**Coronial Practice Direction No. 5 of 2018 – Fire Jurisdiction**

This Direction is issued pursuant to section 51A(2) of the *Coroners Act 1997* (“the Act”) and prescribes practices and procedures in relation to the coronial fire jurisdiction.

1. The jurisdiction of the ACT Coroner’s Court under section 18 of the Act in relation to fires will be exercised in the first instance by a Deputy Coroner save for:
	1. Any inquiry in which a contrary direction is made by the Chief Coroner or a Coroner; or
	2. Any inquiry requested by the Attorney-General to be held, pursuant to subsection 18(1).
2. Noting that the ACT Emergency Services Agency already utilises internal mechanisms to bring certain categories of fires to the attention of appropriate regulatory authorities, the Chief Coroner requires that fires which occur in any of the circumstances specified below are to be referred for consideration of whether an inquiry will be commenced on the Court’s own initiative:
3. Fires of public significance;
4. Fires where there appears to be an issue with the response of responders or other government authorities to the fire; or
5. Two or more fires which occur in similar circumstances and which raise issues of public health or safety.
6. For the purposes of paragraph 3a, a fire of public significance will have one or more of the following factors present:
7. Creating significant public interest;
8. Occurring at a public place or place where the public habitually attend;
9. Involving multiple premises;
10. Involving significant public or traffic disruption;
11. Involving significant destruction or damage to property;
12. Involving the deployment of significant resources (personnel, equipment or otherwise) to control or quench the fire;
13. Involving or creating a public health or safety issue, including but not limited to:
	1. risks of death or serious harm to persons over and above any ordinarily resident persons at the premises where the fire occurs or responders to the fire;
	2. pollution (air, water or otherwise) which is not confined to the site of the fire or near surrounds;
	3. radiological, biological, chemical or other hazards; or
	4. issues of occupational health or safety.
14. A referral for the purposes of paragraph 3c should be made as soon as practicable after the pattern or trend in the fire has become apparent, and details of all similar such fires should be contained in the referral.
15. Referrals under this Guideline can be made by the ACT Emergency Services Agency (through either ACT Fire & Rescue or ACT Rural Fire Service) or by ACT Policing, and these bodies are encouraged to collaborate in relation to the making of referrals.
16. A Deputy Coroner, Coroner or Chief Coroner may request at any time from the ACT Emergency Services Agency or ACT Policing details of any fire which comes to their attention for the purposes of considering whether an inquiry should be commenced.
17. A Deputy Coroner, Coroner or Chief Coroner may request at any time from the ACT Emergency Services Agency or ACT Policing details of any fire for which a request has been received from an owner of destroyed or damaged property for the holding of an inquiry.
18. If a referral is accepted, the presiding Coroner (or Deputy Coroner) will give further direction to the ACT Emergency Services Agency or ACT Policing as to the evidence required for the conduct of the specific inquiry. Such direction may be conveyed via any Counsel Assisting appointed for the inquiry or staff of the ACT Coroners Court assisting in the matter.
19. This Direction will be reviewed within 12 months of the date of issue.
20. This Direction applies until otherwise withdrawn or revoked.

Lorraine Walker

Chief Coroner

Date of issue: