

FACT SHEET

CRIMINAL CODE AMENDMENT (ARSON) BILL 2013

In November 2010 the then Attorney General referred the issue of arson and deliberately lit fires to the Sentencing Advisory Council. The referral was prompted in part by both Australia-wide concerns about the catastrophic consequences of bushfire.

The Sentencing Advisory Council released a Consultation Paper in December 2011 and its Final Report in December 2012. The Final Report makes a number of recommendations for amendments to the *Criminal Code Act 1924* and the *Sentencing Act 1997*.

One of the key features of this Bill is the expansion of the current Criminal Code offence of setting fire to vegetation so that it will now capture a bushfire. The essential elements of this offence are that a person sets a fire that spreads to vegetation and that person knew, or ought to have known, that the fire was likely to spread and that the fire resulting from the spread would have been unlawful had it been directly lit. The definition of causes is broad enough to capture both deliberately lit fires and fires lit through negligence, for example through discarding a cigarette butt.

An amendment is also made to the *Sentencing Act 1997* to allow for a sentencing option to order an offender convicted of a fire related offence to reimburse the cost of the State in responding to the fire.