

# SERVICE STANDARD 3.1.9

## FIRE INVESTIGATION

| ITEM             | DESCRIPTION  |
|------------------|--|
| Version Number   | 3.0  |
| SOPs             | <ul style="list-style-type: none"> <li>➤ SOP 3.1.9-1 Authorised Fire Investigators</li> <li>➤ SOP 3.1.9-2 Standard PPE and PPC for Fire Investigation</li> <li>➤ SOP 3.1.9-3 Activation and Allocation of Fire Investigators</li> <li>➤ SOP 3.1.9-4 Documenting the Scene – Collecting Observational Evidence</li> <li>➤ SOP 3.1.9-5 Handling of Physical Evidence (Potential Exhibits)</li> <li>➤ SOP 3.1.9-6 Fire Investigation Reporting</li> <li>➤ SOP 3.1.9-7 Fire Investigation Record Keeping</li> <li>➤ SOP 3.1.9-8 Disclosure of Fire Investigation Information</li> <li>➤ SOP 3.1.9-9 Attendance at Court</li> <li>➤ SOP 3.1.9-10 Breaches of the <i>Rural Fires Act 1997</i></li> <li>➤ SOP 3.1.9-11 Re-accreditation of Previous Authorised Fire Investigators</li> <li>➤ SOP 3.1.9-12 Suspension or Removal of Authorised Fire Investigators</li> <li>➤ SOP 3.1.9-13 Fire Investigations where NSW RFS Members are suspected of lighting fires</li> </ul> |
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## 1 Purpose

- 1.1 The purpose of this Service Standard is to identify the role of the NSW Rural Fire Service (NSW RFS) in relation to the investigation of fire origin and cause and specifically:
- a. appoint personnel as Authorised Fire Investigators (AFIs) to enter premises/lands to investigate the origin and cause of fires;
  - b. to ensure that lawful and accountable procedures are followed when investigating the origin and cause of fires;
  - c. gather information on behalf of the NSW RFS relating to fire origin and cause in order to meet the object and functions of the *Rural Fires Act 1997* (the Act), particularly as it relates to fire prevention and community education; and
  - d. provide this information to agencies or individuals in accordance with NSW RFS reporting arrangements.

## 2 Policy

- 2.1 All brigade officers of or above the rank of Deputy Captain are responsible for identifying and reporting the suspected cause of fires they attend.
- 2.2 The Commissioner authorises all officers, of or above the rank of Deputy Captain, to secure the scene of a fire after extinguishment to enable investigation by the NSW RFS.
- 2.3 The Commissioner certifies appropriately qualified members of the NSW RFS, who meet the criteria set out in the Standard Operating Procedures or Operational Procedures, to be an AFI. The Commissioner has delegated this function to the Executive Director, Operations who will keep a Schedule of AFIs.
- 2.4 Under Section 33B of the Act, AFIs can enter land to conduct fire investigations, without the consent of land owners/occupiers for a period of up to 24 hours after the fire has been put out. This power does not extend to land used for residential purposes (e.g. a structure) without consent or an authority provided by a Search Warrant.
- 2.5 An AFI who enters any land or premises must comply with the provisions of the Operational Protocol for Fire Investigation - Power of Entry and Search Warrants.
- 2.6 All fire investigations must be undertaken in accordance with this Service Standard and associated Fire Investigation Standard Operating Procedures, Operational Protocols, Training Manuals and Field Guide.
- 2.7 Fire investigations are to be carried out in accordance with the Memorandum of Understanding – Joint Agency Fire Investigation in New South Wales, and similar agreements as adopted by the NSW RFS.

## 3 Related documents

- [Evidence Act 1995](#)
- [Law Enforcement \(Powers and Responsibilities\) Act 2002](#)
- [Rural Fires Act 1997](#)
- [Rural Fires Regulation 2008](#)
- [Fire Ground SOP 34 - Fire Cause Determination](#)
- [Operational Protocol 1.4.1 - Fire Investigation \(Powers of entry and search warrants\)](#) (Being reviewed)
- [Management of Asbestos Incidents Operational Protocol](#)
- [Operational Management Procedures – 4.05.02 – Activation of Fire Investigation](#)
- [Safe Working On Roads Standard Operating Procedures](#)
- Memorandum of Understanding – Joint Agency Fire Investigation in New South Wales\*
- Memorandum of Understanding – RFS and NSW Police Force - Information Sharing\*
- Fire Investigation Training Manuals\*
- Fire Investigation Field Guide\*
- Schedule of Authorised Fire Investigators\*

\* May be obtained by staff and volunteer fire investigators on request to the Fire Investigation and Compliance Unit.

## 4 Amendments

| AMENDMENT DATE    | VERSION NO | DESCRIPTION   |
|-------------------|------------|---|
| 22 Jan 2002       | 1.0        | Initial release   |
| 17 April 2002     | 1.1        | <ul style="list-style-type: none"> <li>➤ Repealed and remade SS 3.1.9 v1.0</li> <li>➤ Clauses 3 and 7</li> <li>➤ Replace “Assistant Commissioner” with “Executive Director”</li> </ul>  |
| 23 April 2004     | 1.2        | <ul style="list-style-type: none"> <li>➤ Repealed and remade SS 3.1.9 v1.1</li> <li>➤ Clauses 1.3, 1.4, 1.5 and 1.6</li> <li>➤ Clause 2.2, 2.4, 2.7 and 2.8</li> <li>➤ Authority to Enter Premises</li> <li>➤ Authority to Use Force to Enter Premises</li> </ul> |
| 21 September 2004 | 1.3        | <ul style="list-style-type: none"> <li>➤ Repealed and remade SS 3.1.9 v1.2</li> <li>➤ Clauses 2.4, 2.5, 2.6 (typographical amendments)</li> </ul>   |
| 9 November 2009   | 2.0        | <ul style="list-style-type: none"> <li>➤ Repealed and remade SS 3.1.9 v 1.3</li> <li>➤ Complete review and realigns with Fire Investigation Handbook (May 2008)</li> </ul>  |
| 9 April 2021      | 3.0        | <ul style="list-style-type: none"> <li>➤ Repeals and remakes SS 3.1.9 v2.0</li> <li>➤ Complete review of SS and SOP's in conjunction with MOU and other relevant document reviews</li> </ul>  |

## SOP 3.1.9-1

# AUTHORISED FIRE INVESTIGATORS

## 1 Purpose

1.1 This SOP defines the role and responsibilities of an Authorised Fire Investigator (AFI).

## 2 Procedures

- 2.1 The Commissioner has delegated the appointment of all AFIs to the Executive Director, Operations. A schedule of AFIs is held by the Executive Director, Operations and will be reviewed annually.
- 2.2 The following will be considered eligible to be appointed as an AFI:
- a. members of the NSW RFS who have been found competent at:
    - i. the NSW RFS Wildfire Investigation Course or hold equivalent AFAC/Public Training Package qualifications; and/ or
    - ii. the NSW RFS Structural Fire Investigation Course or hold equivalent AFAC/Public Training Package qualifications; and
    - iii. have been mentored and found competent by an AFI through a minimum of three wildfire investigations and a minimum of one structural fire investigation.
- 2.3 AFI performance and conduct will be reviewed annually by Response and Coordination in consultation with the Area Commanders, as part of the AFI re-appointment process.
- 2.4 In order to maintain AFI status, AFIs must investigate a minimum of two wildfires and/or one structural fire, attaining a suitable level of performance annually, and provide evidence of their continuous learning and/or suitable related professional development activities.
- 2.5 The NSW RFS Fire Investigation Reporting System will be audited annually as a part of the review of the AFIs' performance. The audit will review quality, quantity and timeliness of submitted reports.
- 2.6 The person responsible for fire investigation within any area management structure will determine the location and number of AFIs for their area in consultation with the Supervisor of the Fire Investigation and Compliance Unit. The number of AFIs may alter to meet the needs of the NSW RFS based on trend analysis of ignitions. They will be drawn from District/Area based volunteer and salaried personnel who have the skills, experience, commitment and availability to undertake fire investigation duties to a professional standard.
- 2.7 It is expected that Districts will be self-sufficient for AFIs with a minimum of two AFIs who can undertake wildfire and/or structural fire investigations. These AFIs may be volunteer or salaried depending on local requirements.
- 2.8 Whenever possible, two AFIs shall conduct fire investigations. These AFIs may be volunteer or salaried depending on their availability. Where practicable, a salaried AFI should accompany a volunteer AFI when undertaking investigations outside their home district to assist with logistics. In the event of two or more investigations being assigned to an investigation, one will be assigned as the Lead investigator, responsible for completion of all reports.
- 2.9 Applications to undertake fire investigation training are assessed on a needs basis.
- 2.10 AFIs will be appointed subject to criminal history clearance through the Fire Investigation and Compliance Unit.
- 2.11 Volunteer AFIs will be issued with authority cards, which must be carried with them when undertaking any investigation. Staff members who are AFI will have the FI authorities printed on their staff ID card.
- 2.12 Any AFI who fails to comply with Service Standards, Standard Operating Procedures, or Operational Protocols may have their authority revoked or suspended by the Commissioner. Should this occur, all

equipment and identification must be returned to their respective District within seven days of having their authority revoked.

- 2.13 NSW RFS members may be authorised as an AFI with only wildfire or structural fire investigation qualifications.
- 2.14 Applicants for fire investigation training are to hold the appropriate pre-requisite competencies (as per the NSW RFS Training Information Booklet) and levels of experience. Currently these are:
  - a. Protect and Preserve Incident Scene (PPIS) or equivalent qualification;
  - b. RFS Crew Leader Wildfire (for WFI) and/or RFS Crew Leader Village (For SFI);
  - c. Minimum 5 years' experience as a wildfire or structural fire fighter.

### **3 Related forms**

- EOI Fire Investigation Training

## SOP 3.1.9-2

# STANDARD PERSONAL PROTECTIVE EQUIPMENT (PPE) AND CLOTHING (PPC) FOR FIRE INVESTIGATION

## 1 Purpose

- 1.1 This SOP identifies the standard protective equipment to be worn by Authorised Fire Investigators (AFIs).

## 2 Procedures

- 2.1 Site specific risk assessments are to be carried out prior to any fire investigation activity being undertaken. If an AFI considers conditions unsafe to conduct an investigation, the investigation is to be postponed or cancelled.
- 2.2 AFIs are to wear PPE/PPC whilst conducting fire investigations.
- 2.3 The minimum wildfire investigation PPE/PPC standard is as follows:
- blue Proban treated fire investigation overall, or any future approved FI PPC updated design two-piece bush fire jacket and pants;
  - blue RFS issue helmet marked with 'FI';
  - gloves, when deemed necessary;
  - NSW RFS issue firefighting boots;
  - smoke goggles, or eye protection, when deemed necessary;
  - disposable smoke respirator;
  - water bottle and belt;
  - fire investigation tabard; and
  - for AFI working in remote areas, a NSW RFS issued EPRIB.
- 2.4 The minimum structural investigation PPE/PPC standard is:
- the same as the above and;
  - disposable coveralls when deemed necessary; and
  - P2 respirators or above when deemed necessary.
- 2.5 At the completion of fire investigations, it is recommended that PPE/PPC is stowed in an air-tight receptacle and laundered, independently of other clothing. If it is considered that PPE/PPC is subject to exposure of post fire remnant fumes/material, a replacement issue should be sought and the existing PPE/PPC disposed of.
- 2.6 In times of low-light or roadside operation, AFIs must wear reflective tabards and ensure they comply with Safe Working on Roads Standard Operating Procedures and other Authorities (such as Rail Act).
- 2.7 AFIs should have access to a portable GRN radio and a fire ground radio whilst on the fire ground.
- 2.8 For incidents that involve asbestos or possible asbestos, AFIs are to comply with Operational Protocols for the Management of Asbestos incidents and are to follow the Protocols in relation to the laundering of PPC.
- 2.9 Replacement of PPC/PPE is on condemnation witnessed by the members' supervisor.

- 2.10 Whilst representing the NSW RFS, AFIs are to wear their NSW RFS rank where appropriate. AFIs, who are not ranked, should wear 'Fire Investigation" epaulettes.
- 2.11 AFIs who regularly undertake fire investigation tasks, particularly out of their District, are to be issued with a second set of PPC to ensure that Work Health and Safety requirements and NSW RFS image are met.
- 2.12 Should a member of the NSW RFS no longer be authorised as an AFI, they are to return all issued fire investigation items of PPE/PPC, and documents related to their fire investigations to their District office within seven days. The District office will issue a receipt for the return of equipment as per Service Standard 5.2.2 – Return of Equipment Allocated to Members of the Service.
- 2.13 All PPE/PPC is to be ordered through the AFIs relevant District SAP procurement process and is to be issued via SAP to individuals.

### 3 Related forms

- None

## SOP 3.1.9-3

# ACTIVATION AND ALLOCATION OF FIRE INVESTIGATORS

## 1 Purpose

- 1.1 This SOP defines the procedures for the response of Authorised Fire Investigators (AFIs) to an incident.

## 2 Procedures

- 2.1 Brigade Officers, of or above the rank of Deputy Captain in the first responding crew, are to consider the potential cause of all fires attended as per Fireground SOP #34. Should the cause not be apparent, the Brigade Officers should contact their District Duty Officer for advice.
- 2.2 Where a fire is within NSW RFS jurisdiction, (notwithstanding that the NSW Police Force may also be investigating the origin and cause) an investigation must take place by a NSW RFS AFI in the following circumstances:
- where a fire incident has caused the death of or serious injury to a fire fighter or any member of the public;
  - where the incident is likely to be of significant media or public interest
  - where a fire has caused significant damage to, or the destruction of any fire appliances, property, stock, produce or crop of another party (with the agreement of the land management authority if applicable) or agency that exceeds \$500,000;
  - where a bush fire results in the declaration of a section 44 appointment;
  - where it is apparent that the fire may be one of a series of deliberately lit fires in a particular location;
  - where a person is known or suspected of lighting the fire;
  - in a structural fire where the cause is not known, or,
  - in other circumstances on the direction of the Commissioner.
- 2.3 All fires that require an allocation of an AFI are to have a corresponding Police Event number. This can be either obtained from the attending NSW Police Officer or created by lodging a PAL report.
- 2.4 The “Suspected Cause” in ICON situation report has automatic triggers that will identify the incident as requiring a fire investigation. If this does not occur, those responsible for authorising the OUT situation report can trigger the request a AFI by selecting the “Yes” against “Investigation Required” when prompted to do so by the system.
- 2.5 Any incident flagged for fire investigation that does not meet the criteria, as outlined in paragraph 2.2 above, the District Manager will change the status to Not Warranted and record the reason why as intel against the incident.
- 2.6 Where a fire investigation is required, it is the responsibility of the District Duty Officer to source and allocate a local AFI to the incident. If they are unable to source a local AFI, they should contact the person responsible for fire investigation for their area to assist in sourcing and allocating an AFI. The person who sources the AFI is responsible for allocating the AFI to the fire investigation in the Fire Investigation Reporting System Status Board.
- 2.7 If no AFI is available across the Area, then the person responsible for fire investigation for the area is to contact the Supervisor of the Fire Investigation and Compliance Unit to obtain an out of area AFI.
- 2.8 The Commissioner may also require the person responsible for fire investigation for the area or the Supervisor of the Fire Investigation and Compliance Unit to attend the scene of specific incidents to assist with/conduct the investigation.
- 2.9 When a section 44 is declared, the Supervisor of the Fire Investigation and Compliance Unit, in consultation with the person responsible for fire investigation for the area will allocate a suitable AFI to undertake the investigation. The MOU – Joint Agency Fire Investigation should be consulted and considered when planning



to investigate these fires. All fires within the s44 declared area that meet the criteria for fire investigation, are to be investigated.

- 2.10 Once an AFI has been identified and agrees to conduct a fire investigation, the Fire Investigation Reporting System Status Board must be updated with:
  - a. The allocation of the AFI to the incident,
  - b. Marking a request for fire investigation as Not Warranted no longer than seven days after the incident has been declared out.
- 2.11 Section 33B of the *Rural Fires Act 1997*, provides authority for fire investigators to conduct fire investigations, without the consent of land owners/occupiers for a period of up to 24 hours after the fire has been put out. This power does not extend to land that is used for residential purposes (e.g. a structure) without consent or an authority provided by a search warrant. Please refer to Operational Protocols for Fire Investigation (Powers of entry and search warrants) for additional information.
- 2.12 The responding AFI should make contact with their District to ascertain if the NSW Police have arranged the Forensic Evidence & Technical Services Command (FETSC) to investigate the scene. Ideally for evidentiary reasons a joint investigation should occur. Regardless, the fire should be investigated as soon as possible to ensure evidence is not disturbed.
- 2.13 Districts will meet the costs associated with local fire investigation tasks within their District.
- 2.14 If Districts are unable to provide their own AFIs, they will meet the costs associated with AFIs brought in from adjoining Districts or outside the Area unless previously agreed local arrangements are in place. In the case of volunteer AFIs, these costs are not to be met by the volunteer. It will be the responsibility of the allocating Officer to ensure that their requirements are met before the volunteer AFI is dispatched to the task. These costs can include accommodation, meals, and reimbursement of out of pocket expenses (subject to provision of receipts.).
- 2.15 Districts requesting AFI from outside of their area is also to provide a cost centre for journal of salaried investigators expenses.
- 2.16 Fire investigation costs on behalf of other agencies will be met by those agencies.
- 2.17 Once deployed from their 'home' District, the AFI is responsible to the Incident Controller (IC) or District Manager regarding the conduct of the investigation. Should any issues arise they should advise the person responsible for fire investigation for the area or the Fire Investigations and Compliance Unit.
- 2.18 If at any time during a scene examination, it becomes apparent that the fire cause may be as a result of criminal activity (for matters other than potential breaches of the Act) the investigation is to cease immediately and the NSW Police Force be notified.

### 3 Related forms

- None

## SOP 3.1.9-4

# DOCUMENTING THE SCENE – COLLECTING OBSERVATIONAL EVIDENCE

## 1 Purpose

- 1.1 This SOP defines the procedures for documenting and recording a fire investigation scene.

## 2 Procedures

- 2.1 The information gathered by an AFI whilst conducting an investigation needs to be entered into the Fire Investigation Reporting System in ICON.
- 2.2 All photographs taken of the scene are to be recorded (time/date/position) by the AFI and entered into the Fire Investigation Reporting System in ICON. The more relevant and specific photographs that are referred to in the investigation report and/or statement, should be listed at the beginning of the photograph attachments log.
- 2.3 All other sketches/maps/diagrams or other media needs to be entered into the Fire Investigation Reporting System in the attachment log.
- 2.4 Naming conventions for the attachments should be as follows:
  - a. Photographs – D001
  - b. Maps – M001
  - c. Sketches – S001
  - d. Other – O001

## 3 Related forms

- Wildfire Field Notes
- Structure Fire Field Notes
- Vessel/Vehicle Fire Field Notes
- Standard Canvass Form
- Consent to Entry Property Form
- Photo Layout Templates – Portrait and Landscape

## SOP 3.1.9-5

# HANDLING OF PHYSICAL EVIDENCE (POTENTIAL EXHIBITS)

## 1 Purpose

- 1.1 This SOP covers the procedures to be followed if Authorised Fire Investigators (AFIs) are required to take physical evidence from the fire ground.

## 2 Procedures

- 2.1 This SOP is to be read in conjunction with Memorandum of Understanding – Joint Agency Fire Investigation in NSW.
- 2.2 It is not the role of the AFI to take custody of evidence or suspect items relating to the cause of the fire.
- 2.3 The NSW Police Force has the sole responsibility for the integrity and continuity of all physical evidence at site declared as crime scenes or sites under the effect of Coronial Orders, including potential bushfire exhibits. Police via the Forensic Evidence & Technical Services Command (FETSC) have the responsibility for the physical collection and subsequent analysis of physical evidence and specimens collected from fire scenes.
- 2.4 Should an AFI find an item suspected of being associated with the cause of a fire, or any other item that may be considered an exhibit, the AFI should record the circumstances surrounding the finding of the object, date, time, location, its position and description. The AFI will photograph it as found in situ without moving it or touching the item(s). The item's location is to be recorded on site sketches. NSW Police Force is to be immediately notified to attend and to take custody of the item. The AFI should record the details of the Police Officer retrieving the exhibit.
- 2.5 If it is likely that the evidence may be damaged or lost due to the activities of firefighting or other circumstances, such as weather, NSW Police Force are to be immediately notified and advice sought on its protection. Police may suggest removing the item from the scene and taking it directly to the nearest Police Station.
- 2.6 Seek approval and advice from the person responsible for fire investigation within that Area or Supervisor of Fire Investigation and Compliance Unit prior to collecting any physical evidence. Record the approval in contemporaneous notes.
- 2.7 Prior to collection, potential items are to be photographed and their locations recorded by GPS. Gloves are to be worn prior to handling any item. Where possible, store the item (s) separately and in a clean/dry receptacle.
- 2.8 A Chain of Custody Record must be completed to accompany any item given to the NSW Police. This record also needs to be attached to the fire investigation report.
- 2.9 Details of the Police Station and Police Officer that the exhibit is handed to as well as the date and time will be recorded in the fire investigation report.

## 3 Related forms

- Chain of Custody Record

## SOP 3.1.9-6

# FIRE INVESTIGATION REPORTING

## 1 Purpose

- 1.1 This SOP outlines the completion of fire investigation reports by NSW RFS Authorised Fire Investigators (AFIs).

## 2 Procedures

- 2.1 All fire investigation reports will be completed by the AFI or assisting AFI allocated to the fire investigation in the NSW RFS Fire Investigation Reporting System contained within ICON.
- 2.2 Unless extenuating circumstances exist, all fire investigation reports will be completed by the AFI or assisting AFI, within 14 days from the completion of the physical investigation.
- 2.3 If extenuating circumstances exist, the allocated AFI will contact the person responsible for fire investigation within that Area or the Fire Investigation and Compliance Unit to request an extension of time to complete the report. This request needs to be before the 14 days has expired.
- 2.4 The person responsible for fire investigation within that Area (and where necessary a member of the Fire Investigation and Compliance Unit) will review an AFI submitted report within 14 days.
- 2.5 All fire investigation reports will be completed in accordance with relevant Service Standards, SOPs, and Fire Investigation Training Manuals.
- 2.6 Section 44 fire investigation reports can be checked by the person responsible for fire investigation within that Area, but are only to be peer reviewed and approved by the Supervisor of Fire Investigation and Compliance Unit.
- 2.7 If during the investigation it becomes obvious that the fire being investigated is likely to result in a Criminal, Civil or Coronial court matter, the AFI and/or the assisting AFI will need to complete a witness statement and attach this to the fire investigation report.

## 3 Related forms

- Witness Statement Templates - Wildfire
- Witness Statement Templates - Structure

## SOP 3.1.9-7

# FIRE INVESTIGATION RECORD KEEPING

## 1 Purpose

- 1.1 This SOP outlines the record keeping requirements of fire investigation records by NSW RFS Authorised Fire Investigators (AFIs).

## 2 Procedures

- 2.1 All documents, photos, sketches, maps, or any other document produced by an AFI (staff or volunteer) are official records of the activities of the NSW RFS and as such must be retained in an approved records management system.
- 2.2 The NSW RFS Fire Investigation Reporting System in ICON is currently the approved records repository for scanned fire investigation records.
- 2.3 All records pertaining to an investigation must be saved to ICON. The following are types of documents that would be attached:
  - a. Site specific risk assessment;
  - b. Handwritten or electronic field notes;
  - c. Photographs (or video) and a photographic log;
  - d. Canvassing reports of persons with relevant information;
  - e. Sketches (not to scale);
  - f. Diagrams/Maps (with scale);
  - g. Chain of Custody and evidence receipt forms and correspondence; and
  - h. Copies of available weather information.
- 2.4 All other original documentation related to the fire investigation is to be forwarded to a AFIs District office for recording into the records management system as soon as practical after the completion of a fire investigation.
- 2.5 This provides the NSW RFS with a secondary source of information in the event of technology changes or failures and meets the requirement of keeping potential evidence in a safe, secure and centralised file system. This enables access to all original documentation in the future if an AFI leaves the organisation, or a legal matter arises on a historic matter. The AFI should maintain a copy of this information for their records.
- 2.6 As a minimum, the following types of original documents must be attached to the fire investigation file - include those listed above (clause 2.3) and the following:
  - a. SD Card, USB drive or similar medium containing unaltered copies of photographs taken during the investigation;
  - b. records of conversations related to the fire investigation; and
  - c. any other document, record, note or information related to the specific fire investigation.

## 3 Related forms

- None

## SOP 3.1.9-8

# DISCLOSURE OF FIRE INVESTIGATION INFORMATION

## 1 Purpose

- 1.1 This SOP provides procedures for Authorised Fire Investigators (AFIs) when requested to supply information to external sources such as insurance or investigation companies, or persons involved in the incident.

## 2 Procedures

- 2.1 Fire investigation reports may contain sensitive information and should be referred to in confidence.
- 2.2 District Managers may access summary fire cause information via the NSW RFS Fire Investigation Reporting System. The release of this information by the District Manager is subject to the processes below.
- 2.3 No information about a suspected or known cause of a fire is to be released through social media.
- 2.4 Any request for information from 'non-agency' clients (excluding Police) must be channelled via the NSW RFS Government Information Public Access Act (GIPA) process.
- 2.5 GIPA applications are to be forward to the NSW RFS Legal and Government section, who will in turn seek advice from the State Coordinator Fire Investigation who will ascertain if a Police (or other Agency) investigation is ongoing or subject to a Coronial Inquiry. In these circumstances the requesting party will be advised that the matter is under investigation by Police, information cannot be released and that further enquiries should be referred to them.
- 2.6 If Police enquiries are completed and the matter is 'closed', the release of the full fire investigation report is subject to the NSW RFS GIPA arrangements.
- 2.7 NSW Police requests for fire investigation reports will be processed in line with the Memorandum of Understanding – NSW RFS and NSW Police Force - Information Sharing.
- 2.8 Media enquiries must be directed to the NSW RFS Media Unit in the first instance in accordance with the NSW RFS SS 1.4.8 Media.

## 3 Related forms

- None

## SOP 3.1.9-9

# ATTENDANCE AT COURT

## 1 Purpose

- 1.1 This SOP details the process to be followed if any Authorised Fire Investigators (AFIs) are requested to attend Court via subpoena to appear, or receive a subpoena requesting documents.

## 2 Procedures

- 2.1 On receipt of a subpoena to give evidence in a court matter or requesting copies of fire investigation documents, AFIs are to immediately advise their District Manager, who will in turn advise the person responsible for fire investigation within that Area and Fire Investigation and Compliance Unit.
- 2.2 Requests for legal advice and support for AFIs shall be referred by the relevant person responsible for fire investigation within that Area to the Supervisor of Fire Investigation and Compliance Unit for review by the relevant Director and NSW RFS Legal and Government Section.
- 2.3 If applicable, any advice will be passed on to the person responsible for fire investigation within that Area and District Manager of the location in which the fire occurred.
- 2.4 The person responsible for fire investigation within that Area is to liaise with the Supervisor of Fire Investigation and Compliance Unit regarding the impending court action to ensure that appropriate assistance and advice is provided.
- 2.5 AFIs should consult with any legal officer representing the NSW RFS, Police Senior Investigating Officer or NSW Police Force Prosecutors prior to the day of the hearing at court to ensure that they are fully briefed on the evidence to be presented.
- 2.6 AFIs should ensure that all evidence and statements are referred to the person responsible for fire investigation within that Area who in turn will advise the Fire Investigation and Compliance Unit who will see that the relevant Director is aware of proceedings prior to their attendance at court.
- 2.7 In giving evidence, AFIs are to focus on providing information relating only to the origin and cause of the fire. It is important (particularly in Coronial matters) that the Counsel assisting the Coroner and any legal counsel for the NSW RFS is aware of the AFIs role. AFIs are not to be drawn into providing evidence in judgment of operational decisions or actions.
- 2.8 Costs which are payable by the courts can often include travel and accommodation. AFIs are to discuss the claiming arrangements with the person issuing the subpoena
- 2.9 Any costs not payable via the Court associated with the AFIs attendance, are to be met by the District in which the fire occurred.
- 2.10 Any AFI requested to attend official legal matters will be required to wear NSW RFS Dress uniform (supplied by the District) as per the NSW RFS Protocol Guidelines and Service Standards.

## 3 Related forms

- None

## SOP 3.1.9-10

# BREACHES OF THE RURAL FIRES ACT 1997

## 1 Purpose

- 1.1 This SOP outlines the procedures to be followed should a breach of the *Rural Fires Act 1997* (the Act), or the Rural Fire Regulation 2008 (the Regulation) be detected at a fire scene.

## 2 Procedures

- 2.1 Should it be considered that a breach of the Act or the Regulation has occurred relating to fire cause, the AFI should advise the District Manager of the District where the fire has occurred. An AFI is not to investigate alleged breaches of the Act or Regulations if they are investigating cause and origin of the same incident.
- 2.2 Facts surrounding the incident should be referred to that District Manager for follow up action and advice. Information relating to breaches of the Act are to be noted on the fire investigation report.
- 2.3 Suspected incendiary / suspicious fires must be reported to Police by the District Manager of the District where the fire has occurred. Copies of fire investigation reports are to be supplied to Police in consultation with the Memorandum of Understanding – NSW RFS and NSW Police Force - Information Sharing.

## 3 Related forms

- > None



## SOP 3.1.9-11

# RE-ACCREDITATION OF PREVIOUS AUTHORISED FIRE INVESTIGATORS

## 1 Purpose

- 1.1 This SOP defines the procedures involved for suitably qualified members to become re-accredited as an Authorised Fire Investigator (AFI).

## 2 Procedures

- 2.1 If an AFI who has stood down or ceased to continue to conduct fire investigations, wishes to return and be re-instated on the Authorised list, they must complete a comprehensive report through their chain of command for comment and authorisation. This report should be forwarded to the Supervisor, Fire Investigation and Compliance Unit and Manager, Emergency Management for review, assessment, comment and decision.

The submission may also be referred to the Director, Response and Coordination for a decision.

- 2.2 This report needs to address the following areas:

- a. Previous experience in Fire Investigation
- b. When last Fire Investigation was undertaken
- c. Background involved as to why they ceased to continue or left Fire Investigation
- d. Acknowledgement of the current role description and expectations
- e. Clearly articulate their commitment to the position as described.

- 2.3 Each report submitted will be assessed on a case by case basis. The process involved in becoming re-accredited could involve one or more of the following:

- a. Mentor will be allocated by the person responsible for fire investigation within that Area
- b. A minimum 2 mentored investigations
- c. Mentor suitability report

- 2.4 All outcomes will be communicated back down the chain of command to the applicant.

- 2.5 In the event the application is not supported, and the member wishes to lodge an appeal to the decision, a report outlining the circumstances surrounding the appeal will be referred to the Director, Response and Coordination in the first instance.

## 3 Related forms

- > Nil

## SOP 3.1.9-12

# SUSPENSION OR REMOVAL OF AUTHORISED FIRE INVESTIGATORS

## 1 Purpose

- 1.1 This SOP defines the procedures involved in suspending or removing Authorised Fire Investigators from the authorised list.

## 2 Procedures

- 2.1 If concerns are identified about an AFI's level of ability and competency to meet the demands of the role, a report is to be initiated by the AFI's manager and forwarded via the person responsible for fire investigation within that Area to the Supervisor, Fire Investigation and Compliance Unit and Manager, Emergency Management for review, assessment, comment and decision.
- 2.2 This report needs to address the following areas:
  - a. What issues have been identified
  - b. What action/s have been taken at the local and area level in an attempt to rectify the issues
  - c. Provide supportive documentation
- 2.3 As part of the review, a spreadsheet should be generated of all matters that are allocated to the AFI and are still outstanding with comments attached as to their status and the impact on the NSW Rural Fire Service in they are not completed.
- 2.4 The Supervisor of the Fire Investigation and Compliance Unit, will generate a file that outlines all of the issues raised. This file, with any supporting documentation, will be supplied to the AFI for a response. This can be in the form of a written response or a meeting can be arranged where all issues can be discussed.
- 2.5 The files will be reviewed in totality and will be assessed on a case by case basis by the Supervisor, Fire Investigation and Compliance Unit in consultation with the The person responsible for fire investigation within that Area. The files will then be forwarded to the Manager, Emergency Management for determination.
- 2.6 Where an Authorised Fire Investigator wishes to lodge an appeal, these will be referred in the first instance to the Director, Response and Coordination.

## 3 Related forms

- > Nil

## SOP 3.1.9-13

# FIRE INVESTIGATIONS WHERE NSW RFS MEMBERS ARE SUSPECTED OF LIGHTING FIRES

## 1 Purpose

- 1.1 This SOP defines the procedures involved in selecting Fire Investigators for matters where a member of the NSW Rural Fire Service is suspected of lighting the fires.

## 2 Procedures

- 2.1 In situations where any member of the RFS becomes aware a member is lighting fires and/or that the NSW Police are investigating a fire/s, and a member of the RFS is a person of interest or suspect, the Supervisor of the Fire Investigation and Compliance Unit needs to be notified in the first instance.
- 2.2 The Supervisor will work with the person responsible for fire investigation within that Area to identify and allocate a suitable salaried fire investigator from another District to undertake the fire origin and cause investigation.
- 2.3 The allocated fire investigator will assist and liaise with NSW Police involved in the investigation. Additional support will be provided from the Fire Investigation and Compliance Unit in Headquarters.
- 2.4 If the NSW Police request the allocated fire investigator to conduct an investigation into another fire; the requesting Police should be referred to the person responsible for fire investigation within that Area and/or the Supervisor for the Fire Investigation and Compliance Unit in the first instance.
- 2.5 Whilst it is understood that consistency in a NSW Police investigation is important, all requests for fire investigations on incidents that are outside the NSW Rural Fire Service jurisdiction are to be made to the Supervisor for the Fire Investigation and Compliance Unit.
- 2.6 The Supervisor will make representations to the external agency to seek approval for NSW Fire Investigators to conduct investigations in their area. Only after this approval can a suitable NSW Rural Fire Investigator be allocated to conduct a fire investigation in an external agency area.

## 3 Related forms

- > Nil