in South Australia between 1 January 2010 and 1 February 2020 under Criminal Law Consolidation Act 1935 – Section 85B – Special provision for causing a bushfire:*
  - 1) *A person who causes a bushfire-*
    - (iii) *intending to cause a bushfire; or*
    - (iv) *being recklessly indifferent as to whether his or her conduct causes a bushfire*

- 2) *A bushfire fire that burns, or threatens to burn, out of control causing damage to vegetation (whether or not other property is also damaged or threatened).*
- c) *Above data (a) and (b) split by year*
- d) *Above data (a) and (b) split by year and month"*

During the process of discovery my office was advised that data was readily available from a legacy system up to 18 November 2018 however was unable to be extracted from the replacement Shield records management system post this date. Sergeant Watson advised [REDACTED] via telephone and in his email of 20 February 2021 he narrowed the scope time frame to:


*"1 January 2010 to 18 November 2018."*

It is determined to **release in full** data that falls within the scope of your request. The data has been presented in the table below and was correct as at 18 February 2021. This determination was made on 5 March 2021.

Section 85B Criminal Consolidation Act 1935	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
<b>CAUSE A BUSHFIRE, BEING RECKLESSLY INDIFFERENT AS ...</b>	-	-	-	-	-	-	-	-	-	-
January	9	4	1	-	-	-	2	-	-	16
February	-	2	-	3	-	-	-	-	-	5
March	-	-	-	-	1	-	-	-	-	1
April	-	-	-	-	-	-	-	-	1	1
May	-	-	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	5	-	5
September	-	-	-	-	-	-	-	1	-	1
October	-	-	-	-	-	3	-	-	-	3
November	-	2	1	-	-	1	-	-	-	4
December	-	-	8	-	2	-	-	2	-	12
<b>INTENTIONALLY CAUSE A BUSHFIRE</b>	-	-	-	-	-	-	-	-	-	-
January	4	1	4	-	-	-	-	-	3	12
February	8	3	2	8	2	1	-	-	1	25
March	-	-	-	1	-	-	-	-	-	1
April	-	-	-	1	-	-	-	-	-	1
May	-	-	-	-	-	-	-	-	-	-
June	-	1	-	-	-	-	-	-	-	1
July	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-
October	-	-	1	-	-	-	-	-	5	6
November	-	17	6	-	-	-	-	-	-	23
December	-	3	2	-	-	2	-	-	-	7
<b>Total Offences</b>	<b>21</b>	<b>33</b>	<b>25</b>	<b>13</b>	<b>5</b>	<b>7</b>	<b>2</b>	<b>8</b>	<b>10</b>	<b>124</b>

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, will be published on the SAPOL website Disclosure Log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you disagree with publication, please advise the undersigned in writing by **5 April 2021**.

Yours sincerely,

  
Senior Sergeant First Class Tracy Gentgall  
Officer in Charge  
**Freedom of Information Unit**  
(Accredited Freedom of Information Officer)

// March 2021