



OPERATIONAL BRIEF

NEW AND ADDITIONAL PENALTIES

23 October 2014



NSW Parliament has passed new, tougher penalties for people who deliberately and recklessly ignore Total Fire Ban declarations.

The *Rural Fires Amendment Bill 2014* complements new penalties which were announced earlier this year. The changes include:

- Under Section 100(1)(b) of the *Rural Fires Act 1997*, offenders may be prosecuted under a new offence and face a fine of up to \$132,000 and/or seven years imprisonment if they light or allow a fire to escape their property on a Total Fire Ban day.
- A jury can still find someone guilty of the existing offence (Allow fire to escape as to cause or likely to cause injury or damage) which carries serious penalties of up to \$110,000 and up to five years imprisonment, if they believe the person was not aware that a Total Fire Ban declaration was in place.
- Other changes allow NSW RFS and NSW Police Force officers to penalise less serious offenders with fines up to \$2,200.

- Ensure those who throw lit cigarettes, matches or other “fire objects” from a vehicle are held accountable for their actions. The driver and/or owner are deemed responsible in the first instance however they now are able to nominate passenger details for prosecution.

These penalties will assist over 100 NSW RFS officers from across the State recently trained to issue penalty notices as part of the *Reducing Careless and Illegal Fires project*.

The careless and illegal use of fire equates to over 11% of the total number of NSW RFS Brigade responses compared to suspicious fires which is under 10%.

Action taken by the NSW RFS is aimed at changing the behaviour of land owners and other persons who continue to disregard laws relating to the use of fire in the landscape.

Deputy Commissioner Rob Rogers AFSM
Director, Operational Services

For further information, please contact the NSW RFS Fire Investigation Unit on telephone **02 8741 5555** or email fire.investigation@rfs.nsw.gov.au
