

FACT SHEET

Fire Service Amendment (Fire Infringement Notices) Bill 2015

This Bill will provide the Tasmania Fire Service with a greater range of appropriate options to address small-scale fire offending.

This Bill includes diversionary and educational methods to confront offending behaviour. The implementation of this Bill will raise community awareness about the importance of fire safety and educate the community about their fire safety obligations.

Ultimately, this Bill aims to reduce the total amount of fire-related offences in Tasmania. A reduction in fire-related offences means an increase in the safety of individuals, community, property and the environment from fire.

The *Fire Service Act 1979* prescribes a number of different fire-related offences. Due to the complex, laborious and resource-intensive nature of legal proceedings, unfortunately only a small number of serious offenders under this Act are prosecuted.

This Bill creates three different mechanisms for the Tasmania Fire Service and on occasion, Tasmania Police to respond to those individuals who repeatedly commit minor or moderate fire offences under the Act. The Bill prescribes a list of “fire infringement offences” that includes lighting a camp fire within 3 metres of a tree and leaving a lit match or cigarette in an open space on a day of total fire ban. These offences may appear minor, but can quickly become a serious threat to people and property.

A caution fire infringement notice will formally warn offenders. The notice will inform an offender that they have committed a fire infringement offence, and of the penalty imposed by a fire infringement notice. A caution fire infringement offence impresses on offenders that they have obligations under the *Fire Service Act 1979* and that there are consequences for failing to comply with those obligations.

The Bill also creates a Firesafe course notice. An offender who receives a Firesafe course notice is required to attend and complete a Firesafe course.

The purpose of a Firesafe course is to educate offenders about fire risks and fire offences to deter offenders from engaging in this behaviour. It educates offenders about their obligations under the Act, how best to comply with the Act and the implications and consequences of failing to comply with the Act. Firesafe courses will be devised and delivered by the Tasmanian Fire Service, and are intended to be practical and targeted at the particular offending behaviour.

The Bill also creates a fire infringement notice. This is the final option (other than prosecution) and requires an offender to pay a fine. The amount is determined by the regulations but will be in the vicinity of 5-10% of the maximum penalty for each offence listed in the Act.

The Bill also makes some more procedural changes to facilitate the fire infringement notice process.

Firstly, the Bill amends section 116 “Service of Notices” by repealing subsection (1). This subsection prescribed the method of service under the Act. The repeal of this provision will enable the service of notices under this Act in accordance with the *Acts Interpretation Act 1931*. This ensures that the service or notice under this Act will be consistent with service under other Acts, for example, the *Police Offences Act 1935*.

In practical terms, the consistency of service requirements will ensure that notices under this Act can be issued and served in the Police Infringement Notice System, currently used by Tasmania Police.

The Bill also inserts section 124A, which gives police officers the power to demand the name and address of a person who is suspected of having committed an offence under the Act. It also makes it an offence for a person to fail to give a name and address, or to give a misleading name or address.

Additionally, the Bill makes an amendment to section 125 and provides that Police can arrest without a warrant a person who has failed to provide a name and address, or has provided a misleading name or address, to a member of the Fire Service or a Police Officer.

The amendments to sections 124A and 125 are necessary to ensure that the Fire Service can obtain the personal information necessary to issue a notice under this Act. At the moment, it is an offence to fail to provide a correct name and address to a member of the Fire Service under section 124. However, the Act currently does not allow Police Officers to arrest without a warrant a person who commits this offence. As a result it is very difficult to obtain the name and address of a person suspected of committing an offence under the Act if that person does not comply.

The Amendments ensure that if a person fails to comply with a request by a member of the Fire Service to provide a name and address, then a Police officer can be called and make the same request to that person. If the person fails to comply with the request of a Police officer, then they may be arrested.