Increased maximum penalty for deliberately starting a bushfire

Factsheet – November 2018

The NSW Government will increase the maximum penalty for deliberately starting a bushfire from 14 years to 21 years’ imprisonment.

Legislation will be introduced in the NSW Parliament in November 2018 to ensure the tougher penalty is in place for the peak bushfire season to help deter this destructive behaviour.

More than 99 per cent of NSW is currently in drought, and the risk of severe bush fires is set to increase as the weather gets warmer.

The NSW Government will implement a tougher penalty for the offence of intentionally causing a fire and being reckless about it spreading on public land or someone else’s property.

The amendment to section 203E of the Crimes Act 1900 will give NSW the equal-toughest penalty for a bushfire offence of all Australian states and territories. Tasmania has a similar offence that carries a maximum penalty of 21 years in prison.

The cost of disaster relief and recovery following NSW bushfires has risen from $11.4 million in 2015-16 to $23 million in 2016-17.

The proposed increased penalty reflects the enormous personal, social and economic cost starting a bushfire can cause, and better aligns with community expectations.

It also recognises that the current maximum penalty of 14 years may no longer offer a suitable deterrent for would-be offenders.

The Attorney General will also ask the Sentencing Council of NSW to:

- Consider if the five-year standard non-parole period for the bushfire offence should be increased; and,
- Review the maximum penalties for NSW’s arson offences, including destroying or damaging properties.

In August 2018, the NSW Rural Fire Service (RFS) Commissioner declared the earliest total fire ban in RFS history.

For more information
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