

Victoria Police Manual – Procedures and Guidelines

Release of accident and property records

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- *Victoria Police Act 2013*
- *Victoria Police (Fees and Charges) Regulations 2014*
- VPMP Information sharing

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Requests for vehicle collision information – legislative authority

1.1 General authority

Under s.248, *Victoria Police Act 2013*, a Victoria Police employee may provide information to a:

- person who is injured as a result of a vehicle collision
- person whose property is damaged or destroyed by an collision; or
- personal or authorised representative of either of these parties.

1.2 Personal or authorised representative

A personal or authorised representative is a person able to obtain information on behalf of an individual involved or whose property was involved in a vehicle collision. This includes anyone authorised in writing, by the individual involved in the collision, their guardian, administrator or executor of an estate, where the person dies as a result of the vehicle collision; see s.246, *Victoria Police Act 2013*

1.3 Authorised purpose

These persons may only obtain this information for an authorised purpose. Under s.246 of the *Victoria Police Act 2013*, these are to:

- obtain legal advice
- recover any loss, damage or costs incurred as a result of the collision
- determine a claim of insurance or compensation; or
- investigate the collision for any of the above purposes.

2. Vehicle collision information – over the counter requests

2.1 Available information

- Collision details able to be released over the counter at a police station are restricted to the names, addresses and/or registration details of the drivers involved in the accident.
- This information may only be released if a Traffic Incident Report has been approved through the Traffic Information System (TIS). Information is not to be directly obtained from LEAP and released to requesting parties without a Traffic Incident Report first being completed.
- There is no charge for collision information provided over the counter.

2.2 Eligible persons

A party described at section 1 may obtain information over the counter at a police station. Refer any person who makes multiple requests for information to the Accident Records Office (ARO).

2.3 Requests for information

Persons are to request the information in writing on appropriate application forms, which are available on the VP templates and Victoria Police internet site.

2.4 Information to be provided by eligible persons

Where a person requests vehicle collision information over the counter, they are required to:

- provide relevant documentation as outlined on the Application for Victoria Police Vehicle Accident Information – Over the Counter Request [Form 1146]
- outline the reasons they are seeking such information.

2.5 Members' responsibilities

The member is then required to:

- advise that only limited information is available over the counter. Where the person is seeking additional information, they should make a request to the ARO; see section 4
- confirm that a collision has been reported, either with the attending members or by utilising the search function within TIS to view the Traffic Incident Report. Ensure the circumstances of the collision outlined in the report are consistent with the request
- ensure that a Traffic Incident Report is completed
- ensure that the requesting person completes the Form 1146 and Statutory Declaration [Form 1147]
- record the requested information on section 3, Form 1146 and provide a copy to the requesting person
- inform the person that under, s.251 *Victoria Police Act 2013* the information provided must not be used for anything other than an authorised purpose
- complete the remaining fields on the Form 1146 and forward all documentation to the ARO for recording and filing.

2.6 Exceptions to the over the counter process

- Where a Traffic Incident Report has not been approved the member receiving the request should:
 - advise the person that the details of the accident need to be confirmed before any information can be released
 - investigate the matter as appropriate.
- Where information cannot be obtained through TIS or where a Traffic Incident Report has been completed but the information cannot be immediately obtained at the time of the request, e.g. where the report has not been approved and/or the attending member cannot be contacted, the member receiving the request

must take action to ensure the information is provided to the requesting party when it becomes available. Contact the requesting person and:

- organise for that person to re-attend once the information has been obtained; or where this is not practicable
- send the information to the requesting person, providing the person has already completed the required documentation.

- Release the information in line with the above sections.

3. Vehicle collision information – requests at the scene of an accident

Where vehicle collision information is requested at the scene, advise the requesting party to attend the appropriate station and make a request in accordance section 2.

4. Vehicle collision information – referring requests to ARO

Where a person attends a station and requests any other information beyond that outlined in section 2, advise them to submit an application to the ARO using the appropriate forms:

- Individual – Application for Victoria Police Vehicle Accident Information – Individual [Form 1143] and Form 1147
- Authorised representative – Application for Victoria Police Vehicle Accident Information – Authorised Representative [Form 1144] and Form 1147
- Personal representative – Application for Victoria Police Vehicle Accident Information – Personal Representative [Form 1145] and Form 1147

Advise requesting persons that an application to the ARO will incur a fee and that further documentation may be required. The information pages of the Forms provide details.

5. Interviews with police members

Persons from outside Victoria Police who wish to interview a police member about a reported traffic or industrial accident must send a written request to the ARO. Arrangements will be made for interviewing at a police station in the presence of an Inspector or above or Sub-officer. Fees are charged as specified in *Victoria Police (Fees and Charges) Regulations 2014*.

6. Property records

6.1 Access

Any person who suffers property damage or property loss may apply for a copy of a report detailing the damage or loss, or may authorise a person to represent them and apply on their behalf. To request these reports, the person is required to complete the relevant form below and submit it to the Insurance Section, Public Enquiry Service, Regulatory Services Department.

- **Search for a crime report – Organisation use** – this form should be completed and lodged with Victoria Police by organisations or persons representing individuals who need a copy of the report compiled by Victoria Police, listing the reported details of damage or loss of their property.
- **Search for a crime report – Individual use** - this form should be completed and lodged with Victoria Police, by individuals who need a copy of the report compiled by Victoria Police, listing the reported details of damage or loss of their property.
- **Subrogation Notice** – this form is used by insurance companies to notify Victoria Police of a transfer of ownership of stolen goods once an insurance claim has been settled.

The forms are available on the Victoria Police internet site (www.police.vic.gov.au, then select 'Our Services' select 'Crime Reports').

6.2 Fees

Fees are charged for searching of relevant records and for providing a copy of any report, as specified by r.4, *Victoria Police (Fees and Charges) Regulations 2014*

6.3 Fires

The Public Enquiry Service, Regulatory Services Department, is authorised to release information concerning fires and charge a fee as specified by r.4, *Victoria Police (Fees and Charges) Regulations 2014*

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact the Public Enquiry Service, Regulatory Services Department.

Update history

Date of first issue	22/2/10
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Date updated	Summary of change	Force File number
18/11/13	References to redundant instruments following IMSSD review have been updated with corresponding new instruments.	069562/11
01/07/14	Legislative references updated due to commencement of <i>Victoria Police Act 2013</i>	079620
12/09/2023	Administrative amendment to reflect change from Record Services Division to Regulatory Services Department.	FF-229744