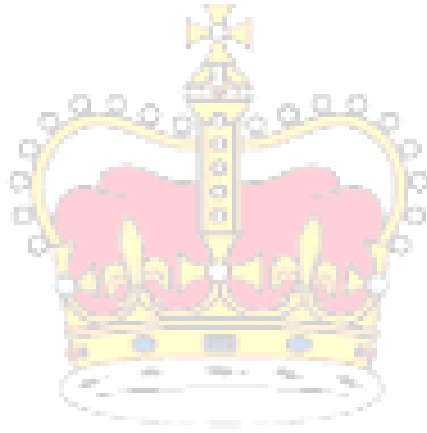


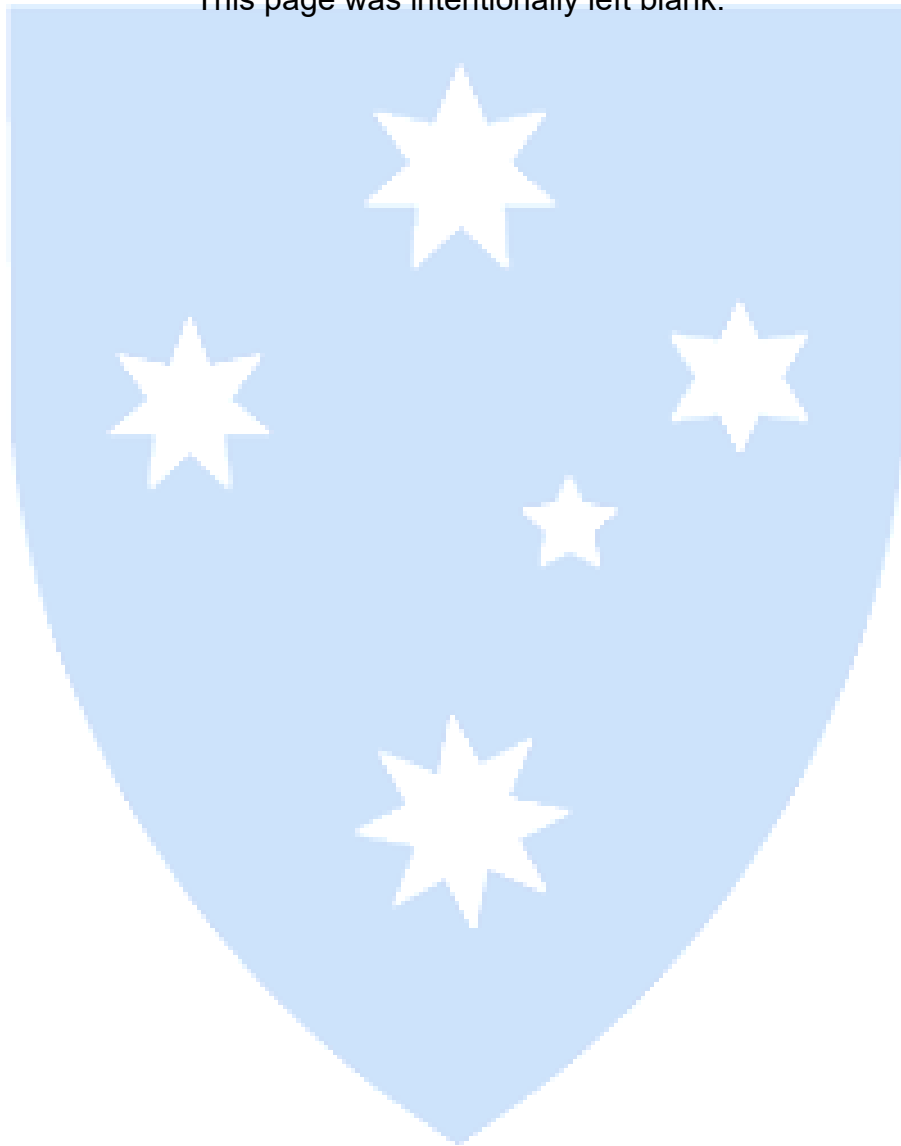
# Victorian Fire Investigation Inter-Agency Agreement

Between the following State Government Agencies:





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## Contents

<b>Introduction</b> .....	4
<b>Agency Roles</b> .....	5
<b>State Coroner- Coroners Court of Victoria</b> .....	5
<b>Victoria Police</b> .....	5
<b>Victoria Police Forensic Services Centre (VPFSC)</b> .....	5
<b>Emergency Management Commissioner (EMC)</b> .....	6
<b>Emergency Management Victoria (EMV)</b> .....	6
<b>Fire Rescue Victoria (FRV)</b> .....	6
<b>Country Fire Authority (CFA)</b> .....	7
<b>Forest Fire Management Victoria (FFMV)</b> .....	7
<b>Energy Safe Victoria (ESV)</b> .....	7
<b>WorkSafe Victoria</b> .....	8
<b>Investigation of Fires</b> .....	9
<b>Evidence Collection</b> .....	10
<b>Fire Trends / Serial Arson / Agency Integration</b> .....	10
<b>Electrical and Gas related Fires</b> .....	12
<b>Information Sharing</b> .....	12
<b>Media</b> .....	14
<b>Fatal Fires</b> .....	14
<b>Potentially Suspicious / Incendiary Caused Fires</b> .....	14
<b>Joint Investigations</b> .....	14
<b>Other Fires</b> .....	14
<b>General Terms of this Agreement</b> .....	15
<b>Term and Reviews of this Agreement</b> .....	15
<b>Working Collaboratively</b> .....	15
<b>Variation to this Agreement</b> .....	15
<b>Dispute</b> .....	15
<b>Withdrawal from this Agreement</b> .....	15
<b>Termination</b> .....	15
<b>Signatories to this Agreement</b> .....	16

## Introduction

In the past, fire investigation in this State tended to be conducted by various agencies operating in isolation. The teamwork approach to fire investigation articulated in the previous *Victorian Fire Investigation Policy and Procedures* document almost eliminated that siloed approach. Although a particular agency may have primacy of an investigation, a collaborative team approach by all agencies is now seen as best practice.

The benefits of an all-agency integrated approach to fire scene examination and investigation include:

- Greater productivity and efficiency utilising existing resources;
- Improved inter-agency co-operation;
- Increased detection, apprehension, and conviction rates;
- Reduction in the incidence of arson;
- Cost savings to the community;
- Better intelligence sharing;
- Increased data holdings;
- Earlier identification of trends;
- Early identification of product related fault;
- Identification of other fire causes;
- Improved training and cross training techniques; and
- Improved reporting rates and processes.

This *Victorian Fire Investigation Inter-agency Agreement (Agreement)* articulates agreed working arrangements between the Victorian agencies and organisations which have roles to play in investigating fires.

This Agreement should be read in conjunction with the *Emergency Management Act (1986 and 2013)* and the State Emergency Management Plan for Victoria.

This Agreement does not limit any party from acting within the full extent of their statutory powers. This Agreement is not intended to create legally enforceable obligations between parties.

## Agency Roles

### State Coroner- Coroners Court of Victoria

Coroners have a legislated responsibility to investigate reportable deaths. The death of a person as a result of a fire is a reportable death. Every investigation of a fire involving a death must be reported to the Coroner. A Coronial brief will be required to be submitted to the Coroner on the circumstances of the fire and the circumstances of death. This brief is usually completed by Victoria Police and should be complemented with input from other agencies.

Coroners may investigate fires if there are significant public health and safety concerns and under section 30 of the *Coroners Act 2008* must investigate if requested to do so by the Country Fire Authority (CFA) or Fire Rescue Victoria (FRV) unless the Coroner determines that the investigation is not in the public interest. A person may request the Coroner to investigate a fire. The Coroner may hold an inquest into any fire that the Coroner is investigating, and a person may request the Coroner to hold an inquest into any fire that the Coroner is investigating.

### Victoria Police

Victoria Police has the responsibility to investigate all suspicious, incendiary, or deliberately caused fires including bushfires and fires involving fatalities or serious injuries that may result in death. Victoria Police also has the statutory role of being the Emergency Response coordinator at all fire scenes.

#### Victoria Police Forensic Services Centre (VPFSC)

The VPFSC under the control of its Executive Director, delivers a forensic science service committed to quality, integrity, and accountability to all sections of Victoria Police, the justice system, and the community.

The VPFSC is staffed by scientists, sworn police officers and other specialists, as well as a range of support staff.

The VPFSC provides a 24/7 specialist response to fire and explosions scenes / investigations. Deployment is coordinated through the Victoria Police Arson and Explosives Squad.

### **Emergency Management Commissioner (EMC)**

The Emergency Management Commissioner (EMC) is an independent statutory officer appointed by the Governor in Council and reporting to the Minister for Emergency Services, under the *Emergency Management Act 2013*.

The responsibilities of the Emergency Management Commissioner include:

- Coordinating the activities of agencies with roles or responsibilities in the response to Class 1 emergencies (which include major fires) and Class 2 emergencies.
- Ensuring control arrangements are in place during Class 1 and Class 2 emergencies, including appointing a State Response Controller for a Class 1 emergency who will, in turn, appoint Regional and Incident Controllers.
- Leading the responder agencies (CFA, FRV, FFMV and VICSES) to improve operational performance for Class 1 emergencies.

### **Emergency Management Victoria (EMV)**

Emergency Management Victoria (EMV) is established under the *Emergency Management Act 2013* and is the agency responsible for the coordination of the development of the whole of government policy for emergency management in Victoria. EMV also provides support to the Emergency Management Commissioner.

### **Fire Rescue Victoria (FRV)**

Fire Rescue Victoria (FRV) has the legislative responsibility to investigate the origin and cause of all fires that occur within the Fire Rescue Victoria fire district. This is in accordance with the *Fire Rescue Victoria Act 1958* - section 71 "Place where fire occurs".

FRV, through its State Fire Investigation Unit (FIU) performs the legislative functions of investigating fire cause and origin in accordance with the *Fire Rescue Victoria Act 1958* and the *Coroners Act 2008*.

The State FIU, amongst other things:

- a) conducts investigations and detailed analyses of fires / incidents, and documents lessons learnt for the future protection of life and property;
- b) makes recommendations and takes action where appropriate, to ensure the protection of life and property from fire;
- c) assists in the development of strategies to reduce the incidence of fire and subsequent death and injury in fires that may be preventable;
- d) identifies and analyses fire trends, faulty products and poor work practices which cause fires in order to eliminate future fire causation; and
- e) provides relevant fire safety information to the Coroner, fire services, other statutory bodies, and all other relevant parties.

### **Country Fire Authority (CFA)**

The CFA is a fire and emergency services organisation which has the mission of protecting lives and property.

CFA has a legislative responsibility to investigate the origin and cause of all fires that occur within the Country Area of Victoria. This is in accordance with the *Country Fire Authority Act 1958* - section 98 "Place where fire occurs".

Fire investigation is a critical component of CFA's responsibilities. Outcomes from conducting fire investigations contribute towards the identification of fire trends which leads to the development of fire prevention, education, fire-fighter safety and suppression strategies.

Fire Investigation is one of the foundation stones on which fire prevention is developed.

### **Forest Fire Management Victoria (FFMV)**

Fire investigation is a key component of FFMV's responsibilities to prevent fires on Public Land. Results of fire investigations are used to develop fire prevention programs and to target known problem areas.

### **Energy Safe Victoria (ESV)**

Energy Safe Victoria is responsible for the safety and technical regulation of electricity, gas, and pipelines in Victoria. The role and functions of ESV are specified, inter alia, by the *Energy Safe Victoria Act 2005*, *Gas Safety Act 1997*, and *Electricity Safety Act 1998*. The following is a summarized version of ESV objectives which are conferred by legislation and must be addressed through ESV operations including the investigation of incidents which have implications for gas or electrical safety:

- Ensuring the electrical safety of electrical generation, transmission and distribution systems, electrical installations, and electrical equipment;
- Ensuring safe conveyance, sale, supply, measurement, control, and use of gas;
- Controlling the safety standards of gas and electrical work;
- Maintaining public and industry awareness of electrical and gas safety requirements;
- Promoting awareness of energy efficiency;
- Labeling and regulation of electrical equipment and gas installations, appliances, and components;
- Protecting underground and underwater structures from corrosion caused by stray electrical currents;
- Protecting the public from environmental, health and safety risks resulting from the construction and operation of pipelines; and
- Promote the prevention and mitigation of bushfire danger.

### **WorkSafe Victoria**

WorkSafe Victoria is the trading name of the Victorian WorkCover Authority and its occupational health and safety roles and functions are specified by the *Occupational Health and Safety Act 2004* and associated Acts and regulations. Broadly speaking, WorkSafe's responsibilities are to:

- Help avoid workplace injuries occurring;
- Enforce Victoria's occupational health and safety law;
- Provide reasonably priced workplace injury insurance for employers;
- Help injured workers back into the workforce; and
- Manage the workers' compensation scheme by ensuring the prompt delivery of appropriate services and adopting prudent financial practices.

WorkSafe's Enforcement Group works closely with Victoria Police to investigate most work-related deaths to determine if OHS laws were broken.

The State Coroner's Office of Victoria investigates work related deaths. If WorkSafe has started an investigation, the Coroner works with WorkSafe.



## Investigation of Fires

The EMC is responsible for the coordination of the activities of agencies for Class 1 or 2 emergencies in Victoria, which includes fire. Victoria Police is responsible for the coordination of agencies to respond to warlike acts, acts of terrorism, siege, or riot.

A fire scene is always managed by an Incident Controller.

- For major fires, the Incident Controller is appointed by and reports to the State Response Controller, usually through a Regional Controller.
- For non-major fires, the Incident Controller is directly appointed by and reports to the Fire Services Agency (ie, CFA, FRV or FFMV) with control responsibility.

The Incident Controller must initiate a preliminary investigation to determine the origin and cause of the fire.

The Incident Controller may request a Fire Investigator to attend scenes in accordance with the relevant agency procedure.

The Fire Investigator from the relevant Fire Services Agency will attend upon the request of the Incident Controller to conduct an investigation into the origin and cause of the fire.

If the fire is deemed to be non-suspicious by the Fire Investigator, the Incident Controller will remain in control of the fire scene until the origin and cause is determined.

If the Incident Controller, Fire Investigator or Victoria Police deem the fire to be suspicious or involves the loss of life (regardless of cause), Victoria Police will assume control of the crime scene (when the Incident Controller declares it safe to do so) and primacy of the investigation.

If a Fire Investigator requires specialist forensic assistance, they may request the services of the VPFSC (Arson Chemists).

Provided it does not compromise the fire suppression effort, the area of origin for all fires (including bushfires) is to be preserved and the security of the scene maintained until the origin and cause of the fire is determined and the Fire Investigator advises that their investigations are complete, and security is no longer required.

When a fire involves death or serious injury or probable fatality, the relevant Fire Services Agency must notify Victoria Police to attend the scene in accordance with their agency procedures.

Victoria Police Investigators will be deployed to the scene, and they will advise the Serious Crime Response Team (SCRT) and the Coroner (if there is a fatality or probable fatality). The SCRT will notify members of the Victoria Police Arson and Explosives Squad who will coordinate attendance of VPFSC services.

Immediately upon arriving at the scene of the fire, the senior Victoria Police Investigator and the VPFSC representative will confer with the senior member of the relevant Fire Services Agency and/or Fire Investigator.

The relevant agencies will examine the fire scene and investigate the fire collaboratively.

Where VPFSC personnel are unable to attend the scene of a potentially suspicious / incendiary caused fire, the relevant Fire Service agency Fire Investigator and Victoria Police Investigator should consult with the VPFSC before undertaking a crime scene examination.

Where a non-suspicious / incendiary fire occurs in a workplace the relevant Fire Service will take primacy over the origin and cause investigation. Where an injury occurs as a result of the fire, the Fire Service will work collaboratively with WorkSafe Investigators in their investigation of the incident. However, if a workplace fire results in a fatality or probable fatality, Victoria Police will take primacy of the investigation.

### **Evidence Collection**

Where a member of an agency other than Victoria Police intends to remove an item or take samples from a potentially suspicious fire scene, they will consult with the senior Victoria Police Investigator and/or VPFSC member before the item is removed.

Subject to the Coroner not investigating the fire, the CFA and FRV are authorised by section 98 of the Country Fire Authority Act 1958 and section 71 of the Fire Rescue Victoria Act 1958, respectively to collect any evidence from the place where fire occurs (in the Country Area of Victoria or the Fire Rescue Victoria fire district, respectively) which may tend to prove the origin and/or cause of the fire.

If the Coroner subsequently investigates the fire, any information or evidence collected by CFA or FRV will be provided to the Coroner and is deemed to have come into the Coroner's possession under Division 4 of Part 4 of the *Coroners Act 2008*.

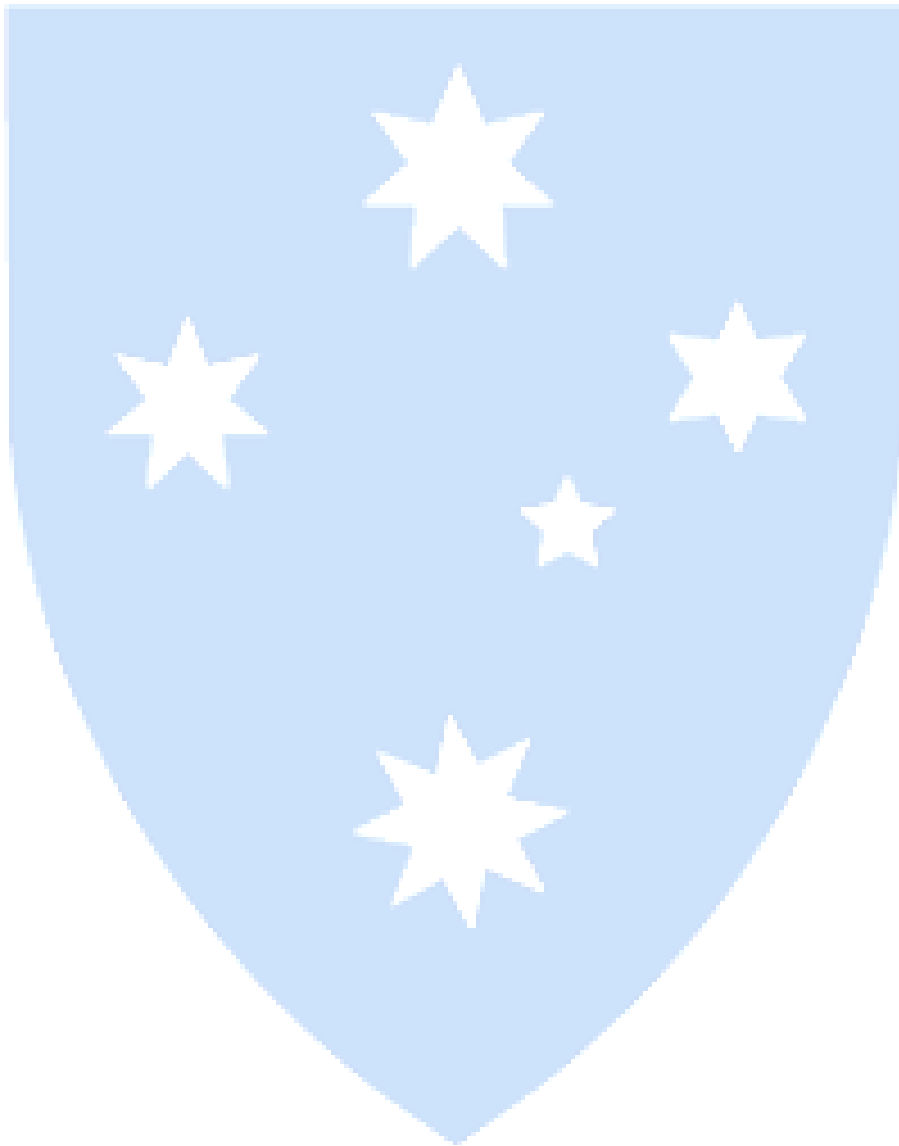
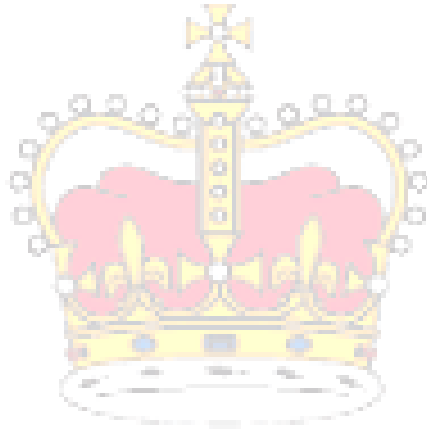
When a fire which was previously considered to be of a potentially suspicious / incendiary cause is subsequently assessed as being deemed non-suspicious / incendiary in nature, the senior Victoria Police Investigator and/or the Officer-in-Charge of the VPFSC Fire and Explosion Unit Section will advise the relevant Fire Service Fire Investigation Section.

If a Fire Service or other agency Investigator desires to inspect evidence or exhibit from a fire scene, they will contact the relevant Victoria Police Investigator who may arrange an inspection.

### **Fire Trends / Serial Arson / Agency Integration**

In the case that Victoria Police, or the Fire Investigation Section of a Fire Service identifies a potential series of potentially suspicious fires (or serial arsonist), the relevant agency will advise the other agencies as soon as practicable.

Each agency will provide ongoing liaison, data and information exchange relating to the analysis of fires involving electrical and gas appliances or equipment. The exchange of data and information is to assist each agency in the identification of trends and patterns involving product-related faults.



## Electrical and Gas related Fires

Black Saturday (2009) demonstrated a significant risk by the arbitrary removal of power assets by the respective power companies, prior to Police / Fire Investigators making an informed assessment of a scene.

The Coroner and Victoria Police have powers in restricting access to scenes under sections 37 and 38 of the *Coroners Act 2008* and section 36A of the *Emergency Management Act 1986* relating to the restriction of access to fire / fatality scenes.

In addition, under section 98 of the *Country Fire Authority Act 1958* and section 71 of the *Fire Rescue Victoria Act 1958*, there are powers to enable the collection of evidence from fire scenes.

Where a power asset is believed to have contributed to a fire, these provisions should be considered.

It is essential that Energy Safe Victoria attends and provides technical expertise at the request of the relevant Fire Services Agency for all electrical and gas related fires.

## Information Sharing

All parties acknowledge that in addition to their own legislative powers, functions and duties regarding sharing and protection of information, they are each bound by the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001*, and the Victorian Protective Data Security Standards as published by the Office of the Victorian Information Commissioner from time to time (together, **the Relevant Legislation**) with respect to any act done or practice engaged in by the parties under or in connection with this MOU.

Each party agrees that it will:

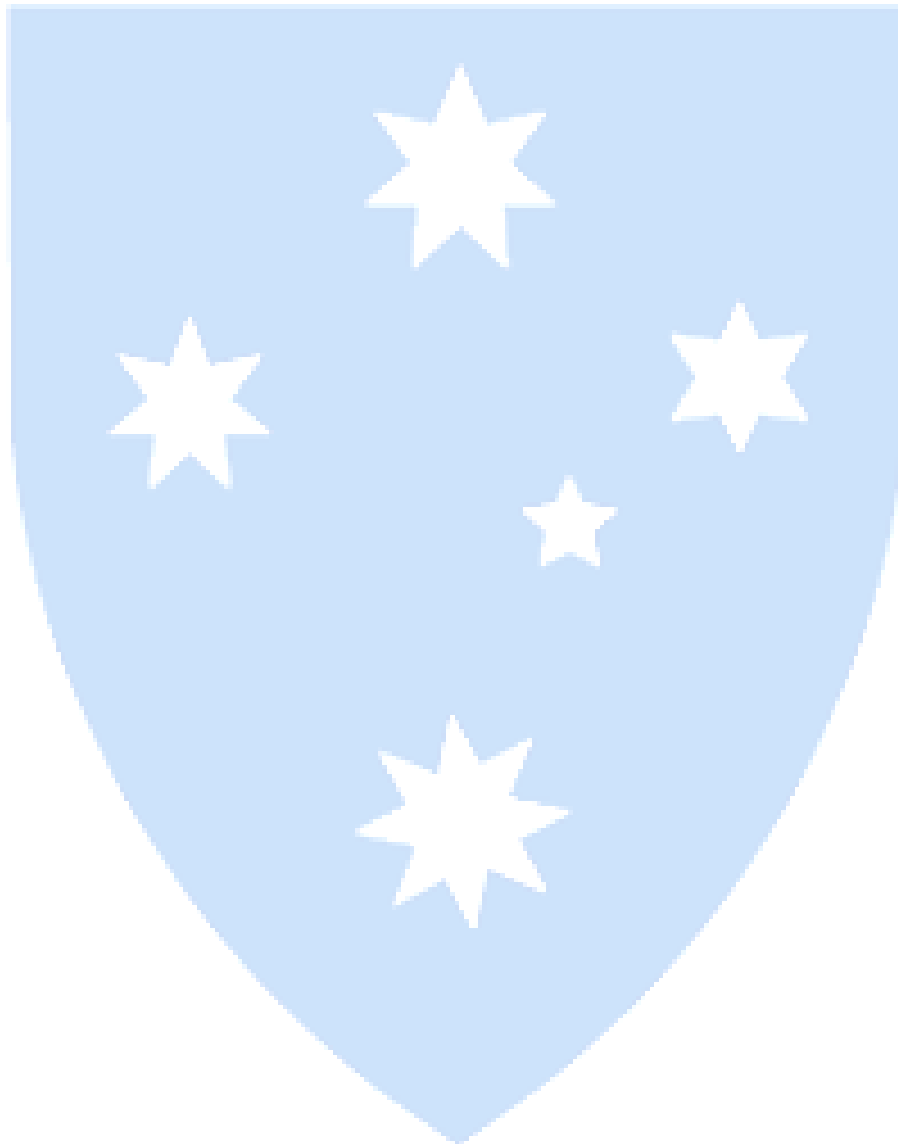
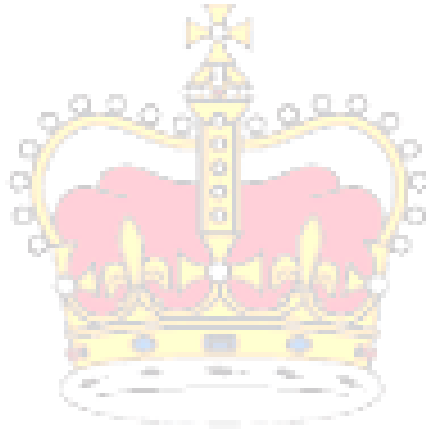
- (a) assist each other party to comply with its obligations under the Relevant Legislation, to the extent possible; and
- (b) provide to each other party such co-operation as the other party requires in relation to resolving any complaint concerning a contravention or potential contravention of the Relevant Legislation.

Subject to a separate letter of understanding and the Relevant Legislation, the parties intend to exchange information, data and intelligence relating to fire investigations to improve the collective ability to respond to emerging trends and patterns.

Upon the execution of this Agreement all parties will consult to determine the types of information to be shared with the other parties and the standards that will apply.

To assist and improve inter-agency operations and the timely exchange of information, representatives from the CFA, FRV or FFMV (in consultation with Victoria Police) may be embedded in the Victoria Police Arson and Explosives Squad during the nominated fire seasons and at other times as deemed necessary by mutual agreement. Secondments between agencies will be undertaken through standard approval processes, which will include Victoria Police employment security checks.

Ongoing liaison and secondment of personnel by agreement between the CFA, FRV, FFMV, Victoria Police Arson and Explosives Squad and VPFSC is to continue for the mutual benefit of organisations and the community.



## Media

### Fatal Fires

Only Victoria Police (in consultation with the Coroner) will make public statements about the circumstances of fatal fires. The origin and cause of fatal fires should not be commented on pending determination by Court / Coroner. Other organisations may comment on matters that do not relate to the origin and cause of fatal fires.

### Potentially Suspicious / Incendiary Caused Fires

Only Victoria Police will make public statements about the circumstances of potentially suspicious / incendiary caused fires. Other organisations may comment on matters that do not relate to the origin or cause of suspicious / incendiary fires.

### Joint Investigations

If the media requests information about a fire which is being jointly investigated by agencies, those agencies will identify the appropriate representative(s) to make statements to the media.

Media enquiries are then to be directed to the relevant investigation representative(s).

Agencies should involve their respective media units to ensure a suitable and consistent media strategy / statement.

### Other Fires

If the media requests information about a fire, only the relevant Fire Service will make statements to the media.

No comment relating to a fire's origin and cause will be made unless it is in the public interest and only after consultation with the Investigating Officer.

## **General Terms of this Agreement**

The Victorian Fire Investigation Inter-Agency Agreement between the parties dated 16 August 2016 is terminated on the date that this Agreement commences. This Agreement commences on the date that the last party signs.

## **Term and Reviews of this Agreement**

The term of this Agreement will be ongoing. This Agreement will commence on the date that all parties have signed.

A review of this Agreement may be undertaken at the request of any one of the parties, who will coordinate the review, including the drafting of any amendments and the signing of a variation by the parties.

## **Working Collaboratively**

All parties agree to work collaboratively over the term of this Agreement, through meetings as deemed appropriate or necessary between staff of each agency. The objective of these meetings is to review the processes and roles of each party.

## **Variation to this Agreement**

Any party may make suggestions for changes to this Agreement to improve the outcomes to be achieved or otherwise if any party deems it necessary. Any variation to this Agreement must be in writing and agreed to by all parties.

## **Dispute**

Where there is a conflict over any matter related to issues covered in this Agreement, the parties will attempt to resolve the conflict at an operational level. If the issue cannot be resolved, it will be referred to the signatories of this Agreement for resolution.

## **Withdrawal from this Agreement**

Should resolution not be achieved, then any party may seek to withdraw from this Agreement with one month's notice in writing to all other parties.

## **Termination**

The parties may agree to terminate this Agreement at any time by notice in writing.

## Signatories to this Agreement

**His Honour Judge John Cain**  
State Coroner

Date:

**Shane Patton**  
Chief Commissioner  
Victoria Police

Date:

**Rick Nugent**  
Emergency Management Commissioner  
Emergency Management Victoria

Date:

**Gavin Freeman. AFSM**  
Fire Rescue Commissioner  
Fire Rescue Victoria

Date:

**Jason Heffernan**  
Chief Officer  
Country Fire Authority

Date:

**Chris Hardman**  
Chief Fire Officer  
Forest Fire Management Victoria  
Department of Energy, Environment and Climate Action

Date:

**Leanne Hughson**  
Chief Executive Officer  
Energy Safe Victoria

Date: 15 April 2024

**Colin Radford**  
Chief Executive Officer  
Work Safe Victoria

Date:



**Document History & Version Control**

Version	Date	Status	Description	Author	Custodian
V. 01 – 0.7	Pre 06/06/2012	Draft	Document Update	Victoria Police	Vic Pol.
V. 08	06/06/2012	Draft	Document Update	Victoria Police	Vic Pol.
V. 09	08/06/2012	Draft	Document Update	Victoria Police	Vic Pol.
V. 10	17/06/2012	Final	Document Update	Victoria Police	Vic Pol.
V. 11	16/08/2016	Final	Document Update	Victoria Police	Vic Pol.
V. 12	24/10/2023	Final	Document Update	Victoria Police.	Vic Pol

**Document Reviewers: Versions V. 01 – V. 11**

Name	Position
State Coroner	Victorian Fire Investigation Working Party
Victoria Police	Victorian Fire Investigation Working Party
Emergency Management Victoria	Victorian Fire Investigation Working Party
Fire Rescue Victoria	Victorian Fire Investigation Working Party
Country Fire Authority	Victorian Fire Investigation Working Party
Department of Environment Land Water and Planning	Victorian Fire Investigation Working Party
Energy Safe Victoria	Victorian Fire Investigation Working Party
Work Safe Victoria	Victorian Fire Investigation Working Party

**Document Reviewers: Versions V. 12**

Name	Position
Coroners Court of Victoria	State Coroner
Victoria Police	Chief Commissioner
Emergency Management Victoria	Emergency Management Commissioner
Fire Rescue Victoria	Fire Rescue Commissioner
Country Fire Authority	Chief Officer
Forest Fire Management Victoria	Chief Fire Officer
Energy Safe Victoria	Chief Executive Officer
Work Safe Victoria	Chief Executive Officer

**Related Documents:**

Legislation Acts
<i>Coroners Act 2008</i>
<i>Emergency Management Act 2013</i>
<i>Fire Rescue Victoria Act 1958</i>
<i>Country Fire Authority Act 1958</i>
<i>Forests Act 1958</i>
<i>Energy Safe Victoria Act 2005</i>
<i>Gas Safety Act 1997</i>
<i>Electricity Safety Act 1998</i>
<i>Occupational Health &amp; Safety Act 2004</i>

**Supporting Documents**

State Emergency Management Plan
Emergency Management Victoria: <ul style="list-style-type: none"> <li>Joint Business Rule: Bushfire Investigation</li> </ul>
Agency Doctrine, Policies and Procedures: <ul style="list-style-type: none"> <li>Fire Investigation</li> </ul>